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General Court of Massachusetts,

IN THE YEAR

1902,

TOGETHER WITH

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

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SECRETARY OF THE COMMONWEALTH.



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A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

PREAMBLE.

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

Objects of government.

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

Body politic, how formed. Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peace-

ably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new constitution of civil government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish, the following *Declaration of Rights, and Frame of Government*, as the CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

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

Equality and natural rights of all men.

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

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

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

Amendments, 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

Legislature empowered to compel provision for public worship;

the support and maintenance of public Protestant teachers 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.

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.

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.

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.]

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.

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.

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,

and to enjoin attendance thereon.

Exclusive right of electing religious teachers secured.

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

All denominations equally protected. 8 Met. 162. Subordination of one sect to another prohibited.

Right of self government secured.

Accountability of all officers, etc.

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

or descendants, or relations by blood, the idea of a man 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 incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

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

All, having the qualifications prescribed, equally eligible to office. For the definition of "inhabitant," see Ch. 1, Sect. 2, Art. II.

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.

Right of protection and duty of contribution correlative.

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.

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

Private property not to be taken for public uses without, etc.

6 Cnsh. 327.
14 Gray, 155.
16 Gray, 417,
431.

1 Allen, 150.	103 Mass. 120, 624.	113 Mass. 45.	127 Mass. 50, 52,
11 Allen, 530.	106 Mass. 356, 362.	116 Mass. 463.	358, 363, 410, 413.
12 Allen, 223, 230.	108 Mass. 202, 213.	126 Mass. 428, 441.	129 Mass. 559.
100 Mass. 544, 560.	111 Mass. 130.		

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

XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and

justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

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

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

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

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

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

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

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

Prosecutions regulated.

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

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

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

Right of search and seizure regulated.
Const. of U. S., Amend't IV.
2 Met. 329.
5 Cush. 369.
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. 366.
5 Gray, 144.
8 Gray, 373.
11 Allen, 574, 577.
102 Mass. 45, 47.

Liberty of the press.

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

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

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

Moral qualifications for office.

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

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

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

Power to suspend the laws or their execution.

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

Freedom of debate, etc., and reason thereof.

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

Frequent sessions, and objects thereof.

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

Taxation founded on consent. 8 Allen, 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-martial, unless, etc.

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

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

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

Salaries.

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

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, notwith-
standing.

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.

3 Mass. 567.

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.

For exception in case of adjournment of the general court within the five days, see amendments, Art. 1. General court may constitute judicatories, courts of record, etc. 8 Gray, 1. 12 Gray, 147, 154.

Courts, etc., may administer oaths.

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

General court may enact laws, etc.

9 Gray, 426.
4 Allen, 473.
12 Allen, 223, 237.
100 Mass. 544, 557.
116 Mass. 467, 470.

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

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

may prescribe their duties.

General court
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, 223,
235, 238, 240,
298, 300, 312,
313, 500, 612.
98 Mass. 19.
100 Mass. 285.
101 Mass. 575,
585.
103 Mass. 267.
114 Mass. 388,
391.
116 Mass. 461.
118 Mass. 356,
389.
123 Mass. 493,
495.
127 Mass. 413.
may impose
taxes, etc., to be
disposed of for
defence, protec-
tion, 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 freeholders and other inhabitants of this commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators for the year ensuing their election: to be chosen by the inhabitants of the districts into which the commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the commonwealth the limits of each district, and the number of councillors and senators to be chosen therein; provided, that the number of such districts shall never be less than thir-

For provision as
to councillors,
see amend-
ments, Art.
XVI.

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

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

Counties to be districts, until, etc.

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

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

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

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

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

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

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

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

Senate to be final judge of elections, etc.,

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

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

III. And that there may be a due convention of senators on the [last Wednesday in May] annually, the governor with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his 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.

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

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

of its own members.
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.

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. Annulled by Art. XXXV.

[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.]

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.]

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.]

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.

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

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

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

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

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

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

House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days.

Quorum. See amendments, Arts. XXI. and XXXIII.

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 mesne 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. See amendments, Arts. VII. and XXXIV.

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.]

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.

If chosen, when no person has a plurality.

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 court is next at any time to convene, or any other cause

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

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.

Limitation.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution

granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court: except so far as may be necessary to march or transport them by land or water, for the defence of such part of the state to which they cannot otherwise conveniently have access.

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

Governor and council may pardon offences, except, etc.

But not before conviction.
109 Mass. 323.

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. 13 Allen, 593.

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

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

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

exhibit 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. See amendments, Arts. VII. and XXXIV.

How chosen.

Election by plurality provided for by amendments, Art. XIV.

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.]

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

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.

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

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 pub-

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.

lic accounts, are their property, no man shall be eligible 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.

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

CHAPTER IV.

DELEGATES TO CONGRESS.

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

Delegates to congress.

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, ETC.

SECTION I.

The University.

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

Harvard College.

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

to 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.

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.

All gifts,
grants, etc.,
confirmed.

Who shall be
overseers.

See Statutes,
1851, 224.
1852, 27.
1859, 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 acceptance of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, God.”]

Oath of office.

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

Proviso. See amendments, Art. VI.

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

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

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

Oaths and affirmations, how administered.

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

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

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

Same subject. 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, Arts. XIII. and XXXIV.

Provisions respecting commissions.

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

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

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

Continuation of former laws, except, etc. 1 Mass. 59. 2 Mass. 534. 8 Pick. 309, 316. 16 Pick. 167, 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. II.

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

General court empowered to charter cities.
122 Mass. 354.

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

Proviso.
112 Mass. 200.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. See amendments, Arts. XXX. and XXXII.
11 Pick. 538, 540.
14 Pick. 341.
14 Mass. 367.
5 Met. 162, 298, 591, 594.

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

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

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

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

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

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

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

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

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

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

7 Gray, 299.
122 Mass. 595,
597.
124 Mass. 506.
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, Arts. XXVIII. and XXXI.

Notaries public, how appointed and removed.

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

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

Militia officers, how removed.

Who may vote for captains and subalterns.

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

Proviso.
Quakers may
affirm.

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

Commencement
of political
year,

and termina-
tion.

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
operation.

January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators, and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force, and go into operation, pursuant to the foregoing provision.

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

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

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

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

Inconsistent provisions annulled.

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

122 Mass. 40, 41.

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

ble 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

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.

city, town and representative district may elect as aforesaid; and when the number of representatives to be elected 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.

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.]

Senatorial districts declared permanent. Provisions as to senators superseded by amendments, Art. XXII.

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

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

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

Small towns, how represented.

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

Towns may unite into representative districts.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and

such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

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

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.

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.]

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.

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.

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 rep-

Basis of representation, and ratio of increase.

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

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

Qualifications of councillors.

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

Elections by the people to be by plurality of votes.

Time of annual election of governor and legislature.

representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

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

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

Legislature to district state.

Eligibility defined.

Day and manner of election, etc.

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

Organization of the government.

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

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 prescribe for the election of sheriffs, registers of probate, etc. See amendments, Art. XXXVI.
8 Gray, 1.
13 Gray, 74.

Reading constitution in English and writing, necessary qualifications of voters. Proviso.
For other qualifications, see amendments, Art. III.
See also amendments, Art. XXIII., which was annulled by amendments, Art. XXVI.

Census of legal voters and of inhabitants, when taken, etc. See P. S. c. 31.

House of representatives to consist of 240 members. Legislature to apportion, etc.
10 Gray, 613.

expended in, no other schools than those which are conducted according to law, under the order and superintendence 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.

110 Mass. 172, 173.

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 pur-

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

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and

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.

Quorum, see amendments, Art. XXXIII.

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

Voters to be basis of apportionment of senators.

Senate to consist of forty members.

Senatorial districts, etc.

See amendments, Art. XXIV.

Qualifications of senators.

Quorum, see amendments, Art. XXXIII.

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.

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 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.

Vacancies in the council.

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.

Provisions of Art. II., Chap. VI., relating to officers of Harvard College, annulled.

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.

Superseded by Art. XXXI.

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.

ART. XXX. 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

Voters not disqualified by reason of change of residence until six months from time of removal.

his residence, until the expiration of six calendar months from the time of such removal.

Amendments,
Art. XXVIII,
amended.

ART. XXXI. Article twenty-eight of the amendments of the constitution is hereby amended by striking out in the fourth line thereof the words "being a pauper", and inserting in place thereof the words:—receiving or having received aid from any city or town,—and also by striking out in said fourth line the words "if a pauper", so that the article as amended shall read as follows: ARTICLE XXVIII. No person having served in the army or navy of the United States in time of war, and having been honorably discharged from such service, if otherwise qualified to vote, shall be disqualified therefor on account of receiving or having received aid from any city or town, or because of the non-payment of a poll tax.

Person who
served in army
or navy, etc.,
not disqualified
from voting for
non-payment of
poll tax.

Provisions of
amendments,
Art. III., rela-
tive to payment
of a tax as a
voting qualifica-
tion, annulled.

ART. XXXII. 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 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", is hereby annulled.

Quorum, in each
branch of the
general court,
to consist of a
majority of
members.

ART. XXXIII. 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.

Provisions of
Art. II., § I.,
Chap. II., Part
II., relative to
property quali-
fication of
governor,
annulled.

ART. XXXIV. So much of article two of section one of chapter two of part the second of the constitution of the commonwealth as is contained in the following words: "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": is hereby annulled.

Provisions of
Art. II., § III.,
Chap. I., rela-
tive to expense
of travelling to
the general
assembly by
members of the
house, annulled.

ART. XXXV. So much of article two of section three of chapter one of the constitution of the commonwealth as is contained in the following words: "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 judg-

ment of the house, and does not depart without leave", is hereby annulled.

ART. XXXVI. So much of article nineteen of the articles of amendment to the constitution of the commonwealth as is contained in the following words: "commissioners of insolvency", is hereby annulled.

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.

CONSTITUTION OF MASSACHUSETTS.

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.

The thirtieth and thirty-first Articles were adopted by the legislatures of the political years 1889 and 1890, and were approved and ratified by the people on the fourth day of November, 1890.

The thirty-second and thirty-third Articles were adopted by the legislatures of the political years 1890 and 1891, and were approved and ratified by the people on the third day of November, 1891.

The thirty-fourth Article was adopted by the legislatures of the political years 1891 and 1892, and was approved and ratified by the people on the eighth day of November, 1892.

The thirty-fifth Article was adopted by the legislatures of the political years 1892 and 1893, and was approved and ratified by the people on the seventh day of November, 1893.

The thirty-sixth Article was adopted by the legislatures of the political years 1893 and 1894, and was approved and ratified by the people on the sixth day of November, 1894.

[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.]

[Proposed Articles of Amendment, (1) Establishing biennial elections of state officers, and (2) Establishing biennial elections of members of the General Court, adopted by the legislatures of the political years 1895 and 1896, were rejected by the people at the annual election held on the third day of November, 1896.]

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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1902.

¶ The General Court of the year nineteen hundred and two assembled on Wednesday, the first day of January. The oaths of office were taken and subscribed by His Excellency W. MURRAY CRANE and His Honor JOHN L. BATES on Thursday, the second day of January, in the presence of the two Houses assembled in convention.

ACTS.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION OF THE MEMBERS OF THE GENERAL COURT, FOR THE COMPENSATION OF THE 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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

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

For compensation for travel of senators, a sum not exceeding thirty-two hundred dollars. Travel.

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

For compensation for travel of representatives, a sum not exceeding twenty thousand dollars. Travel.

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

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

For the salaries of the assistant clerks of the senate and house of representatives, two thousand dollars each. Assistant clerks.

For such additional clerical assistance to the clerks of the senate and house of representatives as may be necessary for the proper despatch of public business, a sum not exceeding three thousand dollars. Clerical assistance.

For the salary of the sergeant-at-arms, thirty-five hundred dollars. Sergeant-at-arms.

For the salary of the first clerk in the office of the sergeant-at-arms, twenty-two hundred dollars. First clerk.

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

Postmaster,
messengers, etc.

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

Senate,
stationery.

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

House,
stationery.

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

Printing and
binding, senate
and house.

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-seven thousand dollars.

Manual.

For printing and binding the manual for the general court, under the direction of the clerks of the senate and house of representatives, a sum not exceeding four thousand dollars.

Sergeant-at-
arms, sta-
tionery, etc.

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

Senate and
house contin-
gent expenses.

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

Expenses of
committees.

For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, also expenses of advertising hearings before committees, a sum not exceeding twenty-five thousand dollars.

Witness
fees, etc.

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

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

Approved January 9, 1902.

Chap. 2 AN ACT TO EXTEND THE TIME FOR FILING THE FINDING AND DECREE OF THE SPECIAL COMMISSION APPOINTED TO APPORTION THE EXPENSE OF CONSTRUCTING THE NEW BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN SPRINGFIELD AND WEST SPRINGFIELD.

Be it enacted, etc., as follows:

Time extended.

SECTION 1. The finding and decree of the special commission appointed under the authority of chapter four hundred and fifty-eight of the acts of the year nine-

teen hundred shall be filed not later than sixteen months from the date of the appointment of said commission, instead of not later than twelve months from said date as provided by section five of chapter four hundred and twenty-one of the acts of the year nineteen hundred and one.

SECTION 2. So much of section two of said chapter four hundred and fifty-eight, as amended by section five of said chapter four hundred and twenty-one, as is inconsistent herewith is hereby repealed. Repeal.

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

Approved January 21, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH.

Chap. 3

Be it enacted, etc., as follows:

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

For the compensation of the lieutenant governor, two thousand dollars; and for that of the executive council, sixty-four hundred dollars. Lieutenant governor and council, compensation.

For travelling expenses of the executive council, a sum not exceeding fifteen hundred dollars. Travelling expenses.

For the salary of the private secretary of the governor, twenty-five hundred dollars. Private secretary.

For the salary of the executive secretary, two thousand dollars. Executive secretary.

For the salary of the executive stenographer, a sum not exceeding fifteen hundred dollars. Stenographer.

For the salary of the executive messenger, twelve hundred dollars. Messenger.

For contingent expenses of the executive department, a sum not exceeding three thousand dollars. Executive department, expenses.

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

For travelling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars. Governor and council, expenses.

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

- Extraordinary expenses. For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding fifteen thousand dollars.
- Indexes, etc., to statutes. For the preparation of tables and indexes relating to the statutes of the present and previous years, under the direction of the governor, a sum not exceeding five hundred dollars.
- Reimbursement to towns. For reimbursement to towns for the support of insane persons, a sum not exceeding fifteen thousand dollars.
- Arrest of fugitives from justice. For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars.
- SECTION 2. This act shall take effect upon its passage.
- Approved January 27, 1902.*

Chap. 4 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE RAILROAD COMMISSIONERS.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit : —
- Railroad commissioners. For the salaries of the railroad commissioners, thirteen thousand dollars.
- Clerk. For the salary of the clerk of the railroad commissioners, twenty-five hundred dollars.
- Assistant clerk. For the salary of the assistant clerk of the railroad commissioners, a sum not exceeding twelve hundred dollars.
- Accountant. For the salary of the accountant of the railroad commissioners, twenty-five hundred dollars.
- Steam railroad inspectors. For the salaries and expenses of the steam railroad inspectors, a sum not exceeding sixty-six hundred dollars.
- Experts, etc. For the compensation of experts or other agents of the railroad commissioners, a sum not exceeding five thousand two hundred dollars.
- Rent, messenger, etc. For rent, care of office, and salary of a messenger for the railroad commissioners, a sum not exceeding five thousand two hundred dollars.
- Stationery, etc. For books, maps, statistics, stationery, and incidental and contingent expenses of the railroad commissioners, a sum not exceeding three thousand dollars.

For the expenses of taking evidence given at inquests on deaths by accident upon steam and street railways, a sum not exceeding two thousand dollars. Evidence at inquests.

For stenographic reports of hearings, a sum not exceeding twelve hundred dollars. Reports of hearings.

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

Approved January 27, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE PAYMENT OF ANNUITIES TO SOLDIERS AND OTHERS. Chap. 5

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment of annuities and pensions due from the Commonwealth to soldiers and others, during the year ending on the thirty-first day of December, nineteen hundred and two, to wit : — Appropriations.

For annuities incurred by the acceptance of the bequest of the late Martha Johonnot, a sum not exceeding two hundred dollars. Johonnot annuities.

For annuities to soldiers and others, as authorized by the general court, the sum of five thousand five hundred and eight dollars. Annuities to soldiers, etc.

For pensions authorized by the general court, the sum of five hundred and twenty dollars. Pensions.

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

Approved January 27, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND. Chap. 6

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding thirty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the payment by the treasurer and receiver general of premiums on securities purchased for the Massachusetts School Fund, as provided for by section three of chapter forty-one of the Revised Laws. Payment of premiums on certain securities.

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

Approved January 27, 1902.

Chap. 7 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, etc., as follows:

Massachusetts
Institute of
Technology.

SECTION 1. The sum of twenty-nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Massachusetts Institute of Technology.

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

Approved January 27, 1902.

Chap. 8 AN ACT MAKING AN APPROPRIATION FOR THE WORCESTER POLYTECHNIC INSTITUTE.

Be it enacted, etc., as follows:

Worcester
Polytechnic
Institute.

SECTION 1. The sum of six thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Worcester Polytechnic Institute, as provided for by chapter one hundred and fifty-seven of the acts of the year eighteen hundred and ninety-nine.

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

Approved January 27, 1902.

Chap. 9 AN ACT MAKING AN APPROPRIATION FOR THE PRISONS AND HOSPITALS LOAN SINKING FUND.

Be it enacted, etc., as follows:

Prisons and
Hospitals Loan
Sinking Fund.

SECTION 1. The sum of five thousand eight hundred thirty-one dollars and thirty cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Prisons and Hospitals Loan Sinking Fund, as provided for by chapter four hundred and seventy-one of the acts of the year nineteen hundred and one, said sum being the estimate of the treasurer and receiver general.

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

Approved January 27, 1902.

Chap. 10 AN ACT MAKING AN APPROPRIATION FOR THE STATE HIGHWAY LOAN SINKING FUND.

Be it enacted, etc., as follows:

State High-
way Loan
Sinking Fund.

SECTION 1. The sum of one hundred and five thousand six hundred forty dollars and eighty-two cents is

hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the State Highway Loan Sinking Fund, as provided for by chapter two hundred and sixty-nine of the acts of the year nineteen hundred and one, said sum being the estimate of the treasurer and receiver general.

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

Approved January 27, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE STATE HOUSE LOANS SINKING FUND. Chap. 11

Be it enacted, etc., as follows:

SECTION 1. The sum of ninety thousand three hundred seven dollars and thirty-six cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the State House Loans Sinking Fund, as provided for by chapter thirty-nine of the acts of the year eighteen hundred and ninety-five, said sum being the estimate of the treasurer and receiver general.

State House
Loans Sink-
ing Fund.

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

Approved January 27, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE REMOVAL OF WRECKS FROM TIDE WATERS. Chap. 12

Be it enacted, etc., as follows:

SECTION 1. The sum of three thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the removal of wrecks and other obstructions from tide waters, as provided for by section twenty-two of chapter ninety-seven of the Revised Laws, during the year ending on the thirty-first day of December, nineteen hundred and two.

Removal of
obstructions
from tide
waters.

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

Approved January 27, 1902.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL. Chap. 13

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding ninety-three thousand six hundred and sixty-six dollars is hereby appro-

South metro-
politan system
of sewage
disposal.

priated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance and operation of the south metropolitan system of sewage disposal, comprising a part of Boston, the cities of Newton, Quincy and Waltham, and the towns of Brookline, Watertown, Dedham, Hyde Park and Milton, during the year ending on the thirty-first day of December, nineteen hundred and two.

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

Approved January 27, 1902.

Chap. 14 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE COMMISSIONERS OF SAVINGS BANKS.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

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

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

First clerk. For the salary of the first clerk of the commissioners of savings banks, two thousand dollars.

Second clerk. For the salary of the second clerk of the commissioners of savings banks, fifteen hundred dollars.

Additional clerks, etc. For such additional clerks and expert assistants as the commissioners of savings banks may deem necessary, a sum not exceeding twenty-five hundred dollars.

Expenses. For travelling and incidental expenses of the commissioners of savings banks, a sum not exceeding twenty-eight hundred dollars.

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

Approved January 28, 1902.

Chap. 15 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE WORCESTER INSANE ASYLUM.

Be it enacted, etc., as follows:

Worcester insane asylum. SECTION 1. The sum of twenty-nine thousand nine hundred ninety-four dollars and twenty-five cents is hereby appropriated, to be paid out of the treasury of

the Commonwealth from the ordinary revenue, for the support of the Worcester insane asylum during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

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

Approved January 28, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND. Chap. 16

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to the Perkins Institution and Massachusetts School for the Blind, as provided for by chapter nineteen of the resolves of the year eighteen hundred and sixty-nine.

Perkins Institution and Massachusetts School for the Blind.

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

Approved January 28, 1902.

AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF THE TUITION OF CHILDREN ATTENDING SCHOOL OUTSIDE OF THE TOWN IN WHICH THEY RESIDE. Chap. 17

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding fourteen thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the tuition of children of any town in which a high school or school of corresponding grade is not maintained, who attend a high school outside the town in which they reside.

Tuition of certain children.

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

Approved January 28, 1902.

Chap. 18 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE JUDICIAL DEPARTMENT 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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

SUPREME JUDICIAL COURT.

Supreme judicial court, chief justice. For travelling expenses of the chief justice of the supreme judicial court, five hundred dollars.

Associate justices. For travelling expenses of the six associate justices of the supreme judicial court, three thousand dollars.

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

Clerical assistance to clerk. For clerical assistance to the clerk of the supreme judicial court, five hundred dollars.

Clerical assistance to justices. For clerical assistance to the justices of the supreme judicial court, a sum not exceeding twenty-five hundred dollars.

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

Reporter of decisions, etc. For the salary of the reporter of decisions of the supreme judicial court, four thousand dollars; and for clerk hire and incidental expenses of said reporter, a sum not exceeding two thousand dollars.

Officers and messenger. For the salaries of the officers and messenger of the supreme judicial court, twenty-four hundred dollars.

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

SUPERIOR COURT.

Superior court, chief justice. For the salary and travelling expenses of the chief justice of the superior court, seventy-five hundred dollars.

Associate justices. For the salaries and travelling expenses of the seventeen associate justices of the superior court, one hundred and nineteen thousand dollars.

COURTS OF PROBATE AND INSOLVENCY.

- For the salary of the judge of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Probate and insolvency judges, Barnstable, Berkshire.
- For the salary of the judge of probate and insolvency for the county of Berkshire, twenty-five hundred dollars. Berkshire.
- For the salary of the judge of probate and insolvency for the county of Bristol, three thousand dollars. Bristol.
- For the salary of the judge of probate and insolvency for the county of Dukes County, seven hundred dollars. Dukes County.
- For the salary of the judge of probate and insolvency for the county of Essex, forty-five hundred dollars. Essex.
- For the salary of the judge of probate and insolvency for the county of Franklin, fifteen hundred dollars. Franklin.
- For the salary of the judge of probate and insolvency for the county of Hampden, three thousand dollars. Hampden.
- For the salary of the judge of probate and insolvency for the county of Hampshire, sixteen hundred dollars. Hampshire.
- For the salaries of the two judges of probate and insolvency for the county of Middlesex, forty-five hundred dollars each. Middlesex.
- For the salary of the judge of probate and insolvency for the county of Nantucket, nine hundred dollars. Nantucket.
- For the salary of the judge of probate and insolvency for the county of Norfolk, twenty-eight hundred dollars. Norfolk.
- For the salary of the judge of probate and insolvency for the county of Plymouth, two thousand dollars. Plymouth.
- For the salaries of the two judges of probate and insolvency for the county of Suffolk, five thousand dollars each. Suffolk.
- For the salary of the judge of probate and insolvency for the county of Worcester, forty-five hundred dollars. Worcester.
- For the compensation of judges of probate and insolvency acting in other counties than their own, a sum not exceeding three thousand dollars. Acting in other counties.
- For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars. Register, Barnstable.
- For the salary of the register of probate and insolvency for the county of Berkshire, eighteen hundred dollars. Berkshire.
- For the salary of the register of probate and insolvency for the county of Bristol, twenty-five hundred dollars. Bristol.
- For the salary of the register of probate and insolvency for the county of Dukes County, seven hundred dollars. Dukes County.

- Essex. For the salary of the register of probate and insolvency for the county of Essex, thirty-three hundred dollars.
- Franklin. For the salary of the register of probate and insolvency for the county of Franklin, fifteen hundred dollars.
- Hampden. For the salary of the register of probate and insolvency for the county of Hampden, twenty-five hundred dollars.
- Hampshire. For the salary of the register of probate and insolvency for the county of Hampshire, sixteen hundred dollars.
- Middlesex. For the salary of the register of probate and insolvency for the county of Middlesex, four thousand dollars.
- Nantucket. For the salary of the register of probate and insolvency for the county of Nantucket, nine hundred dollars.
- Norfolk. For the salary of the register of probate and insolvency for the county of Norfolk, twenty-three hundred dollars.
- Plymouth. For the salary of the register of probate and insolvency for the county of Plymouth, eighteen hundred dollars.
- Suffolk. For the salary of the register of probate and insolvency for the county of Suffolk, five thousand dollars.
- Worcester. For the salary of the register of probate and insolvency for the county of Worcester, three thousand dollars.
- Assistant register, Bristol. For the salary of the assistant register of probate and insolvency for the county of Bristol, one thousand dollars.
- Essex. For the salary of the assistant register of probate and insolvency for the county of Essex, twenty-three hundred dollars.
- Hampden. For the salary of the assistant register of probate and insolvency for the county of Hampden, one thousand dollars.
- Hampshire. For the salary of the assistant register of probate and insolvency for the county of Hampshire, six hundred dollars.
- Middlesex. For the salary of the assistant register of probate and insolvency for the county of Middlesex, twenty-five hundred dollars.
- Norfolk. For the salary of the assistant register of probate and insolvency for the county of Norfolk, twelve hundred dollars.
- Suffolk. For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars.
- Worcester. For the salary of the assistant register of probate and insolvency for the county of Worcester, twenty-three hundred dollars.

For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding two hundred dollars. Clerical assist-
ance, Bristol.

For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding twenty-five hundred dollars. Essex.

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

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

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

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

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

For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars. Clerk of regis-
ter, Suffolk.

For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Hampshire and Suffolk counties, a sum not exceeding eighty-four hundred sixty-six dollars and sixty-seven cents. In the several
counties except
Hampshire
and Suffolk.

For expenses of courts of probate and insolvency, a sum not exceeding thirty-five hundred dollars. Expenses.

DISTRICT ATTORNEYS.

For the salary of the district attorney for the Suffolk district, five thousand dollars. District at-
torney, Suffolk.

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

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

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

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

- Assistant. For the salary of the assistant district attorney for the northern district, fifteen hundred dollars.
- Eastern district. For the salary of the district attorney for the eastern district, twenty-four hundred dollars.
- Assistant. For the salary of the assistant district attorney for the eastern district, twelve hundred dollars.
- Southeastern district. For the salary of the district attorney for the southeastern district, twenty-four hundred dollars.
- Assistant. For the salary of the assistant district attorney for the southeastern district, fourteen hundred dollars.
- Southern district. For the salary of the district attorney for the southern district, twenty-two hundred dollars.
- Assistant. For the salary of the assistant district attorney for the southern district, twelve hundred dollars.
- Middle district. For the salary of the district attorney for the middle district, twenty-four hundred dollars.
- Assistant. For the salary of the assistant district attorney for the middle district, twelve hundred dollars.
- Western district. For the salary of the district attorney for the western district, twenty-one hundred dollars.
- Northwestern district. For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars.

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

Approved January 29, 1902.

Chap. 19 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE AUDITOR 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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: —
- Auditor. For the salary of the auditor, thirty-five hundred dollars.
- First clerk. For the salary of the first clerk in the auditor's department, twenty-five hundred dollars.
- Second clerk. For the salary of the second clerk in the auditor's department, twenty-two hundred dollars.
- Extra clerks. For the salaries of the extra clerks in the auditor's department, forty-five hundred dollars.
- Stenographer, etc. For a stenographer, and for such additional clerical assistance as the auditor may find necessary for the proper

despatch of public business, a sum not exceeding three thousand dollars.

For the salary of the messenger in the auditor's department, nine hundred dollars. Messenger.

For the compensation of a state printing expert, a sum not exceeding fifteen hundred dollars. Printing expert.

For incidental and contingent expenses in the department of the auditor, a sum not exceeding fifteen hundred dollars. Expenses.

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

Approved January 29, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES Chap. 20
IN THE DEPARTMENT OF THE SECRETARY OF THE COMMONWEALTH.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit : — Appropriations.

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

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

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

For the salary of the chief of the archives division in the secretary's department, two thousand dollars. Chief of archives division.

For the salary of the cashier in the secretary's department, a sum not exceeding twelve hundred dollars. Cashier.

For messengers and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-four thousand dollars. Extra clerks and messengers.

For incidental and contingent expenses in the secretary's department, a sum not exceeding thirty-five hundred dollars. Expenses.

For the arrangement and preservation of state records and papers, a sum not exceeding five thousand dollars. Arrangement of records, etc.

For postage and expressage on documents to members of the general court, and for transportation of documents to free public libraries, a sum not exceeding twenty-nine hundred dollars. Postage, etc.

Ballot boxes.

For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding three thousand dollars.

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

Approved January 29, 1902.

Chap. 21 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows:

Massachusetts hospital for epileptics.

SECTION 1. The sum of thirteen thousand six hundred and eighty-nine dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Massachusetts hospital for epileptics during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

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

Approved January 29, 1902.

Chap. 22 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED.

Be it enacted, etc., as follows:

Massachusetts School for the Feeble-minded.

SECTION 1. The sum of fifty-eight thousand three hundred and five dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Massachusetts School for the Feeble-minded during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

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

Approved January 29, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE DANVERS INSANE HOSPITAL. *Chap. 23*

Be it enacted, etc., as follows :

SECTION 1. The sum of forty-three thousand two hundred thirteen dollars and thirty-nine cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Danvers insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Danvers insane hospital.

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

Approved January 29, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION. *Chap. 24*

Be it enacted, etc., as follows :

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

Appropriations.

For the compensation of the ballot law commission, a sum not exceeding fifteen hundred dollars.

Ballot law commission.

For expenses of the ballot law commission, a sum not exceeding two hundred and fifty dollars.

Expenses.

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

Approved January 29, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS. *Chap. 25*

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

Appropriations.

specified, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: —

Controller
of county
accounts.

For the salary of the controller of county accounts, twenty-five hundred dollars.

First deputy.

For the salary of the first deputy controller of county accounts, eighteen hundred dollars.

Second deputy.

For the salary of the second deputy controller of county accounts, fifteen hundred dollars.

Third deputy.

For the salary of the third deputy controller of county accounts, twelve hundred dollars.

Expenses.

For travelling and office expenses of the controller of county accounts and his deputies, a sum not exceeding twelve hundred dollars.

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

Approved January 29, 1902.

Chap. 26 AN ACT MAKING AN APPROPRIATION FOR PROTECTING THE PURITY
OF INLAND WATERS.

Be it enacted, etc., as follows:

Protecting
purity of
inland waters.

SECTION 1. A sum not exceeding thirty-four thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for services of engineers, chemists, biologists and other assistants, and for other expenses made necessary and authorized by chapter seventy-five of the Revised Laws, in protecting the purity of inland waters during the year nineteen hundred and two.

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

Approved January 29, 1902.

Chap. 27 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN
THE STATE LIBRARY.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: —

State librarian.

For the salary of the state librarian, three thousand dollars.

Purchase
of books.

For the purchase of books for the state library, sixty-five hundred dollars.

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

For preparing an index to current events and such other matters contained in the newspapers of the day as may be deemed important by the trustees and librarian, a sum not exceeding one thousand dollars. Index to current events.

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

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

Approved January 29, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CIVIL SERVICE COMMISSIONERS. Chap. 28

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:— Appropriations.

For the compensation and expenses of the members of the civil service commission, a sum not exceeding two thousand dollars. Civil service commission.

For the salary of the chief examiner of the civil service commission, three thousand dollars. Chief examiner.

For the salary of the secretary of the civil service commission, two thousand dollars. Secretary.

For the salary of the registrar of labor of the civil service commission, two thousand dollars. Registrar of labor.

For clerical assistance, and for office, printing, traveling and incidental expenses of the commissioners, chief examiner and secretary, advertising and stationery, a sum not exceeding fifteen thousand five hundred dollars. Expenses.

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

Approved January 31, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS SCHOOL FUND. Chap. 29

Be it enacted, etc., as follows:

SECTION 1. The sum of one hundred thousand dollars is hereby appropriated, to be paid out of the treasury of Massachusetts School Fund.

the Commonwealth from the ordinary revenue, for the Massachusetts School Fund, as provided for by section two of chapter forty-one of the Revised Laws.

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

Approved January 31, 1902.

Chap. 30 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TAX COMMISSIONER.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: —
- Tax commissioner. For the salary of the tax commissioner and commissioner of corporations, thirty-five hundred dollars.
- Deputy. For the salary of the deputy tax commissioner, twenty-five hundred dollars.
- First clerk. For the salary of the first clerk in the department of the tax commissioner, two thousand dollars.
- Second clerk. For the salary of the second clerk in the department of the tax commissioner, fifteen hundred dollars.
- Clerical assistance. For such additional clerical assistance as the tax commissioner may find necessary for the despatch of public business, a sum not exceeding seventeen thousand dollars.
- Travelling expenses. For travelling expenses of the tax commissioner and his deputy, a sum not exceeding five hundred dollars.
- Expenses. For incidental and contingent expenses of the tax commissioner and commissioner of corporations, a sum not exceeding thirty-nine hundred dollars.
- State valuation. For expenses of the state valuation, under the direction of the tax commissioner, a sum not exceeding three thousand dollars.

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

Approved January 31, 1902.

Chap. 31 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

For the salaries of the gas and electric light commissioners, eleven thousand dollars.

Gas and electric light commissioners.

For clerical assistance to the gas and electric light commissioners, a sum not exceeding forty-one hundred dollars.

Clerical assistance.

For statistics, books, stationery, and for the necessary expenses of the gas and electric light commissioners, a sum not exceeding twenty-five hundred dollars.

Expenses.

For the inspection of electric meters, a sum not exceeding fifteen hundred dollars.

Inspection of electric meters.

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

Approved January 31, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE
TAUNTON INSANE HOSPITAL.

Chap. 32

Be it enacted, etc., as follows:

SECTION 1. The sum of forty-two thousand four hundred and nineteen dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Taunton insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

Taunton insane hospital.

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

Approved January 31, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE
WESTBOROUGH INSANE HOSPITAL.

Chap. 33

Be it enacted, etc., as follows:

SECTION 1. The sum of thirty-six thousand one hundred fifty-four dollars and seventeen cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Westborough insane hospital during the present year,

Westborough insane hospital.

said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

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

Approved January 31, 1902.

Chap. 34 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE
NORTHAMPTON INSANE HOSPITAL.

Be it enacted, etc., as follows:

Northampton
insane hospital.

SECTION 1. The sum of seventeen thousand six hundred and twenty-three dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Northampton insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, this amount to be in addition to the receipts from other sources; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

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

Approved January 31, 1902.

Chap. 35 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE
WORCESTER INSANE HOSPITAL.

Be it enacted, etc., as follows:

Worcester
insane hospital.

SECTION 1. The sum of fifty-seven thousand four hundred and sixty dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of the Worcester insane hospital during the present year, said sum being based upon the average number of state patients at the rate of three dollars and twenty-five cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the

Revised Laws, this amount to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

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

Approved January 31, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE MEDFIELD INSANE ASYLUM.

Chap. 36

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 support of the Medfield insane asylum during the year ending on the thirty-first day of December, nineteen hundred and two, to wit : —

For the support of state patients, the sum of forty-two thousand five hundred fifteen dollars and twenty cents, said sum being based upon the average number of such patients at the rate of two dollars and eighty cents per week, as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws, the same to be in addition to the receipts from other sources ; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose.

For current expenses, in addition to the appropriation for state patients and the receipts as aforesaid, a sum not exceeding twenty thousand dollars.

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

Approved January 31, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE INSURANCE COMMISSIONER.

Chap. 37

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit : —

For the salary of the insurance commissioner, thirty-five hundred dollars.

Deputy.	For the salary of the deputy insurance commissioner, twenty-five hundred dollars.
Actuary.	For the salary of the actuary in the insurance department, two thousand dollars.
Examiner.	For the salary of the examiner in the insurance department, two thousand dollars.
Chief clerk.	For the salary of the chief clerk in the insurance department, two thousand dollars.
Second clerk.	For the salary of the second clerk in the insurance department, fifteen hundred dollars.
Third clerk.	For the salary of the third clerk in the insurance department, twelve hundred dollars.
Additional clerks, etc.	For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding twenty-six thousand and twenty-five dollars.
Expenses.	For incidental and contingent expenses of the insurance commissioner, a sum not exceeding thirty-five hundred dollars.

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

Approved January 31, 1902.

Chap. 38 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE PRISON.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—
State prison.	For the payment of salaries at the state prison, a sum not exceeding eighty-one thousand dollars.
Expenses.	For other current expenses at the state prison, a sum not exceeding eighty-one thousand two hundred dollars.
	SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1902.

Chap. 39 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE PRISON COMMISSIONERS, AND FOR SUNDRY REFORMATORY 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 Com-
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monwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

For the salary of the chairman of the prison commissioners, four thousand dollars. Prison commissioners, chairman.

For the salary of the secretary of the prison commissioners, twenty-five hundred dollars. Secretary.

For clerical assistance in the office of the prison commissioners, a sum not exceeding four thousand seven hundred dollars. Clerical assistance.

For the salaries of the agents of the prison commissioners, fifty-two hundred dollars. Agents.

For travelling expenses of the prison commissioners, and of the secretary and agents of said commissioners, a sum not exceeding three thousand one hundred dollars. Travelling expenses.

For incidental and contingent expenses of the prison commissioners, a sum not exceeding fifteen hundred dollars. Expenses.

For the salary of the agent for aiding discharged female prisoners, one thousand dollars. Agent for aiding discharged female prisoners.

For the expenses of the agent for aiding discharged female prisoners, including assistance rendered to said prisoners, a sum not exceeding three thousand dollars. Expenses.

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

For aiding prisoners discharged from the state prison, a sum not exceeding three thousand dollars. Aiding prisoners discharged from state prison.

For expenses incurred in removing prisoners to and from state and county prisons, a sum not exceeding one thousand dollars. Removal of prisoners.

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

Approved January 31, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION. Chap. 40

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for expenses in connection with the publication of a record of Massachusetts troops and officers, sailors and marines, in the war of the rebellion, as authorized by chapter four hundred Publication of record of soldiers and sailors.

and seventy-five of the acts of the year eighteen hundred and ninety-nine.

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

Approved January 31, 1902.

Chap. 41 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE COURT OF LAND REGISTRATION.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

Judge of land registration. For the salary of the judge of land registration, four thousand five hundred dollars.

Associate judge. For the salary of the associate judge of land registration, four thousand dollars.

Recorder. For the salary of the recorder of the court of land registration, four thousand five hundred dollars.

Clerical assistance. For clerical assistance in the office of the court of land registration, a sum not exceeding four thousand dollars.

Expenses. For sheriff's bills, advertising, surveying, examination of titles, and sundry incidental expenses, a sum not exceeding ten thousand dollars.

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

Approved January 31, 1902.

Chap. 42 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES OF EMPLOYEES, AND FOR OTHER NECESSARY EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

Engineer's department. For the salaries of the chief engineer and other employees in the engineer's department, a sum not exceeding ten thousand two hundred dollars.

Watchmen. For the salaries of the watchmen and assistant watchmen at the state house, a sum not exceeding eleven thousand one hundred dollars.

For the salaries of firemen, oilers and cleaners at the state house, a sum not exceeding ten thousand five hundred dollars. Firemen, etc.

For the salaries of the elevator men and expenses in connection with the elevators at the state house, a sum not exceeding sixty-eight hundred dollars. Elevator men, etc.

For the salaries of the special messenger and porters at the state house, a sum not exceeding five thousand three hundred dollars. Special messenger, etc.

For rent of telephones and expenses in connection therewith at the state house, a sum not exceeding six thousand dollars. Telephones.

For fuel and lights at the state house, including coal, water, gas, and removal of ashes, a sum not exceeding thirty thousand dollars. Fuel and lights.

For the care of the state house and grounds, including repairs, furniture and repairs thereof, and such expenses as may be necessary at the various buildings now occupied by state departments, a sum not exceeding twenty-two thousand dollars. Care of state house, etc.

For new furniture and fixtures, a sum not exceeding three thousand dollars. New furniture, etc.

For the salaries of the messengers to the sergeant-at-arms, known as sergeant-at-arms' messengers, including an office boy, a sum not exceeding forty-two hundred dollars. Messengers.

For incidental and contingent expenses of the sergeant-at-arms, and expense of mailing legislative bulletins, a sum not exceeding four hundred dollars. Expenses.

For the salary of the stenographer of the sergeant-at-arms, a sum not exceeding nine hundred dollars. Stenographer.

For the salary of the state house matron, a sum not exceeding eight hundred dollars. Matron.

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

Approved January 31, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF CONCILIATION AND ARBITRATION. Chap. 43

Be it enacted, etc., as follows:

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

specified, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

Board of arbitration, etc.

For the salaries of the members of the state board of conciliation and arbitration, six thousand dollars.

Clerk.

For the salary of the clerk of the state board of conciliation and arbitration, twelve hundred dollars.

Expenses.

For travelling, incidental and contingent expenses of the state board of conciliation and arbitration, a sum not exceeding three thousand five hundred dollars, which shall include the compensation of expert assistants.

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

Approved January 31, 1902.

Chap. 44 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

Treasurer.

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

First clerk.

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

Second clerk.

For the salary of the second clerk in the treasurer's department, twenty-one hundred dollars.

Third clerk.

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

Receiving teller.

For the salary of the receiving teller in the treasurer's department, eighteen hundred dollars.

Paying teller.

For the salary of the paying teller in the treasurer's department, eighteen hundred dollars.

Assistant paying teller.

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

Cashier.

For the salary of the cashier in the treasurer's department, twenty-two hundred dollars.

Assistant bookkeeper.

For the salary of the assistant bookkeeper in the treasurer's department, twelve hundred dollars.

Fund clerk.

For the salary of the fund clerk in the treasurer's department, fifteen hundred dollars.

Warrant clerk.

For the salary of the warrant clerk in the treasurer's department, twelve hundred dollars.

For the salary of the files clerk in the treasurer's department, nine hundred dollars. Files clerk.

For the salary of the legacy tax clerk in the treasurer's department, nineteen hundred dollars. Legacy tax clerk.

For the salary of the stenographer in the treasurer's department, nine hundred dollars. Stenographer.

For the salary of the messenger in the treasurer's department, nine hundred dollars. Messenger.

For such additional clerical assistance in the treasurer's department as may be necessary for the despatch of public business, a sum not exceeding thirty-five hundred dollars. Clerical assistance.

For incidental and contingent expenses in the treasurer's department, a sum not exceeding five thousand dollars. Expenses.

For such expenses as the treasurer and receiver general may find necessary in carrying out the provisions of the act imposing a tax on collateral legacies and successions, a sum not exceeding one thousand dollars. Tax on collateral legacies, etc.

For the salary of the deputy sealer of weights, measures and balances, twelve hundred dollars. Deputy sealer of weights, etc.

For travelling and other expenses of the deputy sealer of weights, measures and balances, a sum not exceeding five hundred dollars; and for furnishing sets of standard weights, measures and balances to towns not heretofore provided therewith, and to each newly incorporated town, also to provide cities and towns with such parts of said sets as may be necessary to make their sets complete, a sum not exceeding six hundred dollars. Expenses.

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

Approved January 31, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE HARBOR AND LAND COMMISSIONERS. Chap. 45

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: — Appropriations.

For the salaries of the harbor and land commissioners, eighty-seven hundred dollars. Harbor and land commissioners.

For compensation and expenses of the engineer, and Clerical assistance, etc.

for clerical and other assistance authorized by the harbor and land commissioners, a sum not exceeding twenty-seven thousand dollars.

Travelling expenses, etc.

For travelling and other necessary expenses of the harbor and land commissioners, a sum not exceeding seven hundred and fifty dollars.

Office expenses.

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

Town boundary atlases.

For printing town boundary atlases, a sum not exceeding three thousand dollars.

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

Approved January 31, 1902.

Chap. 46 AN ACT MAKING APPROPRIATIONS FOR THE EXPERIMENT STATION AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

Agricultural experiment station.

For maintaining an agricultural experiment station at the Massachusetts Agricultural College, the sum of ten thousand dollars.

Collecting, etc., samples of concentrated commercial feed stuffs.

For collecting and analyzing samples of concentrated commercial feed stuffs, the sum of twelve hundred dollars.

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

Approved January 31, 1902.

Chap. 47 AN ACT MAKING APPROPRIATIONS FOR PAYMENT OF STATE AND MILITARY AID AND 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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

State and military aid.

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 seven hundred and seventy thousand dollars, the same to be paid on or before the tenth day of December in the year nineteen hundred and two.

For the salary of the commissioner of state aid appointed by the governor and council, twenty-five hundred dollars. Commissioner of state aid.

For clerical assistance, salaries and expenses of agents, and for other expenses of the commissioners of state aid, a sum not exceeding nine thousand three hundred dollars. Clerical assistance, etc.

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

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

Approved January 31, 1902.

AN ACT MAKING APPROPRIATIONS FOR PRINTING AND BINDING PUBLIC DOCUMENTS, FOR PURCHASING PAPER, AND FOR PUBLISHING LAWS AND MATTERS RELATING TO ELECTIONS.

Chap. 48

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:— Appropriations.

For printing and binding the series of public documents, a sum not exceeding sixty-three thousand dollars. Public documents.

For printing the pamphlet edition of the acts and resolves of the present year, a sum not exceeding four thousand dollars. Pamphlet edition, acts and resolves.

For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seven thousand dollars. Blue book.

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

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

For the purchase of paper used in the execution of the contract for the state printing, a sum not exceeding thirty-two thousand dollars. Purchase of paper.

For assessors' books and blanks, a sum not exceeding fifteen hundred dollars. Assessors' books, etc.

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

For printing and distributing ballots, a sum not exceeding nine thousand dollars. Printing, etc., ballots.

Blank forms,
etc.

For blank forms for town officers, election laws and instructions on all matters relating to elections, and expenses of advertising the state ticket, a sum not exceeding three thousand dollars.

Blanks.

For furnishing suitable blanks to registrars of voters, a sum not exceeding five hundred dollars.

Counting
apparatus.

For the purchase of apparatus to be used at polling places in the canvass and count of votes, a sum not exceeding five hundred dollars.

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

Approved January 31, 1902.

Chap. 49 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE COMMISSIONERS OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

Nautical
training school.

For current expenses of the Massachusetts nautical training school, a sum not exceeding fifty thousand dollars.

Expenses of
commissioners.

For the necessary expenses of the commissioners of the Massachusetts nautical training school, to include salary of the secretary, clerical services, printing, stationery and other contingent expenses, a sum not exceeding five thousand dollars.

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

Approved January 31, 1902.

Chap. 50 AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION OF INSPECTORS OF ANIMALS.

Be it enacted, etc., as follows:

Inspectors of
animals.

SECTION 1. A sum not exceeding seven thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the compensation of inspectors of animals, during the year ending on the thirty-first day of December, nineteen hundred and two.

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

Approved January 31, 1902.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWERAGE. *Chap. 51*

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding one hundred and three thousand four hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the maintenance and operation of the system of sewage disposal for the cities of Boston, Cambridge, Somerville, Malden, Chelsea, Woburn, Medford, Melrose and Everett, and the towns of Stoneham, Winchester, Arlington and Belmont, known as the North Metropolitan System, during the year ending on the thirty-first day of December, nineteen hundred and two.

North Metro-
politan System
of sewerage.

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

Approved January 31, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF INSANITY. *Chap. 52*

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

Appropriations.

For travelling and office expenses of the state board of insanity, a sum not exceeding five thousand dollars.

State board
of insanity.

For the salaries of officers and employees of the state board of insanity, a sum not exceeding sixteen thousand two hundred dollars.

Officers and
employees.

For transportation and medical examination of state paupers, under the charge of the state board of insanity, eight thousand five hundred dollars.

Transportation,
etc., of state
paupers.

For the support of insane paupers boarded out in families, under the charge of the state board of insanity, ten thousand dollars.

Support of
certain insane
paupers.

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

Approved January 31, 1902.

Chap. 53 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE BUREAU OF STATISTICS OF LABOR.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit : —
- Chief of bureau of statistics of labor. For the salary of the chief of the bureau of statistics of labor, three thousand dollars.
- First clerk. For the salary of the first clerk of the bureau of statistics of labor, two thousand dollars.
- Second clerk. For the salary of the second clerk of the bureau of statistics of labor, sixteen hundred and fifty dollars.
- Special agents. For the salaries of the two special agents of the bureau of statistics of labor, the sum of twenty-four hundred dollars.
- Clerical assistance, etc. For such additional clerical assistance and for such expenses of the bureau of statistics of labor as may be necessary, a sum not exceeding thirteen thousand eight hundred dollars.
- Statistics of manufactures. For expenses in connection with the annual collection of statistics of manufactures, a sum not exceeding sixty-five hundred dollars.
- Expenses of special census. For expenses in connection with taking a special census in towns having an increased resident population during the summer months, a sum not exceeding four hundred and fifty dollars.

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

Approved January 31, 1902.

Chap. 54 AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit : —
- Commissioner of public records. For the salary of the commissioner of public records, twenty-five hundred dollars.

For travelling, clerical and other necessary expenses of the commissioner of public records, a sum not exceeding twenty-five hundred dollars. Expenses.

For the purchase of ink for public records, a sum not exceeding four hundred dollars. Purchase of ink.

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

Approved January 31, 1902.

AN ACT TO PROVIDE FOR THE PAYMENT OF SUMS OF MONEY DUE TO PERSONS WHO SERVED IN THE SPANISH WAR. Chap. 55

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general is hereby authorized to pay out of the treasury of the Commonwealth all checks issued to persons in the military or naval service of the United States during the Spanish war, under authority of chapter five hundred and sixty-one of the acts of the year eighteen hundred and ninety-eight and amendments thereof, which were not presented for payment within the time prescribed by chapter one hundred and seventeen of the acts of the year nineteen hundred, and which remain unpaid. Payments to persons who served in the Spanish war.

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

Approved January 31, 1902.

AN ACT TO CHANGE THE NAME OF THE DEMOCRATIC SOCIAL PARTY. Chap. 56

Be it enacted, etc., as follows:

SECTION 1. The party heretofore designated as the democratic social party shall hereafter, upon ballots and otherwise, be designated as the socialist party. Party name changed.

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

Approved February 3, 1902.

AN ACT TO AUTHORIZE CERTAIN CITY AND TOWN OFFICERS TO ENTER UPON PRIVATE LANDS FOR EXTERMINATING THE BROWN TAIL MOTH AND OTHER SIMILAR PESTS. Chap. 57

Be it enacted, etc., as follows:

SECTION 1. Whenever the brown tail moth, the elm-leaf beetle, or any other tree or shrub destroying pest shall be discovered in any city or town of the Commonwealth, such city or town, by the municipal officer or officers to whom the care of the shade trees in the streets Extermination of the brown tail moth, elm-leaf beetle, etc.

or roads of such city or town is or may be intrusted, may enter upon private land for the purpose of investigating said pest, and may adopt reasonable measures to prevent its spread and to secure its extermination.

Damages.

SECTION 2. The owner of any land so entered upon, who shall suffer damage by such entry and acts done thereon under the authority herein given, may recover the same of the city or town in which the lands so asserted to have been damaged are situated, 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.

Penalty.

SECTION 3. Whoever shall oppose the entry aforesaid, or obstruct the performance by the said local authorities of said work, shall be punished by a fine not exceeding twenty dollars for each offence.

Approved February 5, 1902.

Chap. 58 AN ACT RELATIVE TO THE FIELD MEMORIAL LIBRARY IN THE TOWN OF CONWAY.

Be it enacted, etc., as follows:

1900, 203, § 3,
amended.

Field memorial
library,
membershp.

SECTION 1. Section three of chapter two hundred and ninety-three of the acts of the year nineteen hundred is hereby amended by striking out the word "all", in the second line, and inserting in place thereof the words: — at least four, — so as to read as follows: — *Section 3.* The corporation shall consist of five members, at least four of whom shall be citizens of the town of Conway. Whenever a vacancy occurs in the number of corporators by death, resignation or removal from the town, the remaining members shall elect some person as a candidate to fill such vacancy. If such election is approved by the judge of the probate court for the county of Franklin such person shall thereupon become a member of said corporation. In case the remaining members shall fail to elect a person to fill the office within six months from the time when it becomes vacant, it shall be competent for the judge of probate aforesaid, upon the application of any member of said corporation or of any inhabitant of the town of Conway, to fill such vacancy; and the majority of the corporators may at any time, with the approval of the

judge of probate aforesaid, remove any one of the corporators, and the vacancy thus occasioned shall be filled as in other cases.

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

Approved February 6, 1902.

AN ACT TO CONSOLIDATE THE BOARD OF WATER COMMISSIONERS AND THE BOARD OF SEWER COMMISSIONERS OF THE TOWN OF CONCORD, AND FURTHER TO DEFINE THE DUTIES AND POWERS OF THE TRUSTEES OF TOWN DONATIONS OF SAID TOWN.

Chap. 59

Be it enacted, etc., as follows:

SECTION 1. The town of Concord shall, within two years after this act takes effect, elect by ballot a board of water and sewer commissioners, to consist of three persons, who shall hold office from their election for terms ending one year, two years and three years, respectively, from the date of the meeting at which they are elected, if the same is an annual meeting, or, if the same is a special meeting, for terms ending one year, two years and three years, respectively, from the date of the annual meeting next following their election, and in either case until their successors are elected; and at each annual meeting thereafter the town shall elect one member of said board to serve for three years or until his successor is elected. If a vacancy shall occur in said board the town may at any meeting called for the purpose elect a person to fill the vacancy.

Board of water and sewer commissioners, election, terms, etc.

Vacancy.

SECTION 2. Upon and by the election of a board of water and sewer commissioners, under section one of this act, the board of water commissioners established under chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, and the board of sewer commissioners established under chapter one hundred and fifty-one of the acts of the year eighteen hundred and ninety-five, shall be abolished, and all the powers, rights, duties and liabilities of said board of water commissioners and of said board of sewer commissioners shall thereby be transferred to said board of water and sewer commissioners. No contracts, rights, liabilities or suits existing at the time of such election and transfer shall be affected in any way, but the said board of water and sewer commissioners shall, in all respects and for all purposes whatsoever, be the lawful successor of said board

Boards of water and sewer commissioners to be abolished.

Certain contracts, etc., not affected, etc.

of water commissioners and of said board of sewer commissioners, respectively.

Trustees of town donations to manage, etc., certain sinking funds.

SECTION 3. The trustees of town donations of the town of Concord, established under chapter one hundred and eighty-one of the acts of the year eighteen hundred and ninety-two, shall take, hold, manage and dispose of the sinking fund for the payment of the Concord municipal light loan, and all sinking funds from time to time entrusted to them by said town, as well as the sinking funds for the payment of the Concord water and sewer loans, with the powers conferred upon said board by section four of said chapter one hundred and eighty-one.

When to take effect.

SECTION 4. This act shall take effect upon its acceptance by said town at a legal meeting called for that purpose.
Approved February 6, 1902.

Chap. 60 AN ACT TO AUTHORIZE THE CITY OF NORTHAMPTON TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

City of Northampton Water Loan, Act of 1902.

SECTION 1. The city of Northampton, for the purposes mentioned in chapter two hundred and sixty-one of the acts of the year nineteen hundred and one, may issue bonds, notes or scrip, to be denominated on the face thereof, City of Northampton Water Loan, Act of 1902, to an amount not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be issued by the city for the same purposes. Such bonds, notes or scrip shall be issued upon the same terms and conditions, and with the same powers of the city, as are provided in said act for the issue of the city of Northampton water loan by said city.

SECTION 2. This act shall take effect upon its passage.
Approved February 6, 1902.

Chap. 61 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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

STATE BOARD OF CHARITY.

For expenses of the state board of charity, including travelling and other necessary expenses of members, and salaries and expenses in the office of the clerk and auditor of said board, a sum not exceeding seventy-three hundred dollars.

State board of charity.

For salaries and expenses in the division of state adult poor, a sum not exceeding thirty-eight thousand dollars.

Adult poor.

For salaries and expenses in the division of state minor wards, a sum not exceeding forty-one thousand dollars.

Minor wards.

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

Auxiliary visitors.

MISCELLANEOUS CHARITABLE.

For transportation of state paupers, under charge of the state board of charity, including return of prisoners released on probation from the state farm, a sum not exceeding twelve thousand five hundred dollars.

Transportation of state paupers.

For the care and maintenance of indigent and neglected children and juvenile offenders, to include expenses in connection with the same, a sum not exceeding one hundred and seventy thousand dollars.

Indigent and neglected children, etc.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding twenty-five thousand dollars.

Dangerous diseases.

For instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding eighteen thousand dollars.

Instruction of certain children.

For the support of sick state paupers by cities and towns, for the present year and for previous years, the same to include cases of wife settlement, a sum not exceeding sixty-five thousand dollars.

Sick state paupers.

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

Burial of state paupers.

For temporary aid furnished by cities and towns to state paupers and shipwrecked seamen, for the present

Temporary aid.

year and for previous years, a sum not exceeding thirty-two thousand five hundred dollars.

Unsettled
pauper infants.

For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in infant asylums, a sum not exceeding forty-eight thousand dollars.

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

Approved February 6, 1902.

Chap. 62 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE DISTRICT POLICE.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :—

Chief of district police.

For the salary of the chief of the district police, twenty-five hundred dollars.

First clerk.

For the salary of the first clerk in the office of the chief of the district police, fifteen hundred dollars.

Second clerk.

For the salary of the second clerk in the office of the chief of the district police, one thousand dollars.

Clerk in boiler inspection department.

For the salary of the clerk in the boiler inspection department of the district police, six hundred dollars.

Members of district police.

For the compensation of the members of the district police, a sum not exceeding seventy-one thousand dollars.

Travelling expenses.

For travelling expenses of the members of the district police, a sum not exceeding twenty-three thousand three hundred dollars.

Expenses.

For incidental and contingent expenses of the chief and members of the district police, a sum not exceeding two thousand dollars.

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

Approved February 6, 1902.

Chap. 63 AN ACT IN ADDITION TO AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows :

Massachusetts hospital for epileptics.

SECTION 1. The sum of twenty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the

support of the Massachusetts hospital for epileptics during the present year, said sum being in addition to the appropriation heretofore made for state patients, and to the receipts of said hospital.

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

Approved February 6, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF STATE PAUPERS IN THE HOSPITAL COTTAGES FOR CHILDREN.

Chap. 64

Be it enacted, etc., as follows :

SECTION 1. The sum of six thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the support of paupers in The Hospital Cottages for Children, during the year ending on the thirty-first day of December, nineteen hundred and two.

Hospital Cottages for Children.

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

Approved February 6, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE STATE COLONY FOR THE INSANE.

Chap. 65

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for repairs of buildings, construction of new buildings, and for the care and maintenance of the state colony for the insane, as authorized by section seven of chapter four hundred and fifty-one of the acts of the year nineteen hundred, being a reappropriation, the same having reverted to the treasury, in accordance with section thirty-one of chapter six of the Revised Laws.

State colony for the insane.

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

Approved February 6, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Chap. 66

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

Appropriations.

specified, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

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 by the laws of the United States relating thereto.

Instruction.

For the Massachusetts Agricultural College, for the purpose of providing the instruction called for by its charter and by the law of the United States relating to the college, the sum of eight thousand dollars.

Expenses of trustees.

For travelling and other necessary expenses of the trustees of the Massachusetts Agricultural College, a sum not exceeding five hundred dollars.

Veterinary laboratory.

For a maintenance fund for the veterinary laboratory at the Massachusetts Agricultural College, the sum of one thousand dollars.

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

Approved February 6, 1902.

Chap. 67 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE MASSACHUSETTS HIGHWAY COMMISSION.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

Massachusetts highway commission.

For the salaries of the Massachusetts highway commission, the sum of eighty-five hundred dollars.

Engineers, clerks, etc.

For the salaries of the engineers, clerks and assistants in the office of the commission, a sum not exceeding thirteen thousand dollars.

Expenses.

For travelling and other expenses of the commission, including printing, postage and necessary office expenses, a sum not exceeding five thousand dollars.

For rent of offices for the use of the commission, a sum not exceeding four thousand seven hundred and fifty dollars. Rent of offices.

For care and repair of road-building machinery, a sum not exceeding twenty-five hundred dollars. Road-building machinery.

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

Approved February 6, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-GENERAL. Chap. 68

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :— Appropriations.

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

For the compensation of assistants in the office of the attorney-general, and for such additional legal assistance as he may deem necessary in the discharge of his duties, and also for other necessary expenses in his department, a sum not exceeding forty thousand dollars. Assistants, etc.

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

Approved February 10, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY COMMISSIONERS. Chap. 69

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit :— Appropriations.

To carry out the provisions of the act to promote the establishment and efficiency of free public libraries, a sum not exceeding four thousand dollars. Free public libraries.

For clerical assistance to and incidental and necessary expenses of the board of free public library commissioners, a sum not exceeding five hundred dollars. Clerical assistance, etc.

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

Approved February 10, 1902.

Chap. 70 AN ACT MAKING APPROPRIATIONS FOR CONTINUING THE PUBLICATION OF THE PROVINCE LAWS.

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, during the year ending on the thirty-first day of December, nineteen hundred and two, for completing the preparation and publication of the acts and resolves of the province of Massachusetts Bay, to wit:—

Editor of province laws.
Chief clerk.

For the salary of the editor, two thousand dollars.

For the salary of the chief clerk, fifteen hundred dollars.

Clerical service, etc.

For clerical service, and a messenger, a sum not exceeding three thousand five hundred dollars.

Expenses.

For stationery, postage, travelling and other necessary expenses in the preparation and publication of the province laws, a sum not exceeding one hundred and fifty dollars.

Printing and binding.

For printing and binding such volumes as may be completed, a sum not exceeding six thousand dollars.

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

Approved February 10, 1902.

Chap. 71 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.

SECTION 1. The Wheaton Female Seminary is hereby authorized to hold real and personal estate to an amount not exceeding five hundred thousand dollars in addition to the amount which it is now authorized to hold. The use and income of such additional estate shall be applied exclusively to the purposes of education.

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

Approved February 10, 1902.

Chap. 72 AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF THE NANTASKET BEACH RESERVATION BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Care and maintenance of Nantasket beach.

SECTION 1. A sum not exceeding fifteen thousand dollars is hereby appropriated, to be paid out of the treas-

ury of the Commonwealth from the ordinary revenue, for the care and maintenance of Nantasket beach by the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and two, this amount to be reimbursed to the Commonwealth by the towns and cities in the metropolitan parks district, in accordance with the provisions of chapter four hundred and sixty-four of the acts of the year eighteen hundred and ninety-nine.

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

Approved February 10, 1902.

AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND ONE.

Chap. 73

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 the appropriations therefor in the year nineteen hundred and one, to wit : —

Appropriations.

For the care and maintenance of indigent and neglected children, the sum of three thousand six hundred thirty-two dollars and seventy-one cents.

Care, etc., of indigent and neglected children.

For the support and transportation of unsettled pauper infants of this Commonwealth, the sum of six hundred forty-two dollars and fifty-two cents.

Support, etc., of unsettled pauper infants.

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

Approved February 10, 1902.

AN ACT TO PROVIDE BETTER ACCOMMODATIONS FOR THE COURTS AND REGISTRY OF DEEDS OF THE COUNTY OF ESSEX AT LAWRENCE.

Chap. 74

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Essex are hereby authorized, for the purpose of completing the necessary alterations and additions to the registry of deeds and superior court building in Lawrence, to expend, in addition to the amount already authorized, the further sum of one hundred thousand dollars, to acquire land and erect buildings thereon, and to provide the necessary furnishings for said building for the purpose of providing sufficient accommodations for the courts and registry of deeds in Lawrence.

Additions, etc., to registry of deeds and superior court building in Lawrence.

County commissioners to borrow upon credit of county.

SECTION 2. To meet the additional expenses incurred under this act said commissioners may borrow from time to time upon the credit of said county a sum not exceeding one hundred thousand dollars.

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

Approved February 11, 1902.

Chap. 75 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE LYMAN SCHOOL FOR BOYS.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

Lyman school for boys, salaries, wages, etc.

For salaries, wages and labor at the Lyman school for boys, a sum not exceeding twenty-nine thousand dollars.

Expenses.

For other current expenses at the Lyman school for boys, a sum not exceeding forty-five thousand four hundred and ten dollars.

Agents.

For salaries and expenses of such agents as the trustees of the Lyman and industrial schools may deem necessary to employ, a sum not exceeding seven thousand five hundred dollars.

Boarding out children.

For expenses in connection with boarding out children by the trustees of the Lyman and industrial schools, a sum not exceeding forty-five hundred dollars.

Instruction in public schools.

For instruction in the public schools in any city or town in the Commonwealth of boys boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding five hundred dollars.

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

Approved February 11, 1902.

Chap. 76 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 purposes

specified, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

For salaries, wages and labor at the state industrial school for girls, a sum not exceeding fifteen thousand eight hundred dollars. State industrial school for girls, salaries, etc.

For other current expenses at the state industrial school for girls, a sum not exceeding twenty-three thousand nine hundred and seventy-five dollars. Expenses.

For expenses in connection with boarding out younger girls from the state industrial school, to include boarding and other expenses for girls on probation, a sum not exceeding thirty-two hundred dollars. Boarding out younger girls.

For instruction in the public schools in any city or town in the Commonwealth of girls boarded or bound out by the trustees of the Lyman and industrial schools, a sum not exceeding one hundred and twenty-five dollars. Instruction in public schools.

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

Approved February 11, 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE METROPOLITAN PARK COMMISSIONERS. Chap. 77

Be it enacted, etc., as follows:

SECTION 1. The chairman of the metropolitan park commissioners shall receive, from December thirty-first, nineteen hundred and one, a salary of forty-five hundred dollars a year, and the other members of said commission shall each receive a salary of six hundred dollars a year; and all of said sums shall be paid out of the funds provided by law for the maintenance of the metropolitan reservations and parkways. Metropolitan park commissioners, salaries.

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

Approved February 11, 1902.

AN ACT TO AUTHORIZE THE BARRE LIBRARY ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 78

Be it enacted, etc., as follows:

SECTION 1. The Barre Library Association of Barre is hereby authorized to hold real and personal estate for the purposes named in its act of incorporation, chapter one hundred and five of the acts of the year eighteen hundred and eighty-five, to a value not exceeding two hundred May hold additional real and personal estate.

thousand dollars, exclusive of books, papers, works of art, and other collections in its museum.

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

Approved February 11, 1902.

Chap. 79 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE SANATORIUM.

Be it enacted, etc., as follows:

Massachusetts
state sana-
torium.

SECTION 1. The sum of seventy-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care and maintenance of patients at the Massachusetts state sanatorium during the year ending on the thirty-first day of December, nineteen hundred and two, this amount to be in addition to the receipts of the institution; and so much of said receipts as may be needed to pay the expenses of the institution may be used for that purpose.

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

Approved February 11, 1902.

Chap. 80 AN ACT MAKING AN APPROPRIATION FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Care of certain
reservations.

SECTION 1. A sum not exceeding one hundred twenty-nine thousand one hundred and fifty-five dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care of reservations under the control of the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and two.

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

Approved February 11, 1902.

Chap. 81 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE HOSPITAL.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: —

For salaries, wages and labor at the state hospital, a sum not exceeding forty-six thousand dollars. State hospital, salaries, etc.

For other current expenses at the state hospital, a sum not exceeding one hundred and fifty-one thousand dollars. Expenses.

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

Approved February 11, 1902.

AN ACT TO AUTHORIZE THE PROVIDENT INSTITUTION FOR SAVINGS IN THE TOWN OF BOSTON TO HOLD ADDITIONAL REAL ESTATE. Chap. 82

Be it enacted, etc., as follows:

SECTION 1. The Provident Institution for Savings in the Town of Boston, incorporated by an act passed in the year eighteen hundred and sixteen, is authorized to purchase and hold real estate in the city of Boston, not exceeding one million dollars in value, for the purposes stated in the eighth clause of section twenty-six of chapter one hundred and thirteen of the Revised Laws. May hold additional real estate.

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

Approved February 11, 1902.

AN ACT TO AUTHORIZE THE HANDEL AND HAYDN SOCIETY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. Chap. 83

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter seventy-seven of the acts of the year eighteen hundred and sixteen, entitled "An Act to incorporate the Handel and Haydn Society", is hereby amended by striking out the word "fifty", in the third line, and also in the fourth line, and inserting in place thereof, in each instance, the words: — 1816, 77, § 3, amended.

two hundred, —so as to read as follows: — *Section 3.* The Handel and Haydn Society may hold additional real and personal estate.
Be it further enacted, That the said corporation shall be capable of taking and holding real estate, not exceeding the value of two hundred thousand dollars, and personal estate not exceeding the value of two hundred thousand dollars, which estate shall never be divided among the members of the corporation, but shall descend to their successors, subject only to the payment of the just debts to be incurred by said corporation.

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

Approved February 12, 1902.

Chap. 84 AN ACT TO AUTHORIZE THE TOWN OF NEEDHAM TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Needham
Water Loan.

SECTION 1. The town of Needham, for the purposes mentioned in chapter one hundred and seven of the acts of the year eighteen hundred and eighty-eight and acts in addition thereto, and for the further purpose of extending the water system therein authorized, may issue bonds, notes or scrip, to be denominated on the face thereof, Needham Water Loan, to an amount not exceeding twenty-five thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for said purposes. Such bonds, notes or scrip shall be issued upon the same terms and conditions, and with the same powers in behalf of said town, as are provided in said chapter one hundred and seven.

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

Approved February 12, 1902.

Chap. 85 AN ACT TO FORBID QUAIL SHOOTING ON THE ISLAND OF NANTUCKET
FOR A PERIOD OF THREE YEARS.

Be it enacted, etc., as follows:

Shooting, etc.,
of quail at Nan-
tucket forbid-
den for a certain
period.

SECTION 1. It shall be unlawful to take, kill or have in possession any quail on the island of Nantucket at any time within three years after the first day of March in the year nineteen hundred and two.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of twenty dollars for every quail taken, killed or had in possession contrary to the provisions hereof.

Approved February 12, 1902.

Chap. 86 AN ACT TO AUTHORIZE THE TOWN OF SWAMPSCOTT TO CONSTRUCT
A SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

Town of
Swampscott
may construct,
etc., a system
of sewerage,
etc.

SECTION 1. The town of Swampscott is hereby authorized, through its board of sewer commissioners, to lay out, construct, maintain and operate main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a

system of sewage disposal; and said board, for the purpose of providing better surface or other drainage, guarding against pollution of waters, and otherwise protecting public health, may lay out, construct and maintain such main drains as it deems expedient; and may within the limits of said town deepen, widen and clear of obstructions any brook, stream or water course, and straighten or alter the channels or divert the waters thereof, and may construct and maintain sub-drains, and, with the approval of the state board of health, discharge the water into any brook, stream or water course within said town.

SECTION 2. Said board of commissioners, acting for and in behalf of the said town, shall have full power to take by purchase or otherwise any lands, water rights, rights of way or easements in said town, public or private, of any persons or corporations, necessary for any of the purposes mentioned in this act, and may construct such main drains and sewers under or over any water course, bridge, railroad, highway, boulevard or other way, or within the location of any railroad, and may enter upon and dig up any private land, street or way or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act: *provided, however*, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation, except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the board of railroad commissioners.

May take lands, water rights, etc.

Proviso.

SECTION 3. Said board, in order to take any lands in fee, water rights, rights of way or easements, otherwise than by purchase or agreement, shall cause to be recorded in the registry of deeds for the county of Essex, southern district, a statement signed by a majority of the board containing a description thereof as certain as is required in a conveyance of land, and specifying that the same are taken under the authority of this act; and upon such recording the title in the lands, water rights, rights of way or easements described in such statement shall vest in the town of Swampscott, which shall pay all damages therefor and all other damages sustained by any person or corpo-

Description of lands, etc., to be recorded.

Damages.

ration through any action of said board under this act. Said board at the time of such taking shall notify the owners thereof in writing, and may agree with any person or corporation upon the damages sustained by such person or corporation: and if the damages are not agreed upon a jury in the superior court for said county may be had to determine the same, upon petition of either party, in the manner provided by law for determining damages for land taken for highways; but in case of a taking no suit or petition shall be brought after the expiration of two years from the date of the recording of the taking as herein provided; and in all other cases no suit or petition shall be brought after the expiration of two years from the time when the cause of action accrues.

Town may offer a specified sum as damages, etc.

SECTION 4. In every case of a petition for the assessment of damages or for a jury said town may at any time file in the office of the clerk of the court an offer in writing to pay the petitioner a sum therein specified as damages; and if the petitioner does not accept the same within thirty days after notice of such offer, and does not finally recover a sum greater than that offered, not including interest from the date of the offer on the sum so recovered, the town shall recover costs from the date of said notice; and the petitioner shall be entitled to costs only to said date.

Apportionment of cost.

SECTION 5. The owners of estates benefited and abutting on any streets or ways, public or private, in which sewers shall be laid under the provisions of this act, shall pay to said town towards defraying the cost of such sewers, system or systems of sewerage and sewage disposal, an assessment or betterment charge as follows:—Twenty-five cents per running foot frontage on the street or way in which a sewer is constructed, and three tenths of one cent per square foot of area within a depth of one hundred and twenty-five feet from the line of such street or way. In cases of corner estates abutting on more than one sewered street the same area shall not be assessed twice, and the frontage upon the longest side upon any sewered street or way shall be assessed only, except when the frontage on the remaining sewered street or way is more than one hundred and twenty-five feet, when all frontage on such remaining sewered street or way in excess of such amount shall be assessed as provided. No estate shall be deemed benefited unless or until a sewer is constructed into which it can be drained. The

remainder of the cost of said system or systems shall be borne by the town. The sewer commissioners shall determine the amount of assessment due, in accordance with this act, from any and all estates benefited, and as soon as the sewer or sewers are completed so that such estates may be drained therein, they shall assess said amount upon the owners of such estates by filing a certificate with the collector of taxes of said town, designating the street or way or part thereof sewerred, and setting forth the names of the owners of the estates abutting and benefited, and the amount of the assessment to be paid by each, and referring to a plan on file in said sewer commissioners' office, which plan shall show the name of each owner of such estates, the location thereof upon such sewerred street or way, and the frontage and area of each estate as assessed. The collector shall upon receipt of such certificate make a demand in writing for the payment of such assessment or charge, and every owner shall within three months after such demand is served upon him or on the occupant of such estate, or sent by mail to the last address of the owner known to the collector of taxes, pay to the town collector of taxes the sum so assessed or charged: *provided*, that said board shall, on the written request of any owner, made within three months, apportion such assessment or charge into such a number of equal parts or instalments, not exceeding ten, as the owner shall designate in such request, and they shall specify such apportionment to the assessors. Interest from the date of such apportionment at the rate of five per cent per annum shall be added to each of such assessments or charges until they are paid, and one of such parts or instalments shall be added by the assessors to the annual tax of such estates for each year ensuing until all such parts have so been added, unless paid before as hereinafter provided. Nothing herein shall be construed to prevent the payment at any time in one payment, notwithstanding its prior apportionment, of any remainder of any assessment or charges then remaining unpaid, but interest on such balance at the rate of five per cent per annum shall be paid to the date of such payment, and thereupon the town treasurer shall receive the same and certify such payment or payments to the assessors, who shall preserve a record thereof.

Payment of
assessments
etc.

Proviso.

SECTION 6. The assessment or charge aforesaid shall constitute a lien upon the estate, which shall continue for

Assessment,
etc., to consti-
tute a lien upon
estate, etc.

two years after such certificate is made and filed, and after the demand aforesaid is made, or, in case of apportionment, until the expiration of two years from the time when the last instalment is committed to the collector. Said assessment, together with interest at the rate of five per cent per annum, with incidental costs and expenses, may be levied by the sale of such estate or so much thereof as shall be sufficient to discharge the assessment and interest and intervening charges, if the assessment is not paid within three months after the service of said notice, or, if it has been apportioned, within three months after any portion has become due. Such sale and all proceedings connected therewith shall be conducted in the same manner as sales for the non-payment of taxes are conducted, and real estate so sold may be redeemed in the same manner as if it were sold for the non-payment of taxes. Such assessments or part thereof may be collected also by an action of contract in the name of the town of Swampscott against the owner of such estate, brought at any time within two years after the same has become due.

May be collected by an action of contract.

Persons aggrieved may apply for a jury, etc.

SECTION 7. Any person aggrieved by such assessment may at any time within three months after the service of the demand mentioned in section five of this act apply to the superior court of said county for a jury to revise the same, but before making such application he shall give to said commissioners fourteen days' notice in writing, and shall therein specify particularly his objection to the assessment, to which specification he shall be confined in his hearing before a jury.

Swampscott Sewerage Loan.

SECTION 8. The town of Swampscott, for the purpose of paying the necessary expenses and liabilities incurred under this act, may incur indebtedness and may issue from time to time bonds, notes or scrip, to an amount not exceeding two hundred thousand dollars, and the debt and loan authorized by this act, and the notes, bonds or scrip issued therefor, shall not be reckoned in determining the legal limit of indebtedness of the town under the provisions of section four of chapter twenty-seven of the Revised Laws. Such bonds, notes or scrip shall bear on their face the words, Swampscott Sewerage Loan, shall be payable within periods not exceeding forty years from the issuing thereof, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum. They shall be signed by the treasurer

of said town and shall be countersigned by a majority of the sewer commissioners. The town may sell such securities or any part thereof from time to time at public or private sale, or pledge the same for money borrowed for the purpose of this act: *provided*, that they are not sold or pledged for less than the par value thereof; and the proceeds thereof shall be retained in the treasury, and the treasurer shall pay therefrom the expenses incurred for the purposes aforesaid. Proviso.

SECTION 9. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby, less the amount that may be appropriated therefor as provided in the following section, shall without further vote be assessed by the assessors of the town in each year thereafter until the debt incurred by the town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws. May provide for annual payments on loan.

SECTION 10. The receipts from assessments and payments made in lieu thereof under this act, after deducting all charges and expenses for and incident to the maintenance and operation of said systems of sewerage, shall be applied first to the payment of the interest upon the bonds, notes or scrip issued under authority of this act, not otherwise provided for, and the balance shall be set apart for the payment or redemption of such bonds, notes or scrip, or for payment of the further extension of the system or systems of sewerage herein authorized to be constructed by said town, as the said town shall vote, and shall be used for no other purpose. If the receipts from said assessments and from payments made in lieu thereof in any year, not appropriated for the construction and maintenance of sewers as aforesaid, shall be insufficient to pay the interest on said bonds, notes or scrip, and the principal as it falls due, then in such cases the town shall raise forthwith by taxation, in the same manner as money is raised and appropriated for other town purposes, such sums as will meet the said requirements. Payment of loan, etc.

SECTION 11. The board of commissioners shall annually appoint a clerk, and may appoint a superintendent of sewers, and may remove said clerk or superintendent Commissioners to appoint a clerk, etc.

at its pleasure. The compensation of the commissioners shall be fixed by the town.

Contracts.

SECTION 12. All contracts made by the board of commissioners for the purposes of this act shall be made in the name of the town, and shall be signed by the board; but no contract shall be made or obligation incurred by the commissioners for any purpose in excess of the amount of money appropriated by the town therefor.

May prescribe rules and regulations, impose penalties, etc.

SECTION 13. The board of commissioners may from time to time prescribe rules and regulations for the connecting of estates and buildings with main drains and sewers, and for the inspection of material, the construction, alteration and use of all connections and drains entering into such main drains or sewers, 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 once a week for three successive weeks in some newspaper published in the town of Swampscott, if there be any, and otherwise in some newspaper published in the county of Essex, and shall not take effect until such publication has been made.

Certain provisions of law to apply.

SECTION 14. The provisions of chapters twenty-seven and forty-nine of the Revised Laws, so far as the same are applicable and not inconsistent with this act, shall apply to the town of Swampscott in carrying out the provisions of this act.

Plans to be approved by state board of health.

SECTION 15. No work shall be done under the authority of the preceding sections until the plans for said system or systems of sewerage have been approved by the state board of health; and no system or systems of sewage disposal shall be approved by said board, except such as provide that the point of discharge of said sewage shall be at or near Dread Ledge beacon in Nahant bay, unless some other point of discharge shall be approved by said board after a public hearing of which the mayor and aldermen of the city of Lynn and the selectmen of the towns of Marblehead and Nahant shall receive proper notice.

When to take effect.

SECTION 16. This act shall take effect upon its passage, but no expenditure shall be made nor any liability incurred thereunder unless this act shall first be accepted by vote of the majority of the voters of said town at a legal meeting called for the purpose.

Approved February 13, 1902.

AN ACT TO INCORPORATE THE FRANCIS WYMAN ASSOCIATION.

Chap. 87

Be it enacted, etc., as follows:

SECTION 1. Benjamin F. Wyman, Morrill Wyman, junior, Henry A. Wyman, Louis A. Wyman, L. Waldo Thompson, Edward F. Johnson, H. Winfield Wyman and Gerald Wyman, their associates and successors, are hereby made a corporation by the name of the Francis Wyman Association, for the purpose of acquiring and preserving relics and records of the family of Francis Wyman, and the ancient Wyman homestead in the town of Burlington built by his son about the year sixteen hundred and sixty-six, and also of encouraging friendly intercourse among his descendants. Said corporation is to maintain its principal office or rooms in said town of Burlington, and shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in chapter one hundred and twenty-five of the Revised Laws and acts in amendment thereof, except as otherwise stated herein.

Francis Wyman Association incorporated.

SECTION 2. The capital stock of said corporation shall be five thousand dollars, divided into one thousand shares of the par value of five dollars each.

Capital stock.

SECTION 3. Said shares shall be held only by persons who are descendants of said Francis Wyman, and no one person shall be the owner of more than twenty shares.

Who may hold shares.

SECTION 4. Said corporation may acquire by gift, grant, devise or purchase, and hold for the purposes aforesaid, real and personal estate to the value of five thousand dollars.

Gifts, grants, etc.

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

Approved February 18, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUNDRY OTHER MILITARY EXPENSES.

Chap. 88

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: —

Appropriations.

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

Adjutant general.

- First clerk.** For the salary of the first clerk in the adjutant general's department, twenty-two hundred dollars.
- 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, two thousand 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.
- Clerical assistance.** For such additional clerical assistance as the adjutant general may deem necessary, and for employees at the state arsenal, a sum not exceeding sixty-three hundred dollars.
- Militia compensation.** For the compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and fifty thousand dollars.
- Transportation.** For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding nineteen thousand dollars.
- Expenses.** For incidental and contingent expenses in 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-seven thousand dollars.
- Quartermasters' supplies.** For quartermasters' supplies, a sum not exceeding ten thousand dollars.
- Expenses.** For incidental and contingent expenses in the quartermaster general's department, a sum not exceeding five thousand dollars.
- Camp ground.** For grading and care of the camp ground at Framingham, a sum not exceeding one thousand dollars.
- Military accounts.** For expenses in connection with military accounts, not otherwise provided for, a sum not exceeding four thousand dollars.
- Care of armories.** For heating, lighting, furnishing and caring for the armories recently erected in certain cities of the Commonwealth for the use of the volunteer militia, a sum not exceeding twenty-five thousand dollars.
- Janitors.** For the services of janitors of certain armories, a sum not exceeding seven thousand dollars.
- Clothing.** For allowance and repair of clothing of the volunteer militia, a sum not exceeding nine thousand dollars.

For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding eighteen thousand dollars. Rifle practice.

For furnishing, repairing and caring for the United States steamer Inca, a sum not exceeding twelve hundred dollars. Care, etc., of U. S. steamer Inca.

For the salary of the surgeon general, twelve hundred dollars. Surgeon general.

For medical supplies for the use of the volunteer militia, and for incidental and contingent expenses of the surgeon general, a sum not exceeding twenty-two hundred dollars. Medical supplies.

For expenses in connection with the examination of recruits for the militia, a sum not exceeding twenty-five hundred dollars. Examination of recruits.

Any sums of money received under the provisions of section one hundred and two of chapter sixteen of the Revised Laws, and any sums received from the sale of grass at the camp ground at Framingham during the year nineteen hundred and two, may be expended by the quartermaster general during the present year, under the direction of the governor and council, for the construction and repair of buildings and other structures. Sale of grass at camp ground, etc.

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

Approved February 18, 1902.

AN ACT TO AUTHORIZE THE COUNTY OF WORCESTER AND CITIES AND TOWNS IN SAID COUNTY TO CONTRIBUTE TOWARD THE DEVENS MEMORIAL MONUMENT, AND TO INCORPORATE THE WORCESTER COUNTY MEMORIAL DEVENS STATUE COMMISSION.

Chap. 89

Be it enacted, etc., as follows:

SECTION 1. Any city or town in the county of Worcester may raise and appropriate, and pay to the corporation hereinafter created, a sum not exceeding one cent on every one hundred dollars of its valuation, for the purpose of erecting in front of the county court house in the city of Worcester a monument in memory of the patriotism and valor of the men of Worcester county in the war for the union; the monument to be surmounted by a bronze equestrian statue of the late major general and judge, Charles Devens. Certain cities and towns may contribute toward the Devens memorial monument, etc.

SECTION 2. George F. Hoar, J. Evarts Greene, Herbert Parker, Nathaniel Paine, Emerson Stone, Rufus B. Dodge, Daniel Merriman, Edward J. Russell, and the Worcester County Memorial Devens Statue Commission incorporated.

mayor of the city of Worcester for the time being, and their associates and successors, are hereby made a corporation under the name of the Worcester County Memorial Devens Statue Commission, with power to cause to be erected the monument above described, and to fix the position thereof in front of the Worcester county court house in the city of Worcester, and to receive the contributions already collected for said monument and statue and all moneys that may hereafter be contributed for that purpose, and all moneys that may be raised and appropriated by the cities and towns of Worcester county and by Worcester county under authority hereof.

County of Worcester may pay a certain sum.

SECTION 3. The county commissioners of the county of Worcester are hereby authorized to appropriate and pay to said corporation a sum not exceeding five thousand dollars.

Repeal.

SECTION 4. Chapter five hundred and six of the acts of the year eighteen hundred and ninety-six is hereby repealed.

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

Approved February 18, 1902.

Chap. 90 AN ACT RELATIVE TO PUBLICATION BY THE ASSESSORS OF THE CITY OF BOSTON OF THE NAMES AND RESIDENCES OF PERSONS ASSESSED OR CERTIFIED, AND THEIR WITNESSES.

Be it enacted, etc., as follows:

R. L. II, § 20, amended.

SECTION 1. Section twenty of chapter eleven of the Revised Laws is hereby amended by inserting in the fifth line, after the word "and", the words:—the assessors of Boston,—and by adding at the end of the sixth line, the words:—by them,—so as to read as follows:—*Section 20.* The assessors shall enter the name and residence of each person thus assessed or certified in a book provided for that purpose, and opposite to each name, the names, occupations and residences of the persons who have testified as above provided, and the assessors of Boston shall cause to be printed in some newspaper published in Boston the name and residence of each person thus assessed or certified by them, with the names and residences of the two witnesses who have testified for such person. The names and residences of such persons and witnesses shall be printed, as above provided, within two days after the number of names of persons thus assessed or certified, not printed, reaches fifty, and on the

Record of persons assessed and witnesses to be kept, etc.

day when such number is reached, the names to be printed within such two days shall include the names of all such persons and witnesses up to the close of business in the office of the assessors on such day. The names and residences of the persons thus assessed or certified shall be printed in Roman type, and immediately following each of such names shall be printed in Italic type the names and residences of the two witnesses who have testified for such person. The names of such persons and witnesses shall be arranged and printed by wards and precincts.

In every place where voters are registered, the registrars, and in every place where oaths are administered as required by this chapter, the assessors, shall post in a conspicuous place a copy of sections three hundred and eighty-nine and three hundred and ninety, printed on white paper with black ink, in type not less than one quarter of an inch wide.

Copies of laws to be posted.

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

Approved February 20, 1902.

AN ACT RELATIVE TO THE ABATEMENT OF CERTAIN POLL TAXES.

Chap. 91

Be it enacted, etc., as follows:

SECTION 1. Section eighty-four of chapter twelve of the Revised Laws is hereby amended by inserting after the words "But no poll tax shall be abated", in the eleventh line, the words:—under the provisions of this section, — so as to read as follows:—*Section 84.* If a collector is satisfied that a poll tax or tax upon personal property, or any portion of said tax, committed to him or to any of his predecessors in office for collection, cannot be collected by reason of the death, absence, poverty, insolvency, bankruptcy or other inability of the person assessed to pay, he shall notify the assessors thereof in writing, under oath, stating the reason why such tax cannot be collected. The assessors, after due inquiry, may abate such tax or any part thereof, and shall certify such abatement in writing to the collector; and said certificate shall discharge the collector from further obligation to collect the tax so abated. But no poll tax shall be abated, under the provisions of this section, within the calendar year in which it is assessed.

R. L. 12, § 84, amended.

Abatement of uncollectible taxes.

Poll tax not abatable in year of assessment.

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

Approved February 20, 1902.

Chap. 92 AN ACT TO AUTHORIZE THE SUFFOLK SAVINGS BANK FOR SEAMEN AND OTHERS TO HOLD ADDITIONAL REAL ESTATE.

Be it enacted, etc., as follows :

May hold additional real estate.

SECTION 1. The Suffolk Savings Bank for Seamen and Others, incorporated by chapter seventy-three of the acts of the year eighteen hundred and thirty-three, is authorized to purchase and hold real estate in the city of Boston to a value not exceeding one million dollars, for the purposes set forth in the eighth clause of section twenty-six of chapter one hundred and thirteen of the Revised Laws.

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

Approved February 20, 1902.

Chap. 93 AN ACT TO AUTHORIZE THE TOWNS OF CARVER, LAKEVILLE AND ROCHESTER TO UNITE IN THE EMPLOYMENT OF A SUPERINTENDENT OF SCHOOLS.

Be it enacted, etc., as follows :

Certain towns may unite in the employment of a superintendent of schools, etc.

SECTION 1. The towns of Carver, Lakeville and Rochester shall have the same power to unite for the purpose of employing a superintendent of schools, and the same right to receive an allowance from the state treasury, which, under the provisions of section forty-three of chapter forty-two of the Revised Laws, they would have if said towns contained twenty-five schools, and they shall be subject to the same duties and liabilities to which they would be subject if they contained twenty-five schools.

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

Approved February 20, 1902.

Chap. 94 AN ACT TO REGULATE THE TAKING OF SHELLFISH IN THE TOWN OF MARION.

Be it enacted, etc., as follows :

Taking of shellfish in Marion regulated.

SECTION 1. It shall be unlawful to take or catch any oysters from or in the waters of Blankinships or Plaintain island coves in the town of Marion, or to use a dredge or a drag net in said waters for any purpose, before the first day of September in the year nineteen hundred and four.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine not exceeding twenty dollars for each offence.

Approved February 20, 1902.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE PLYMOUTH COUNTY RAILROAD COMPANY MAY EXTEND ITS ROAD. *Chap. 95*

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter three hundred and sixty-one of the acts of the year nineteen hundred and one is hereby amended by inserting after the word "year", in the seventh line, the words : — and six months, — so as to read as follows : — *Section 1.* The Plymouth County Railroad Company may extend its road under the provisions of chapter one hundred and fifty-one of the acts of the year eighteen hundred and ninety-two and of acts in amendment thereof into the town of Duxbury to a point near the Gurnet, so-called, as a terminus : *provided*, that said company shall within one year and six months from the passage of this act construct that part of its road beginning at the Marshfield line and extending to the Hummock, in the town of Duxbury.

1901, 361, § 1, amended.

The Plymouth County Railroad Company may extend its road.

Proviso.

SECTION 2. Section five of said chapter is hereby amended by striking out the word "April", in the second line, and inserting in place thereof the word : — October, — so as to read as follows : — *Section 5.* If the said company shall, before the sixth day of October in the year nineteen hundred and two, complete any section of its road or of any extension thereof, not less than ten miles in continuous length, so that it shall be ready for operation, it shall be deemed a compliance with the provisions of section eight of said chapter one hundred and fifty-one, as amended by chapter two hundred and fifteen of the acts of the year eighteen hundred and ninety-seven, and by chapter one hundred and eighty-one of the acts of the year eighteen hundred and ninety-nine.

1901, 361, § 5, amended.

Portion of road to be completed before October 6, 1902.

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

Approved February 20, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY. *Chap. 96*

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit : —

Appropriations.

Massachusetts reformatory.

For the salaries of officers at the Massachusetts reformatory, a sum not exceeding eighty-one thousand five hundred dollars.

Instructors, teachers, etc.

For the salaries and wages of instructors, teachers and other employees at the Massachusetts reformatory, a sum not exceeding twenty-four thousand nine hundred dollars.

Expenses.

For other current expenses at the Massachusetts reformatory, a sum not exceeding one hundred and nine thousand seven hundred dollars.

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

Approved February 20, 1902.

Chap. 97 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE BOARD OF HEALTH.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

State board of health, secretary.

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

Expenses.

For the general work of the state board of health, including all necessary travelling expenses, a sum not exceeding twenty thousand dollars.

Inspection of milk, food and drugs.

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

Examination of sewer outlets.

For expenses in connection with the examination of sewer outlets, a sum not exceeding twenty-five hundred dollars.

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

Approved February 20, 1902.

Chap. 98 AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS 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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: —

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

Unclaimed moneys in hands of receivers.

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 five hundred dollars.

Funds received from public administrators.

For medical examiners' fees, a sum not exceeding five hundred dollars.

Medical examiners' fees.

For expenses incurred in the construction and repair of roads in the town of Mashpee during the year nineteen hundred and one, the sum of three hundred dollars.

Construction, etc., of roads in Mashpee.

For assistance to the town of Truro in maintaining a section of its county highway known as Beach Point road, a sum not exceeding five hundred dollars.

Beach Point road.

For the city of Waltham, for the annual assessment due from the Commonwealth toward maintaining and operating a system of sewage disposal at the Massachusetts School for the Feeble-minded, the sum of eight hundred twenty dollars and eighty-nine cents, as provided for in section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three.

City of Waltham.

For the support of Sarah J. Robinson, a prisoner in the jail at Lowell, a sum not exceeding four hundred dollars.

Sarah J. Robinson.

For small items of expenditure for which no appropriations have been made, and for cases in which appropriations have been exhausted or have reverted to the treasury of the Commonwealth in previous years, a sum not exceeding one thousand dollars, to be expended under the direction of the auditor of the Commonwealth.

Small items of expenditure.

For travelling and other necessary expenses of the trustees of the Lyman and industrial schools, a sum not exceeding one thousand dollars.

Trustees of Lyman and industrial schools.

For expenses of the state board of bar examiners, a sum not exceeding fifteen hundred dollars.

State board of bar examiners.

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

Approved February 20, 1902.

Chap. 99 AN ACT TO AUTHORIZE THE TAKING OF LAND OF THE COMMONWEALTH AT THE STATE FARM IN THE TOWN OF BRIDGEWATER FOR A HIGHWAY.

Be it enacted, etc., as follows:

Certain land in Bridgewater may be taken for a highway.

SECTION 1. The county commissioners of the county of Plymouth may take such land of the Commonwealth occupied as the state farm in the town of Bridgewater as may be necessary for widening and straightening the highway known as Titicut street, from Conant street to the Taunton river, as shown on a plan made under the direction of said commissioners by Harrison L. House, their engineer, and on file in their office.

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

Approved February 20, 1902.

Chap. 100 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO APPROPRIATE MONEY FOR A RECEPTION AND CELEBRATION.

Be it enacted, etc., as follows:

Town of Stoneham may appropriate money for a reception and celebration.

SECTION 1. The town of Stoneham is hereby authorized to raise by taxation and to appropriate, a sum not exceeding three hundred dollars, for a reception to those veterans of the civil war who were members of the sixth Massachusetts regiment in the year eighteen hundred and sixty-one, and for a celebration of the forty-first anniversary of the passage of that regiment through the city of Baltimore.

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

Approved February 20, 1902.

Chap. 101 AN ACT TO FIX THE TIME WHEN PROPERTY SHALL BE DEEMED TO BE TAKEN FOR THE METROPOLITAN SEWERAGE WORKS.

Be it enacted, etc., as follows:

Description of property to be recorded, etc.

SECTION 1. The metropolitan water and sewerage board, in order hereafter to take any property by right of eminent domain for the metropolitan sewerage works, shall sign and cause to be recorded in the registry of deeds for the county and district in which the property to be taken is situated, a statement containing a description thereof, as certain as is required in a common conveyance of land, and stating that the same is taken for the metropolitan sewerage works; and upon such recording

the rights, easements and other property described in such statement shall be taken for the Commonwealth for the purposes of the metropolitan sewerage works. Said board, after it has so taken any property under the right of eminent domain, shall notify the owner thereof, and upon his request, within three years after such taking, shall, within thirty days after such request, furnish him with a description in writing of the land or other property so taken from him.

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

Approved February 24, 1902.

AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO REFUND A PART OF ITS DEBT.

Chap.102

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson is authorized to borrow, for a term not exceeding ten years, a sum not exceeding twenty-five thousand dollars, for the purpose of paying the balance of a note for forty thousand dollars, which becomes due on the twelfth day of April in the year nineteen hundred and two. For the sum borrowed under this act the town shall give a note which shall provide for such annual proportionate payments of the principal thereof as will extinguish the same at maturity.

Town of Hudson may refund a part of its debt.

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

Approved February 24, 1902.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY AGRICULTURAL EXPENSES.

Chap.103

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

Appropriations.

For the salary of the secretary of the state board of agriculture and executive officer of the state dairy bureau, three thousand dollars.

Board of agriculture, secretary, etc.

For the salary of the first clerk of the secretary of the state board of agriculture, eighteen hundred dollars.

First clerk.

For the salary of the second clerk of the secretary of the state board of agriculture, fourteen hundred dollars.

Second clerk.

Clerical assistance.

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 meeting and at other meetings, a sum not exceeding eight hundred dollars.

Travelling expenses, etc.

For travelling and other necessary expenses of the members of the state board of agriculture, a sum not exceeding fifteen hundred dollars.

Incidental expenses, etc.

For incidental and contingent expenses of the state board of agriculture, a sum not exceeding eight hundred dollars.

Expenses of secretary.

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

Farmers' institutes.

For disseminating useful information in agriculture by means of lectures at farmers' institutes, a sum not exceeding two thousand dollars.

Bounties.

For bounties to agricultural societies, a sum not exceeding nineteen thousand dollars.

Agent of dairy bureau.

For the salary of the general agent of the dairy bureau, twelve hundred dollars.

Experts, chemists, etc.

For assistants, experts, chemists, agents, and for other necessary expenses of the state dairy bureau, a sum not exceeding seven thousand dollars.

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

Approved February 24, 1902.

Chap. 104 AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Care, etc., of certain boulevards, etc.

SECTION 1. A sum not exceeding eighty thousand three hundred and thirteen dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care and maintenance of boulevards and parkways in charge of the metropolitan park commission, during the year ending on the thirty-first day of December, nineteen hundred and two.

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

Approved February 24, 1902.

AN ACT RELATIVE TO THE FIRE DEPARTMENT OF THE CITY OF QUINCY. *Chap.105*

Be it enacted, etc., as follows :

SECTION 1. Section twenty-two of chapter three hundred and forty-seven of the acts of the year eighteen hundred and eighty-eight is hereby amended by striking out the words "one assistant engineer from each ward", in the third line, — so as to read as follows: — *Section 22.* The city council may establish a fire department for said city, to consist of a chief engineer and such other officers and men as it may prescribe; and it may make regulations for the government of the department.

1888, 347, § 22, amended.

Fire department of Quincy.

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

Approved February 24, 1902.

AN ACT RELATIVE TO LIFE INSURANCE.

Chap.106

Be it enacted, etc., as follows :

SECTION 1. Section fifteen of chapter one hundred and eighteen of the Revised Laws is hereby amended by inserting after the word "policies", in the second line, the words: — of a domestic company, — so as to read as follows: — *Section 15.* He shall collect and pay into the treasury charges and fees as follows: for valuation of life policies of a domestic company, two and one half mills for each thousand dollars of insurance; for each examination of a domestic company's qualification to transact business, thirty dollars; for filing copy of charter or deed of settlement of each foreign company, thirty dollars, and for filing statement with application for admission and for each annual statement, twenty dollars; for each license to procure fire insurance in unauthorized foreign companies, twenty dollars annually; for each license to an insurance broker, ten dollars; for each license or renewal thereof to an insurance agent, two dollars; for each certificate of the valuation of the policies of any life insurance company and for each certificate of the examination, condition or qualification of an insurance company, two dollars; for each service of lawful process upon him as attorney, two dollars; for each copy of any paper on file in his office, twelve cents a page and one dollar for certifying the same; and all other fees and charges due and payable

R. L. 118, § 15, amended.

Insurance commissioner to collect, etc., certain charges and fees.

into the treasury for any official act or service of the commissioner.

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

Approved February 24, 1902.

Chap. 107 AN ACT MAKING AN APPROPRIATION FOR SURVEYS, IMPROVEMENTS AND PRESERVATION OF HARBORS, AND FOR REPAIRING DAMAGES OCCASIONED BY STORMS ALONG THE COAST LINE AND RIVER BANKS.

Be it enacted, etc., as follows:

Preservation of harbors, etc.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, for surveys of harbors, and for preserving and improving the same, and for repairing damages occasioned by storms along the coast line or river banks of the Commonwealth, during the year ending on the thirty-first day of December, nineteen hundred and two.

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

Approved February 25, 1902.

Chap. 108 AN ACT TO INCREASE THE ANNUAL PAYMENT BY THE STATE TO THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows:

R. L. 32, § 71, amended.

SECTION 1. Section seventy-one of chapter thirty-two of the Revised Laws is hereby amended by striking out the word "ten", in the first line, and inserting in place thereof the word:—twelve,—so as to read as follows:—*Section 71.* The sum of twelve thousand dollars shall annually, before the first day of July, be paid by the treasurer and receiver general to the treasurer of the Massachusetts State Firemen's Association out of the money received from taxes on fire insurance companies doing business in this Commonwealth, and it shall be known as the Firemen's Relief Fund of Massachusetts.

Allowance to Massachusetts State Firemen's Association.

R. L. 32, § 72, amended.

SECTION 2. Section seventy-two of said chapter is hereby amended by striking out the word "ten", in the second line, and inserting in place thereof the word:—twelve,—so as to read as follows:—*Section 72.* The treasurer of said association shall give a bond in the sum of twelve thousand dollars with sureties approved by the treasurer and receiver general conditioned for the faithful performance of his duties.

Treasurer to give bond.

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

Approved February 25, 1902.

AN ACT TO ESTABLISH OLD HOME WEEK AND TO AUTHORIZE ITS OBSERVANCE BY CITIES AND TOWNS. *Chap.109*

Be it enacted, etc., as follows :

SECTION 1. The calendar week beginning with the last Sunday of July in each year is hereby designated as Old Home Week, and is set apart as a season during which cities and towns may conduct appropriate celebrations in honor of returning sons and daughters of the Commonwealth and other invited guests, and may hold exercises of historical interest. Old Home Week established.

SECTION 2. Cities by their city councils, and towns at legal town meetings, may appropriate money for the observance of old home week. Appropriations for observance.

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

Approved February 25, 1902.

AN ACT TO TRANSFER THE POWERS AND DUTIES OF THE INSPECTOR AND ASSAYER OF LIQUORS TO THE STATE BOARD OF HEALTH. *Chap.110*

Be it enacted, etc., as follows :

SECTION 1. The office of inspector and assayer of liquors is hereby abolished. Office of inspector and assayer of liquors abolished.

SECTION 2. The powers and duties heretofore conferred and imposed on the inspector and assayer of liquors are hereby conferred and imposed on the state board of health. Powers and duties transferred to state board of health.

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

Approved February 25, 1902.

AN ACT TO REPEAL THE LAW REQUIRING ASSESSORS TO SPECIFY THE AMOUNT OF CERTAIN CLASSES OF PERSONAL PROPERTY. *Chap.111*

Be it enacted, etc., as follows :

SECTION 1. Section forty-nine of chapter twelve of the Revised Laws is hereby repealed. R. L. 12, § 49, repealed.

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

Approved February 25, 1902.

AN ACT RELATIVE TO THE TAXATION OF MORTGAGED REAL ESTATE. *Chap.112*

Be it enacted, etc., as follows :

SECTION 1. Section seventeen of chapter twelve of the Revised Laws is hereby amended by adding at the end thereof the words:—Whenever, in any case of mort- R. L. 12, § 17, amended.

Taxation of mortgaged real estate.

gaged real estate, a statement is not brought in as herein provided, no tax on such real estate for the year then current shall be invalidated for the reason that a mortgagee's interest therein has not been assessed to him, — so as to read as follows: — *Section 17.* If the holder of such mortgage fails to file in the assessors' office a statement under oath of all his estate liable to taxation under the preceding section, including a statement of the full amount remaining unpaid upon such mortgage and of his interest therein, the amount stated in the mortgage shall be conclusive as to the extent of such interest; but his interest in such real estate shall not be assessed at a greater sum than the fair cash valuation of the land and the structures thereon or affixed thereto; and the amount of a mortgage interest in an estate which has been divided after the creation of such mortgage need not be apportioned upon the several parts of such estate, except as provided in sections eighty-eight to ninety inclusive. Whenever, in any case of mortgaged real estate, a statement is not brought in as herein provided, no tax on such real estate for the year then current shall be invalidated for the reason that a mortgagee's interest therein has not been assessed to him.

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

Approved February 25, 1902.

Chap. 113 AN ACT RELATIVE TO THE RECORD OF THE OWNERSHIP OF REAL ESTATE SUBJECT TO TAXATION.

Be it enacted, etc., as follows:

R. L. 12, § 15, amended.

Ownership of real estate subject to taxation, how determined.

SECTION 1. Section fifteen of chapter twelve of the Revised Laws is hereby amended by inserting after the word "record", in the fourth line, the words: — in the records of the county, or of the district, if such county is divided into districts, in which the estate lies, — so as to read as follows: — *Section 15.* Taxes on real estate shall be assessed, in the city or town in which the estate lies, to the person who is either the owner or in possession thereof on the first day of May, and the person appearing of record, in the records of the county, or of the district, if such county is divided into districts, in which the estate lies, as owner on the first day of May, even though deceased, shall be held to be the true owner thereof. Except as provided in the three fol-

lowing sections, mortgagors of real estate shall for the purpose of taxation be deemed the owners until the mortgagee takes possession, after which the mortgagee shall be deemed the owner.

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

Approved February 25, 1902.

AN ACT RELATIVE TO THE CONNECTING OF THE EAST BOSTON TUNNEL, THE CAMBRIDGE STREET SUBWAY, AND OTHER SUBWAYS. *Chap. 114*

Be it enacted, etc., as follows.

SECTION 1. The provisions of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, relative to the construction of a tunnel to East Boston and a subway under Cambridge street, are extended so that the East Boston tunnel and the Cambridge street subway may, with the consent of the Boston Elevated Railway Company, be connected with the existing subway and with each other, and with any other subway, on such terms, in such manner and at such points, whether at grade or otherwise, as the Boston transit commission may deem that the public interests require.

Provisions of 1897, 500, extended.

SECTION 2. The provisions of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, of chapter five hundred of the acts of the year eighteen hundred and ninety-seven, and of the acts in amendment of or in addition to said acts, shall apply to the Boston transit commission and the members thereof in the execution of any work authorized by law to be done by said commission.

Certain provisions of law to apply to the Boston transit commission, etc.

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

Approved February 25, 1902.

AN ACT TO ESTABLISH THE STANDARD WEIGHT OF A BARREL OF SWEET POTATOES. *Chap. 115*

Be it enacted, etc., as follows:

Section three of chapter sixty-two of the Revised Laws is hereby amended by striking out the word "and", after the word "pounds", in the second line, and by adding after the word "pounds", in the third line, the words: — and the barrel of sweet potatoes one hundred and fifty pounds, — so as to read as follows: — *Section 3.* The barrel of flour, measured by weight, shall contain one

R. L. 62, § 3, amended.

Weight of barrel of flour, etc.

hundred and ninety-six pounds, the barrel of potatoes one hundred and seventy-two pounds, and the barrel of sweet potatoes one hundred and fifty pounds.

Approved February 25, 1902.

Chap. 116 AN ACT TO ABOLISH THE BOARD OF CATTLE COMMISSIONERS AND TO CREATE A CATTLE BUREAU OF THE STATE BOARD OF AGRICULTURE.

Be it enacted, etc., as follows:

Board of cattle commissioners abolished.

SECTION 1. The board of cattle commissioners is hereby abolished.

Cattle bureau of state board of agriculture created.

SECTION 2. A bureau of the state board of agriculture is hereby created, to be known as the cattle bureau of the state board of agriculture.

Chief of the cattle bureau, appointment, powers and duties.

SECTION 3. The governor shall annually appoint a chief of the cattle bureau of the state board of agriculture, who shall have the powers and perform the duties heretofore conferred and imposed upon the board of cattle commissioners: *provided*, that no orders or regulations made by him under authority of sections four and seven of chapter ninety of the Revised Laws shall take effect until approved by the governor and council. His appointment shall be confirmed by the executive council. He shall make a written report on or before the tenth days of January and July in each year to the state board of agriculture, and the board shall include an abstract of his reports in its annual report to the general court. He shall receive an annual salary of eighteen hundred dollars and the amount of his necessary expenses, and may appoint a clerk at a salary of twelve hundred dollars a year.

Proviso.

R. L. 89, § 1, amended.

SECTION 4. Section one of chapter eighty-nine of the Revised Laws is hereby amended by inserting after the word "agriculture", in the third line, the words: — the chief of the cattle bureau of the state board of agriculture, — so as to read as follows: — *Section 1.* The governor and lieutenant governor, ex officio, the secretary of the Commonwealth, the president of the agricultural college, the secretary of the state board of agriculture, the chief of the cattle bureau of the state board of agriculture, one person appointed from and by the Massachusetts society for promoting agriculture, one person appointed from and by each agricultural society

State board of agriculture, how constituted.

which receives an annual bounty from the Commonwealth, and three other persons appointed by the governor, with the advice and consent of the council, shall constitute the state board of agriculture.

SECTION 5. So much of section three of this act as authorizes the appointment of said chief of the cattle bureau shall take effect thirty days after the passage of this act, and the remainder of the act shall take effect as soon as the said chief has been appointed and qualified.

When to take effect.

Approved February 25, 1902.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND ONE. Chap. 117

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 expenses in excess of the appropriations therefor in the year nineteen hundred and one, to wit: — Appropriations.

For the compensation of officers and men of the volunteer militia, the sum of seven thousand nine hundred ninety-six dollars and sixty-four cents. Militia compensation.

For expenses in connection with the state armories, the sum of three thousand six hundred thirty-four dollars and twelve cents. State armories.

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

Approved February 25, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE REFORMATORY PRISON FOR WOMEN. Chap. 118

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit: — Appropriations.

For salaries, wages and labor at the reformatory prison for women, a sum not exceeding twenty-five thousand dollars. Reformatory prison for women.

For other current expenses at the reformatory prison for women, a sum not exceeding thirty-two thousand dollars. Expenses.

Sewage disposal.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at the reformatory prison for women, the sum of six hundred dollars.

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

Approved February 25, 1902.

*Chap.*119 AN ACT TO AUTHORIZE THE TOWN OF ESSEX TO RECONSTRUCT THE BRIDGE OVER ESSEX RIVER IN THE VILLAGE OF ESSEX.

Be it enacted, etc., as follows:

Bridge over Essex river in Essex may be reconstructed.

SECTION 1. The town of Essex is hereby authorized to reconstruct the bridge over Essex river in the village of Essex, without a draw therein, and of such dimensions and in such manner as the selectmen may deem public necessity and convenience to require, subject to the provisions of chapter ninety-six of the Revised Laws.

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

Approved February 25, 1902.

*Chap.*120 AN ACT RELATIVE TO PRIVATE CONTRIBUTIONS FOR THE LOWELL TEXTILE SCHOOL.

Be it enacted, etc., as follows:

Private contributions for the Lowell Textile School.

SECTION 1. The limitation of three hundred thousand dollars in value of real and personal property which the trustees of the Lowell Textile School are authorized to hold under section one of chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-five shall not apply to contributions for that school from private sources.

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

Approved February 25, 1902.

*Chap.*121 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND ONE.

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 certain expenses in excess of the appropriations therefor in the year nineteen hundred and one, to wit: —

For the education of deaf pupils of the Commonwealth in the schools designated by law, the sum of seven thousand nine hundred nine dollars and fifty-five cents. Education of deaf pupils.

For current expenses at the state farm, the sum of three thousand two hundred fifty-four dollars and eighteen cents. State farm.

For contingent expenses in the office of the chief of the district police, the sum of one hundred twenty-five dollars and ninety-nine cents. Office of chief of district police, expenses.

For travelling expenses of the trustees of the Massachusetts Agricultural College, the sum of one hundred fifty-six dollars and thirty-four cents. Trustees of Massachusetts Agricultural College.

For expenses of the railroad inspectors, the sum of one hundred dollars and forty-eight cents. Railroad inspectors, expenses.

For expenses in connection with boarding out younger girls from the state industrial school for girls, the sum of ninety-eight dollars and forty-one cents. Boarding out younger girls from state industrial school.

For the support of state paupers at the Massachusetts School for the Feeble-minded, the sum of eight hundred eighteen dollars and seventy-three cents. Massachusetts School for the Feeble-minded.

For expenses in preventing the adulteration of food and drugs, the sum of one hundred seven dollars and sixty-eight cents. Preventing adulteration of food and drugs, expenses.

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

Approved February 25, 1902.

AN ACT TO AUTHORIZE THE TOWN OF HAMILTON TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER. Chap. 122

Be it enacted, etc., as follows:

SECTION 1. The town of Hamilton 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 Hamilton may supply itself with water, etc.

SECTION 2. Said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of any streams, ponds or springs, wholly within the limits of said town, and the water rights connected therewith, within said limits, and may take from the Chebacco lakes in the towns of Essex and Hamilton so much of the waters thereof as it may desire, and may also obtain and take May take certain waters, lands, etc.

water by means of bored, driven, artesian or other wells, on any land within said town of Hamilton: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the recommendation and advice of the state board of health. Said town of Hamilton may hold and convey said water through said town, and may take and hold, by purchase or otherwise, all lands, rights of way and easements, within said towns of Hamilton and Essex, necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town of Hamilton; and may erect on the lands thus taken, purchased or held, proper dams, reservoirs, 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 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 may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all land taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town. Said town shall not enter upon, construct or lay any conduits, pipes or other works, within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

Proviso.

May erect structures, lay pipes, etc.

Title to land to vest in town, etc.

Description of lands, etc., to be recorded.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Essex 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.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, right of way, water, water sources, water rights 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 making application at any time within the period of two 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 two years. No application for the assessment of damages shall be made for the taking of any water, water right or for any injury thereto until the water is actually withdrawn or diverted by said town under the authority of this act.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the said town may tender to the petitioner or his attorney any sum or may bring the same into court to be paid to the petitioner for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed, and if the petitioner does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue: and the petitioner, if he recovers damages, shall be allowed his costs only to the date of such offer or tender.

SECTION 6. 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 or scrip shall bear on their face the words, Town of Hamilton Water Loan, and shall be payable at the ex-

Damages.

Town may tender any sum for damages, etc.

Town of Hamilton Water Loan.

piration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. 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 such loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Proviso.

Sinking fund.

May provide for annual payments on loan.

SECTION 7. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act: and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

Town to raise a certain sum by taxation annually.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the notes, bonds and scrip issued as aforesaid by said town, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Penalty for corruption of waters, etc.

SECTION 9. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held by said town pursuant to the provisions of this act, or destroys 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 any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

SECTION 10. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable in case of non-payment by the occupant, for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Hamilton.

Liability for payment of rent for use of water.

SECTION 11. Said town shall after the acceptance of this act, at a legal meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners, and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All the authority granted to the 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 unexpired term by said town at any legal meeting held for the purpose.

Water commissioners, election, terms, etc.

Vacancy.

SECTION 12. Said commissioners shall fix such prices or rents for the use of water as shall produce annually as near as may be a net surplus over operating expenses and interest charges equal to two per cent of the total amount of the bonds, notes or scrip issued under this act, after paying all current expenses of operating the water works and interest upon loans, and after payment of all expenses for new construction, not exceeding two thousand dollars in any one year after the original construction. The sinking fund shall be set apart for the payment and redemption of said water loan, and shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. The net surplus aforesaid

Payment of loan, etc.

shall be paid into the sinking fund if any is established hereunder, and if said surplus does not equal two per cent of the total amount of the bonds, notes and scrip issued under this act the town shall raise by general taxation a sum which with the surplus will equal said two per cent, and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the town may require, render an account of their doings in relation to the sinking fund, and shall be governed by the provisions of section fifteen of chapter twenty-seven of the Revised Laws, except as herein otherwise provided.

Commissioners to render an account of their doings in relation to the sinking fund, etc.

Rights of city of Gloucester and certain towns not affected.

SECTION 13. Nothing in this act shall be construed to prevent the towns of Essex and Wenham and the city of Gloucester from supplying themselves with water from the Chebacco lakes for the extinguishment of fires and for domestic and other purposes, or to prevent the town of Manchester from so supplying itself from Gravel pond, so-called.

When to take effect.

SECTION 14. This act shall take full effect upon its acceptance by a majority of the legal voters of the town of Hamilton present and voting thereon at a legal town meeting called for the purpose within three years from its passage; but the number of meetings so called in any one year shall not exceed three; and for the purpose of being submitted to the voters as aforesaid this act shall take effect upon its passage.

Approved February 26, 1902..

Chap. 123

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO PAY A SUM OF MONEY TO THE WIDOW OF JAMES BIRD.

Be it enacted, etc., as follows:

County of Berkshire may pay a sum of money to widow of James Bird.

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to pay to the widow of James Bird late clerk of the district court of southern Berkshire, who died on the seventeenth day of May in the year nineteen hundred and one, the sum of four hundred thirty-three dollars and sixty cents, being the amount which he would have been entitled to receive if he had lived and continued to serve as such clerk until the end of the said year.

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

Approved February 26, 1902.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE TOWN OF MEDWAY MAY BEGIN WORK ON ITS WATER SYSTEM. *Chap.124*

Be it enacted, etc., as follows:

Section ten of chapter two hundred and five of the acts of the year eighteen hundred and ninety-nine is hereby amended by striking out the word "three", in the fifth line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 10.* This act shall take effect upon its passage, but shall become void unless said town shall by a two thirds vote of the voters present and voting thereon at a legal meeting called for the purpose accept this act and begin work thereunder within five years from the date of its passage.

1899, 205, § 10, amended.

Time extended.

Approved February 26, 1902.

AN ACT TO AUTHORIZE THE COUNTY OF BERKSHIRE TO PAY A SUM OF MONEY TO MARY A. FULLER. *Chap.125*

Be it enacted, etc., as follows:

SECTION 1. The county of Berkshire is hereby authorized to pay to Mary A. Fuller, widow of James W. Fuller late a shop officer at the house of correction in Pittsfield in said county, who died on the twenty-fourth day of July in the year nineteen hundred and one from injuries received at the hands of a prisoner, or to pay to her legal representative, the sum of three hundred and twenty-five dollars, being the amount to which he would have been entitled had he lived and served as such officer until the first day of January in the year nineteen hundred and two.

County of Berkshire may pay a sum of money to widow of James W. Fuller.

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

Approved February 26, 1902.

AN ACT TO AUTHORIZE THE COUNTY OF NORFOLK TO PAY A CERTAIN SUM OF MONEY TO THE WIDOW OF JAMES HUMPHREY. *Chap.126*

Be it enacted, etc., as follows:

SECTION 1. The county of Norfolk is hereby authorized to pay to the widow of James Humphrey late justice of the district court of east Norfolk, who died on the sixteenth day of July in the year nineteen hundred and one, the sum of six hundred seventy-nine dollars and seventeen cents, being the amount he would have been entitled to

County of Norfolk may pay a sum of money to widow of James Humphrey.

receive had he lived until the thirty-first day of December in the year nineteen hundred and one.

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

Approved February 26, 1902.

*Chap.*127 AN ACT TO PROHIBIT HOLDING INSECTIVOROUS AND SONG BIRDS IN CAPTIVITY.

Be it enacted, etc., as follows:

Penalty for capturing, etc., certain birds.

SECTION 1. Whoever captures or has in possession a wild or undomesticated bird not named in sections two, three, four or five of chapter ninety-two of the Revised Laws, except English sparrows, crow blackbirds, crows, jays, birds of prey, wild geese and fresh water and sea fowl not named in said sections, and birds which are not found wild within the Commonwealth of Massachusetts, shall be punished by a fine of ten dollars, but this act shall not apply to birds held in captivity before this act takes effect.

Possession to be prima facie evidence of capture, etc.

SECTION 2. Possession of the wild or undomesticated birds specified in this act shall be prima facie evidence that they have been captured and are held in possession contrary to law.

Approved February 26, 1902.

*Chap.*128 AN ACT RELATIVE TO THE ELECTION OF ALDERMEN IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

1894, 475, § 2, amended.

SECTION 1. Section two of chapter four hundred and seventy-five of the acts of the year eighteen hundred and ninety-four is hereby amended by striking out in the eighteenth, nineteenth, twentieth and twenty-first lines, the words "at large by and from the qualified voters of the entire city, but no voter shall vote for more than six of the nine aldermen on one ballot, and the nine having the highest number of votes shall be declared elected", and inserting in place thereof the words: — one alderman by and from the qualified voters of each ward and one alderman by and from the qualified voters of the whole city.

Question of acceptance to be submitted to voters, etc.

SECTION 2. This act shall be submitted to the voters of the city of Worcester who shall vote "Yes", or "No", upon the question of its acceptance, at the municipal election in December next, and it shall take effect upon its

acceptance by the affirmative votes of a majority of the voters voting at said election. The vote shall be taken by ballot in answer to the following question:— Shall the act to discontinue the present method of electing aldermen in the city of Worcester and to provide for the election of one alderman from and by each ward and one alderman-at-large be accepted?

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed. *Approved February 26, 1902.* Repeal.

AN ACT TO AUTHORIZE THE TOWN OF ASHFIELD TO SUPPLY ITSELF WITH WATER. Chap. 129

Be it enacted, etc., as follows:

SECTION 1. The town of Ashfield may supply itself and its inhabitants with water for the extinguishment of fires and for domestic 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 therefor: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the advice and approval of the state board of health. Town of Ashfield may supply itself with water, etc.

SECTION 2. Said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Taylor brook in said Ashfield and all the waters which flow into or from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding and storing such water and for conveying the same to any part of the said town, and for constructing and maintaining ponds; and may erect on the land so acquired, 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 conduits, pipes and other works, under and over any land, 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 town may dig up such lands, and, under the direction Proviso.
May take certain waters, lands, etc.
May erect structures, lay pipes, etc.

of the selectmen of the towns in which any such ways are situated, may enter upon and dig up such ways in such manner as will cause the least hindrance to public travel.

Description of
lands, etc., to
be recorded.

SECTION 3. Said town shall within ninety days after the taking of any land, 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 in which such lands or other property are situated, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken and the damages awarded therefor to any person or corporation, signed by the water commissioners hereinafter provided for.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by the town under authority of this act. Any corporation or person sustaining damages as aforesaid, who fails to agree with the town as to the amount of damages sustained, or who is aggrieved by the doings of the commissioners hereinafter mentioned, may have the damages assessed and determined in the manner provided by law when land is taken for highways, on application at any time within three years after the taking of such land or other property or the doing of other injury under 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 or water rights, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act.

Ashfield Water
Loan.

SECTION 5. 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 ten thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Ashfield Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, or pledge

the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. The town shall pay the interest on the loan as it accrues, and shall provide at the time of contracting the 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 the loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund, etc.

SECTION 6. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of the town in each year thereafter until the debt incurred by the town shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

May provide for annual payments on loan.

SECTION 7. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by the 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.

Town to raise a certain sum by taxation annually.

SECTION 8. Said town may contract with any person or corporation, and may purchase any interest in any property which may be deemed necessary to carry out the provisions of this act, and may hold such interest and property.

May purchase interest in certain property, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or injures any water, structure, works or other property owned, held or used by the town under the authority 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 whoever is convicted of any of the said wilful or wanton acts shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment.

Penalty for corruption of water, etc.

Water commis-
sioners, elec-
tion, terms, etc.

SECTION 10. Said town shall after its acceptance of this act, at any legal meeting called for the purpose, elect by ballot three persons, legal voters of the town, to be a board of water commissioners, to serve, one for three years, one for two years and one for one year from the first day of May then next ensuing, and also from the time of their election to the first day of said May; and thereafter the town shall elect at each annual town meeting one person to serve on said board for the term of three years. Before entering upon their duties said commissioners shall be sworn to the faithful performance thereof. The commissioners shall serve until their successors are elected and qualified. 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 the town may from time to time impose by its vote, within the scope of its authority. Any vacancy occurring in said board from any cause may be filled temporarily by a majority vote of the selectmen of the town. The person so appointed shall hold office until the town fills the vacancy by ballot in the usual manner, which it may do at any annual town meeting, or at any special town meeting duly called for the purpose. A majority of the commissioners shall constitute a quorum for the transaction of business.

Vacancy, etc.

Quorum.

Contracts, etc.

SECTION 11. Said commissioners shall have charge of the system of water works in the town and all matters pertaining thereto; but no contract requiring the payment of money shall be made by them until the money therefor has been provided by the town or otherwise. The lawful contracts of the commissioners shall be the contracts of the town.

When to take
effect.

SECTION 12. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon by ballot, as provided by law, at a legal town meeting called for the purpose within five years after its passage; but the number of meetings so called in any one year shall not exceed three.

Approved February 27, 1902.

AN ACT TO AUTHORIZE THE CITY OF NORTHAMPTON TO REFUND CERTAIN DEBTS. *Chap.130*

Be it enacted, etc., as follows:

SECTION 1. The city of Northampton, for the purpose of refunding that part of its indebtedness at present existing as the sewer loan, may issue bonds to an amount not exceeding one hundred and fifty thousand dollars, payable not more than twenty years from the dates of issue. Such bonds shall be issued in accordance with and be deemed to constitute a part of the loan authorized by the provisions of chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-eight and acts in amendment thereof and in addition thereto. The proceeds shall be used to refund said indebtedness, but no purchaser shall be responsible for the application thereof.

City of Northampton may refund indebtedness existing as the sewer loan.

SECTION 2. The city of Northampton, for the purpose of refunding that part of its indebtedness now existing as the Massachusetts Central Railroad Bonds, may issue bonds to an amount not exceeding twenty-five thousand dollars, payable not more than ten years from the dates of issue. Such bonds shall be issued in accordance with and be deemed to constitute a part of the loan authorized by the provisions of chapter two hundred and sixty of the acts of the year eighteen hundred and sixty-nine and acts in amendment thereof and in addition thereto. The proceeds shall be used to refund said indebtedness, but no purchaser shall be responsible for the application thereof.

May refund indebtedness existing as the Massachusetts Central Railroad Bonds.

SECTION 3. The provisions of chapter twenty-seven of the Revised Laws, so far as they may be applicable and except as otherwise provided herein, shall apply to the indebtedness authorized hereby and to the securities issued hereunder.

R. L. 27 to apply.

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

Approved February 27, 1902.

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO SUPPLY THE INHABITANTS OF THE TOWN OF NEWBURY WITH WATER. *Chap.131*

Be it enacted, etc., as follows:

SECTION 1. The city of Newburyport may supply the inhabitants of the town of Newbury with water for the ex-

City of Newburyport may supply town of

Newbury with
water, etc.

tinguishment of fires and for domestic and other purposes, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, and public or private ways, and along any such ways within the town of Newbury 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 proper purposes of this act, the city of Newburyport may enter upon, dig up, raise and embank any such lands and ways: *provided, however,* that the said city shall not enter upon and dig up, raise or embank any public ways in the town of Newbury except with the consent of the selectmen of the town, and the city of Newburyport shall restore to the satisfaction of the selectmen of the town the public ways dug up or otherwise disturbed in said town, and shall pay all damages sustained by any person in consequence of any act or neglect upon the part of the city of Newburyport, its agents or employees, in digging up or otherwise disturbing any lands or public or private ways within the town of Newbury; and *provided, further,* that said city shall not enter upon, construct or lay conduits, pipes or other works, within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

Provisos.

May distribute
water through
Newbury, etc.

SECTION 2. The city of Newburyport may distribute water through the town of Newbury or any part thereof, may regulate the use of such water and fix and collect rates for the use of the same; and the town of Newbury or any fire district now or hereafter established therein, or any individual or corporation, may make such contract with the city of Newburyport for the extinguishment of fires and for other purposes as may be agreed upon between said town, fire district, individual or corporation, and the city of Newburyport, and may establish and maintain fountains and hydrants and relocate or discontinue the same.

Town may take
property, etc.,
at any time, etc.

SECTION 3. The town of Newbury shall have the right at any time to take, by purchase or otherwise, the property and all the rights and privileges of the city of Newburyport within the town of Newbury, on payment to said city of the actual cost of its works and property

of all kinds held under the provisions of this act. The city of Newburyport shall keep a separate account of the construction expenses of its plant within the town of Newbury, which account shall be open to the selectmen or any committee appointed for that purpose by the town. In case said town shall vote to purchase said property, rights and privileges, and cannot agree with the city of Newburyport upon the amount of the total actual cost thereof, then upon a suit in equity by either the city or the town the supreme judicial court shall ascertain and fix such total actual cost, in accordance with the foregoing provisions, and shall enforce the right of the town of Newbury to take possession of said property, rights and privileges, upon the payment of such cost to the city of Newburyport.

SECTION 4. This act shall take effect upon its passage, but shall become void unless the city of Newburyport shall begin to distribute water through its pipes to consumers in the town of Newbury within three years after the date of its passage.

When to take effect.

Approved February 27, 1902.

AN ACT TO AUTHORIZE THE SINKING FUND COMMISSIONERS OF THE TOWN OF SOUTH HADLEY TO MAKE A TRANSFER OF FUNDS.

Chap. 132

Be it enacted, etc., as follows:

SECTION 1. The sinking fund commissioners of the town of South Hadley are hereby authorized to transfer from a sinking fund known as the Town Debt Loan Sinking Fund, to such other existing sinking funds of the town as the town may at an annual or special meeting determine, such sum as may be in excess of the amount required to liquidate said Town Debt Loan, maturing on the fifteenth day of July in the year nineteen hundred and two, for the payment of which said sinking fund was established.

The sinking fund commissioners of South Hadley may make a transfer of funds.

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

Approved February 27, 1902.

AN ACT TO AUTHORIZE THE TOWNS OF MILLIS, WESTWOOD AND NORFOLK TO UNITE FOR THE EMPLOYMENT OF A SUPERINTENDENT OF SCHOOLS.

Chap. 133

Be it enacted, etc., as follows:

SECTION 1. The towns of Millis, Westwood and Norfolk shall have the same power to unite for the purpose

Certain towns may unite in the employ-

ment of a superintendent of schools.

of the employment of a superintendent of schools, and the same right to receive an allowance from the state treasury, under the provisions of section forty-three of chapter forty-two of the Revised Laws, which they would have if said towns contained twenty-five schools, and they shall be subject to the same duties and liabilities to which they would be subject if they contained twenty-five schools.

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

Approved February 27, 1902.

Chap.134 AN ACT RELATIVE TO THE POLICE DEPARTMENT OF THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

Certain powers, etc., relative to the police department of Springfield to be performed, etc., by the city council.

SECTION 1. The powers and duties conferred and imposed by chapter ninety-four of the acts of the year eighteen hundred and fifty-two upon the mayor and aldermen of the city of Springfield in relation to the establishment and maintenance of a police department, the appointment of a constable, or a city marshal and assistants, and all other police officers, may be exercised and performed by the city council, in such manner as it may from time to time prescribe, and wholly or in part through the agency of any persons acting as a board whom it may from time to time designate, and with such limitations of power as it may by ordinance determine.

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

Approved February 27, 1902.

Chap.135 AN ACT TO AUTHORIZE THE CITY OF CHICOPEE TO REFUND A PART OF ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

City of Chicopee may issue bonds, notes or scrip, etc.

SECTION 1. The city of Chicopee is hereby authorized to extend, renew or refund a part of its existing indebtedness, and for that purpose may issue bonds, notes or scrip to an amount not exceeding eighty-one thousand dollars, payable within a period not exceeding thirty years from the date of issue, and bearing interest payable semi-annually at a rate not exceeding four per cent per annum. Such bonds, notes or scrip may be sold at public or private sale, and the proceeds thereof shall be used to discharge an equal amount of the present indebt-

edness of the city. The provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness authorized hereby and to the securities issued therefor, and the bonds, notes or scrip issued under authority of this act shall not exceed the limit of municipal indebtedness fixed by law.

R. L. 27 to apply.

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

Approved February 27, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME.

Chap. 136

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

Appropriations.

For the compensation of the commissioners on fisheries and game, a sum not exceeding four thousand nine hundred and thirty dollars.

Commissioners on fisheries and game.

For travelling and other necessary expenses of the said commissioners, a sum not exceeding fifteen hundred and fifty dollars.

Expenses.

For clerical services in the office of the said commissioners, a sum not exceeding seven hundred and eighty dollars.

Clerical services.

For the enforcement of laws relating to fisheries and game and the propagation and distribution of fish, birds and other animals, and for running expenses, rent, purchase of land and maintenance of hatcheries, a sum not exceeding sixteen thousand seven hundred and five dollars.

Enforcement of laws, propagation of fish, etc.

For stocking great ponds with food fish, a sum not exceeding five hundred dollars.

Stocking great ponds.

For stocking brooks with food fish, a sum not exceeding three hundred dollars.

Stocking brooks.

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

Approved February 27, 1902.

Chap.137 AN ACT TO ESTABLISH THE OPEN SEASON FOR TROUT, LAND LOCKED SALMON AND LAKE TROUT IN THE COUNTIES OF BERKSHIRE, FRANKLIN, HAMPDEN AND HAMPSHIRE.

Be it enacted, etc., as follows:

R. L. 91, § 63,
amended.

Section sixty-three of chapter ninety-one of the Revised Laws is hereby amended by striking out the words "first day of August", in the fifth and sixth lines, and inserting in place thereof the words:—fifteenth day of July,— and by striking out the word "first", in the sixth line, and inserting in place thereof the word:—fifteenth,— so as to read as follows:—*Section 63.* Whoever, except as provided in section sixty-six, sells or offers or exposes for sale, or has in his possession, a trout, land locked salmon or lake trout, except alive, between the first day of September and the first day of April, or in the counties of Berkshire, Franklin, Hampden and Hampshire, between the fifteenth day of July and the fifteenth day of April, shall forfeit not less than ten nor more than twenty-five dollars for each offence; and the possession of any such fish between said dates shall be prima facie evidence to convict.

Close season for
trout, etc.

Approved February 27, 1902.

Chap.138 AN ACT TO TRANSFER THE POWERS AND DUTIES OF THE INSPECTOR GENERAL OF FISH TO THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME.

Be it enacted, etc., as follows:

Office of inspec-
tor general of
fish abolished.

SECTION 1. The office of inspector general of fish is hereby abolished.

Powers, etc.,
conferred, etc.,
upon commis-
sioners on
fisheries and
game.

SECTION 2. The powers and duties heretofore conferred and imposed upon the inspector general of fish are hereby conferred and imposed upon the board of commissioners on fisheries and game.

Inspectors of
fish, appoint-
ment, etc.

SECTION 3. Said board may appoint in every town in which fish is packed for export, inspectors of fish, who shall be sworn before them or before a justice of the peace, and shall give bond to them with sufficient sureties, and be removable at the discretion of said board. Each inspector shall once in six months make the returns to said board necessary to carry into effect the provisions of chapter fifty-six of the Revised Laws.

SECTION 4. The inspectors of fish shall have the powers and perform the duties heretofore conferred and imposed upon the deputy inspectors of fish, but shall pay to the commissioners on fisheries and game the proportion of fees formerly paid to the inspector general of fish. Said commissioners shall pay the fees received from the inspectors into the treasury of the Commonwealth on the first Monday of January and the first Monday of July in each year, and shall include a brief statement of the work of fish inspection, and of the fees received therefor, in their annual report.

Powers and duties.

SECTION 5. Sections three and four of chapter fifty-six of the Revised Laws are hereby repealed.

Repeat.

Approved February 27, 1902.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE TOWN OF HOLDEN MAY ACCEPT AN ACT PROVIDING FOR SUPPLYING THE TOWN WITH WATER.

Chap.139

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter one hundred and eighty of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the word "three", in the fourth line, and inserting in place thereof the word:—six,—so as to read as follows:—*Section 10.* This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting held for the purpose within six years from its passage; but the number of meetings so called in any one year shall not exceed four.

1896, 180, § 10, amended.

When to take effect.

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

Approved March 4, 1902.

AN ACT RELATIVE TO THE SALISBURY AND AMESBURY MUTUAL FIRE INSURANCE COMPANY.

Chap.140

Be it enacted, etc., as follows:

SECTION 1. The Salisbury and Amesbury Mutual Fire Insurance Company is hereby authorized to hold its annual meetings and have its principal office in such city or town in this Commonwealth as its by-laws shall designate. A copy of any amendment to its by-laws changing the place for holding its annual meetings or the location of its principal office shall be sent to each member of the company

Place of holding annual meetings, etc., of the Salisbury and Amesbury Mutual Fire Insurance Company.

in suitable form to be attached to his policy and shall also be sent to the insurance commissioner within fifteen days of the time when such amendment goes into effect.

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

Approved March 4, 1902.

*Chap.*141 AN ACT TO CONFIRM A CERTAIN AGREEMENT BETWEEN THE CITY OF BOSTON AND THE BOSTON TERMINAL COMPANY RELATING TO THE CONSTRUCTION OF COVE STREET BRIDGE.

Be it enacted, etc., as follows:

Certain agreement between the city of Boston and the Boston Terminal Company confirmed.

SECTION 1. The agreement signed by the mayor of the city of Boston, assuming to act for that city, and by the vice chairman of the Boston Terminal Company on behalf of the trustees of that company, relating to the construction of Cove Street bridge, so-called, over the lands of said company, and dated January thirty-first, nineteen hundred and two, is hereby ratified and confirmed as a contract between the city of Boston and the said terminal company; and the city and company may do the things therein agreed upon and as therein specified.

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

Approved March 4, 1902.

*Chap.*142 AN ACT TO TRANSFER THE POWERS AND DUTIES OF THE STATE FIRE MARSHAL TO THE MASSACHUSETTS DISTRICT POLICE.

Be it enacted, etc., as follows:

Office of state fire marshal, etc., abolished.

Fire marshal's department of the district police created.

SECTION 1. The office of state fire marshal and all offices thereunder are hereby abolished.

SECTION 2. A new department of the district police is hereby created, with the powers and duties heretofore conferred and imposed upon the state fire marshal, his deputy, clerk, assistants and aids. Said department shall be called the fire marshal's department, and there shall be assigned to it the following officers, who shall be appointed by the governor, each to hold office for the term of three years from the date of his appointment:— A deputy chief, who shall have all the powers and duties heretofore conferred and imposed upon the state fire marshal, and shall have charge of the said department under the direction of the chief of the district police, at a salary of twenty-four hundred dollars a year; a chief aid, who shall have all the powers and duties heretofore

Officers, appointment, powers and duties.

conferred and imposed upon the deputy state fire marshal, at a salary of fifteen hundred dollars a year; and not more than six additional aids, each at a salary of one thousand dollars a year. The chief of the district police may appoint for service in said department a clerk and a stenographer, each at a salary of twelve hundred dollars a year. In the organization of the fire marshal's department any person now in the service of the state fire marshal may be appointed or employed without civil service examination. The chief of the district police may at his discretion exercise any of the powers and perform any of the duties of the deputy chief, and may at any time detail any of the members of the detective department of the district police for service in the fire marshal's department. The deputy chief shall submit the annual report of his official action to the chief of the district police, who shall transmit the same to the insurance commissioner.

Deputy chief to make report.

SECTION 3. So much of section two of this act as authorizes the appointment of the members of the said fire marshal's department of the district police shall take effect upon the first day of May in the year nineteen hundred and two, and the remainder of this act shall take effect as soon as the members of said department are appointed and qualified.

When to take effect.

Approved March 4, 1902.

AN ACT RELATIVE TO THE RECOVERY FOR INJURIES TO PROPERTY CAUSED BY THE REBUILDING OF BROADWAY BRIDGE IN THE CITY OF BOSTON.

Chap. 143

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and fifty-two of the acts of the year nineteen hundred is hereby amended by adding at the end thereof the words: — Any person injured in his property, whether as owner, lessee or mortgagee, by the change of grade of said Broadway bridge under authority of this act, may have his damages therefor determined by a jury and paid by the city of Boston, under the same rules of law as damages for the change of grade of any highway in said city are determined, — so as to read as follows: — *Section 1.* The New England Railroad Company shall pay into the treasury of the city of Boston the amount of money which it would have been obliged to pay for raising Broadway

1900, 452, § 1, amended.

Broadway bridge in the city of Boston to be rebuilt, etc.

bridge, so-called, and the approaches thereto in said city, in the manner recently authorized by the board of aldermen of the city on the petition of said company, and on such payment the city engineer of the city shall rebuild said Broadway bridge and the approaches thereto at grades no lower than those to which the bridge was so authorized to be raised, and according to plans approved by the mayor of the city. Any person injured in his property, whether as owner, lessee or mortgagee, by the change of grade of said Broadway bridge under authority of this act, may have his damages therefor determined by a jury and paid by the city of Boston, under the same rules of law as damages for the change of grade of any highway in said city are determined.

Damages.

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

Approved March 4, 1902.

Chap. 144 AN ACT TO AUTHORIZE THE TOWN OF WELLESLEY TO ELECT A BOARD OF WATER AND MUNICIPAL LIGHT COMMISSIONERS.

Be it enacted, etc., as follows:

Town of Wellesley to elect a board of water and municipal light commissioners, etc.

SECTION 1. The town of Wellesley shall, within one year after this act takes effect, elect by ballot a board of water and municipal light commissioners, to consist of three persons, who shall hold office from their election for terms ending one year, two years and three years, respectively, from the date of the meeting at which they are elected, if the same is an annual meeting, or, if the same is a special meeting, for terms ending one year, two years and three years, respectively, from the date of the annual meeting next following their election, and, in either case, until their successors are elected; and at each annual town meeting thereafter said town shall elect one member of said board to serve for three years or until his successor is elected. If a vacancy shall occur in said board said town may at any meeting called for the purpose elect a person to fill said vacancy.

Vacancy.

Board of water commissioners to be abolished, etc.

SECTION 2. Upon and by the election of a board of water and municipal light commissioners under section one of this act the board of water commissioners established under chapter one hundred and sixty-six of the acts of the year eighteen hundred and eighty-three shall be abolished, and the selectmen of said town shall cease to exercise such powers and to be subject to such duties,

liabilities and penalties as at the time of such election are conferred or imposed by general laws upon municipal light boards, and thereupon all the powers, rights, duties and liabilities of said board of water commissioners shall be transferred to said board of water and municipal light commissioners. Said board of water and municipal light commissioners shall also have all the powers and be subject to all the duties, liabilities and penalties which at the time of such election are or thereafter may be conferred or imposed by general laws upon municipal light boards. No contracts, rights, liabilities or suits existing at the time of such election shall be affected in any way, but said board of water and municipal light commissioners shall, in all respects and for all purposes whatsoever, be the lawful successor of said board of water commissioners and of said selectmen acting as aforesaid, respectively.

Powers and duties, etc., of board of water and municipal light commissioners.

SECTION 3. This act shall take effect upon its acceptance by said town at a legal meeting called for that purpose.

When to take effect.

Approved March 4, 1902.

AN ACT TO AMEND THE CHARTER OF THE SCITUATE WATER COMPANY AND TO AUTHORIZE SAID COMPANY TO ACQUIRE ADDITIONAL WATER SUPPLY.

Chap. 145

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and ninety-one of the acts of the year eighteen hundred and ninety-three is hereby amended by inserting after the word "brook", in the third line, the words:— and any other body or bodies of water,—by striking out the words "on the southerly side of Willow street and easterly of the tracks of the Old Colony Railroad Company", in the seventh, eighth and ninth lines, by striking out the word "and", in the thirteenth line, and inserting in place thereof the words:—*provided*, that no source of water supply for domestic purposes, and no lands necessary for preserving the quality of such water, shall be taken without first obtaining the advice and approval of the state board of health. Said town may also,— and by adding at the end of said section the following words:—The company shall not have the right however, except by agreement with the owner thereof, to take Beaver Dam spring, so-called, or any land now belonging to Albert and Fannie M. Clapp on the westerly

1893, 391, § 2, amended.

side of the track of the New York, New Haven and Hartford Railroad Company, nor any of the adjoining land now owned by said Clapps lying on the northerly side of Willow street and between said track and Satuit brook, so-called, and situated at a distance of more than two hundred feet westerly from said brook, — so as to read as follows: — *Section 2.* Said corporation, for the purposes aforesaid, may lease, take, acquire by purchase or otherwise, and hold the waters of Satuit brook and any other body or bodies of water within the limits of said town of Scituate, and all water rights connected therewith, and obtain and take water by means of bored, driven, artesian or other wells, on land within the limits of said town of Scituate, and hold them and convey said waters through said town; and may also take and hold, by lease or otherwise, all lands, rights of way and easements necessary for holding and preserving such water and conveying the same to any part of said town: *provided*, that no source of water supply for domestic purposes, and no lands necessary for preserving the quality of such water, shall be taken without first obtaining the advice and approval of the state board of health. Said town may also erect on the land thus taken or held proper dams, fixtures or 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, over and under any lands, water courses, railroads, highways, town ways, public or private ways of any nature, kind or description, and along such ways, and in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing said 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 said town of Scituate, enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The right hereinbefore granted to dig up said lands and ways, to lease, take, acquire and hold waters and convey them through said town for the purpose of the establishment and maintenance of complete and effective water works, shall apply equally to waters now owned

Scituate Water Company may take certain waters, lands etc.

Provided.

May erect structures, lay down conduits, pipes, etc.

by said persons named in section one of this act, or any of them, and to structures, dams, conduits and other appurtenances to complete and effective water works, now owned and laid by them or either of them. The company shall not have the right however, except by agreement with the owner thereof, to take Beaver Dam spring, so-called, or any land now belonging to Albert and Fannie M. Clapp on the westerly side of the track of the New York, New Haven and Hartford Railroad Company, nor any of the adjoining land now owned by said Clapps lying on the northerly side of Willow street and between said track and Satuit brook, so-called, and situated at a distance of more than two hundred feet westerly from said brook.

Not to take certain land, etc., except by agreement.

SECTION 2. Section four of said chapter three hundred and ninety-one is hereby amended by striking out the last sentence thereof.

1893, 391, § 4, amended.

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

Approved March 4, 1902.

AN ACT TO INCORPORATE THE SYMMES ARLINGTON HOSPITAL.

Chap. 146

Be it enacted, etc., as follows:

SECTION 1. George Y. Wellington, William N. Winn, Charles A. Dennett, Henry Hornblower, William H. H. Tuttle and Omar W. Whittemore, all of Arlington, the trustees named in the last will of Stephen Symmes late of Arlington, and their associates and successors, are hereby made a corporation by the name of the Symmes Arlington Hospital, for the purpose of establishing and maintaining in the town of Arlington a hospital and a training school for nurses, or in lieu thereof a home for aged indigent married couples and women, under and in accordance with the terms and provisions of said will, and of otherwise executing and carrying out the trusts and purposes of said will; and said corporation shall have and exercise all the rights, powers, privileges and authority given to or vested in said trustees by said will, and shall also have and exercise all the powers and privileges and be subject to all the duties, restrictions and liabilities contained in all general laws now or hereafter in force relating to such corporations.

Symmes Arlington Hospital incorporated, etc.

SECTION 2. The corporation shall consist of the aforesaid incorporators and such other persons as may at any

Membership.

legal meeting of the corporation be elected members thereof by ballot.

Gifts, bequests,
etc.

SECTION 3. Said corporation shall have authority to receive all the real and personal estate given, bequeathed and devised by said will to the trustees therein named, and also to receive and acquire other real and personal estate by grant, devise, bequest, gift or subscription, to an amount not exceeding in the whole two hundred thousand dollars, and to hold, use and expend the same under the trusts and for the purposes and objects set forth in said will.

Officers, ap-
pointment, etc.

SECTION 4. Said corporation shall have full power to elect or appoint such officers as from time to time it may deem necessary or expedient: to fix and establish all needful regulations, and all rates and charges for patients at the hospital, and for membership in said home; and generally to do all acts and things necessary or expedient to be done to carry out the provisions and objects of said will and of this act.

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

Approved March 4, 1902.

Chap. 147

AN ACT TO INCORPORATE THE JAMAICA SAVINGS BANK.

Be it enacted, etc., as follows:

Jamaica Sav-
ings Bank
incorporated.

SECTION 1. Thomas L. Livermore, Thomas G. Plant, Rudolph F. Haffenreffer, Arthur A. Maxwell, John J. Cantwell, Michael J. Murray, William M. Clark, J. Albert Brackett, Gustave Magnitzky, Andrew J. Peters, Joseph B. Gould, John Duff, John Roessle and Thomas D. Roberts, their associates and successors, are hereby made a corporation by the name of the Jamaica Savings Bank, with authority to establish and maintain a savings bank in that part of the city of Boston which was formerly Roxbury, or in that part which was formerly West Roxbury, and on Columbus avenue, or on Washington street south of its junction with said avenue as now laid out, or at some point westerly of the above locations; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to savings banks and institutions for savings.

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

Approved March 4, 1902.

AN ACT TO AUTHORIZE THE BOSTON FIVE CENTS SAVINGS BANK
TO HOLD ADDITIONAL REAL ESTATE. *Chap.148*

Be it enacted, etc., as follows :

SECTION 1. The Boston Five Cents Savings Bank, incorporated by chapter two hundred and thirty-two of the acts of the year eighteen hundred and fifty-four, is authorized to purchase and hold real estate in the city of Boston, not exceeding nine hundred thousand dollars in value, for the purposes set forth in the eighth clause of section twenty-six of chapter one hundred and thirteen of the Revised Laws.

The Boston Five Cents Savings Bank may hold additional real estate.

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

Approved March 4, 1902.

AN ACT TO AUTHORIZE THE CITIES OF EVERETT AND MALDEN TO
MAKE CERTAIN SEWER ASSESSMENTS. *Chap.149*

Be it enacted, etc., as follows :

SECTION 1. Chapter four hundred and ninety-five of the acts of the year eighteen hundred and ninety-eight is hereby amended by striking out section two and inserting in place thereof the following new section:—

1898, 495, amended.

Section 2. Any estate in either of said cities which receives benefit by reason of sewer facilities furnished by virtue of a contract or contracts made under authority of this act, shall be subject to assessment therefor, such assessment to be levied and collected by the city in which the estate is situated, in the manner and to the extent now provided by law for the levy and collection of sewer assessments in that city.

Assessment of betterments.

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

Approved March 4, 1902.

AN ACT TO PROVIDE FOR WIDENING HYDE PARK AVENUE IN THE
CITY OF BOSTON. *Chap.150*

Be it enacted, etc., as follows :

SECTION 1. The board of street commissioners of the city of Boston may, in that part of Boston which was formerly the town of West Roxbury, widen Hyde Park avenue to a width not exceeding eighty-five feet, and may take therefor a strip of land from the burial ground situated on the westerly side of said avenue, near and

Hyde Park avenue in Boston may be widened, etc.

southerly from Walk Hill street; and the city of Boston, by the officer or board constructing said avenue, may, and at the request of parties interested shall, remove the remains of the dead, if any there be in the part so taken, to some other part of the said burial ground or to some other cemetery.

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

Approved March 5, 1902.

Chap.151

AN ACT RELATIVE TO THE LICENSING OF MONEY LENDERS IN THE CITY OF LOWELL.

Be it enacted, etc., as follows:

Board of police
to grant certain
licenses in
Lowell.

SECTION 1. Licenses to carry on the business of lending money on personal property, which licenses are granted under authority of section fifty-seven and the following sections of chapter one hundred and two of the Revised Laws, shall in the city of Lowell be granted only by the board of police of that city.

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

Approved March 5, 1902.

Chap.152

AN ACT TO AMEND THE CHARTER OF THE CITY OF EVERETT.

Be it enacted, etc., as follows:

City council
and board of
aldermen in
Everett, elec-
tion, terms, etc.

SECTION 1. Beginning with the next municipal year after the passage of this act the city council and the board of aldermen of the city of Everett shall be composed and elected as follows: — The board of aldermen shall be composed of seven members, one at large, and one from each ward. At the first municipal election held after the passage of this act, and in every alternate year thereafter, four aldermen shall be elected by the voters of the whole city, as follows: — One from the voters of ward one, one from the voters of ward four, one from the voters of ward five and one from the voters of ward six. The persons so elected shall hold office for the two municipal years next succeeding their election. At the second municipal election held after the passage of this act, and in every alternate year thereafter, two aldermen shall be elected by the voters of the whole city, as follows: — One from the voters of ward two and one from the voters of ward three. The persons so elected shall hold office for the two municipal years next succeeding their election. At

the second municipal election held after the passage of this act, and in every alternate year thereafter, one alderman at large shall be elected by and from the voters of the whole city, who shall hold office for the two municipal years next succeeding his election. Three members of the common council shall be elected annually by and from the voters of each ward, and the councilmen so elected shall hold office for the municipal year next succeeding their election.

SECTION 2. Section one of chapter three hundred and sixty-six of the acts of the year eighteen hundred and ninety-six, except as herein otherwise provided, is hereby repealed; but the aldermen and councilmen elected at the municipal election next prior to the passage of this act shall hold office until the expiration of the terms for which they were respectively elected.

1896, 366, § 1,
repealed, ex-
cept, etc.

SECTION 3. Section five of chapter three hundred and fifty-five of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out the words "twelve o'clock, noon", wherever they occur, and inserting in place thereof the words:— eight o'clock in the evening, — so as to read as follows:— *Section 5.* The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at eight o'clock in the evening on the first Monday of January, and continue until eight o'clock in the evening on the first Monday of the following January.

1892, 355, § 5,
amended.

Municipal elec-
tion and municip-
al year.

SECTION 4. Section eleven of said chapter three hundred and fifty-five is hereby amended by striking out the words "twelve o'clock, noon", in the third line, and inserting in place thereof the words:— eight o'clock in the evening, — so as to read as follows:— *Section 11.* The mayor elect and the members elect of the city council shall, on the first Monday in the January succeeding their election, at eight o'clock in the evening, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court of record, or by a justice of the peace, and the oath may be administered to the members of the city council by the mayor, or by the city clerk, or by a justice of the peace. In case of the absence of the mayor elect on the first Monday in January, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be adminis-

1892, 355, § 11,
amended.

Oath of office of
mayor and
members of
city council.

tered to him in the presence of the city council; and at any time after the first Monday in January the oath of office may be administered in the presence of either branch of the city council to a member of such branch who was absent on the first Monday in January or who shall be subsequently elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has been so taken by the members of that branch.

Question of acceptance to be submitted to voters.

SECTION 5. This act shall be submitted to the voters of the city of Everett, who shall vote "Yes", or "No", upon the question of the acceptance of the several sections, at the annual state election in the present year, and only such sections shall take effect as shall at such election be accepted by the affirmative votes of a majority of the voters voting thereon. The vote shall be taken by ballot, in answer to the following questions:— Shall section one of the act to amend the charter of the city of Everett, providing for a board of seven aldermen, one from each ward to be elected by the voters of the whole city, and one at large to be elected by the voters at large, be accepted?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

Shall section two of said act, making the municipal year begin at eight o'clock in the evening, instead of twelve o'clock, noon, on the first Monday of January, be accepted?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

Approved March 5, 1902.

Chap.153 AN ACT MAKING APPROPRIATIONS FOR SUNDRY EDUCATIONAL EXPENSES.

Be it enacted, etc., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, except as otherwise provided herein, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

State board of education, secretary.

For the salary and expenses of the secretary of the state board of education, forty-five hundred dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes.

- For clerical and messenger service for the state board of education, a sum not exceeding twenty-three hundred dollars. Clerical and messenger service.
- For salaries and expenses of agents of the state board of education, a sum not exceeding ten thousand dollars. Agents.
- For incidental and contingent expenses of the state board of education and of the secretary thereof, a sum not exceeding two thousand dollars. Expenses.
- For travelling and other expenses of the members of the state board of education, a sum not exceeding one thousand dollars. Expenses of members of board.
- For the support of state normal schools, including the employment of accountants, and certain other expenses of the boarding houses at the said schools, a sum not exceeding two hundred and sixty-one thousand four hundred and fifty-two dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, the deficiency, if any, to be paid from the treasury of the Commonwealth. State normal schools.
- For the support of the state normal art school, a sum not exceeding twenty-six thousand three hundred and six dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, the deficiency, if any, to be paid from the treasury of the Commonwealth. State normal art school.
- For the 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. Teachers' institutes.
- 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. Massachusetts Teachers' Association.
- For the expenses of county teachers' associations, a sum not exceeding three hundred and twenty-five dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes. County teachers' associations.
- For the Dukes County Educational Association, the sum of fifty dollars. Dukes County Educational Association.
- For aid to pupils in state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the state board of education. Aid to pupils in state normal schools.

School superintendents in small towns.

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

Education of deaf pupils.

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

School blanks.

For school registers and other school blanks for the towns and cities of the Commonwealth, a sum not exceeding twelve hundred dollars.

Summer schools for teachers.

For the expenses of summer schools for teachers, a sum not exceeding fifteen hundred dollars.

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

Approved March 12, 1902.

Chap.154

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF DEER.

Be it enacted, etc., as follows:

R. L. 92 amended.

SECTION 1. Chapter ninety-two of the Revised Laws is hereby amended by striking out section eighteen and inserting in place thereof the following:— *Section 18.* The owner or keeper of a dog found chasing or hunting deer at any time shall be punished by a fine of twenty dollars. Any person may kill a dog found chasing or hunting deer at any time, if the dog is used for such purpose with the knowledge and consent of his owner or keeper, and the owner or keeper of such dog shall be punished by a fine of fifty dollars.

Hunting, etc., of deer by dogs prohibited.

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

Approved March 12, 1902.

Chap.155

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

Be it enacted, etc., as follows:

1901, 95, § 1, amended.

SECTION 1. Section one of chapter ninety-five of the acts of the year nineteen hundred and one is hereby amended by striking out the words "six hundred", in the sixth line, and inserting in place thereof the words:— one million five hundred, — so as to read as follows:— *Section 1.* The City Library Association of Springfield is hereby authorized to hold real and personal estate for the purposes named in its act of incorporation, chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-four, to an amount not exceed-

May hold additional real and personal estate.

ing one million five hundred thousand dollars, exclusive of books in its library and collections of natural history and works of art in its museum.

SECTION 2. Section four of said chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-four, as amended by subsequent acts, is hereby amended so as to read as follows: — *Section 4.* So long as said corporation shall allow the inhabitants of the city of Springfield free access to its library and museums at reasonable hours, and shall further allow said inhabitants the free use of its books on its premises and for home reading, under such reasonable regulations and restrictions as may be imposed by the directors of said corporation, said city may appropriate and pay annually toward defraying the expenses of carrying on the work of said corporation, as authorized by its charter, such sums as the city may judge proper.

1864, 142, § 4.
etc., amended.

City may aid
while citizens
have free
access.

Approved March 12, 1902.

AN ACT TO INCORPORATE THE TRUSTEES FOR THE DIOCESE OF
WESTERN MASSACHUSETTS.

Chap. 156

Be it enacted, etc., as follows:

SECTION 1. Charles Thornton Davis of Worcester, Henry H. Skinner of Springfield, Edward L. Davis of Worcester, Frederick N. Deland of Great Barrington, Charles H. Read of North Adams, George H. Morgan of Lenox, Ernest Lovering of Holyoke, Henry N. Bigelow of Clinton and William C. Simons of Springfield, and their successors, are hereby made a body politic and corporate, by the name of Trustees for the Diocese of Western Massachusetts; and by that name may sue and be sued; shall have and use a common seal; shall have authority to hold meetings, and thereat to establish all reasonable orders and by-laws for the better government of the said corporation, not repugnant to the laws of this Commonwealth, and by said orders and by-laws the officers to be appointed in the said corporation and employed in their affairs, and the manner of electing them, with their several duties and compensations, shall be determined and specified; and at such meetings the said corporation shall direct from time to time the management, improvement and disposition of the donations and property with which they shall be entrusted, in manner

Trustees for the
Diocese of
Western Massa-
chusetts incor-
porated, etc.

not inconsistent with the trusts upon which the same are held.

Trustees.

SECTION 2. Said corporation shall have authority from time to time to determine the number of trustees who shall constitute a quorum for transacting business. No trustee shall be removed unless with the concurrence of two thirds of the number constituting a quorum for the time being, nor without the concurrence of two thirds of the number present at any legal meeting of said corporation.

May receive, manage, etc., funds, properties, etc.

SECTION 3. Said corporation may receive, acquire, take, hold, manage, invest and re-invest, lease, bargain, sell, improve, use and dispose of any and all moneys or funds, and any and all real estate or other properties, for the use, benefit, support or promotion of any work, office, official, religious or charitable institution, or other interest of the Protestant Episcopal Church within the diocese of western Massachusetts: and especially of the funds or proportions of funds which it was resolved at the convention of the diocese of Massachusetts, on Friday, the fourteenth day of June, nineteen hundred and one, should be paid to or divided with the diocese of western Massachusetts, under and upon the same or similar provisions, terms and trusts, as to religious usages, purposes, persons, institutions and properties within the diocese of western Massachusetts, as those upon which the same or corresponding moneys, funds or properties have heretofore been held and administered by the trustees of donations to the Protestant Episcopal Church, or by any other organization, person or persons, for the benefit, use, support or promotion of any similar work, office, official, religious or charitable institution, or other interest of the Protestant Episcopal Church within the former diocese of Massachusetts; and any corporation, person or persons now holding such moneys, funds or properties in trust as aforesaid, are hereby authorized and empowered to convey and transfer them to said Trustees for the Diocese of Western Massachusetts, in trust as aforesaid.

Enforcement of provisions.

SECTION 4. The supreme judicial court and the superior court shall have jurisdiction, upon the application of any party in interest, in term time or vacation, to enforce the performance of all trusts as to any lands, moneys and other estate, real and personal, which shall be lawfully vested in the said corporation, and to inquire as to the disposition and management thereof; and by in-

junction, or otherwise, to afford such remedies and relief as to law and justice shall appertain.

SECTION 5. Charles Thornton Davis and Henry H. Skinner are authorized to fix the time and place for the first meeting of the said corporation, of which they shall give not less than seven days' notice in writing to each member thereof. First meeting.

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

Approved March 12, 1902.

AN ACT RELATIVE TO THE APPOINTMENT OF ELECTION OFFICERS Chap.157
IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and seventy-one of chapter eleven of the Revised Laws is hereby amended by inserting after the word "part", in the sixth line, the words:—except that in Boston no deputy election officers shall be appointed,—so as to read as follows:—

Section 171. The mayor of every city shall annually in September, or as soon thereafter as possible, with the approval of the 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 be qualified voters in the ward of which such precinct forms a part, except that in Boston no deputy election officers shall be appointed. He may, in like manner, appoint two inspectors and two deputy inspectors in addition. Every such nomination shall be acted upon by the aldermen not less than three nor more than ten days after it has been made. R. L. 11, § 171,
amended.

Election officers
in cities, ap-
pointment, etc.

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

Approved March 12, 1902.

AN ACT RELATIVE TO THE DISCHARGE OF ENLISTED MEN FROM THE Chap.158
MASSACHUSETTS VOLUNTEER MILITIA.

Be it enacted, etc., as follows:

Section eighty-two of chapter sixteen of the Revised Laws is hereby amended by adding at the end thereof the following:—*provided, however,* that whenever the commanding officer of a company shall apply to his superior commander for the discharge of an enlisted man under the last provision of this section, he shall at once R. L. 16, § 82,
amended.

Discharge of
enlisted men
from the volun-
teer militia.

Proviso.

notify the enlisted man of such application ; and should the enlisted man, within seven days after such notification by his company commander, apply to the commanding officer of his organization for a hearing upon the application for his discharge, he shall be given a hearing, — so as to read as follows:— *Section 82.* No enlisted man shall be discharged before the expiration of his term of service, except by order of the commander-in-chief, and for the following reasons : — Upon acceptance of promotion by commission ; upon removal of residence from the Commonwealth, or so far from the bounds of the command to which he belongs that he cannot, in the opinion of his commanding officer, properly perform his military duty ; upon disability, established by certificate of a medical officer ; upon conviction of a felony ; when in the opinion of the commander-in-chief the interests of the service require his discharge ; to carry out the sentence of a court martial ; or upon application of his company commander, approved by superior commanders : *provided, however,* that whenever the commanding officer of a company shall apply to his superior commander for the discharge of an enlisted man under the last provision of this section, he shall at once notify the enlisted man of such application ; and should the enlisted man, within seven days after such notification by his company commander, apply to the commanding officer of his organization for a hearing upon the application for his discharge, he shall be given a hearing. *Approved March 12, 1902.*

Chap.159 AN ACT TO PROVIDE THAT THE OFFICE OF WEIGHER OF COAL MAY BE HELD BY WOMEN.

Be it enacted, etc., as follows :

Office of
weigher of coal
may be held by
women.

SECTION 1. No person shall be deemed ineligible to hold the office of weigher of coal in any city or town by reason of sex.

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

Approved March 12, 1902.

Chap.160 AN ACT RELATIVE TO THE CUSTODY OF WILLS.

Be it enacted, etc., as follows :

R. L. 135, § 12,
amended.

SECTION 1. Section twelve of chapter one hundred and thirty-five of the Revised Laws is hereby amended

by striking out the words “proved before the judge of probate”, in the third line, and inserting in place thereof the word: — verified, — so as to read as follows: — *Section 12.* During the lifetime of the testator such will shall be delivered only to him or in accordance with his order in writing duly verified by the oath of a subscribing witness; and after his death it shall be delivered to the person named in the endorsement, if such person demands it.

Custody of wills.

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

Approved March 12, 1902.

AN ACT TO INCLUDE THE TOWN OF NORTHBOROUGH WITHIN THE JUDICIAL DISTRICT OF THE FIRST DISTRICT COURT OF EASTERN WORCESTER. *Chap.161*

Be it enacted, etc., as follows:

SECTION 1. The town of Northborough is hereby annexed to and made a part of the judicial district of the first district court of eastern Worcester, but this act shall not affect any suit or other proceeding pending at the time of its passage.

Town of Northborough annexed to judicial district of first district court of eastern Worcester.

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

Approved March 12, 1902.

AN ACT TO AUTHORIZE THE BOSTON SOCIETY OF CIVIL ENGINEERS TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap.162*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter sixty-nine of the acts of the year eighteen hundred and fifty-one is hereby amended by striking out the word “twenty”, in the second line, and inserting in place thereof the words: — two hundred, — so as to read as follows: — *Section 2.* The said corporation may hold real and personal estate, not exceeding in amount two hundred thousand dollars, and the funds or property thereof shall not be used for any other purposes than those declared in the first section of this act.

1851, 69, § 2, amended.

May hold additional real and personal estate, etc.

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

Approved March 12, 1902.

Chap. 163 AN ACT TO AUTHORIZE THE TOWN OF LEXINGTON TO OBTAIN AN
ADDITIONAL WATER SUPPLY.

Be it enacted, etc., as follows:

Town of Lex-
ington may take
certain lands,
waters, etc.

SECTION 1. The town of Lexington, for the purpose of increasing and protecting its water supply by means of driven, artesian or other wells, and by the construction and maintenance of filter beds, reservoirs and other works or structures, may take from time to time by purchase or otherwise, and hold, any land in said town within the territory bounded northerly by Middle street, westerly by Waltham, Allen and Blossom streets, southerly by Concord avenue, and easterly by Massachusetts avenue and Pleasant street, together with any water or water rights therein or any water tributary to water therein, and also all lands, rights of way and easements necessary for procuring, holding, protecting and distributing said water, and for any other purpose connected with the maintenance of said water supply.

May erect
structures, lay
pipes, etc.

SECTION 2. Said town may erect on the lands taken or held under authority of this act such wells, galleries, dams, fixtures, reservoirs and other structures as it may deem proper, and may make such excavations and procure and operate such machinery and do such other things as may be necessary for providing and maintaining effective water works; and for that purpose may lay and maintain aqueducts, conduits, pipes and other works under and over any lands or ways within said territory, and under or along any ways in said town, in such manner as shall not unnecessarily obstruct the same. The provisions of sections three and six of chapter two hundred and sixty-seven of the acts of the year eighteen hundred and eighty-one shall apply to said town and to all takings under this act, and to all structures or property that may be placed thereon.

Certain pro-
visions of law
to apply.

Authority to
vest in board of
water commis-
sioners, etc.

SECTION 3. All the authority granted to said town by this act and not otherwise specially provided for shall be vested in the board of water commissioners of said town, who shall be subject however to such instructions as the town may impose by its vote.

Lexington
Water Loan,
Act of 1902.

SECTION 4. The town of Lexington, for the purposes mentioned in this act, may borrow money from time to time and issue therefor negotiable bonds, notes or scrip

to an amount not exceeding the sum of twenty-five thousand dollars. Such bonds, notes or scrip shall be signed by the treasurer of the town and countersigned by the chairman of the board of water commissioners, and shall be denominated on the face thereof, Lexington Water Loan, Act of 1902. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear such rate of interest, not exceeding four per cent per annum, 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 thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper, and shall make payable annually a fixed proportion of the principal of said bonds, notes or scrip; and the town shall raise annually by taxation the amount required to meet such interest and the proportion of the principal which is payable annually.

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

Approved March 12, 1902.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME TO ISSUE PERMITS FOR TAKING SAND EELS IN THE MERRIMAC AND IPSWICH RIVERS AND IN PLUM ISLAND SOUND.

Chap. 164

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-one of the Revised Laws is hereby amended by striking out section seven and inserting in place thereof the following:—*Section 7.* The board of commissioners on fisheries and game may issue permits for the taking of sand eels in the tidal waters of the Merrimac and Ipswich rivers and Plum Island sound, and their tributaries. Said permits shall be issued without any fee therefor, and shall be revocable at the discretion of the commissioners.

R. L. 91
amended.

Permits may be issued to take sand eels in certain waters.

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

Approved March 12, 1902.

AN ACT RELATIVE TO THE PROTECTION AND SALE OF QUAIL IN THE COUNTY OF BRISTOL.

Chap. 165

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter ninety-two of the Revised Laws is hereby amended by inserting after

R. L. 92, § 3,
amended.

the word "following", in the third line, the words:— or, in the county of Bristol, between the fifteenth day of December and the first day of November following,— and by inserting after the word "May", in the ninth line, the words:— except that, in the county of Bristol, this period shall be from the fifteenth day of December to the first day of May,— so as to read as follows:—

Protection and
sale of quail.

Section 3. Whoever takes, kills or has in possession, or buys, sells or offers for sale a quail, between the first day of December and the first day of October following, or, in the county of Bristol, between the fifteenth day of December and the first day of November following, whenever or wherever such bird may have been taken or killed, shall be punished by a fine of twenty dollars for each bird; but a person, firm or corporation dealing in game or engaged in the cold storage business may buy, sell or have in possession, and a person may buy from such person, firm or corporation, and have in possession if so bought, quail from the first day of December to the first day of May, except that, in the county of Bristol, this period shall be from the fifteenth day of December to the first day of May, if such quail were not taken or killed in this Commonwealth contrary to the provisions of this chapter; and a person, firm or corporation dealing in game or engaged in the cold storage business may have quail in possession on cold storage at any season, if such quail were not taken or killed in this Commonwealth contrary to the provisions of this chapter.

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

Approved March 12, 1902.

Chap. 166 AN ACT TO EXEMPT THE TOWN OF WINTHROP FROM CERTAIN COSTS FOR THE MAINTENANCE OF THE METROPOLITAN PARK SYSTEM.

Be it enacted, etc., as follows:

Town of Winthrop exempt from certain costs for maintenance of the metropolitan park system.

SECTION 1. The town of Winthrop shall hereafter be exempt from all costs of maintaining and keeping in repair that part of the metropolitan park system which has been constructed within the limits of the town, excepting such assessments for the maintenance of the metropolitan park system as may be imposed by law upon the said town in common with all other cities and towns in the metropolitan park district.

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

Approved March 12, 1902.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES. *Chap.167*

Be it enacted, etc., as follows :

SECTION 1. The city of Fall River, for the purposes of constructing sewers and extending its sewerage system, may incur indebtedness beyond its debt limit as fixed by law, to an amount not exceeding one hundred thousand dollars, and may issue bonds, notes or scrip therefor. Said bonds, notes or scrip shall be payable within such period, not exceeding thirty years from the date thereof, and shall bear such rate of interest, as the city council shall determine. Except as herein otherwise provided the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto shall, so far as applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

City of Fall River may incur indebtedness, issue bonds, etc.

R. L. 27, etc., to apply.

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

Approved March 12, 1902.

AN ACT TO REPEAL AN ACT TO PROVIDE BETTER ACCESS FOR BOATS TO MANCHESTER HARBOR UNDER THE TRACKS OF THE BOSTON AND MAINE RAILROAD. *Chap.168*

Be it enacted, etc., as follows :

SECTION 1. Chapter four hundred and ten of the acts of the year nineteen hundred is hereby repealed.

1900, 410, repealed.

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

Approved March 12, 1902.

AN ACT RELATIVE TO SAVINGS BANKS. *Chap.169*

Be it enacted, etc., as follows :

SECTION 1. Section sixteen of chapter one hundred and thirteen of the Revised Laws is hereby amended by inserting after the word "elected", in the fifteenth line, the words:— and a list of the names of the corporators of the corporation. Said lists shall be included in the annual report of the corporation to the board of commissioners of savings banks, and shall be kept on file in the office of said commissioners for inspection by the public, — so as to read as follows:— *Section 16.* The officers of such corporation, except the treasurer, vice treasurer

R. L. 113, § 16, amended.

Officers of savings banks, election, appointment, etc.

Officers of savings banks, election, appointment, etc.

and assistant treasurer, shall be chosen at its annual meeting to be held at such time as the by-laws direct, anything in its charter to the contrary notwithstanding. The treasurer, vice treasurer and assistant treasurer shall be appointed by the trustees and shall hold office during their pleasure. If an office becomes vacant during the year, the trustees may appoint a person to fill it until the next annual meeting; and if a person chosen or appointed does not, within thirty days thereafter, take the oath, his office shall thereupon become vacant. The person acting as clerk at such meeting shall, within ten days thereafter, notify all persons elected to office; and within thirty days thereafter shall publish in a newspaper published in the county in which the corporation is established a list of all persons who have taken the oath of office to which they were elected, and a list of the names of the corporators of the corporation. Said lists shall be included in the annual report of the corporation to the board of commissioners of savings banks, and shall be kept on file in the office of said commissioners for inspection by the public. A clerk who neglects to give such notice or make such publication or who makes a false publication, and a person who knowingly publishes or circulates, or knowingly causes to be published or circulated, a printed notice containing the name of a person as an officer of such corporation who has not taken the oath of office, shall be liable to a penalty of fifty dollars.

Penalty for failure to make publication, etc.

R. L. 113, § 47, amended.

Annual report to be made to commissioners of savings banks.

SECTION 2. Section forty-seven of said chapter one hundred and thirteen is hereby amended by striking out in the seventh line, the word "number", and inserting in place thereof the word: — names, — so as to read as follows: — *Section 47.* The treasurer of such corporation shall annually, within twenty days after the last business day of October, make a report to the board of commissioners of savings banks, showing accurately the condition of such corporation at close of business on said day. The report shall be in such form as said board shall prescribe, and shall specify the following particulars: name of corporation and names of corporators; place where located; amount of deposits; amount of each item of other liabilities; public funds, including all United States, state, county, city, town and district bonds, stating each particular kind, the par value, estimated market value and amount invested in each; loans on public funds,

stating amount on each ; stock in banks and trust companies, stating par value, estimated market value and amount invested in each ; loans on stock in banks and trust companies, stating amount on each ; railroad bonds, stating par value, estimated market value and amount invested in each ; loans on railroad bonds, stating amount on each ; loans on railroad stock, stating amount on each ; estimated value of real estate, and amount invested therein ; loans on mortgage of real estate ; loans to counties, cities, towns or districts ; loans on personal security ; cash on deposit in banks and trust companies, with the names of such banks and trust companies and the amount deposited in each ; cash on hand ; the whole amount of interest or profits received, and the rate and amount of each semi-annual and extra dividend for the previous year ; the times for the dividends fixed by the by-laws ; the rates of interest received on loans ; the total amount of loans bearing each specified rate of interest ; the number of outstanding loans which are of an amount not exceeding three thousand dollars each, and the aggregate amount of the same ; the number of open accounts ; also the number and amount of deposits received ; the number and amount of withdrawals ; the number of accounts opened and the number of accounts closed, severally, for the previous year ; and the annual expenses of the corporation ; all of which shall be certified and sworn to by the treasurer. The president and five or more of the trustees shall certify and make oath that the report is correct according to their best knowledge and belief.

Annual report to be made to commissioners of savings banks.

SECTION 3. No savings bank now incorporated shall after the first day of July in the year nineteen hundred and four, and no savings bank hereafter incorporated shall after its incorporation, occupy the same office or suite of offices with a national bank, trust company or other bank of discount, nor any office directly connected by means of doors or other openings in partitions with the office or suite of offices used or occupied by any such national bank, trust company or other bank of discount. Any savings bank violating the provisions of this section shall be punished by a fine of not more than five hundred dollars.

Savings bank not to occupy same office with a national bank, trust company, etc.

Penalty.

SECTION 4. After the first day of July, nineteen hundred and four, no president, vice president or treasurer of a savings bank shall hold the office or perform the

Certain officers of a savings bank not to hold office in a national bank, etc.

Penalty. duties of president, vice president, treasurer or cashier of a national bank or trust company or any other bank of discount. Whoever violates the provisions of this section shall be punished by a fine of not more than five hundred dollars.

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

Approved March 12, 1902.

Chap.170 AN ACT TO AUTHORIZE THE SALE OR EXCHANGE OF CERTAIN LAND TAKEN FOR PUBLIC PARK PURPOSES IN THE CITY OF MALDEN.

Be it enacted, etc., as follows :

Park commissioners of Malden may sell or exchange certain land.

SECTION 1. The board of park commissioners of the city of Malden is hereby authorized to sell the whole or any part of a strip of land on the easterly side of the park in Malden, known as Huntings Field, not exceeding one hundred feet in width, and extending from Salem street to the southerly line of said park, or to exchange said strip of land or any part thereof for other land now abutting on said park. Said strip is bounded and described as follows : — Northerly by the southerly line of Salem street ; easterly by the easterly line of said park ; southerly by the southerly line of said park, and westerly by a line drawn parallel to the easterly line of said park and one hundred feet westerly therefrom.

Proceeds to be paid into city treasury, etc.

SECTION 2. The proceeds of any sale authorized by this act shall be paid into the city treasury, to be expended by said park commission, when appropriated by the city council, for any of the purposes authorized by chapter one hundred and seventy-seven of the acts of the year eighteen hundred and ninety-nine and acts in amendment thereof or in addition thereto.

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

Approved March 12, 1902.

Chap.171 AN ACT RELATIVE TO FEES FOR LIQUOR LICENSES.

Be it enacted, etc., as follows :

R. L. 100 amended.

Fees for liquor licenses.

SECTION 1. Chapter one hundred of the Revised Laws is hereby amended by striking out section twenty and inserting in place thereof the following : — *Section 20.* If a license has been surrendered and cancelled and not transferred the board or authority issuing the license may issue another such license of the same class, and the two licenses

shall count as one license; and said board or authority shall require as a license fee for such second license a part of the license fee required therefor for the whole year proportionate to the unexpired term of the license. Said board or authority may in its discretion, in cases where two licenses of the same class have been issued for the same place in the same year, give a certificate to the party to whom the first license was issued that a part of the fee paid therefor proportionate to the unexpired term of the license is to be refunded to such party by the treasurer of the city or town from the fees thereafter received by said treasurer for licenses to sell intoxicating liquors. Said treasurer shall comply with the requirements of such certificate, and shall retain one quarter of the amount so paid from any money thereafter due from him or the city to the Commonwealth on account of licenses to sell intoxicating liquors.

SECTION 2. This act shall take effect on the first day of May in the year nineteen hundred and two.

To take effect
May 1, 1902.

Approved March 12, 1902.

AN ACT TO INCREASE THE AMOUNT OF MONEY TO BE PLACED AT THE DISPOSAL OF THE METROPOLITAN PARK COMMISSION FOR GENERAL PURPOSES. *Chap. 172*

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission, created by chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, for the purpose of carrying out the provisions of that act and of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and of all acts in amendment thereof or in addition thereto, may expend an additional sum of four hundred and fifty thousand dollars.

The metropolitan park commission may expend an additional sum.

SECTION 2. To meet the expenditures made under authority of this act the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificate of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the said amount of four hundred and fifty thousand dollars, as an addition to the Metropolitan Parks Loan, Series Two, at such times and in such sums as the metropolitan park commission shall certify to him to be necessary to meet

Metropolitan Parks Loan, Series Two.

the liabilities incurred by said commission under the acts aforesaid, and shall add to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued and additions to said sinking fund shall be assessed and collected in accordance with the provisions of sections eight, ten and eleven of said chapter two hundred and eighty-eight and in accordance with the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-five and of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine.

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

Approved March 12, 1902.

Chap.173 AN ACT TO AUTHORIZE AMHERST COLLEGE TO HOLD ADDITIONAL PROPERTY.

Be it enacted, etc., as follows:

May hold additional property.

SECTION 1. The Trustees of Amherst College, for the purposes set forth in the act establishing said college, being chapter eighty-four of the acts of the year eighteen hundred and twenty-four, and in the several acts in addition thereto, are hereby authorized to acquire by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal, and to hold, manage, and from time to time to invest and reinvest the same, or the proceeds of any sale thereof, for the purposes aforesaid: *provided*, that the net annual income of all the property so held shall not exceed the sum of five hundred thousand dollars.

Proviso.

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

Approved March 12, 1902.

Chap.174 AN ACT MAKING AN APPROPRIATION FOR IMPROVING THE CHANNEL AT THE ENTRANCE OF BASS RIVER, BETWEEN THE TOWNS OF DENNIS AND YARMOUTH.

Be it enacted, etc., as follows:

Improvement of channel at the entrance of Bass river.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, for improving the channel at the entrance of Bass river, between the towns of Dennis and Yarmouth, as authorized by chapter one hundred and thirteen of the resolves of the year nineteen hundred

and one, said sum to be in addition to the amount appropriated for the same purpose by chapter five hundred and thirty-two of the acts of the year nineteen hundred and one.

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

Approved March 12, 1902.

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND ONE.

Chap. 175

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 certain expenses in excess of the appropriations therefor in the year nineteen hundred and one, to wit : —

For contingent expenses of the state board of conciliation and arbitration, the sum of two hundred sixty dollars and eighty-three cents.

Board of conciliation and arbitration.

For bar examiners' expenses, the sum of six hundred eight dollars and twenty-one cents.

Bar examiners' expenses.

For incidental expenses of the state board of agriculture, the sum of thirty-eight dollars and fifteen cents, which shall be paid from the appropriation for the present year.

State board of agriculture.

For the dissemination of useful information in agriculture by the state board of agriculture, the sum of ninety-nine dollars and forty-seven cents, which shall be paid from the appropriation for the present year.

Dissemination of useful information in agriculture.

For the expenses of railroad inspectors, the sum of sixty-seven dollars.

Railroad inspectors.

For rent of rooms for the use of the railroad commissioners, the sum of four hundred twelve dollars and fifty cents.

Railroad commissioners.

For expenses of the nautical training school, the sum of one hundred eighty-five dollars and ninety-one cents, which shall be paid from the appropriation for the present year.

Nautical training school.

For the support of state insane paupers, the sum of two thousand three hundred six dollars and fifty-three cents.

State insane paupers.

For expenses of state armories, the sum of two hundred seventy-one dollars and fifty-four cents.

State armories.

For expenses of the state board of conciliation and arbitration, the sum of fifty-eight dollars and forty-seven

Board of conciliation and arbitration.

cents, which shall be paid from the appropriation for the present year.

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

Approved March 12, 1902.

Chap.176 AN ACT RELATIVE TO THE STATE HOUSE CONSTRUCTION LOAN.

Be it enacted, etc., as follows :

Certain sum to be transferred to the State House Loans Sinking Fund.

SECTION 1. The treasurer and receiver general is hereby authorized to transfer the sum of thirty-nine thousand five hundred thirty-one dollars and seventeen cents, standing on the books of the treasury department to the credit of the State House Construction Loan Fund, Bulfinch front, to the State House Loans Sinking Fund.

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

Approved March 12, 1902.

Chap.177 AN ACT TO AUTHORIZE THE AUDITOR OF ACCOUNTS TO EMPLOY ADDITIONAL CLERICAL ASSISTANCE.

Be it enacted, etc., as follows :

R. L. 6, § 14, amended.

Auditor of accounts, salary, clerks, etc.

SECTION 1. Section fourteen of chapter six of the Revised Laws is hereby amended by striking out the word "three", in the eighth line, and inserting in place thereof the word: — four, — so as to read as follows: — *Section 14.* He shall receive an annual salary of thirty-five hundred dollars. He may employ in his office one clerk at a salary of twenty-five hundred dollars a year, one clerk at a salary of twenty-two hundred dollars a year, three clerks at a salary of fifteen hundred dollars a year each and a messenger at a salary of not more than nine hundred dollars a year. He may also employ such additional clerical assistance as may be necessary at an expense not exceeding four thousand dollars a year. If, by reason of sickness, absence or other cause, the auditor is temporarily unable to perform the duties of his office, the first clerk in his office shall act as his deputy and perform the duties of the auditor until such disability ceases.

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

Approved March 12, 1902.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME TO MAKE CERTAIN INVESTIGATIONS. *Chap.178*

Be it enacted, etc., as follows:

SECTION 1. The authority of the commissioners on fisheries and game shall extend to the investigation of questions relating to fish and fisheries, or to game, and they may from time to time, personally or by assistants, institute and conduct inquiries pertaining to such questions. Authority of commissioners on fisheries and game extended.

SECTION 2. This act shall take effect upon its passage.
Approved March 12, 1902.

AN ACT IN FURTHER ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND ONE. *Chap.179*

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 certain expenses in excess of the appropriations therefor in the year nineteen hundred and one, to wit: — Appropriations.

For the expense of caring for the United States steamer Inca, the sum of seven hundred ninety-three dollars and nineteen cents. U. S. steamer Inca.

For expenses in connection with the steamer Lexington, under the charge of the district police, the sum of three hundred eighty-eight dollars and three cents. Steamer Lexington.

SECTION 2. This act shall take effect upon its passage.
Approved March 12, 1902.

AN ACT RELATIVE TO THE CHARTER OF THE CITY OF HAVERHILL. *Chap.180*

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter four hundred and thirty-eight of the acts of the year nineteen hundred and one is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 5.* The municipal election shall take place annually on the second Tuesday of December, and the municipal year shall begin at ten o'clock in the forenoon on the first Monday of January, and continue until 1901, 438, § 5, amended.
Municipal election and municipal year.

ten o'clock in the forenoon on the first Monday of the following January.

1901, 438, § 43,
amended.

Mayor and
aldermen may
lay out side-
walks, etc.

May cause side-
walks to be
paved.

Laying out of
streets and
ways, assess-
ment of dam-
ages, etc.

Drains and
common sewers
may be laid
through streets
or private
lands, etc.

SECTION 2. Section forty-three of said chapter is hereby amended by striking out the words "and keep the same in good repair", in the fifth and sixth lines, by striking out the words "and kept in good repair", in the twelfth and thirteenth lines, and by striking out the words "and of keeping the same in good repair", in the fifteenth and sixteenth lines, — so as to read as follows:— *Section 43.* The mayor and aldermen shall have the power to lay out sidewalks, and to fix the width, height and grade of the same, and to require all persons owning land abutting on such sidewalks to pave the walks with brick, stone or cement, as they may direct, the city first setting the curbstones and paving the gutters; and in case any person owning land as aforesaid shall neglect or refuse to comply with the requirements of the mayor and aldermen, after receiving due notice of such requirements, the mayor and aldermen shall have power to cause such sidewalks to be paved, according to said requirements, and may recover of the owner in an action of tort, in the name of the city, the expense of paving. The mayor and aldermen shall have the same powers in relation to the laying out, acceptance, altering or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now have by law. Any person aggrieved by any proceedings of the mayor and aldermen under this provision shall have all the rights and privileges now allowed in appeals from the decisions of selectmen or of the inhabitants of towns. No street or way shall hereafter be opened in the city of Haverhill over any private land by the owners thereof, and dedicated to or permitted to be used by the public, of a width less than forty feet, except with the consent of the mayor and aldermen in writing. The mayor and aldermen shall also have authority to cause drains and common sewers to be laid through any street or private lands, paying the owners the damages sustained thereby, such damages to be assessed in the same manner as damages are assessed in the laying out of town ways, and to require all persons to pay a reasonable sum for the privilege of opening any drain into such public drain or common sewer, and also to require that private drains shall be

conducted into the public drain or sewer, in case the mayor and aldermen shall judge the same necessary or proper for the health and cleanliness of the city.

SECTION 3. Section fifty-one of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following:—*Section 51.* After the expiration of the financial year and before the making of the regular appropriations, liabilities payable out of a regular appropriation may be incurred by the school committee to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

1901, 438, § 51, amended.

School committee may incur certain liabilities.

SECTION 4. At the annual state election in the year nineteen hundred and two the following question shall be submitted to the qualified voters of the city of Haverhill upon the official ballots used at said election:— Shall an act passed by the general court in the year nineteen hundred and one, entitled “An act to revise the charter of the city of Haverhill”, as amended by the acts of the year nineteen hundred and two, be accepted? said question to be printed upon said official ballots after the list of candidates. If a majority of the votes cast at said election upon said question shall be in favor of the acceptance of said act as amended, then said chapter four hundred and thirty-eight of the acts of the year nineteen hundred and one, as amended by this act, shall, for the municipal election and for the election of municipal officers, take effect upon its acceptance, and for all other purposes it shall take effect at the beginning of the municipal year in the January next following, and shall thereafter be the charter of the city of Haverhill.

Question of acceptance to be submitted to voters.

When to take effect.

SECTION 5. All acts and parts of acts inconsistent herewith are hereby repealed; but the acceptance of said chapter four hundred and thirty-eight, as amended by this act, by the city of Haverhill, shall not affect the term of office of the city clerk as fixed by chapter three hundred and thirty-two of the acts of the year nineteen hundred and one, which act has been accepted by the city of Haverhill.

Repeal, etc.

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

Approved March 12, 1902.

*Chap.*181 AN ACT RELATIVE TO THE TAXATION OF THE OLD COLONY RAILROAD COMPANY.

Be it enacted, etc., as follows :

Certain allowance may be made in estimating value of property, etc., of the Old Colony Railroad Company for taxation.

SECTION 1. In estimating the value of the corporate franchise and property of the Old Colony Railroad Company for taxation the tax commissioner may make an equitable allowance for the value of such of its shares of stock as may have been lawfully issued in exchange for shares of the Old Colony Steamboat Company, under the authority of chapter four hundred and fifty-one of the acts of the year eighteen hundred and ninety-three; but such allowance shall be made only while the shares so taken in exchange remain in the treasury of the Old Colony Railroad Company, and while a tax is assessed and actually paid on the corporate franchise of the Old Colony Railroad Company.

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

Approved March 12, 1902.

*Chap.*182 AN ACT TO AUTHORIZE THE TOWN OF WILLIAMSBURG TO INCREASE ITS WATER SUPPLY AND TO INCUR INDEBTEDNESS FOR THAT PURPOSE.

Be it enacted, etc., as follows :

1901, 349, § 2, amended.

SECTION 1. Section two of chapter three hundred and forty-nine of the acts of the year nineteen hundred and one is hereby amended by inserting after the word "branch", in the third line, the words:—and the west branch,—by striking out the words "and all its tributaries", in the same line, by inserting after the word "river", at the end of said line, the words:—and of Unquomok brook, and of all their tributaries,—and by striking out the word "and", in the tenth line, and inserting in place thereof the words:—*provided*, that no source of water supply for domestic purposes, and no lands necessary for preserving the quality of such water, shall be taken without first obtaining the advice and approval of the state board of health. Said town,—so as to read as follows:—*Section 2.* Said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of the east branch and the west branch of Mill river, and of Unquomok brook, and of all their tributaries, in said town of Williamsburg, and the waters

Town of Williamsburg may take certain waters, lands, etc.

which flow into and from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding, storing and preserving such water and for conveying the same to any part of the said town, and for constructing and maintaining ponds: *provided*, that no source of water supply for domestic purposes, and no lands necessary for preserving the quality of such water, shall be taken without first obtaining the advice and approval of the state board of health. Said town may erect on the land thus taken, purchased 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 conduits, pipes and other works, under and over any land, 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 town may dig up such lands, and, under the direction of the board of selectmen of the towns in which any such ways are situated, may enter upon and dig up any such ways in such manner as will cause the least hindrance to public travel.

Proviso.

May erect structures, lay pipes, etc.

SECTION 2. Section five of said chapter is hereby amended by striking out the word "forty", in the fourth line, and inserting in place thereof the word:— fifty,— so as to read as follows:— *Section 5.* 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 fifty thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Williamsburg Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper. The town shall pay

1901, 349, § 5, amended.

Williamsburg Water Loan.

Sinking fund, etc.

the interest on the loan as it accrues, and shall provide at the time of contracting the 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 the loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

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

Approved March 12, 1902.

Chap. 183

AN ACT RELATIVE TO THE EMPLOYMENT OF CERTAIN MINORS.

Be it enacted, etc., as follows:

R. L. 106, § 35,
amended.

SECTION 1. Section thirty-five of chapter one hundred and six of the Revised Laws is hereby amended by striking out the word "cannot", in the third line, and inserting in place thereof the words:— does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to the minor's ability to,— also by inserting after the word "cause", in the seventeenth line, the words:— Any minor not holding the certificate described above shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when this record shows unexcused absences from the sessions his attendance shall be deemed irregular according to this act,— so as to read as follows:— *Section 35.* While a public evening school is maintained in the city or town in which any minor who is over fourteen years of age and who does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to the minor's ability to read at sight and write legibly simple sentences in the English language resides, no person shall employ him and no parent, guardian or custodian shall permit him to be employed unless he is a regular attendant at such evening school or at a day school: but, upon presentation by such minor of a certificate signed by a registered practising physician and satisfactory to the superintendent of schools, or, if there is no such superintendent, to the school committee, showing that his physical condition would render such attendance in addition to daily labor prejudicial to his health, said superintendent or school

Illiterate minors
not to be em-
ployed, unless,
etc.

committee shall issue a permit authorizing the employment of such minor for such period as said superintendent or school committee may determine. Said superintendent or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school which arises from justifiable cause. Any minor not holding the certificate described above shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when this record shows unexcused absences from the sessions his attendance shall be deemed irregular according to this act. Whoever employs a minor in violation of the provisions of this section shall forfeit not more than one hundred dollars for each offence to the use of the evening schools of such city or town. A parent, guardian or custodian who permits a minor under his control to be employed in violation of the provisions of this section shall forfeit not more than twenty dollars to the use of the evening schools of such city or town.

Penalty.

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

Approved March 13, 1902.

AN ACT TO EXTEND THE TIME FOR COMPLETING AND OPERATING THE MOUNT WACHUSETT STREET RAILWAY. Chap.184

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter four hundred and thirty-two of the acts of the year nineteen hundred and one is hereby amended by striking out the word "two", in the last line, and inserting in place thereof the word: — three, — so as to read as follows: — *Section 7.* The provisions of this act shall be void if the said company shall not have constructed and operated the road on or before the first day of July in the year nineteen hundred and three.

1901, 432, § 7, amended.

Time extended.

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

Approved March 13, 1902.

AN ACT MAKING AN APPROPRIATION FOR DEDICATING THE MONUMENT ON DORCHESTER HEIGHTS IN THE CITY OF BOSTON. Chap.185

Be it enacted, etc., as follows:

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Com-

Dedication of monument on Dorchester Heights.

monwealth, and to be expended under the direction of the governor and council for the payment of expenses in connection with dedicating, on Evacuation Day, the seventeenth of March of the present year, the monument on Dorchester Heights in the city of Boston.

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

Approved March 14, 1902.

*Chap.*186 AN ACT TO PROVIDE THAT THE TOWN OF RUTLAND SHALL BE INCLUDED IN THE JUDICIAL DISTRICT OF THE CENTRAL DISTRICT COURT OF WORCESTER.

Be it enacted, etc., as follows :

Town of Rutland annexed to judicial district of the central district court of Worcester.

SECTION 1. The town of Rutland is hereby annexed to and made a part of the judicial district of the central district court of Worcester, but this act shall not affect any suit or other proceeding pending at the time of its taking effect.

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

Approved March 14, 1902.

*Chap.*187 AN ACT TO AUTHORIZE CITIES AND TOWNS TO REGULATE AND LICENSE JUNK COLLECTORS.

Be it enacted, etc., as follows :

R. L. 102, § 29, amended.

SECTION 1. Section twenty-nine of chapter one hundred and two of the Revised Laws is hereby amended by striking out all after the word "town", in the sixth line, and inserting in place thereof the words:—They may also license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals and second hand articles from place to place in such city or town; and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting or dealing in junk, old metals or second hand articles; and may prescribe the design thereof. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collection or keeping of the articles aforesaid, may be examined at all times by the mayor and aldermen or selectmen, or by any person by them respectively authorized thereto. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of sections one hundred

and eighty-six to one hundred and eighty-nine, inclusive, of this chapter, — so as to read as follows: — *Section 29.* The mayor and aldermen of any city except Boston, and in Boston, the board of police, and the selectmen of any town, if ordinances or by-laws therefor have been adopted in such city or town, may license suitable persons to be dealers in and keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles, in such city or town. They may also license suitable persons as junk collectors, to collect, by purchase or otherwise, junk, old metals and second hand articles from place to place in such city or town; and they may provide that such collectors shall display badges upon their persons or upon their vehicles, or upon both, when engaged in collecting, transporting or dealing in junk, old metals or second hand articles; and may prescribe the design thereof. They may also provide that such shops and all articles of merchandise therein, and any place, vehicle or receptacle used for the collection or keeping of the articles aforesaid, may be examined at all times by the mayor and aldermen or selectmen, or by any person by them respectively authorized thereto. The aforesaid licenses may be revoked at pleasure, and shall be subject to the provisions of sections one hundred and eighty-six to one hundred and eighty-nine, inclusive, of this chapter.

Licenses to deal in junk, etc.

Shops, vehicles etc., may be examined, etc.

Licenses may be revoked, etc.

SECTION 2. Section thirty of said chapter is hereby amended by inserting after the word “shop”, in the sixteenth line, the words: — and no junk collector, — by inserting after the word “received”, in the nineteenth line, the words: — by such shopkeeper, — and by inserting after the word “thereof”, in the twenty-second line, the words: — and no junk collector, — so as to read as follows: — *Section 30.* A city or town may provide by ordinance or by-law that every keeper of a shop for the purchase, sale or barter of junk, old metals or second hand articles, within its limits, shall keep a book, in which shall be written, at the time of every purchase of any such article, a description thereof, the name, age and residence of the person from whom, and the day and hour when, such purchase was made; that such book shall at all times be open to the inspection of the mayor and aldermen or selectmen and of any person by them respectively authorized to make such inspection; that every keeper of such shop shall put in a suitable and con-

R. L. 102, § 30, amended.

Cities and towns may make rules for junk dealers, etc.

spicuous place on his shop a sign having his name and occupation legibly inscribed thereon in large letters; that such shop, and all articles of merchandise therein, may be at all times examined by the mayor and aldermen or selectmen, or by any person by them respectively authorized to make such examination; and that no keeper of such shop and no junk collector shall, directly or indirectly, either purchase or receive by way of barter or exchange any of the articles aforesaid of a minor or apprentice, knowing or having reason to believe him to be such; and that no article purchased or received by such shopkeeper shall be sold until at least one week from the date of its purchase or receipt has elapsed. A city or town may also prescribe in like manner the hours in which such shops shall be closed, and that no keeper thereof and no junk collector shall purchase any of the articles aforesaid during such hours.

R. L. 102, § 32,
amended.

SECTION 3. Section thirty-two of said chapter is hereby amended by inserting after the word "dealer", in the second and also in the third line, the words:—or junk collector,—so as to read as follows:—*Section 32.* Whoever, not being so licensed, keeps such shop or is such dealer or junk collector in such city or town, or, being licensed, keeps such shop or is such dealer or junk collector in any other place or manner than that designated in his license or after notice to him that his license has been revoked, shall forfeit twenty dollars for each offence; and whoever violates any rule, regulation or restriction contained in his license shall forfeit not more than twenty dollars for each offence.

Penalty for
violation of
rules, etc.

R. L. 102, § 186,
amended.

SECTION 4. Section one hundred and eighty-six of said chapter is hereby amended by inserting after the word "articles", in the second line, the words:—junk collectors,—so as to read as follows:—*Section 186.* Licenses granted to keepers of intelligence offices, dealers in junk, old metals and second hand articles, junk collectors, pawnbrokers and keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, skating rinks and picnic groves, shall be signed by the clerk of the city or town in which they are granted, except in Boston, where they shall be signed by a majority of the board of police. Every such license shall, before being delivered to the licensee, be recorded by the clerk of the city or town, or in Boston, by the clerk of the board of police, in a

Form, contents,
etc., of certain
licenses.

book kept for that purpose. Such license shall set forth the name of the licensee, the nature of the business, and the building or place in such city or town in which it is to be carried on, and shall continue in force until the first day of May following, unless sooner revoked. The board issuing such a license shall, except as provided in section forty, receive, for the use of the city or town, such amount, not less than two dollars for each license, and in Boston, for a pawnbroker's license such amount, not less than ten dollars, as the board considers reasonable.

SECTION 5. The powers and duties conferred and imposed by sections twenty-nine and one hundred and eighty-six of chapter one hundred and two of the Revised Laws, as hereby amended, shall in the city of Lowell be exercised by the board of police.

Certain powers and duties to be exercised in Lowell by board of police.

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

Approved March 14, 1902.

AN ACT TO AUTHORIZE THE SELECTMEN OF THE TOWNS OF TISBURY AND COTTAGE CITY TO GRANT LICENSES TO PLANT, GROW AND DIG OYSTERS IN LAGOON POND IN SAID TOWNS.

Chap. 188

Be it enacted, etc., as follows:

The selectmen of the town of Tisbury and the selectmen of the town of Cottage City may grant a license for a term not exceeding twenty years to any inhabitant of their respective towns to plant, grow and dig oysters, at all times of the year, in Lagoon pond in said towns.

Licenses may be granted to plant, grow, etc., oysters in Lagoon pond.

Approved March 19, 1902.

AN ACT TO AUTHORIZE THE METROPOLITAN WATER AND SEWERAGE BOARD TO FURNISH WATER TO COMPANIES OWNING WATER PIPE SYSTEMS IN SECTIONS OF CERTAIN CITIES AND TOWNS.

Chap. 189

Be it enacted, etc., as follows:

SECTION 1. The metropolitan water and sewerage board may from time to time furnish water to any water company which owns the water pipe system in a section of a city or town, for the supply of such section, although the city or town, or a part of the city or town, is within ten miles of the state house, and the city or town has not been admitted into the metropolitan water district, on payment by the water company of such sum of money as the said board may determine: *provided, however,*

The metropolitan water and sewerage board may furnish water to certain companies.

Proviso.

that the sum so determined in any case shall in the opinion of the board exceed the proper proportion of the entire assessment which would be imposed upon the city or town were it a part of the metropolitan district.

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

Approved March 19, 1902.

Chap. 190

AN ACT RELATIVE TO VACCINATION.

Be it enacted, etc., as follows:

R. L. 75, § 137,
amended.

SECTION 1. Section one hundred and thirty-seven of chapter seventy-five of the Revised Laws is hereby amended by striking out in the fifth and sixth lines, the words "being over twenty-one years of age and not under guardianship", so as to read as follows:— *Section 137.* The board of health of a city or town if, in its opinion, it is necessary for the public health or safety shall require and enforce the vaccination and re-vaccination of all the inhabitants thereof and shall provide them with the means of free vaccination. Whoever refuses or neglects to comply with such requirement shall forfeit five dollars.

Cities and towns to enforce vaccination in certain cases.

R. L. 75, § 139,
amended.

SECTION 2. Section one hundred and thirty-nine of said chapter is amended by striking out the whole of said section and inserting in place thereof the following:— *Section 139.* Any person over twenty-one years of age who presents a certificate signed by the register of a probate court that he is under guardianship shall not be subject to the provisions of section one hundred and thirty-seven; and any child who presents a certificate, signed by a registered physician designated by the parent or guardian, that the physician has at the time of giving the certificate personally examined the child and that he is of the opinion that the physical condition of the child is such that his health will be endangered by vaccination shall not, while such condition continues, be subject to the provisions of section six of chapter forty-four of the Revised Laws or of the three preceding sections of this chapter; and the parent or guardian of such child shall not be liable to the penalties imposed by section one hundred and thirty-six of this chapter.

Certain persons exempt from compulsory vaccination.

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

Approved March 19, 1902.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE BERKSHIRE AND CANAAN STREET RAILWAY COMPANY MAY CONSTRUCT ITS RAILWAY. Chap.191

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter four hundred and sixteen of the acts of the year eighteen hundred and ninety-nine is hereby amended by striking out the word "three", in the third line, and inserting in place thereof the word: — five, — so as to read as follows:— *Section* 1899, 416, § 8,
amended.
8. The authority herein granted shall cease if the proposed road is not constructed and put in operation within five years from the passage of this act. Time extended.

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

Approved March 19, 1902.

AN ACT TO ABOLISH THE BOARD OF COMMISSIONERS OF STATE AID AND THE OFFICE OF STATE PENSION AGENT AND TO PROVIDE FOR THE APPOINTMENT OF A COMMISSIONER AND A DEPUTY COMMISSIONER OF STATE AID AND PENSIONS. Chap.192

Be it enacted, etc., as follows:

SECTION 1. The board of commissioners of state aid and the office of state pension agent are hereby abolished. Board of commissioners of state aid and office of state pension agent abolished.

SECTION 2. The governor, with the advice and consent of the council, shall appoint for the term of three years a commissioner and deputy commissioner of state aid and pensions. The commissioner shall have the powers and duties heretofore conferred and imposed upon the board of commissioners of state aid and the state pension agent, and the deputy commissioner shall be subject to the direction and control of the commissioner. In case the commissioner is temporarily absent or unable from any cause to perform the duties of his office the deputy shall perform the duties of the commissioner until such absence or disability ceases. Said commissioner shall receive an annual salary of twenty-five hundred dollars, and said deputy commissioner shall receive an annual salary of two thousand dollars, and each shall devote his whole time to the duties of his office. Commissioner and deputy commissioner of state aid and pensions, appointment, powers, duties, etc.

SECTION 3. Said commissioner shall determine all controversies between invalid pensioners and city and town authorities relative to claims for state aid. He may re- Commissioner to determine certain controversies, etc.

fuse to decide on the necessity of the claimants for aid, but if he shall determine that the claimant is entitled thereto he may authorize its payment to him monthly for not more than one year, under such limitations as he may impose. An appeal may be taken from his determination to the governor and council, whose decision shall be final.

An appeal may be taken.

Clerical assistance, agents, etc.

SECTION 4. Said commissioner may appoint a chief clerk at a salary of fifteen hundred dollars a year; two agents each at a salary of thirteen hundred dollars a year; one agent at a salary of one thousand dollars a year; one special agent at a salary of three hundred dollars a year; one bookkeeper at a salary of thirteen hundred dollars a year; one clerk at a salary of one thousand dollars a year; and three clerks each at a salary not exceeding eight hundred and forty dollars a year. The civil service rules shall not apply to the appointment hereunder of any person who is now in the service of either of the departments hereby abolished.

Repeal.

SECTION 5. Section eight of chapter seventy-nine of the Revised Laws and all other acts and parts of acts inconsistent herewith are hereby repealed.

When to take effect.

SECTION 6. So much of section two of this act as authorizes the appointment of said commissioner and deputy commissioner shall take effect upon the sixteenth day of June in the year nineteen hundred and two, and the remainder of this act shall take effect as soon as the commissioner and deputy commissioner are appointed and qualified.

Approved March 19, 1902.

Chap. 193 AN ACT TO AUTHORIZE THE TOWN OF EASTHAMPTON TO TAKE AN ADDITIONAL WATER SUPPLY AND TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Town of Easthampton may take certain waters, necessary real estate, etc.

SECTION 1. The town of Easthampton, for the purpose of establishing a new water supply and of increasing its present water supply, may take, hold and convey into and through the town and through the town of Westhampton and the city of Northampton the waters of Sodden brook and North brook, so-called, tributaries of the north branch of the Manhan river, so-called, in the town of Westhampton, and any tributaries of said brooks, and may also take by purchase or otherwise and hold any

rights of way, easements or real estate necessary for laying, constructing and maintaining pipes, aqueducts, water courses, reservoirs, dams, filter galleries and such other works as may be deemed necessary for collecting, purifying, storing, discharging, conducting and distributing said waters or for preserving the purity thereof: *provided*, Provisos. *however*, that any lands taken for preserving the said waters or water supply shall not be more than one thousand feet distant from the same; and *provided, further*, that water for domestic purposes and lands necessary for preserving the quality of the water shall be taken only with the advice and approval of the state board of health.

SECTION 2. The town shall, within sixty days after taking for the purposes of this act any lands, rights of way, water rights, water sources or easements aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Hampshire a description thereof sufficiently accurate for identification, with a statement, signed by the selectmen and countersigned by the board of water commissioners, of the purposes for which the same were taken. Description of lands, etc., to be recorded.

SECTION 3. The town, for the purposes aforesaid, may construct and maintain aqueducts, dams, reservoirs, filter galleries and other proper works; may erect buildings and machinery; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of water and establish the rates to be paid therefor; and may collect the rates by process of law. The town may also, for the purposes aforesaid, carry any pipe, drain or aqueduct over or under any river, water course, railroad, railway, public or other way, in such manner as not unnecessarily to obstruct the same, and may enter upon and dig up any such way for the purpose of laying, maintaining or repairing any pipe, drain or aqueduct, and may do any other thing necessary and proper in executing the purposes of this act. Town may construct, etc., aqueducts, dams, etc.

SECTION 4. The town shall pay all damages sustained by any person or corporation by the taking of any land, right of way, water, water source, water right or easement, or by any other thing done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid, and failing to agree with the town as to the amount thereof, may have them deter- Damages.

mined in the manner provided by law in the case of land taken for highways, on application at any time within two years from the taking of the property or the doing of other injury under authority of this act; but no such application shall be entertained after the expiration of two years from such taking or doing. No application for assessment of damages shall be made for the taking of any water or water rights, or for any injury thereto, until the water is actually withdrawn or diverted by the town under authority of this act.

Easthampton
Public Water
Supply Loan.

SECTION 5. For the purpose of paying the cost of the property purchased, taken or held by virtue of this act, and also for the purposes mentioned in chapter two hundred and fifty-two of the acts of the year eighteen hundred and ninety-one, the town of Easthampton may issue notes, bonds or scrip, to be denominated on the face thereof, Easthampton Public Water Supply Loan, to an amount not exceeding one hundred and thirty thousand dollars, in addition to the amounts heretofore authorized by law to be issued by the town for the same purpose. Such notes, bonds or scrip shall be issued upon the terms and conditions specified in said chapter two hundred and fifty-two; and sections five and six of that chapter shall apply, so far as practicable, to the loan herein authorized.

Penalty for cor-
ruption of
water, etc.

SECTION 6. Whoever wantonly or maliciously diverts any water taken or held pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by the town under authority of this act, shall forfeit and pay to the town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of any of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars or by imprisonment in the house of correction for a term not exceeding one year.

When to take
effect.

SECTION 7. This act shall take effect upon its acceptance by a vote of two thirds of the voters of the said town present and voting thereon at any legal town meeting called for the purpose within three years after its passage; but the number of such meetings shall not exceed three in any one year. At such meetings the votes shall be taken by written or printed ballots and the polls shall be kept open at least four hours. At such meetings the

selectmen shall preside, and in receiving said ballots the check list shall be used, in the same manner as it is used at elections of national, state and county officers.

Approved March 19, 1902.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE CITY OF BROCKTON MAY INCREASE ITS WATER SUPPLY. Chap.194

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-nine, authorizing the city of Brockton to take an additional water supply, are hereby extended for the period of three years from the tenth day of May in the year nineteen hundred and two. Time extended.

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

Approved March 19, 1902.

AN ACT TO AUTHORIZE THE SUPREME COUNCIL OF THE ROYAL ARCANUM TO ADMIT TO MEMBERSHIP PERSONS BETWEEN THE AGES OF EIGHTEEN AND TWENTY-ONE YEARS. Chap.195

Be it enacted, etc., as follows:

SECTION 1. The Supreme Council of the Royal Arcanum, in addition to its existing powers, may admit as members and issue benefit certificates to persons between the ages of eighteen and twenty-one years. Royal Arcanum may admit certain persons to membership.

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

Approved March 19, 1902.

AN ACT RELATIVE TO REPORTS FROM PROBATION OFFICERS OF THE SUPERIOR COURT. Chap.196

Be it enacted, etc., as follows:

SECTION 1. The probation officers of the superior court shall make to the board of prison commissioners such reports as said commissioners shall require. Probation officers of superior court to make reports.

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

Approved March 19, 1902.

AN ACT TO INCORPORATE THE HADLEY WATER COMPANY. Chap.197

Be it enacted, etc., as follows:

SECTION 1. John J. Kirkpatrick, Daniel O'Connell, Junior, and John J. Sullivan, their associates and suc- Hadley Water Company incorporated.

cessors, are hereby made a corporation by the name of the Hadley Water Company, for the purpose of supplying the inhabitants of the town of Hadley with water for the extinguishment of fires and for domestic, manufacturing and other purposes.

May take certain water, lands, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take or acquire by purchase or otherwise, as provided in the following section, the water of Hart's brook, so-called, or any of its tributaries, together with such adjacent lands as may be necessary for the preservation of the purity of the water, and for the location of a standpipe; also the rights of way and easements necessary for holding and preserving said water and for conveying the same across private lands, if necessary for the purposes aforesaid; also any water necessary for supplying that part of said town called North Hadley, and such adjacent lands as may be necessary for the preservation of the purity of the water, or for the location of a standpipe, and rights of way and easements necessary for holding and preserving said water and conveying the same across private lands, if necessary for the purposes aforesaid: *provided*, that no source of water supply shall be taken under this act for domestic purposes without the advice and approval of the state board of health.

Proviso.

Description of lands, etc., to be recorded.

SECTION 3. Said corporation shall within sixty days after taking any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, cause to be recorded in the registry of deeds for Hampshire county a description and map thereof sufficiently accurate for identification, with a statement signed by the president and treasurer of the corporation of the purpose for which the same were taken. The recording shall operate as a taking of the real estate and rights and easements therein described.

May acquire other sources of water supply, etc.

SECTION 4. Said corporation may also by lease or purchase acquire for its purposes other sources of water supply, and other lands and water power for the purpose of operating pumping stations.

Capital stock, etc.

SECTION 5. Said corporation may for the purposes aforesaid hold real estate not exceeding in value twenty thousand dollars. The whole capital stock of said corporation shall not exceed twenty-five thousand dollars, to be divided into shares of one hundred dollars each. If necessary for the purposes of said corporation an increase

of capital stock may be authorized by the commissioner of corporations, in the manner provided in section thirty of chapter one hundred and nine of the Revised Laws. It may issue bonds and secure the same by mortgage on its franchise and other property; the total amount of such bonds not to exceed its capital stock actually paid in. Such bonds shall be issued only in such amounts as may from time to time upon investigation by the commissioner of corporations be deemed by him to be reasonably requisite for the purposes for which such corporation is established. A certificate setting forth the decision of the commissioner shall be filed in the office of the secretary of the Commonwealth before the bonds are issued, and the proceeds shall be applied to such purposes as are specified in the decision of the commissioner.

May issue mortgage bonds, etc.

Certificate to be filed before bonds are issued, etc.

SECTION 6. Said corporation may locate its water pipe in or under any public way in said Hadley. The selectmen may determine where the main line of the water pipe shall be located in any way. Construction and repairs shall be so carried on as not to prevent the convenient passing of vehicles.

Location of water pipe.

SECTION 7. Any person sustaining damage by reason of any taking of property or other act done under authority of this act may have the damage assessed in the manner provided in chapter forty-eight of the Revised Laws.

Damages.

SECTION 8. Said corporation may distribute water through the town of Hadley, may regulate the use of such water and fix and collect the rates to be paid therefor, and may make such contracts with the said town or with any fire district that may hereafter be established therein, or with any individual or corporation, to supply water for the extinguishment of fires, or for any other purposes, as may be agreed upon with said town or with such fire district, individual or corporation; and said corporation may establish public fountains and hydrants and relocate and discontinue the same.

Distribution of water, etc.

SECTION 9. Said corporation shall, if it installs a water supply system under this act, supply all persons desirous of taking water who reside in those parts of Hadley known as the Bay road, from the house of Dwight Morton and Edward Morton to West street in Hadley; West street, Middle street and East street and the connecting streets; and shall furnish a continuous water

Certain persons to be supplied with water, etc.

supply along the main highway to North Hadley and to the Sunderland line, with a supply to other streets in the village of North Hadley where the residents desire to take the water.

System to be completed within three years, etc.

SECTION 10. The system shall be completed within three years after the passage of this act, and the town of Hadley may enforce the provision for the furnishing of a complete system by any suitable proceedings.

Town may take franchise, property, etc.

SECTION 11. The town of Hadley shall have the right at any time to take, by purchase or by exercise of the right of eminent domain, the franchise, property and all the rights and privileges of said corporation on payment of the actual cost thereof; and, unless the dividends earned and declared by said company on its stock shall be equal to or in excess of five per cent per annum, there shall be added to the first cost such sum as shall make the net return to the stockholders five per cent per annum on the investment. If said town shall so take said property it may, as part payment of the amount to be paid for said taking, assume any indebtedness of said corporation incurred in the construction or improvement of the property by lawful issue of bonds secured by mortgage. Said corporation shall furnish to the town of Hadley, under oath, an itemized statement of the cost of the water supply system authorized under this act, together with a copy of all contracts made in providing and constructing said water supply system and any extension thereof, and shall furnish to said town annually an itemized statement, under oath, of its receipts and expenditures and of the dividends paid on its stock, which shall be submitted by the selectmen to the citizens of the town at each annual town meeting. The authority to purchase or take the franchise and property of said corporation shall be exercised by said town only after the town has voted to purchase or take the same by a two thirds vote of the voters of the town present and voting thereon at a meeting legally called for that purpose. And the taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for Hampshire county a declaration of such taking, which shall include a certified copy of the article in the warrant under which the town acted and of the vote of the town thereon showing that it was passed by a two thirds vote as herein required.

Statement of receipts and expenditures, etc., to be furnished annually, etc.

When to take effect.

SECTION 12. This act shall take effect upon its accept-

ance by a two thirds vote of the voters of the town voting thereon by ballot at a special town meeting legally called for the purpose. If then voted upon and not accepted, it may be resubmitted at subsequent town meetings legally called for the purpose: *provided*, that it shall not be voted upon by the town more than twice in any one year.

Approved March 19, 1902.

AN ACT TO AUTHORIZE THE CITY OF LOWELL TO PENSION A FORMER POLICE OFFICER OF THE CITY. Chap.198

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell is hereby authorized to pay to Thomas Ingalls, formerly a member of the police department of that city, who was honorably discharged on the thirty-first day of July in the year eighteen hundred and ninety-two, the same annual pension which he would be entitled to receive had he retired from service after the acceptance by the city of the provisions of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-two.

City of Lowell may pay an annual pension to Thomas Ingalls.

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

Approved March 19, 1902.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO PAY A SUM OF MONEY TO ABBIE F. HUMPHREY. Chap.199

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to pay to Abbie F. Humphrey, widow of Francis H. Humphrey late assistant chief of the fire department of that city, the remainder of the salary to which he would have been entitled had he lived and continued to hold his office until the first day of January in the year nineteen hundred and two.

City of Newton may pay a sum of money to widow of Francis H. Humphrey.

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

Approved March 19, 1902.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO PAY A SUM OF MONEY TO MARY A. FOLEY. Chap.200

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to pay to Mary A. Foley, widow of John Foley late a laborer in the employment of that city, the wages to

City of Newton may pay a sum of money to widow of John Foley.

which he would have been entitled had he lived and continued to work for the city until the first day of May in the year nineteen hundred and two.

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

Approved March 19, 1902.

*Chap.*201 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM.

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, for the year ending on the thirty-first day of December, nineteen hundred and two, to wit:—

State Farm.

For salaries, wages and labor at the state farm, a sum not exceeding forty-six thousand dollars.

Expenses.

For other current expenses at the state farm, a sum not exceeding one hundred and twenty-two thousand dollars.

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

Approved March 19, 1902.

*Chap.*202 AN ACT TO PROVIDE FOR THE PAYMENT OF A CERTAIN BOUNTY TO THE BRISTOL COUNTY AGRICULTURAL SOCIETY.

Be it enacted, etc., as follows:

Bristol County
Agricultural
Society.

SECTION 1. There shall be allowed and paid out of the treasury of the Commonwealth to the Bristol County Agricultural Society, located at Taunton, the sum of six hundred dollars, being the amount to which the society was entitled for the year nineteen hundred and one, in accordance with the provisions of section one of chapter one hundred and twenty-four of the Revised Laws.

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

Approved March 19, 1902.

*Chap.*203 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows:

Massachusetts
State Firemen's
Association.

SECTION 1. The sum of twelve thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the

Massachusetts State Firemen's Association, as provided for by chapter one hundred and eight of the acts of the year nineteen hundred and two.

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

Approved March 19, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE STATE FIRE MARSHAL.

Chap. 204

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 salaries and expenses in the office of the state fire marshal from January first to May first of the present year, to wit:—

For the salary of the state fire marshal, fifteen hundred dollars.

Appropriations.
State fire marshal.

For the salary of the deputy fire marshal, eight hundred thirty-three dollars and thirty-three cents.

Deputy.

For salaries of the clerk, aids, stenographers and messenger in the office of the state fire marshal, a sum not exceeding fifty-two hundred dollars.

Aids, clerk, etc.

For travelling, contingent and incidental expenses, the same to include the services and expenses of persons employed in secret investigations under the direction of the state fire marshal, and fees of witnesses, a sum not exceeding thirty-five hundred dollars.

Travelling expenses.

For postage, printing, stationery, telephone, telegrams and incidental and contingent office expenses of the state fire marshal, a sum not exceeding nine hundred dollars.

Office expenses.

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

Approved March 19, 1902.

AN ACT TO PROVIDE FOR THE REMOVAL OF SNOW AND ICE FROM SIDEWALKS IN TOWNS.

Chap. 205

Be it enacted, etc., as follows:

SECTION 1. Any town, the population of which exceeds three thousand, which shall adopt the provisions of this act at an annual town meeting, or at a special meeting called for that purpose, may annually appropriate and expend money for the removal of snow and ice from its permanent sidewalks constructed of brick, stone, cement, concrete or asphalt, and may provide that the

Certain towns may provide for the removal of snow and ice from sidewalks.

board of assessors may assess upon the estates abutting on said sidewalks, from which snow or ice has thus been removed, the whole or any part of the cost of such removal; and the amount of such assessment upon each estate, unless previously paid, shall be certified by the board of assessors to the collector of taxes of the town, who shall include the same in the next tax bill issued for an annual tax upon such estate, and the same shall be a lien upon such estate, and shall be considered as part of, and shall be levied, collected and paid or abated in the same manner as, the town taxes on real estate.

Certain persons may procure exemption from assessment, etc.

SECTION 2. Any person, or the agent of any person, owning an estate abutting on any sidewalk as aforesaid, may, on or before the first day of November in any year, procure the exemption of such estate from the assessment aforesaid for the following year by a stipulation in writing with the selectmen that he will remove snow and ice from the sidewalk on which the estate abuts, at such time and in such manner as the selectmen or road commissioners shall direct; and if he fails to fulfil his stipulation the assessment above provided for shall be made and collected as if no such stipulation had been made.

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

Approved March 19, 1902.

Chap. 206 AN ACT RELATIVE TO DISEASES DANGEROUS TO THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

Cities and towns having isolation hospitals may receive persons from adjoining towns.

SECTION 1. The board of health of any city or town which has established or which may hereafter establish within its limits a hospital for the reception of persons having smallpox or any other disease dangerous to the public health, may receive for care and treatment in such hospital persons from an adjoining town who are infected with any of said diseases, provided the approval of the board of health of the city or town into which such persons are to be taken shall first have been obtained.

R. L. 75, § 46, amended.

SECTION 2. Section forty-six of chapter seventy-five of the Revised Laws is hereby amended by adding thereto the following words:—The removal authorized by this section may be made to any hospital in an adjoining city or town established for the reception of persons having smallpox or other disease dangerous to the public health, provided the assent of the board of health of the city or

town to which such removal is to be made shall first have been obtained, — so as to read as follows: — *Section 46.* A magistrate authorized to issue warrants in criminal cases may issue a warrant directed to the sheriff of the county or his deputy, or to any constable or police officer, requiring them under the direction of the board to remove any person who is infected with contagious disease, or to impress and take up convenient houses, lodging, nurses, attendants and other necessaries. The removal authorized by this section may be made to any hospital in an adjoining city or town established for the reception of persons having smallpox or other disease dangerous to the public health, provided the assent of the board of health of the city or town to which such removal is to be made shall first have been obtained. *Approved March 19, 1902.*

Warrant to remove persons infected with contagious disease, etc.

AN ACT TO AUTHORIZE THE NEW BEDFORD AND ONSET STREET RAILWAY COMPANY TO EXERCISE ITS CORPORATE POWERS IN THE TOWN OF FAIRHAVEN AND IN THE CITY OF NEW BEDFORD.

Chap. 207

Be it enacted, etc., as follows:

SECTION 1. The New Bedford and Onset Street Railway Company may enter upon, use and operate upon and over such parts of the railway of the Union Street Railway Company in the town of Fairhaven and in the city of New Bedford, and under such terms as to the conditions of such entry, use and operation, and the compensation to be paid therefor, as said companies may from time to time agree upon: *provided, however,* that such entry, use or operation shall not take place in the town of Fairhaven until authorized by the selectmen of that town, nor in the city of New Bedford until authorized by the board of public works of that city, and neither in said town or city until also authorized by the board of railroad commissioners. And said New Bedford and Onset Street Railway Company in such entry, use and operation shall have all the powers and be subject to all the duties and limitations set forth in chapter one hundred and thirty-two of the acts of the year nineteen hundred and one, and in all other laws applicable hereto.

The New Bedford and Onset Street Railway Company may operate in Fairhaven and New Bedford, etc.

Proviso.

Certain provisions of law to apply.

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

Approved March 25, 1902.

*Chap.*208 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY AND THE LOWELL TEXTILE SCHOOL, AND FOR SUNDRY MISCELLANEOUS 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 for certain other expenses authorized by law, to wit:—
- Revised Laws. For printing and distributing additional copies of the Revised Laws, as authorized by chapter one of the resolves of the present year, a sum not exceeding thirteen hundred dollars.
- Bulletin of committee hearings. For expenses in connection with the publication of the bulletin of committee hearings, as authorized by chapter three of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.
- Clerk of police court of Lowell. For the clerk of the police court of Lowell, as authorized by chapter six of the resolves of the present year, the sum of three hundred dollars.
- Massachusetts Charitable Eye and Ear Infirmary. For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter seven of the resolves of the present year, the sum of twenty-five thousand dollars.
- Wife of Alexander McDonald. For the wife of Alexander McDonald, as authorized by chapter eleven of the resolves of the present year, the sum of forty-seven dollars and one cent.
- State normal school at Framingham. For certain improvements at the state normal school at Framingham, as authorized by chapter twelve of the resolves of the present year, a sum not exceeding sixty-five hundred dollars.
- Ellen Ford. For Ellen Ford, as authorized by chapter thirteen of the resolves of the present year, the sum of five hundred dollars.
- Compensation, etc., of committee appointed under resolve 101, 1901. For compensation and expenses of a committee appointed to determine whether compensation should be paid to the towns of Clinton, Sterling and Holden by reason of the construction of the Wachusett reservoir by the metropolitan water and sewerage board, as authorized by chapter one hundred and one of the resolves of the year nineteen hundred and one, a sum not exceeding thirty-three hundred dollars.

For compensation of the persons appointed to prepare for printing the Revised Laws, as authorized by chapter one hundred and twenty-two of the resolves of the year nineteen hundred and one, the sum of four hundred dollars.

Revised Laws.

For the salary of the assayer and inspector of liquors from the first day of January to and including the twenty-fifth day of February of the present year, being the date of the abolition of said office by chapter one hundred and ten of the acts of the present year, the sum of one hundred and eighty-nine dollars and twenty-nine cents.

Assayer and Inspector of liquors.

For Ledyard Bill, executor, as authorized by chapter fourteen of the resolves of the present year, the sum of one hundred dollars.

Ledyard Bill.

For John P. Ryan, as authorized by chapter seventeen of the resolves of the present year, the sum of seven hundred and twenty-nine dollars.

John P. Ryan.

To reimburse the town of New Ashford for expense incurred in repairing certain highways, as authorized by chapter eighteen of the resolves of the present year, the sum of five hundred dollars.

Town of New Ashford.

For collecting portraits of auditors of the Commonwealth, as authorized by chapter nineteen of the resolves of the present year, a sum not exceeding five hundred dollars.

Portraits of auditors.

For the town of Peru, as authorized by chapter twenty of the resolves of the present year, the sum of one hundred fifty-two dollars and thirty-nine cents, the same to be paid out of the moiety of the income of the Massachusetts School Fund payable to towns for educational expenses.

Town of Peru.

For the Lowell Textile School, as authorized by chapter twenty-one of the resolves of the present year, the sum of twenty thousand dollars.

Lowell Textile School.

For stenographers and for such additional clerical assistance as the auditor of the Commonwealth may find necessary for the proper despatch of public business, as authorized by chapter one hundred and seventy-seven of the acts of the present year, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Additional clerical assistance in office of auditor.

For Ella Raymond, as authorized by chapter twenty-two of the resolves of the present year, the sum of three hundred dollars.

Ella Raymond.

Lowell Textile School.

For a heating and ventilating plant for the Lowell Textile School, as authorized by chapter twenty-three of the resolves of the present year, a sum not exceeding twenty-one thousand seven hundred and fifty dollars.

State normal school at Westfield.

For certain repairs and improvements at the state normal school at Westfield, as authorized by chapter twenty-four of the resolves of the present year, a sum not exceeding two thousand dollars.

Samuel Hillman.

For Samuel Hillman, as authorized by chapter twenty-five of the resolves of the present year, the sum of three hundred and sixty dollars.

Memorial to Massachusetts soldiers who took part in siege of Vicksburg.

For the erection of a memorial to Massachusetts soldiers who took part in the siege of Vicksburg, as authorized by chapter twenty-six of the resolves of the present year, a sum not exceeding five thousand dollars.

State normal school at Westfield.

For the construction of a new dormitory at the state normal school at Westfield, as authorized by chapter twenty-seven of the resolves of the present year, a sum not exceeding twenty-five thousand dollars, the same to be in addition to the fifty thousand dollars authorized by chapter ninety-five of the resolves of the year nineteen hundred and one.

Charles H. Sargent.

For Charles H. Sargent, as authorized by chapter twenty-eight of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Bristol county agricultural society.

For the payment of a bounty to the Bristol county agricultural society, as authorized by chapter two hundred and two of the acts of the present year, the sum of six hundred dollars.

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

Approved March 26, 1902.

Chap. 209 AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE STATE PENSION AGENT.

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 salary and expenses of the state pension agent from the first day of January to the first day of July of the present year, to wit:—

State pension agent.

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

For clerical assistance, travelling and other necessary Expenses. expenses of the state pension agent, a sum not exceeding twenty-five hundred dollars.

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

Approved March 26, 1902.

AN ACT MAKING AN APPROPRIATION FOR EXPENSES OF THE BOARD Chap.210
OF CATTLE COMMISSIONERS.

Be it enacted, etc., as follows :

SECTION 1. The sum of eight thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet expenses authorized by the board of cattle commissioners in connection with the extermination of contagious diseases among horses, cattle and other animals, from January first to April fifteenth of the present year. Extermination of contagious diseases among animals.

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

Approved March 26, 1902.

AN ACT RELATIVE TO THE INVESTIGATION AND REPORT OF CERTAIN SUPPLEMENTARY ASSESSMENTS FOR POLL TAXES IN THE CITY OF BOSTON. Chap.211

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter four hundred of the acts of the year nineteen hundred and one is hereby amended by inserting after the word "Boston", in the ninth line, the words:—except as to such assessments as are made between the fifteenth day of June and the twentieth day of August, the report upon which shall be made on or before the thirtieth day of August,—so as to read as follows:—*Section 2.* Each of the said assessors shall annually, in his district, personally make investigation as to every person who has been assessed for a poll tax supplementarily to the original assessment, in accordance with the provisions of section twenty of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-eight, and shall, within ten days after any such person was so assessed, report in writing to the assessors of Boston, except as to such assessments as are made between the fifteenth day of June and the twentieth day of August, the report upon which shall be made on or before the thirtieth day of August, whether such person 1901, 400, § 2, amended.

First assistant assessors in Boston, duties, etc.

actually resided at the place at which he was so assessed upon the first day of May previous to the assessment, or upon some later day in May at least six months prior to the election at which he claims the right to vote. All such reports shall be open to the inspection of the public.

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 26, 1902.

Chap. 212 AN ACT RELATIVE TO THE TAXATION OF THE CENTRAL MASSACHUSETTS RAILROAD COMPANY.

Be it enacted, etc., as follows:

Certain allowance may be made in estimating value of property, etc., of the Central Massachusetts Railroad Company for taxation.

SECTION 1. In estimating the value of the corporate franchise and property of the Central Massachusetts Railroad Company for taxation the tax commissioner may make an equitable allowance for the value of such of its shares as have been acquired by the Boston and Maine Railroad under the provisions of chapter four hundred and twenty-four of the acts of the year nineteen hundred, and also for the value of such of its shares as are still outstanding, for which the Boston and Maine Railroad has actually issued stock under the provisions of said chapter; but such allowance shall be made only while the shares so acquired remain in the treasury of the Boston and Maine Railroad and while a tax is assessed and actually paid on the corporate franchise of the Boston and Maine Railroad.

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

Approved March 26, 1902.

Chap. 213 AN ACT RELATIVE TO COMPENSATING CITIES AND TOWNS FOR CARING FOR PERSONS INFECTED WITH THE SMALLPOX OR OTHER DISEASE DANGEROUS TO THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

Payment of expenses incurred by cities and towns for caring for persons infected with disease dangerous to the public health.

SECTION 1. Reasonable expenses incurred by the board of health of a city or town in making the provision required by law for persons infected with the smallpox or other disease dangerous to the public health shall be paid by such person or his parents, if he or they be able to pay, otherwise by the city or town in which he has a legal settlement, upon the approval of the bill by the board of health of such city or town; and such settlements shall

be determined by the overseers of the poor. If the person has no settlement such expense shall be paid by the Commonwealth, upon approval of bills therefor by the state board of charity. In all cases of persons having settlements a written notice sent within the time required in case of aid given to paupers, shall be sent by the board of health or by the officer or board having the powers of a board of health in the city or town where the person is sick, to the board of health, or to the officer or board having the powers of a board of health in the city or town in which such person has a settlement, who shall forthwith transmit a copy thereof to the overseers of the poor of the place of settlement. In case the person has no settlement such notice shall be given to the state board of health, in accordance with the provisions of section fifty-two of chapter seventy-five of the Revised Laws.

SECTION 2. No person for whose care and maintenance a city or town or the Commonwealth has incurred expense in consequence of smallpox, scarlet fever, diphtheria or other disease dangerous to the public health shall be deemed to be a pauper by reason of such expenditure.

Certain persons not to be deemed paupers.

SECTION 3. Section fifty-seven of chapter seventy-five of the Revised Laws is hereby repealed.

Repeal.

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

Approved March 26, 1902.

AN ACT TO EXEMPT THE BOSTON AND MAINE RAILROAD RELIEF ASSOCIATION FROM THE PROVISIONS OF LAW RELATIVE TO FRATERNAL BENEFICIARY CORPORATIONS.

Chap. 214

Be it enacted, etc., as follows :

SECTION 1. The Boston and Maine Railroad Relief Association is hereby exempted from the provisions of chapter one hundred and nineteen of the Revised Laws, relative to fraternal beneficiary corporations.

The Boston and Maine Railroad Relief Association exempt from provisions of R. L. 119.

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

Approved March 26, 1902.

AN ACT TO INCORPORATE THE MILLVILLE CEMETERY ASSOCIATION.

Chap. 215

Be it enacted, etc., as follows :

SECTION 1. Lyman Legg, Eliza W. Mann, Robert Aldrich, Edna I. Holt, Elizabeth F. Southwick, Emeline H. Wilson, Charles F. Taft, J. Ardelle Mann and Frederic

Millville Cemetery Association incorporated.

W. Southwick, their associates and successors, are hereby made a corporation by the name of the Millville Cemetery Association, for the purpose of acquiring and maintaining as a burial ground certain land in the town of Blackstone now used for that purpose, situated on the east side of Central street in that part of Blackstone called Millville, and near the state line, containing about five acres, bounded northerly, easterly and southerly by land now or late of Russel Wilson, and westerly by said street, subject to the rights of any person holding an estate or interest in the said land under the original proprietors or otherwise: and also any additional land in the town of Blackstone that may be necessary for the said purpose. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations, except as herein otherwise provided.

First meeting,
etc.

SECTION 2. The first meeting of the said corporation shall be held on the second Monday of June in the year nineteen hundred and two, at two o'clock in the afternoon, at the house of Willard Wilson in said Millville. At such meeting the incorporators may organize by the choice of a temporary chairman and clerk, and may adopt by-laws; and they may proceed at such meeting, or at a subsequent meeting called in accordance with the by-laws, to make a permanent organization of the corporation, and to elect such officers as may be necessary.

Gifts, bequests,
etc.

SECTION 3. Said corporation may purchase from time to time, and may take by devise or gift, and hold so much real and personal estate as may be necessary for its purposes as a cemetery corporation. Said corporation may also hold in trust any money or other property given or bequeathed for the care, embellishment or extension of its cemetery, or for the care or embellishment of any lot therein, or for the care, repair, preservation or renewal of any monument, tomb, fence or other structure therein, or for planting a lot or its vicinity with trees or shrubs; and when such gift or bequest is made the said corporation shall give to the person making the same, or to his representative, an obligation, upon such conditions as may be agreed upon, binding the corporation to fulfil the terms of the trust.

Sale and care of
lots, etc.

SECTION 4. The said corporation may lay out its real

estate, or any part thereof, in lots; and may sell the same or grant rights of burial therein, and rights of erecting tombs, monuments or other structures thereon, and of caring for and ornamenting the same, upon such terms, conditions and regulations as it may prescribe. All income received by the said corporation, the use of which is not determined by a trust, shall be applied exclusively to the care, maintenance, improvement and embellishment of its cemetery and the structures therein, or to the purchase of additional land for cemetery purposes.

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

Approved March 26, 1902.

AN ACT RELATIVE TO THE WAIVING OF CERTAIN CLAIMS AGAINST THE GOVERNMENT OF THE UNITED STATES FOR THE BURIAL OF DECEASED SOLDIERS AND SAILORS.

Chap.216

Be it enacted, etc., as follows:

SECTION 1. The commissioners of state aid are hereby authorized and directed to waive all claims on the part of the Commonwealth of Massachusetts against the United States for the whole or any part of a pension accrued at the date of the death of any pensioner, or of a pension application for which is pending at the date of the death of any person entitled to a pension, in cases where the Commonwealth has, since the fourth day of June, eighteen hundred and eighty-nine, contributed to the expense of burial of such pensioner or person.

Certain claims against the United States to be waived.

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

Approved March 26, 1902.

AN ACT TO DEFINE THE TIME WITHIN WHICH SUITS MAY BE BROUGHT FOR DAMAGES UNDER THE ACT TO PROHIBIT THE DRAWING DOWN OF THE WATER OF THE CHARLES RIVER AT CERTAIN SEASONS OF THE YEAR.

Chap.217

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter five hundred and twenty-nine of the acts of the year nineteen hundred and one, entitled "An Act to prohibit the drawing down of the water of the Charles river at certain seasons of the year", is hereby amended by striking out the words "passage of this act", at the end thereof, and inserting in place thereof the words: — acceptance of this act by

1901, 529, § 2, amended.

Damages. the town of Natick as provided for in section four of this act, — so as to read as follows: — *Section 2.* Any person or corporation damaged in their property by the provisions of this act shall be entitled to recover the same, in equal shares, from the Commonwealth of Massachusetts and the town of Natick, in the same manner as is provided for the recovery of damages occasioned by the taking of

Proviso. land in the laying out of highways: *provided, however,* that no action shall be brought hereunder to recover said damages after a period of two years from the acceptance of this act by the town of Natick as provided for in section four of this act.

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

Approved March 26, 1902

Chap. 218 AN ACT TO AUTHORIZE THE TOWN OF IPSWICH TO PAY A CERTAIN SUM OF MONEY TO THE ESTATE OF GEORGE P. SMITH.

Be it enacted, etc., as follows:

1900, 336, § 1,
amended.

SECTION 1. Section one of chapter three hundred and thirty-six of the acts of the year nineteen hundred is hereby amended by inserting after the words "George P. Smith", in the second line, the words:—or to the estate of George P. Smith,—so as to read as follows:—

Town of Ips-
wich may pay a
sum of money
to the widow or
estate of
George P.
Smith.

Section 1. The town of Ipswich is hereby authorized to pay to Olive P. Smith, widow of George P. Smith, or to the estate of George P. Smith, a sum of money on account of injuries received by him on the eighteenth day of April in the year eighteen hundred and ninety-five, while assisting a police officer of said town in making an arrest.

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

Approved March 26, 1902.

Chap. 219 AN ACT RELATIVE TO THE MANUFACTURERS MUTUAL CASUALTY COMPANY.

Be it enacted, etc., as follows:

Issue of policies
by the Manu-
facturers
Mutual Casualty
Company.

SECTION 1. The period during which the Manufacturers Mutual Casualty Company, incorporated by chapter ninety-nine of the acts of the year nineteen hundred, is authorized by general law to begin to issue policies is hereby extended so that said company may begin to issue policies at any time prior to the first day of February in

the year nineteen hundred and three, subject to the provisions of its act of incorporation.

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

Approved March 26, 1902.

AN ACT TO AUTHORIZE THE TOWN OF REVERE TO REFUND A PART OF ITS INDEBTEDNESS.

Chap.220

Be it enacted, etc., as follows:

SECTION 1. The town of Revere is hereby authorized to refund a part of its present indebtedness, and for that purpose may issue notes, bonds or scrip to an amount not exceeding two hundred thousand dollars, payable in such proportionate annual payments as will extinguish the same within the twenty years following the passage of this act, and bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum. Such notes, bonds or scrip shall be signed by the treasurer and countersigned by the selectmen of the town, and may be sold or negotiated at public or private sale, and the proceeds shall be used to discharge an equal amount of the existing debt of the town, and for no other purpose; but the purchasers thereof shall not be responsible for the application of the proceeds.

Town of Revere may issue notes, bonds or scrip, etc.

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

Approved March 26, 1902.

AN ACT TO AUTHORIZE THE PERKINS STREET BAPTIST SOCIETY IN SOMERVILLE TO CHANGE ITS NAME TO THE EAST SOMERVILLE BAPTIST SOCIETY IN SOMERVILLE.

Chap.221

Be it enacted, etc., as follows:

SECTION 1. The Perkins Street Baptist Society in Somerville is hereby authorized to change its name to the East Somerville Baptist Society in Somerville.

The Perkins Street Baptist Society in Somerville may change its name.

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

Approved March 26, 1902.

AN ACT TO AUTHORIZE THE TOWN OF METHUEN TO PAY A SUM OF MONEY TO THE FATHER OR GUARDIAN OF ERNEST H. GAUNT.

Chap.222

Be it enacted, etc., as follows:

SECTION 1. The town of Methuen is hereby authorized to raise by taxation and to pay to Henry Gaunt, father of Ernest H. Gaunt, a minor, for the benefit of the said

Town of Methuen may pay a sum of money to the father or

guardian of
Ernest H.
Gaut.

minor, or to a legal guardian of the said minor, the sum of twenty-five hundred dollars. The payment of said sum shall be in full compensation for injuries received by the said minor during the performance of a chemical experiment in the high school of the said town.

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

Approved March 26, 1902.

Chap. 223

AN ACT TO AUTHORIZE A CHANGE IN THE BOUNDARY LINE OF THE BURIAL GROUND BELONGING TO THE FIRST CONGREGATIONAL SOCIETY IN BRIDGEWATER.

Be it enacted, etc., as follows :

Boundary line
of burial ground
belonging to
the First Congregational
Society in
Bridgewater
may be changed.

SECTION 1. The First Congregational Society in Bridgewater is hereby authorized to change a part of the boundary line of its burial ground in the town of Bridgewater at the northeast corner of said burial ground on Summer street, so that the curve of the new boundary line shall come nine feet within the outer limit of the curve of the existing boundary line, and shall extend in both directions from this point to the straight part of the boundary line, as shown on a plan to be filed in the office of the town clerk of Bridgewater. That part of the burial ground lying between said new boundary line and the old boundary line may hereafter be used for improving the condition of the highway adjacent to the burial ground, upon a vote to that effect of the First Congregational Society, and upon the acceptance of the aforesaid plot of ground by the town of Bridgewater as a public highway.

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

Approved March 26, 1902.

Chap. 224

AN ACT RELATIVE TO BOSTON BRIDGES.

Be it enacted, etc., as follows :

Construction,
etc., of bridges
in Boston, etc.

SECTION 1. Subject to the approval of the board of harbor and land commissioners the city of Boston and any other city or town between which and the city of Boston any bridge has heretofore been built or authorized to be built, or between which and the city of Boston any bridge shall hereafter be authorized to be built, may widen any such bridge to a width not exceeding one hundred and five feet, may widen the draw openings thereof,

may discontinue the draw of any such bridge below which a bridge has been authorized without a draw, and may build piers, guards and fenders for maintaining and protecting any such bridge or draw.

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

Approved March 26, 1902.

AN ACT TO PROVIDE FOR THE ANNOUNCEMENT OF THE NUMBER OF PERSONS TO BE CHOSEN AS MEMBERS OF WARD AND TOWN COMMITTEES.

Chap. 225

Be it enacted, etc., as follows:

SECTION 1. Section eighty-four of chapter eleven of the Revised Laws is hereby amended by inserting after the word "consist", in the fourth line, the words:— which number shall be announced in the call for the meeting at which they are to be chosen; but said number may be increased or decreased by vote of said meeting, —so as to read as follows:— *Section 81.* A state, city or town committee may make rules and regulations, not inconsistent with law, for its proceedings and relative to caucuses called by it, and may fix the number of persons of whom it shall consist, which number shall be announced in the call for the meeting at which they are to be chosen; but said number may be increased or decreased by vote of said meeting. Each city or town committee may make reasonable regulations, not inconsistent with law, to determine membership in the party, and to restrain persons not entitled to vote at caucuses from attendance thereat or taking part therein. But no political committee shall prevent any voter from participating in a caucus of its party for the reason that the voter has supported an independent candidate for political office.

R. L. 11, § 84, amended.

Political committees may make rules and regulations, etc.

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

Approved March 26, 1902.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF SHEEP FROM DOGS.

Chap. 226

Be it enacted, etc., as follows:

It shall be lawful for the county commissioners of any county, or their agents thereto authorized in writing, to enter upon the premises of the owner of any dog known

Protection of sheep from dogs.

to them to have worried or killed sheep, and then and there to kill such dog, unless such owner whose premises are thus entered for the said purpose shall give a bond in the sum of two hundred dollars, with sufficient sureties, to be approved by the county commissioners, the condition of the bond being that the dog shall refrain from killing or worrying sheep for the space of twelve months next ensuing. And if the owner of the dog declares his intention to give such a bond the said county commissioners or their agents shall allow him reasonable time in which to procure and prepare the same and to present it to them, or to file it with the clerk of the city or town in which the said owner resides.

Approved March 26, 1902.

Chap. 227 AN ACT RELATIVE TO THE RELEASE OF PRISONERS UPON PROBATION.

Be it enacted, etc., as follows:

R. L. 225, § 121,
amended.

Release of
prisoners upon
probation.

SECTION 1. Section one hundred and twenty-one of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the words "for a misdemeanor", in the fourth and fifth lines, — so as to read as follows:— *Section 121.* A probation officer may, with the consent of the county commissioners, or, in the county of Suffolk, of the penal institutions commissioner of the city of Boston, investigate the case of any person who is imprisoned in a jail or house of correction upon a sentence of not more than six months, or upon a longer sentence of which not more than six months remain unexpired, for the purpose of ascertaining the probability of his reformation if released from imprisonment. If, after such investigation, he recommends the release of the prisoner, and the court which imposed the sentence, or, if the sentence was imposed by the superior court, the district attorney, certifies a concurrence in such recommendation, the county commissioners or the penal institutions commissioner may, if they consider it expedient, release him upon probation, upon such terms and conditions as they may prescribe and may require a bond for the fulfilment of such conditions. The surety upon any such bond may at any time take and surrender his principal, and the county commissioners or the penal institutions commissioner may at any time order any

prisoner released by them upon probation to return to the prison from which he was released. The provisions of this section shall not apply to persons held upon sentence of the courts of the United States.

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

Approved March 27, 1902.

AN ACT TO TRANSFER THE POWERS AND DUTIES OF THE INSPECTOR OF GAS METERS AND OF ILLUMINATING GAS TO THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS.

Chap. 228

Be it enacted, etc., as follows:

SECTION 1. The powers and duties heretofore conferred and imposed upon the inspector of gas meters and of illuminating gas are hereby conferred and imposed upon the board of gas and electric light commissioners. The care and custody of all property of the Commonwealth in the possession of said inspector are hereby transferred to said board.

Powers and duties of inspector of gas meters, etc., transferred to gas and electric light commissioners.

SECTION 2. Said board shall have under their control an inspector and one or more assistant inspectors, who shall be appointed by the governor, with the advice and consent of the council, for terms of three years from the dates of their respective appointments, and who shall be sworn to the faithful performance of their official duties. The inspector, assistant inspectors, and the deputy inspectors hereinafter provided for, shall not be pecuniarily interested, directly or indirectly, in the manufacture or sale of illuminating gas, of gas meters, or of any other article or commodity used by gas light companies or used for any purpose connected with the consumption of gas or with gas companies, and shall not give certificates or written opinions to makers or vendors of any such articles or commodities.

Inspectors, appointment, term, etc.

SECTION 3. Said inspectors, subject to the rules and regulations prescribed by the board, shall make the inspections of gas required by section fourteen of chapter fifty-eight of the Revised Laws, and shall inspect, examine, ascertain and prove the accuracy of all gas meters which are used for measuring the quantity of illuminating gas and are to be furnished to or for the use of any person, and shall seal, stamp or mark every such meter, if it be found correct, with some suitable device, which shall be recorded in the office of the secretary of the Common-

Powers and duties.

wealth, and with the name of the inspector, the date of the inspection and the number of burners which the meter is intended to supply. They shall also perform such other duties and make such reports of their doings as the board may require.

Deputy inspectors may be appointed for temporary service.

SECTION 4. If the inspectors at any time are unable fully to perform the duties required of them by this act the board shall appoint for temporary service one or more deputy inspectors of meters, and shall determine their compensation. Any person now in the service of the inspector of gas meters and of illuminating gas may be appointed or employed as such deputy without civil service examination. Such deputies shall be sworn, shall act under the direction of said board, shall not be connected with or employed by any gas company, and from their decisions the gas company or the consumer may appeal to the board.

Fees.

SECTION 5. For examining, comparing and testing meters, with or without stamping them, the board may collect a fee of twenty-five cents for each meter delivering not more than a cubic foot of gas in four revolutions, vibrations or complete repetitions of its action, and for each meter so delivering more than a cubic foot, a fee of thirty cents with twenty cents added for every additional cubic foot so delivered. The board shall designate one of its members to receive said fees, who shall give a bond to the treasurer and receiver general in the penal sum of five thousand dollars. All fees so received shall be paid into the treasury of the Commonwealth quarterly, on the last days of March, June, September and December in each year.

Compensation of inspectors, etc.

SECTION 6. The salary of the inspector shall be twenty-five hundred dollars a year, the salary of the first assistant inspector shall be fifteen hundred dollars a year, and the salary of the second assistant inspector, if there be one appointed, shall be twelve hundred dollars a year, and the board may expend annually a sum not exceeding five thousand dollars for the compensation of deputies and for necessary apparatus, travelling expenses, office rent and expenses, and for other necessary expenses incident to the duties of said inspectors.

Payment of expenses of board, etc.

SECTION 7. The amount of the expenses incurred by the board under this act, and of salaries paid thereunder, less the amount deposited with the treasurer and receiver

general from the fees for the inspection of meters, shall be borne by the several gas companies in proportion to their gross earnings, and shall be assessed and recovered in the manner provided by section ten of chapter one hundred and eleven of the Revised Laws for the assessment and recovery of the expenses of the railroad commissioners. If at any time however the amount collected under the provisions of section five hereof shall exceed the amount of such salaries and expenses, such excess shall be applied to reduce the annual assessment levied upon the several gas companies under the provisions of chapter one hundred and twenty-one of the Revised Laws, for the annual expenses of the board.

SECTION 8. Sections one, two, three, four, five, six and seven of chapter fifty-eight of the Revised Laws, and so much of section seven of chapter nine thereof as relates to the annual report of the inspector of gas and gas meters, are hereby repealed. Repeal.

SECTION 9. So much of this act as relates to the appointment of the inspector and assistant inspectors shall take effect upon its passage, and the remainder of this act shall take effect as soon as said officers are appointed and qualified. When to take effect.
Approved March 27, 1902.

AN ACT RELATIVE TO WATER COURSES AND DRAINAGE IN THE CITY OF MARLBOROUGH. Chap. 229

Be it enacted, etc., as follows:

SECTION 1. The city of Marlborough, for the purposes of surface and ground drainage and for the protection of the public health, may by its board of aldermen from time to time improve the brooks and natural streams in said city by widening the same, removing obstructions in or over them, diverting the water, or by altering the courses or deepening the channels or constructing new channels, and may conduct the water of any such brook or stream and any surface or ground water through pipes, covered conduit or open channel, or convert any such brook or stream, whether in its original channel or after the alteration of the course of the same, wholly or in part into a covered conduit; and for the purposes aforesaid may by its city council from time to time, subject to the provisions hereof, purchase or take land in fee simple or otherwise, or any right or easement in land, including any brook or City of Marlborough may improve certain brooks, etc., for drainage purposes, etc.
May take land, change the course of brooks, etc.

May take land,
change the
course of
brooks, etc.

stream or part of any brook or stream which is wholly or partly within the boundaries of any land so purchased or taken, and may, by the board of aldermen, change the course of any brook or stream so that it shall flow within said taking, and may by the construction of drains or otherwise divert any surface water or ground water into any brook, pipe, conduit or channel constructed or maintained under this act, and for the purposes of this act may conduct any stream or drain across any railroad or street railway location, or across, along or under any way, without unnecessarily obstructing the same, and may enter upon any land or way and do any work thereon which the board may deem necessary for said purposes, and may make such improvements on the land so taken or purchased as the board of aldermen shall deem necessary for the protection of public health and for protecting the water of any brook, stream, drain, conduit or channel against pollution, and may construct such walks or ways thereon as they may deem necessary for public convenience, and may also enter upon the location of any railroad or railway corporation, by agreement with said corporation, for the purpose of improving in the manner hereinbefore provided, brooks and natural streams flowing under or at the side of the tracks and within said location, and may do any work thereon which said board shall deem necessary; and for the purposes of this act may enter into any contracts or agreements with any person or corporation.

Proceedings for
taking land, etc.

Proviso.

SECTION 2. When land or any right or easement in land is taken under the provisions of the preceding section the proceedings for the taking shall be the same as in the laying out of streets in said city: *provided*, that before any land or right or easement therein is taken the city council shall give a public hearing to all parties interested, notice of which shall be given in one or more newspapers published in the city of Marlborough once a week for two weeks successively; and by posting such notice in two public places in said city seven days at least before such hearing, and no other hearing or notice shall be required. A description and plan of the land so taken or purchased shall, within sixty days after the passage of the order or vote under which the land was taken or purchased, be filed for record by the city in the registry of deeds for the southern Middlesex district.

Description of
land to be filed,
etc.

SECTION 3. All claims for damages sustained by the taking of lands, rights or easements under this act otherwise than by purchase, or by any other act done under authority hereof, shall be ascertained and recovered in the manner now provided by law in the case of land taken for laying out highways in said city: *provided*, that, except in the case of lands taken under the provisions providing for the assessment of betterments, in estimating the damages sustained by any person by the taking of his land or by any other act done by virtue of this act there shall be allowed by way of set-off the benefit, if any, to the property of such person resulting from the taking of such land or from any other act so done.

Damages.

Proviso.

SECTION 4. At any time within two years after any brook or natural stream or the drainage in said city has been improved in any of the ways mentioned in the first section of this act, under an order declaring the same to be done under the provisions of law authorizing the assessment of betterments, if, in the opinion of the board of aldermen of said city, any real estate in said city, including that, if any, of which a part is taken therefor, receives any benefit or advantage therefrom beyond the general advantage to all real estate in said city, the board may determine the value of such benefit and advantage to said real estate, and may assess upon the same a proportionate share of the expense of making such improvement; but no such assessment shall exceed one half of such adjudged benefit and advantage, nor shall the same be made until the work of making such improvement is completed. All laws now or hereafter in force in relation to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of ways in said city shall, so far as the same are applicable and not inconsistent with the provisions of this act, apply to the doings of the board of aldermen under this act; and all persons who are aggrieved by the assessment of betterments under the provisions of this act shall have the same remedies now or hereafter provided by law for persons aggrieved by the assessment or levy of betterments in the laying out of ways in said city.

Assessment of betterments.

Certain proceedings of law to apply.

SECTION 5. No person shall, without lawful authority, injure, disturb or destroy any work of said city constructed or maintained for the purposes of this act, nor pollute the waters of any brook, stream, drain, conduit or

Penalty for injury to work, pollution of waters, etc.

channel in said city, or put or maintain any obstruction therein. Whoever violates any provision of this section shall for each offence be punished by a fine not exceeding five hundred dollars or by imprisonment in the house of correction for a term not exceeding three months, or by both such fine and imprisonment.

Repeal, etc.

SECTION 6. Chapter two hundred and seventy of the acts of the year eighteen hundred and ninety-nine is hereby repealed, but such repeal shall not affect any right of action accrued or accruing by reason of the acts of said city under authority of said chapter previous to the time when this act shall take effect.

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

Approved March 27, 1902.

Chap. 230 AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO PUBLISH CERTAIN INFORMATION IN THE INTERESTS OF THE PUBLIC HEALTH.

Be it enacted, etc., as follows:

State board of health may publish certain information, etc.

SECTION 1. The state board of health is hereby authorized to publish for general distribution such parts of its annual report and such other matter as it may deem adapted to promote the interests of the public health in this Commonwealth: *provided*, that the expense of such publication is paid out of the appropriation for the general expenses of the board and does not exceed in any one year the sum of five hundred dollars. The board is also authorized to publish not oftener than once in three years, beginning with the year nineteen hundred and two, a manual of the laws relating to boards of health in this Commonwealth, together with such other information upon the same subject as the board may deem expedient, the same to be distributed among the local boards of health throughout the Commonwealth. The cost of such publications shall not exceed five hundred dollars for each edition and shall be paid out of the appropriation for general expenses of the board.

Proviso.

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

Approved March 27, 1902.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS FOR PARK PURPOSES BEYOND THE LIMIT FIXED BY LAW. Chap.231

Be it enacted, etc., as follows :

SECTION 1. The city of Fall River, for the purpose of paying for lands for public parks or for the extension of existing parks, or for paying the cost of constructing such parks or extensions, may from time to time incur indebtedness, in addition to the amount already authorized by law, to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law for said city ; and for said purposes may issue from time to time bonds, notes or scrip not exceeding in the aggregate said amount. Such bonds, notes or scrip shall bear on their face the words, Fall River Park Loan, shall be payable at the expiration of periods not exceeding fifty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the mayor and treasurer of the city. The city may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, upon such terms and conditions as it may deem proper. Fall River Park Loan.

SECTION 2. Except as herein otherwise provided the provisions of chapter twenty-seven of the Revised Laws shall apply to the indebtedness hereby authorized, to the securities issued therefor, and to the sinking fund established for the payment thereof. R. L. 27 to apply.

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

Approved March 27, 1902.

AN ACT TO CHANGE THE NAME OF THE MASSACHUSETTS LOAN AND TRUST COMPANY TO THE MASSACHUSETTS TRUST COMPANY. Chap.232

Be it enacted, etc., as follows :

SECTION 1. The Massachusetts Loan and Trust Company, located in Boston, shall hereafter be called the Massachusetts Trust Company. Name changed.

SECTION 2. This act shall take effect when accepted by the holders of a majority of the stock of the company at a meeting called for that purpose. When to take effect.

Approved March 27, 1902.

*Chap.*233 AN ACT TO AUTHORIZE THE TRUSTEES OF THE PUBLIC SCHOOL TEACHERS' RETIREMENT FUND TO INVEST IN BONDS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Trustees of Public School Teachers' Retirement Fund may invest in bonds of city of Boston.

SECTION 1. The treasurer of the city of Boston is hereby authorized to sell to the trustees of the Public School Teachers' Retirement Fund, and the said trustees are hereby authorized to buy, bonds of the city of Boston, upon the same terms and in such manner as the said treasurer is now authorized to sell such bonds to the board of sinking fund commissioners of the city of Boston.

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

Approved March 27, 1902.

*Chap.*234 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO JOSEPHINE E. O. LANG.

Be it enacted, etc., as follows:

City of Boston may pay a certain sum of money to the widow of William D. Lang.

SECTION 1. The city of Boston is hereby authorized to pay to Josephine E. O. Lang, widow of William D. Lang late superintendent of lamps in that city, a sum of money not exceeding one half the annual salary of said William D. Lang as such superintendent.

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

Approved March 27, 1902.

*Chap.*235 AN ACT RELATIVE TO FILLING VACANCIES IN THE BOARD OF ALDERMEN OF THE CITY OF MELROSE.

Be it enacted, etc., as follows:

1899, 162, § 51, amended.

SECTION 1. Section fifty-one of chapter one hundred and sixty-two of the acts of the year eighteen hundred and ninety-nine is hereby amended by inserting after the word "vacancy", in the twenty-second line, the words: — if not elected at large, — so as to read as follows: —

Vacancy in office of mayor.

Section 51. If there is no choice of a mayor, or if the person elected mayor shall refuse to accept the office, or shall die before qualifying, or if in the first nine months of the municipal year a vacancy in said office shall occur, the board of aldermen shall forthwith call meetings for a new election, and the same proceedings shall be had in respect thereto as are hereinbefore provided for the election of mayor, and shall be repeated until the election of

a mayor is completed. But if such vacancy in the office of mayor shall occur in the last three months of the municipal year it shall be filled by the board of aldermen by a majority vote of all its members. If the full number of members of the board of aldermen has not been elected, or if a vacancy in the office of alderman shall occur in the first six months of the municipal year, it shall be filled by an election by the voters of the city in the case of an alderman at large, or by an election by the voters of the ward entitled to such representative in the case of a ward alderman. But if such vacancy occur in the last six months of the municipal year it shall be filled by the board of aldermen by a majority vote of all its members. The person elected to fill such vacancy, if not elected at large, shall be a resident of the ward in which the vacancy occurs.

Vacancy in board of aldermen.

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

Approved March 27, 1902.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF GAME.

Chap.236

Be it enacted, etc., as follows:

SECTION 1. Whoever, except as provided in section twenty-one of chapter ninety-two of the Revised Laws, takes or sends or causes to be taken or sent out of the Commonwealth any bird or animal protected by the provisions of said chapter which has illegally been taken or killed within the Commonwealth; and whoever has in possession any such bird or animal with intent to take or send the same or to cause the same to be taken or sent out of the Commonwealth, shall be punished by a fine of twenty dollars for every bird or animal so had in possession or taken or sent beyond the limits of the Commonwealth.

Protection of game.

SECTION 2. Section twenty-two of chapter ninety-two of the Revised Laws is hereby repealed.

Repeal.

Approved March 27, 1902.

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES.

Chap.237

Be it enacted, etc., as follows:

SECTION 1. The city of Newburyport, for the purpose of purchasing a lot and building for high school purposes,

City of Newburyport may incur indebted.

ness, issue
bonds, etc.

or of purchasing land and erecting thereon a high school building, may incur indebtedness to an amount not exceeding seventy thousand dollars beyond the limit of indebtedness fixed by law for that city, and may from time to time issue negotiable notes, bonds or scrip therefor, properly denominated on the face thereof, signed by its treasurer and countersigned by its mayor, payable at periods not exceeding twenty years from the dates of issue, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually.

R. L. 27 to
apply.

SECTION 2. The provisions of chapter twenty-seven of the Revised Laws shall, except as otherwise provided herein, 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.

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

Approved March 27, 1902.

Chap. 238 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARY MCGEE.

Be it enacted, etc., as follows:

City of Boston
may pay a cer-
tain sum of
money to the
mother of
Dennis McGee.

SECTION 1. The city of Boston is hereby authorized to pay to Mary McGee, the mother of Dennis McGee a member of the fire department of that city who died on the fourteenth day of January in the year nineteen hundred and two, the amount of salary to which he would have been entitled had he lived and served the city until the fourteenth day of July in the year nineteen hundred and two.

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

Approved March 27, 1902.

Chap. 239 AN ACT RELATIVE TO THE IMPROVEMENT OF THE STATE HOUSE GROUNDS.

Be it enacted, etc., as follows:

Improvement
of state house
grounds.

SECTION 1. The governor and council may alter or reconstruct, in accordance with the drawings and specifications of Robert D. Andrews, the entrance on the easterly side of the state house nearest Beacon street, so that it shall conform to the change of grade caused by the laying out and construction of the state house park as author-

ized by chapter five hundred and twenty-five of the acts of the year nineteen hundred and one.

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

Approved March 27, 1902.

AN ACT RELATIVE TO THE CENTRAL BLOCK, A CORPORATION LOCATED IN THE CITY OF PITTSFIELD.

Chap. 240

Be it enacted, etc., as follows:

SECTION 1. The Central Block, located in the city of Pittsfield, for all the purposes, with all the powers and privileges and subject to all the duties and liabilities set forth in its act of incorporation, namely, chapter one hundred and eighteen of the acts of the year nineteen hundred and one, is hereby authorized to take and hold, subject to any easements which other persons may have therein, the following described real estate and interests in real estate, to wit:—So much of Market street, so-called, as is owned by the owners of the real estate described in said chapter, and a strip of land adjoining the same on the northerly side and now used as a way, twelve feet wide, and running to Depot street, together with all rights, interests and easements now possessed by the said owners mentioned or referred to in said chapter, in the lands adjoining all the lands herein described and described in said chapter.

The Central Block of Pittsfield may take certain real estate, etc.

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

Approved March 27, 1902.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO ELIZABETH M. O'FLAHERTY.

Chap. 241

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Elizabeth M. O'Flaherty, widow of William E. O'Flaherty late an employee at Suffolk county jail, a sum of money not exceeding one half the annual salary of said William E. O'Flaherty as such employee.

City of Boston may pay a certain sum of money to widow of William E. O'Flaherty.

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

Approved March 27, 1902.

*Chap.*242 AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO REFUND A PART OF ITS WATER DEBT.

Be it enacted, etc., as follows:

City of Springfield may issue bonds, etc.

SECTION 1. The city of Springfield, by vote of its city council, is hereby authorized to issue bonds to an amount not exceeding two hundred and fifty thousand dollars, for the purpose of refunding a part of its indebtedness at present existing as a water loan, and maturing on the first day of April in the year nineteen hundred and three. The bonds issued under the provisions of this act shall be made payable not more than ten years from the date of issue, shall bear interest at a rate not exceeding three and one half per cent per annum, and shall not be reckoned in determining the limit of indebtedness of the city fixed by law. They shall be signed by the treasurer and countersigned by the mayor and auditor of the city, and may be sold or negotiated at public or private sale, and the proceeds shall be used in payment of water bonds of the city falling due on the first day of April in the year nineteen hundred and three; but no purchaser shall be responsible for the application of said proceeds.

Payment of loan, etc.

SECTION 2. The city council of said city shall include each year in the appropriation of money to be raised by taxation such a sum as it shall determine will be required during that municipal year to meet the interest on the Springfield water bonds and on bonds issued under authority hereof, which will not be met by the estimated net income of the water department; and in estimating such net income all expenses of said department, including the interest upon its bonds and the estimated cost of new distributing mains to be laid that year, shall be taken into account. The sinking fund provisions of chapter three hundred and forty-five of the acts of the year eighteen hundred and seventy-two and of all acts in amendment thereof shall, so far as they may be applicable, apply to the indebtedness hereby authorized.

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

Approved March 27, 1902.

AN ACT RELATIVE TO THE BOARD OF OVERSEERS OF HARVARD COLLEGE. *Chap.243*

Be it enacted, etc., as follows :

SECTION 1. The President and Fellows of Harvard College and the board of overseers of said college, acting separately at meetings called for that purpose, may, after the expiration of three years from the date of the acceptance of this act, as provided for in section two, determine from time to time by concurrent vote whether any, and, if any, what degrees issued by said college other than those mentioned in the first section of chapter one hundred and seventy-three of the acts of the year eighteen hundred and sixty-five, shall entitle the recipients thereof to vote for overseers to the same extent and under the same restrictions to and under which recipients of the degree of bachelor of arts from said college may now so vote.

Board of overseers of Harvard College, election, etc.

SECTION 2. This act shall take effect when the board of overseers and the President and Fellows of Harvard College, respectively, at meetings held for that purpose, shall by vote assent to the same.

When to take effect.

Approved March 27, 1902.

AN ACT TO PLACE THE PUBLIC CEMETERIES OF THE CITY OF FALL RIVER UNDER THE CONTROL OF THE PARK COMMISSIONERS OF THAT CITY. *Chap.244*

Be it enacted, etc., as follows :

SECTION 1. The park commissioners of the city of Fall River shall have the custody, care and control of the public cemeteries in that city, subject to all general laws relating to cemeteries, with all the powers which said city has in the selection of officers and employees.

Care, etc., of public cemeteries in Fall River.

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

Approved April 1, 1902.

AN ACT TO AUTHORIZE THE GREAT BARRINGTON FIRE DISTRICT TO INCREASE ITS WATER SUPPLY AND TO ISSUE BONDS FOR THAT PURPOSE. *Chap.245*

Be it enacted, etc., as follows :

SECTION 1. The Great Barrington Fire District is hereby authorized, for the use of the inhabitants of said

The Great Barrington Fire District may

take certain waters, etc.

district, to take the whole or any part of the waters of Green river in the town of Great Barrington, of Harmon brook in the town of Monterey, of Mount Washington brook in the towns of Egremont and Mount Washington, of Seekonk brook in the town of Alford, of Kilbourne brook, Leavitt brook and Roaring brook in the town of Great Barrington, and of any other springs or streams in the town of Great Barrington or in either of the above named towns: *provided*, that no source of water supply shall be taken for domestic purposes under this act without the advice and approval of the state board of health.

Proviso.

May enter upon lands, lay pipes, etc.

SECTION 2. For the above purpose the said fire district and its authorized agents are hereby authorized to enter upon any lands, and to construct, lay and maintain such pipes and other works under and over any lands and ways, and along any ways in the towns aforesaid as may be necessary: *provided*, that no way and no private property shall be used or obstructed in an unnecessary manner or for an unnecessary length of time.

Proviso.

Damages.

SECTION 3. The said fire district shall be liable for all damages to property sustained by any person by the taking of any land or by the doing of any other act herein authorized; and any person who fails to agree with said fire district as to the amount of damages sustained by him may have the same assessed and determined in the manner established by law in cases where land is taken for the laying out of highways: *provided*, that application is made within two years after the taking.

Proviso.

Great Barrington Fire District Water Loan, Fourth Issue.

SECTION 4. The said Great Barrington Fire District is hereby authorized, for the above mentioned purposes, to issue from time to time bonds or other obligations, not exceeding in the aggregate the sum of two hundred thousand dollars. Such bonds or other obligations shall be in addition to the amount of the bonds already issued by said fire district; shall be denominated on their face, Great Barrington Fire District Water Loan, Fourth Issue; shall be payable at periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; and shall be signed by the treasurer and countersigned by the chairman of the water commissioners of said fire district. The said fire district may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and

conditions as it may deem proper. The said fire district shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Sinking fund.

SECTION 5. The said fire district, instead of establishing a sinking fund, may at the time of authorizing said loan provide for the payment of the same by such annual payments as will, in the aggregate, extinguish the same at maturity. The town of Great Barrington is hereby authorized to assess and collect upon the polls and estates, real and personal, in said fire district, all taxes necessary to pay the principal and interest of any obligations sold or pledged by the said district as aforesaid.

May provide for annual payments on loan, etc.

SECTION 6. The authority to take an additional water supply, to incur indebtedness, and to issue bonds or other obligations therefor, under the provisions of this act, is granted on condition that the same is assented to by a two thirds vote of the voters of the said fire district present and voting thereon at a meeting called for that purpose.

To be assented to by a two thirds vote.

SECTION 7. Except as otherwise provided in section six this act shall take effect upon its passage.

When to take effect.

Approved April 1, 1902.

AN ACT RELATIVE TO THE CONSTRUCTION AND REPAIR OF STATE HIGHWAYS BY THE MASSACHUSETTS HIGHWAY COMMISSION. Chap. 246

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission is hereby authorized to expend a sum not exceeding five hundred thousand dollars for the construction and repair of state highways. Of this sum one hundred thousand dollars shall be reserved for expenses incurred after the first day of January in the year nineteen hundred and three.

Construction and repair of state highways.

SECTION 2. For the purpose of meeting the expenditure hereby authorized the treasurer and receiver general is hereby empowered, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding five hundred thousand dol-

State Highway Loan.

lars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest not exceeding four per cent per annum, payable semi-annually. They shall be designated on their face as the State Highway Loan, shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth; and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. They shall be sold at public auction, or disposed of in such other manner, at such times and prices, in such amounts and at such rates of interest, not exceeding the rate above specified, as shall be deemed best. The sinking fund established by chapter four hundred and ninety-seven of the acts of the year eighteen hundred and ninety-four shall also be maintained for the purpose of providing for the payment of the bonds issued under authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Sinking fund.

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

Approved April 1, 1902.

Chap. 247 AN ACT RELATIVE TO SEWER ASSESSMENTS IN THE TOWN OF WAKEFIELD.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and seventy-seven of the acts of the year nineteen hundred is hereby amended by striking out section six and inserting in place thereof the following: — *Section 6.* The town of Wakefield shall pay one third of the estimated cost of said system or systems of sewerage. The remaining cost shall be borne by the owners of estates situated within the territory embraced by said sewers and benefited thereby, but no estate shall be deemed to be benefited until a sewer is constructed into which the sewage from it can be drained. The owners of such estates shall be assessed by said commissioners their proportional parts respectively of such portion of the total cost as is not borne by the town as

1900, 377,
amended.

Payment of cost
of system of
sewerage, etc.

above provided. Such proportional parts shall be based upon the estimated cost of all the sewers composing said system or systems, and shall be assessed by a fixed uniform rate according to the frontage of such estate on any street or way in which a 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, and the said commissioners may from time to time establish just and equitable annual charges for the use of the sewer in said town, which shall be paid by every person who enters his particular sewer therein. The money received from such annual charges may be applied to the payment of the cost of maintenance and repair of such sewers or of any debt contracted for sewer purposes, including the amounts which the town is required to pay by the provisions of chapter one hundred and seventy-two of the acts of the year nineteen hundred.

SECTION 2. This act shall take effect upon its acceptance by the town of Wakefield.

When to take effect.

Approved April 1, 1902.

AN ACT TO AUTHORIZE THE CITY OF QUINCY TO MAKE AN ADDITIONAL SEWERAGE LOAN.

Chap. 248

Be it enacted, etc., as follows:

SECTION 1. The city of Quincy, for the purpose of extending and completing its system of sewerage, and for the purposes mentioned in chapter two hundred and seventy-nine of the acts of the year eighteen hundred and ninety-five and acts in amendment thereof, may issue bonds, notes or scrip to be denominated on the face thereof, City of Quincy Sewer Loan, Act of 1902, to an amount not exceeding two hundred thousand dollars, outside the limit of indebtedness fixed by law for that city and in addition to the amounts heretofore authorized by law to be issued by the city for the same purposes. Such bonds, notes or scrip shall be issued upon the same terms and conditions and with the same force and effect as are provided for in said chapter two hundred and seventy-nine and in chapter two hundred and twenty-five of the acts of the year eighteen hundred and ninety-seven, and in acts in amendment thereof and in addition thereto.

City of Quincy Sewer Loan, Act of 1902.

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

Approved April 1, 1902.

Chap.249 AN ACT TO PROHIBIT ADVERTISING REGARDING THE PERFORMANCE OF THE MARRIAGE CEREMONY.

Be it enacted, etc., as follows:

Advertising to perform the marriage ceremony, etc., prohibited.

SECTION 1. It shall be unlawful for any person to advertise in a newspaper, circulated in this Commonwealth, or by any other means, to perform or to procure the performance of the marriage ceremony.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be liable to a fine of not less than ten nor more than one hundred dollars. *Approved April 1, 1902.*

Chap.250 AN ACT TO EXTEND TO ARMY NURSES THE PROVISIONS OF LAWS RELATIVE TO SOLDIERS' RELIEF AND TO THE BURIAL OF INDIGENT SOLDIERS.

Be it enacted, etc., as follows:

Provisions of laws relative to soldiers' relief and burials extended to army nurses.

SECTION 1. The provisions of section eighteen of chapter seventy-nine of the Revised Laws, relative to soldiers' relief, and the provisions of sections twenty and twenty-one of said chapter, relative to the burial of indigent soldiers, are hereby extended to include such army nurses as are entitled to state aid under the provisions of section three of chapter seventy-nine of the Revised Laws and of any amendments thereof.

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

Approved April 1, 1902.

Chap.251 AN ACT TO PROVIDE THAT CERTAIN ARMY NURSES SHALL BE ELIGIBLE TO RECEIVE STATE AID.

Be it enacted, etc., as follows:

R. L. 79, § 3, amended.

SECTION 1. Section three of chapter seventy-nine of the Revised Laws is hereby amended by striking out lines ninety-five to one hundred and eight, inclusive, and inserting in place thereof the following:—Fifth class. Women who served not less than three months as nurses in the army hospitals of the United States between the nineteenth day of April in the year eighteen hundred and sixty-one and the first day of September in the year eighteen hundred and sixty-five, and who for three consecutive years next prior to the date of application for aid shall have been actually resident in this Commonwealth and who shall not be in receipt of an annuity from this

Certain army nurses eligible to receive state aid.

Commonwealth; if the municipal authorities are satisfied, on evidence first reported to and found satisfactory by the commissioners of state aid, that the service was actually rendered and that justice and necessity require the granting of aid. The amount of such aid and its duration shall be determined by the commissioners of state aid.

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

Approved April 1, 1902.

AN ACT TO AUTHORIZE THE WORCESTER AND SOUTHBRIDGE STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF MERCHANDISE, FUEL AND FARM PRODUCE.

Chap.252

Be it enacted, etc., as follows:

SECTION 1. The Worcester and Southbridge Street Railway Company may act as a common carrier of merchandise in small quantities, and of fuel and farm produce, over its tracks in the towns of Southbridge, Charlton, Oxford, Leicester and Auburn, and upon other tracks over which it may have trackage rights: *provided, however,* that said company shall not so act in any town until authorized so to do by the selectmen of such town; and *provided, further,* that said company shall in so acting be subject to such by-laws, ordinances and regulations as may from time to time be made by any city or town in which it exercises the privileges given by this act; and shall also be subject to the provisions of all laws now or hereafter in force relating to common carriers.

May act as a common carrier of merchandise, etc.

Provisos.

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

Approved April 1, 1902.

AN ACT TO RELIEVE THE CITY OF BOSTON FROM PAYMENT IN CIVIL ACTIONS IN WHICH IT IS A PARTY OF FEES AND EXPENSES TO ANY CLERK OF A COURT OF SUFFOLK COUNTY.

Chap.253

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter two hundred and four of the Revised Laws is hereby amended by adding at the end thereof the words: — In civil actions in which the city of Boston is a party no fee or expense shall be paid to any clerk of a court of Suffolk county by or on behalf of the city; but, if the city prevails, the fees allowed by law shall be taxed.

R. L. 204, § 6, amended.

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

Approved April 1, 1902.

*Chap.*254 AN ACT TO AUTHORIZE THE CITY OF GLOUCESTER TO INCUR INDEBTEDNESS IN EXCESS OF ITS DEBT LIMIT FOR THE PURPOSE OF EXTENDING AND CONSTRUCTING ROGERS STREET.

Be it enacted, etc., as follows :

Rogers Street
Loan, Gloucester,
Act of 1902.

SECTION 1. The city of Gloucester, in order to pay the cost of extending, laying out and constructing Rogers street, in that city, from Porter street westerly to connect with Commercial street near the Landing Place, so-called, may issue from time to time, outside of its debt limit as established by law, bonds, notes or scrip to an amount not exceeding seventy-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Rogers Street Loan, Gloucester, Act of 1902, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually.

Payment of
loan, etc.

SECTION 2. Such bonds, notes or scrip shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and, except as herein otherwise provided, shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws.

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

Approved April 1, 1902.

*Chap.*255 AN ACT TO AUTHORIZE THE BERKSHIRE STREET RAILWAY COMPANY TO CARRY BAGGAGE AND SMALL PARCELS OF MERCHANDISE GENERALLY, AND TO CARRY FREIGHT, MERCHANDISE, BAGGAGE AND MARKET PRODUCE IN A CERTAIN PART OF THE TOWN OF LENOX.

Be it enacted, etc., as follows :

May act as a
common carrier
of merchandise,
etc.

SECTION 1. The Berkshire Street Railway Company is hereby authorized to act as a common carrier of baggage and small parcels of merchandise in any city or town in which it is authorized to operate its railway : *provided*, that said company shall not so act in any city or town until authorized so to do by the board of aldermen or selectmen thereof; and *provided, further*, that said company shall be subject to such ordinances and by-laws as may from time to time be made by any such city or town, and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

Provisos.

May act as a
common carrier
of freight, etc.,

SECTION 2. The Berkshire Street Railway Company is hereby authorized to act as a common carrier of freight,

merchandise, baggage and market produce in the town of Lenox, between Lenox village and the Lenox steam railroad station, subject to the provisions contained in section one of this act. in part of town of Lenox.

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

Approved April 1, 1902.

AN ACT TO EXEMPT THE COUNTY COMMISSIONERS OF THE COUNTIES OF FRANKLIN AND HAMPSHIRE FROM THE PROVISIONS OF LAW REQUIRING THEM TO MAINTAIN TRUANT SCHOOLS. Chap. 256

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter forty-six of the Revised Laws is hereby amended by inserting after the word "Berkshire", in the second and sixteenth lines, respectively, the words:— Franklin, Hampshire, — so as to read as follows:— *Section 1.* The county commissioners of each county, except the counties of Barnstable, Berkshire, Franklin, Hampshire, Dukes County and Nantucket, shall maintain either separately or jointly with the commissioners of other counties as hereinafter provided, in a suitable place, not at or near a penal institution, a truant school for the instruction and training of children committed thereto as habitual truants, absentees or school offenders. The county commissioners of two or more counties may, at the expense of said counties, establish and maintain a union truant school which shall be organized and controlled by the chairmen of the county commissioners of said counties. The chairmen of the respective boards of county commissioners of the counties of Norfolk, Bristol and Plymouth, having the management of the Norfolk, Bristol and Plymouth union truant school, shall each be paid the sum of one hundred dollars annually by said counties, respectively. The county commissioners of the counties of Barnstable, Berkshire, Franklin, Hampshire, Dukes County and Nantucket shall assign a truant school established by law as the place for the instruction and training of children committed within their respective counties as habitual truants, absentees or school offenders, and shall pay for their support in said school such reasonable sum as the county commissioners having control of said school may determine. For the purposes of this chapter the parental school of the city of Boston shall be deemed the county truant school.

R. L. 46, § 1,
amended.

Maintenance,
etc., of truant
schools.

of the county of Suffolk, and commitments from the towns of Revere and Winthrop and the city of Chelsea shall be to the truant school for the county of Middlesex. The city or town from which an habitual truant, absentee or school offender is committed to a county truant school shall pay to the county within which it is located one dollar a week towards his support: but the towns of Revere and Winthrop and the city of Chelsea shall pay to the county of Middlesex, for the support of each child committed to the truant school of said county, two dollars and fifty cents a week, and such additional sums for each child as shall cover the actual cost of maintenance.

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

Approved April 1, 1902.

Chap. 257 AN ACT RELATIVE TO THE WACHUSETT MOUNTAIN STATE RESERVATION COMMISSION.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-nine is hereby amended by adding at the end thereof the words:—And the said commission shall annually, before the tenth day of January, make to the county commissioners of said county a report in writing of all moneys received and of all expenditures made or authorized by them for the care and maintenance of said reservation during the preceding year,—so as to read as follows:—*Section 5.* The necessary expense for care and maintenance of the Wachusett Mountain State Reservation, in excess of any income that may be derived therefrom, shall be annually estimated by the Wachusett Mountain State Reservation Commission, and shall be embodied by the county commissioners of the county of Worcester in the estimate annually submitted by them to the general court, and shall be assessed upon said county and collected in the same manner as are county taxes. And the said commission shall annually, before the tenth day of January, make to the county commissioners of said county a report in writing of all moneys received and of all expenditures made or authorized by them for the care and maintenance of said reservation during the preceding year.

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

Approved April 1, 1902.

1899, 378, § 5,
amended.

Care and maintenance of
Wachusett
Mountain State
Reservation.

Report of receipts and expenditures to be made annually.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO BARTHOLOMEW J. MURPHY. *Chap.258*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Bartholomew J. Murphy, father of Frank P. Murphy late a member of the common council of that city, a sum of money not exceeding one half of the annual salary of said Frank P. Murphy: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which said member would have been entitled if he had lived and completed his term as such member.

City of Boston may pay a certain sum of money to father of Frank P. Murphy.

Proviso.

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

Approved April 1, 1902.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARGARET A. AND KATHARINE ALEXANDER. *Chap.259*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Margaret A. and Katharine Alexander, daughters of Richard H. Alexander late an employee of the sanitary division of the street department, a sum of money not exceeding one half of the annual salary of said Richard H. Alexander: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which said employee would have been entitled if he had lived and continued to serve as such employee until the first day of February next succeeding the date of his death.

City of Boston may pay a certain sum of money to daughters of Richard H. Alexander.

Proviso.

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

Approved April 1, 1902.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF JAMES J. DUNLEA. *Chap.260*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to the widow of James J. Dunlea late an employee of the wire department of that city, a sum of money not exceeding one half of the annual salary of said Dunlea: *provided*, that such sum shall not exceed the amount to which the said Dunlea would have been entitled if he

City of Boston may pay a certain sum of money to widow of James J. Dunlea.

Proviso.

had lived and continued to serve as such employee until the first day of February next succeeding the date of his death.

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

Approved April 1, 1902.

Chap.261 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF JOHN A. KIDNEY.

Be it enacted, etc., as follows:

City of Boston may pay a certain sum of money to widow of John A. Kidney.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of John A. Kidney late an employee of the auditing department of that city, a sum of money not exceeding one half of the annual salary of said Kidney: *provided*, that such sum shall not exceed the amount to which the said Kidney would have been entitled if he had lived and continued to serve as such employee until the first day of February next succeeding the date of his death.

Proviso.

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

Approved April 1, 1902.

Chap.262 AN ACT RELATIVE TO THE CHARLESTOWN SCHOOL TRUST FUND.

Be it enacted, etc., as follows:

1900, 235, amended.

SECTION 1. Chapter two hundred and thirty-five of the acts of the year nineteen hundred, relative to certain funds and other property held for educational and other purposes by the corporation known as The School Committee of the City of Boston, is hereby amended by striking out at the end of section one the words, "but shall dispose of the income of the fund known as the Charlestown School Trust Fund for the benefit of persons or the families of persons who are or have been teachers within the limits of what was formerly the city of Charlestown".

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

Approved April 1, 1902.

Chap.263 AN ACT TO AUTHORIZE THE TOWN OF STONEHAM TO ESTABLISH A BOARD OF PUBLIC WORKS.

Be it enacted, etc., as follows:

Town of Stoneham may elect commissioners of public works.

SECTION 1. Upon the acceptance of this act as provided for hereinafter the town of Stoneham shall, at a

legal meeting called for the purpose or at any annual town meeting, elect by ballot three persons who shall serve and be known as commissioners of public works, and who shall 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 annual town meeting at which they are elected, or which follows the special meeting at which they are elected. Thereafter one such commissioner shall be elected annually at the annual town meeting, to serve for the term of three years therefrom. The commissioners shall serve until their successors are elected and qualified. Any vacancy occurring in said board may be filled for the unexpired term by said town at any legal meeting.

Vacancy.

SECTION 2. Upon the election of said commissioners, or of a majority of them, the offices of sewer commissioners and water commissioners of said town shall be abolished, and thereupon all the powers, duties and liabilities conferred or imposed by law upon the said sewer commissioners and water commissioners shall be conferred and imposed upon the said commissioners of public works; but nothing herein shall be construed to authorize the said commissioners, or any of them, to collect or receive water rates or any other money due to the town. The aforesaid transfer of powers, duties and liabilities shall not affect any liability incurred or contract made before such transfer, nor any suit or other proceeding then pending.

Offices of sewer commissioners and water commissioners to be abolished, etc.

SECTION 3. Said commissioners in matters concerning streets, ways, bridges, monuments at the termini and angles of roads, guide posts, sidewalks, shade trees and drains, shall exclusively have the powers and be subject to the duties, liabilities and penalties of selectmen and surveyors of highways.

Powers, duties, etc., of commissioners of public works.

SECTION 4. Said commissioners shall be sworn, and shall receive such compensation for their services as the town may determine, and shall be subject to such instructions, rules and regulations as the town may impose by its vote.

Oath, compensation, etc.

SECTION 5. This act, except as provided in section six, shall take effect upon its acceptance by a majority vote of the voters of the town of Stoneham present and voting thereon at a legal town meeting called for the

To take effect upon acceptance.

purpose within one year after its passage, but the number of meetings so called shall not exceed three.

When action may be taken by town.

SECTION 6. So much of this act as authorizes its submission as aforesaid shall take effect upon its passage.

Approved April 2, 1902.

Chap. 264

AN ACT TO PROVIDE THAT INMATES OF THE SOLDIERS' HOME MAY VOTE IN THE CITY OF CHELSEA WITHOUT ACQUIRING A SETTLEMENT THEREIN.

Be it enacted, etc., as follows :

Inmates of Soldiers' Home may vote in Chelsea.

SECTION 1. Any inmate of the Soldiers' Home in the city of Chelsea shall have the same right as any other resident of that city to be assessed and to vote therein : *provided, however,* that such inmate shall not by virtue of the assessment or payment of taxes, or of registration as a voter, acquire a settlement in said city.

Proviso.

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

Approved April 8, 1902.

Chap. 265

AN ACT TO PROVIDE FOR THE CONSTRUCTION AT TAUNTON OF A BUILDING FOR THE REGISTRY OF DEEDS FOR THE NORTHERN DISTRICT OF THE COUNTY OF BRISTOL AND FOR THE REGISTRY OF PROBATE AND THE PROBATE COURT FOR SAID COUNTY.

Be it enacted, etc., as follows :

County commissioners may erect a building at Taunton for the registries of deeds and probate, etc.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to erect at Taunton for the registry of deeds for the northern district of said county and for the registry of probate and the probate court for said county, a suitable building at an expense not exceeding the sum of one hundred thousand dollars ; and the commissioners shall not make any contract calling for the expenditure of a greater sum.

Plans to be approved, etc.

SECTION 2. No contract shall be made for the construction of said building until plans have been submitted by the county commissioners to a board consisting of the judge of probate, the register of probate, and the register of deeds of the northern district of the county of Bristol, and have been approved by said board.

County commissioners to advertise for proposals for work, etc.

SECTION 3. After the plans for constructing said building have been so approved the county commissioners shall advertise for proposals for doing the work and furnishing the materials required by the plans. Such advertisements shall be published in at least two daily newspapers

of general circulation in the city of Boston, and in some daily paper printed in the county of Bristol, for not less than two weeks in succession prior to the time specified in the advertisements for opening the proposals; and the proposals shall not specify any particular person or persons of whom the contractor shall be required to purchase his materials. The contract shall be awarded to the person, firm or corporation making the lowest bid within the limits prescribed by this act, provided that such bidder shall give a bond in the sum of not less than fifty thousand dollars to be approved by the county commissioners; but the contract shall not be awarded until it is approved by the board provided for in section two of this act.

Awarding of contract.

SECTION 4. The county commissioners shall have authority to reject any and all bids, and in the event of their rejecting all bids they may, after again advertising, award the contract to such person or persons, and for such a contract price, within the sum of one hundred thousand dollars, as they shall deem best for the interests of the county; but no such contract shall be awarded until it has been so advertised, nor until it has been approved by the board provided for in section two of this act.

Bids may be rejected, etc.

SECTION 5. Every contract awarded under the provisions of this act shall be deemed to have been made subject to the following condition:—That the contractor shall not be entitled to receive any sum in addition to the sum named in the contract, for any additional work done or material furnished, or for any other matter or claim whatsoever, unless before the additional work or material shall be done or furnished, or matter or claim allowed, the board appointed by section two of this act shall approve the same and the additional sum or sums to be paid therefor.

Contracts to be subject to certain condition.

SECTION 6. In order to meet the expense incurred under this act the county commissioners may borrow on the credit of the county a sum not exceeding one hundred thousand dollars.

County commissioners may borrow on credit of county, etc.

SECTION 7. The receipt and acceptance by the county commissioners of bids for the complete construction of the said building within the sum of one hundred thousand dollars, such receipt and acceptance being evidenced by certificate to that effect signed by the members of the board named in section two of this act, shall be a condition precedent to the authority of the said commissioners

The receipt and acceptance of bids to be authority to incur indebtedness, except, etc.

to incur indebtedness under this act, except for procuring plans and specifications.

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

Approved April 8, 1902.

Chap. 266 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO ACQUIRE LAND IN THE CITY OF SALEM AND TO PREPARE PLANS FOR A BUILDING FOR THE REGISTRY OF DEEDS FOR THE SOUTHERN DISTRICT AND FOR THE PROBATE COURT OF SAID COUNTY.

Be it enacted, etc., as follows:

County commissioners may take land in Salem for new building for registry of deeds, etc.

SECTION 1. The county commissioners of the county of Essex are hereby authorized to take by purchase or otherwise, such land in the city of Salem as may be necessary for a new building for the use of the registry of deeds for the southern district of said county, and for the probate court of said county, and to prepare suitable plans for such a building. For these purposes they may expend a sum not exceeding fifty thousand dollars.

Description of land to be recorded, etc.

SECTION 2. Said county commissioners shall, within sixty days after the taking of any land under this act, otherwise than by purchase, file and cause to be recorded in said registry of deeds a description of such land sufficiently accurate for identification, with a statement signed by them of the purpose for which the same was taken; and the title to any land so taken shall vest in said county in fee.

Damages.

SECTION 3. Said county commissioners shall estimate and determine all damages sustained by any person by the taking of land or by any other act of said county commissioners under authority hereof; but a person aggrieved by any such determination may have his damages assessed by a jury of the superior court in the manner provided by law with respect to damages sustained by reason of the laying out of ways. If upon trial damages are increased beyond the award the party in whose favor the award was made shall recover his costs, otherwise he shall pay costs; and costs shall be taxed as in civil cases.

Commissioners may borrow upon credit of county.

SECTION 4. To meet the expenses incurred under this act said commissioners may borrow from time to time upon the credit of the county of Essex a sum not exceeding fifty thousand dollars.

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

Approved April 8, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE FIRE MARSHAL'S DEPARTMENT OF THE DISTRICT POLICE. *Chap. 267*

Be it enacted, etc., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth for salaries and expenses in the fire marshal's department of the district police, as provided for by chapter one hundred and forty-two of the acts of the present year, from the first day of May to the thirty-first day of December of the present year, to wit :—

For the salary of the deputy chief, the sum of sixteen hundred dollars. Deputy chief.

For the salary of the chief aid, the sum of one thousand dollars. Chief aid.

For the salaries of six additional aids, the sum of four thousand dollars. Additional aids.

For the salary of the clerk of said department, the sum of eight hundred dollars. Clerk.

For the salary of the stenographer of said department, the sum of eight hundred dollars. Stenographer.

For the travelling expenses of the members of the district police, a sum not exceeding forty-five hundred dollars, the same to be in addition to the twenty-three thousand three hundred dollars appropriated by chapter sixty-two of the acts of the present year, out of which sum may be paid the travelling, contingent and incidental expenses, including services and expenses of persons employed in secret investigations, and fees of witnesses, under the direction of the deputy chief of the fire marshal's department. Travelling expenses of members of district police, etc.

For incidental and contingent expenses of the chief and members of the district police, a sum not exceeding fifteen hundred dollars, the same to be in addition to the two thousand dollars appropriated by chapter sixty-two of the acts of the present year, out of which may be paid the cost of postage, printing, stationery, telephonic and telegraphic communication, and the contingent office expenses of the fire marshal's department of the district police. Expenses.

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

Approved April 8, 1902.

*Chap.*268 AN ACT TO EXTEND THE TIME WITHIN WHICH THE BARRE STREET RAILWAY COMPANY MAY CONSTRUCT AND OPERATE ITS RAILWAY.

Be it enacted, etc., as follows :

Time extended.

SECTION 1. The time within which the Barre Street Railway Company is authorized by chapter two hundred and seventeen of the acts of the year eighteen hundred and ninety-seven, and by chapter one hundred and twenty-four of the acts of the year nineteen hundred, to construct, maintain and operate its railway is hereby extended to the first day of April in the year nineteen hundred and four.

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

Approved April 8, 1902.

*Chap.*269 AN ACT RELATIVE TO PRINTING THE REPORT OF THE BOARD OF PRISON COMMISSIONERS.

Be it enacted, etc., as follows :

R. L. 9, § 7,
amended.

Section seven of chapter nine of the Revised Laws is hereby amended by striking out lines one hundred and forty-five to one hundred and fifty-two, both inclusive, and inserting in place thereof the words : — Of the board of prison commissioners, two thousand nine hundred copies ; and of the separate report of the agent for aiding discharged convicts, two hundred and fifty copies for the use of the agent.

Approved April 8, 1902.

*Chap.*270 AN ACT TO PROVIDE FOR THE COMPLETION OF LITTLE'S BRIDGE IN THE TOWNS OF MARSHFIELD AND SCITUATE.

Be it enacted, etc., as follows :

County commissioners to complete Little's bridge in Marshfield and Scituate, etc.

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized and empowered to complete the construction of Little's bridge, lying partly in Marshfield and partly in Scituate, which bridge was partly constructed in the year nineteen hundred and one under authority of chapter three hundred and eighty-nine of the acts of the year nineteen hundred. The cost of the work herein authorized shall be paid from the treasury of the Commonwealth, upon vouchers approved by the governor and council in the same manner in which other claims against the Commonwealth are approved, but the

total expenditure under this act shall not exceed two thousand dollars.

SECTION 2. For the purpose of this act the said commissioners shall have full and exclusive jurisdiction over said bridge while at work upon it, and shall give written notice to the selectmen of said towns of the day on which they will begin work on said bridge, and they shall give a similar notice of the day of the completion of the work.

To have exclusive jurisdiction during work, etc.

SECTION 3. Said commissioners shall keep an accurate account of the amount and kind of work done, together with the cost of the same, and shall make a detailed report thereof to the governor and council on or before the first day of January in the year nineteen hundred and three.

To report to governor and council.

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

Approved April 8, 1902.

AN ACT TO AUTHORIZE THE FOXBOROUGH WATER SUPPLY DISTRICT
TO INCREASE ITS INDEBTEDNESS.

Chap. 271

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 eighteen hundred and seventy-nine, is hereby authorized to increase the amount of bonds, notes or scrip which were authorized by the provisions of section four of said act and by acts amendatory thereof, from ninety-four thousand dollars to one hundred and four thousand dollars.

The Foxborough Water Supply District may increase its indebtedness.

SECTION 2. No bonds shall be issued or liabilities incurred under this act unless first authorized by vote of two thirds of the legal voters of said district present and voting thereon at a legal meeting called for that purpose.

Subject to a two thirds vote.

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

Approved April 8, 1902.

AN ACT TO AUTHORIZE THE STATE BOARD OF HEALTH TO PUBLISH
RESULTS OF ANALYSES AND CERTAIN OTHER INFORMATION.

Chap. 272

Be it enacted, etc., as follows:

SECTION 1. The state board of health shall cause to be published as often as once each month in the official publication of said board, and also, if in its opinion the public health can be served thereby, may cause to be

State board of health to publish results of analyses, etc.

published in one or more papers in Massachusetts, a certificate of the examination or analysis made by authority of said board during the preceding month of any article of food manufactured or offered for sale in the Commonwealth, which is adulterated within the meaning of chapter seventy-five of the Revised Laws; and said board of health shall also cause to be published, with such certificate of examination, a statement of the trade-mark, brand mark or name, with the name and place of business of the manufacturer, which appear upon the package or box containing such adulterated article, or with the name and place of business of the wholesale dealer of whom the goods were obtained.

To take effect
July 1, 1902.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and two.

Approved April 8, 1902.

Chap. 273

AN ACT TO INCORPORATE THE ATTLEBORO TRUST COMPANY.

Be it enacted, etc., as follows:

Attleboro Trust
Company in-
corporated.

SECTION 1. Joseph M. Bates, Clarence L. Watson, Edward A. Sweeney, Everett S. Horton, William J. Luther, William C. Tappan, Samuel M. Einstein, Harold E. Sweet, Raymond M. Horton, Charles P. Keeler, Arthur A. McRae, Charles H. Tappan, Alfred R. Crosby, William H. Smith, Stephen A. Briggs, Herbert A. Clark, Arthur B. Carpenter, Everett S. Capron, David E. Makepeace, Willard A. Engley, Lucius Z. Carpenter, Harvey Clap, James E. Blake and Fred E. Briggs, their associates and successors, are hereby made a corporation by the name of Attleboro Trust Company, with a capital stock of not less than two hundred thousand dollars, with authority to establish and maintain a safe deposit, loan and trust company in the town of Attleborough; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

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

Approved April 8, 1902.

AN ACT RELATIVE TO THE SALARY OF THE MAYOR OF THE CITY *Chap.274*
OF WORCESTER.

Be it enacted, etc., as follows:

SECTION 1. Section fifteen of chapter four hundred and forty-four of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the word "three", in the second line, and inserting in place thereof the word: — five, — so as to read as follows: — *Section 15.* The salary of the mayor shall be fixed by the city council, but shall not exceed five thousand dollars, and shall not be increased or diminished to take effect during the term for which he is elected.

1893, 444, § 15,
amended.

Salary of mayor
of Worcester.

SECTION 2. The following question shall be submitted to the voters of the city of Worcester at the next city election: — Shall the city council be authorized to fix the salary of the mayor at a sum not exceeding five thousand dollars per year, instead of a sum not exceeding three thousand dollars, as the city charter now provides? If a majority of the voters voting thereon vote "Yes", then this act shall take effect; otherwise it shall not take effect.

Question to be
submitted to
voters.

Approved April 8, 1902.

AN ACT TO EXTEND THE CORPORATE POWERS OF THE SPRINGFIELD *Chap.275*
AND EASTERN STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

SECTION 1. The Springfield and Eastern Street Railway Company is hereby authorized to construct, maintain and operate its railway in public ways of the city of Springfield wherein locations therefor may hereafter be granted by the board of aldermen of that city, with all the powers and privileges and subject to all the duties, liabilities and restrictions now or hereafter in force relating to street railways.

May operate,
etc., its railway
in certain loca-
tions in Spring-
field.

SECTION 2. The Springfield and Eastern Street Railway Company may act as a common carrier of baggage and small parcels of merchandise: *provided, however,* that said company shall not so act in any town or city until authorized by the selectmen of the town or the board of aldermen of the city; and *provided, further,* that said company in carrying baggage and small parcels shall be subject to such by-laws and regulations as may from time

May act as a
common carrier
of merchandise,
etc.
Provisos.

to time be made by such cities and towns; and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

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

Approved April 8, 1902.

Chap. 276 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO CAROLINE PIKE.

Be it enacted, etc., as follows:

City of Boston may pay a certain sum of money to widow of Albert G. Pike.

Proviso.

SECTION 1. The city of Boston is hereby authorized to pay to Caroline Pike, widow of Albert G. Pike late an employee of the collecting department of that city, a sum of money not exceeding one half of the annual salary of said Albert G. Pike: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which he would have been entitled if he had lived and continued to serve as such employee until the first day of February next succeeding the date of his death.

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

Approved April 8, 1902.

Chap. 277 AN ACT TO AUTHORIZE THE WORCESTER, ROCHDALE AND CHARLTON DEPOT STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF MERCHANDISE, FUEL AND FARM PRODUCE.

Be it enacted, etc., as follows:

May act as a common carrier of merchandise, etc.

Provisos.

SECTION 1. The Worcester, Rochdale and Charlton Depot Street Railway Company may act as a common carrier of merchandise in small quantities, and of fuel and farm produce, over its tracks in the city of Worcester as they are now constructed, and upon other tracks over which it may have trackage rights: *provided, however*, that said company shall not so act in such city until authorized so to do by the city council thereof; and *provided, further*, that said company shall in so acting be subject to such by-laws, ordinances and regulations as may from time to time be made by the city, and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

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

Approved April 8, 1902.

AN ACT TO AUTHORIZE THE WAMESIT POWER COMPANY TO HOLD
ADDITIONAL REAL AND PERSONAL ESTATE.

*Chap.*278

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and seventeen of the acts of the year eighteen hundred and sixty-five is hereby amended by striking out the words "a canal", in the sixth line, and inserting in place thereof the word:— canals, — by striking out the words "a head", in the same line, and inserting in place thereof the word:— heads, — by striking out the words "a dam", in the seventh line, and inserting in place thereof the word:— dams, — and by striking out the words "near the Lowell cemetery", in the seventh and eighth lines, — so as to read as follows:— *Section 1.* Gilman Kimball, Harrison Flint and Benjamin F. Butler, their associates and successors, are hereby made a corporation by the name of the Wamesit Power Company, for the purpose of managing, improving, using, selling and leasing to other persons and corporations power derived from water to be drawn by canals from heads maintained by dams across Concord river, and by the use of steam engines for like purposes; and to use steam and water power for mechanical and manufacturing purposes; with all the powers and privileges, and subject to all duties and liabilities given or imposed by general laws passed or to be passed, and applicable to like corporations.

1865, 117, § 1,
amended.

Wamesit Power
Company in-
corporated.

SECTION 2. Section two of said chapter is hereby amended by striking out said section and inserting in place thereof the following:— *Section 2.* Said corporation may hold for the purposes aforesaid real estate not exceeding one million dollars in value, and personal estate not exceeding one million dollars in value.

1865, 117, § 2,
amended.

May hold real
and personal
estate.

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

Approved April 8, 1902.

AN ACT TO AUTHORIZE THE PROVIDENCE AND FALL RIVER STREET
RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF BAGGAGE
AND SMALL PARCELS OF MERCHANDISE.

*Chap.*279

Be it enacted, etc., as follows:

SECTION 1. The Providence and Fall River Street Railway Company is hereby authorized to act as a common carrier of baggage and small parcels of merchandise

May act as a
common carrier
of merchandise,
etc.

Provisos. wherever it may be authorized to construct its tracks or operate its cars: *provided, however*, that said company shall not so act in any city or town until authorized so to do by the board of aldermen or selectmen thereof; and *provided, further*, that said company shall be subject to such ordinances or by-laws as may from time to time be made by any such city or town, and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

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

Approved April 8, 1902.

Chap.280 AN ACT TO AUTHORIZE THE FRAMINGHAM UNION STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF BAGGAGE AND SMALL PARCELS OF MERCHANDISE.

Be it enacted, etc., as follows:

May act as a common carrier of merchandise, etc.

Provisos.

SECTION 1. The Framingham Union Street Railway Company is hereby authorized to act as a common carrier of baggage and small parcels of merchandise wherever it may be authorized to construct its tracks or operate its cars: *provided, however*, that said company shall not so act in any city or town until authorized so to do by the board of aldermen or selectmen thereof; and *provided, further*, that said company shall be subject to such ordinances or by-laws as may from time to time be made by any such city or town, and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

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

Approved April 8, 1902.

Chap.281 AN ACT RELATIVE TO THE WIDENING OF FRANKLIN STREET IN THE BRIGHTON DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Time within which certain applications for assessment of damages may be made.

SECTION 1. Applications for the assessment of damages arising out of any taking of real estate or out of any injury to real estate made or done under the order of the board of street commissioners of the city of Boston, dated April twenty-first, eighteen hundred and ninety-four, providing for the widening of Franklin

street, Brighton, may be made on or before the first day of January in the year nineteen hundred and three, with the same force and effect as if seasonably made.

SECTION 2. The city of Boston, acting by its board of street commissioners, is hereby authorized to abandon and relinquish to any abutting owner, in settlement, in whole or in part, of damages arising out of such taking or injury, any rights or easements in or over said Franklin street as widened by authority of and under said order.

Certain rights or easements may be abandoned, etc.

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

Approved April 8, 1902.

AN ACT RELATIVE TO THE TERM OF OFFICE OF THE MAYOR OF THE CITY OF NEWTON.

Chap. 282

Be it enacted, etc., as follows:

SECTION 1. Section thirty-five of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven is hereby repealed.

1897, 283, § 35, repealed.

SECTION 2. Section four of said chapter is hereby amended by striking out in the seventh line, the words "one year", and inserting in place thereof the words:—two years,—so as to read as follows:—*Section 4.* The annual city election shall be held on the second Tuesday of December, at which there shall be elected by ballot, a mayor, aldermen at large and aldermen by wards, and members of the school committee. The mayor, aldermen and school committee shall respectively be elected and hold office as follows:—The mayor for the term of two years and until his successor is elected and qualified; the aldermen at large for the term of two years, except for the first term herein provided, and the aldermen by wards for the term of one year; the school committee for the term of three years, except as herein otherwise provided. The board of aldermen shall consist of twenty-one members, until otherwise provided. At the next annual city election there shall be elected by and from the voters of the city the following officers:—A mayor, one alderman from each ward to serve for the term of one year, and one alderman from each ward to serve for the term of two years, and such members of the school committee as shall be necessary to fill vacancies, as provided in section nineteen of this act, and there shall be elected by and from the voters of each ward one alderman to serve

1897, 283, § 4, amended.

Mayor, aldermen and school committee, election, terms, etc.

for the term of one year. At each annual city election thereafter there shall be elected officers to fill vacancies and to succeed those whose terms expire upon the second Monday of January following.

Section 2 to be submitted to voters.

SECTION 3. Section two of this act shall be submitted to the voters of the city of Newton at the next municipal election, and if accepted by a majority of the voters voting thereon the mayor of the said city shall in the year nineteen hundred and three and thereafter be elected for a term of two years. If not so accepted section two hereof shall not take effect.

When to take effect.

SECTION 4. Except as otherwise provided in section three this act shall take effect upon its passage.

Approved April 8, 1902.

Chap. 283 AN ACT TO AUTHORIZE THE LEASING OF FARM POND IN THE TOWN OF COTTAGE CITY BY THE COMMISSIONERS ON FISHERIES AND GAME.

Be it enacted, etc., as follows:

Farm pond in Cottage City may be leased, etc.

SECTION 1. The commissioners on fisheries and game, or any two of them, may in the name of the Commonwealth lease, for a term not exceeding eleven years, the pond known as Farm pond, in the town of Cottage City in the county of Dukes County, with the arms, coves and bays connected therewith, for the purpose of cultivating useful fishes, for such periods of time and on such terms and conditions as may seem to them most for the public good: *provided*, that nothing herein shall affect the right of any citizen of the Commonwealth to take fish in said pond or in the waters connected therewith, by hook and line, according to the laws now or hereafter in force relating to the taking of fish by hook and line.

Proviso.

Hearing to be given.

SECTION 2. Before making such lease the commissioners shall appoint a time and place for a hearing upon the application therefor, and shall give notice of the hearing to every town within the limits of which any part of said pond lies.

Limits may be fixed.

SECTION 3. The commissioners may fix the limits of the said pond and of the arms, coves and bays connected therewith: which limits, being recorded in the registry of deeds for said county, shall be taken to be the legal limits thereof for all the purposes of this act.

Custody of leases, etc.

SECTION 4. The commissioners shall have the custody of all such leases, and may cause any agreements, rights,

reservations, forfeitures and conditions therein contained to be enforced, and for that purpose may institute proceedings in the name of the Commonwealth, and may take possession of any premises for breach of condition of such lease, and after vesting the Commonwealth therewith may again lease the same.

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

Approved April 8, 1902.

AN ACT TO INCORPORATE THE SALEM SAFE DEPOSIT AND TRUST COMPANY. Chap.284

Be it enacted, etc., as follows:

SECTION 1. Charles Sanders, George C. Vaughn, Joseph N. Peterson, William H. Gove, Ira Vaughn, King Upton, William S. Nichols, Francis Dane and E. Kendall Jenkins, their associates and successors, are hereby made a corporation by the name of Salem Safe Deposit and Trust Company, with a capital stock of not less than two hundred thousand dollars, with authority to establish and maintain a safe deposit, loan and trust company in the city of Salem; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to such corporations.

Salem Safe Deposit and Trust Company incorporated.

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

Approved April 9, 1902.

AN ACT TO AUTHORIZE THE TOWN OF SUNDERLAND TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER. Chap.285

Be it enacted, etc., as follows:

SECTION 1. The town of Sunderland, after the purchase of the corporate property, rights and privileges of the Sunderland Water Company, as provided for in section eight of chapter one hundred and seven of the acts of the year eighteen hundred and eighty-four, may supply itself and its inhabitants with water for the extinguishment of fires and for domestic 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 therefor.

Town of Sunderland may supply itself with water, etc.

SECTION 2. Said town, for the purposes aforesaid, may take by purchase or otherwise and hold the waters of Sawmill brook in said town, and the waters which flow

May take certain waters, lands, etc.

into and from the same, together with any water rights connected therewith, and also all lands, rights of way and easements necessary for holding, storing and preserving such water and for conveying the same to any part of said town, and for constructing and maintaining ponds; and may erect on the land thus taken, purchased 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 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 purposes of this act, said town may dig up any such lands, and, under the direction of the 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.

May erect structures, lay pipes, etc.

Description of lands, etc., to be recorded.

SECTION 3. Said town shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county within which such lands or other property are situated, a description thereof sufficiently accurate for identification, with a statement, signed by the water commissioners hereinafter provided for, of the purposes for which the same were taken, and of the damages awarded to each person or corporation.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation 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 authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the town as to the amount thereof, or who is aggrieved by the doings of the said commissioners, may have the damages assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within three years after the taking of such land or other property or

the doing of other injury under authority of this act: but no such application shall be made after the expiration of said three years. No application for assessment of damages shall be made for the taking of any water, water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. 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 twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Sunderland Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest, payable semi-annually, at a rate not exceeding six per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of the town. 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. Said town shall pay the interest on said loan as it accrues, and shall provide at the time of contracting the 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 the loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of the loan and shall be used for no other purpose.

SECTION 6. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall without further vote be assessed by the assessors of said town in each year thereafter, in the same manner as other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said town shall be extinguished.

SECTION 7. 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

Sunderland
Water Loan.

Sinking fund.

May provide for
annual pay-
ments on loan.

Town to raise a
certain sum by
taxation an-
nually.

on the bonds, notes or scrip issued as aforesaid by said town, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

May purchase interest in certain property, etc.

SECTION 8. Said town may contract with any person or corporation, and may purchase any interest in any property which may be deemed necessary to carry out the purposes of this act, and may hold such interest and property.

Penalty for corruption of water, etc.

SECTION 9. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by said town under authority 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 whoever is convicted of any of the said wilful or wanton acts shall be punished by a fine of five hundred dollars or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment.

Water commissioners, election, terms, etc.

SECTION 10. Said town, after its acceptance of this act, shall at any legal meeting called for the purpose elect by ballot three persons, legal voters of said town, to be the board of water commissioners, to serve one for three years, one for two years and one for one year from the first day of May then next ensuing, and from the time of their election to the first day of said May; and thereafter the town shall annually elect in the same manner one person to serve on said board for the term of three years from the first day of May. Before entering on their duties said commissioners shall be sworn to the faithful performance thereof. All of said commissioners shall serve until their successors are elected and qualified. All the authority granted to said town by this act and not otherwise especially 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 from time to time impose by its vote, within the scope of its authority. Any vacancy occurring in said board from any cause may be filled temporarily by a majority vote of the selectmen of the town. The person so selected shall hold the office until the town fills the vacancy by ballot in the usual manner, which it may do at any special or annual town meeting duly

Vacancy.

warned for the purpose. A majority of said commissioners shall constitute a quorum for the transaction of any business. Quorum.

SECTION 11. Said commissioners shall have charge of the system of water works in said town, as aforesaid, and of all matters pertaining thereto; but no contract shall be made by them which requires the payment of money not provided by the town, or otherwise, for the purpose before the making of such contract. The lawful contracts of the commissioners shall be the contracts of said town. To have charge of system of water works, etc.

SECTION 12. This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon by ballot, as provided by law, at a legal town meeting called for the purpose within five years after its passage; but the number of meetings so called in any one year shall not exceed three. The polls shall be kept open from twelve o'clock at noon until four o'clock in the afternoon. Subject to a two thirds vote.

SECTION 13. The indebtedness incurred under this act shall not be reckoned in determining the limit of indebtedness of the town under the provisions of section four of chapter twenty-seven of the Revised Laws. Indebtedness not to be reckoned in determining debt limit.

SECTION 14. In the event of the acceptance of this act as provided for in section twelve, said town shall as a condition precedent to taking any other action under this act, purchase all the corporate property and all the rights and privileges of the Sunderland Water Company and of the Williams Water Company, corporations now furnishing water to the inhabitants of said town, at prices which may mutually be agreed upon between said corporations and the town. In case said corporations or either of them 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, whose award when accepted by said court shall be binding upon all parties. Town to purchase certain property, etc.
Approved April 11, 1902.

*Chap.*286 AN ACT TO AUTHORIZE CITIES TO APPROPRIATE MONEY FOR MEMORIALS OF PERSONS WHO SERVED IN THE SPANISH-AMERICAN WAR.

Be it enacted, etc., as follows:

Cities may appropriate money for memorials of persons who served in Spanish-American war.

SECTION 1. Any city may by vote of its city council appropriate money for erecting headstones or other monuments at the graves of persons who served in the military or naval service of the United States in the Spanish-American war; for erecting monuments in memory of soldiers or sailors who died in the service of the United States in that war, and for keeping in repair or decorating the graves, monuments or other memorials of such soldiers or sailors.

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

Approved April 11, 1902.

*Chap.*287 AN ACT TO AUTHORIZE THE TOWN OF GARDNER TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

Town of Gardner may take certain waters, lands, etc.

SECTION 1. The town of Gardner, for the purpose of supplying itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, after the purchase of the property, rights and privileges of the Gardner Water Company, as provided for in section nine of chapter one hundred and forty-five of the acts of the year eighteen hundred and eighty-two, may hold and convey through said town the waters of Crystal lake in said town, by means of existing or other pipes or mains, and may also from time to time take, by purchase or otherwise, and hold in fee all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water, for conveying the same to any part of said town, and for extending the present system of water supply; and may take, by purchase or otherwise, the waters of any pond, brook, spring, well or stream within the limits of said town, and all waters connected therewith, and may obtain water by means of bored, driven, artesian or other wells on any land within the limits of said town: *provided*, that no source of water supply other than the waters of Crystal lake shall be taken under this act for domestic purposes without the advice and consent of the state board of health. The town may

Proviso.

erect on any lands thus purchased, taken or held, proper dams, reservoirs, buildings, fixtures or other structures, may establish fountains and hydrants, 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 for the purposes aforesaid may construct and lay conduits, pipes and other works, under, through or over any lands, water courses, railroads, street railways, and 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 or other works, and for all other proper purposes of this act, said town may dig up any such lands, and dig under any such water courses, railroads or street railways, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel: but said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners. The title to all lands taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as it shall deem for the best interests of the town: *provided, however,* that any lands taken for the purpose of preserving or protecting said waters, water rights, water sources or water supply, shall not be more than one thousand feet distant from the same.

May erect structures, lay pipes, etc.

Title to lands to vest in town, etc.

Proviso.

SECTION 2. Said town shall, within ninety days after the taking of any lands, rights of way, water, water sources, water rights or easements as aforesaid, otherwise than by purchase or agreement, file and cause to be recorded in the registry of deeds for the Worcester district of the county of Worcester a description thereof sufficiently accurate for identification, with a statement, signed by the water commissioners hereinafter provided for, of the purpose for which the same were taken.

Description of lands, etc., to be recorded.

SECTION 3. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way, water, water sources,

Damages.

water rights or easements, or by any other thing done by the town under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount thereof, may have the same assessed and determined in the manner provided by law when land is taken for laying out highways, on making application at any time within the period of two years after the taking of such land or property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of the said two years.

Town may tender any sum for damages, etc.

SECTION 4. In every case of a petition to the superior court for an assessment of damages the town may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed; and if the complainant does not accept such sum, with his costs up to that time, but proceeds in his suit and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue; and the complainant if he recovers damages shall be allowed his costs only to the date of such offer or tender.

May incur indebtedness, issue bonds, etc.

SECTION 5. Said town, for the purpose of paying the purchase price of the property, rights and privileges of said Gardner Water Company, together with all expenses incident to such purchase, may incur indebtedness outside of the debt limit fixed by law, and may issue therefor bonds, notes or scrip to an amount sufficient for such purposes; and for any necessary expenditures in connection with the improvement, development and extension of the works of said company, for all damages and for necessary expenses and liabilities incurred under the provisions of this act, said town may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars beyond the amount to be paid to said company. Such bonds, notes or scrip shall bear on their face the words, Town of Gardner Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, shall bear interest, payable semi-annually, at a rate not

Town of Gardner Water Loan.

exceeding four per cent per annum, shall be payable as to both principal and interest in gold coin of the United States of the present standard of weight and fineness, and shall be signed by the treasurer and countersigned by a majority of the selectmen of the said town. Said town by its selectmen and treasurer may sell such securities for the purposes of this act, upon such terms and conditions as they shall deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually provide for or contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of the loan and shall be used for no other purpose.

Proviso.
Sinking fund.

SECTION 6. Whenever the town votes to issue bonds, notes or scrip in accordance with the provisions of this act the officers authorized to negotiate the same may in the name of the town make a temporary loan for a period of not more than one year, in anticipation of the money to be derived from the sale of such bonds, notes or scrip, but the time within which such securities shall become due shall not, by reason of such temporary loan, be extended beyond the time fixed in the vote authorizing the issue of such bonds, notes or scrip.

Temporary loan may be made, etc.

SECTION 7. The occupant of any tenement shall be liable for the payment of the rates for the use of water in such tenement, and the owner shall also be liable in case of non-payment by the occupant for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Gardner.

Liability for payment of rates for use of water.

SECTION 8. Said town shall after the passage of this act and after the purchase of the property, rights and privileges of the Gardner Water Company, at a legal meeting called for the purpose elect by ballot three persons to hold office from the time of such election, 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 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 other-

Water commissioners, election, terms, etc.

wise provided for shall be vested in said board of water commissioners. The said commissioners shall be trustees of the sinking fund herein provided for, and a majority of them shall constitute a quorum for the transaction of business relative both to the water system and the sinking fund. The provisions of sections fourteen, fifteen, sixteen and seventeen of chapter twenty-seven of the Revised Laws shall, so far as the same are not inconsistent with the provisions of this act, apply to the sinking fund and the trustees thereof.

To be trustees of sinking fund, etc.

Certain provisions of law to apply.

Board of sewer commissioners to constitute board of water commissioners if town so votes.

SECTION 9. Instead of electing water commissioners as provided for in the preceding section the town at the meeting called for the purpose of electing said commissioners, or at an annual meeting, or at a meeting held thirty days at least before an annual meeting, may by a majority vote of those present and voting constitute its board of sewer commissioners its board of water commissioners. The vote shall be by ballot in answer to the question, "Shall the board of sewer commissioners constitute the board of water commissioners?" If the said vote shall be taken at the special meeting called for the purpose of electing water commissioners, and be in the affirmative, no separate board of water commissioners shall be elected, and the board of sewer commissioners shall thereupon by said vote be constituted and be from that time the town's board of water commissioners, with all the rights and powers conferred by and subject to all the provisions contained in this act and relating to such board. If the said vote be taken at any subsequent meeting, as above provided, the said sewer commissioners shall become water commissioners, with the rights and powers and subject to the provisions aforesaid, at the date of the annual meeting next succeeding. The town may at any annual meeting, or at a meeting held at least thirty days before the annual meeting at which such change is to become operative, revoke such vote and elect a board of water commissioners to hold office as provided for in this act, from the next succeeding annual meeting.

Action may be revoked, etc.

Payment of loan, etc.

SECTION 10. Said commissioners shall fix such prices or rates for the use of water as shall produce annually an amount sufficient, as nearly as may be, to defray all operating expenses, interest charges and payments of principal as they accrue, upon any bonds, notes or scrip

issued under the authority of this act, and such contributions to the sinking fund as may be required hereunder. If however the amount thus produced shall in any year be insufficient for said purposes the town shall raise by taxation a sum sufficient to make up the deficit. If there should be a net surplus remaining after providing as above for the aforesaid charges it shall be used for such new construction as the water commissioners may determine upon, or in case no such new construction should be determined upon by the water commissioners such net surplus shall be paid into the sinking fund. No money shall be expended in new construction by the water commissioners except from the net surplus aforesaid, unless the town appropriates and provides money therefor. Said commissioners shall annually, and as often as the town may require, render an account of their doings in relation to the sinking fund, and they shall be governed by the provisions of section fifteen of chapter twenty-seven of the Revised Laws, except as herein otherwise provided.

Commissioners to render an account of their doings in relation to the sinking fund, etc.

SECTION 11. If any person shall use any water taken or obtained by the town under this act, without the consent of the town, or shall wantonly or maliciously divert water so taken or obtained, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, hydrant, machinery or other works or property held, owned or used by the town under the authority and for the purposes of this act, he shall forfeit and pay to the town three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of any of the wanton or malicious acts aforesaid may be punished by a fine not exceeding three hundred dollars or by imprisonment in jail for a term not exceeding one year.

Penalty for corruption of water, etc.

SECTION 12. This act shall take effect upon its passage.

Approved April 11, 1902.

AN ACT RELATIVE TO TRANSPORTATION OF ROAD-MAKING MATERIAL
BY STREET RAILWAY COMPANIES.

Chap. 288

Be it enacted, etc., as follows:

SECTION 1. Section fifty-five of chapter one hundred and twelve of the Revised Laws is hereby amended by inserting after the word "line", in the seventh line, the

R. L. 112, § 55, amended.

Street railway companies may convey over their tracks snow, gravel, etc., in certain cases.

words : — or deliver to any connecting line of any other street railway company, — and by striking out the words “ such street or way ”, in the eighth line, and inserting in place thereof the words : — any street or way in any town or city, whether on the line of any street railway company or not, and may make contracts with cities or towns and with other street railway companies for the transportation of such material, — so as to read as follows : — *Section 55.* A street railway company may, with the consent of the mayor and board of aldermen of a city or the selectmen of a town, convey, in cars operated by electricity or horse power, over its tracks snow, ice, stones, gravel, dirt or street sweepings taken from any street or way over or through which its tracks are located, for the purpose of improving said street or way, or may convey to any point on its line, or deliver to any connecting line of any other street railway company, necessary material for use in the construction, grading, repairing or improving of any street or way in any town or city, whether on the line of any street railway company or not, and may make contracts with cities or towns and with other street railway companies for the transportation of such material.

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

Approved April 11, 1902.

Chap. 289 AN ACT TO AUTHORIZE THE ACKNOWLEDGMENT OF DEEDS BEFORE SPECIAL COMMISSIONERS.

Be it enacted, etc., as follows :

R. L. 127, § 8, amended.

SECTION 1. Section eight of chapter one hundred and twenty-seven of the Revised Laws is hereby amended by inserting after the word “ peace ”, in the fourth line, the words : — special commissioner, — so as to read as follows : — *Section 8.* The acknowledgment of a deed shall be by the grantors or one of them, or by the attorney who executes the deed, and, if made in this Commonwealth, shall be made before a justice of the peace, special commissioner or notary public : if made elsewhere in the United States, before a justice of the peace, notary public, magistrate or commissioner appointed for the purpose by the governor of this Commonwealth ; and, if in a foreign country, before such a justice, notary, magistrate or commissioner, or before an ambassador, minister or consul of

Acknowledgment of deeds, how made.

the United States or a consular officer of the United States accredited to such country. The officer before whom an acknowledgment is made shall indorse upon or annex to the deed a certificate of such acknowledgment.

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

Approved April 11, 1902.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE COMMISSIONER OF STATE AID AND PENSIONS.

Chap. 290

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 salaries and expenses in the office of the commissioner of state aid and pensions, from the first day of July to the thirty-first day of December, nineteen hundred and two, to wit: —

Appropriations.

For the salary of the deputy commissioner of state aid and pensions, the sum of one thousand dollars.

Deputy commissioner of state aid and pensions.

For clerical assistance, salaries and expenses of agents, and other expenses of the commissioner of state aid and pensions, a sum not exceeding twenty-five hundred dollars, said amount to be in addition to the ninety-three hundred dollars appropriated for clerical assistance, salaries and expenses of agents and other expenses of the commissioner of state aid, as authorized by chapter forty-seven of the acts of the present year.

Clerical assistance, expenses, etc., of commissioner of state aid and pensions.

The appropriation for the salary of the commissioner of state aid, as provided for by chapter forty-seven of the acts of the present year, is hereby made applicable to the payment of the salary of the commissioner of state aid and pensions.

Commissioner of state aid and pensions, salary.

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

Approved April 11, 1902.

AN ACT IN ADDITION TO THE SEVERAL ACTS MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED FOR THE YEAR NINETEEN HUNDRED AND ONE.

Chap. 291

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 certain ex-

Appropriations.

penses in excess of the appropriations therefor in the year nineteen hundred and one, to wit:—

Reimbursement of certain small towns.

For reimbursement of certain small towns for the support of insane persons, as provided for by section eighty-one of chapter eighty-seven of the Revised Laws, fourteen hundred sixteen dollars and fifty-five cents.

State board of conciliation and arbitration.

For contingent expenses of the state board of conciliation and arbitration, two hundred forty-three dollars and sixty-nine cents.

Militia compensation.

For the compensation of officers and men of the volunteer militia, the sum of one hundred and forty-two dollars, to be paid from the appropriation of the present year.

Militia transportation.

For the transportation of men of the volunteer militia when on military duty, fifty-one dollars and eighty-four cents, to be paid from the appropriation of the present year.

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

Approved April 11, 1902.

Chap. 292

AN ACT TO EXTEND TO VETERANS OF THE WAR WITH SPAIN CERTAIN PROVISIONS OF LAW RELATIVE TO THE BURIAL OF INDIGENT SOLDIERS, SAILORS AND MARINES.

Be it enacted, etc., as follows:

R. L. 79, § 20, amended.

SECTION 1. Section twenty of chapter seventy-nine of the Revised Laws is hereby amended by adding after the word "rebellion", in the eighth line, the words:— or during the war between the United States and Spain after the fourteenth day of February and prior to the twelfth day of August in the year eighteen hundred and ninety-eight, — by striking out the word "or", at the end of the tenth line; by adding after the word "sailor", in the eleventh line, the words:— or marine of the civil war, — and by adding after the word "seventy", in the twelfth line, the words:— and no wife or widow of any soldier, sailor or marine of the Spanish war unless she was married to him prior to the first day of January in the year nineteen hundred and one, — so as to read as follows:— *Section 20.* The mayor of each city and the selectmen of each town or, in Boston, the soldiers' relief commissioner shall designate a burial agent, who shall serve without compensation, shall not be one of the overseers of the poor or be employed by them, and who shall,

Burial of indigent soldiers, sailors and marines, etc.

under regulations established by the commissioners of state aid, cause to be properly interred the body of any honorably discharged soldier, sailor or marine who served in the army or navy of the United States during the war of the rebellion, or during the war between the United States and Spain after the fourteenth day of February and prior to the twelfth day of August in the year eighteen hundred and ninety-eight, and his wife, widow or dependent mother, if they die without sufficient means to defray funeral expenses; but no wife or widow of any soldier, sailor or marine of the civil war shall be entitled to the benefits of this section unless she was married to him prior to the year eighteen hundred and seventy, and no wife or widow of any soldier, sailor or marine of the Spanish war unless she was married to him prior to the first day of January in the year nineteen hundred and one. If an interment has taken place without the knowledge of the burial agent, application may be made to him within thirty days after the date of the death, and if upon investigation he shall find that the deceased was within the provisions of this section and the rules of the commissioners of state aid, he may certify the same as provided in the following section.

Burial of indigent soldiers, sailors and marines, etc.

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

Approved April 11, 1902.

AN ACT RELATIVE TO THE EAST BOSTON DRY DOCK COMPANY.

Chap. 293

Be it enacted, etc., as follows:

SECTION 1. The East Boston Dry Dock Company may build and maintain dry docks, marine railways and all other facilities for repairing vessels, and may engage in the business of building or repairing vessels in that part of Boston called East Boston, subject to the provisions of chapter ninety-six of the Revised Laws.

May build and maintain dry docks, etc.

SECTION 2. Said corporation may increase its capital stock in such amounts as it may from time to time determine: *provided*, that the whole amount of its capital stock shall not exceed one million dollars. It may purchase and hold such real and personal estate as may be necessary and convenient for all purposes within its corporate powers.

May increase capital stock.

Proviso.

SECTION 3. Said corporation shall be subject to the provisions of chapter one hundred and ten of the Revised

Subject to certain provisions of law, etc.

Laws, and of all other acts relative to corporations organized for mechanical or manufacturing purposes, and may exercise the powers and shall be governed by the provisions and be subject to the liabilities set forth in said chapter and in said acts.

Repeal.

SECTION 4. Section two of the act of incorporation, being chapter one hundred and sixteen of the acts of the year eighteen hundred and forty-seven, and all other parts of said act which are inconsistent with the provisions of this act are hereby repealed.

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

Approved April 11, 1902.

Chap.294 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO HONORA LEARY.

Be it enacted, etc., as follows:

City of Boston may pay a certain sum of money to mother of Michael J. Leary. Proviso.

SECTION 1. The city of Boston is hereby authorized to pay to Honora Leary, the mother of Michael J. Leary who died in the service of that city, a sum of money not exceeding one half of the annual salary of said Michael J. Leary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Michael J. Leary would have been entitled if he had lived and continued to serve the city until the first day of February next succeeding the date of his death.

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

Approved April 11, 1902.

Chap.295 AN ACT TO INCORPORATE THE DANVERS AND GEORGETOWN STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Danvers and Georgetown Street Railway Company incorporated.

SECTION 1. William A. Butler, Ralph D. Hood, Essex S. Abbott, Charles H. Tuttle and John Cashman, their associates and successors, are hereby made a corporation under the name of the Danvers and Georgetown Street Railway Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws now or hereafter in force relating to street railway companies.

May construct, etc., its railway in certain towns.

SECTION 2. Said company may locate, construct, maintain and operate its railway, with a single or double track, in such manner as may be convenient, in part upon

private land acquired by purchase or otherwise, and upon streets, highways or state roads in the towns of Danvers, Topsfield, Boxford and Georgetown, subject to the approval and control of the selectmen of said towns, as provided by general law, and subject also to the approval of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed fifty feet in width, with convenient turn-outs and switches.

Location.

SECTION 3. Said company may maintain and operate its railway by any motive power other than steam, may, for all purposes necessary or incident to the construction, maintenance and operation of an electric street railway, generate, manufacture, use and transmit electricity in any city or town where it is now or may hereafter be entitled to operate a street railway, and for that purpose may erect and maintain poles, trolley, feed and stay wires and other devices for conducting electricity in, over and under any streets, highways, bridges and public ways in any city or town wherein it has been or may be authorized by the board of aldermen or by the selectmen to operate its railway, and upon and over any private land, with the consent of the owners thereof, and may sell to or purchase from any other street railway company electricity for the purposes aforesaid.

Motive power, etc.

SECTION 4. The capital stock of the company shall not exceed one hundred thousand dollars, but the company may increase its capital stock in accordance with the general laws.

Capital stock.

SECTION 5. Said company in order to meet expenses incurred under this act may issue bonds payable within periods not exceeding twenty years from the dates thereof, secured by mortgage of its franchise and property, in such amount as the board of railroad commissioners may approve, and subject to the general laws relative thereto; and in such mortgage may reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

May issue mortgage bonds, etc.

SECTION 6. Said company is hereby authorized to use its tracks for the transportation of passengers and their baggage, to be a common carrier of baggage and

May be a common carrier of merchandise, etc.

small parcels of merchandise, and to carry mails upon any street or highway, or over any private land upon which it may be authorized to construct its tracks as aforesaid : *provided, however,* that said company shall not so act in any city or town until authorized so to do by the aldermen or selectmen thereof; and *provided, further,* that said company shall in carrying baggage and small parcels of merchandise be subject to such by-laws and regulations as may from time to time be made by such city or town : and shall also be subject to the provisions of all laws relating to common carriers.

Provisos.

Authority to cease unless certain conditions are complied with.

SECTION 7. The authority hereby granted shall cease if two miles of the proposed railway are not constructed and put in operation prior to the first day of December in the year nineteen hundred and three and if said railway is not constructed and in operation within four years after the granting of locations by the proper authorities.

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

Approved April 11, 1902.

Chap.296

AN ACT TO AUTHORIZE THE HAMPSHIRE STREET RAILWAY COMPANY TO CARRY FUEL AND SUPPLIES FOR ITS OWN USE AND TO ACT AS A COMMON CARRIER OF BAGGAGE, FREIGHT AND SMALL PARCELS OF MERCHANDISE.

Be it enacted, etc., as follows :

May act as a common carrier of merchandise, etc.

SECTION 1. The Hampshire Street Railway Company may, in the towns of Granby and South Hadley, act as a common carrier of baggage, freight and small parcels of merchandise, and carry fuel and supplies for its own use : *provided, however,* that said company shall not so act in any town until authorized so to do by the selectmen of the town ; and *provided, further,* that said company shall in carrying baggage, freight and small parcels of merchandise, and fuel and supplies for its own use, be subject in each town to such by-laws as may from time to time be made by that town, and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

Provisos.

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

Approved April 11, 1902.

AN ACT TO PROVIDE FOR THE INSTRUCTION OF THE ADULT BLIND AT THEIR HOMES BY THE PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND. *Chap. 297*

Be it enacted, etc., as follows:

There shall annually be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended by the Perkins Institution and Massachusetts School for the Blind for the instruction of the adult blind at their homes. It shall be the duty of said institution to make a detailed report each year to the state board of education of the expenditures under this act.

Instruction of adult blind at their homes.

Approved April 11, 1902.

AN ACT RELATIVE TO CERTAIN COSTS AND EXPENSES IN PROCEEDINGS INCIDENT TO THE ABOLITION OF GRADE CROSSINGS. *Chap. 298*

Be it enacted, etc., as follows:

SECTION 1. Parties may be reimbursed for the cost of service and publication of any petition brought for the abolition of a grade crossing under chapter one hundred and eleven of the Revised Laws, and for the cost of entry of the same in the superior court, together with all costs of hearing before the superior or supreme judicial court, or before any auditor or master appointed by said courts; the said costs to be taxed as in other civil cases and apportioned as are other expenses provided for by section one hundred and fifty-one of said chapter.

Parties may be reimbursed for costs, etc., in proceedings incident to abolition of grade crossings.

SECTION 2. Parties incurring the expense of making plans by order of the commission appointed under section one hundred and forty-nine of chapter one hundred and eleven, or for use in the superior or supreme judicial court concerning any grade crossing, the abolition of which is petitioned for, may in the discretion of the court have the cost of such plans allowed and apportioned in the same manner as are other expenses provided for by section one hundred and fifty-one of said chapter.

Payment of expense of making plans.

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

Approved April 11, 1902.

Chap.299 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE MUNICIPAL COURT OF BROOKLINE.

Be it enacted, etc., as follows:

Salary of clerk of municipal court of Brookline established.

SECTION 1. The salary of the clerk of the municipal court of Brookline shall be seven hundred and fifty dollars a year, to be so allowed from the first day of January in the year nineteen hundred and two.

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

Approved April 11, 1902.

Chap.300 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO LOUISE H. DREW.

Be it enacted, etc., as follows:

City of Boston may pay a certain sum of money to widow of Frank A. Drew.

SECTION 1. The city of Boston is hereby authorized to pay to Louise H. Drew, widow of Frank A. Drew late an assessor of said city, a sum of money not exceeding one half of the annual salary of said Frank A. Drew: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Frank A. Drew would have been entitled if he had lived and continued to serve as such assessor until the first day of February next succeeding the date of his death.

Proviso.

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

Approved April 11, 1902.

Chap.301 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO KATE A. BELFORD.

Be it enacted, etc., as follows:

City of Boston may pay a certain sum of money to widow of Charles A. Belford.

SECTION 1. The city of Boston is hereby authorized to pay to Kate A. Belford, widow of Charles A. Belford late an employee of the clerk of committees department, a sum of money not exceeding one half of the annual salary of the said Charles A. Belford: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Charles A. Belford would have been entitled if he had lived and continued to serve as such employee until the first day of February next succeeding the date of his death.

Proviso.

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

Approved April 11, 1902.

AN ACT TO EXTEND THE CORPORATE POWERS OF THE CONWAY ELECTRIC STREET RAILWAY COMPANY. *Chap.302*

Be it enacted, etc., as follows:

SECTION 1. The Conway Electric Street Railway Company is hereby authorized to construct, maintain and operate its railway in the towns of Deerfield and Greenfield, upon such locations as may hereafter be granted to said company by the selectmen of said towns, respectively: with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the laws now or hereafter in force relating to street railways.

The Conway Electric Street Railway Company may construct, etc., its railway in certain towns.

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

Approved April 11, 1902.

AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS. *Chap.303*

Be it enacted, etc., as follows:

SECTION 1. The sum of fifty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the extermination of contagious diseases among horses, cattle and other animals, during the year ending on the thirty-first day of December, nineteen hundred and two.

Extermination of contagious diseases among animals.

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

Approved April 11, 1902.

AN ACT TO AUTHORIZE THE LOWELL, ACTON AND MAYNARD STREET RAILWAY COMPANY TO OPERATE ITS RAILWAY IN THE TOWNS OF SUDBURY AND FRAMINGHAM. *Chap.304*

Be it enacted, etc., as follows:

SECTION 1. The Lowell, Acton and Maynard Street Railway Company is hereby authorized to construct, maintain and operate its railway in the towns of Sudbury and Framingham, upon such locations as may be granted by the selectmen of said towns, respectively, and subject to such limitations and conditions as may be imposed by said selectmen.

The Lowell, Acton and Maynard Street Railway Company may construct, etc., its railway in certain towns.

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

Approved April 17, 1902.

Chap.305 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE STEAMER LEXINGTON IN THE ENFORCEMENT OF THE LAWS RELATIVE TO FISHERIES.

Be it enacted, etc., as follows :

Operating steamer Lexington.

SECTION 1. The sum of five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet the expense of operating the steamer Lexington, which is in charge of the chief of the district police and is used for the enforcement of the fish laws of the Commonwealth.

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

Approved April 17, 1902.

Chap.306 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PLACE ANDREW C. SCOTT UPON THE PENSION ROLL OF ITS FIRE DEPARTMENT.

Be it enacted, etc., as follows :

City of Boston may place Andrew C. Scott upon pension roll of fire department.

SECTION 1. The city of Boston, by its city council, is hereby authorized to place Andrew C. Scott upon the pension roll of the fire department of said city to receive a pension at the rate and under the conditions prescribed by law and by the rules and regulations of the fire department; and further to be paid by the city an amount at the same rate from the seventh day of June in the year eighteen hundred and ninety-five to the date at which the pension aforesaid shall begin.

When to take effect.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Boston.

Approved April 17, 1902.

Chap.307 AN ACT TO SUPPLY THE TOWN OF MILTON WITH WATER.

Be it enacted, etc., as follows :

Town of Milton may supply itself with water.

SECTION 1. The town of Milton may supply itself and its inhabitants with water for the extinguishment of fires and for domestic, manufacturing and other purposes; and may establish fountains and hydrants 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.

May take certain lands, etc.

SECTION 2. Said town, for the purposes aforesaid, may take, by purchase or otherwise, all lands, rights of way and easements necessary for holding, storing, purifying and preserving the water used by the town under

the provisions of this act, and for conveying the same to any part of said town; may erect on the lands thus taken or held, proper dams, reservoirs, 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: may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways, and 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 other purposes of this act, said town may dig up any such lands, and, under the direction of the selectmen of the town in which said ways are situated, may enter upon and dig up such ways in such manner as to cause the least hindrance to public travel. The title to all land taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town.

May erect structures, lay pipes, etc.

Title to land to vest in town, etc.

SECTION 3. Said town shall, within ninety days after the taking of any lands, rights of way, easements or other property as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Norfolk a description thereof sufficiently accurate for identification, with a statement, signed by the board of water commissioners hereinafter provided for, of the purpose for which the same were taken.

Description of lands, etc., to be recorded.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, right of way or easements, or by any other thing done by said town under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount of damages sustained, may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways, on making application at any time within two years after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said two years.

Damages.

Town may tender any sum as damages, etc.

SECTION 5. In every case of a petition to the superior court for an assessment of damages the town may tender to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed, and if the complainant does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered as damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue; and the complainant, if he recovers damages, shall be allowed his costs only to the date of such offer or tender.

Town of Milton Water Loan.

SECTION 6. Said town, in addition to the bonds and notes which it is hereinafter authorized to issue to enable it to pay for the property of the Milton Water Company may, for the purpose of paying the other necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount sufficient for such purpose, to be determined by the board of water commissioners hereinafter provided for. Such bonds, notes or scrip shall bear on their face the words, Town of Milton 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 four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of this act, and upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold for less than the par value thereof. 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 the loan at maturity.

Proviso.

Sinking fund.

May provide for annual payments on loan.

SECTION 7. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate pay-

ments as will extinguish the same at maturity, 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-seven of chapter twelve of the Revised Laws.

SECTION 8. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the notes, bonds or scrip issued as aforesaid by said town, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Town to raise a certain sum by taxation annually.

SECTION 9. Whoever uses any water taken under this act, without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held by said town pursuant to the provisions of this act, or destroys 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 any of the above wilful or wanton acts shall also be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Penalty for corruption of water, etc.

SECTION 10. The occupant of any tenement shall be liable for the payment of the rate for the use of water in such tenement, and the owner shall also be liable, in case of non-payment by the occupant, for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Milton.

Liability for payment of rate for use of water.

SECTION 11. The powers and duties conferred and imposed upon the town of Milton by this act, including the purchase or taking of any lands or other property or rights, shall be exercised by a board of water commissioners, consisting of three residents of the town. The town, after its acceptance of this act at a legal meeting called for the purpose, shall elect by ballot three persons to constitute said board of water commissioners. They shall hold office one until the expiration of three years, one until the expiration of two years and one until the

Water commissioners, election, terms, etc.

expiration of one year from the next succeeding annual town meeting, and at each annual town meeting thereafter one such commissioner shall be elected by ballot for a term of three years. All such commissioners, except in case of removal, shall hold office until their successors are elected, and vacancies occurring during the term may be filled for the remainder of the term by vote of the town at a meeting duly called for that purpose. No person shall be elected commissioner who holds at the time any elective town office. Any commissioner, after due notice and hearing, may be removed at any time by a majority vote of the town for any cause which shall be deemed sufficient and which shall be expressed in the vote of removal. The commissioners shall receive such compensation for their services as the town shall determine.

Compensation.

To superintend construction, make contracts, etc.

SECTION 12. Said commissioners shall superintend and direct the construction, execution and performance of all the works, matters and things mentioned in the preceding sections. They shall be subject to such ordinances, rules and regulations in the execution of their duties as the town may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth. Said water commissioners shall make all contracts for the above purposes in the name and behalf of the town, but no contracts shall be made by them which involve the expenditure of money not already appropriated for the purpose by the town of Milton. A majority of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the commission.

Quorum.

Payment of loan, etc.

SECTION 13. Said commissioners shall fix such prices or rates for the use of the water as shall produce annually, as near as may be, a net surplus over operating expenses and interest charges equal to two per cent of the total amount of the bonds, notes or scrip issued under this act, after paying all current expenses of operating the water works and after paying interest upon loans, and after paying all expense for new construction, not exceeding ten thousand dollars in any one year after the original construction. The commissioners of sinking funds of the town of Milton shall be trustees of the sinking fund which shall be set apart for the payment and redemption of said water loan, and which shall remain inviolate and pledged to the payment of said loan and shall be used for no other

purpose. The net surplus aforesaid shall be paid into the sinking fund if any is established hereunder, and if said surplus does not equal two per cent of the total amount of the bonds, notes or scrip issued under this act, the town shall raise by general taxation a sum which with the surplus will equal said two per cent, and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the town may require, render an account of all their doings in relation to the sinking fund, and shall be governed by the provisions of section fifteen of chapter twenty-seven of the Revised Laws, except as herein otherwise provided.

Commissioners to render an account of their doings in relation to the sinking fund, etc.

SECTION 14. The metropolitan water and sewerage board shall on application admit the town of Milton into the metropolitan water district, and shall furnish water to the town on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five and of acts in amendment thereof and in addition thereto, for the cities and towns included in the metropolitan water district, and on payment of such sum of money as said board may determine to be just.

Town may be admitted into the metropolitan water district.

SECTION 15. If within thirty days after this act has been accepted by the town of Milton, as hereinafter provided, the Milton Water Company shall notify the selectmen of the town of Milton in writing that it desires to sell to said town all its right, interest and easements in real estate, pipes, mains, hydrants, tools, equipments, supplies and all appliances owned by said company, and situated in the town of Milton, and used in supplying said town and the inhabitants thereof with water, and also any right of said company to use the water from the metropolitan water district, and shall file with the town clerk of said town a specification and description thereof, section fourteen of this act shall not take effect nor shall said town proceed to supply water to itself or its inhabitants under authority of this act, unless it shall have first purchased of said company the property aforesaid; and said company is authorized to make sale of said property to said town, and said town is authorized to purchase the same, and to manage and use the property thus conveyed for the purposes and under the provisions of this act. If within six months after the passage of this act said town shall by a majority vote of the legal voters

Town may purchase property of Milton Water Company, etc.

Town may purchase property of Milton Water Company, etc.

of said town present and voting thereon at a legal meeting called for that purpose, or at any annual town meeting, vote to purchase said property, and to issue bonds or notes for the purpose of paying therefor in whole or in part, notice of the desire of said company to sell the same having been given as hereinbefore provided, such bonds or notes may thereupon be issued by the treasurer of the town, and said property shall upon payment therefor become the property of the town, and it shall pay said company therefor as hereinafter provided, within two months after such vote to purchase. The provisions of section six respecting the bonds, notes or scrip which may be issued under authority thereof shall, as to designation, times of payment, rate of interest and the sale or pledge thereof, apply to the bonds or notes which may be issued under the authority of this section. The town in payment therefor shall assume the liability and obligation of said company upon the outstanding bonds heretofore issued by it, including interest, and shall indemnify and save harmless said company from all loss, cost and expense by reason thereof, and shall pay to said company the sum of one hundred and eighty-nine thousand dollars, with such additions or deductions as shall be determined upon the following plan and accounting, and with interest at the rate of five per cent per annum upon the sum thus found due from the first day of April in the current year to the day of payment by the town, namely:— Upon whatsoever day the town shall make payment for said property it shall take the same as of said first day of April. If between said first day of April and the day of payment by the town the expenses of said company, including interest on said bonds hereafter paid by it, if any, shall exceed its receipts for water rates due and payable on or after said first day of April, the difference shall be added to, and if such receipts are greater than its expenses, including interest on said bonds hereafter paid by it, if any, the excess shall be deducted from, said sum. Upon payment by the town to said company as above provided said company shall assign to the town upon request of its selectmen all sums due it for unpaid water rates which may have accrued on or after said first day of April. If the town and said company shall be unable to agree upon the sum to be paid to said company by the town under the

provisions of this act the same shall be determined by an assessor to be appointed by the superior court upon petition of either party, and the determination of such assessor in writing when approved by the court shall be final and binding on both parties.

SECTION 16. This act shall be submitted to the qualified voters of the town of Milton for their acceptance and shall be void unless such voters, voting at a legal meeting called for that purpose in the same manner in which meetings for town elections are called, or at any annual town meeting, shall, within six months after the passage of this act, determine by ballot by a majority vote of those present and voting thereon to accept the same. The warrant for notifying such meeting, if called specially as aforesaid, shall specify when the polls shall be opened for the purpose of voting and when they shall be closed.

Question of acceptance to be submitted to voters.

SECTION 17. So much of this act as authorizes the submission of the question of its acceptance to the qualified voters of said town shall take effect upon its passage, but it shall not take further effect until accepted as hereinbefore provided by the qualified voters of said town; and the number of meetings called for the purpose of voting upon the question of its acceptance shall not exceed three.

When to take effect.

Approved April 17, 1902.

AN ACT RELATIVE TO THE PRESERVATION OF RECORDS BY THE CIVIL SERVICE COMMISSIONERS.

Chap. 308

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter nineteen of the Revised Laws is hereby amended by inserting after the word "rules", in the fifth line, the words:— and the examination papers of such applicants,— and after the word "preserved", in said line, the words:— for at least six years, after which time any or all application and examination papers of applicants, with accompanying recommendations, may, at the discretion of said commissioners, be destroyed,— so as to read as follows:—
Section 5. They shall keep records of their proceedings and of examinations made by them or under their authority. Recommendations of applicants received by them or by any officer authorized to make appointments or to employ laborers or others, within the scope of such rules,

R. L. 19, § 5, amended.

Civil service commissioners to preserve records, etc.

and the examination papers of such applicants, shall be preserved for at least six years, after which time any or all application and examination papers of applicants, with accompanying recommendations, may, at the discretion of said commissioners, be destroyed. Such records and recommendations shall, under regulations approved by the governor and council, be open to public inspection. The commissioners shall from time to time suggest to the general court appropriate legislation for the administration and improvement of the civil service and shall annually before the tenth day of January make a report which shall contain any rules adopted under the provisions of this chapter.

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

Approved April 17, 1902.

Chap.309

AN ACT TO ESTABLISH THE COMPENSATION OF THE SPECIAL JUSTICES OF THE DISTRICT COURT FOR THE COUNTY OF DUKES COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The special justices of the district court for the county of Dukes County shall receive five dollars for each day's service, except that if their days of service in any one year taken together amount to more than thirty days, not counting those days on which more than one session of the court is held at the same time, in accordance with law, their compensation for all days of service in excess of the said thirty days shall be at the rate per day of the salary of the justice of said court. Their compensation shall be paid by said county, but the compensation paid for any excess over thirty days' service, as aforesaid, in any one year, except for service in holding two or more sessions at the same time, according to law, shall be deducted by the county treasurer of the county from the salary of the justice of said court.

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

Approved April 17, 1902.

Chap.310

AN ACT RELATIVE TO THE ISSUE OF VOID MARRIAGES.

Be it enacted, etc., as follows:

SECTION 1. If a marriage is declared void by reason of a prior marriage of either party and the court finds that the second marriage was contracted with the full

Annual report,
etc.

Compensation
of special jus-
tices of district
court for county
of Dukes
County estab-
lished.

Issue of void
marriages legiti-
mate in certain
cases.

belief of the party who was capable of contracting the second marriage that the former husband or wife was dead, or that the former marriage was void, or that a divorce had been decreed which left the party to the former marriage free to marry again, such finding shall be stated in the decree, and the issue of the second marriage, if born or begotten before the second marriage was declared void, shall be the legitimate issue of the parent capable of contracting the marriage.

SECTION 2. Section fourteen of chapter one hundred and fifty-one of the Revised Laws is hereby repealed.

Repeal.

SECTION 3. This act shall take effect upon its passage, and it shall apply to proceedings pending upon or instituted after its passage, although such second marriage may have been contracted before its passage.

When to take effect.

Approved April 17, 1902.

AN ACT RELATIVE TO THE CUSTODY OF CERTAIN PUBLIC RECORDS.

Chap. 311

Be it enacted, etc., as follows:

SECTION 1. All public records of the county of Norfolk prior to the year sixteen hundred and eighty-one which shall be found within the Commonwealth, except those now in the registry of deeds for the southern district of Essex county, shall be deposited in the office of the clerk of the courts in Essex county.

Custody of certain public records of Norfolk county.

SECTION 2. Any public records, except those mentioned in the foregoing section, deposited elsewhere than in the office in the county, city or town to which they respectively originally belonged, shall be kept in the custody of the person having the custody of similar records in such original county, city or town. But this section shall not apply to the records of the town of Adams deposited in North Adams, under the provisions of chapter one hundred and forty-three of the acts of the year eighteen hundred and seventy-eight.

Custody of certain public records.

SECTION 3. Whoever under the provisions of this act is to become the custodian of any of the records mentioned in this act shall demand the same from any person in whose possession they may be, and such person shall forthwith deliver the same to him.

Certain persons to deliver records upon demand.

SECTION 4. Whoever refuses or neglects to perform any duty required of him by this act shall be punished by a fine of not more than twenty dollars.

Penalty.

Approved April 17, 1902.

*Chap.*312 AN ACT RELATIVE TO THE INSPECTION OF CERTAIN DOMESTIC ANIMALS AND OF CERTAIN CARCASSES.

Be it enacted, etc., as follows:

R. L. 75, §§ 103,
104, repealed.

SECTION 1. Sections one hundred and three and one hundred and four of chapter seventy-five of the Revised Laws are hereby repealed.

R. L. 75, § 105,
amended.

SECTION 2. Section one hundred and five of chapter seventy-five of the Revised Laws is hereby amended by striking out the word "six", in the first line, and inserting in place thereof the word:—four,—so as to read as follows:—*Section 105.* The provisions of the four preceding sections shall not apply to a person not engaged in such business, who, upon his own premises and not in a slaughter house, slaughters his own neat cattle, sheep or swine, but the carcass of any such animals shall be inspected by an inspector at the time of slaughter, unless said animal is less than six months old or has been duly inspected under the provisions of chapter ninety, within six months prior to such slaughter and a certificate of health has been delivered to the owner or person in charge thereof.

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

Approved April 17, 1902.

*Chap.*313 AN ACT TO CHANGE A PART OF THE HARBOR LINE ON THE MERRIMAC RIVER ALONG THE WATER FRONT OF THE CITY OF HAVERHILL.

Be it enacted, etc., as follows:

Part of harbor
line on the
Merrimac river
changed, etc.

SECTION 1. The harbor line established by chapter one hundred and four of the acts of the year eighteen hundred and eighty-three, along a part of the water front of the city of Haverhill on the Merrimac river, is hereby changed and established as follows:—Beginning at a point in the line described in said chapter as "the southeasterly corner of the wharf known as Sargent and Holden's wharf, said corner being about one hundred and ninety-two feet distant southerly from the southerly side of Merrimac street"; thence running easterly about two hundred and seventy-two feet to a point in the westerly line of city landing number twelve, one hundred and ninety-one feet southerly from the southerly side of Merrimac street; thence easterly about five hundred and

thirteen feet to a point in the easterly line of Haverhill bridge, sixty-five feet southerly from an angle in the easterly line of Bridge street, said angle being one hundred twenty-one and seven tenths feet southerly from a stone post in the line between Bridge street and city landing number eleven at the intersection of Bridge street with Merrimac and Water streets: thence easterly about three hundred and fourteen feet to a point in the easterly line of city landing number ten, one hundred eighty-two and five tenths feet southwesterly from a stone bound at the intersection of said easterly line with the southerly line of Water street: thence easterly about two hundred and seventy-nine feet to a point in the easterly line of city landing number nine, one hundred and fifty-seven feet southwesterly from a stone bound at the intersection of said easterly line with the southerly line of Water street.

Part of harbor line on the Merrimac river changed, etc.

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

Approved April 17, 1902.

AN ACT RELATIVE TO THE COMMITMENT OF YOUNG CHILDREN.

Chap. 314

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter eighty-six of the Revised Laws is hereby amended by inserting after the word "committed", in the second line, the words:— to a police station,—and by inserting after the word "Boston", in the third line, the words:—pending an examination,—so as to read as follows:—*Section 20.* A child under twelve years of age shall not be committed to a police station, to a jail or house of correction, to the state farm, or to the house of correction at Deer Island in the city of Boston, pending an examination, in default of bail, or for the non-payment of a fine or upon conviction of any offence not punishable by death or imprisonment for life.

R. L. 86, § 20, amended.

Commitments of young children limited.

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

Approved April 17, 1902.

AN ACT TO REGULATE THE SPEED AND OPERATION OF AUTOMOBILES AND MOTOR VEHICLES ON HIGHWAYS.

Chap. 315

Be it enacted, etc., as follows:

SECTION 1. No automobile or other motor vehicle shall be run on any public highway outside the limits of

Speed of motor vehicles regulated.

a city, fire district or thickly settled or business part of a town at a speed exceeding fifteen miles an hour, and no such vehicle shall be run on any public way within the limits of a city, fire district, or of any thickly settled or business part of a town at a speed exceeding ten miles an hour.

Certain precautions to be exercised by persons having control of motor vehicles.

SECTION 2. Every person having control or charge of a motor vehicle or automobile shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses, or any horse upon which any person is riding, operate, manage and control such motor vehicle or automobile in such manner as to exercise every reasonable precaution to prevent the frightening of any such horse or horses, and to insure the safety and protection of any person riding or driving the same. And if such horse or horses appear frightened, the person in control of such motor vehicle shall reduce its speed, and if requested by signal or otherwise by the driver of such horse or horses, shall not proceed farther towards such animal unless such movement be necessary to avoid accident or injury, or until such animal appears to be under the control of its rider or driver.

Precaution to be taken upon approaching a crossing of intersecting ways, etc.

SECTION 3. Upon approaching a crossing of intersecting ways, and also in traversing the crossing or intersection, the person in control of a motor vehicle shall run it at a rate of speed less than that above specified, and not greater than is reasonable and proper, having regard to the traffic and the use of the intersecting ways.

Term "motor vehicle" defined.

SECTION 4. The term "motor vehicle" in this act shall include all vehicles propelled by any power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks.

Penalty.

SECTION 5. Any person violating any provision of this act shall be punished for each offence by a fine not exceeding two hundred dollars, or by imprisonment for a term not exceeding ten days, or by both such fine and imprisonment.

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

Approved April 17, 1902.

AN ACT TO CONFER UPON THE PITTSFIELD ELECTRIC STREET RAILWAY COMPANY CERTAIN POWERS AS A COMMON CARRIER. *Chap.316*

Be it enacted, etc., as follows:

SECTION 1. The Pittsfield Electric Street Railway Company is hereby authorized to act as a common carrier of baggage and small parcels of merchandise, and fuel and supplies for its own use in any city or town in which it is authorized to operate its railway: *provided*, that said company shall not so act in any city or town until authorized so to do by the board of aldermen or the selectmen thereof; and *provided, further*, that said company shall be subject to such ordinances or by-laws as may from time to time be made by any such city or town, and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

May act as a common carrier of merchandise, etc.

Provisos.

SECTION 2. The Pittsfield Electric Street Railway Company is hereby authorized to act as a common carrier of freight, merchandise, baggage and farm produce, between the tracks of the Boston and Albany railroad in the city of Pittsfield and the north line of the town of Lanesborough, subject to all the provisions contained in section one of this act.

May act as a common carrier of baggage, etc., between certain points.

SECTION 3. This act shall take effect upon its passage.
Approved April 17, 1902.

AN ACT TO EXTEND THE TIME FOR FILING PETITIONS FOR THE ASSESSMENT OF DAMAGES ARISING FROM THE ALTERATION OF THE GRADE CROSSING OF AUSTIN STREET IN THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON. *Chap.317*

Be it enacted, etc., as follows:

SECTION 1. The time within which any person may file his petition in the superior court for damages arising from any taking of land or any change of grade of streets in connection with the abolition of the grade crossing of Austin street in the Charlestown district of the city of Boston in accordance with the provisions of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety-nine and of chapters one hundred and ninety-three and four hundred and seventy-one of the

Time for filing petitions for the assessment of certain damages extended.

acts of the year nineteen hundred, is hereby extended to the first day of July in the year nineteen hundred and two. But interest shall not be reckoned upon damages before the petition is filed.

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

Approved April 17, 1902.

*Chap.*318 AN ACT TO ESTABLISH A FIRE DISTRICT IN THE TOWN OF COLRAIN.

Be it enacted, etc., as follows:

Fire district in town of Colrain established.

SECTION 1. A fire district is hereby established in the town of Colrain, bounded as follows:—Beginning at bound number twenty of the county highway, location of eighteen hundred and ninety-six, said bound standing on the south bank of North river, so-called, westerly from the village of Colrain, and running thence south fifty-eight degrees thirty minutes east, twenty-seven hundred and eighty-five feet to a small bridge over Mountain brook southerly from said village on the Greenfield road, thence north thirteen degrees forty-five minutes east, twenty-one hundred and seventy-three feet to the south-east corner of the wooden highway bridge over said North river, lying northeasterly from said Colrain village, thence westerly along the southerly bank of said river to the place of beginning. Said fire district is hereby made a corporation under the name of The Colrain Fire District Number One.

Commissioners of hydrants, etc., election, term, etc.

SECTION 2. The legal voters of the said fire district shall within one year after the acceptance of this act, at a meeting called for the purpose choose by ballot a board of three commissioners, who shall be a board of commissioners of hydrants, water tanks for fire purposes and street lamps. All of the commissioners shall be legal inhabitants of and voters in said district. Said commissioners shall serve until the next annual meeting of said fire district and until their successors are chosen and qualified, and said district shall thereafter at its regular annual meeting choose by ballot three commissioners, who shall serve during the ensuing year and until their successors are chosen and qualified. Said district shall have authority to fill any vacancy in said board at any district meeting regularly called for that purpose. The commissioners shall be sworn and shall receive no compensation.

Vacancy, etc.

SECTION 3. Said district may at a meeting called for that purpose raise money to carry out the provisions of this act, and said board shall expend the same for the purposes prescribed by vote of the district. Every member of said board shall be accountable to said district for any money received by him, and said district may maintain a suit therefor in the name of the inhabitants of said district. Said board shall not expend any money which has not duly been appropriated by the district, and shall have no authority to bind the district to the payment of money in excess of its appropriation, or for any purpose not specified by the vote of the district appropriating the same.

Appropriations and expenditures.

SECTION 4. The clerk of the district shall on or before the first day of May of each year certify to the assessors of the town of Colrain all sums voted under the provisions of this act to be raised by the district during the year last preceding, which sums shall be assessed and collected in the same manner as town taxes are assessed and collected, and shall be paid over to the treasurer of said district, who shall hold the same subject to the order of said board. The clerk of said district shall act as clerk of said board and shall enter all its proceedings in the records of the district.

Clerk of district to certify to assessors of town sums to be raised, etc.

SECTION 5. It shall be the duty of said board, under the supervision and direction of said district, to construct, reconstruct, erect, repair, maintain and have charge of all main drains constructed by it, and of all public lamp posts, street lamps and street hydrants in said fire district, as may be ordered by said district, and to keep maps and plans of all such main drains.

Commissioners to have charge of main drains, street lamps, hydrants, etc.

SECTION 6. Said fire district may for the purposes aforesaid take by purchase or otherwise and hold the waters of Mountain brook, so-called, in the town of Colrain, and the waters flowing into and from the same, as the said fire district may determine, together with any and all water rights connected therewith, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said fire district, 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 establish-

May take certain waters, lands, etc.

May erect structures, lay pipes, etc.

ment and maintenance of complete and effective water works, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways or public or private ways, and along such ways, in such manner as not unnecessarily to obstruct the same : *provided*, that no source of water supply shall be taken for domestic purposes under this act without the advice and approval of the state board of health. For the purpose of constructing, maintaining and repairing such conduits, pipes and other works and for all proper purposes of this act, said fire district may dig up any lands in which such ways are situated, and may enter upon and dig up said ways in such manner, under the direction of the selectmen of the town, as to cause the least hindrance to public travel.

Proviso, etc.

Description of land, etc., to be recorded.

SECTION 7. Said fire district shall within sixty days after taking any land, rights of way, water rights, water source or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the district in which the same are situated, a description thereof sufficiently accurate for identification, with a statement, signed by the water commissioners hereinafter provided for, of the purpose for which the same were taken.

Damages.

SECTION 8. Said fire district shall pay all damages to property sustained by any person or corporation by the taking of any lands, water or water rights, or by laying or maintaining any aqueducts or other works for the purpose aforesaid, or by the doing of any other act under authority hereof. Any person or corporation sustaining damages as aforesaid, and unable to agree with the said district upon the amount thereof, may have them assessed in the manner provided by law with respect to land taken for laying out highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within three years after the time when the water is actually withdrawn or diverted, and not thereafter.

Colrain Fire District No. 1, Water Loan.

SECTION 9. The said fire district may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding ten thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Colrain Fire District No. 1,

Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the fire district and countersigned by the chairman of the water commissioners hereinafter provided for. The said fire district may sell such securities at public or private sale at not less than par, or pledge the same for money borrowed for the purpose of this act, upon such terms and conditions as it may deem proper.

SECTION 10. The said fire district shall establish a sinking fund and shall annually, beginning at the expiration of five years from the acceptance of this act by said fire district, contribute to such fund a sum sufficient with the accumulations to pay the principal of said loan at maturity. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose: but the said fire district may instead of establishing such sinking fund pay the principal of said loan by annual instalments not exceeding two hundred dollars in any one year. The said fire district shall assess upon the estates, real and personal, in said fire district, and collect, 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 to pay the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said fire district, and to make such contributions to the sinking fund or payments on the principal as may be required under this act.

Payment of
loan, etc.

SECTION 11. The town of Colrain may by a two thirds vote of the legal voters present and voting thereon at a legal meeting called for the purpose, guarantee the payment of said bonds, notes or scrip, provided such meeting is held within one year after the acceptance of this act by said fire district.

Town may
guarantee pay-
ment of bonds,
etc.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken under this act, or destroys or injures any dam, conduit, hydrant, machinery or other works or property held, owned or used by said district under authority of and for the purposes of this act, shall forfeit and pay to the said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and on conviction of any of the acts aforesaid may be punished by a fine of not less than

Penalty for
corruption of
water, etc.

twenty nor more than three hundred dollars or by imprisonment in jail for a term not exceeding one year, or by both such fine and imprisonment.

Water commis-
sioners, elec-
tion, terms,
etc.

SECTION 13. At the meeting of said fire district called for the acceptance of this act, or at any legal meeting called for the purpose, three persons shall be elected by ballot, to be a board of water commissioners. One of said commissioners shall be elected for the term of three years from the next succeeding annual meeting of said fire district, one for a term of two years and one for a term of one year, and thereafter one member of said board, as the term of each incumbent expires, shall be elected at the annual district meeting to serve for the term of three years. Said board of commissioners shall be trustees of the sinking fund herein provided for and shall have charge of the water works and may fix the price for the use of water, and may exercise all the rights, powers and authority granted to said district by this act, subject however to such instructions, rules and regulations as said district may impose by its vote. A majority of said board of 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 the board of commissioners from any cause may be filled for the unexpired term by said district at any legal district meeting.

Quorum.

Vacancy.

When to take
effect, etc.

SECTION 14. This act shall take effect upon its passage, but no expenditure shall be made or liability incurred hereunder except for preliminary surveys and estimates, until after the acceptance of this act by a vote of two thirds of the legal voters of said fire district present and voting thereon at a meeting called for that purpose within three years after the passage of this act; and the number of meetings called for that purpose in any one year shall not exceed two.

Approved April 18, 1902.

Chap.319 AN ACT TO AUTHORIZE THE DARTMOUTH AND WESTPORT STREET RAILWAY COMPANY TO CARRY BAGGAGE AND SMALL PARCELS OF MERCHANDISE, AND TO CONTRACT FOR THE USE OF THE TRACKS OF CERTAIN OTHER COMPANIES.

Be it enacted, etc., as follows:

May act as a
common carrier
of merchandise,
etc.

SECTION 1. The Dartmouth and Westport Street Railway Company may act as a common carrier of baggage

and small parcels of merchandise in the towns and cities in which it has the right to operate: *provided*, that said company shall not so act in any town or city until authorized so to do by the selectmen or board of aldermen thereof; and *provided, also*, that said company shall be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers, and shall also be subject to any by-laws, ordinances and regulations made by any city or town in which it operates, *provided*, that the same are not inconsistent with said chapter and laws.

Provisos.

SECTION 2. Said company may enter upon, use and operate over, such parts of the railways of the Union Street Railway Company in the city of New Bedford, and of the Old Colony Street Railway Company in the city of Fall River, and under such terms as to conditions of operation and compensation to be paid therefor as said companies may from time to time respectively agree upon: *provided, however*, that no such entry upon, use of or operation over the tracks of said Union Street Railway Company and Old Colony Street Railway Company shall take place until authorized by the board of public works of the city of New Bedford, and by the board of aldermen of the city of Fall River, respectively, and until also authorized by the board of railroad commissioners.

May enter upon, use and operate over railways of certain companies.

Proviso.

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

Approved April 18, 1902.

AN ACT TO ESTABLISH THE SALARY OF THE JUSTICE OF THE FIRST DISTRICT COURT OF BARNSTABLE.

Chap. 320

Be it enacted, etc., as follows:

SECTION 1. The salary of the justice of the first district court of Barnstable shall be twelve hundred and fifty dollars a year, to be so allowed from the first day of January in the year nineteen hundred and two.

Salary of justice of first district court of Barnstable established.

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

Approved April 18, 1902.

*Chap.*321 AN ACT TO AUTHORIZE THE BOARD OF REGISTRATION IN PHARMACY TO RECONSIDER ITS ACTION IN CASES WHERE IT MAY HAVE SUSPENDED OR REVOKED THE LICENSE OR CERTIFICATE OF REGISTRATION.

Be it enacted, etc., as follows :

R. L. 76, § 17,
amended.

SECTION 1. Section seventeen of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "suspended", in the fifth line, the words:— or revoked,—and by adding at the end thereof the words:—The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require,— so as to read as follows:— *Section 17.* If the full board sitting at such hearing finds the person guilty, the board may suspend the effect of the certificate of his registration as a pharmacist for such term as the board fixes, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after his conviction by a court of competent jurisdiction. The board may at any time in its discretion reconsider its action in cases where it has suspended or revoked the license or certificate of registration of a pharmacist, and may change its determination as justice shall require.

Board of registration in pharmacy may suspend certificates of registration, etc.

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

Approved April 18, 1902.

*Chap.*322 AN ACT TO REQUIRE MANUFACTURING ESTABLISHMENTS TO SUPPLY THEIR EMPLOYEES WITH PURE DRINKING WATER DURING WORKING HOURS.

Be it enacted, etc., as follows :

SECTION 1. All manufacturing establishments in this Commonwealth shall provide fresh and pure drinking water, to which their employees shall have access during working hours.

Manufacturing establishments to provide employees with pure drinking water.

Penalty.

SECTION 2. Any corporation, association, firm or person owning, in whole or in part, managing, controlling or superintending any manufacturing establishment in which the provision of this act is violated shall, upon complaint

of the board of health of the city or town, or of the selectmen of the town in which the establishment is located, be liable to a fine of one hundred dollars for each offence.

Approved April 18, 1902.

AN ACT TO EXTEND THE TIME WITHIN WHICH THE WESTERN HAMPSHIRE STREET RAILWAY COMPANY MAY CONSTRUCT AND OPERATE ITS RAILWAY.

Chap. 323

Be it enacted, etc., as follows:

SECTION 1. The authority granted by chapter three hundred and twenty-eight of the acts of the year eighteen hundred and ninety-five to the Western Hampshire Street Railway Company, which was to cease as to the locations granted by said act in the towns named therein in case no part of the proposed road was built and put in operation at the end of five years from the passage of the said act, is hereby granted anew to the said company, with the same force and effect and upon the same terms provided for and imposed by said chapter; but this authority shall cease in case no part of the proposed railway has been built and put in operation at the end of two years from the passage of this act.

Time extended.

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

Approved April 18, 1902.

AN ACT RELATIVE TO THE WRIT OF HABEAS CORPUS.

Chap. 324

Be it enacted, etc., as follows:

SECTION 1. Any court which has jurisdiction of libels for divorce or for nullity of marriage, of petitions for separate support or maintenance, or of any other proceeding in which the care and custody of any child or children is drawn in question, may issue a writ of habeas corpus when necessary in order to bring before it such child or children. The writ may be made returnable forthwith before the court by which it is issued, and, upon its return, said court may make any appropriate order or decree relative to the child or children who may thus be brought before it.

Writ of habeas corpus may issue in certain proceedings when custody, etc., of children is in question.

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

Approved April 18, 1902.

Chap. 325 AN ACT RELATIVE TO THE PAYMENT OF CERTAIN ASSESSMENTS BY THE CITIES AND TOWNS IN THE METROPOLITAN PARKS DISTRICT.

Be it enacted, etc., as follows:

Metropolitan
Park Assess-
ment Loan.

SECTION 1. In order to relieve cities and towns of the metropolitan parks district in providing for the several assessments required, or which may be required of them, for the years nineteen hundred and nineteen hundred and one, as estimated by the treasurer of the Commonwealth, in accordance with the provisions of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine to meet the interest and sinking fund requirements of the appropriations and loans authorized by the several acts relative to the metropolitan park commission, any such city by its city council, and any such town, by vote thereof at any regular or special town meeting, is hereby authorized to issue from time to time, beyond the limit of indebtedness fixed by law for such city or town, notes, scrip or bonds, to be denominated on the face thereof, Metropolitan Park Assessment Loan, to the amount estimated by said treasurer for said two years, or for any part of said amount, bearing interest not exceeding four 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 notes, scrip or bonds, respectively. The proceeds of such notes, scrip or bonds shall be used for the payment of the said assessments.

Certain provi-
sions of law to
apply.

SECTION 2. The provisions of sections thirteen, fourteen and fifteen of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the loans aforesaid.

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

Approved April 18, 1902.

Chap. 326 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO DISCONTINUE THE USE FOR CEMETERY PURPOSES OF A PART OF OAK GROVE CEMETERY.

Be it enacted, etc., as follows:

Part of Oak
Grove Cemetery
in Fall River
may be discon-
tinued for ceme-
tery purposes,
etc.

SECTION 1. The city of Fall River is hereby authorized to lay out and construct the way known as Oak Grove avenue in and through the burial ground known as Oak Grove Cemetery, and to discontinue the use for cemetery purposes of that part of said burial ground over

which said way passes, and also of that part of said cemetery which lies easterly of said way. That part of said burial ground the use of which for cemetery purposes is hereby authorized to be discontinued shall be enjoyed and possessed by the city of Fall River to the same extent as if it had not been declared to be held for or dedicated as a cemetery.

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

Approved April 18, 1902.

AN ACT RELATIVE TO CONDUCTING THE BUSINESS OF A DECEASED PHARMACIST BY HIS WIDOW, EXECUTOR OR ADMINISTRATOR. *Chap. 327*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter seventy-six of the Revised Laws is hereby amended by adding at the end thereof the words: — who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder, — so as to read as follows: — *Section 23.* The provisions of sections twenty-one to twenty-nine, inclusive, of chapter one hundred, section twenty-six of chapter seventy-five and section two of chapter two hundred and thirteen shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any unregistered member of a copartnership be liable to the penalties hereof if he retails, compounds for sale or dispenses for medicinal purposes drugs, medicines, chemicals or poisons only under the personal supervision of a registered pharmacist. The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a sixth class license to be exercised upon said premises of said deceased or incapacitated pharmacist under the registered licensee's

R. L. 76, § 23,
amended.

Not to apply to
physicians
putting up their
own prescriptions,
etc.

Business may
be continued by
widow, etc.,
in certain cases.

personal supervision. The provisions of section twenty-two of chapter one hundred, so far as they may be inconsistent herewith, shall not apply to licenses issued hereunder.

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

Approved April 18, 1902.

Chap.328 AN ACT TO AUTHORIZE THE TOWN OF NATICK TO MAKE AN ADDITIONAL SEWERAGE LOAN.

Be it enacted, etc., as follows:

Town of Natick may make an additional sewerage loan, etc.

SECTION 1. The town of Natick, for the purpose of carrying out the provisions of chapter four hundred and fifty-nine of the acts of the year eighteen hundred and ninety-four, and for the purpose of extending its system of sewerage and sewage disposal, is hereby authorized to appropriate a sum of money not exceeding fifty thousand dollars in addition to the amounts heretofore authorized by law to be appropriated by it for sewerage purposes; and to raise the money so appropriated said town may issue negotiable bonds, notes or scrip in accordance with the provisions of said chapter: *provided*, that the whole amount of money appropriated for said purposes by said town under the authority of this act and of other acts shall not exceed its legal limit of indebtedness by more than three hundred thousand dollars.

Proviso.

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

Approved April 22, 1902.

Chap.329 AN ACT TO CONFIRM THE ACTS OF THE ANNUAL MEETING OF THE TOWN OF BREWSTER IN THE YEAR NINETEEN HUNDRED AND TWO.

Be it enacted, etc., as follows:

Proceedings of town meeting of Brewster confirmed.

SECTION 1. The proceedings of the town of Brewster at its annual meeting in the year nineteen hundred and two shall not be invalid by reason of any informality or illegality in the choice of a moderator.

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

Approved April 22, 1902.

AN ACT TO AUTHORIZE THE TOWN OF MARBLEHEAD TO TAKE *Chap.330*
NICK'S COVE.

Be it enacted, etc., as follows:

SECTION 1. The town of Marblehead, for the purposes of providing itself with an outlet for a town drain, and a common landing place, may take Nick's cove in said town, in the manner provided by law for the taking of land for highways, and may make such improvements in said cove, including the filling thereof in whole or in part, building and maintaining retaining walls, steps, floats or runways, as it may consider necessary or convenient for the purposes aforesaid, subject to the provisions of chapter ninety-six of the Revised Laws.

Town of Marblehead may take Nick's cove for a common landing place, etc.

SECTION 2. The damages sustained by any person by reason of the taking or improving of Nick's cove, as aforesaid, shall be estimated in the manner provided by law in the case of land taken for laying out highways.

Damages.

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

Approved April 22, 1902.

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO EXTEND ITS *Chap.331*
WATER WORKS AND ISSUE ADDITIONAL BONDS.

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter sixty-six of the acts of the year eighteen hundred and ninety-eight is hereby amended by striking out in the sixth line of said section, the words "one hundred and fifty", and inserting in place thereof the words: — one hundred and seventy-five, — so that the amount of bonds authorized by said section to be issued shall be one hundred and seventy-five thousand dollars.

1898, 66, § 13, amended.

SECTION 2. The town of Falmouth, after the purchase of and payment for the franchise and corporate property of the Falmouth Water Company, may, for the purpose of extending its water works, issue bonds to an amount not exceeding thirty thousand dollars in addition to the amount authorized by said section thirteen as amended by this act. Such bonds shall be of the form and subject to the provisions specified in said section thirteen.

Town of Falmouth may issue additional bonds, etc.

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

Approved April 22, 1902.

Chap.332 AN ACT TO ANNEX TERRITORY TO THE CITY OF FALL RIVER.*Be it enacted, etc., as follows:*

Certain territory
annexed to city
of Fall River,
etc.

SECTION 1. The territory lying westerly from and adjoining the city of Fall River, which was formerly of the town of Tiverton in the state of Rhode Island but which, upon the passage of chapter four hundred and seventy-six of the acts of the year eighteen hundred and ninety-nine, became part of this Commonwealth, shall be taken and deemed to be a part of the city of Fall River, and said territory and its inhabitants shall be under the control and jurisdiction of the city of Fall River, and of the courts, registry of deeds and all other departments of this Commonwealth, as the city of Fall River and its inhabitants now are.

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

*Approved April 22, 1902.***Chap.333** AN ACT TO AUTHORIZE THE TOWN OF CARVER TO BECOME AN ASSOCIATE IN THE FORMATION OF THE PLYMOUTH, CARVER AND WAREHAM STREET RAILWAY COMPANY AND TO HOLD SHARES OF THE CAPITAL STOCK OR BONDS OF SAID COMPANY.*Be it enacted, etc., as follows:*

Town of Carver
may become an
associate in the
formation of the
Plymouth,
Carver and
Wareham
Street Railway
Company, etc.

SECTION 1. The town of Carver is hereby authorized to become an associate in the formation of the Plymouth, Carver and Wareham Street Railway Company, and to subscribe for and hold shares of the capital stock or bonds of said company, to the amount and in the manner provided for by sections forty-nine to fifty-four, both inclusive, of chapter one hundred and eleven of the Revised Laws with reference to subscriptions by towns for shares of the capital stock or securities of a railroad corporation.

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

*Approved April 22, 1902.***Chap.334** AN ACT TO EXTEND THE TIME WITHIN WHICH THE WALTHAM STREET RAILWAY COMPANY MAY CONSTRUCT AND OPERATE ITS RAILWAY.*Be it enacted, etc., as follows:*

Time extended.

SECTION 1. The time within which the Waltham Street Railway Company is authorized to construct and operate its railway is hereby extended to the first day of May in

the year nineteen hundred and three: *provided*, that Proviso. nothing herein contained shall be construed to recognize the validity of the original charter of said company, or to make legal its original location in the city of Waltham or any other location heretofore granted to said company.

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

Approved April 22, 1902.

AN ACT RELATIVE TO THE CORPORATION LAWS OF THE COMMONWEALTH.

Chap. 335

Be it enacted, etc., as follows:

SECTION 1. The governor of the Commonwealth, with the advice and consent of the council, shall, within thirty days after the passage of this act, appoint a committee of three persons, citizens of the Commonwealth, one of whom he shall designate as chairman, to be known as the committee on corporation laws. Committee on corporation laws, appointment.

SECTION 2. The said committee shall examine and consider the laws of the Commonwealth, in relation to the formation, taxation and conduct of all corporations, foreign or domestic, except municipal, banking and public service corporations. The committee shall compare the said laws, and their effect upon trade, commerce and manufactures, with the corresponding laws, and their effect, in other states and countries, especially in respect to matters of taxation, and shall consider and determine whether the corporation laws of other states or countries are more favorable than those of this Commonwealth to the growth of trade, commerce and manufactures, and if so, in what particulars. The committee shall further consider and determine what legislation, if any, is necessary to make the relations existing between the Commonwealth and said corporations more advantageous to the Commonwealth and to the public interest. Powers and duties.

SECTION 3. The said committee may establish rules and regulations for the conduct of its business, and shall be provided with suitable quarters by the sergeant-at-arms in the state house or elsewhere. It may employ experts and all necessary clerical and other assistance, and may incur such reasonable expenses, including travelling expenses, as may be authorized by the governor and council. Before incurring any expense the committee shall from time to time estimate its probable amount, and submit May establish rules and regulations for the conduct of its business, employ experts, etc.

Compensation.

To complete investigation on or before January 1, 1903, etc.

the estimate to the governor and council for their approval, and no expense shall be incurred by the committee beyond the amount so estimated and approved. The said committee shall receive such remuneration as may be fixed by the governor and council.

SECTION 4. Said committee shall complete its investigation on or before the first day of January in the year nineteen hundred and three, and shall report the result thereof, in print, to the general court, on or before the second Wednesday in January in said year. If said committee recommends any legislation it shall accompany its report with drafts of such bills as are necessary to carry such recommendations into effect. The powers of said committee shall terminate on said second Wednesday in January.

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

Approved April 23, 1902.

Chap. 336 AN ACT RELATIVE TO CLERICAL ASSISTANCE IN THE OFFICE OF THE ADJUTANT GENERAL.

Be it enacted, etc., as follows:

R. L. 16, § 14, amended.

Salary of adjutant general, clerks, etc.

SECTION 1. Section fourteen of chapter sixteen of the Revised Laws is hereby amended by striking out in the tenth line, the words "six thousand three hundred", and inserting in place thereof the words:—seven thousand one hundred,—so as to read as follows:—*Section 14.* The adjutant general shall receive a salary of three thousand six hundred dollars a year, and may employ five clerks,—one at a salary of twenty-two hundred dollars a year, a second clerk at a salary of sixteen hundred dollars a year, an additional clerk at a salary of two thousand dollars a year, and two at a salary of twelve hundred dollars each a year,—and a messenger at a salary of eight hundred dollars a year. He may employ such additional clerks and other assistants as may be necessary in his department, and in the quartermaster's and ordnance bureau, at an expense in all not exceeding seven thousand one hundred dollars a year.

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

Approved April 23, 1902.

AN ACT TO AUTHORIZE THE TOWN OF LINCOLN TO MAKE AN ADDITIONAL WATER LOAN. *Chap.337*

Be it enacted, etc., as follows :

SECTION 1. The town of Lincoln, for the purposes mentioned in chapter one hundred and eighty-eight of the acts of the year eighteen hundred and seventy-two, and subject to its terms and provisions, except as herein otherwise provided, may from time to time issue bonds, notes or scrip to an amount not exceeding twenty-five thousand dollars in addition to the amount which the said town has heretofore been authorized to issue for said purposes. Such bonds, notes or scrip shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum : shall be signed by the treasurer of the town and countersigned by a majority of the selectmen, and may be sold at public auction or at private sale.

Town of Lincoln may make an additional water loan, issue bonds, etc.

SECTION 2. Such bonds, notes or scrip may be made payable in periods not exceeding thirty years from the date of issue : and if not made payable in the manner provided in the following section the said town shall annually raise by taxation a sum sufficient to pay the interest on the said loan as it accrues, and shall establish a sinking fund and contribute thereto an amount, raised annually by taxation, sufficient with the accumulations thereof to extinguish the said loan at maturity ; and the said sinking fund shall be applied to the payment of the principal of the said loan until the same is discharged and paid, and shall be used for no other purpose. The sinking fund commissioners of the said town shall be trustees of the said sinking fund, and shall report the condition of the same and render an account of their doings in relation thereto annually to the town.

Payment of loan, etc.

SECTION 3. Instead of providing for the payment of the said bonds, notes or scrip in the manner required by the previous section the town may make any of the issues of such bonds, notes or scrip payable in annual payments of such sums as will in the aggregate extinguish the whole of such issue within a term not exceeding thirty years : and the amount required therefor shall without further vote be assessed in each year thereafter until the debt so contracted shall be extinguished.

May provide for annual payments on loan.

Payment of
interest, etc.

SECTION 4. The said town shall each year apply the net income and receipts derived from the use of water to the payment of the said interest, and the remainder, if any, of such net income and receipts it shall apply to the payment of the said bonds, notes or scrip, or it shall pay such remainder into the said sinking fund, and the amount so applied shall be deducted from the sums which would otherwise be required to be raised by taxation. The provisions of chapter twenty-seven of the Revised Laws, except as otherwise herein provided, shall apply to the issue of the said bonds, notes or scrip, and to the establishment and maintenance of said sinking fund.

R. L. 27 to
apply.

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

Approved April 23, 1902.

Chap. 338

AN ACT TO AUTHORIZE THE CITY OF MEDFORD TO INCUR ADDITIONAL INDEBTEDNESS FOR PARK PURPOSES.

Be it enacted, etc., as follows:

Medford Park
Loan, Act of
1902.

SECTION 1. The city of Medford, for the purpose of defraying the cost and expenses of lands already acquired for park purposes on, along or near Mystic river, and for improving the same under the authority of chapter twenty-eight of the Revised Laws, may incur indebtedness to an amount not exceeding twenty thousand dollars in addition to the amount heretofore authorized by law to be incurred by the said city for such purposes: and may from time to time, by a vote passed in the manner provided by section eight of chapter twenty-seven of the Revised Laws, issue and sell bonds or scrip therefor. Such bonds or scrip shall be designated on the face thereof, Medford Park Loan, Act of 1902, shall be signed by the mayor and city treasurer and countersigned by the city auditor, shall be payable in periods not exceeding thirty years from the dates of issue, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually: *provided*, that the whole amount of such bonds or scrip issued by said city, together with the bonds or scrip heretofore authorized to be issued by the city for the same purposes, shall not in any event exceed the amount of seventy thousand dollars.

Proviso.

SECTION 2. The debt and loan authorized by this act, and the bonds or scrip issued therefor, shall not be reckoned in determining the limit of indebtedness of said

Not to be
reckoned in
determining
debt limit, etc.

city under the provisions of section three of chapter twenty-seven of the Revised Laws; but said city shall establish a sinking fund as provided in said chapter, sufficient with its accumulations for the payment at maturity of the said debt, and of the bonds or scrip hereby authorized to be issued.

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

Approved April 23, 1902.

AN ACT TO AUTHORIZE THE CITY OF LOWELL TO SUPPLY THE INHABITANTS OF THE TOWN OF CHELMSFORD WITH WATER.

Chap. 339

Be it enacted, etc., as follows:

SECTION 1. The city of Lowell may supply the inhabitants of the town of Chelmsford with water for the extinguishment of fires and for domestic and other purposes, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or private ways, and along any such ways in the town of Chelmsford 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, the city of Lowell may enter upon and dig up any such lands and ways: *provided, however,* that the city of Lowell shall not enter upon or dig up any public ways in the town of Chelmsford, except with the consent of the selectmen thereof; and the city of Lowell shall restore to the satisfaction of the said selectmen the public ways dug up or otherwise disturbed in said town, and shall pay all damages sustained by any person in consequence of any act or neglect upon the part of the city of Lowell, its agents or employees, in digging up or otherwise disturbing any lands or public or private ways within the town of Chelmsford; and *provided, further,* that said city shall not enter upon, construct or lay conduits, pipes or other works, within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

City of Lowell may supply town of Chelmsford with water, etc.

PROVISOS.

SECTION 2. The city of Lowell may distribute water through the town of Chelmsford or any part thereof, and may regulate the use of such water and fix and collect

May distribute water, fix and collect rates, etc.

rates for the use of the same; and the said town or any fire district now or hereafter established therein, or any individual or corporation, may make such contract with the city of Lowell for the extinguishment of fires and for other purposes as may be agreed upon between said town, fire district, individual or corporation, and the city of Lowell; and the said city may establish and maintain fountains and hydrants and relocate or discontinue the same.

Town of Chelmsford may take property, rights, etc.

SECTION 3. The town of Chelmsford shall have the right at any time to take, by purchase or otherwise, the property and all the rights and privileges of the city of Lowell held under the provisions of this act within the town of Chelmsford, on payment to said city of the actual cost of the same. The city of Lowell shall keep a separate account of the construction expenses and receipts of its plant within the town of Chelmsford, which account shall be open to the selectmen or other committee appointed by the said town. In case said town shall vote to purchase said property, rights and privileges, and cannot agree with the city of Lowell upon the amount of the total actual cost thereof, then in a suit in equity brought either by the city or by the town the supreme judicial court shall ascertain and fix such total cost in accordance with the foregoing provisions, and shall enforce the right of the town of Chelmsford to take possession of said property, rights and privileges, upon the payment of such cost to the city of Lowell.

When to take effect, etc.

SECTION 4. This act shall take effect upon its passage, but shall become void unless the city of Lowell shall begin to distribute water through its pipes to consumers in the town of Chelmsford within three years after the date of the passage of this act.

Approved April 23, 1902.

Chap. 340

AN ACT TO AUTHORIZE CERTAIN GUARANTY AND SURETY COMPANIES TO INSURE AGAINST LOSS OR DAMAGE BY BURGLARY, THEFT OR HOUSEBREAKING.

Be it enacted, etc., as follows:

Certain companies may insure against loss or damage by burglary, theft, etc.

SECTION 1. Any insurance company authorized to do business in this Commonwealth under the third clause of section twenty-nine of chapter one hundred and eighteen of the Revised Laws may in connection therewith engage

in the business authorized under the eleventh clause of said section: *provided*, that it possesses a capital equal to the aggregate capital required of separate companies doing business under said third clause and under said eleventh clause, respectively.

Proviso.

SECTION 2. A foreign insurance company, if incorporated or associated under the laws of any government or state other than the United States, or one of the United States, shall not be admitted to do the business in this Commonwealth authorized in the preceding section until it has made a deposit with the treasurer and receiver general or with the financial officer of some other state of the United States of an amount not less than the capital required of like companies under this act. Such deposit must be in exclusive trust for the benefit and security of all the company's policy holders and creditors in the United States, and may be made in the securities but subject to the limitations specified in section thirty-four of chapter one hundred and eighteen of the Revised Laws, and such deposit shall be for all purposes of the insurance laws the capital of the company making it.

Certain foreign companies to make a deposit before being admitted to do business, etc.

SECTION 3. Contracts of insurance against loss or damage by burglary, theft or housebreaking shall not be incorporated in any contract of insurance guaranteeing the fidelity of persons in positions of trust, private or public, or on any bond on which a fidelity company is surety, but shall be contained in a separate and distinct policy.

Contracts of insurance against loss by burglary, etc., to be contained in a separate policy.

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

Approved April 23, 1902.

AN ACT MAKING APPROPRIATIONS FOR IMPROVEMENTS AT THE NORTHAMPTON INSANE HOSPITAL, FOR REPAIRS AT THE STATE PRISON, AND FOR CERTAIN MISCELLANEOUS EXPENSES AUTHORIZED BY LAW.

Chap. 341

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 for certain other expenses authorized by law, to wit:—

Appropriations.

For Annie M. Babcock, as authorized by chapter thirty of the resolves of the present year, the sum of one hundred dollars.

Annie M. Babcock.

Preservation of war records.

For the preservation of the war records in the office of the adjutant general, as authorized by chapter thirty-one of the resolves of the present year, a sum not exceeding fifteen hundred dollars, this sum to be in addition to any unexpended part of the amount authorized for the same purpose by chapter forty of the resolves of the year nineteen hundred and one.

Repairs at state prison.

For certain repairs at the state prison, as authorized by chapter thirty-two of the resolves of the present year, a sum not exceeding eight thousand dollars.

New books for library at Massachusetts reformatory.

For the purchase of new books for the library at the Massachusetts reformatory, as authorized by chapter thirty-three of the resolves of the present year, a sum not exceeding one thousand dollars.

Lemuel D. and Anna Burr.

For Lemuel D. Burr and Anna Burr, as authorized by chapter thirty-four of the resolves of the present year, the sum of one hundred and fifty dollars.

Northampton insane hospital.

For certain improvements at the Northampton insane hospital, as authorized by chapter thirty-five of the resolves of the present year, a sum not exceeding thirty-five hundred dollars, this amount to be taken from any receipts that may be paid into the treasury of the Commonwealth by said hospital.

Patience Fidelia Clinton.

For Patience Fidelia Clinton, as authorized by chapter forty of the resolves of the present year, the sum of two hundred dollars, payable to the selectmen of the town of Grafton for her benefit.

George O. Bent.

For George O. Bent, as authorized by chapter forty-one of the resolves of the present year, the sum of six hundred dollars.

Preparing account of the brown tail moth, etc.

For preparing and printing an account of the brown tail moth and of the best methods for destroying the same, as authorized by chapter forty-two of the resolves of the present year, a sum not exceeding one thousand dollars.

Equipment for first regiment of heavy artillery.

For the purchase of equipment for the first regiment of heavy artillery, as authorized by chapter forty-three of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

New furniture for room occupied by joint committee on judiciary.

To provide new furniture for the room occupied by the joint committee on the judiciary, as authorized by chapter forty-four of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be paid from the annual appropriation for the current year for the care and repair of the state house and for furniture therein.

For printing and distributing two thousand copies of the laws relating to labor, as authorized by chapter forty-five of the resolves of the present year, a sum not exceeding thirty dollars, the same to be paid out of the appropriation for contingent expenses of the bureau of statistics of labor.

Printing, etc., laws relating to labor.

For expenses in connection with the new state printing contract, as authorized by chapter forty-six of the resolves of the present year, a sum not exceeding one hundred dollars.

State printing contract.

For the payment of unclaimed moneys in the hands of receivers of certain insolvent corporations after the same have been deposited in the treasury of the Commonwealth, a sum not exceeding two thousand dollars, the same to be in addition to the five hundred dollars appropriated by chapter ninety-eight of the acts of the present year.

Payment of certain unclaimed moneys.

To carry out the provisions relative to the payment from the treasury of the Commonwealth of funds received from public administrators, the sum of fourteen hundred dollars, the same to be in addition to the five hundred dollars appropriated by chapter ninety-eight of the acts of the present year.

Payment of funds received from public administrators.

For Daniel Coonan, as authorized by chapter fifty-four of the resolves of the present year, the sum of three hundred and twenty-five dollars, the same to be paid out of the Massachusetts Volunteers' Fund.

Daniel Coonan.

For the publication of certain special laws, as authorized by chapter fifty-five of the resolves of the present year, a sum not exceeding five thousand dollars.

Publication of certain special laws.

For Frederick C. Margerum, as authorized by chapter fifty-six of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Frederick C. Margerum.

For Dennis Cashman, as authorized by chapter fifty-seven of the resolves of the present year, the sum of one hundred and twenty-five dollars.

Dennis Cashman.

For expenses in connection with the completion of Little's bridge, in the towns of Marshfield and Scituate, as authorized by chapter two hundred and seventy of the acts of the present year, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore authorized for the same purpose.

Completion of Little's bridge.

For Charles E. Mitchell, as authorized by chapter fifty-nine of the resolves of the present year, the sum of three thousand dollars.

Charles E. Mitchell.

Civil service
commission.

For clerical assistance, for advertising and stationery, and for office, printing, travelling and incidental expenses of the commissioners, chief examiner and secretary of the civil service commission, a sum not exceeding twelve hundred dollars, the same to be in addition to the fifteen thousand five hundred dollars appropriated by chapter twenty-eight of the acts of the present year.

Instruction of
adult blind at
their homes.

To provide for the instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, as authorized by chapter two hundred and ninety-seven of the acts of the present year, a sum not exceeding five thousand dollars.

Medals for Mas-
sachusetts
minute men.

To provide for medals for the Massachusetts minute men of eighteen hundred and sixty-one, as authorized by chapter sixty-two of the resolves of the present year, a sum not exceeding one thousand dollars.

Instruction in
riding to
mounted militia.

For giving instruction in riding to the mounted militia, as authorized by chapter sixty-three of the resolves of the present year, a sum not exceeding four thousand dollars.

Trustees of
Soldiers' Home.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter sixty-four of the resolves of the present year, the sum of thirty-five thousand dollars.

Winthrop A.
Gates.

For compensating Winthrop A. Gates for loss sustained by the taking of certain land in the city of Newton by the metropolitan park commission, as authorized by chapter sixty-six of the resolves of the present year, a sum not exceeding six hundred dollars, to be paid from the Metropolitan Parks Loan Fund.

Testimonials
to Massachu-
setts soldiers
and sailors who
served during
war with Spain.

For providing suitable testimonials for each officer, soldier or sailor who served as a part of the quota of Massachusetts during the war with Spain, as authorized by chapter sixty-eight of the resolves of the present year, a sum not exceeding one thousand dollars.

Massachusetts
Agricultural
College.

For a central heating and lighting plant, and for a dining hall, at the Massachusetts Agricultural College, as authorized by chapter sixty-nine of the resolves of the present year, a sum not exceeding seventy-one thousand dollars.

New England
Industrial
School for Deaf
Mutes.

For the New England Industrial School for Deaf Mutes, as authorized by chapter seventy of the resolves of the present year, the sum of forty-five hundred dollars.

Estimates, etc.,
as to improve-
ment of Cataumet
harbor.

For a survey and estimate by the board of harbor and land commissioners as to the improvement of Cataumet harbor, as authorized by chapter seventy-one of the re-

solves of the present year, a sum not exceeding five hundred dollars, to be paid out of the annual harbor and river improvements and contingency appropriation.

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

Approved April 28, 1902.

AN ACT RELATIVE TO TAXING UNDERGROUND CONDUITS, WIRES AND PIPES LAID IN PUBLIC STREETS BY PRIVATE CORPORATIONS.

Chap. 342

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter twelve of the Revised Laws is hereby amended by adding thereto, after line eighty-four, the following paragraph:—

R. L. 12, § 23, amended.

Tenth, Underground conduits, wires and pipes laid in public streets by any corporation, except street railway companies, shall be assessed to the owners thereof in the cities or towns in which they are laid.

Assessment of underground conduits, etc.

SECTION 2. Section thirty-seven of chapter fourteen of the Revised Laws is hereby amended by adding after the word “the”, in the fifteenth line, the words:—

R. L. 14, § 37, amended.

underground conduits, wires and pipes and of the, — so that the sentence shall read as follows:— It shall also contain a statement in detail of the underground conduits, wires and pipes and of the works, structures, real estate and machinery owned by said corporation and subject to local taxation within the Commonwealth, and of the location and value thereof.

Annual returns to tax commissioner.

SECTION 3. Section thirty-eight of said chapter fourteen is hereby amended by striking out the word “and”, at the end of the fourteenth line, and inserting after the word “machinery”, in the fifteenth line, the words:—

R. L. 14, § 38, amended.

and underground conduits, wires and pipes, — also by striking out the word “and”, in the twenty-fifth line, and inserting after the word “machinery”, in said line, the words:— and underground conduits, wires and pipes, — also by striking out the word “and”, in the thirty-first line, and inserting after the word “machinery”, in said line, the words:— and underground conduits, wires and pipes, — also by striking out the word “and”, in the thirty-fourth line, and inserting after the word “machinery”, in said line, the words:— and underground conduits, wires and pipes, — so as to read as follows:—

Section 38. The tax commissioner shall ascertain from the returns or otherwise the true market value of the shares

Valuation of corporate franchise, etc.

of each corporation subject to the requirements of the preceding section, and shall estimate therefrom the fair cash value of all of said shares constituting its capital stock on the preceding first day of May, which, unless by the charter of a corporation a different method of ascertaining such value is provided, shall, for the purposes of this chapter, be taken as the true value of its corporate franchise. From such value there shall be deducted:

Deductions,
etc.

First, In case of a railroad or telegraph company or of a street railway company whether chartered or organized in this Commonwealth or elsewhere, so much of the value of its capital stock as is proportional to the length of that part of its line, if any, lying without the Commonwealth; and also the value of its real estate, machinery and underground conduits, wires and pipes, subject to local taxation within the Commonwealth.

Second, In case of such a domestic telephone company, the amount and market value of all stock in other corporations held by it upon which a tax has been paid in this or other states for the twelve months last preceding the date of the return; and in case of such a foreign telephone company, so much of the value of its capital stock as is proportional to the number of telephones used or controlled by it or under any letters patent owned or controlled by it without the Commonwealth. In case of a telephone company, whether chartered or organized in this Commonwealth or elsewhere, the value of its real estate, machinery and underground conduits, wires and pipes, subject to local taxation within the Commonwealth.

Third, In case of corporations subject to the requirements of the preceding section other than railroad, telegraph, telephone or street railway companies, whether chartered or organized in this Commonwealth or elsewhere, the value as found by the tax commissioner of their real estate, machinery and underground conduits, wires and pipes, subject to local taxation wherever situated.

For the purposes of this section, the tax commissioner may take the value at which such real estate, machinery and underground conduits, wires and pipes is assessed at the place where it is located as the true value, but such local assessment shall not be conclusive of the true value thereof.

SECTION 4. Section thirty-nine of said chapter fourteen is hereby amended by striking out the word "or", in the second line, and inserting after the word "machinery", in said line, the words: — or underground conduits, wires and pipes, — so as to read as follows: — *Section 39.* The tax commissioner may require a corporation to prosecute an appeal from the valuation of its real estate, machinery or underground conduits, wires and pipes by the assessors of a city or town, either to the county commissioners or to the superior court, whose decision shall be conclusive upon the question of value. Upon such appeal the tax commissioner may be heard, and in the superior court costs may be awarded as justice requires.

R. L. 14, § 39.

Corporation to appeal from local valuation in certain cases.

SECTION 5. Section forty-two of said chapter fourteen is hereby amended by striking out the word "and", in the first line, and inserting after the word "machinery", in said line, the words: — and underground conduits, wires and pipes, — so as to read as follows: — *Section 42.* If the value of the real estate, machinery and underground conduits, wires and pipes of a corporation subject to local taxation within the Commonwealth, as determined by the tax commissioner, is less than the value thereof as determined by the assessors of the place where it is situated, he shall give notice of his determination to such corporation; and, unless within one month after the date of such notice it applies to said assessors for an abatement and, upon their refusal to grant an abatement, prosecutes an appeal under the provisions of section seventy-seven of chapter twelve, giving notice thereof to the tax commissioner, the valuation of said commissioner shall be conclusive upon said corporation.

R. L. 14, § 42, amended.

Valuation of tax commissioner to be conclusive in certain cases.

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

Approved April 28, 1902.

AN ACT TO INCORPORATE THE MASSACHUSETTS STEAMSHIP COMPANY.

Chap. 343

Be it enacted, etc., as follows:

SECTION 1. Alfred Winsor, Joseph B. Russell and James W. Hill, their associates and successors, are hereby made a corporation by the name of the Massachusetts Steamship Company, for the purpose of acquiring, owning, operating, chartering and selling steamships and other vessels, of transporting freight and passengers, and

Massachusetts Steamship Company incorporated.

of carrying on such other business in connection therewith or relating thereto as the directors may from time to time deem advisable; and for the foregoing purposes the said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and ten of the Revised Laws and in all general laws now or hereafter in force relating to such corporations, except as otherwise expressly provided herein.

Capital stock.

SECTION 2. The amount of the capital stock of said corporation shall be fixed and limited by the corporation at one million dollars; and the corporation shall not begin business until the whole amount of its capital stock has been paid in.

Capital stock may be increased or reduced.

SECTION 3. The capital stock of said corporation may from time to time be increased above or reduced below the amount provided for by section two, to the extent and in the manner provided for by the general laws of the Commonwealth relating to mechanical or manufacturing corporations.

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

Approved April 29, 1902.

Chap. 344

AN ACT TO INCORPORATE THE BOSTON STEAMSHIP COMPANY.

Be it enacted, etc., as follows:

Boston Steamship Company incorporated.

SECTION 1. Alfred Winsor, John Parkinson and Frank G. Webster, their associates and successors, are hereby made a corporation by the name of the Boston Steamship Company, for the purpose of acquiring, owning, operating, chartering and selling steamships and other vessels, of transporting freight and passengers, and of carrying on such other business in connection therewith or relating thereto as the directors may from time to time deem advisable; and for the foregoing purposes the said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in chapter one hundred and ten of the Revised Laws and in all general laws now or hereafter in force relating to such corporations, except as otherwise expressly provided herein.

Capital stock.

SECTION 2. The amount of the capital stock of said corporation shall be fixed and limited by the corporation at one million dollars; and the corporation shall not begin

business until the whole amount of its capital stock has been paid in.

SECTION 3. The capital stock of said corporation may from time to time be increased above or reduced below the amount provided for by section two, to the extent and in the manner provided for by the general laws of the Commonwealth relating to mechanical or manufacturing corporations; and such part of the original capital stock or any increase thereof may be made preferred as to dividends or principal, as a majority of the stockholders for the time being may determine.

May be increased or reduced, etc.

SECTION 4. All issues of stock under the provisions of this act shall be subject to the approval of the commissioner of corporations.

Issues of stock to be approved by commissioner of corporations.

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

Approved April 29, 1902.

AN ACT TO AUTHORIZE THE GREENFIELD AND DEERFIELD STREET RAILWAY COMPANY TO ACT AS A COMMON CARRIER OF BAGGAGE AND SMALL PARCELS OF MERCHANDISE.

Chap. 345

Be it enacted, etc., as follows:

SECTION 1. The Greenfield and Deerfield Street Railway Company is hereby authorized to act as a common carrier of baggage and small parcels of merchandise, and to transport fuel and supplies for its own use, upon its tracks now or hereafter constructed in the towns of Greenfield and Deerfield, and upon any other tracks over which it has trackage rights: *provided, however,* that said company shall not so act in any town until authorized so to do by the selectmen of such town; and *provided, further,* that in so acting in any town said company shall be subject to such by-laws, ordinances and regulations as may from time to time be made by that town; and shall also be subject to the provisions of chapter seventy of the Revised Laws, and of all other laws now or hereafter in force relating to common carriers.

May act as a common carrier of merchandise, etc.

Provisos.

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

Approved April 29, 1902.

Chap. 346 AN ACT TO PROVIDE THAT MODERATORS OF TOWN MEETINGS MAY BE ELECTED FOR TERMS OF ONE YEAR.

Be it enacted, etc., as follows:

Moderators of town meetings may be elected for terms of one year, etc.

SECTION 1. Any town which votes to accept the provisions of this act may at any annual election of town officers elect from the inhabitants thereof by ballot, in the same manner in which its other town officers are elected, a moderator to preside at all town meetings except those for the election of state officers. His term of office shall begin as soon as he is qualified, and shall continue until the next annual town meeting, and at the said meeting until his successor is elected and qualified; and if his successor is not then elected and qualified, he shall hold office until his successor is elected and qualified. Any town which has elected a moderator in accordance with the provisions of this act shall thereafter elect a moderator at every annual election of town officers, in accordance with the said provisions, unless at a meeting duly called for the purpose the town votes to discontinue the electing of moderators as aforesaid. If a vacancy in the said office occurs during any term it may be filled by the voters of the town at a meeting called for that purpose.

Vacancy.

To be sworn.

SECTION 2. A moderator before entering upon his official duties shall be sworn to the faithful performance thereof.

Who shall preside in case of absence of moderator.

SECTION 3. If a moderator elected in accordance with the provisions of this act is absent a moderator pro tempore may be elected; and if a moderator pro tempore is not elected, or until his election, the town clerk shall preside. If the town clerk is absent, or if there is no town clerk, the chairman of the selectmen or the member of the board longest in continuous service shall preside; and if no selectman is present the justice of the peace calling such meeting, if the meeting was so called, shall preside. Every such presiding officer shall have the powers and perform the duties of a moderator.

Repeal.

SECTION 4. So much of chapter eleven of the Revised Laws as is inconsistent herewith is hereby repealed.

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

Approved April 29, 1902.

AN ACT TO AUTHORIZE THE AMERICAN WOOLEN COMPANY OF NEW JERSEY TO ERECT AND MAINTAIN POLES AND WIRES AND TO FURNISH ELECTRIC LIGHT AND POWER IN THE TOWN OF MAYNARD.

Chap. 347

Be it enacted, etc., as follows:

SECTION 1. The American Woolen Company of New Jersey is hereby authorized to furnish electric light and power to the inhabitants of the town of Maynard, and to light the highways in said town by electricity, on such terms as it may agree upon with the said inhabitants and town, respectively; and for these purposes the said company may erect, maintain and operate upon the said highways such wires, posts and other fixtures as may be necessary therefor. The exercise of the powers hereby granted shall be subject to all laws now or hereafter in force relating to the erection, maintenance or operation of lines for the transmission of electric light and power, and to corporations engaged in the sale of electricity for light or power.

The American Woolen Company of New Jersey may furnish electric light and power in the town of Maynard.

SECTION 2. If the town of Maynard shall vote to engage in the business of supplying electric light or power, in accordance with the provisions of chapter thirty-four of the Revised Laws and acts in amendment thereof, then the said American Woolen Company shall convey to said town upon demand by it all the interest of said company in and to the posts, wires and other fixtures owned or used by the company for the distribution and sale of electricity in the town and not upon the land of said company, and the town shall be bound to purchase of said company only such posts, wires and fixtures. The town of Maynard shall pay to the said company the reasonable value of the posts, wires and fixtures so conveyed, to be determined in the manner provided in said chapter for determining the value of electric lighting plants taken by municipalities under the provisions of said chapter. Upon the conveyance to the town of the posts, wires and fixtures, as herein provided, the authority granted by section one of this act shall cease.

Town to purchase posts, wires and fixtures if it votes to supply electric light, etc.

SECTION 3. The said company shall appoint in writing an agent, who shall reside in said town and whose appointment shall be filed with the town clerk of said town; 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.

Company to appoint a resident agent, etc.

Certain failure, etc., to be deemed sufficient ground for forfeiture of rights, etc.

SECTION 4. A failure or neglect, continuing for fourteen days after demand or notice to its agent appointed as aforesaid, to pay and satisfy an execution or to 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 act, and such forfeiture may be enforced by information brought by the attorney-general in his discretion.

Permission may be revoked for certain cause, etc.

SECTION 5. The selectmen of said town, 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 this act, and may order the poles, wires and other fixtures of said company to be removed from said 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 certain regulations.

SECTION 6. The selectmen of said town shall have the power at all times to make such regulations in regard to the purpose for which and the manner in which the wires aforesaid are used and operated within the limits of the town, as public convenience and safety may require.

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

Approved April 29, 1902.

Chap. 348 AN ACT RELATIVE TO THE REGISTRATION OF VOTERS AND TO VOTING LISTS IN CERTAIN WARDS IN SUFFOLK SENATORIAL DISTRICTS.

Be it enacted, etc., as follows:

Registration of voters, etc., in certain wards in Suffolk senatorial districts.

SECTION 1. In all wards within any of the Suffolk senatorial districts which are outside of the city of Boston the registrars of voters shall, annually after the closing of registration and before the annual state election, make, by wards or precincts, as the case may be, street lists of voters to be used as the voting lists at elections. Names shall be added thereto or taken therefrom as persons are found qualified or not qualified to vote. The said lists shall be in the following form:—

Name of voter.	Residence, number or other designation, May 1, of the year of election.	Length of residence in city.	PERSONAL DESCRIPTION.		
			Age.	Height.	Weight.
					Street.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

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

Approved April 29, 1902.

AN ACT RELATIVE TO TAXES ASSESSED UPON FOREIGN CORPORATIONS AND NON-RESIDENT PERSONS DOING BUSINESS IN THE COMMONWEALTH.

Chap.349

Be it enacted, etc., as follows :

SECTION 1. When any foreign corporation or non-resident person doing business in the Commonwealth shall for sixty days neglect, refuse or omit to pay a tax lawfully assessed and payable, any court having jurisdiction in equity may upon petition of the collector of taxes of the city or town where the tax is assessed restrain said corporation or person from doing business in the Commonwealth until said tax, with all incidental costs and charges, shall have been paid. Service of process upon any such petition may be made by an officer duly qualified to serve process, by leaving a duly attested copy thereof at the place where the business is carried on.

Certain foreign corporations, etc., may be restrained from doing business in this Commonwealth until tax is paid.

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

Approved April 29, 1902.

AN ACT RELATIVE TO THE OPERATION AND CUSTODY OF ELEVATORS.

Chap.350

Be it enacted, etc., as follows :

SECTION 1. All elevators for the carriage of freight or passengers, running at a speed of more than one hundred feet a minute, shall be operated by competent persons not less than eighteen years of age, and no other person shall operate or have the care or charge of such an elevator.

Operation and custody of certain elevators.

SECTION 2. No elevator for the carriage of freight or passengers shall be operated by or placed in charge of any person under sixteen years of age.

Not to be operated by persons under 16 years of age, etc.

SECTION 3. Any person, firm or corporation violating any provision of this act by operating or causing an elevator to be operated or to be taken care or charge of in any manner contrary to the provisions of this act shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offence.

Penalty.

SECTION 4. So much of any act as is inconsistent herewith is hereby repealed. Repeal.

Approved April 29, 1902.

*Chap.*351 AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO INCREASE ITS WATER SUPPLY.

Be it enacted, etc., as follows :

City of Worcester may take certain waters, lands, etc.

SECTION 1. The city of Worcester is hereby authorized, for the purpose of increasing its water supply, to take by purchase or otherwise, from time to time, and to hold and convey into and through said city the waters of Kendall brook, so-called, at or near the dam of Kendall reservoir, and the waters of Asnebumskit brook, so-called, at or near an elevation of eight hundred feet above mean sea level at Boston, and the waters upon the watershed between said two brooks at or near an elevation of eight hundred feet above mean sea level at Boston, all of said places of taking being in the town of Holden, and also the water in any reservoirs thereon and the waters flowing into and from the same, and all springs and tributaries thereto, and the water rights connected with said sources above said places of taking ; and the said city may take existing reservoirs and ponds upon said streams above the points at which it may take the said waters ; and may by aqueduct bring the waters so taken directly into the city or through any reservoir and any aqueduct belonging to said city and now existing ; and may construct and lay conduits, pipes and other works under or over lands, water courses, railroads, railways, public or private ways and along such ways ; and may take by purchase or otherwise and hold in fee or otherwise any lands, dams or structures, easements or rights in land on and around said Kendall brook and reservoir up to an elevation of about eight hundred and fifty feet above said mean sea level, and between said Kendall reservoir and other reservoirs of said city on Tatnuck brook in said Holden, and between said Kendall reservoir and said Asnebumskit brook up to an elevation of about nine hundred and forty feet above said mean sea level ; and the said city may build and maintain dams, conduits, canals, water courses, pipes, reservoirs, and such other works as may be deemed necessary for collecting, purifying, storing, discharging, conducting or distributing said waters or preserving the purity thereof.

The rights herein granted the city of Worcester to be subject to the

SECTION 2. The rights herein granted to the city of Worcester shall be subject to the rights granted to the Leicester Water Supply District by chapter two hundred

and thirty of the acts of the year eighteen hundred and ninety-five, and if said Leicester Water Supply District shall exercise any rights conferred by said chapter after the taking herein authorized to be made by the city of Worcester the Leicester Water Supply District shall pay to the city of Worcester all damages thereby sustained by it, to be ascertained and determined in the manner and within the time set forth in chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one: *provided*, that from the time when the city of Worcester first diverts the waters of Asnebumskit brook, until the time when an additional source of water supply embracing more than twenty-five square miles of watershed is obtained for the metropolitan water district, the city of Worcester shall not draw water from the sources authorized by this act when water is running to waste past the lowest water works dam of said city on Tatnuck brook; nor, in case the amount of water stored in the reservoirs on Tatnuck brook exceeds one half the total capacity of such reservoirs, shall the city draw water from the sources so authorized when water is running to waste past the lowest water works dam of said city on either Tatnuck brook or Lynde brook; nor, in case the amount of water stored in the reservoirs on Tatnuck brook exceeds three fourths of the total capacity of such reservoirs, shall the city draw water from the sources so authorized when water is running to waste past the lowest water works dam of said city on either Tatnuck brook or Lynde brook or Kettle brook, except that the fact of a waste of water past the Kettle brook dam shall not prevent the drawing of water as aforesaid, if the flow of Kettle brook at the head of the conduit or conduits which convey its water toward the Lynde brook reservoir is in excess of the capacity of such conduit or conduits.

SECTION 3. The rights, powers and authority given by this act shall be exercised by the city of Worcester from time to time by such officers, servants and agents as the city council may appoint, ordain and direct, and said city shall be entitled to all rights and, except as herein otherwise provided, shall be subject to all the duties and liabilities set forth in chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one.

rights granted
the Leicester
Water Supply
District, etc.

Proviso.

By whom
rights, powers
and authority
shall be exer-
cised, etc.

Damages.

SECTION 4. The city shall be liable for all damages to property sustained by the Commonwealth or by any persons by the taking of any land, easements, rights in land, water or water rights as aforesaid, or by the construction of any aqueducts, reservoirs or other works by authority hereof, the same to be ascertained and determined so far as the Commonwealth is concerned in the manner set forth in chapter four hundred and fifty-six of the acts of the year eighteen hundred and ninety-seven, and so far as all other persons are concerned in the manner and within the time set forth in said chapter three hundred and sixty-one of the acts of the year eighteen hundred and seventy-one: *provided, however*, that no application shall be made for the assessment of damages for the taking of any water or water rights or for any injury thereto until the water is actually diverted under authority of this act, and no water shall be diverted until said city has given at least six months notice to all parties by publishing the same in two daily newspapers published in said Worcester, said notice to set forth the fact that said city intends to divert said waters and to fix the exact day upon which it intends to divert the same: and the day so fixed shall be deemed the time of actual diversion, and the application aforesaid may be made within one year after such actual diversion.

Proviso.

Worcester
Water Scrip.

SECTION 5. For the purpose of defraying all costs and expenses incident to the acts herein authorized, including the payment for land, water and water rights taken or purchased, the city council shall have authority to borrow from time to time such sums of money as it shall deem necessary, to an amount not exceeding five hundred thousand dollars, and to issue therefor notes, bonds or certificates of indebtedness, to be denominated on the face thereof, Worcester Water Scrip, and subject to the provisions of chapter twenty-seven of the Revised Laws.

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

Approved April 29, 1902.

Chap. 352 AN ACT TO AUTHORIZE THE DIVISION OF WARD EIGHT IN THE CITY OF GLOUCESTER INTO THREE VOTING PRECINCTS.

Be it enacted, etc., as follows:

Ward 8,
Gloucester, may
be divided into
3 precincts.

SECTION 1. The mayor and aldermen of the city of Gloucester are hereby authorized to divide ward eight in

that city into three voting precincts, notwithstanding the voters of said ward are less than five hundred in number. The said precincts shall be designated, respectively, as precinct number one, precinct number two and precinct number three, of ward eight. The precinct lines shall be as follows: —

Precinct One: Beginning at a point in the location of the Boston and Maine Railroad opposite Laurel street and running thence southeasterly at a right angle with said railroad location four hundred feet, thence northeasterly on a line parallel with and four hundred feet distant from said railroad location to a point in Essex avenue about four hundred feet southeasterly of the cattle pass in said railroad location about five hundred feet northeasterly of the West Gloucester station of said railroad, thence southwesterly in a straight line to a point in Western avenue where said avenue is intersected by Norman's Woe brook, thence by said brook to the sea; beginning again at the point first mentioned and running thence southwesterly by said railroad location to the Manchester town line.

Precinct Two, shall comprise all the territory in said ward northerly and westerly of said location of the Boston and Maine Railroad, also the section four hundred feet in width lying southeasterly of said railroad location, extending from a point opposite Laurel street to a point in Essex avenue common to the three precincts.

Precinct Three, shall comprise all the territory in said ward lying southerly of the railroad location, from a point five hundred feet northeasterly of the West Gloucester station of said railroad, bounded easterly by the Gloucester canal, southerly by the sea and westerly by Norman's Woe brook and by the lines of precincts one and two.

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

Approved April 29, 1902.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE GAS AND ELECTRIC LIGHT COMMISSIONERS.

Chap. 353

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 salaries and expenses of gas inspection in the department of the gas

Appropriations.

and electric light commissioners from the first day of May up to and including the thirty-first day of December in the year nineteen hundred and two, to wit:—

Inspector of gas meters.	For the salary of the inspector of gas meters, sixteen hundred sixty-six dollars and sixty-seven cents.
First assistant.	For the salary of the first assistant inspector of gas meters, one thousand dollars.
Second assistant.	For the salary of the second assistant inspector of gas meters, eight hundred dollars.
Deputies, apparatus, etc.	For the compensation of deputies, for necessary apparatus, travelling expenses, office rent and other necessary expenses incidental to the duties of said inspectors, a sum not exceeding four thousand one hundred dollars.

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

Approved April 29, 1902.

Chap. 354 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE INSPECTORS OF GAS METERS.

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 salaries and expenses of the inspectors of gas meters from the first day of January up to and including the thirtieth day of April in the present year, to wit:—
Inspector of gas meters.	For the salary of the inspector of gas meters, eight hundred thirty-three dollars and thirty-three cents.
First assistant.	For the salary of the first assistant inspector of gas meters, five hundred dollars.
Second assistant.	For the salary of the second assistant inspector of gas meters, four hundred dollars.
Deputy inspectors.	For the compensation of deputy inspectors of gas meters, the sum of six hundred six dollars and sixty-six cents.
Expenses.	For travelling and incidental expenses, rent, apparatus and general office expenses of the inspectors of gas meters, a sum not exceeding nine hundred dollars.

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

Approved April 29, 1902.

AN ACT RELATIVE TO THE MAINTENANCE OF BRANCH OFFICES BY TRUST COMPANIES. *Chap.355*

Be it enacted, etc., as follows :

SECTION 1. No trust company shall hereafter maintain a branch office except as hereinafter provided. Branch offices of trust companies.

SECTION 2. The board of commissioners of savings banks may authorize in writing any trust company to maintain a branch office in the city or town in which its main office is located, for the sole purpose of receiving deposits, paying checks and transacting a safe deposit business. Certain branch offices may be authorized.

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

Approved April 29, 1902.

AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF THE POLICE COURT OF HOLYOKE. *Chap.356*

Be it enacted, etc., as follows :

SECTION 1. The salary of the clerk of the police court of Holyoke shall be fifteen hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two. Salary of clerk of police court of Holyoke established.

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

Approved April 29, 1902.

AN ACT RELATIVE TO THE ELECTION OF THE SCHOOL COMMITTEE AND THE REMOVAL OF CERTAIN OFFICIALS IN THE CITY OF CAMBRIDGE. *Chap.357*

Be it enacted, etc., as follows :

SECTION 1. Section four of chapter three hundred and sixty-four of the acts of the year eighteen hundred and ninety-one is hereby amended by striking out all after the word "years", in the thirteenth line, and inserting in place thereof the words:—The school committee shall consist of fifteen members, to be elected as follows:—The qualified voters of the city shall at the annual city election of the current year, and each third year thereafter, choose one member each from wards three, four, six and eleven, and one from the city at large; in the year nineteen hundred and three, and each third year thereafter, one member each from wards two, five, seven and nine, and one member at large; in the year nineteen 1891, 364, § 4, amended.

hundred and four, and each third year thereafter, one member each from wards one, eight and ten, and two members at large, each person to be so elected for the term of three years. The qualified voters of the city shall at any such election fill for the unexpired term all vacancies then existing in the offices of assessor and school committee. Nothing however in this act shall affect the tenure of office of any person elected to the office of school committee during the years nineteen hundred and nineteen hundred and one, but every such person and his respective successor or successors shall hold such office during the remainder of such unexpired term, — so as to read as follows: — *Section 1.* An annual election for the choice of city officers shall be holden on the Tuesday next following the second Monday in December, and all officers who are chosen by the qualified voters shall be chosen by ballot; and such officers, except the assessors and the members of the school committee, shall hold their respective offices for the succeeding municipal year: to wit, beginning with the first Monday in January succeeding the annual election and continuing till the first Monday in January of the year following and until others shall be chosen and qualified to act in their stead. The qualified voters of the city shall at each annual election choose one of their number to be assessor for the term of three years. The school committee shall consist of fifteen members, to be elected as follows: — The qualified voters of the city shall at the annual city election of the current year, and each third year thereafter, choose one member each from wards three, four, six and eleven, and one from the city at large: in the year nineteen hundred and three, and each third year thereafter, one member each from wards two, five, seven and nine, and one member at large; in the year nineteen hundred and four, and each third year thereafter, one member each from wards one, eight and ten, and two members at large, each person to be so elected for the term of three years. The qualified voters of the city shall at any such election fill for the unexpired term all vacancies then existing in the offices of assessor and school committee. Nothing however in this act shall affect the tenure of office of any person elected to the office of school committee during the years nineteen hundred and nineteen hundred and one, but every such person and his respective successor or successors shall hold such office during the remainder of such unexpired term.

Annual municipal election.

Assessors and members of school committee, election, term, etc.

Vacancies, etc.

SECTION 2. Section fourteen of said chapter three hundred and sixty-four is hereby amended by inserting after the word "appointments", in the twelfth line, the words: —and removals, — so as to read as follows: —

1891, 364, § 14, amended.

Section 14. All the powers now vested by law in the city of Cambridge, or in the inhabitants thereof as a municipal corporation, except as herein otherwise provided, shall be vested in the city council and shall be exercised by a concurrent vote, each branch having a negative on the other. A majority of each branch shall constitute a quorum for the transaction of business. No member of either branch shall receive any compensation for his services. All sittings of the city council, or of either branch thereof, except for the consideration of candidates for election and except the sittings of the board of aldermen for consideration of appointments and removals by the mayor, shall be public. But all votes on elections and on confirmations shall be taken in public.

Certain powers vested in city council, etc.

Certain sittings to be public.

SECTION 3. This act shall take effect, either in whole or in part, upon acceptance by concurrent vote of the city council of the city of Cambridge either of the whole act or of either of the first two sections, provided the same shall be accepted within sixty days from the date of the passage of the act and provided also that the act shall take effect only so far as thus accepted.

When to take effect.

Approved April 29, 1902.

AN ACT TO ESTABLISH THE SALARY OF THE THIRD ASSISTANT CLERK OF COURTS FOR THE COUNTY OF MIDDLESEX.

Chap.358

Be it enacted, etc., as follows:

SECTION 1. The salary of the third assistant clerk of courts for the county of Middlesex shall be twenty-five hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

Salary of third assistant clerk of courts for Middlesex county established.

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

Approved April 29, 1902.

AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF FOR THE COUNTY OF FRANKLIN.

Chap.359

Be it enacted, etc., as follows:

SECTION 1. The salary of the sheriff for the county of Franklin shall be one thousand dollars a year, to be so

Salary of sheriff for Franklin county established.

allowed from the first day of July in the year nineteen hundred and two.

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

Approved April 29, 1902.

Chap.360 AN ACT TO ESTABLISH THE SALARIES OF THE JUSTICE AND CLERK OF THE SECOND DISTRICT COURT OF PLYMOUTH.

Be it enacted, etc., as follows:

Salary of justice of second district court of Plymouth established.

SECTION 1. The salary of the justice of the second district court of Plymouth shall be fifteen hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

Salary of clerk of second district court of Plymouth established.

SECTION 2. The salary of the clerk of the second district court of Plymouth shall be eight hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved April 29, 1902.

Chap.361 AN ACT TO AUTHORIZE CITIES AND TOWNS TO PURCHASE WATER FOR TEMPORARY PURPOSES.

Be it enacted, etc., as follows:

R. L. 25, § 35, amended.

SECTION 1. Section thirty-five of chapter twenty-five of the Revised Laws is hereby amended by inserting after the word "supply", in the fifth line, the words:— or may purchase water from any city, town, or water company,—and by inserting after the word "taking", where said word occurs in the seventh, tenth and fourteenth lines, the words:— or purchase,—so as to read as follows:—*Section 35.* The city council of a city or the selectmen or water commissioners of a town which has a system of water supply may, in cases of emergency, take water from any brook, stream, river, lake, pond or reservoir which is not already appropriated to uses of a municipal water supply, or may purchase water from any city, town, or water company, for a period of not more than six months in any one year, in such quantities as may be necessary to relieve the emergency; but no such taking or purchase shall be made until after the state board of health has approved the water as a proper source of water supply, and selectmen or water commissioners of towns shall not make such taking or purchase unless they have

Cities and towns may take water for temporary purposes, etc.

first been so authorized by a vote of the inhabitants at a town meeting. They may also take rights to use any land for such time as it may be necessary to use such water. The vote of a city council or of the inhabitants of a town to make or authorize such taking or purchase shall be conclusive evidence of the existence of the emergency.

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

Approved April 29, 1902.

AN ACT IN ADDITION TO AN ACT MAKING AN APPROPRIATION FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Chap. 362

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding three thousand one hundred and eighty-eight dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care of reservations under the control of the metropolitan park commission during the year ending on the thirty-first day of December, nineteen hundred and two, the same to be in addition to any amount heretofore appropriated for the same purpose.

Care of certain reservations.

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

Approved April 30, 1902.

AN ACT TO PROVIDE FOR CERTAIN PAYMENTS BY THE COUNTY OF ESSEX TO THE LAW LIBRARY AT LAWRENCE.

Chap. 363

Be it enacted, etc., as follows:

SECTION 1. The treasurer of the county of Essex shall pay over annually to the Lawrence Bar Association all naturalization fees collected in the Lawrence police court, and also, for three years, beginning with the first day of January in the year nineteen hundred and three, he shall pay to the said association the sum of one thousand dollars annually. These sums shall be used for maintaining and enlarging the law library at Lawrence, and shall be in addition to any sums already appropriated for this purpose.

County of Essex to make certain payments for maintaining, etc., the law library at Lawrence.

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

Approved April 30, 1902.

Chap.364 AN ACT RELATIVE TO THE CLERICAL FORCE IN THE OFFICE OF THE SECRETARY OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

R. L. 5,
amended.

Clerical force
in the office of
secretary of the
Commonwealth.

SECTION 1. Chapter five of the Revised Laws is hereby amended by striking out section two and inserting in place thereof the following: — *Section 2.* He may employ in his office a first clerk at a salary of twenty-five hundred dollars a year, a second clerk at a salary of twenty-two hundred dollars a year, a chief of the archives division at a salary of two thousand dollars a year, and such additional clerks, messengers and other assistants as may be necessary for the prompt despatch of public business; but no such additional clerks, messengers or assistants shall receive compensation at a rate exceeding twelve hundred dollars a year, except the present corporation clerk, who may receive a salary of sixteen hundred dollars a year, and the present engrossing clerk, who may receive a salary of fourteen hundred dollars a year. The secretary may also employ a cashier, for whose conduct he shall be responsible, and from whom he may require a bond.

To take effect
July 1, 1902.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and two.

Approved April 30, 1902.

Chap.365 AN ACT RELATIVE TO THE EXPENSE OF REBUILDING THE BRIDGE OVER THE MERRIMAC RIVER BETWEEN THE CITY OF NEWBURYPORT AND THE TOWN OF SALISBURY.

Be it enacted, etc., as follows:

1896, 483, § 2,
etc., amended.

Payment of
expense of re-
building bridge
over Merrimac
river between
Newburyport
and Salisbury.

SECTION 1. Section two of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-six, as amended by section one of chapter five hundred and seventeen of the acts of the year nineteen hundred and one, is hereby further amended by striking out the words "twenty-seven and one half", in the thirty-seventh line, and inserting in place thereof the word: — twenty-five, — and by striking out the words "two hundred", in the forty-sixth line, and inserting in place thereof the words: — three hundred and twenty-five, — so as to read as follows: — *Section 2.* The expense incurred under this act shall be paid in the first instance from the treasury of the county of Essex. The Commonwealth shall pay into the treasury of the county of Essex

towards the expense of rebuilding the bridge and the approaches thereto provided for in this act, the sum of twenty-five thousand dollars. The Haverhill and Amesbury Street Railway Company shall pay into the treasury of said county as their proportion of the expense of such bridge and the approaches thereto a sum equal to ten per cent of said expense, but not exceeding however the sum of twenty thousand dollars: and *provided*, that said Haverhill and Amesbury Street Railway Company shall pay into the treasury of said county the said amount, and shall enter into an agreement with the county commissioners of said county to keep that part of the roadway upon said bridge between the tracks of the company and eighteen inches outside thereof in repair and safe for public travel, subject to such conditions as said commissioners shall impose, said company shall thereupon have and is hereby granted a location upon said bridge for the construction and maintenance of its tracks, poles and wires, and for the operation of its railway thereon, and the location herein granted shall not be revoked except by the county commissioners of the county of Essex, after public notice and a hearing, but no such revocation shall be valid until approved by the board of railroad commissioners. No location for the tracks, poles and wires of any other street railway company upon said bridge shall be granted except by said county commissioners after public notice and a hearing, and no such location so granted shall be valid until approved by the board of railroad commissioners, nor shall any such location so granted before the first day of July, nineteen hundred and eighteen, be valid unless with the consent of the Haverhill and Amesbury Street Railway Company. Twenty-five per cent of the balance of said expense shall, after due notice and a hearing, be assessed by said commissioners upon the city of Newburyport and upon such towns as in their judgment derive a special benefit from said rebuilding and the approaches thereto, and in such proportion as said commissioners deem proper, and said city and towns shall pay the sum so assessed into the treasury of the county of Essex. The total expense incurred under the provisions of this act shall not exceed the sum of three hundred and twenty-five thousand dollars.

Proviso.

Location granted to certain street railway company, etc.

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

Approved April 30, 1902.

Chap. 366 AN ACT TO EXTEND THE CORPORATE POWERS OF THE STOUGHTON AND RANDOLPH STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

The Stoughton and Randolph Street Railway Company may use certain poles for maintaining its overhead wire system, etc.

SECTION 1. The Stoughton and Randolph Street Railway Company, upon obtaining the right so to do from the board of aldermen of a city or from the selectmen of a town, in the manner provided for the granting of locations for extensions of its railway, may use for attaching and maintaining its overhead wire system in such city or town any poles, with the assent of the owners thereof, located in a street or highway of such city or town, and shall, subject to the terms of any agreement with the owner of the poles, have and enjoy the same rights and be subject to the same liabilities in relation to such poles as pertain to poles erected and maintained by said company for its own use as a part of its railway; and said company may from time to time grant rights to other persons and companies to attach to and maintain upon its poles in any city or town any wires of such other persons and companies as are lawfully entitled to erect and maintain poles for their own purposes in the streets and highways of such city or town; and all such persons and companies are hereby authorized to make agreements with said company for the use of their poles by said company or of said company's poles by them; and any attachments to poles of other persons heretofore made by said company and by such other persons to poles of said company with its consent are, subject to the terms of any agreement with the owners thereof, hereby ratified and confirmed.

May generate, use and transmit electricity in certain cities and towns, etc.

SECTION 2. Said company may, for all purposes necessary or incident to the construction, maintenance and operation of an electric street railway, generate, manufacture, use and transmit electricity in any city or town wherein it is now or may hereafter be entitled to operate a street railway, and for that purpose may erect and maintain poles, trolley, feed and stay wires and other devices for conducting electricity in, over and under any streets, highways, bridges and town ways in any city or town wherein it has been or may be authorized by the board of aldermen or selectmen to operate its railway, and upon and over any private land with the consent of

the owners thereof, and may sell to or purchase from any other street railway company incorporated under the laws of this Commonwealth electricity for all purposes aforesaid: but said company shall not generate, manufacture, use, transmit, purchase or sell electricity for light, heat or power, except for street railway purposes, unless at some future time the general law shall grant such authority to all street railways.

SECTION 3. All locations and rights heretofore granted to the said Stoughton and Randolph Street Railway Company, or to William Odlin, receiver of said Stoughton and Randolph Street Railway Company, by the Commonwealth of Massachusetts, the selectmen of the town of Stoughton and the town of Randolph, are hereby ratified and confirmed.

Certain locations, etc., confirmed.

SECTION 4. Said company may act as a common carrier of baggage and small parcels of merchandise: *provided, however*, that it shall not so act in any city or town until authorized so to do by the board of aldermen of the city or by the selectmen of the town: and *provided, further*, that said company shall be subject to such by-laws and regulations as may from time to time be made by such city or town; and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

May act as a common carrier of merchandise, etc.

Provisos.

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

Approved May 1, 1902.

AN ACT TO AUTHORIZE THE BOSTON STORAGE WAREHOUSE COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 367

Be it enacted, etc., as follows:

SECTION 1. The Boston Storage Warehouse Company is hereby authorized to increase its capital stock to an amount not exceeding two million dollars: and for that purpose is hereby authorized to issue shares of capital stock of the par value of one hundred dollars each: *provided, however*, that the total amount of capital stock actually issued and outstanding after any new issue shall not exceed the fair value of its real and personal property determined and ascertained by the commissioner of corporations in the manner provided by section forty-four of chapter one hundred and ten of the Revised Laws for

The Boston Storage Warehouse Company may increase its capital stock, etc.

Proviso.

determining the fair valuation of real or personal property conveyed to a corporation in payment, in whole or in part, of its capital stock.

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

Approved May 1, 1902.

Chap.368 AN ACT TO PROVIDE THAT OFFICERS IN ATTENDANCE AT THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR THE TRANSACTION OF CRIMINAL BUSINESS SHALL WEAR UNIFORMS.

Be it enacted, etc., as follows :

Certain court officers to wear uniforms.

SECTION 1. The officers in attendance at the municipal court of the city of Boston for the transaction of criminal business shall, while on duty in said court, wear uniforms to be designated by the justices of said court, and for such uniforms shall be allowed and paid by the county of Suffolk the sum of one hundred dollars each annually in addition to their salaries as such officers.

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

Approved May 1, 1902.

Chap.369 AN ACT TO EXTEND THE TIME FOR ACCEPTANCE BY THE TOWN OF HOLDEN OF AN ACT PROVIDING FOR SUPPLYING THE TOWN WITH WATER.

Be it enacted, etc., as follows :

1896, 180, amended.

SECTION 1. Chapter one hundred and eighty of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out section ten and inserting in place thereof the following: — *Section 10.* This act shall take effect upon its acceptance by a two thirds vote of the voters of said town present and voting thereon at a legal town meeting held for the purpose prior to the tenth day of April in the year nineteen hundred and five; but the number of meetings so called in any one year shall not exceed four.

When to take effect.

SECTION 2. Chapter one hundred and thirty-nine of the acts of the year nineteen hundred and two is hereby repealed.

Repeal.

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

Approved May 1, 1902.

AN ACT RELATIVE TO THE ISSUE OF STOCK AND BONDS BY STREET RAILWAY COMPANIES. *Chap.370*

Be it enacted, etc., as follows:

SECTION 1. A street railway corporation, for the purpose of building a branch or extension, or of acquiring land for pleasure resorts, or of building power houses or car houses or park buildings, or of acquiring or equipping additional rolling stock, or of changing its motive power, or of abolishing grade crossings, or of paying betterment assessments for widening or otherwise altering streets, or of complying with any requirements lawfully imposed under delegated legislative authority, or of making permanent investments or improvements, or of acquiring any additional real or personal property necessary or convenient for its corporate objects, or of refunding its funded debt, or for the payment of money borrowed for any of the foregoing purposes, or for other similarly necessary and lawful purposes, may from time to time in accordance with the provisions of sections twenty-four, twenty-five, thirty and thirty-one of chapter one hundred and nine and of sections sixty-three to seventy and of section seventy-four of chapter one hundred and eleven of the Revised Laws, increase its capital stock or issue bonds to such an amount, beyond the amounts fixed and limited by its agreement of association or its charter, or by any special law, as the board of railroad commissioners shall determine will realize the amount which has been properly expended or will be reasonably required by the corporation, and shall approve for such of the purposes aforesaid as are set out in its petition to said board for its approval of such increase or issue of stock or bonds.

Street railway corporations may increase capital stock, etc., for certain purposes.

SECTION 2. Sections twenty, twenty-one, twenty-three and the last sentence of section seventy-six of chapter one hundred and twelve of the Revised Laws are hereby repealed.

Repeal.

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

Approved May 2, 1902.

AN ACT RELATIVE TO THE ADMINISTRATION OF FRENCH SPOILIATION AWARDS. *Chap.371*

Be it enacted, etc., as follows:

SECTION 1. The probate court shall have exclusive original jurisdiction of all matters relating to the admin-

Administration of French spoiliations.

istration of moneys appropriated by the congress of the United States on account of French spoliations.

Bond of administrator to contain certain condition.

SECTION 2. Every bond hereafter given by any administrator engaged in the administration of French spoliation awards shall contain a condition substantially as follows:—To administer according to law and the orders of the probate court all French spoliation awards which shall come to his possession as such administrator.

Approval of bonds.

SECTION 3. Such bonds, when satisfactory to the judge or register, shall be approved in the following form: “Approved as adequate security for the legal disbursement of a French spoliation award of dollars”, stating the amount appearing then to be receivable by the administrator from the United States treasury on account of such award or awards.

Validity of certain bonds not impaired, etc.

SECTION 4. Nothing herein contained shall be construed to impair the validity of any bond already given, or to affect the rules of administration and distribution of French spoliation awards heretofore established in this Commonwealth.

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

Approved May 2, 1902.

Chap. 372 AN ACT RELATIVE TO WIRES AND ELECTRICAL APPLIANCES IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

Certain wires and electrical appliances in Worcester may be removed or placed underground, etc.

SECTION 1. The city council of the city of Worcester may by ordinance designate some officer or officers of the city who shall have exclusive authority to cause to be removed from the streets of the city, within the district hereinafter prescribed, all telegraph, telephone, and electric light, motor and power wires, cables and conductors, in or above said streets, and all poles and structures in said streets used for the support of the same, except such structures, poles, wires, cables and conductors as are hereinafter excepted. It shall be the duty of such officer or officers, and he or they shall have the authority, to grant all necessary permissions for such wires, cables and conductors to be placed, maintained and operated in underground conduits, subject to the lawful ordinances of said city; and it shall be the duty of the superintendent of streets or other officer having charge of the highways

in said city, and he shall have authority, to issue all permits for opening and occupying the streets in said city which may be necessary to carry out the intent of this provision, upon the application of the officer or officers first above mentioned or of any person or corporation interested

SECTION 2. The provisions of this act shall apply to that district in the city of Worcester which is bounded by a circumference whose centre is the point formed by the intersection of the south line of Front street and the east line of Main street, and whose radius is two miles in length from said centre. And said officer or officers, within thirty days after appointment, and in each January thereafter until the work in the said district is completed, shall prescribe, giving public notice thereof in at least two daily newspapers in said city, by advertising therein twice a week for two weeks in succession, a part of said district, consisting of not less than two nor more than three miles of streets, within which part all of said wires, cables and conductors, except such as are hereinafter excepted, shall, during that calendar year, be removed or placed underground: and said officer or officers shall cause the owners or users of such wires, cables and conductors, to remove them or to put them underground, and also to remove any poles or structures used in the streets to support such wires, cables or conductors, except when, in the judgment of said officer or officers, it is impracticable or inexpedient to remove such wires, cables, poles, conductors or structures: it being the purpose and intent of this act ultimately to cause the removal from public streets, avenues and highways within said district of all of said wires, cables and conductors, except such as are hereinafter excepted.

To apply to certain district in Worcester, etc.

SECTION 3. After a part of said district has been prescribed as aforesaid no person, firm or corporation shall place any poles or other structures for the support of any wires, cables or conductors, except those herein specially excepted, in any street thereof, except temporarily, with the consent of said officer or officers, in an emergency; and if after the expiration of that calendar year there shall remain in any such street any poles, structures, wires, cables or conductors which said officer or officers shall have ordered to be removed or placed underground, the said officers shall cause the same to be removed; and

Certain structures not to be placed in prescribed district, etc.

the city may collect from the owners or users, by an action at law, any expense involved in such removal.

Permission may be granted for the removal of wires, etc., in any street, etc.

SECTION 4. The officer or officers who may be designated by the city council of said city pursuant to section one of this act may at any time, upon application of any person, firm or corporation duly authorized by law to lay or to erect and maintain and maintaining wires in the streets of said city, grant permission for the removal of any wires, cables, conductors, poles or structures in any of the streets of said city, whether within or without the district specified in section two hereof, and for the placing of the same and any other necessary wires, cables and conductors or any extensions thereof underground as herein provided; and it shall be the duty of the superintendent of streets or other officer having charge of the highways in said city, and he shall have authority, after the granting of such permission, to issue all permits for opening and occupying the streets of said city which may be necessary to carry out the intent of this act, upon the application of said officer or officers or of any person or corporation interested.

Not to apply to certain wires, poles, etc.

SECTION 5. This act shall not apply to long distance telephone wires, or to posts for the support of lamps exclusively, or to poles used exclusively for local distribution from underground wires, cables or conductors, or to street railway wires, poles or conductors; nor shall it revoke any rights already granted to any person, firm or corporation to place or maintain any conduits, pipes, wires, cables or conductors underground; but any such conduits, pipes, wires, cables or conductors laid hereafter in pursuance of any such grant shall be laid subject to the provisions of this act, so far as they are not inconsistent with the terms of such grant. For the purposes of this act no wire shall be deemed a long distance telephone wire which is not connected with some central telephone office in the city, and which does not extend twenty-five miles at least in a direct line from the central office.

Maps giving location, dimensions, etc., to be filed, etc.

SECTION 6. When any person, firm or corporation operating or intending to operate wires, cables, conductors or conduits in said section of said city shall desire or be required to place the same underground in any street or highway in said section, and shall have been duly authorized so to do, it shall be obligatory upon such

person, firm or corporation to file with the city engineer of said city a map or maps made to scale showing the streets or highways which are desired or required to be used for said purposes, and giving the location, dimensions and course of the underground conduit or conductor desired or required to be constructed, which map or maps shall be satisfactory to and approved in writing by said city engineer before any opening shall be made in any such street or highway under such authority.

SECTION 7. The mayor and aldermen of the city shall constitute a board of appeal, to which petitions in writing may be presented by any person, firm or corporation aggrieved by any act or decision of said officer or officers, done or made in pursuance of this act. Such petition shall set forth the specific grievance or grievances relied upon, and shall be filed with the mayor of the city within ten days after the act or decision complained of was done or made; and said board after notice given as prescribed in section two of this act shall give a hearing thereon, and may either approve, annul or overrule such act or decision. Board of appeal.

SECTION 8. The supreme judicial court or the superior court, or any justice thereof, shall on petition of said officer or officers, have jurisdiction in equity to enforce the provisions of this act or any order of said officer or officers issued thereunder, and to compel compliance therewith. Enforcement of provisions.

SECTION 9. This act shall take effect upon its passage.

Approved May 6, 1902.

AN ACT TO APPROVE THE ACQUISITION BY THE UNITED STATES OF
A TRACT OF LAND IN THE TOWN OF NAHANT. Chap. 373

Be it enacted, etc., as follows:

SECTION 1. The consent of the Commonwealth is hereby granted to the United States of America to acquire, by purchase or by condemnation, a tract of land in the town of Nahant containing about forty-five acres, to be described in the plans provided for in section four of this act, which land is to be used for the purposes of national defence. The United States may acquire certain land in Nahant.

SECTION 2. Jurisdiction over the area so acquired is hereby granted and ceded to the United States: *provided*, *always*, that the Commonwealth shall retain a concurrent Jurisdiction ceded to United States. Proviso.

jurisdiction with the United States in and over the area so acquired, so far that all civil and criminal processes issuing under the authority of the Commonwealth may be executed on said land and in any buildings thereon or which may be erected thereon, in the same manner as if jurisdiction had not been granted as aforesaid; and *provided, also*, that the exclusive jurisdiction shall revert to and vest in the Commonwealth whenever the said land shall cease to be used for the purposes of national defence.

Proviso.

May occupy and fill certain flats, etc.

SECTION 3. The United States government is hereby authorized, upon such terms and conditions as shall be prescribed by the harbor and land commissioners, to occupy and fill such flats belonging to the Commonwealth, and to place such structures in or over the tide water adjacent to the area hereby authorized to be acquired, as may be necessary for the purposes for which said area is to be used.

Plans to be filed.

SECTION 4. This act shall be void unless a suitable plan or suitable plans of the premises acquired by the United States under the provisions of this act shall be deposited in the office of the secretary of the Commonwealth within six months after the date of the acquisition thereof.

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

Approved May 6, 1902.

Chap. 374 AN ACT RELATIVE TO THE TAXATION OF VESSELS ENGAGED IN THE FOREIGN CARRYING TRADE.

Be it enacted, etc., as follows:

Excise tax to be assessed upon interest of corporations in certain vessels, etc.

SECTION 1. The tax commissioner shall assess annually as of the first day of May an excise tax upon the interest of every corporation organized under the laws of this Commonwealth and having a place of business therein, in any ship or vessel which has, during the period of its business in the year preceding said first day of May, been engaged in the foreign carrying trade, which tax shall be one third of one per cent upon the value of such interest as it shall be determined by him. Such tax shall become due and shall be collected at the same time and in the same manner as other taxes assessed to such corporations.

Corporations to make annual return to tax

SECTION 2. The president and treasurer of every such corporation owning an interest in any such ship or vessel

shall annually, within thirty days after the first day of May, make a return to the tax commissioner, under oath, setting forth in detail the name of the ship or vessel, the interest of the corporation therein, and the value of such interest. If the tax commissioner is satisfied of the truth of the return he shall deduct said value from the fair cash value of the shares of the corporation as estimated by him for the purpose of determining the true value of its corporate franchise under the provisions of chapter four-teen of the Revised Laws.

commissioner,
etc.

SECTION 3. Persons or partnerships owning an interest in any such ship or vessel engaged in the foreign carrying trade shall annually, within thirty days after the first day of May, make a return under oath to the assessors of the city or town where such persons reside or where such partnerships are taxable under the provisions of section twenty-eight of chapter twelve of the Revised Laws, respectively, setting forth the name of the ship or vessel, their interest therein, and the value of such interest. If the assessors are satisfied of the truth of the return they shall assess an excise tax of one third of one per cent upon such interest; and the person or partnership making such return shall be exempt from any tax upon said interest other than that assessed under the provisions of this act.

Certain persons,
etc., to make
annual return
to assessors,
etc.

SECTION 4. So much of the fourth clause of section four of chapter twelve of the Revised Laws as relates to the tax on income of ships or vessels engaged in the foreign carrying trade, and all acts and parts of acts inconsistent herewith, are hereby repealed.

Repeal.

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

Approved May 6, 1902.

AN ACT TO REPEAL SECTIONS SEVEN, EIGHT AND NINE OF CHAPTER TWELVE OF THE REVISED LAWS RELATIVE TO THE EXEMPTION FROM TAXATION OF VESSELS ENGAGED IN THE FOREIGN CARRYING TRADE.

Chap. 375

Be it enacted, etc., as follows:

Sections seven, eight and nine of chapter twelve of the Revised Laws, relative to the exemption from taxation of vessels engaged in the foreign carrying trade, are hereby repealed.

R. L. 12, §§ 7, 8,
9, repealed.

Approved May 6, 1902.

Chap.376 AN ACT RELATIVE TO THE BOARD OF ASSESSORS OF THE CITY OF
NEWTON.

Be it enacted, etc., as follows:

Assessors of
Newton,
appointment,
term, etc.

SECTION 1. The terms of office of the present assessors and assistant assessors of the city of Newton shall end on the first day of February in the year nineteen hundred and three. Thereafter the board of assessors shall consist of such number of persons, and their term of office shall be of such length not exceeding three years, as the board of aldermen of the city shall from time to time determine by ordinance. On or before the first day of February the mayor shall designate one such assessor to act as chairman of the board during his term of office, subject to confirmation by the board of aldermen. The assessors shall hold office until their successors are appointed and qualified. A vacancy in the office of assessor or in the office of chairman shall be filled in the manner of the original appointment, but only for the unexpired term.

Vacancy.

When to take
effect.

SECTION 2. This act shall take effect when accepted by the board of aldermen of the city of Newton.

Approved May 6, 1902.

Chap.377 AN ACT RELATIVE TO B STREET AND C STREET AND TO THE SALE
OF LAND IN SOUTH BOSTON.

Be it enacted, etc., as follows:

Part of B street
discontinued as
a public way
and part of C
street laid out
as a highway,
etc.

SECTION 1. All that part of B street in the city of Boston lying between the southerly line of Fargo street and the northerly line of Cypher street is hereby discontinued as a public way, and that part of C street in said city lying between the northerly line of Cypher street and the southerly line of Fargo street is hereby laid out eighty feet in width as a highway, subject to the provisions of the following section. The exact location of the part of B street discontinued and of C street laid out is shown on the plan on file in the office of the harbor and land commissioners marked "Plan of a Portion of the Commonwealth's Flats at South Boston Showing the Portion of B Street to be discontinued and the Portion of C street to be laid out as a Highway, Feb. 1902, Scale 1 in. = 200 ft. Frank W. Hodgdon, Engineer, Wood-

ward Emery, Chas. C. Doten, Geo. E. Smith, Harbor and Land Commissioners.”

SECTION 2. The board of harbor and land commissioners may from time to time lay and operate, or authorize laying and operating, railroad tracks at grade in such locations and upon such conditions as said board may prescribe, through that part of C street hereinbefore laid out, through and across any public ways, except Summer street, which are or may be laid out on the territory known as the Commonwealth's flats at South Boston, and elsewhere on the territory aforesaid so long as owned by the Commonwealth: *provided, however*, that the manner of laying and operating such tracks and the traffic and travel upon and the several uses of said ways shall be subject to such regulations as the board of railroad commissioners may from time to time prescribe.

Laying, etc., of railroad tracks may be authorized in certain locations, etc.

Proviso.

SECTION 3. Any person whose property is injured by the discontinuance of B street or the laying out of C street as aforesaid shall have the same right to recover damages therefor as for damages to property caused by the discontinuance or laying out of highways in the city of Boston, and such damages shall be paid by the Commonwealth as may be agreed upon by said person and the board of harbor and land commissioners, with the approval of the governor and council; or, if the parties cannot agree, the damages shall be determined by a jury of the superior court for the county of Suffolk upon petition therefor filed in the clerk's office of said court within one year after the passage of this act.

Damages.

SECTION 4. The Old Colony Railroad Company may purchase or take in fee or otherwise, for railroad purposes, all or any part of the following described parcels of land in that part of Boston called South Boston, to wit: — All within that part of B street hereby discontinued, a triangular parcel on the easterly side of B street and at the end of Anchor street, bounded one hundred and fifty-five feet southerly on B street from the intersection of the northerly side line of Anchor street and B street, seventy-five feet on the northerly side line of Anchor street and southerly by a line one hundred and seventy-two feet, containing about five thousand eight hundred and twelve square feet; also a parcel situated on B street and West First street, measuring four hundred feet on the northwesterly side of B street from West First street, and of

The Old Colony Railroad Company may take certain land, etc.

an even depth of one hundred feet from said B street, being a parcel of land lying between B street and West First street and the land of the New England Railroad Company, and containing about forty thousand square feet.

Proceedings
in the taking of
land.

SECTION 5. To take land as hereby authorized the railroad company shall file a location of the land authorized to be taken, or of so much thereof as it may at any time deem it necessary to take, in the registry of deeds for the county of Suffolk, which filing shall be a taking of the land described in such location, and any person suffering damages by such taking of land may recover the same from the railroad company. The laws of the Commonwealth relating to the taking of land for railroad purposes and to the location and construction of railroads and to the assessment of damages occasioned thereby, including the requirement by the court of adequate security for the payment of damages, shall be applicable to and govern the proceedings in the taking of land hereby authorized to be taken, except that the locations shall be filed in the registry of deeds as herein provided; and in case the parties, including mortgagees, do not agree upon the damages, upon the petition of any such party filed within one year after the taking of the land in the clerk's office of the superior court for Suffolk county the damages shall be assessed by a jury in that court.

The Old Colony
Railroad Com-
pany may issue
additional stock
or bonds.

SECTION 6. The Old Colony Railroad Company may by vote of its directors issue preferred or common stock to be sold at auction as provided by law, or bonds, to the amount of the purchase price of any land by it purchased of the Commonwealth and to the amount of the price or damages paid by it for land hereby authorized to be taken, in addition to the stock or bonds it is now authorized to issue.

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

Approved May 6, 1902.

Chap. 378 AN ACT RELATIVE TO THE SALARIES OF THE JUSTICE AND CLERK OF THE SECOND DISTRICT COURT OF EASTERN WORCESTER.

Be it enacted, etc., as follows:

R. L. 160, § 67,
amended.

SECTION 1. Section sixty-seven of chapter one hundred and sixty of the Revised Laws is hereby amended by inserting in place of the word "three", in the one hundred and twentieth line, the word: — eight, — so that

the clause of said section which relates to the second district court of eastern Worcester shall read as follows :—

Second of eastern Worcester, the justice, twelve hundred dollars; the clerk, six hundred dollars. Until the first day of January in the year nineteen hundred and eight, in addition to his salary the justice shall receive annually three hundred dollars and the clerk, four hundred dollars.

Salaries of justice and clerk of second district court of eastern Worcester.

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

Approved May 6, 1902.

AN ACT TO ASCERTAIN, LOCATE AND DEFINE THE BOUNDARY LINE BETWEEN THE CITY OF GLOUCESTER AND THE TOWN OF MANCHESTER.

Chap.379

Be it enacted, etc., as follows :

SECTION 1. The supreme judicial court shall, upon the petition of either the city of Gloucester or the town of Manchester to ascertain, locate and define the boundary line between the said city and town, have jurisdiction thereof in equity, and shall, after such notice as the court may direct to the said city and town, appoint three commissioners, no one of whom shall be a resident of said city or town.

Commissioners to be appointed.

SECTION 2. The commissioners appointed as aforesaid shall after such notice, not less than six months, as they may deem sufficient, and after hearing the parties and their evidence, ascertain, locate and define the true boundary line between the city of Gloucester and the town of Manchester. Said commissioners shall return their doings and findings, together with such rulings of law and evidence as either party may request, to the supreme judicial court. The decision of said commissioners when accepted and confirmed by the said court shall conclusively establish said boundary line.

To locate, etc., boundary line between Gloucester and Manchester.

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

Approved May 6, 1902.

AN ACT TO AUTHORIZE THE TOWN OF HULL TO APPROPRIATE MONEY FOR WATERING ITS PUBLIC STREETS.

Chap.380

Be it enacted, etc., as follows :

SECTION 1. The town of Hull may appropriate money annually for watering its public streets.

May provide for watering public streets.

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

Approved May 6, 1902.

*Chap.*381 AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS ARISING FROM THE DEATH OF FIREMEN IN DISCHARGE OF THEIR DUTIES.

Be it enacted, etc., as follows:

Payment of certain claims arising from the death of firemen in discharge of their duties.

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth, as authorized by section seventy-seven of chapter thirty-two of the Revised Laws, for the payment of such claims as may arise in consequence of deaths of firemen belonging to regularly organized fire departments of a city or town, or of members in active service of any incorporated protective department, or of a person doing duty at the request or by order of the authorities of a town which has no organized fire department, who are killed or who die from injuries received while in the discharge of their duties at fires, during the year ending on the thirty-first day of December, nineteen hundred and two.

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

Approved May 6, 1902.

*Chap.*382 AN ACT MAKING APPROPRIATIONS FOR ENFORCING THE LAW TO REGULATE THE PRACTICE OF PHARMACY.

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 enforcing the law to regulate the practice of pharmacy, to wit: —

Complaints against registered pharmacists.

For carrying out the law relative to complaints against registered pharmacists, a sum not exceeding two thousand dollars.

Board of registration in pharmacy, expenses, etc.

For services and expenses of the board of registration in pharmacy, for salary and expenses of an agent, for a stenographer, and for postage, printing and incidental expenses, a sum not exceeding two thousand dollars.

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

Approved May 6, 1902.

AN ACT TO PROVIDE FOR INCREASING THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT. *Chap.383*

Be it enacted, etc., as follows :

SECTION 1. The number of associate justices of the superior court shall be twenty instead of seventeen as now provided by law. Number of associate justices of superior court increased.

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

Approved May 6, 1902.

AN ACT RELATIVE TO THE TIME ALLOWED FOR VOTING TO THE EMPLOYEES OF CERTAIN ESTABLISHMENTS. *Chap.384*

Be it enacted, etc., as follows :

SECTION 1. Section five of chapter eleven of the Revised Laws is hereby amended by striking out the words "a state", in the first line, and inserting in place thereof the word: — an, — and by striking out the words "if he shall make application for leave of absence during such period", in the sixth and seventh lines, so as to read as follows: — *Section 5.* No person entitled to vote at an election shall, upon the day of any such election, be employed in any manufacturing, mechanical or mercantile establishment, except such as may lawfully conduct its business on Sunday, during the period of two hours after the opening of the polls in the voting precinct or town in which he is entitled to vote. R. L. 11, § 5, amended. Time to be allowed for voting of employees.

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

Approved May 8, 1902.

AN ACT TO REVIVE AND EXTEND THE CHARTER OF THE BARNSTABLE COUNTY STREET RAILWAY COMPANY. *Chap.385*

Be it enacted, etc., as follows :

SECTION 1. So much of chapter four hundred and sixty-eight of the acts of the year eighteen hundred and ninety-six as became void on the first day of October in the year nineteen hundred, by force of the provisions of chapter three hundred and one of the acts of the year nineteen hundred, is hereby re-enacted and revived; but the provisions of this act shall become void so far as relates to the rights of the Barnstable County Street Railway Company if the said company shall not have con- Charter of the Barnstable County Street Railway Company revived, etc.

structed and put in operation at least five miles of its railway prior to the first day of October in the year nineteen hundred and four.

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

Approved May 8, 1902.

Chap. 386 AN ACT RELATIVE TO THE BOARD OF SCHOOLHOUSE COMMISSIONERS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1901, 473,
amended.

City of Boston
may issue
bonds for school
purposes, etc.

SECTION 1. Chapter four hundred and seventy-three of the acts of the year nineteen hundred and one is hereby amended by striking out section four and inserting in place thereof the following:— *Section 4.* To meet the expenses incurred in taking land for and in constructing and furnishing such normal and other new school buildings as prior to the year nineteen hundred and two shall be determined by said board to be required at that date for the accommodation of school children, in addition to the school buildings contracted for by the school committee, and in preparing yards for the same, the treasurer of the city shall from time to time, on the request of the mayor approved by a two thirds vote of all the members of each branch of the city council, taken by yeas and nays, issue and sell bonds of the city within the debt limit during the current year to the amount of one million dollars, and during each of the three years following to an amount requested by said board and approved by the mayor, but not exceeding one million five hundred thousand dollars in any one year.

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

Approved May 12, 1902.

Chap. 387 AN ACT TO REGULATE THE TENURE OF OFFICE OF MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF TAUNTON.

Be it enacted, etc., as follows:

Tenure of office
of members of
police and fire
departments
of Taunton.

SECTION 1. All members of the regular police force of the city of Taunton, appointed in accordance with the provisions of chapter nineteen of the Revised Laws, and the chief and all permanent members of the fire department of said city shall hold office during good behavior and until removed by the appointing and confirming power of the city for cause deemed sufficient after due notice and hearing.

SECTION 2. This act shall be submitted to the voters of the city at the next annual city election, and shall take effect upon its acceptance by a majority of the voters voting thereon.

When to take effect.

Approved May 12, 1902.

AN ACT TO AUTHORIZE THE OLD COLONY STREET RAILWAY COMPANY TO LEASE TO THE BOSTON ELEVATED RAILWAY COMPANY OR TO THE WEST END STREET RAILWAY COMPANY ANY PART OF ITS RAILWAY AND PROPERTY LOCATED IN THE CITY OF BOSTON.

Chap. 388

Be it enacted, etc., as follows:

The Old Colony Street Railway Company, by votes of its board of directors and of a majority in interest of its stockholders present and voting at a meeting called for the purpose, may lease to the Boston Elevated Railway Company or to the West End Street Railway Company the whole or any part of that part of its railway and property located within the city of Boston, with such of the rights and privileges connected therewith, and for such period and upon such terms, and to such extent, as the parties to such lease shall agree upon and as shall be approved by the board of railroad commissioners; and either said Boston Elevated Railway Company or said West End Street Railway Company may accept such a lease by votes of its board of directors and of a majority in interest of its stockholders present and voting at a meeting called for the purpose. If such lease is made to said West End Street Railway Company said company may assign the same, and all its rights thereunder, for the whole or for a part of the term of the lease, to said Boston Elevated Railway Company; and said Boston Elevated Railway Company, after such lease or assignment of lease to it, may use and operate the leased railway and property, rights and privileges as a part of the system of railway owned or operated by it. Said Old Colony Street Railway Company, if it makes such lease, may, to such extent and in such instances as the board of railroad commissioners shall approve, anything to the contrary notwithstanding in the provisions of sections eighty-six and eighty-nine of chapter one hundred and twelve of the Revised Laws and in other provisions of law applicable thereto, readjust the fares and the distances covered by fares on other parts of its system established prior to or in connection with the purchase of or consolidation with other street railway companies.

The Old Colony Street Railway Company may lease a part of its railway, etc.

Approved May 12, 1902.

Chap.389 AN ACT TO PROVIDE FOR THE CARE OF NEGLECTED BURYING GROUNDS BY CITIES AND TOWNS.

Be it enacted, etc., as follows:

Cities and towns may care for neglected burying grounds.

SECTION 1. It shall be lawful for any city or town having within its limits an abandoned or neglected burying ground to take charge of the same and to keep it in good order, and, for this purpose, to appropriate money and raise it by taxation.

Property rights not to be violated, etc.

SECTION 2. In carrying out the purposes of this act no property rights shall be violated and no body shall be disinterred. No fence, tomb, monument or other structure shall be removed or destroyed, but the same may be repaired or restored.

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

Approved May 13, 1902.

Chap.390 AN ACT TO INCORPORATE THE NEW ENGLAND RAILWAY ASSURANCE COMPANY.

Be it enacted, etc., as follows:

New England Railway Assurance Company incorporated.

SECTION 1. George L. Hemenway, Roger F. Upham, James E. Walker, Alexander S. Paton, Arthur J. Purinton, Frank E. Lowe, Alfred B. Williams and George D. Soule, their associates and successors, are hereby made a corporation by the name of the New England Railway Assurance Company, for the purpose of insuring street railway corporations, except such as are hereinafter excluded, against loss arising from claims for damages on account of injury to persons or on account of the death of persons caused by such corporations: 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 now or hereafter in force relating to mutual insurance companies, so far as the same shall be applicable.

Not to do business until form of policy is approved, etc.

SECTION 2. Said corporation shall effect insurance only in the class of cases specified in section one of this act, and shall not do business until its by-laws and form of policy have been submitted to and approved by the insurance commissioner, nor until at least four of the street railway corporations of this Commonwealth shall have applied for insurance therein. It shall insure no

corporation whose gross earnings for the year ending on the thirtieth day of September next preceding the application for such insurance exceed the sum of five hundred thousand dollars.

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

Approved May 13, 1902.

AN ACT TO PROVIDE FOR THE MEASUREMENT OF WATER SUPPLIED TO CITIES AND TOWNS BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Chap.391

Be it enacted, etc., as follows :

SECTION 1. The metropolitan water and sewerage board is hereby authorized to construct and maintain such works and to provide such other means as it may deem necessary for measuring the water supplied to each of the cities and towns in the metropolitan water district, and the expenses thereof shall be considered as a part of the expenditure required for the construction and maintenance, respectively, of the metropolitan water works.

Water supplied to cities and towns in the metropolitan water district to be measured, etc.

SECTION 2. The said board shall report to the next general court the quantity of water supplied to each of the said cities and towns, and shall also report whether water is being used therein unnecessarily or improperly, and shall make recommendations as to the manner in which waste may be prevented and as to the manner in which the consumption of water may be considered in the apportionment among the cities and towns of the annual assessment required for the construction and maintenance of the metropolitan water works.

Report to be made of quantity of water supplied to each city and town, etc.

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

Approved May 13, 1902.

AN ACT TO AUTHORIZE THE TOWN OF NATICK TO ENLARGE AND IMPROVE ITS SYSTEM OF WATER SUPPLY.

Chap.392

Be it enacted, etc., as follows :

SECTION 1. The town of Natick, acting by its water commissioners, may enlarge and improve its system of water supply established under the provisions of chapter seventy-six of the acts of the year eighteen hundred and seventy-three and acts in amendment thereof and in addition thereto, and may construct and maintain driven, artesian or other wells upon a parcel of land owned by

Town of Natick may take certain waters, lands, etc.

the town and bounded northerly by Worcester street, easterly by the Saxonville branch of the Boston and Albany railroad, and southerly and westerly by land of the city of Boston; may take, hold and convey into and through said land, and thence through said town, from Lake Cochituate, at any convenient point upon the same, within said town and within one half mile of said parcel of land, sufficient water for the use of said town and its inhabitants for the extinguishment of fires and for domestic and other purposes; may take, for the purposes aforesaid, by purchase or otherwise, and hold any lands, rights of way and easements necessary for laying, constructing and maintaining pipes, aqueducts, water courses, reservoirs, and such other works as may be necessary for holding, conveying and distributing said water or for preserving the purity thereof; and may construct and lay conduits, pipes and other works, under and over any land, water courses, railroads, railways or public or private ways, in such manner as not unnecessarily to obstruct the same.

May construct and lay conduits, pipes, etc.

Description of lands, etc., to be recorded.

SECTION 2. 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 and district within which the same are 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 of said town.

Damages.

SECTION 3. The town shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way, water, water sources, water rights or easements, or by any other thing done by authority of this act. Any person or corporation sustaining such damages and failing to agree with the town as to the amount of the same, may have the damages assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within a period of two years after the taking of such land or other property or the doing of other injury under the authority of this act.

Natick Water Loan, Act of 1902.

SECTION 4. The town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, borrow money from time to time

and issue therefor negotiable bonds, notes or scrip, to an amount not exceeding one hundred thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for water supply purposes. Such bonds, notes or scrip shall be signed by the treasurer and countersigned by the selectmen of the town, shall be denominated on the face thereof, Natick Water Loan, Act of 1902, shall be payable at the expiration of periods not exceeding thirty years from the date of issue, and shall bear such rate of interest not exceeding four per cent per annum as the treasurer of the town shall determine. The town may sell such securities at public or private sale, or pledge the same for not less than the par value thereof for money borrowed for the purposes aforesaid, upon such terms and conditions as the town treasurer may deem proper, or as may be prescribed by the town. The sinking fund of any loan of the town may be invested in such bonds, notes or scrip.

SECTION 5. The town shall provide at the time of contracting any loan under the authority herein granted for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose. Sinking fund.

SECTION 6. If the income derived from water rates shall be insufficient to pay the current annual expenses of operating its water works and the interest as it accrues on all its water indebtedness, and to make such contributions to the sinking fund as may be required by the provisions of this act, the town shall raise annually by taxation such further sum as may be necessary for said purposes. Town may raise a certain sum by taxation annually.

SECTION 7. Nothing in this act shall be construed to affect any existing right of said town to take water from Lake Cochituate, or to abridge any rights heretofore granted to the town in respect to its water supply; and the powers specified in this act shall be held to be in addition to all powers heretofore granted. Certain rights of town not affected, etc.

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

Approved May 13, 1902.

Chap. 393 AN ACT TO REVISE THE CHARTER OF THE CITY OF FALL RIVER.*Be it enacted, etc., as follows:*

INCORPORATION.

City of Fall River.

SECTION 1. The inhabitants of the city of Fall River shall continue to be a body politic and corporate, under the name of the City of Fall River, 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 appertaining to the said city as a municipal corporation.

Nine wards.

SECTION 2. The territory of said city shall be divided into nine wards, constituted as at present, until the wards are changed under the provisions of law.

ELECTIONS : MAYOR AND ALDERMEN.

Municipal election and municipal year.

SECTION 3. The municipal election shall take place annually on the Tuesday next after the second Monday of December, and the municipal year shall begin on the first Monday of the following January.

Election of mayor, aldermen, etc.

SECTION 4. At the municipal election the qualified voters shall give in their votes by ballot in the several wards for mayor, aldermen, and members of the school committee, or for such of them as are to be elected, and the person receiving the highest number of votes for any office shall be declared elected to that office; and whenever two or more persons are to be elected to the same office, the several persons, up to and including the number required to be chosen, receiving the highest number of votes shall be declared elected.

Mayor, election, term, etc.

SECTION 5. The mayor shall be elected by and from the qualified voters of the city, and shall hold office for the two municipal years succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office for the unexpired term and until his successor is elected and qualified.

Aldermen, election, terms, etc.

SECTION 6. The city council shall consist of a single body called the board of aldermen, composed of twenty-seven members, to be elected as follows:— At the annual city election next after the acceptance of this act there shall be elected by and from the voters of the city one alderman at large from each ward, those elected from the

odd numbered wards to serve for the term of one year and those elected from the even numbered wards to serve for the term of two years. At the same election there shall be elected by and from the voters of each ward one alderman to serve for the term of one year and one alderman to serve for the term of two years. At the succeeding annual city election one alderman at large from each of the odd numbered wards shall be elected by the voters of the city to serve for the term of two years; and there shall be elected by and from the voters of each ward one alderman to serve for the term of two years. Thereafter the term of office of all aldermen shall be two years; and at each annual city election there shall be elected aldermen to fill vacancies and to succeed those whose terms expire upon the second Monday of the following January.

ADMINISTRATION.

SECTION 7. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, except as herein otherwise provided, shall be vested in an executive department, which shall consist of one officer, the mayor, and in a legislative department, the board of aldermen. The executive department shall never exercise any legislative power and the legislative department shall never exercise any executive power.

Administration of municipal affairs, etc.

ORGANIZATION.

SECTION 8. On the first Monday of January, at ten o'clock in the morning, the mayor elect and aldermen elect shall meet and be sworn to the faithful performance of their duties. At any time thereafter the oath may be administered to the mayor elect or to any alderman elect who was absent or was not then elected. After the mayor elect and the aldermen elect, or a majority thereof, have been sworn the board of aldermen shall be called together by the mayor, and a president and vice president shall forthwith be elected from the board, in the order named. The mayor shall preside pending the election of a president, who, when elected, shall preside during the election of a vice president. No other business shall be transacted by the aldermen until the officers aforesaid have been elected. The city clerk shall be clerk of the board of aldermen.

Oath of office of mayor and aldermen.

Organization of board of aldermen, etc.

President of board of aldermen, powers and duties.

Vacancy, etc.

SECTION 9. The president of the board of aldermen shall preside at all meetings of the board and shall appoint all its committees. He shall also have the powers and duties named in section twenty-two in case of a vacancy in the office of mayor or of his absence. In case of a vacancy in the office of president the vice president shall become president. In case of the absence of the president the vice president shall perform his duties and shall have his powers, except the power to appoint standing committees. In case both the president and vice president are absent a member of the board may be elected by vote of a majority of the board who are present, to serve as president pro tempore, with the powers and duties of the vice president as aforesaid.

BOARD OF ALDERMEN.

Board of aldermen to make rules for its proceedings, etc.

SECTION 10. The board of aldermen shall be the judge of the election and qualifications of its members, and shall make rules for its proceedings. A majority of the members of the board shall constitute a quorum for the transaction of business, but a less number may meet and adjourn from time to time.

May suspend certain officers, etc.

SECTION 11. Any officer elected by the board of aldermen may be suspended by vote of a majority of the members of the board, voting by ballot. The suspension of any such officer shall in fifteen days after the suspension be a removal, unless within that time the officer asks for a hearing before the board. Such hearing shall forthwith be granted, and if upon the conclusion thereof the board votes by a majority of its members to reinstate the officer he shall thereupon be reinstated.

Ordinances, etc., may be passed at one session unless objection is made, etc.

SECTION 12. Any ordinance, order or resolution of the board of aldermen may be passed through all its stages of legislation at one session if no member of the board objects thereto; but if one or more members object the measure shall be postponed for that meeting; and if when it is again brought up five or more members object to its passage at that meeting a second postponement of at least one week shall take place.

Certain ordinances to be presented to mayor for approval, etc.

SECTION 13. Every ordinance, order, resolution or vote of the board of aldermen, except those relating to matters of procedure or to the election of officers, shall

be presented to the mayor by the clerk of said board within twenty-four hours after its passage, Sundays and legal holidays excepted. If the mayor approves it he shall sign it, and it shall then be operative; if he disapproves it he shall return it with his objections in writing to the board, which shall enter such objections at large upon the records of the board, and again consider it; if upon a ye and nay vote two thirds of the members of the whole board vote for it, notwithstanding such objections, it shall be in force. Such ordinance, order, resolution or vote shall be in force if it is not returned by the mayor within ten days after it has been presented to him.

SECTION 14. No public franchise, nor any right in, under or over any public street or way, shall be granted except by a majority vote of all the members of the board, and every order granting any such franchise or right shall, before its final passage, lie on the table in the board of aldermen for at least one week after its first introduction in that body.

No public franchise, etc., to be granted except by a majority vote.

SECTION 15. The board of aldermen shall, except as otherwise provided herein, have and exercise:—

Powers and duties of board of aldermen, etc.

First. The powers of towns, the powers of boards of aldermen, and of the mayor and aldermen and city councils of cities under general law.

Second. The powers now held by the city of Fall River, or by the city council, the aldermen, or the mayor and aldermen of Fall River by special laws.

Third. The exclusive power to lay out, locate anew, alter, widen and discontinue town ways, streets and highways, and to order specific repairs or a change of grade therein, in the manner provided by law. Damages sustained by reason of the exercise of the power conferred by this clause shall be assessed and awarded by the board, and any person aggrieved by the assessment of his damages may have the remedies provided by law in respect to the laying out of town ways.

Fourth. The power to make ordinances for all purposes for which towns and cities may make by-laws and ordinances under general laws, and to fix penalties for the violation thereof, not exceeding twenty dollars for each offence, to be recovered by criminal complaint. All such ordinances shall take effect without other sanction or approval than is provided in this act.

Fifth. The compensation of the members of the board of aldermen shall be fixed by ordinance but shall not exceed two hundred dollars each in any one year.

Not to take part in the employment of public labor, etc.

SECTION 16. No member or committee of the board of aldermen shall take part in the employment of public labor, the expenditure of public money, the making of public contracts, the purchase of public materials or supplies, the construction, alteration or repair of any public works or other property, or in the care, custody or management of the same, or in general in the conduct of the executive or administrative business of the city.

Not to hold certain other offices.

SECTION 17. No member of the board of aldermen shall, during the term for which he is elected, hold any other office or position the salary or compensation for which is payable from the city treasury.

Vacancy.

SECTION 18. Any vacancy occurring in the board of aldermen shall be filled by the existing board for the remainder of the municipal year in which such vacancy occurs, by the selection of an alderman from the ward in which his predecessor resided at the time of his election.

MAYOR.

Executive powers vested in mayor, except, etc.

SECTION 19. Except as herein otherwise provided the executive powers of the city shall be vested solely in the mayor, and shall be exercised by him through the several officers or boards of the city in their departments, under his general supervision and control. In case of a vacancy in any office to which appointment is made by the mayor he may personally perform the duties thereof during such vacancy. The mayor shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall cause a record of all his official acts to be kept. The salary of the mayor shall be fixed by ordinance and shall not be changed during his term of office.

Salary of mayor.

May suspend certain officers, work, etc.

SECTION 20. The mayor may in writing suspend any executive or other officer whose removal is not otherwise provided for, except members of the board of police and members of the school committee, and may suspend any work, and he shall within forty-eight hours report in writing his action and his reasons therefor to the board of aldermen through the city clerk. The suspension of any such officer shall, in fifteen days after said report is

made, be a removal, unless within that time such officer asks for a hearing before the board, which shall forthwith be granted, and unless upon the conclusion of such hearing the board votes by a majority of its members that the mayor's suspension be not sustained, in which case the officer shall at once be reinstated. Work suspended by the mayor may be carried on by him at his discretion until action is taken by the board. If the board shall within fifteen days after receiving the report vote that the mayor's action suspending the work be not sustained the work shall be prosecuted forthwith.

SECTION 21. The mayor shall communicate to the board of aldermen such information and shall recommend such measures as in his judgment the interests of the city require. He may at any time call a special meeting of the board of aldermen by causing a written notice of such meeting, specifying the subjects which he desires to have considered, to be left at the usual place of residence of each alderman, or given to him in hand, at least twenty-four hours before the time appointed for the meeting; and no other business shall be transacted at such special meeting. On petition of any ten members of the board of aldermen the mayor shall call a special meeting of that board to act upon any matters set forth in the petition. Notice of any such special meeting shall be given as above provided.

May call special meetings of board of aldermen, etc.

SECTION 22. In case of a vacancy in the office of mayor occurring more than six months previous to the expiration of the term the board of aldermen shall order an election for a mayor to serve during the unexpired term. If such vacancy occurs in the last six months of the term the president of the board of aldermen shall become acting mayor for the unexpired term, with all the duties, rights and powers of mayor. In such case the office of the president as alderman shall become vacant. Whenever, by reason of sickness, absence from the city or other cause, the mayor shall be unable to attend to the duties of his office, the president of the board of aldermen shall become acting mayor during such disability of the mayor, but shall have no power to make permanent appointments or to suspend any officer.

Vacancy, etc.

DEPARTMENTS AND OFFICERS.

Departments
and officers.

SECTION 23. There shall be the following departments and officers:—

First. The assessing department, to be under the charge of the board of assessors.

Second. The buildings department, to be under the charge of the superintendent of buildings.

Third. The engineering department, to be under the charge of the city engineer.

Fourth. The fire department, to be under the charge of the board of fire commissioners.

Fifth. The health department, to be under the charge of the board of health.

Sixth. The law department, to be under the charge of the city solicitor.

Seventh. The parks department, to be under the charge of the board of park commissioners.

Eighth. The police department, to be under the charge of the board of police appointed under the authority of chapter three hundred and fifty-one of the acts of the year eighteen hundred and ninety-four and amendments thereof, the provisions of which are hereby continued in force.

Ninth. The poor department, to be under the charge of the overseers of the poor.

Tenth. The public library department, to be under the charge of the trustees of the public library.

Eleventh. The registrars of voters department, to be under the charge of the registrars of voters.

Twelfth. The school department, to be under the charge of the school committee.

Thirteenth. The sinking fund department, to be under the charge of the board of commissioners of the sinking fund.

Fourteenth. The street department, to be under the charge of the surveyor of highways, who shall also be superintendent of streets.

Fifteenth. The water department, to be under the charge of the Watuppa water board.

Sixteenth. Such other departments and officers to carry out municipal work as the board of aldermen shall from time to time prescribe. The board of aldermen

may create a department for the purchase of supplies, or may authorize the purchase of supplies generally or of any particular kind by any existing department.

Seventeenth. The city clerk department, to be under the charge of the city clerk.

Eighteenth. The auditing department, to be under the charge of the city auditor.

Nineteenth. The treasury department, to be under the charge of the city treasurer.

Twentieth. The collecting department, to be under the charge of the city collector, who shall have and exercise all the powers of collectors of taxes.

The departments provided for in the first sixteen clauses of this section shall be executive departments, and the officers thereof shall be executive officers.

SECTION 24. The boards and officers named in the preceding section shall be chosen in the manner, hold office for the terms, and have the duties and powers, provided by the laws of the Commonwealth and the ordinances of the city of Fall River, so far as such laws and ordinances are not inconsistent with this act.

Terms of office, powers and duties, etc.

SECTION 25. The school committee shall consist of such number of persons, not less than nine and divisible by three, as the board of aldermen shall from time to time determine, one third of whom shall be elected annually in the manner provided for the election of mayor, to serve for a term of three years.

School committee, election, terms, etc.

SECTION 26. The terms of office of the city clerk, city auditor, city treasurer, city collector, superintendent of buildings, city engineer, city solicitor, surveyor of highways and superintendent of streets, shall be two years.

Terms of office of city clerk, city auditor, etc.

SECTION 27. The superintendent of buildings shall have charge of the erection of all public buildings, in accordance with plans approved by the respective departments which are to use the buildings when completed, and such other duties as may be prescribed by ordinance. School buildings shall be erected only on lots approved by the school committee.

Superintendent of buildings, duties, etc.

SECTION 28. There shall be three fire commissioners, whose term of office shall be three years. In the year nineteen hundred and three one commissioner shall be appointed to serve for one year, one to serve for two years and one to serve for three years; and thereafter

Fire commissioners, appointment, terms, etc.

one commissioner shall be appointed annually in the month of January to serve for three years. The commissioners shall receive no compensation. They shall have control of the organization and management of the fire department, of its officers and men, of its apparatus, buildings and other property, including the fire alarm system and hydrants, and may make rules and regulations governing the same. The commissioners shall appoint the officers and members of the department and fix their duties. They may suspend any member for a period not exceeding thirty days, and may remove any member for cause after due notice and hearing. They shall, subject to the approval of the board of aldermen, determine the number of officers and members of the department and fix their compensation.

Board of health,
appointment,
terms, etc.

SECTION 29. The board of health shall consist of three members, two of whom shall be physicians, to be appointed by the mayor and confirmed by the board of aldermen. In the year nineteen hundred and three one member shall be appointed to serve for one year, one to serve for two years and one to serve for three years; and thereafter one member shall be appointed annually in the month of January to serve for three years. The city physician shall also be ex officio an advisory member of the board of health, and shall preside at its meetings, but shall have no vote. Said board shall replace the present board of health.

City hospital,
appointment of
physicians, etc.

SECTION 30. The overseers of the poor shall have charge of the city hospital, and shall appoint a staff consisting of six physicians and six surgeons, and such specialists as they may deem necessary for the proper attendance upon and care of patients in said hospital. All the members of the staff shall be residents of Fall River and shall serve without compensation.

Appointment of
certain officers,
etc.

SECTION 31. The city clerk, city auditor, city treasurer, city collector, city messenger, and clerk of committees, superintendent of streets and surveyor of highways, shall be chosen by the board of aldermen. All other city officers, except the school committee, the police commissioners, and such officers as the school committee and the police commissioners are authorized by law to appoint, shall be appointed by the mayor, subject to confirmation by the board of aldermen. Boards and heads of departments shall have the power however to appoint and

employ and to discharge and remove all subordinate officers and other employees in their respective departments: *provided, however*, that nothing in this act shall be construed to render the provisions of chapter nineteen of the Revised Laws, relating to the civil service, inapplicable to the city of Fall River, its officers or employees, or to affect existing ordinances relative to the terms of office of subordinate officers and employees. Proviso.

SECTION 32. All city officers shall hold office until their successors are chosen and qualified. The term of office of the city auditor and of the city clerk shall begin and end on the first Monday in March. The term of office of all city officers, except as otherwise herein provided, shall begin and end on the first Monday in February: *provided, however*, that officers holding office when this act takes effect shall serve during the terms for which they were chosen, subject to suspension and removal as provided by this act. Term of office of certain city officers.

SECTION 33. All bonds required of city officers shall be subject to the approval of the mayor. Proviso.

GENERAL PROVISIONS.

SECTION 34. The city shall not be liable for the acts of its officers and boards, except so far as liability may now exist. Approval of bonds.

SECTION 35. No street or way shall hereafter be opened over any private land by the owners, lessees or occupants thereof, and dedicated to be used by the public, until the width and location of the same shall have been approved by the mayor and board of aldermen. Liability of city for acts of its officers, etc.

SECTION 36. Any officer or member of a board shall, upon request of the board of aldermen, appear before it and give such information as may be required in relation to his department, and any officer or member of a board who so appears may speak upon all matters under consideration relating to his department. Location of certain streets, etc., to be approved by mayor and aldermen.

SECTION 37. Every contract made by any officer or board where the amount involved is two hundred dollars or more shall be in writing, shall be accompanied by a sufficient bond for the faithful performance of the contract, and shall not be valid or binding against the city until the approval of the mayor is affixed in writing to the contract and the bond, after which they shall be deposited. Officers to give certain information upon request.

Contracts.

with the city auditor. No such contract shall be altered, unless the contractor, the sureties on the bond, if any, the officer making the contract, and the mayor, shall in writing agree to such alteration.

No expenditure to be made beyond appropriation, except, etc.

SECTION 38. No expenditure of public money shall be made by any officer or board, nor liability incurred by or on behalf of the city, beyond the amount duly appropriated therefor, contained in the annual appropriation order, or subsequently appropriated and thereafter granted by order of the board of aldermen, except as otherwise provided by law.

Vacancies.

SECTION 39. Vacancies shall be filled in the manner of the original election or appointment, unless other provision is made herein.

Certain existing ordinances to continue in force.

SECTION 40. The existing ordinances of the city, so far as they are not inconsistent with this act, shall continue in force until amended or repealed by the board of aldermen.

General meetings of the people.

SECTION 41. General meetings of the people may be held from time to time, according to the rights secured to the people by the constitution of the Commonwealth; and all such meetings may, and upon the request in writing of fifty qualified voters setting forth the purpose thereof, shall duly be called by the mayor.

Repeal, etc.

SECTION 42. All acts and parts of acts inconsistent herewith are hereby repealed, and all ordinances, orders and resolutions, or parts thereof inconsistent with this act, are hereby annulled; but such repeal or annulment shall not affect any rights accrued, any penalty or forfeiture incurred, or any suit pending at the time when the repeal or annulment takes effect, and all officers now holding office under provisions of law shall continue to hold office and exercise the powers thereof until their successors are elected or appointed according to the provisions of this act.

Question of acceptance to be submitted to voters at state election, etc.

SECTION 43. The question of the acceptance of this act shall be submitted to the legal voters of the city of Fall River at the annual state election in the present year. The vote shall be taken by ballot in accordance with the provisions of chapter eleven of the Revised Laws and of acts in amendment thereof and in addition thereto, so far as the same shall be applicable, in answer to the question: Shall an act passed by the general court in the year nineteen hundred and two, entitled "An Act to

revise the charter of the city of Fall River", be accepted?, and the affirmative votes of a majority voting thereon shall be required for its acceptance. If so accepted so much thereof as relates to elections hereunder shall apply to the annual municipal election which shall be held on the Tuesday next after the second Monday of December in the year nineteen hundred and two, and this act shall take full effect on the first Monday of January next ensuing. If this act fails to be accepted at said annual state election it shall be submitted again in like manner to said voters at the annual state election in the year nineteen hundred and three. If then accepted, so much thereof as relates to elections hereunder shall apply to the annual municipal election which shall be held on the Tuesday next after the second Monday of December in the year nineteen hundred and three, and this act shall take full effect on the first Monday of January next ensuing.

SECTION 44. So much of this act as authorizes and directs its submission to the legal voters of said city shall take effect upon its passage, but it shall not further take effect unless accepted as above provided.

When to take effect.

Approved May 13, 1902.

AN ACT TO INCORPORATE THE BAY STATE ACCIDENT ASSOCIATION.
Be it enacted, etc., as follows:

Chap. 394

SECTION 1. Charles H. Wilson, Delmont L. Weeks, Guy W. Cox and Harry G. Lowe, their associates and successors, are hereby made a corporation by the name of the Bay State Accident Association, for the purpose of insuring street railway corporations, except such as are hereinafter excluded, against loss arising from claims for damages on account of injury to persons or on account of the death of persons caused by such street railway corporations; 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 now or hereafter in force relating to mutual insurance companies, so far as the same shall be applicable.

Bay State Accident Association incorporated.

SECTION 2. Said corporation shall effect insurance only in the class of cases specified in section one of this act, and shall not do business until its by-laws and form of policy have been submitted to and approved by the insurance commissioner, nor until at least four of the

By-laws, etc., to be approved by insurance commissioner, etc.

street railway corporations of this Commonwealth shall have applied for insurance therein. It shall insure no corporation whose gross earnings for the year ending on the thirtieth day of September next preceding the application for such insurance exceed the sum of five hundred thousand dollars.

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

Approved May 13, 1902.

Chap.395 AN ACT RELATIVE TO LOCATIONS OF STREET RAILWAY COMPANIES.
Be it enacted, etc., as follows:

Locations of street railway companies.

SECTION 1. If in any city or town the original location of tracks of a street railway company already organized or in process of organization expires, is revoked, or otherwise becomes void before or after the passage of this act, the provisions of section seven of chapter one hundred and twelve of the Revised Laws shall apply to a new petition for a location in such city or town, unless such petition is brought for an extension or alteration of the tracks of the company in such city or town. If the location for which the subsequent petition is filed is necessary to connect the railway of the company in two cities or towns or in a city and town, the provisions of section eleven of said chapter shall apply to the proceedings thereunder.

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

Approved May 13, 1902.

Chap.396 AN ACT TO MAKE NULL AND VOID GRANTS OF LOCATIONS TO STREET RAILWAY COMPANIES WHICH FAIL TO COMPLETE THEIR ORGANIZATION.

Be it enacted, etc., as follows:

Grants of locations to street railway companies to become void in certain cases.

SECTION 1. Every grant of location heretofore or hereafter made to a street railway company in process of organization under the provisions of general or special laws shall lapse and become null and void, anything to the contrary in such grant of location notwithstanding, if the organization of such company is not completed and its charter duly granted within eighteen months after the date of such grant of location.

When to take effect, etc.

SECTION 2. This act shall take effect upon its passage, but shall not apply to any locations heretofore granted to

a company in process of organization which shall complete its organization and receive its charter prior to the first day of March in the year nineteen hundred and three.

Approved May 15, 1902.

AN ACT TO PREVENT MISREPRESENTATION IN THE SALE OF MERCHANDISE.

Chap.397

Be it enacted, etc., as follows :

SECTION 1. If any person, firm, corporation or association, or any employee thereof, in a newspaper, circular or other publication published in this state, knowingly makes or disseminates any statement or assertion of fact concerning the quantity, the quality, the method of production or manufacture, or the reason for the price of his or their merchandise, or concerning the manner or source of purchase of such merchandise, or the possession of rewards, prizes or distinctions conferred on account of such merchandise, which statement or assertion is intended to give the appearance of an offer advantageous to the purchaser and which is untrue or calculated to mislead, and if it shall appear that any purchaser has been deceived or damaged in consequence thereof, the person, firm, corporation or association causing such advertisement to issue, upon the complaint of the person so deceived or damaged, shall be guilty of a misdemeanor.

Misrepresentation in the sale of merchandise to be deemed a misdemeanor, etc.

SECTION 2. Any person, firm, corporation or association, or any employee thereof, who commits the misdemeanor above described shall be liable to a fine of not less than ten nor more than one hundred dollars for each offence.

Penalty.

Approved May 15, 1902.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO ACCEPT THE BENEFITS OF THE WILL OF JEROME WHEELOCK.

Chap.398

Be it enacted, etc., as follows :

SECTION 1. The city of Worcester is hereby authorized to accept the provisions of the will of Jerome Wheelock, late of Worcester, and to assent to any compromise touching the allowance and meaning thereof, and to do all matters and things required of it in order to secure the benefits intended to be conferred by said will upon said city.

City of Worcester may accept benefits of will of Jerome Wheelock.

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

Approved May 15, 1902.

Chap.399 AN ACT TO PROVIDE FOR THE APPROVAL BY THE BOARD OF RAILROAD COMMISSIONERS OF LOCATIONS GRANTED TO STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

Location, etc., granted to street railway companies to be approved by railroad commissioners.

SECTION 1. No location, extension or alteration of a location granted by a board of aldermen or a board of selectmen, after the first day of March in the year nineteen hundred and two, of the tracks of a street railway company organized or in process of organization, shall be valid until the board of railroad commissioners has certified, after public notice and a hearing, that such location, or extension or alteration of location, is consistent with the public interests.

Time within which locations, etc., shall be accepted.

SECTION 2. The thirty days within which it is provided by law that a street railway company shall accept a location, extension or alteration of a location, shall begin to run from the time of issuing notice by the board of railroad commissioners of its decision; and if said board decides that the location, extension or alteration of location as granted or made is not consistent with the public interests, the same shall thereupon become void.

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

Approved May 15, 1902.

Chap.400 AN ACT RELATIVE TO THE CONSTRUCTION OF CERTAIN BUILDINGS IN THE CITY OF BOSTON OUTSIDE THE BUILDING LIMITS.

Be it enacted, etc., as follows:

1892, 419, amended.

SECTION 1. Chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-two is hereby amended by striking out section forty-six, as amended by section four of chapter four hundred and sixty-four of the acts of the year eighteen hundred and ninety-three and by chapter four hundred and seventy-four of the acts of the year nineteen hundred and one, and inserting in place thereof the following new section:—

Construction of certain buildings in city of Boston.

Section 46. Second class buildings hereafter built shall be so divided by brick partition walls of the thickness prescribed for bearing partition walls and carried thirty inches above the roof, that no space inside any such building shall exceed in area eight thousand square feet, and no existing wall in any second class building shall be removed so as to leave an area of more than eight thou-

sand square feet not so enclosed: *provided*, that in buildings having a height of not over forty-five feet the height above the roof of the said brick partition walls need not exceed twelve inches; and *provided, also*, that the provisions of this section shall not apply to buildings used only for working in non-combustible materials, built outside the building limits and conforming to the requirements of first class buildings except in having the beams of wood, supported or not supported by posts of wood, and in having floors of wood laid directly upon the beams and the floors kept uncovered on their under side between the beams, and having the roof built as approved by the building commissioner.

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

Approved May 20, 1902.

AN ACT TO AUTHORIZE THE MERCHANTS MANUFACTURING COMPANY AND AMERICAN LINEN COMPANY TO JOINTLY OPERATE PRINT WORKS TO PRINT THE CLOTH MANUFACTURED BY EACH OF THEM AND TO SELL THE SAME. Chap.401

Be it enacted, etc., as follows:

SECTION 1. The Merchants Manufacturing Company and the American Linen Company, corporations established in the city of Fall River, are hereby respectively authorized to print and finish all cloth manufactured by each of them, and for that purpose may jointly engage in the business of operating print works and selling the product thereof, under such arrangements and terms as they may agree upon through their respective boards of directors: *provided, however*, that no action shall be taken under the provisions of this act without the approval of the boards of directors of each of said corporations.

Certain companies may jointly operate print works, etc.

Proviso.

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

Approved May 21, 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE RAILROAD AND RAILWAY INSPECTORS OF THE BOARD OF RAILROAD COMMISSIONERS. Chap.402

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter one hundred and eleven of the Revised Laws is hereby amended by striking out the words "fifteen hundred", in the fifth line, and inserting in place thereof the words: — two thousand,

R. L. III, § 9, amended.

Board of railroad commissioners, salaries, expenses, etc.

— so as to read as follows: — *Section 9.* The annual salary of the chairman of the board shall be five thousand dollars, that of the other commissioners four thousand dollars each, of the clerk twenty-five hundred dollars, of the assistant clerk not more than twelve hundred dollars and of each railroad and railway inspector two thousand dollars, payable by the Commonwealth. The commissioners shall be provided with an office in the state house, or in some other suitable place in the city of Boston, in which their records shall be kept. In the performance of their official duties, they shall be transported over the railroads and railways in this Commonwealth free of charge, and may employ and take with them experts or other agents whose services they consider temporarily of importance. The board may expend not more than three thousand dollars annually in procuring necessary books, maps, statistics and stationery and in defraying expenses incidental and necessary to the performance of its duties, and not more than twenty-five hundred dollars annually in defraying the compensation of an accountant. A statement of such expenditures shall accompany its annual report.

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

Approved May 21, 1902.

Chap. 403

AN ACT RELATIVE TO THE REGULATION OF BAKERIES.

Be it enacted, etc., as follows:

R. L. 75 amended.

SECTION 1. Chapter seventy-five of the Revised Laws is hereby amended by striking out section thirty-four and inserting in place thereof the following new section: — *Section 34.* The board of health of a city or town may make such further regulations as the public health may require, and shall cause such regulations, together with the six preceding sections, to be printed and posted in all such bakeries and places of business.

Boards of health to make regulations concerning bakeries, etc.

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

Approved May 21, 1902.

Chap. 404

AN ACT TO AUTHORIZE THE CITY OF LOWELL TO SUPPLY THE INHABITANTS OF THE TOWN OF DRACUT WITH WATER.

Be it enacted, etc., as follows:

City of Lowell may supply town of Dracut with water, etc.

SECTION 1. The city of Lowell may supply the inhabitants of the town of Dracut with water for the extin-

guishment of fires and for domestic and other purposes, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or private ways, and along any such ways in the town of Draeut 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 purposes of this act, the city of Lowell may enter upon and dig up any such lands and ways: *provided, however,* that the said city shall not enter upon or dig up any public ways in the town of Draeut, except with the consent of the selectmen thereof; and the city of Lowell shall restore to the satisfaction of the selectmen of the town of Draeut the public ways dug up or otherwise disturbed in said town, and shall pay all damages sustained by any person in consequence of any act or neglect upon the part of the city of Lowell, its agents or employees, in digging up or otherwise disturbing any lands or public or private ways within the said town.

Proviso.

SECTION 2. The city of Lowell may distribute water through the town of Draeut or any part thereof, and may regulate the use of such water and fix and collect rates for the use of the same; and the town of Draeut or any fire district now or hereafter established therein, or any individual or corporation, may make such contract with the city of Lowell for the extinguishment of fires and for other purposes as may be agreed upon between said town, fire district, individual or corporation, and the city of Lowell; and the said city may establish and maintain fountains and hydrants in the said town and may relocate or discontinue the same.

May distribute water, fix and collect rates, etc.

SECTION 3. The town of Draeut shall have the right at any time to take, by purchase or otherwise, the property and all the rights and privileges of the city of Lowell held under the provisions of this act within the town of Draeut, on payment to said city of the actual cost thereof. The city of Lowell shall keep a separate account of the construction expenses of its plant within the town of Draeut, which account shall be open to the selectmen or other committee appointed by the town. In case the town shall vote to purchase said property, rights and privileges, and cannot agree with the city of Lowell upon the amount of the total actual cost thereof, then upon a

Town of Draeut may take property, rights, etc.

suit in equity brought either by the city or by the town the supreme judicial court shall ascertain and fix such total cost in accordance with the foregoing provisions, and shall enforce the right of the town of Dracont to take possession of said property, rights and privileges, upon the payment of such cost to the city of Lowell.

When to take effect, etc.

SECTION 4. This act shall take effect upon its passage, but shall become void unless the city of Lowell shall begin to distribute water through its pipes to consumers in the town of Dracont within three years after the passage of this act.
Approved May 21, 1902.

*Chap.*405

AN ACT TO AUTHORIZE THE HAVERHILL AND PLAISTOW STREET RAILWAY COMPANY TO LEASE ITS RAILWAY AND PROPERTY TO THE EXETER, HAMPTON AND AMESBURY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

The Haverhill and Plaistow Street Railway Company may lease its railway, etc.

SECTION 1. The Haverhill and Plaistow Street Railway Company may lease its railway and property to the Exeter, Hampton and Amesbury Street Railway Company for a period not exceeding ninety-nine years, and the Exeter, Hampton and Amesbury Street Railway Company may, after the execution of such lease, operate the said railway as a part of its system. Any lease made by virtue of this act shall be subject to the approval of the board of railroad commissioners.

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

Approved May 21, 1902.

*Chap.*406

AN ACT RELATIVE TO ACTIONS OF TORT FOR PERSONAL INJURIES AGAINST COUNTIES, CITIES AND TOWNS.

Be it enacted, etc., as follows :

R. L. 202, § 4, amended.

Section four of chapter two hundred and two of the Revised Laws is hereby amended by striking out the word "and", in the second line, and by inserting after the word "property", in the fifth line, the words:—and actions of tort for injuries to the person against counties, cities and towns,—so as to read as follows:—*Section 4.*

Certain actions to be commenced within two years after cause of action accrues.

Actions for assault and battery, for false imprisonment, for slander or libel, actions against executors, administrators, guardians, trustees, sheriffs, deputy sheriffs, constables or assignees in insolvency, for the taking or conversion of personal property, and actions of tort for

injuries to the person against counties, cities and towns, shall be commenced only within two years next after the cause of action accrues. *Approved May 21, 1902.*

AN ACT TO AUTHORIZE THE BERKELEY STREET CONGREGATIONAL SOCIETY TO CONVEY ITS PROPERTY TO THE CONGREGATIONAL CHURCH UNION OF BOSTON AND VICINITY. *Chap. 407*

Be it enacted, etc., as follows:

SECTION 1. The Berkeley Street Congregational Society is hereby authorized to convey to The Congregational Church Union of Boston and Vicinity all its real and personal estate situated on Berkeley street in the city of Boston, in fee, upon the trusts, nevertheless, set forth in a deed of said real estate presented to said society at a special meeting thereof held on the thirty-first day of March in the year nineteen hundred and two.

The Berkeley Street Congregational Society may convey its property, etc.

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

Approved May 21, 1902.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF NEW BUILDINGS AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS. *Chap. 408*

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Massachusetts hospital for epileptics are hereby authorized to expend a sum not exceeding thirty-nine thousand dollars for the following purposes:—For the erection of a building for a light and power plant and for the equipment thereof, a sum not exceeding nineteen thousand dollars, and for the erection of a building for a nurses' home and for furnishing and equipping the same, a sum not exceeding twenty thousand dollars.

New buildings to be constructed at Massachusetts hospital for epileptics.

SECTION 2. To meet the expenses incurred under the provisions of this act the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding thirty-nine thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered bonds or with interest coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November in each year. They shall be designated on the

Hospital for Epileptics Loan.

Sinking fund.

face thereof, Hospital for Epileptics Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest thereof shall be paid at the times specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be sold and disposed of at public auction, or in such other mode, and at such time and prices, and in such amounts, as shall be deemed best. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act, and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of such bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on the bonds shall be raised by taxation from year to year.

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

Approved May 21, 1902.

Chap. 409 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A NEW BUILDING AND FOR CERTAIN ADDITIONS AT THE MEDFIELD INSANE ASYLUM.

Be it enacted, etc., as follows:

New building to be constructed, etc., at Medfield insane asylum.

SECTION 1. In order to provide additional accommodations for the insane at the Medfield insane asylum the trustees thereof are authorized to expend a sum not exceeding ninety-nine thousand three hundred dollars, for the following purposes, to wit: — For constructing and furnishing a new building for women patients, a sum not exceeding eighty thousand dollars; for improvements in the laundry building and machinery, a sum not exceeding eight thousand dollars; for additions to and improvements in the barn, a sum not exceeding eight thousand dollars; for improvements in the sewerage system, a sum not exceeding five hundred dollars; for improving the grounds surrounding the asylum, a sum not exceeding eight hundred dollars; and for an underground electric cable, a sum not exceeding two thousand dollars.

Medfield Insane Asylum Loan.

SECTION 2. To meet the expenditures hereby authorized the treasurer and receiver general, with the approval

of the governor and council, shall issue scrip or certificates of indebtedness to an amount not exceeding ninety-nine thousand three hundred dollars, as an addition to the Medfield Insane Asylum Loan, and shall add to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued as registered bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of April and October.

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

Approved May 21, 1902.

AN ACT TO EXTEND THE POWERS OF THE ONSET WATER COMPANY. *Chap. 410*

Be it enacted, etc., as follows:

SECTION 1. The Onset Water Company is hereby authorized to increase its capital stock to an amount which, together with the amount heretofore authorized, shall not exceed fifty thousand dollars, and to issue additional bonds to an amount not exceeding said capital stock actually paid in, and to secure said bonds by a mortgage of its franchise and property: *provided, however,* that such increase of capital stock and issue of bonds shall be subject to the provisions of sections thirty and thirty-one of chapter one hundred and nine of the Revised Laws and of all acts in amendment thereof or in addition thereto.

The Onset Water Company may increase its capital stock, etc.

Proviso.

SECTION 2. Said corporation is hereby authorized to lay and maintain pipes in any part of the town of Wareham, in addition to that part of said town described in the act of incorporation of said company, and is authorized to supply and distribute water to the inhabitants of said town for the extinguishment of fires and for domestic and other purposes, in the same manner and with the same rights and subject to the same liabilities as if the authority to make such extension of pipes and to supply water to such additional territory had been included in the grant contained in its charter.

May lay and maintain pipes, etc., in Wareham, etc.

SECTION 3. Said corporation, for the purposes set forth in its charter as amended by this act, may hold real estate to an amount which, together with the amount heretofore authorized, shall not exceed fifteen thousand dollars in value.

May hold additional real estate.

SECTION 4. As a part of its authorized holding of real estate said corporation may acquire and hold by purchase the property now of the Tremont Nail Company, and late

May hold property of Tremont Nail Company, etc.

of Samuel T. Tisdale, situated in East Wareham, or any part of said property, with the real estate, dam, pond, and all water rights connected therewith.

When to take effect, etc.

SECTION 5. This act shall take effect upon its passage, but shall become null and void unless said corporation shall lay within two years not less than two and one half miles of pipe of a diameter not less than eight inches, in that part of the town of Wareham not described in the act of incorporation of said Onset Water Company.

Approved May 21, 1902.

Chap. 411 AN ACT TO ESTABLISH THE SALARIES OF THE COUNTY COMMISSIONERS FOR THE COUNTY OF ESSEX.

Be it enacted, etc., as follows:

Salaries of county commissioners of Essex county established.

SECTION 1. The aggregate salaries of the county commissioners for the county of Essex shall be fifty-four hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved May 21, 1902.

Chap. 412 AN ACT TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE FOR THE REGISTER OF PROBATE AND INSOLVENCY FOR THE COUNTY OF BRISTOL.

Be it enacted, etc., as follows:

Additional clerical assistance.

SECTION 1. The register of probate and insolvency for the county of Bristol shall be allowed annually, in addition to the amount now authorized by law, a sum not exceeding two hundred dollars for clerical work actually performed, in addition to that now performed for said register, to be paid from the treasury of the Commonwealth upon the certificate of the judge of probate and insolvency for said county.

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

Approved May 22, 1902.

Chap. 413 AN ACT RELATIVE TO APPOINTMENTS TO THE DETECTIVE DEPARTMENT OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

R. L. 19, § 21, amended.

SECTION 1. Section twenty-one of chapter nineteen of the Revised Laws is hereby amended by inserting after the word "certified", in the ninth line, the words:— but

this section shall not apply to the detective department of the district police, — and by striking out the word “But”, in the same line, so as to read as follows:—

Section 21. A veteran may apply for examination under the rules, and if he passes the examination, shall be preferred in appointment and employment to all persons not veterans. The commissioners shall cause the names of the veterans who pass the examination to be placed upon the eligible list in the order of their respective standing, above the names of all other applicants, and to be certified to the appointing officers for appointment and employment in preference to other applicants, and the appointment or employment shall be made from the list so certified, but this section shall not apply to the detective department of the district police. Nothing herein shall prevent the certification and employment of women.

Examination, etc., of veterans under civil service rules.

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

Approved May 22, 1902.

AN ACT RELATIVE TO THE SALE OF ICE CREAM, SODA WATER AND CONFECTIONERY ON THE LORD'S DAY.

Chap. 414

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter ninety-eight of the Revised Laws is hereby amended by inserting after the word “week”, in the tenth line, the words:— nor the retail sale of ice cream, soda water and confectionery by licensed innholders and druggists, and by such licensed common victuallers as are not also licensed to sell intoxicating liquors and who are authorized to keep open their places of business on the Lord's day, — so as to read as follows:— *Section 3.* The provisions of the preceding section shall not be held to prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power, nor the distribution of water for fire or domestic purposes, nor the use of the telegraph or the telephone, nor the retail sale of drugs and medicines, nor articles ordered by the prescription of a physician or mechanical appliances used by physicians or surgeons, nor the retail sale of tobacco in any of its forms by licensed innholders, common victuallers, druggists and newsdealers whose stores are open for the sale of newspapers every day in the week, nor the retail sale of ice cream, soda water and confectionery by licensed

R. L. 98, § 3, amended.

Certain business not prohibited on the Lord's day.

innholders and druggists, and by such licensed common victuallers as are not also licensed to sell intoxicating liquors and who are authorized to keep open their places of business on the Lord's day, nor the letting of horses and carriages or of yachts and boats, nor the running of steam ferry boats on established routes, nor the running of street railway cars, nor the preparation, printing and publication of newspapers, nor the sale and delivery of newspapers, nor the wholesale or retail sale and delivery of milk, nor the transportation of milk, nor the making of butter and cheese, nor the keeping open of public bath houses, nor the making or selling by bakers or their employees, before ten o'clock in the morning and between the hours of four o'clock and half past six o'clock in the evening, of bread or other food usually dealt in by them, nor the carrying on of the business of bootblacks before eleven o'clock in the forenoon.

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

Approved May 22, 1902.

Chap. 415 AN ACT TO AUTHORIZE THE CITY OF MELROSE TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Melrose Water Loan, Act of 1902.

SECTION 1. The city of Melrose, for the purpose of extending and improving its system of water works, may issue bonds, notes or scrip to an amount not exceeding fifty thousand dollars in addition to the amount which it is now authorized to issue. Such bonds, notes or scrip shall bear on their face the words, Melrose Water Loan, Act of 1902; shall be payable at the expiration of a period not exceeding thirty years from the date of issue; shall bear a uniform date of issue; shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be signed by the treasurer and countersigned by the mayor of the city. Said city 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 two thirds of the board of aldermen of the city.

Certain provisions of law to apply.

SECTION 2. The provisions of section twelve of chapter twenty-seven of the Revised Laws, in so far as they relate to interest and to the establishment of sinking funds for debts payable at a period exceeding ten years,

shall apply to debts created under the authority of this act.

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

Approved May 22, 1902.

AN ACT TO ESTABLISH THE DISTRICT COURT OF WESTERN WORCESTER. *Chap.416*

Be it enacted, etc., as follows:

SECTION 1. The towns of Spencer, Brookfield, North Brookfield, West Brookfield and Warren, in the county of Worcester, shall constitute a judicial district under the jurisdiction of a court to be called the district court of western Worcester. District court of western Worcester established.

SECTION 2. Said court shall be held in the village of East Brookfield, in the town of Brookfield, and may adjourn from there to any other place within the district whenever the public convenience may seem to the justice presiding therein to render such adjournment expedient. When court may be held.

SECTION 3. There shall be one justice, two special justices and a clerk of said court. The justice shall receive an annual salary of twelve hundred dollars, and the clerk an annual salary of six hundred dollars, to be paid by the county of Worcester. All the provisions of law applicable to district courts shall apply to said court. Justices, clerk, etc.

SECTION 4. Sittings of said court for criminal business shall be held at East Brookfield daily, except on Sundays and legal holidays. Sittings of said court for the transaction of civil business shall be held at East Brookfield as required by law, and on such other days as may be fixed by rule of the court. Sittings of court.

SECTION 5. The first session of the court shall be held on the first day of July in the year nineteen hundred and two; but nothing in this act shall affect any suit or other proceeding begun prior to that day. First session.

SECTION 6. This act shall take effect upon its passage, so far as relates to appointing and qualifying the justices and clerk of said court, and shall take full effect on the first day of July in the year nineteen hundred and two. When to take effect.

Approved May 22, 1902.

Chap.417 AN ACT RELATIVE TO AUTOPSIES IN STATE INSANE HOSPITALS AND ASYLUMS.

Be it enacted, etc., as follows:

R. L. 77
amended.

Autopsies in
state insane
hospitals and
asylums.

SECTION 1. Chapter seventy-seven of the Revised Laws is hereby amended by adding a new section after section four, as follows: — *Section 5.* Where the cause of death cannot otherwise be determined the chief medical officer of the institutions named in section one shall have power to cause autopsies to be made upon bodies unclaimed by relatives or friends, before surrendering the same to such persons and in such manner as are specified in sections one and two of this act.

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

Approved May 22, 1902.

Chap.418 AN ACT TO AUTHORIZE THE PETER BENT BRIGHAM HOSPITAL TO HOLD REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

May hold real
and personal
estate.

SECTION 1. The Peter Bent Brigham Hospital is hereby authorized to hold, for the purposes for which it was incorporated, real and personal estate to an amount not exceeding five million dollars in value, including the amount that it is already authorized by law to hold.

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

Approved May 22, 1902.

Chap.419 AN ACT TO INCORPORATE THE ADAMS TRUST COMPANY.

Be it enacted, etc., as follows:

Adams Trust
Company in-
corporated.

SECTION 1. Thomas A. Watson, Edward H. R. Revere, William S. Townsend, James F. Bigelow, Thomas Sanders, A. Le Baron Russell and John Dearborn, their associates and successors, are hereby made a corporation under the name of Adams 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 now or hereafter in force relating to such corporations.

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

Approved May 22, 1902.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE CHURCH IN BRATTLE SQUARE TO TRANSFER CERTAIN PROPERTY TO THE BENEVOLENT FRATERNITY OF CHURCHES IN THE CITY OF BOSTON. Chap. 420

Be it enacted, etc., as follows:

SECTION 1. William P. Fowler and John Capen, as they are deacons and trustees of the Proprietors of the Church in Brattle Square, or their successors in said office or offices, are hereby authorized to transfer any real or personal property which they may hold as such deacons and trustees in trust, either on general or special trusts, to the Benevolent Fraternity of Churches in the city of Boston. And said last named corporation shall hold said property or the proceeds of any sales thereof in trust, for the general purposes of said last named corporation.

Deacons and trustees of Proprietors of the Church in Brattle Square may transfer property, etc.

SECTION 2. Thomas Van Ness of Brookline, Ernest Jackson, Paul R. Frothingham, George G. Powers, William P. Fowler, Courtenay Guild and Frederick O. North, all of Boston, as they are the standing committee of the Proprietors of the Church in Brattle Square, otherwise known as the parish committee of the Proprietors of the Church in Brattle Square, or their successors in said office, are hereby authorized to transfer any real or personal property which they now hold in trust, either on general or special trusts, as such parish committee, or as such standing committee of said corporation, to the Benevolent Fraternity of Churches in the city of Boston. And said last named corporation shall hold said property or the proceeds of any sales thereof in trust, for the general purposes of said last named corporation.

Standing committee may transfer property, etc.

SECTION 3. William P. Fowler, as he is the treasurer of the Proprietors of the Church in Brattle Square, or his successor in said office, is hereby authorized to transfer any real or personal property which he now holds in trust, either on general or special trusts, as such treasurer, to the Benevolent Fraternity of Churches in the city of Boston. And said last named corporation shall hold said property or the proceeds of any sales thereof in trust, for the general purposes of said last named corporation.

Treasurer may transfer property, etc.

SECTION 4. The Proprietors of the Church in Brattle Square are hereby authorized to release and transfer all the interest of the corporation in the property designated

The Proprietors of the Church in Brattle Square may release, etc., in-

Interest in certain property, etc.
How powers shall be exercised.

in the foregoing sections to the Benevolent Fraternity of Churches in the city of Boston, upon the trusts aforesaid.

SECTION 5. The powers herein granted shall be exercised only in conformity with the decree of a court of equity.

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

Approved May 27, 1902.

Chap. 421 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

Beverly School Loan, Act of 1902.

SECTION 1. The city of Beverly, for the purpose of acquiring land, erecting and furnishing new buildings, and making additions to the existing buildings, all for school purposes, is hereby authorized to issue from time to time notes, bonds or scrip, to an amount not exceeding seventy-five thousand dollars, to be denominated on the face thereof, Beverly School Loan, Act of 1902, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually.

Payment of loan.

SECTION 2. Such notes, bonds or scrip shall be payable within such periods, not exceeding twenty years from their dates of issue, as the city council shall from time to time determine, and, except as herein otherwise provided, shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto; and they shall not be reckoned in determining the legal limit of indebtedness of the said city.

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

Approved May 27, 1902.

Chap. 422 AN ACT RELATIVE TO INDEXES IN THE REGISTRY OF DEEDS FOR THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

R. L., 22, § 31, amended.

Section thirty-one of chapter twenty-two of the Revised Laws is hereby amended by inserting after the word "Suffolk", in the first line, the word:—all,— and by inserting after the word "registers", in the second line, the words:—with or without the consent of the county commissioners,— so as to read as follows:—

Index commissioner in

Section 31. In the county of Suffolk all the powers and

duties exercised in other counties by the registers, with or without the consent of the county commissioners, under the provisions of sections twenty-eight and twenty-nine shall be exercised by a board of three index commissioners, one of whom shall annually, in March, be appointed by a majority of the justices of the superior court, for a term of three years beginning with the first day of April following. The members of said board shall serve without pay. A commissioner may be removed by said justices for cause, and a vacancy shall be filled by them for the unexpired term.

Suffolk county, appointment, term, etc.

Approved May 27, 1902.

AN ACT RELATIVE TO DEEDS GIVEN BY TAX COLLECTORS.

Chap. 423

Be it enacted, etc., as follows:

SECTION 1. Section forty-three of chapter thirteen of the Revised Laws is hereby amended by striking out all after the word "sale", in the eleventh line, so as to read as follows:— *Section 43.* The collector shall execute and deliver to the purchaser a deed of the land, which shall state the cause of sale, the price for which the land was sold, the name of the person on whom the demand for the tax was made, the places where the notices were posted, the name of the newspaper in which the advertisement of the sale was published, and the residence of the grantee, and shall contain a warranty that the sale has in all particulars been conducted according to law. The deed shall convey, subject to the right of redemption, all the right and interest which the owner had in the land when it was taken for his taxes. Such deed shall not be valid unless recorded within thirty days after the sale.

R. L., B., § 43, amended.

Deeds of land to be given by tax collectors in certain cases, etc.

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

Approved May 27, 1902.

AN ACT TO AUTHORIZE THE TOWN OF SOUTH HADLEY TO GRANT THE USE OF CERTAIN LAND FOR A FREE PUBLIC LIBRARY.

Chap. 424

Be it enacted, etc., as follows:

SECTION 1. The town of South Hadley is hereby authorized to grant the use of the land of the old graveyard, so-called, situated near the centre of said town, as a site for a library to be built and controlled by a library association organized under the general laws of the Com-

Certain land in South Hadley may be used for a free public library.

monwealth, whenever the human remains shall be removed from said graveyard under authority granted by chapter one hundred and seventy-six of the acts of the year eighteen hundred and ninety-seven. This use shall continue so long as said library shall be maintained as a free library for the use of the inhabitants of said town, and shall cease whenever said land shall cease to be used for said purpose.

When to take effect.

SECTION 2. This act shall take effect when accepted by a majority of the voters of said town present and voting thereon at any annual town meeting or at any special town meeting called for the purpose.

Approved May 27, 1902.

Chap.425 AN ACT TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO DREDGE A PART OF THE SOUTHERLY SHORE OF SOUTH BOSTON.

Be it enacted, etc., as follows:

Part of southerly shore of South Boston to be dredged.

SECTION 1. The board of harbor and land commissioners is hereby instructed to dredge off the southerly shore of South Boston, within and without the harbor lines in its discretion, to a depth not exceeding twelve feet at mean low water. Any damages caused thereby may be recovered from the Commonwealth by the owner or owners of the land so dredged in an action of contract.

Amount which may be expended.

SECTION 2. The said board is hereby authorized to expend for the purposes of this act a sum not exceeding one hundred thousand dollars, during the four years nineteen hundred and two, nineteen hundred and three, nineteen hundred and four and nineteen hundred and five, but not more than twenty-five thousand dollars shall be expended in any one year.

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

Approved May 28, 1902.

Chap.426 AN ACT TO AUTHORIZE THE TOWN OF WINCHESTER TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES, BEYOND THE LIMIT FIXED BY LAW.

Be it enacted, etc., as follows:

Town of Winchester may incur indebtedness for school purposes.

SECTION 1. The town of Winchester, for the purposes of erecting and furnishing a high school building and of building, altering, repairing and furnishing other buildings used for school purposes, may incur indebtedness

beyond the limit fixed by law, to an amount not exceeding one hundred and twenty-five thousand dollars.

SECTION 2. For the purposes aforesaid the town is authorized to issue from time to time to an amount not exceeding one hundred and twenty-five thousand dollars, negotiable notes, bonds or scrip, the same to be denominated, Town of Winchester School Loan, and to be payable at periods of not more than thirty years from their respective dates. Said bonds shall bear interest at a rate not exceeding four per cent per annum and shall be signed by the treasurer and countersigned by the selectmen of the town. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it deems proper: *provided*, that said securities shall not be sold or pledged for less than the par value thereof and the accrued interest.

Town of Winchester School Loan.

Proviso.

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

Approved May 28, 1902.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO HANNAH A. RUSSELL.

Chap. 427

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Hannah A. Russell, widow of Solomon P. Russell late a lieutenant of the fire department of that city, a sum of money not exceeding one half of the annual salary of said Solomon P. Russell: *provided*, that such sum shall not exceed the amount to which he would have been entitled if he had lived and continued to serve as such employee until the first day of February next succeeding the date of his death.

City of Boston may pay a certain sum of money to widow of Solomon P. Russell.
Proviso.

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

Approved June 3, 1902.

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

Chap. 428

Be it enacted, etc., as follows:

SECTION 1. The town of Rockport, for the purposes mentioned in section five of chapter seventy-eight of the acts of the year eighteen hundred and ninety-four, may issue bonds, notes or scrip to be denominated on the face

Rockport Water Loan.

thereof, Rockport Water Loan, to an amount not exceeding twenty-five thousand dollars, in addition to the amount heretofore authorized by law to be issued by the town for the same purposes. Such bonds, notes and scrip shall be issued upon the same terms and conditions, and with the same powers as are provided in said chapter seventy-eight of the acts of the year eighteen hundred and ninety-four.

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

Approved June 3, 1902.

Chap.429 AN ACT TO AUTHORIZE THE WORCESTER MASONIC CHARITY AND EDUCATIONAL ASSOCIATION TO SELL AND CONVEY CERTAIN VACANT LAND.

Be it enacted, etc., as follows:

May sell and convey certain land.

SECTION 1. The Worcester Masonic Charity and Educational Association is hereby empowered to sell and convey the vacant land now held by it, situated on Beacon street and Mower avenue, in the city of Worcester.

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

Approved June 3, 1902.

Chap.430 AN ACT RELATIVE TO THE INSIGNIA OF LABOR UNIONS.

Be it enacted, etc., as follows:

Penalty for unauthorized use, etc., of insignia of labor unions.

Whoever, not being a member of a labor union, wilfully wears or uses the insignia, distinctive ribbons, or membership rosette or button thereof, for the purpose of representing that he is a member thereof, if such insignia, distinctive ribbons or membership rosette or button have been registered in the office of the secretary of the Commonwealth, shall be punished by a fine of not more than twenty dollars or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

Approved June 3, 1902.

Chap.431 AN ACT TO AUTHORIZE THE DISSOLUTION OF THE CORPORATION KNOWN AS THE PROPRIETORS OF THE WASHINGTON STREET CHRISTIAN MEETING-HOUSE IN FAIRHAVEN AND A CONVEYANCE OF ITS PROPERTY TO THE UNITARIAN SOCIETY OF FAIRHAVEN.

Be it enacted, etc., as follows:

The Proprietors of the Washington

SECTION 1. The Proprietors of the Washington street Christian Meeting-House in Fairhaven, a religious cor-

poration located in Fairhaven in the county of Bristol, is hereby authorized to convey to The Unitarian Society of Fairhaven, a religious corporation also located in Fairhaven, all the real estate and other property, rights, privileges and franchises of the first named corporation now held by the members thereof as tenants in common, by a deed of conveyance to be authorized by a three fourths vote of the members of said corporation present and voting at a meeting duly called for that purpose by publishing a notice thereof for ten consecutive days in some newspaper published in the county of Bristol, and by posting a copy of the notice on the outer door of the meeting house of said corporation at least ten days prior to the date of the meeting. Such conveyance to be valid shall be accepted by a three fourths vote of the members of The Unitarian Society of Fairhaven, present and voting at a legal meeting thereof authorizing its acceptance in writing in behalf of the corporation upon the conditions of this act. Upon the execution of such conveyance, and the recording thereof in the registry of deeds for the southern district of Bristol county, the said corporation of the Proprietors of the Washington street Christian Meeting-House in Fairhaven shall thereby be dissolved, and all its rights, powers, privileges and property shall be vested in The Unitarian Society of Fairhaven, subject to the same uses and trusts as when they were held by said first named corporation; and The Unitarian Society of Fairhaven shall thereby assume all the liabilities and obligations of the Proprietors of the Washington street Christian Meeting-House in Fairhaven.

street Christian Meeting-House in Fairhaven may convey certain property to the Unitarian Society of Fairhaven, etc.

SECTION 2. Any person aggrieved by the provisions of this act may at any time, within six months after the conveyance aforesaid has been duly recorded, apply by petition to the superior court for the county of Bristol to have his damages, if any, determined by a jury therein, or by and under the direction of said court; and all damages so awarded, with the costs of suit attending such award, shall be paid by The Unitarian Society of Fairhaven.

Damages.

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

Approved June 3, 1902.

*Chap.*432 AN ACT TO AUTHORIZE THE BOARD OF RAILROAD COMMISSIONERS
TO EMPLOY EXPERTS.

Be it enacted, etc., as follows:

R. L. 111, § 8,
amended.

Railroad com-
missioners,
clerks, ex-
perts, etc.

SECTION 1. Section eight of chapter one hundred and eleven of the Revised Laws is hereby amended by inserting after the word "sixty-nine", in the twenty-second line, the words: — and may, whenever in its opinion the public interests require, in connection with any proposed issue of stock or bonds by a railroad or street railway company, employ competent experts to investigate the character, cost and value for railroad or railway purposes of the property of such company, — so as to read as follows: — *Section 8.* There shall be a board of railroad commissioners consisting of three competent persons, one of whom shall annually, before the first day of July, be appointed by the governor, with the advice and consent of the council, for a term of three years from said day. The board shall have a clerk, who shall be appointed by the governor, who shall keep a full and faithful record of its proceedings and who shall serve such notices as the commissioners may require. The board may employ an assistant clerk, who shall perform such clerical and other office work as the board may require and who, in the absence or during the disability of the clerk, may, if so directed by the board, perform his duties. The board may employ an accountant, skilled in the methods of railroad accounting, who shall, under its direction, supervise the method by which the accounts of corporations operating railroads or street railways are kept. The board may from time to time if, in its opinion it is necessary, appoint competent railroad and railway inspectors, not exceeding one for every one thousand miles of railroad track, each for a term of three years, and may for cause remove any such inspector and appoint another in his place. Appointments to fill a vacancy shall be for the residue of the unexpired term. It shall appoint one or more competent experts to examine the reports required by section one hundred and sixty-nine, and may, whenever in its opinion the public interests require, in connection with any proposed issue of stock or bonds by a railroad or street railway company, employ competent experts to investigate the character, cost and

value for railroad or railway purposes of the property of such company. The commissioners and clerk shall be sworn before entering upon the performance of their duties and shall not be in the employ of or own stock in a railroad corporation or street railway company, nor shall they personally, or through a partner or agent, render any professional service or make or perform any business contract with or for a railroad or street railway corporation chartered under the laws of this Commonwealth, except contracts made with them as common carriers, nor shall they, directly or indirectly, receive a commission, bonus, discount, present or reward from any such corporation.

SECTION 2. Section ten of chapter one hundred and eleven of the Revised Laws is hereby amended by striking out the word "section", in the fourth line, and inserting in place thereof the words: — sections eight and, — so as to read as follows: — *Section 10.* The annual expenses of the board, including the salaries of the commissioners, clerk, assistant clerk, the compensation of the accountant, the expenses incurred under the provisions of sections eight and one hundred and sixty-nine, the incidental expenses of the board and the salaries and expenses of the railroad and railway inspectors shall be apportioned by the tax commissioner among the several railroad and street railway corporations and, on or before the first day of July in each year, he shall assess upon each of said corporations its share of such expenses, in proportion to its gross earnings from the transportation of persons and property for the year last preceding the year in which the assessment is made; and such assessments shall be collected in the same manner as taxes upon corporations.

R. L. 111, § 10,
amended.

Railroad com-
missioners,
salaries, ex-
penses, etc.

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

Approved June 3, 1902.

AN ACT TO PROVIDE FOR REIMBURSING CERTAIN TOWNS FOR EXPENSES INCURRED IN FURNISHING HIGH SCHOOL INSTRUCTION.

Chap. 433

Be it enacted, etc., as follows:

Section three of chapter forty-two of the Revised Laws is hereby amended by striking out all after the word "tuition", in the seventeenth line, and inserting in place thereof the following: — A town whose valuation is less than seven hundred and fifty thousand dollars shall be

R. L. 42, § 3,
amended.

R. L. 42, § 3,
amended.

entitled to receive from the treasury of the Commonwealth all necessary amounts, and a town whose valuation exceeds seven hundred and fifty thousand dollars, but whose number of families is less than five hundred, shall be entitled to receive from the treasury of the Commonwealth half of all necessary amounts which have actually been expended for high school tuition under the provisions of this section: *provided*, that such expenditure shall be certified under oath to the board of education by its school committee within thirty days after the date of such expenditure; but, if a town of less than five hundred families maintains a high school of its own of the character described in section two of this chapter and employs at least two teachers therein, it shall be entitled to receive annually from the treasury of the Commonwealth toward the support of such high school the sum of three hundred dollars. No town the valuation of which averages a larger sum for each pupil in the average membership of its public schools than the corresponding average for the Commonwealth shall receive money from the Commonwealth under the provisions of this section; and no expenditure shall be made by the Commonwealth on account of high school instruction under the provisions of this section unless the high school in which such instruction is furnished has been approved by the board of education, — so as to read as follows:— *Section 3.* A town of less than five hundred families or householders in which a public high school or a public school of corresponding grade is not maintained shall pay for the tuition of any child who resides in said town and who, with the previous approval of the school committee of his town, attends the high school of another town or city. If such town neglects or refuses to pay for such tuition, it shall be liable therefor to the parent or guardian of a child who has been furnished with such tuition if the parent or guardian has paid for the same, and otherwise to the city or town furnishing the same, in an action of contract. If the school committee of a town in which a public high school or public school of corresponding grade is not maintained refuses, upon the completion by a pupil resident therein of the course of study provided by it, to approve his attendance in the high school of some other city or town which he, in the opinion of the superintendent of schools of the town in which he is resident is

Tuition of
children in
towns having
no high school,
etc.

qualified to enter, the town shall be liable in an action of contract for his tuition. A town whose valuation is less than seven hundred and fifty thousand dollars shall be entitled to receive from the treasury of the Commonwealth all necessary amounts, and a town whose valuation exceeds seven hundred and fifty thousand dollars, but whose number of families is less than five hundred, shall be entitled to receive from the treasury of the Commonwealth half of all necessary amounts which have actually been expended for high school tuition under the provisions of this section: *provided*, that such expenditure shall be certified under oath to the board of education by its school committee within thirty days after the date of such expenditure; but, if a town of less than five hundred families maintains a high school of its own of the character described in section two of this chapter and employs at least two teachers therein, it shall be entitled to receive annually from the treasury of the Commonwealth toward the support of such high school the sum of three hundred dollars. No town the valuation of which averages a larger sum for each pupil in the average membership of its public schools than the corresponding average for the Commonwealth shall receive money from the Commonwealth under the provisions of this section; and no expenditure shall be made by the Commonwealth on account of high school instruction under the provisions of this section unless the high school in which such instruction is furnished has been approved by the board of education.

Proviso.

Approved June 3, 1902.

AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS AT
CERTAIN STATE INSTITUTIONS. *Chap. 434*

Be it enacted, etc., as follows:

SECTION 1. To provide funds for the construction and enlargement of certain public buildings hereinafter named, and for the proper keeping of the insane and others committed to the care of the Commonwealth, the treasurer and receiver general is hereby authorized, with the approval of the governor and council, to issue scrip or certificates of indebtedness to an amount not exceeding five hundred and fifty-six thousand eight hundred dollars for a term not exceeding thirty years. Such scrip or certificates of indebtedness shall be issued as registered

Prisons and
Hospitals Loan.

Prisons and
Hospitals Loan.

bonds, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. They shall be designated on the face thereof as the Prisons and Hospitals Loan, shall be countersigned by the governor, shall be deemed a pledge of the faith and credit of the Commonwealth, and the principal and interest shall be paid at the times specified therein, in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, and shall bear such rates of interest, not exceeding four per cent per annum, as shall be deemed for the best interests of the Commonwealth. The sinking fund established by chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-four, known as the Prison and Hospital Loan Sinking Fund, shall also be maintained for the purpose of extinguishing bonds issued under the authority of this act; and the treasurer and receiver general shall apportion thereto from year to year an amount sufficient with the accumulations of said fund to extinguish at maturity the debt incurred by the issue of said bonds. The amount necessary to meet the annual sinking fund requirements and to pay the interest on said bonds shall be raised by taxation from year to year.

Sinking fund.

Danvers insane
hospital.

SECTION 2. From said loan expenditures may be made as follows: — By the trustees of the Danvers insane hospital, a sum not exceeding seventy-eight thousand eight hundred dollars, for the following purposes: — For buildings for female patients, a sum not exceeding fifty thousand dollars; for land, a sum not exceeding thirteen thousand dollars; for a new ice house, a sum not exceeding sixteen hundred dollars; for renewing plumbing in front and rear centre buildings, and for a new asphalt floor and other repairs in the basement of said buildings, a sum not exceeding four thousand dollars; for reconstructing the old laundry room and for enlarging the kitchen, a sum not exceeding three thousand dollars; for reconstructing the old seed house and farm house, a sum not exceeding thirty-five hundred dollars; for two electric motors, a sum not exceeding twelve hundred dollars; and for completing outside repairs of the main buildings, a sum not exceeding twenty-five hundred dollars. By the trustees

of the Massachusetts School for the Feeble-minded, a sum not exceeding one hundred and thirty thousand dollars, for the following purposes: — For two dormitories of sufficient capacity to accommodate one hundred and eighty inmates, and for furnishing the same, for additions to the present electric lighting and heating plants, and for an addition to the administration building, so-called, a sum not exceeding ninety-five thousand dollars; and for the purchase of additional land for the use of said institution, such purchase to be subject to the approval of the governor and council, a sum not exceeding thirty-five thousand dollars. By the trustees of the state colony for the insane, a sum not exceeding one hundred and seventy-five thousand dollars, for the following purposes: — For the erection of a receiving ward for the accommodation of one hundred patients, and for equipping and furnishing the same, for the installation of a water supply and power plant, for the erection of a storehouse and such minor buildings as may be necessary, for the purchase of horses, stock and farming tools, and for the preparation of a tract of land for the reception and care of said colony, a sum not exceeding one hundred thousand dollars; and for refunding to the treasury of the Commonwealth such amounts as have heretofore been appropriated and expended for the purchase of land and construction of buildings for the state colony for the insane, a sum not exceeding seventy-five thousand dollars. By the trustees of the state hospital, a sum not exceeding eighty thousand dollars, for the following purposes: — For a building for insane women, a sum not exceeding sixty thousand dollars; for improving and extending the sewerage system, a sum not exceeding twelve thousand dollars; and for a building for surgical operations, a sum not exceeding eight thousand dollars. By the trustees of the Worcester insane asylum, a sum not exceeding twenty-five thousand dollars, to be expended by the trustees, with the approval of the state board of insanity, for the purchase of not less than five hundred acres of land for the use of said asylum. By the trustees of the Westborough insane hospital, a sum not exceeding sixty-eight thousand dollars, for the following purposes: — For constructing and furnishing a building for one hundred women patients, a sum not exceeding fifty thousand dollars; for improvements of the heating machinery, a sum not exceeding five thousand

Massachusetts
School for the
Feeble-minded.

State colony for
the insane.

State hospital.

Worcester in-
sane asylum.

Westborough
insane hospital.

dollars : for extension of the sewerage system, a sum not exceeding eight thousand dollars : and for alterations in the main building to provide rooms for pathological and surgical work, a sum not exceeding five thousand dollars.

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

Approved June 3, 1902.

Chap. 435 AN ACT RELATIVE TO THE EMPLOYMENT OF WOMEN AND CHILDREN
IN MANUFACTURING AND MECHANICAL ESTABLISHMENTS.

Be it enacted, etc., as follows :

R. L. 100, § 24,
amended.

SECTION 1. Section twenty-four of chapter one hundred and six of the Revised Laws is hereby amended by striking out the words " for a longer time in a day than that so stated ", in the seventeenth line, and inserting in place thereof the words :—at any time other than as stated in said printed notice, — so as to read as follows :

Employment of
women and
children in
manufacturing
and mechanical
establishments.

— *Section 24.* No child under eighteen years of age and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week : and in no case shall the hours of labor exceed fifty-eight in a week. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections thirty-six and thirty-seven, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney-general. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the same week in consequence of the stopping of machinery upon which he was employed or dependent for employment : but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employ-

ment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

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

Approved June 3, 1902.

AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF THE COUNTY OF PLYMOUTH.

Chap. 436

Be it enacted, etc., as follows:

SECTION 1. The salary of the sheriff of the county of Plymouth shall be fifteen hundred dollars a year, and he shall also be allowed his travelling expenses necessarily incurred in the performance of his official duties to an amount not exceeding three hundred dollars a year. Said salary and travelling expenses shall be allowed from the first day of July in the year nineteen hundred and two.

Salary of sheriff of Plymouth county established, etc.

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

Approved June 3, 1902.

AN ACT TO PROVIDE ANNUITIES FOR THE WIDOWS AND MINOR CHILDREN OF MEMBERS OF POLICE DEPARTMENTS OF CERTAIN CITIES.

Chap. 437

Be it enacted, etc., as follows:

SECTION 1. It shall be lawful for any city except Boston to pay an annuity not exceeding four hundred dollars a year to or for the benefit of the widow, so long as she remains unmarried, or for the benefit of the children, so long as such children or any of them remain under the age of sixteen years, of any member of the police department of the city who dies from injuries received while in the discharge of his duty as such member. But such payment shall be made only in cases where, first, it shall be proved to the satisfaction of the city government that the injury in question was received by the deceased member while in the exercise of due care in the discharge of his duty as such member, and, secondly, the city physician, if there be one, and two other reputable physicians of the city, shall certify that the death was the direct result of the said injury. The mayor and aldermen may from time to time determine the amount of any such annuity, which

Certain cities may pay annuities for the benefit of widows, etc., of members of police departments.

shall in no case exceed the sum of four hundred dollars a year on account of any one death.

When to take effect.

SECTION 2. This act shall take effect in any city to which it applies when accepted by vote of the city council thereof; otherwise it shall not take effect.

Approved June 3, 1902.

*Chap.*438

AN ACT TO ESTABLISH A STATE BOARD OF PUBLICATION.

Be it enacted, etc., as follows:

State board of publication, appointment, terms, etc.

SECTION 1. A state board of publication is hereby created, to be composed of three persons from different branches of the public service, who shall be appointed by the governor with the advice and consent of the council. One member shall be appointed for the term of three years, one for the term of two years and one for the term of one year, and thereafter one person shall be appointed annually to serve for the term of three years. No person shall remain a member of the board after his retirement from the branch of the public service from which he was appointed, and the members of the board may be removed at any time by the governor. The members of the board shall receive no compensation for their services, but may expend not more than three hundred dollars annually for such travelling, clerical and other necessary expenses as the governor and council approve; and shall annually in January make a report to the general court, with such recommendations and suggestions as they deem expedient.

To examine and define form, etc., of certain reports, etc.

SECTION 2. It shall be the duty of the said board to examine the annual reports and all special reports and other documents issued by or on behalf of the Commonwealth by any public officer, board or commission, and to define the form and extent thereof, as hereinafter provided. But this act shall not apply to publications issued by the officers of either branch of the general court, or issued under authority of the general court, nor to the regular annual reports of the attorney-general, of the treasurer and receiver general, of the auditor, or of the secretary of the Commonwealth, or to publications prepared by the secretary in conformity with sections one and three of chapter nine of the Revised Laws.

Public officers, etc., may make certain special reports.

SECTION 3. Public officers, boards or commissions may, in addition to their annual reports, make such

special reports as shall be deemed by the state board of publication to be of practical utility.

SECTION 4. All boards or commissions before entering upon the preparation of any publication shall submit to the state board of publication careful statements of the scope, and estimates of the size, of such publication. The said board shall have power to determine the number of pages to which any such report may extend, and to determine whether it shall include maps, plans, photogravures, woodcuts or other illustrations; and no such report shall be printed unless it bears the certified approval of the state board of publication.

No report to be printed without the approval of the state board of publication.

SECTION 5. After the first day of April in the year nineteen hundred and three the cost of printing and publishing every such report or other document shall be charged to and paid from the appropriation of the department from which it is issued.

Payment of cost of printing, etc.

SECTION 6. Appeal may be taken from the decision of the state board of publication to the governor and council, whose decision shall be final.

Appeal.

SECTION 7. Sections ten and eleven of chapter one hundred and seven of the Revised Laws, section six of chapter nine of the Revised Laws, and so much of section seven of said chapter as refers to maps, plans, photogravures, woodcuts or other pictorial illustrations, are hereby repealed.

Repeal.

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

Approved June 3, 1902.

AN ACT TO AUTHORIZE THE GREAT BARRINGTON FIRE DISTRICT TO SUPPLY THE INHABITANTS OF THE TOWN OF EGREMONT WITH WATER.

Chap. 439

Be it enacted, etc., as follows:

SECTION 1. The Great Barrington Fire District may supply the inhabitants of the town of Egremont with water for the extinguishment of fires and for domestic and other purposes, and may construct and lay conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or private ways, and along any such ways in the town of Egremont 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

The Great Barrington Fire District may supply the town of Egremont with water.

Proviso.

proper purposes of this act, the Great Barrington Fire District may enter upon and dig up any such lands and ways: *provided, however*, that the said fire district shall not enter upon or dig up any public way in the town of Egremont, except with the consent of the board of selectmen thereof; and the said fire district shall restore to the satisfaction of the selectmen of the said town the public ways dug up or otherwise disturbed therein, and shall pay all damages sustained by any person in consequence of any act or neglect upon the part of the Great Barrington Fire District, its agents or employees, in digging up or otherwise disturbing any lands or public or private ways within the town of Egremont.

May distribute water, fix and collect rates, etc.

SECTION 2. The Great Barrington Fire District may distribute water through the town of Egremont or any part thereof, and may regulate the use of such water and fix and collect rates for the use of the same; and the town of Egremont or any fire district now or hereafter established therein, or any individual or corporation, may make such contract with the Great Barrington Fire District for the extinguishment of fires and for other purposes as may be agreed upon between said town, fire district, individual or corporation, and the Great Barrington Fire District: and the said fire district may establish and maintain fountains and hydrants in the town of Egremont and relocate or discontinue the same.

Certain rights of town not affected.

SECTION 3. Nothing contained in this act shall be construed to prevent or hinder the town of Egremont from hereafter establishing a system of public water works of its own or from obtaining a supply of water for the use of its inhabitants from some other source than said Great Barrington Fire District.

When to take effect, etc.

SECTION 4. This act shall take effect upon its passage, but shall become void unless the Great Barrington Fire District shall begin to distribute water through its pipes to consumers in the town of Egremont within three years after the date of the passage of this act.

Approved June 3, 1902.

Chap. 440

AN ACT RELATIVE TO THE ABOLITION OF GRADE CROSSINGS.

Be it enacted, etc., as follows:

R. L. 111, § 149, amended.

SECTION 1. Section one hundred and forty-nine of chapter one hundred and eleven of the Revised Laws is

hereby amended by inserting after the word "corporation", in the third line, the words: — or the directors of a street railway company having a location in that part of the public way where such crossing exists, — also by adding at the end of said section the words: — Upon all petitions hereafter filed, and upon all now pending, on which no commission has been appointed, for the abolition, discontinuance or alteration of grade crossings, in cases where any street railway company has tracks duly located in that part of the public way in which the crossing or crossings sought to be abolished, discontinued or altered, are situated, such street railway company shall be made a party and entitled to be heard as such, — so as to read as follows: — *Section 149.* The mayor and aldermen of a city or the selectmen of a town in which a public or private way and a railroad cross each other at grade, the directors of the railroad corporation, or the directors of a street railway company having a location in that part of the public way where such crossing exists, or, upon instructions from the governor and council given after notice to parties interested and a hearing, the attorney-general, may file a petition in the superior court stating that the petitioners are of opinion that it is necessary for the security and convenience of the public that an alteration should be so made in such crossing, in the approaches thereto, in the location of the railroad or public or private way, or in the grades thereof, 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 shall thereupon have jurisdiction in equity, after notice by the petitioner to the board of railroad commissioners of the entry, of such petition, and after such notice by advertisement or otherwise as the court shall order and a hearing, in its discretion, to appoint a commission of three disinterested persons. Upon all petitions hereafter filed, and upon all now pending on which no commission has been appointed, for the abolition, discontinuance or alteration of grade crossings, in cases where any street railway company has tracks duly located in that part of the public way in which the crossing or crossings sought to be abolished, discontinued or altered, are situated, such street railway company shall be made a party and entitled to be heard as such.

Commission to abolish grade crossings, appointment, etc.

R. L. 111, § 151,
amended.

SECTION 2. Section one hundred and fifty-one of said chapter one hundred and eleven is hereby amended by inserting after the word "construction", in the eleventh line, the words:—the actual cost to the street railway company of changing its railway and location to conform to the decree of the court,—by inserting after the word "provided", in the thirteenth line, the words:—Said commission may, subject to a right of appeal to the superior court by the street railway company or by the Commonwealth for a revision by a jury of the amount of such assessment, if a claim therefor is duly filed in the clerk's office of said court within thirty days after the making of such assessment, assess upon any street railway company duly made a party to the proceedings such percentage of said total cost, not exceeding fifteen per cent thereof, as may, in the judgment of said commission, be just and equitable; and such assessment, as confirmed by the court, shall be in lieu of any assessment or contribution required by any special act or grant of location,—by striking out the words "remaining thirty-five per cent", in the thirteenth line, and inserting in place thereof the words:—remainder of said total cost,—by inserting after the word "cent", in the sixteenth line, the words:—of said total cost,—and by adding at the end of said section the following words:—Whenever in any case in which a street railway company has been required to contribute to the expense of abolishing a grade crossing, any of its locations shall be so changed or revoked by any board of aldermen or selectmen without its consent as to render impossible, or in the opinion of the board of railroad commissioners unprofitable, the further exercise of the privilege of operating its railway in that part of the public way where such grade crossing has been abolished, the amount contributed by such company to the expense of abolishing such grade crossing shall be ascertained by the board of railroad commissioners and certified to the treasurer of the Commonwealth, who shall pay the same to the company from the treasury of the Commonwealth; and any amount so received by the company shall be expended only for such construction or equipment purposes as said railroad commissioners shall approve,—so as to read as follows:—*Section 151.* The commission appointed under the provisions of section one hundred and forty-nine shall meet at once, and if, after notice and

Commission to
prescribe
manner and
limits of alter-
ations, etc.

a hearing, it decides that the security and convenience of the public require the alterations, including the change or discontinuance of a private way, if any, to be made, it shall prescribe the manner and limits thereof and shall determine which of the parties shall do the work, or shall apportion the work to be done between each of the railroad corporations and the city or town. The railroad corporations shall pay sixty-five per cent of the total actual cost of the alterations as aforesaid, including therein in addition to the cost of construction, the actual cost to the street railway company of changing its railway and location to conform to the decree of the court, the cost of the hearing, the compensation of the commissioners and auditors and all damages, except as otherwise provided. Said commission may, subject to a right of appeal to the superior court by the street railway company or by the Commonwealth for a revision by a jury of the amount of such assessment, if a claim therefor is duly filed in the clerk's office of said court within thirty days after the making of such assessment, assess upon any street railway company duly made a party to the proceedings such percentage of said total cost, not exceeding fifteen per cent thereof, as may, in the judgment of said commission, be just and equitable; and such assessment, as confirmed by the court, shall be in lieu of any assessment or contribution required by any special act or grant of location. The remainder of said total cost shall be apportioned by the commission between the Commonwealth and the city or town in which the crossing or crossings are situated, but not more than ten per cent of said total cost shall be apportioned to such city or town. The commission shall equitably apportion the sixty-five per cent to be paid by the railroad corporation between the several railroads which may be parties to the proceedings. If the crossing was established after the twenty-first day of June in the year eighteen hundred and ninety, no part of said cost shall be charged to the Commonwealth. If the crossing is of a railroad and a private way, and no crossing of a public way is abolished in connection therewith, the entire cost as aforesaid shall be paid by the railroad corporation. Whenever in any case in which a street railway company has been required to contribute to the expense of abolishing a grade crossing, any of its locations shall be so changed or revoked

Payment of
cost, etc.

by any board of aldermen or selectmen without its consent as to render impossible, or in the opinion of the board of railroad commissioners unprofitable, the further exercise of the privilege of operating its railway in that part of the public way where such grade crossing has been abolished, the amount contributed by such company to the expense of abolishing such grade crossing shall be ascertained by the board of railroad commissioners and certified to the treasurer of the Commonwealth, who shall pay the same to the company from the treasury of the Commonwealth; and any amount so received by the company shall be expended only for such construction or equipment purposes as said railroad commissioners shall approve.

R. L. 111, § 152,
amended.

SECTION 3. Section one hundred and fifty-two of said chapter one hundred and eleven is hereby amended by inserting after the word "way", in the third line, the words:—the changes to be made in the location and grades of the street railway in such public way,—and by inserting after the word "binding", in the ninth line, the words:—If the commission decides that the location of the street railway shall be changed the decree of the court confirming such decision shall duly establish the location as thus changed,—so as to read as follows:—

Commission to
specify changes
to be made in
locations,
method of con-
struction, etc.

Section 152. The commission shall specify what portion, if any, of an existing public or private way shall be discontinued, the grades for the railroad and the way, the changes to be made in the location and grades of the street railway in such public way, the general method of construction and what land or other property it considers necessary to be taken; but if such decision involves a change in the grade of the railroad, the consent of the board of railroad commissioners to such change shall first be obtained. Said commission shall forthwith return its decision to the superior court, the decree of which, confirming such decision, shall be final and binding. If the commission decides that the location of the street railway shall be changed the decree of the court confirming such decision shall duly establish the location as thus changed. If the commission decides that the location of the railroad or of the public or private way shall be changed, the decree of the court confirming such decision shall constitute a taking of the specified land or other property: and the clerk of said court shall, within thirty days after said

decree, 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, to be recorded in the registry of deeds for the counties and districts in which such land, property and crossings are situated, and to be filed with the auditor of the Commonwealth. Said taking shall be a taking by the city or town, if the land is to be used for a public way, or by the railroad corporation, if the land is to be used for a private way or by the railroad.

SECTION 4. Section one hundred and fifty-five of said chapter one hundred and eleven is hereby amended by inserting after the word "railroads", in the fifth line, the words:—street railway companies, if any,— by inserting after the word "corporation", in the eleventh line, the words:—and on the part of any street railway company,— and by striking out the word "it", in the twelfth line, and inserting in place thereof the words:— them respectively,— so as to read as follows:— *Section 155.* 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, whose compensation shall be determined by the court and to whom shall from time to time be submitted all accounts of expense incurred by the railroads, street railway companies, if any, city, town, commission or auditor, and who shall audit the same and make report thereon to the court. Such auditing, when accepted by the court, shall be final. A certified copy of such report and the decree of the court thereon shall be filed with the auditor of the Commonwealth. The court shall, from time to time, issue its decrees for payments on the part of the railroad corporation and on the part of any street railway company, not exceeding the amounts apportioned to them respectively by said auditor, and for the payment by the Commonwealth of a sum not exceeding the amounts apportioned to it and to the city or town; and such city or town shall repay to the Commonwealth the amount apportioned to it by said auditor, with interest thereon, payable annually at the rate of four per cent from the date of the acceptance of the report of the auditor. Such repayment of the principal shall be made annually in such amounts as the auditor of the Commonwealth may designate; and the amount of payment designated for the year,

R. L. 111, § 155,
amended.

Auditor, duties,
compensation,
etc.

Payment of
expenses, etc.

with the interest due on the outstanding principal, shall be included by the treasurer and receiver general in the amount charged to such city or town, and shall be assessed upon it in the apportionment and assessment of its annual state tax. The treasurer and receiver general shall in each year notify such city or town of the amount of such assessment, which shall be paid by it into the treasury of the Commonwealth as a part of, and at the time required for, the payment of its state tax. When the final assessment on a city or town has been paid by it, the treasurer and receiver general shall repay to it, in reduction of said final payment, the amount of interest, if any, which has been assessed to and paid by it in excess of the actual interest cost to the Commonwealth for money borrowed for the abolition of grade crossings previous to the payment of said final assessment; and such excess of interest, if any, shall be on the exact amounts repaid by such city or town to the Commonwealth on which interest has been collected under the provisions of this section, and no more.

Certain expenditure may be made for the further abolition of grade crossings.

SECTION 5. For the further abolition of grade crossings, in accordance with the provisions of sections one hundred and forty-nine, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-two, one hundred and fifty-three, one hundred and fifty-four, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine and one hundred and sixty of said chapter one hundred and eleven, and of this act, an expenditure of five million dollars by the Commonwealth is hereby authorized. The amount so to be paid by the Commonwealth in any one year shall not exceed five hundred thousand dollars, but if in any one year the expenditure by the Commonwealth shall not amount to five hundred thousand dollars, the unexpended remainder thereof shall be added to the five hundred thousand dollars allowed to be paid by it in any subsequent year. In computing the amount paid and to be paid by the Commonwealth, the amounts apportioned to cities and towns and advanced by the Commonwealth under the provisions of section one hundred and fifty-five of said chapter one hundred and eleven shall not be included. To meet the expenditure hereby authorized the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness

Abolition of Grade Crossings Loan.

to an amount not exceeding five million dollars as an addition to the Abolition of Grade Crossings Loan, and shall add, in the manner provided in section one hundred and fifty-eight of chapter one hundred and eleven of the Revised Laws, to the existing sinking fund to provide for the payment of the same. Such scrip or certificates of indebtedness shall be issued as registered bonds, bearing interest at a rate not exceeding four per cent per annum, payable semi-annually on the first days of May and November. The amount necessary to meet the annual requirement of said sinking fund and to pay the interest on said bonds shall be raised by taxation from year to year.

Certain amount to be raised by taxation.

SECTION 6. Said chapter one hundred and eleven is hereby further amended by striking out section one hundred and fifty-nine and inserting in place thereof the following:—*Section 159.* No final decree shall be made by said superior court upon any report of commissioners setting forth a plan for the abolition, discontinuance or alteration of a grade crossing, adopting or confirming such plan or authorizing any expense to be charged against the Commonwealth, until the board of railroad commissioners, after a hearing, shall have certified in writing that in their opinion the adoption of such plan and the expenditure to be incurred thereunder are consistent with the public interests, and are reasonably requisite to secure a fair distribution between the different cities, towns and railroads of the Commonwealth, of the public money appropriated in the preceding section for the abolition of grade crossings, and that such expenditure will not, in the judgment of said board, exceed the amount provided under the preceding section to be paid by the Commonwealth.

R. L. III, § 159, amended.

No final decree to be made upon report of commissioners until plan, etc., has been approved by railroad commissioners.

SECTION 7. The amount of any assessment upon, or contribution by, a street railway company toward the cost of abolishing a grade crossing shall be deemed and taken in all proceedings thereafter as a part of the value of its property for street railway purposes; and such company may issue stock or bonds to such amount as the board of railroad commissioners shall, under the laws relating to the issue of stocks and bonds by such companies, approve as reasonably necessary to provide for the payment of such assessment or contribution.

Assessment upon, etc., street railway company to be deemed part of the value of its property, etc.

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

Approved June 4, 1902.

Chap.441 AN ACT TO AUTHORIZE CORPORATIONS TO ISSUE PREFERRED STOCK.*Be it enacted, etc., as follows:*

Corporations may issue preferred stock to certain amounts, etc.

SECTION 1. Every corporation organized under the laws of this Commonwealth shall have power to issue preferred stock to an amount not exceeding at any time the amount of the general stock then outstanding, with such preferences and voting powers or restrictions or qualifications thereof as shall be fixed and determined in the by-laws at the organization of the corporation; or after organization, by a two thirds vote of all the stock, or by a by-law adopted by a two thirds vote of all the stock, at a meeting duly called for the purpose.

Certain provisions of law to apply, etc.

SECTION 2. Such stock shall be issued subject to all general laws of the Commonwealth governing the issue of capital stock; and each certificate subsequently issued of stock in the corporation shall have fully and plainly printed thereon the by-law or vote of the corporation authorizing the issue of preferred stock.

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

*Approved June 5, 1902.***Chap.442** AN ACT TO AUTHORIZE THE REBUILDING AND EXTENDING OF THE DRAW-FENDER PIER OF THE BRIDGE OVER THE MERRIMAC RIVER IN THE CITY OF HAVERHILL.*Be it enacted, etc., as follows:*

Draw-fender pier of bridge over Merrimac river in Haverhill may be rebuilt, etc.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and empowered, if in their judgment public necessity and convenience so require, to rebuild and extend the draw-fender pier of the bridge over the Merrimac river in the city of Haverhill, subject to the provisions of chapter ninety-six of the Revised Laws. No county commissioner shall be disqualified from acting hereunder by reason of his residing in the city of Haverhill.

Payment of cost, etc.

SECTION 2. The said county commissioners after said rebuilding and extension are completed shall, after due notice to the parties interested and after hearing such parties, proceed to determine, apportion and assess upon the said county, the said city, and other parties interested, the cost of said work, in such proportions as they shall deem just.

SECTION 3. Said commissioners are hereby authorized to borrow money, if it be necessary, for the purposes aforesaid. County commissioners may borrow money.

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

Approved June 5, 1902.

AN ACT RELATIVE TO THE REDEMPTION OF LAND SOLD FOR TAXES. Chap. 443
Be it enacted, etc., as follows:

SECTION 1. Chapter thirteen of the Revised Laws is hereby amended by striking out sections sixty and sixty-one and inserting in place thereof the following new sections:— *Section 60.* Any person having an interest in any such land may redeem it as provided in section fifty-eight by paying to the collector of the place in which the land is situated the amount which he would be required to pay to the purchaser, with one dollar additional. *Section 61.* Said collector shall receive any money so paid and give to the person paying it a certificate specifying the amount paid, the name of the person to whom and the real estate on which the tax was originally assessed, and the registry of deeds and the book and page of the records therein where the collector's deed is recorded; and the recording of the certificate in said registry shall extinguish all right and title acquired under the collector's deed. The collector shall on demand pay over all money so paid, to the person entitled thereto as determined by him, except that he shall retain one dollar to be accounted for for the use of the city or town, and if the amount so paid is less than the purchaser was entitled to, the balance with interest at ten per cent per annum may after demand therefor be recovered by said purchaser against the person paying such amount, in an action of contract, if such action is commenced within three months after such payment to the collector.

R.L. 13, §§ 60 and 61, amended.

Persons interested may redeem land sold for taxes, etc.

Disposition of money received, etc.

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

Approved June 5, 1902.

AN ACT TO PROVIDE FOR THE ELECTION IN CITIES OF OVERSEERS OF THE POOR FOR TERMS OF THREE YEARS. Chap. 444

Be it enacted, etc., as follows:

SECTION 1. In cities where the like provision is not now made by their charters, overseers of the poor shall Overseers of the poor in certain cities,

election, terms,
etc.

hereafter be elected for a term of not less than three years, in the following manner:—If the number fixed by the charter of the city is three the city shall at the municipal election next following the passage of this act elect one for the term of one year, one for the term of two years and one for the term of three years; if the number to be elected is five, it shall elect one for the term of one year, two for terms of two years and two for terms of three years; if the number to be elected is seven, it shall elect two for terms of one year, two for terms of two years and three for terms of three years; and at each municipal election thereafter it shall elect one, two or three overseers of the poor for the term of three years, as the term of office of one, two or three expires.

When to take
effect.

SECTION 2. This act shall take effect in any city to which it applies when accepted by the city council of that city; otherwise it shall not take effect.

Approved June 5, 1902.

Chap. 445

AN ACT TO AUTHORIZE THE CITY OF MELROSE TO INCR INDEBTEDNESS FOR THE PURPOSE OF CONSTRUCTING A SYSTEM OF SURFACE DRAINAGE.

Be it enacted, etc., as follows:

City of Melrose
Surface Drain-
age Loan, Act
of 1902.

SECTION 1. The city of Melrose, for the purpose of paying the cost of constructing and maintaining a system of surface drains and its appurtenances, is hereby authorized to issue from time to time, as may be required therefor, bonds, notes or scrip to an amount not exceeding one hundred thousand dollars: *provided, however,* that the amount of such bonds, notes or scrip issued during the current year, or in any succeeding year, shall not exceed twenty thousand dollars in any one year, and that all such issues shall be subject to the provisions of section forty-eight of chapter one hundred and sixty-two of the acts of the year eighteen hundred and ninety-nine. Such bonds, notes or scrip shall be designated, City of Melrose Surface Drainage Loan, Act of 1902, shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually, shall be payable at the expiration of such periods as the board of aldermen shall determine, not exceeding thirty years from the date of issue, and shall be signed by the treasurer and countersigned by the mayor

of the city. They shall not be reckoned in determining the authorized limit of indebtedness of the city.

Not to be reckoned in determining debt limit. Sinking fund.

SECTION 2. All premiums received from the sale of bonds issued under authority of this act shall be paid into the sinking fund, which fund shall be established as provided in chapter twenty-seven of the Revised Laws.

SECTION 3. All moneys raised under the provisions of this act shall be expended by the engineer and superintendent of public works, under the direction of the mayor and subject to the provisions of chapter forty-nine of the Revised Laws relative to the construction and maintenance of sewers and drains, and chapter fifty of the Revised Laws relative to the assessment of betterments.

Expenditures.

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

Approved June 5, 1902.

AN ACT RELATIVE TO THE DUTIES AND POWERS OF THE BOARD OF CONCILIATION AND ARBITRATION.

Chap. 446

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and six of the Revised Laws is hereby amended by inserting after the word "board", where it first occurs in the fourth line, the words:—and such notification may be given by the employer or by the employees concerned in the strike or lock-out,—and by striking out the words "may, if it considers it advisable", in the sixteenth line, and inserting in place thereof the word:—shall,—so as to read as follows:—*Section 2.* If it appears to the mayor of a city or to the selectmen of a town that a strike or lock-out described in this section is seriously threatened or actually occurs, he or they shall at once notify the state board; and such notification may be given by the employer or by the employees concerned in the strike or lock-out. If, when the state board has knowledge that a strike or lock-out, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, such employer, at that time, is employing, or upon the occurrence of the strike or lock-out, was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, the state board shall, as soon as may be, communicate with such employer and employees and

R. L. 106, § 2, amended.

State board of conciliation and arbitration to be notified in case of a strike, etc.

To investigate
cause of contro-
versy, etc.

endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, if a strike or lock-out has not actually occurred or is not then continuing, to submit the controversy to a local board of conciliation and arbitration or to the state board. Said state board shall investigate the cause of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given to it by the provisions of the following section.

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

Approved June 5, 1902.

Chap. 447 AN ACT TO INCORPORATE THE COLUMBIAN NATIONAL LIFE INSURANCE COMPANY.

Be it enacted, etc., as follows:

The Columbian
National Life
Insurance
Company
incorporated.

SECTION 1. Winslow Warren, Alexander S. Paton, Edward A. Presbrey, Francis P. Sears, Gardner Perry, Joseph Balch, Hosea M. Knowlton, Arthur B. Daniels, Francis Peabody, Junior, and Julian Codman, their associates and successors, are hereby created a corporation under the name of The Columbian National Life Insurance Company, to be located in the city of Boston, for the transaction of life insurance; with all the rights, powers and privileges, and subject to all the duties, liabilities and restrictions conferred or imposed by the general laws now or hereafter in force, applicable to domestic stock life insurance companies, so far as said laws are not inconsistent with the provisions of this act.

Directors,
number, elec-
tion, etc.

SECTION 2. The board of directors shall consist of not less than fifteen members, who shall be chosen by ballot from the stockholders, and a majority of whom shall be residents of the Commonwealth. Not less than eight shall constitute a quorum to do business, although a less number may adjourn from time to time. The number of directors and the number constituting a quorum may be increased or diminished within the said limits at any annual or special meeting of the stockholders. The directors shall have the power to choose from their number an executive committee of not less than seven, which may exercise all the powers of the board of

directors whenever the board shall not be in session, and also all powers expressly conferred upon it by the by-laws. The corporation may determine by its by-laws the manner of calling and conducting all meetings, and the mode of voting by proxy. Each stockholder shall be entitled to one vote for every share of capital stock owned by him.

Corporation may determine manner of calling and conducting meetings, etc.

SECTION 3. The capital stock of the corporation shall be two hundred thousand dollars, divided into two thousand shares of the par value of one hundred dollars each. The capital stock shall be paid in in cash within twelve months after the date of the passage of this act; and no certificates of shares and no policies shall be issued until the whole capital stock is paid in.

Capital stock.

SECTION 4. Until the net surplus of the corporation shall amount to two hundred thousand dollars no dividend exceeding six per cent per annum shall be declared or paid on the capital stock: *provided*, that if, in any year before such time, the dividend paid shall be less than six per cent it may be made good in any subsequent year notwithstanding the foregoing limitation. When the net surplus of the corporation shall equal twice the amount of its capital stock said stock may be retired, and in such case the policy holders shall become members of the corporation and direct its affairs as in the case of mutual companies.

Payment of dividends.

Proviso.

SECTION 5. The corporation may issue policies stipulated to be with or without participation in the profits. Persons insured on the participating plan shall be entitled to such share in the profits distributable upon the contribution to surplus plan and withdrawable at the end of such periods as may be provided by the by-laws or agreed upon between the insured and the corporation; but they shall not by reason thereof be members of the corporation.

Issue of policies, etc.

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

Approved June 5, 1902.

AN ACT RELATIVE TO THE TAKING OF ICE FROM CERTAIN PONDS
IN THE TOWN OF WESTMINSTER.

Chap. 448

Be it enacted, etc., as follows:

SECTION 1. The owners or lessees of any building or other structure used for the purposes of harvesting or storing ice taken from Meeting-house pond in the town

Owners, etc., of certain structures used for storing ice in Westminster to

be protected in certain rights.

of Westminster, or from that part of Wachusett lake which lies in the said town, shall not be prevented from using, maintaining, rebuilding or disposing of such building or other structure for the purposes of harvesting or storing ice for the use of the inhabitants or residents of said town by reason of the purchase of the land on which such building or other structure stands, by any city, town, public institution or water company, if such purchase was made solely for the purpose of preserving the purity of such waters. The owners of any such building or other structure shall be protected in their aforesaid rights of harvesting and storing ice, by a deed of easement or other document to be executed by such city, town, public institution or water company, guaranteeing the said rights, if said owners shall demand the same.

Protection of purity of waters.

SECTION 2. The harvesting and storing of ice in the said town from the aforesaid ponds, and the care of the buildings or other structures aforesaid, shall be performed in accordance with such rules and regulations to protect the purity of the aforesaid waters as may be made by the state board of health.

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

Approved June 5, 1902.

Chap.449 AN ACT TO AUTHORIZE TOWNS TO PURCHASE ELECTRICITY FOR LIGHTING PURPOSES FROM STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows :

Certain towns may purchase electricity for lighting purposes from street railway companies.

SECTION 1. A town in which no person or corporation is engaged in the business of generating or distributing electricity for sale for lighting purposes and which is not itself engaged in such business, and which has voted or shall vote, in accordance with the provisions of chapter thirty-four of the Revised Laws, to construct one or more plants for the manufacture or distribution of electricity for furnishing light for municipal use or for the use of its inhabitants, or for both purposes, may make a contract or contracts, for a term not exceeding ten years, with any street railway company or companies operating a street railway in such town, for the purchase of electricity from such street railway company or companies, for the purpose of furnishing light for municipal use or for the use of its inhabitants, or for both purposes; and street railway companies may make contracts for furnishing elec-

tricity as aforesaid to a town, but the same shall not become operative unless the board of railroad commissioners shall, after a public hearing, approve the terms thereof as consistent with the public interests.

Terms to be approved by railroad commissioners.

SECTION 2. The electricity supplied by any street railway company or companies under authority of this act shall be delivered to the distributing system of the town at some specified place or places therein, and the meter or meters through which such electricity is measured shall be a part of the distributing system.

Delivery of electricity.

SECTION 3. If a town voting to purchase electricity from a street railway company or companies under the provisions of this act is unable to agree with such company or companies at the expiration of a contract or contracts made in accordance with the provisions of section one of this act, upon the price to be paid for electricity by, or upon the manner in which electricity is to be furnished to, said town in the future, said town through its selectmen may apply to the board of railroad commissioners to fix the price which said town shall pay for said electricity to, and the manner in which electricity shall be furnished by, said company or companies; and thereupon the said board shall set a date for a public hearing upon such application, giving said company or companies reasonable notice thereof; and after the hearing the board shall fix the price which said town shall pay for electricity to, and the manner in which electricity shall be furnished by, said company or companies; and said company or companies shall thereupon furnish to the town electricity at the price and in the manner fixed by said board.

In case of disagreement railroad commissioners to fix price of electricity, etc.

SECTION 4. A town which has contracted with any street railway company or companies for the purchase of electricity as provided, and for the purposes set forth, in section one of this act, shall be subject to and have the benefit of the provisions of chapter thirty-four of the Revised Laws and of all acts in amendment thereof or in addition thereto, so far as the same may be applicable.

To be subject to certain provisions of law, etc.

SECTION 5. Nothing in this act shall be construed as authorizing street railway companies to increase their capital stock or to issue bonds for the purposes hereinbefore set forth, unless authorized so to do by the board of railroad commissioners; said stock or bonds, after their issue has been so authorized, to be issued under the provisions of chapter one hundred and nine of the Revised

Not to be construed as authorizing increase of capital stock, etc.

Laws and of all acts in amendment thereof or in addition thereto.

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

Approved June 5, 1902.

Chap. 450

AN ACT RELATIVE TO THE PAYMENT OF WAGES.

Be it enacted, etc., as follows :

R. L. 106, § 62,
amended.

SECTION 1. Section sixty-two of chapter one hundred and six of the Revised Laws is hereby amended by inserting after the word "payment", in the tenth line, the words:—but any employee leaving his or her employment, or being discharged from such employment, shall be paid in full on the following regular pay day, — so as to read as follows:—*Section 62.* Every manufacturing, mining or quarrying, mercantile, railroad, street railway, telegraph or telephone corporation, every incorporated express company or water company, and every contractor, person or partnership engaged in any manufacturing business, in any of the building trades, in quarries or mines, upon public works or in the construction or repair of railroads, street railways, roads, bridges or sewers or of gas, water or electric light works, pipes or lines, shall pay weekly each employee engaged in his or its business the wages earned by him to within six days of the date of said payment, but any employee leaving his or her employment, or being discharged from such employment, shall be paid in full on the following regular pay day; and the Commonwealth, its officers, boards and commissions shall so pay every mechanic, workman and laborer who is employed by it or them, and every city shall so pay every employee who is engaged in its business, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town and county shall so pay each employee in its business if so required by him; but an employee who is absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand. The provisions of this section shall not apply to an employee of a co-operative corporation or association if he is a stockholder therein unless he requests such corporation to pay him weekly. The board of railroad commissioners, after a hearing, may exempt any railroad corporation from paying weekly any of its employees if it appears to

Wages to be
paid weekly,
etc.

Not to apply to
certain em-
ployees, etc.

the board that such employees prefer less frequent payments, and that their interests and the interests of the public will not suffer thereby. No corporation, contractor, person or partnership shall by a special contract with an employee or by any other means exempt himself or itself from the provisions of this and the following section. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than fifty dollars. Penalty.

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

Approved June 5, 1902.

AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES. Chap. 451

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 support of the Massachusetts hospital for dipsomaniacs and inebriates during the year ending on the thirty-first day of December, nineteen hundred and two, to wit:— Appropriations.

For the support of state patients, the sum of twenty-three thousand eight hundred and twenty-nine dollars, said sum being based upon the average number of such patients at the rate of three dollars and twenty-five cents per week, the same to be in addition to the receipts from other sources as provided for by sections one hundred and twenty-seven and one hundred and twenty-eight of chapter eighty-seven of the Revised Laws; and so much of said receipts as may be needed to pay the expenses of said institution may be used for that purpose. Support of state patients.

For current expenses, in addition to the appropriation for state patients and receipts, a sum not exceeding fifteen thousand dollars. Current expenses.

For maintaining industries at said institution, a sum not exceeding six thousand dollars. Maintaining industries.

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

Approved June 5, 1902.

*Chap.*452 AN ACT TO AUTHORIZE CONTRACTS FOR OPERATION, LEASE OR SALE BETWEEN, AND THE ISSUE OF STOCK OR BONDS BY, THE GRAFTON AND UPTON RAILROAD COMPANY, THE UPTON STREET RAILWAY COMPANY, THE MILFORD AND UXBRIDGE STREET RAILWAY COMPANY, AND THE MILFORD, HOLLISTON AND FRAMINGHAM STREET RAILWAY COMPANY, AND TO AUTHORIZE SAID RAILWAY COMPANIES TO ACT AS COMMON CARRIERS OF GOODS.

Be it enacted, etc., as follows:

Certain street railway companies, etc., may lease or sell their railways, etc.

SECTION 1. The Grafton and Upton Railroad Company, the Upton Street Railway Company, the Milford and Uxbridge Street Railway Company, and the Milford, Holliston and Framingham Street Railway Company, may either of them contract with any or all of the others for the operation by one of them of the railroad and railways of the said companies, or any or all of them, and any of said companies may lease or sell its railroad or railway to any of the other companies. Any such contract, lease or sale shall be upon such terms as shall be agreed to by a majority of the directors and by a majority in interest of the stockholders of each company party thereto, at meetings duly called for that purpose, and shall also be such as shall be approved, after a public hearing, by the board of railroad commissioners.

The Grafton and Upton Railroad Company not to operate upon the location, etc., of any street railway company, etc.

SECTION 2. The Grafton and Upton Railroad Company shall not by any contract, lease or purchase made under authority of this act acquire the right to operate a railroad upon the location or line of any street railway company, and nothing in this act contained or authorized shall relieve said railroad company from its obligations as a railroad company, either under its charter or under any special or general law of the Commonwealth.

Purchasing companies may issue stock or bonds, etc.

SECTION 3. In case of any sale made under authority of this act the purchasing railroad or railway company may issue stock or bonds to such an amount as the board of railroad commissioners shall approve as being reasonably necessary to provide for the payment of the purchase price and for the electric equipment of a purchased line, or for the payment of any indebtedness which said board shall find to have been properly incurred therefor.

May act as a common carrier of merchandise, etc.

Proviso.

SECTION 4. Each of said street railway companies may act as a common carrier of packages or small parcels of goods or merchandise: *provided*, that it shall be authorized so to do by the selectmen of the town or towns

in which its line is located, and it shall in such service be subject to such by-laws and regulations, not contrary to law, as may from time to time be made by any such town, and to the provisions of all general laws now or hereafter in force relating to common carriers.

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

Approved June 6, 1902.

AN ACT RELATIVE TO THE WEIGHING OF COAL.

Chap. 453

Be it enacted, etc., as follows:

SECTION 1. Section eighty-three of chapter fifty-seven of the Revised Laws is hereby amended by adding at the end thereof the words: — No person shall be ineligible for appointment because of the fact that he is not a resident of such city or town, notwithstanding provisions to the contrary in any general or special act or city charter, — so as to read as follows: — *Section 83.* The mayor and aldermen of a city or the selectmen of a town shall appoint, and may remove, weighers of coal, one of whom at least shall not be engaged in the business of selling coal, who shall be sworn, and by whom all coal shall be weighed. No person shall be ineligible for appointment because of the fact that he is not a resident of such city or town, notwithstanding provisions to the contrary in any general or special act or city charter.

R. L. 57, § 83,
amended.

Weighers of
coal, appoint-
ment, etc.

SECTION 2. Section eighty-eight of said chapter is hereby amended by striking out the word “ sold ”, in the third line, and inserting in place thereof the word: — weighed, — so as to read as follows: — *Section 88.* Whoever sells coke or coal by weight shall without cost to the purchaser cause the goods to be weighed by a sworn weigher of the city or town in which they are weighed, and shall cause a certificate stating the name and place of business of the seller, the name of the person taking charge of the goods after the weighing, as given to the weigher on his request, and the quantity of the goods, to be signed by the weigher. Such certificate shall be given to said person and shall by him be given only to the owner of the goods or his agent when he unloads the same; and every such person, owner or agent shall, on request and without charge therefor, permit any sealer of weights and measures of any city or town to examine the certificate and to make a copy thereof.

R. L. 57, § 88,
amended.

Persons selling
coke or coal by
weight to cause
certificate to be
delivered, etc.

R. L. 57, § 89,
amended.

SECTION 3. Section eighty-nine of said chapter is hereby amended by adding at the end thereof the words:—The scales designated by the sealer as aforesaid may be the public scales of the city or town or any other scales therein which have been duly tested and sealed, and shall be such scales as are in his judgment the most convenient of those available,—so as to read as follows:—*Section 89.* A sealer of weights and measures of a city or town in which any quantity of coke, charcoal or coal for delivery is found may, in his discretion, direct the person in charge of the goods to convey the same without delay or charge to scales designated by such sealer, who shall there determine the quantity of the goods, and, if they are not in baskets or bags, shall determine their weight with the weight of the vehicle in which they are carried, and shall direct said person to return to such scales forthwith after unloading the goods; and upon such return, the sealer shall weigh the vehicle. The scales designated by the sealer as aforesaid may be the public scales of the city or town or any other scales therein which have been duly tested and sealed, and shall be such scales as are in his judgment the most convenient of those available.

Sealer may
direct goods to
be weighed,
etc.

R. L. 57, § 91,
amended.

SECTION 4. Section ninety-one of said chapter is hereby amended by adding at the end thereof the words:—Sealers of weights and measures shall cause the provisions of the seven preceding sections to be enforced in their respective cities and towns,—so as to read as follows:—*Section 91.* Whoever violates any provision of the seven preceding sections or fails to comply with any request for information or direction made under authority thereof, or gives a false answer to any such request, shall for each offence be punished by a fine of not more than fifty dollars; and whoever shall be guilty of any fraud or deceit relative to the weighing, selling or delivering of coke, charcoal or coal, shall for each offence be punished by a fine of not more than one hundred dollars. Sealers of weights and measures shall cause the provisions of the seven preceding sections to be enforced in their respective cities and towns.

Penalty.

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

Approved June 6, 1902.

AN ACT TO ESTABLISH THE SALARY OF THE PHYSICIAN AND SURGEON OF THE STATE PRISON. *Chap.454*

Be it enacted, etc., as follows:

SECTION 1. The salary of the physician and surgeon of the state prison shall be fifteen hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two. Salary of physician and surgeon of state prison established.

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

Approved June 10, 1902.

AN ACT TO INCLUDE THE TOWN OF ROWLEY WITHIN THE JURISDICTION OF THE POLICE COURT OF NEWBURYPORT. *Chap.455*

Be it enacted, etc., as follows:

The town of Rowley shall be included within the judicial district of the police court of Newburyport. Town of Rowley, judicial district.

Approved June 10, 1902.

AN ACT RELATIVE TO THE SITTINGS OF THE SUPERIOR COURT FOR THE COUNTIES OF SUFFOLK AND BARNSTABLE. *Chap.456*

Be it enacted, etc., as follows:

SECTION 1. The sittings of the superior court now provided by law to be held at Boston for the county of Suffolk for civil business, on the first Tuesdays of January, April, July and October, shall hereafter be held on the first Mondays of January, April, July and October. Sittings of superior court for Suffolk county.

SECTION 2. The sittings of the superior court now provided by law to be held at Barnstable for the county of Barnstable, on the first Tuesday of April and on the second Tuesday of October, shall hereafter be held on the first Monday of April and the second Monday of October. Sittings of superior court for Barnstable county.

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

Approved June 10, 1902.

AN ACT TO ESTABLISH THE SALARY OF THE DEPUTY SEALER OF WEIGHTS AND MEASURES OF THE COMMONWEALTH. *Chap.457*

Be it enacted, etc., as follows:

SECTION 1. The salary of the deputy sealer of weights and measures of the Commonwealth shall be fifteen hun- Salary of deputy sealer of weights and

measures estab-
lished.

dred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved June 10, 1902.

Chap. 458

AN ACT RELATIVE TO APPEALS FROM THE COURT OF LAND REGISTRATION.

Be it enacted, etc., as follows:

R. L. 128, § 13,
amended.

SECTION 1. Section thirteen of chapter one hundred and twenty-eight of the Revised Laws is hereby amended by inserting after the word "court", in the first line, the words: — whereby any party is aggrieved, — by inserting after the word "relates", in the third line, the words: — as to any questions involved therein, — by inserting after the word "entered", in the fourth line, the words: — and issues framed therefor in the court of land registration, — by inserting after the word "recorder", in the seventh line, the words: — but no matters shall be tried in the superior court except those specified in the appeal, — and by striking out the words "In such case, issues for the jury shall be framed", in the thirteenth line, — so as to read as follows: — *Section 13.* Every order, decision and decree of the court whereby any party is aggrieved shall be subject to appeal to the superior court for the county in which the land lies, to which such order, decision or decree relates as to any questions involved therein. The appeal shall be claimed and entered and issues framed therefor in the court of land registration within thirty days after the date of such order, decision or decree, and upon the entry of the appeal the appellant shall file in the superior court copies of all material papers in the case, certified by the recorder: but no matters shall be tried in the superior court except those specified in the appeal. Appearances and answers shall be filed in the superior court within thirty days after the appeal has been entered, unless for good cause further time is allowed. Upon the motion of either party, the cause shall be advanced for speedy hearing, and shall be tried by the court, unless either party within the time allowed for entering appearance claims a trial by jury. Questions of law arising in the superior court may be taken to the supreme judicial court for revision by any party aggrieved by any opinion, ruling, direction or judgment of the court, in the same manner as in proceedings at law in said court.

Appeals from
court of land
registration.

Questions of law arising in the court of land registration on any decision or decree may be taken by any party direct to the supreme judicial court for revision, in the same manner as questions of law are taken to that court from the superior court. The court of land registration, after any decision or decree dependent upon a question of law, may report such decision or decree, with so much of the case as is necessary for understanding such questions of law, for the determination of the supreme judicial court.

Questions of law may be taken to supreme judicial court, etc.

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

Approved June 10, 1902.

AN ACT RELATIVE TO THE WEIGHING AND INSPECTION OF HAY AND STRAW.

Chap. 459

Be it enacted, etc., as follows:

Section thirty-nine of chapter fifty-seven of the Revised Laws is hereby amended by striking out in the third and fourth lines, the words "unless the vendor and vendee waive an inspection", and by adding at the end of the section the words:—but no such inspection and weighing need be made unless the vendee at the time of purchase requires it,—so as to read as follows:—*Section 39.* Whoever, in a city or town for which an inspector is appointed, sells pressed or bundled hay or straw which has not been inspected and weighed as before provided, shall forfeit two dollars for each bale or bundle so sold; but no such inspection and weighing need be made unless the vendee at the time of purchase requires it.

R. L. 57, § 39, amended.

Penalty for selling pressed or bundled hay or straw without inspection, etc.

Approved June 10, 1902.

AN ACT TO ABOLISH THE BOARD OF PUBLIC WORKS OF THE CITY OF NEW BEDFORD.

Chap. 460

Be it enacted, etc., as follows:

Chapter one hundred and sixty-seven of the acts of the year eighteen hundred and eighty-nine and the acts in amendment thereof are hereby repealed; and the duties and powers of the board of public works of the city of New Bedford are hereby transferred to the board of aldermen and the common council of that city.

Board of public works of New Bedford abolished, etc.

Approved June 10, 1902.

*Chap.*461 AN ACT AUTHORIZING THE CITY OF BROCKTON TO LAY ITS WATER PIPES AND CONDUITS IN AND THROUGH LANDS IN THE TOWN OF EAST BRIDGEWATER.

Be it enacted, etc., as follows:

City of Brockton may lay its water pipes, etc., through lands in East Bridgewater, etc.

SECTION 1. The city of Brockton, for the purposes named in chapter three hundred and fifty-six of the acts of the year eighteen hundred and ninety-nine, may construct and lay aqueducts, conduits, pipes and other works in, under, through or over any lands, water courses, railroads, railways or public or private ways from said city through the town of East Bridgewater and along any such ways in such a manner as will least obstruct the same, with the same powers and subject to the same liabilities, duties and obligations specified in said chapter in relation to the towns mentioned therein.

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

Approved June 10, 1902.

*Chap.*462 AN ACT TO ESTABLISH THE SALARY OF THE CLERK OF COURTS FOR THE COUNTY OF PLYMOUTH.

Be it enacted, etc., as follows:

Salary of clerk of courts for Plymouth county established.

SECTION 1. The salary of the clerk of courts for the county of Plymouth shall be twenty-five hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved June 11, 1902.

*Chap.*463 AN ACT TO AUTHORIZE THE COMMISSIONERS OF SAVINGS BANKS TO VISIT THE OFFICE OF ANY FOREIGN BANKING ASSOCIATION OR CORPORATION LOCATED IN THE COMMONWEALTH AND TO EXAMINE ITS AFFAIRS.

Be it enacted, etc., as follows:

Commissioners of savings banks may examine affairs of certain foreign banking associations, etc.

SECTION 1. The board of commissioners of savings banks, or any member of said board, is hereby authorized to visit the office or branch office of any foreign banking association or corporation located in this Commonwealth, and they shall have the same powers to examine such office or branch office and the affairs of such association or corporation, as are given to said commissioners in respect to the examination of savings banks.

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

Approved June 11, 1902.

AN ACT RELATIVE TO THE RECOVERY OF DAMAGES BY OWNERS OF WHARF PROPERTY LOCATED ABOVE THE SITE OF THE DRAWLESS BRIDGE TO BE ERECTED ACROSS THE CHARLES RIVER BETWEEN THE CITIES OF BOSTON AND CAMBRIDGE. *Chap.464*

Be it enacted, etc., as follows :

SECTION 1. Any owner or owners of wharf property used as such on or before the twenty-ninth day of March in the year nineteen hundred, situated on the Charles river above the drawless bridge over said river, which was authorized to be constructed by the Cambridge bridge commission under chapter four hundred and sixty-seven of the acts of the year eighteen hundred and ninety-eight, and under chapter one hundred and eighty of the acts of the year eighteen hundred and ninety-nine, shall, if said bridge is built without a draw, be entitled to recover damages for any injury occasioned to such property by reason of interference with the access by water thereto, enjoyed on said twenty-ninth day of March in the year nineteen hundred, and theretofore, because of the construction of said bridge without a draw, in accordance with the condition contained in the act of congress approved March twenty-ninth in the year nineteen hundred. Any person entitled to any such damages to his property may have the same determined by a jury in the superior court for the county of Suffolk or for the county of Middlesex, on petition therefor, filed within two years after said bridge without a draw has been opened for public travel. The city of Boston shall be liable for such damages incurred by all such persons or corporations owning wharf property thus injured on the Boston side of said river. The city of Cambridge shall be liable for such damages incurred by all such persons or corporations owning wharf property thus injured on the Cambridge side of said river.

Owners of certain wharf property on the Charles river may recover damages, etc.

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

Approved June 11, 1902.

AN ACT TO AUTHORIZE THE CITY OF EVERETT TO TAKE LAND FOR A HOSPITAL FOR CONTAGIOUS DISEASES. *Chap.465*

Be it enacted, etc., as follows :

SECTION 1. For the erection and maintenance of a hospital for the care of persons suffering from contagious

City of Everett may take lands for a hospital

for contagious diseases.

diseases, and for purposes incidental thereto, the city of Everett by its city council may take any lands within the limits of said city.

Description of land to be recorded, etc.

SECTION 2. Within sixty days after the taking of any land as aforesaid, otherwise than by purchase or gift, the city council shall cause to be recorded in the registry of deeds for the southern district of the county of Middlesex a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor of the city; and upon such recording the title of the land so described shall vest in said city in fee.

Damages.

SECTION 3. Said city shall pay all damages to property sustained by any person or corporation by the taking of any land or of any rights in land under the authority of this act. Any person or corporation thus sustaining damages, who fails to agree with said city as to the amount thereof, may have the same determined in the manner provided by law in the case of land taken for the erection of public buildings, on application at any time within two years after the taking of such land or rights in land under authority of this act.

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

Approved June 11, 1902.

Chap.466 AN ACT TO AUTHORIZE THE CITY OF EVERETT TO PAY A SUM OF MONEY TO THE WIDOW OF THOMAS KEEFE.

Be it enacted, etc., as follows:

City of Everett may pay a sum of money to widow of Thomas Keefe.

SECTION 1. The city of Everett is hereby authorized to pay to Bridget Keefe, the widow of Thomas Keefe late a member of the police department of that city, a sum not exceeding one half of the annual salary of the said Thomas Keefe at the time of his death.

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

Approved June 11, 1902.

Chap.467 AN ACT TO PROVIDE FOR THE PAYMENT OF A CERTAIN SUM OF MONEY BY THE CITY OF FITCHBURG TO THE TOWN OF WESTMINSTER.

Be it enacted, etc., as follows:

City of Fitchburg to pay a certain sum of money to the town of Westminster.

SECTION 1. The city of Fitchburg shall, within six months after the passage of this act, pay to the town of Westminster the sum of sixteen thousand eight hundred

dollars, in full compensation for the loss sustained by the said town by the taking of certain taxable property therein under the provisions of section four of chapter sixty of the acts of the year eighteen hundred and ninety-two. This sum shall be in lieu of taxes, past, present or future, payable upon the said property by the said city, and in lieu of any damage incurred by the town by the taking aforesaid.

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

Approved June 11, 1902.

AN ACT IN ADDITION TO AN ACT MAKING AN APPROPRIATION FOR OPERATING THE STEAMER LEXINGTON IN THE ENFORCEMENT OF THE LAWS RELATIVE TO FISHERIES.

Chap. 468

Be it enacted, etc., as follows:

The sum of four thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to meet the expense of operating the steamer Lexington, which is under the charge of the chief of the district police and is used for the enforcement of the fish laws of the Commonwealth, the said amount to be in addition to the five thousand dollars appropriated by chapter three hundred and five of the acts of the present year. Of the amount herein appropriated a sum not exceeding twenty-eight hundred dollars shall be used for the running expenses, and a sum not exceeding twelve hundred dollars for necessary repairs.

Operating steamer Lexington.

Approved June 11, 1902.

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

Chap. 469

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 for certain other expenses authorized by law, to wit: —

Appropriations.

For Martha Reese Grant, as authorized by chapter seventy-two of the resolves of the present year, the sum of three hundred dollars.

Martha Reese Grant.

State normal school at Bridgewater.

For the purchase of additional land for the use of the state normal school at Bridgewater, as authorized by chapter seventy-three of the resolves of the present year, a sum not exceeding thirty-five hundred dollars.

State normal school at Worcester.

For a chemical department in the state normal school at Worcester, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding seventy-five hundred dollars.

Repair, etc., of certain apparatus in boiler inspection department.

For the maintenance and repair of certain apparatus used in the boiler inspection department of the district police, as authorized by chapter seventy-six of the resolves of the present year, a sum not exceeding five hundred dollars.

Payment of interest on deposit of the Boston, Cape Cod and New York Canal Company.

For the payment to the Boston, Cape Cod and New York Canal Company of interest received by the Commonwealth on money deposited by the company with the treasurer of the Commonwealth, as authorized by chapter seventy-eight of the resolves of the present year, the sum of ten thousand five hundred eighty-seven dollars and thirty-eight cents.

Support of state normal schools.

For the support of state normal schools, including the employment of accountants and other expenses of the boarding houses at said schools, a sum not exceeding one thousand dollars, to be paid out of the moiety of the income of the Massachusetts School Fund applicable to educational purposes, the same to be in addition to any amount heretofore appropriated for the same purpose.

Agents of state board of education.

For salaries and expenses of agents of the state board of education, a sum not exceeding twenty-seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Compensation of persons appointed to prepare for printing the Revised Laws.

For the compensation of persons appointed to prepare for printing the Revised Laws, as authorized by chapter one hundred and twenty-two of the resolves of the year nineteen hundred and one, the sum of two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Compensation, etc., of person appointed to prepare index to the Revised Laws.

For compensation and expenses of the person appointed to prepare the index of the Revised Laws, as authorized by chapter five of the resolves of the present year, a sum not exceeding seven thousand dollars.

New Bedford Textile School.

For the New Bedford Textile School, as authorized by chapter seventy-nine of the resolves of the present year, the sum of eighteen thousand dollars.

For Herman B. Cook of Boston, as authorized by chapter eighty of the resolves of the present year, the sum of sixty dollars.

Herman B. Cook.

For expenses of the band of and for the purchase of a flag for the Massachusetts Agricultural College, as authorized by chapter eighty-one of the resolves of the present year, the sum of two hundred dollars.

Massachusetts Agricultural College.

For printing the report of the board of harbor and land commissioners as to a canal from the Taunton river to Weymouth Fore river, as authorized by chapter eighty-two of the resolves of the present year, a sum not exceeding one hundred dollars, said amount to be paid out of the sum appropriated for the expenses of said survey.

Printing report as to a canal from Taunton river to Weymouth Fore river.

For such additional clerical assistance as the adjutant general may deem necessary, and for compensation of employees at the state arsenal, a sum not exceeding eight hundred dollars, as authorized by chapter three hundred and thirty-six of the acts of the present year, said sum to be in addition to the amount appropriated for the same purpose by chapter eighty-eight of the acts of the present year.

Adjutant general, clerical assistance, etc.

For messengers and such additional clerical assistance as the secretary of the Commonwealth may find necessary, a sum not exceeding two hundred dollars, as authorized by chapter three hundred and sixty-four of the acts of the present year, said amount to be in addition to the amount appropriated for the same purpose by chapter twenty of the acts of the present year.

Secretary of the Commonwealth, clerical assistance, etc.

For compensation and expenses of the committee to consider the advisability of constructing a dam across the Charles river between the cities of Boston and Cambridge, as authorized by chapter one hundred and five of the resolves of the year nineteen hundred and one, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Compensation, etc., of committee to consider advisability of dam across the Charles river.

For salaries and travelling expenses of the three additional associate justices of the superior court, as authorized by chapter three hundred and eighty-three of the acts of the present year, a sum not exceeding thirteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salaries, etc., of additional associate justices of superior court.

For repairs at the reformatory prison for women, as authorized by chapter eighty-three of the resolves of the

Reformatory prison for women.

present year, a sum not exceeding ten thousand five hundred dollars.

Preparation, etc., of a manual of revised school laws.

For preparing and publishing a manual of the revised school laws by the state board of education, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding five hundred dollars.

Taunton insane hospital.

For certain improvements at the Taunton insane hospital, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding eighteen thousand dollars.

Completion of monument on Dorchester Heights.

For the completion of the monument on Dorchester Heights in the city of Boston, as authorized by chapter eighty-eight of the resolves of the present year, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

State industrial school for girls.

For certain improvements at the state industrial school for girls, as authorized by chapter eighty-nine of the resolves of the present year, a sum not exceeding twenty-four thousand one hundred dollars.

Lyman school for boys.

For expenses in connection with the disposal of sewage at the Lyman school for boys, as authorized by chapter ninety of the resolves of the present year, a sum not exceeding six thousand dollars.

Expenses of team of militia to attend international rifle match.

For the expenses of a team of the militia to attend the international rifle match at Sea Girt, New Jersey, as authorized by chapter ninety-one of the resolves of the present year, a sum not exceeding two thousand dollars.

State fire marshal.

For salaries and expenses in the office of the state fire marshal, from May first up to and including May ninth of the present year, the sum of one thousand sixty-seven dollars and sixty-one cents.

Salaries, etc., of railroad and railway inspectors.

For the salaries and expenses of the railroad and railway inspectors of the board of railroad commissioners, as authorized by chapter four hundred and two of the acts of the present year, a sum not exceeding thirteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Additional clerical assistance.

For additional clerical assistance for the register of probate and insolvency for the county of Bristol, as authorized by chapter four hundred and twelve of the acts of the present year, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

For the town of Phillipston, as authorized by chapter ninety-three of the resolves of the present year, the sum of four hundred thirty dollars and forty-six cents, to be paid out of the moiety of the income of the Massachusetts School Fund payable to towns for educational expenses.

Town of Phillipston.

For repairing and adding to the standard weights, measures and balances of the Commonwealth, as authorized by chapter ninety-four of the resolves of the present year, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Standard weights, measures and balances of the Commonwealth.

For the widow of John N. Ball, as authorized by chapter ninety-five of the resolves of the present year, the sum of one hundred dollars.

Widow of John N. Ball.

For a dormitory at the state normal school at Fitchburg, as authorized by chapter ninety-seven of the resolves of the present year, a sum not exceeding thirty thousand dollars.

State normal school at Fitchburg.

For a dormitory at the state normal school at North Adams, as authorized by chapter ninety-eight of the resolves of the present year, a sum not exceeding forty thousand dollars.

State normal school at North Adams.

For certain improvements at the state camp ground, as authorized by chapter ninety-nine of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

State camp ground.

For travelling, incidental and contingent expenses of the state board of conciliation and arbitration, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

State board of conciliation and arbitration.

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

Approved June 11, 1902.

AN ACT TO PROVIDE FOR THE PRESERVATION OF TOWN RECORDS OF BIRTHS, MARRIAGES AND DEATHS PREVIOUS TO THE YEAR EIGHTEEN HUNDRED AND FIFTY.

Chap. 470

Be it enacted, etc., as follows:

SECTION 1. Whenever the record of the births, marriages and deaths, previous to the year eighteen hundred and fifty, of any town in this Commonwealth, shall be printed and verified in the manner required by the commissioner of public records and the board of free

Secretary of the Commonwealth to purchase printed copies of certain records of births, marriages and deaths.

public library commissioners, acting jointly, and the work shall appear to them to have been prepared with accuracy, the secretary of the Commonwealth shall purchase five hundred copies of such record at a price not exceeding one cent per page: *provided*, that the written copy of the town records shall become the property of the Commonwealth, and shall be deposited in the office of the secretary of the Commonwealth; and *provided, further*, that not more than fifteen thousand dollars shall be expended by authority of this act in any one year.

Provisos.

Distribution.

SECTION 2. The volumes purchased as aforesaid shall be distributed by the secretary as follows:—One copy to the office of the secretary of the Commonwealth; one copy to the commissioner of public records; one copy to the free public library of each city and town in the Commonwealth; one copy to each state and territorial library in the United States; one copy to the library of congress; one copy to each incorporated historical society in the Commonwealth; one copy to the library of each college in the Commonwealth; one copy to each registry of deeds, and one copy to the court of registration. The remainder shall be placed in the state library for purposes of exchange.

Approved June 11, 1902.

Chap.471 AN ACT TO ESTABLISH THE SALARIES OF THE ASSISTANT DISTRICT ATTORNEYS FOR THE SUFFOLK DISTRICT.

Be it enacted, etc., as follows:

Salary of first assistant district attorney for Suffolk district established.

SECTION 1. The salary of the first assistant district attorney for the Suffolk district shall be thirty-eight hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

Salary of second assistant district attorney for Suffolk district established.

SECTION 2. The salary of the second assistant district attorney for the Suffolk district shall be thirty-eight hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved June 11, 1902.

Chap.472 AN ACT TO AUTHORIZE THE TOWN OF SWANSEA TO BORROW A CERTAIN SUM OF MONEY FOR THE CONSTRUCTION OF HIGHWAYS.

Be it enacted, etc., as follows:

Swansea Highway Loan.

SECTION 1. The town of Swansea is hereby authorized to expend the sum of fifty thousand dollars in the

construction, repair and improvement of highways in the said town, and to issue notes, scrip or bonds therefor to an amount not exceeding said sum. Such notes, scrip or bonds shall be denominated, Swansea Highway Loan, and shall be issued in such amounts, subject to the above limitation, and at such times as the town shall determine. They shall be payable in periods not exceeding thirty years from the dates of issue; shall bear interest, payable semi-annually, at a rate not exceeding three and three quarters per cent per annum, and shall be signed by the selectmen of the town and countersigned by the treasurer. The town may sell the same at public or private sale, or pledge them for money borrowed for the purposes above stated; and such securities, or the proceeds thereof, shall be used for no other purpose.

SECTION 2. The town shall, in accordance with the provisions of chapter twenty-seven of the Revised Laws, either provide a sinking fund for the payment of any securities issued hereunder, or provide for such annual proportionate payments as will extinguish the same at maturity.

Payment of loan.

SECTION 3. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Swansea present and voting thereon at a town meeting called for the purpose within one year after its passage.

When to take effect.

Approved June 12, 1902.

AN ACT RELATIVE TO TAXES UPON COLLATERAL LEGACIES AND SUCCESSIONS.

Chap. 473

Be it enacted, etc., as follows:

SECTION 1. In all cases where there has been or shall be a devise, descent or bequest to collateral relatives or strangers to the blood, liable to collateral inheritance tax, to take effect in possession or come into actual enjoyment after the expiration of one or more life estates or a term of years, the tax on such property shall not be payable nor interest begin to run thereon until the person or persons entitled thereto shall come into actual possession of such property, and the tax thereon shall be assessed upon the value of the property at the time when the right of possession accrues to the person entitled thereto as aforesaid, and such person or persons shall pay the tax upon coming into possession of such property.

Taxes upon collateral legacies and successions.

Provides.

The executor or administrator of the decedent's estate may settle his account in the probate court without being liable for said tax : *provided*, that such person or persons may pay the tax at any time prior to their coming into possession, and in such cases the tax shall be assessed on the value of the estate at the time of the payment of the tax, after deducting the value of the life estate or estates for years ; and *provided, further*, that the tax on real estate shall remain a lien on the real estate on which the same is chargeable until it is paid.

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

Approved June 12, 1902.

Chap. 474

AN ACT RELATIVE TO THE CARE AND CUSTODY OF MINORS.

Be it enacted, etc., as follows :

R. L. 145, § 4,
amended.

Section four of chapter one hundred and forty-five of the Revised Laws is hereby amended by striking out the word "father", in the fifth line, and inserting in place thereof the word :—parents,—by inserting after the word "minor", in the same line, the word :—jointly,—by striking out the word "his", in the same line, and inserting in place thereof the word :—the,—by inserting after the word "death", in the same line, the words :—of either,—and by striking out the word "mother", in the sixth line, and inserting in place thereof the words :—surviving parent,—so as to read as follows :—*Section 4.* The guardian of a minor, unless sooner discharged according to law, shall continue in office until the minor arrives at the age of twenty-one years, and he shall have the custody and tuition of his ward and the care and management of all his estate, except that the parents of the minor, jointly, if living, and in case of the death of either, the surviving parent, they being, respectively, competent to transact their own business, shall be entitled to the custody of the person of the minor and to the care of his education ; but the probate court may order that the guardian shall have such custody, if, upon a hearing and after such notice to the parents or surviving parent as it may order, it finds such parents or parent to be unfit to have such custody, or if it finds one of them unfit therefor, and the other files in such court his or her consent in writing to such order.

Care and cus-
tody of minors.

Approved June 12, 1902.

AN ACT TO INCORPORATE THE NEW YORK AND BERKSHIRE STREET RAILWAY COMPANY. *Chap. 475*

Be it enacted, etc., as follows:

SECTION 1. Roscoe C. Taft, William C. Dalzell, J. Fred Whiting, G. Will Platt, Herbert F. Keith, John C. Benton, Frank B. Schutt, John A. Brewer, Orlando C. Bidwell and George W. Mellen, their associates and successors, are hereby made a corporation under the name of the New York and Berkshire Street Railway Company, with all the powers and privileges and subject to all the duties, conditions and restrictions set forth in all general laws now or hereafter in force relating to street railway companies.

New York and Berkshire Street Railway Company incorporated.

SECTION 2. Said company may locate, construct, maintain and operate its railway in such manner as may be convenient and necessary, in part upon private land, and upon highways or state highways in the towns of Mount Washington, Egremont, Great Barrington, Monterey, Otis, Sandisfield, Tolland, Granville, Russell, Blandford, Southwick, Westfield and Agawam, subject to the approval and under the control of the selectmen of the respective towns as provided by general laws, and subject also to the approval and control of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside the public streets and highways shall not exceed five rods in width.

May construct, etc., its railway in certain towns.

Location.

SECTION 3. The proceedings for the fixing of the route and location of said railway for that part of the route outside of highways, and for the taking of private property and for the determination and payment of damages therefor, shall be similar to those prescribed by general law in relation to railroads.

Proceedings for fixing route, taking property, etc.

SECTION 4. Said company may maintain and operate its railway by any approved power other than steam, and may erect and maintain poles and wires on private lands taken for the purposes of said railway, and, with the consent of the selectmen of any town, may erect such poles and wires in the highways of that town as may be necessary to establish and maintain such motive power. It may acquire by purchase or by lease all real estate and water power necessary for its power stations and for

Motive power, etc.

May acquire necessary real estate, etc.

other uses incident to the proper maintenance and operation of its railway.

Capital stock.

SECTION 5. The capital stock of said company shall not exceed six hundred thousand dollars, except that the capital stock may be increased, subject to the provisions of the general laws relative thereto.

May issue mortgage bonds, etc.

SECTION 6. Said company, in order to meet the expenses incurred under this act, may, subject to the approval of the board of railroad commissioners, from time to time by vote of the majority in interest of its stockholders issue coupon or registered bonds. Such bonds shall be secured by a mortgage of the franchise and property of the company, subject to the general laws relative thereto; and in such mortgage the company may reserve to its directors the right to sell or otherwise in due course of business to dispose of property included therein which may become unsuitable for use, provided an equivalent in value is substituted therefor.

May be a common carrier of merchandise, etc.

SECTION 7. Said company is hereby authorized to use its tracks to carry on an express business and to be a common carrier of goods, merchandise and freight, and to transport passengers, subject to the provisions of chapter seventy of the Revised Laws and of all other laws relating to common carriers.

Part of railway to be in operation within three years.

SECTION 8. The authority herein granted shall cease if no part of the proposed railway has been built and put in operation at the end of three years from the passage of this act.

SECTION 9. This act shall take effect upon its passage.

Approved June 12, 1902.

Chap. 476

AN ACT RELATIVE TO ROXBURY CENTRAL WHARF.

Be it enacted, etc., as follows:

1890, 165, § 1, amended.

SECTION 1. Section one of chapter one hundred and sixty-five of the acts of the year eighteen hundred and ninety is hereby amended by striking out the words "for the term of thirty years", in the fifth line, — so as to read as follows: — *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 purposes in said chapter set forth, any flats, lands and

Roxbury Central Wharf may hold certain lands, etc.

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.

SECTION 2. Said chapter one hundred and sixty-five is hereby further amended by striking out section two and inserting in place thereof the following new section:—

1890, 165,
amended.

Section 2. The capital stock of said corporation shall be divided into shares of one hundred dollars each, which may be issued from time to time at par for cash or for property within the limits aforesaid conveyed to it by the owners thereof at valuations approved by the commissioner of corporations: *provided, however,* that the total amount of the capital stock of said corporation shall not exceed one million eight hundred thousand dollars.

Capital stock.

Proviso.

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

Approved June 12, 1902.

AN ACT RELATIVE TO THE SURVEY OF LUMBER.

Chap. 477

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter sixty of the Revised Laws is hereby amended by inserting after the word “grades”, in the sixth line, the words:—and kinds,— and by inserting after the word “him”, in the ninth line, the words:—with the approval of the governor and council, and after such approval the surveyor general shall cause lists of the same to be printed and published from time to time, at the cost of the Commonwealth; and the grades and kinds so defined shall be in force throughout the Commonwealth,—so as to read as follows:—*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 of cities and by the selectmen of towns within said district. Grades and kinds of lumber which are recognized in trade and not

R. L. 60, § 4,
amended.

Surveyor general to keep a record of lumber surveyed, amount of fees, etc.

defined in this chapter may, upon application therefor in writing to the surveyor general, be established and defined by him, with the approval of the governor and council, and after such approval the surveyor general shall cause lists of the same to be printed and published from time to time, at the cost of the Commonwealth; and the grades and kinds so defined shall be in force throughout the Commonwealth; and the fees for the survey thereof shall be the same as those for surveying lumber of grades similar thereto.

R. L. 60, § 7,
amended.

SECTION 2. Section seven of said chapter is hereby amended by adding at the end thereof the words: — Any purchaser or seller of lumber or any person having a pecuniary interest in any lumber shall have the right to call upon the surveyor general to survey any lumber within the Commonwealth, and thereupon the surveyor general shall by himself or his deputies survey such lumber. The person or persons making the request for a survey shall, if the lumber be outside the district specified in section one of this chapter, pay all necessary travelling expenses, and such fees as may be agreed upon, — so as to read as follows: — *Section 7.* The surveyor of lumber in any town, except the surveyor general or his deputies, may apply to the selectmen of an adjoining town for a license to survey lumber therein, and if the selectmen are of the opinion that it will be for the public convenience they may, upon payment of a fee of not more than one dollar, grant such license, and may limit the territory of their town within which it may be exercised. Such license shall remain in force while the licensee holds the office of surveyor in the town for which he was chosen, but not later than the next annual town meeting of said town. Any purchaser or seller of lumber or any person having a pecuniary interest in any lumber shall have the right to call upon the surveyor general to survey any lumber within the Commonwealth; and thereupon the surveyor general shall by himself or his deputies survey such lumber. The person or persons making the request for a survey shall, if the lumber be outside the district specified in section one of this chapter, pay all necessary travelling expenses, and such fees as may be agreed upon.

Surveyors of
lumber in towns
may be licensed
to act in ad-
joining towns,
etc.

Repeal.

SECTION 3. Sections nine, ten and eleven of said chapter are hereby repealed. *Approved June 16, 1902.*

AN ACT RELATIVE TO THE SIGNING OF INSTRUMENTS BY MARRIED WOMEN UNDER THE AGE OF TWENTY-ONE YEARS. *Chap.478*

Be it enacted, etc., as follows:

SECTION 1. The signature of any married woman under the age of twenty-one years, affixed by her to any instrument relating to the conveyance of land of her husband, shall have the same effect as if she were over that age.

Signing of instruments by married women under the age of 21 years.

SECTION 2. This act shall take effect upon its passage.
Approved June 16, 1902.

AN ACT TO AUTHORIZE THE TOWN OF IPSWICH TO PAY A SUM OF MONEY TO NEWELL M. JEWETT. *Chap.479*

Be it enacted, etc., as follows:

SECTION 1. The town of Ipswich is hereby authorized to compensate Newell M. Jewett, a police officer of said town, for injuries received by said officer while in the performance of his duties.

Town of Ipswich may pay a sum of money to Newell M. Jewett.

SECTION 2. This act shall take effect upon its passage.
Approved June 16, 1902.

AN ACT TO AUTHORIZE THE CITY OF NEWTON TO LAY MAIN DRAINS AND COMMON SEWERS IN A PART OF BEACON STREET IN THE CITY OF BOSTON AND TO MAKE ASSESSMENTS THEREFOR UPON CERTAIN PROPERTY IN THE CITY OF NEWTON. *Chap.480*

Be it enacted, etc., as follows:

SECTION 1. The city of Newton is hereby authorized to construct and maintain common sewers and main drains in Beacon street in the city of Boston, from the Newton line easterly to Reservoir lane, so-called, thence through said Reservoir lane and land of the Boston and Albany Railroad Company to connect with the sewers of the town of Brookline: *provided, however,* that such main drains and common sewers shall be laid in said Beacon street and Reservoir lane only with the consent of, and in a manner approved by, the board or officer to whom the care and control of the territory in which the sewer is laid may for the time be committed.

City of Newton may lay main drains, etc., in a part of Beacon street, Boston.

Provi-o.

SECTION 2. Any damages occasioned by the taking of land or any right therein under authority hereof shall be ascertained and recovered in the manner provided by

Damages.

law in the case of land or rights therein taken for the laying out of ways in the city of Newton, and any damages which the city of Boston shall be required to pay by reason of said sewers and drains being in said territory, or by reason of any act or neglect of the city of Newton in placing them therein, shall be repaid to the city of Boston by the city of Newton.

Assessment of betterments, etc.

SECTION 3. The city of Newton is hereby authorized to lay, assess and collect sewer assessments upon the land in the city of Newton abutting upon said Beacon street, and upon any other land in the city of Newton which is benefited by said sewers, in the same manner in which sewer assessments now are or hereafter may be laid, assessed and collected in that city.

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

Approved June 16, 1902.

Chap. 481 AN ACT TO AUTHORIZE THE STREET COMMISSIONER OF THE CITY OF LAWRENCE TO CONSTRUCT DRAINS AND SEWERS.

Be it enacted, etc., as follows:

1853, 70, § 15, etc., amended.

SECTION 1. Section fifteen of chapter seventy of the acts of the year eighteen hundred and fifty-three, as amended by chapter one hundred and fifty-eight of the acts of the year eighteen hundred and fifty-five, is hereby further amended by inserting after the word "thereby", in the fifth line, the words:— And it shall be the duty of the superintendent of streets, elected as provided in section one of chapter four hundred and sixty-eight of the acts of the year nineteen hundred and one, to construct all such sewers and drains under the general direction and care of a committee of the city council appointed for that purpose, —so as to read as follows:— *Section 15.* The mayor and aldermen, with the concurrent vote of the common council, shall have the power to cause drains and common sewers to be laid down through any street or private land, paying the owners such damage as they may sustain thereby. And it shall be the duty of the superintendent of streets, elected as provided in section one of chapter four hundred and sixty-eight of the acts of the year nineteen hundred and one, to construct all such sewers and drains under the general direction and care of a committee of the city council appointed for that purpose. And the city council may make by-laws, with

Construction of drains and common sewers in Lawrence.

suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark, brought into the city for sale. Inspection, etc., of certain lumber, etc.

SECTION 2. This act shall be submitted to the voters of the city of Lawrence at the next city election, and shall take effect upon its acceptance by a majority of the voters voting thereon. When to take effect.
Approved June 16, 1902.

AN ACT RELATIVE TO THE RIGHTS OF A SURVIVING HUSBAND OR WIFE. *Chap.482*

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter one hundred and seventy of the acts of the year eighteen hundred and ninety-four are hereby declared to be in full force and effect in respect of claims to an estate in fee to which a surviving husband or wife was entitled on or before the thirty-first day of December in the year nineteen hundred and one under the provisions of section one or section three of chapter one hundred and twenty-four of the Public Statutes. Rights of surviving husband or wife.

SECTION 2. This act shall take effect upon its passage.
Approved June 16, 1902.

AN ACT TO AUTHORIZE SAVINGS BANKS AND INSTITUTIONS FOR SAVINGS TO INVEST IN THE BONDS OF CERTAIN STREET RAILWAY COMPANIES. *Chap.483*

Be it enacted, etc., as follows:

SECTION 1. In addition to the investments authorized by section twenty-six of chapter one hundred and thirteen of the Revised Laws, savings banks and institutions for savings may invest their deposits and the income derived therefrom in the bonds, approved by the board of commissioners of savings banks, as hereinafter provided for, of any street railway company incorporated in this Commonwealth, the railway of which is situated wholly or partly therein, and which has earned and paid annually for the five years last preceding the certification hereinafter provided for, of the board of railroad commissioners, dividends of not less than five per cent per annum upon all of its outstanding capital stock. In any case where two or more companies have been consolidated by purchase or otherwise during the five years prior to Savings banks and institutions for savings may invest in bonds of certain street railway companies.

the certification aforesaid the payment severally from the earnings of each year of dividends equivalent in the aggregate to a dividend of five per cent upon the aggregate capital stocks of the several companies during the years preceding such consolidation, shall be sufficient for the purpose of this act. Dividends paid to the stockholders of the West End Street Railway Company by way of rental shall be deemed to have been earned and paid by said West End Street Railway Company within the meaning of this section.

Railroad commissioners to transmit to commissioners of savings banks list of certain street railway companies.

SECTION 2. The board of railroad commissioners shall on or before the fifteenth day of January of each year transmit to the board of commissioners of savings banks a list of all street railway companies which appear from the returns made by said companies to have properly paid, without impairment of assets or capital stock, the dividends required by the preceding section.

Commissioners of savings banks to prepare a list of certain bonds, etc.

SECTION 3. The board of commissioners of savings banks shall as soon as may be after the receipt of the lists provided for in the preceding section, prepare a list of such bonds issued by any street railway company and certified by the board of railroad commissioners, in accordance with the provisions of the preceding section, as the board of commissioners of savings banks shall deem good and safe securities for the investments of savings banks and institutions for savings. Such lists shall at all times be kept open to the inspection of the public.

Approved June 16, 1902.

Chap. 484

AN ACT RELATIVE TO THE BUILDING OF A BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN SPRINGFIELD AND WEST SPRINGFIELD.

Be it enacted, etc., as follows:

1900, 458, etc., repealed.

SECTION 1. Chapter four hundred and fifty-eight of the acts of the year nineteen hundred, and chapter four hundred and twenty-one of the acts of the year nineteen hundred and one, relative to the building of a bridge across the Connecticut river between Springfield and West Springfield, are hereby repealed: *provided, however*, that this repeal shall not affect the power and the duty of the county commissioners of the county of Hampden to pay the compensation and expenses of the commissioners appointed under authority of said chapters,

Provided,

after such compensation and expenses have been approved by a justice of the supreme judicial court or of the superior court as provided in said chapter four hundred and fifty-eight; and *provided, also*, that the city of Springfield shall repay to the treasurer of said county of Hampden the amount of the compensation and expenses of the said commissioners approved as aforesaid.

Proviso.

SECTION 2. This act shall take effect upon its acceptance by the city council of the city of Springfield.

When to take effect.

Approved June 16, 1902.

AN ACT TO EXTEND TO THE SEVERAL DISTRICTS OF THE CITY OF BOSTON THE RIGHT OF LOCAL OPTION AS TO THE GRANTING OF LICENSES FOR THE SALE OF INTOXICATING LIQUORS.

Chap. 485

Be it enacted, etc., as follows:

SECTION 1. For the purpose of determining the number of licenses which may be issued for the sale of intoxicating liquors in the city of Boston the said city is divided territorially into eight districts, each district to be composed of those wards and precincts the boundary lines of which will most nearly coincide with the boundary lines of the districts as they existed when the districts were annexed to Boston.

Right of local option as to granting licenses for the sale of intoxicating liquors extended to districts in Boston.

SECTION 2. District Number One, to be known as the Boston District, shall include wards six, seven, eight, nine and twelve, and precincts one, two, three, four, five, six and seven of ward ten, and precincts one, two, three, four, five, six, seven and eight of ward eleven. District Number Two, to be known as the East Boston District, shall include wards one and two. District Number Three, to be known as the Charlestown District, shall include wards three, four and five. District Number Four, to be known as the South Boston District, shall include wards thirteen, fourteen and fifteen, and precinct one of ward sixteen. District Number Five, to be known as the Dorchester District, shall include wards twenty and twenty-four, and precincts two, three, four, five, six and seven of ward sixteen. District Number Six, to be known as the Roxbury District, shall include wards seventeen, eighteen, nineteen and twenty-one, precincts two, three, four and five of ward twenty-two, precincts eight and nine of ward ten, and precinct nine of ward eleven. District Number Seven, to be known as the West Roxbury District, shall

Districts.

be composed of ward twenty-three and precincts one, six, seven and eight of ward twenty-two. District Number Eight, to be known as the Brighton District, shall be composed of ward twenty-five.

Article providing for a vote upon the question to be inserted in warrant for annual city election.

SECTION 3. There shall be inserted in the warrant for the annual city election for each of said districts, designated by its name, as established by section two, an article providing for a vote upon the question, "Shall licenses be granted for the sale of intoxicating liquors in this district?" and the ballot shall be "Yes" or "No" in answer to said question.

Granting of licenses.

SECTION 4. If the majority of the votes cast at such an election upon the said license question in any of said districts numbered two, three, four, five, six, seven or eight shall be in the affirmative, the police commissioners of Boston may grant at their discretion licenses of the first five classes for the sale of intoxicating liquors in such district, and such licenses shall be exercised only in that district. The number of places so licensed in that district shall at no time exceed one for each one thousand of the population. In district number one, if a majority of the votes cast upon the license question shall be in the affirmative, the said police commissioners may grant licenses of the first five classes for the sale of intoxicating liquors, to be exercised only in that district: and at no time shall the number of places so licensed in said district exceed five hundred. In any of the said districts which vote to authorize the granting of licenses as herein provided, the police commissioners may issue licenses to clubs in the manner and upon the terms and conditions prescribed in section eighty-eight of chapter one hundred of the Revised Laws. All licenses granted hereunder shall be subject to all other conditions and restrictions of law relating to the sale of intoxicating liquors.

Certain provisions of law to apply, etc.

SECTION 5. All existing laws relating to balloting, the ballots cast, the return of votes, the preservation of the ballots and recounts, shall apply to the said districts, and all laws inconsistent with this act are hereby repealed.

To be submitted to voters at annual state election, etc.

SECTION 6. This act shall be submitted to the voters of the city of Boston at the next annual state election, and if accepted by a majority of the voters voting thereon, it shall take effect as to the voting herein provided for at the city election in the year nineteen hundred and three; and as to licenses, at the end of the license year then current.

Approved June 19, 1902.

AN ACT TO PROVIDE FOR SUPPLYING THE VILLAGE OF SOUTH DEERFIELD WITH WATER, AND FOR ESTABLISHING THE SOUTH DEERFIELD WATER SUPPLY DISTRICT. Chap. 486

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the village of South Deerfield in the county of Franklin, liable to taxation in the town of Deerfield and residing within the territory enclosed by the following boundary lines, to wit:— Beginning at the southeast corner of the town of Deerfield, at the intersection of the line between the towns of Deerfield and Whately with the Connecticut river and running thence westerly and northerly along said south line of the town of Deerfield to the southwest corner of said town, thence northeasterly along the line between Deerfield and Conway to a stone bound standing on the southerly side of the road leading from South Deerfield to Conway village, thence southeasterly along said road, as follows:— South, sixty-one degrees twenty-five minutes east, one hundred and eighty-two feet; thence south, twenty-two degrees fifteen minutes east, three hundred and sixty-three feet; thence south, twenty-two degrees east, four hundred and six feet; thence south, seventeen degrees east, four hundred and forty feet; thence south, fifteen degrees forty-five minutes east, two hundred and forty feet; thence south, eighty-seven degrees east, three hundred and fifty-two feet; thence south, thirty-three degrees west, seven hundred feet; thence south, seventy-three degrees east, fifty feet; thence fifty feet to the Highway bridge over Conway brook: thence south, seventy degrees east, in a straight line to the Connecticut river at a point between land formerly of Cephias Clary and Edward Ely; thence down the river to the place of beginning: being bounded on the east by the Connecticut river, on the south in part by the town of Whately and in part by the town of Conway, on the west by the town of Conway, and on the north by that part of the town of Deerfield not included within the above described lines,— shall constitute a water district, and are hereby made a body corporate, by the name of the South Deerfield Water Supply District, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants

South Deerfield
Water Supply
District estab-
lished.

and to relocate or discontinue the same, to regulate the use of such water and to fix and collect rates to be paid for the use of the same, and to take by purchase or otherwise and hold property, lands, rights of way and easements, for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of the district.

May take certain waters.

SECTION 2. Said water supply district, for the purpose aforesaid, may take by purchase or otherwise and hold the waters of Roaring brook and of any or all of its tributaries in the towns of Deerfield and Whately, except that part of said brook and its tributaries which lies west of and above the main road leading from Conway village to West Whately; and the waters of any springs or other sources on the watershed of said brook, with the water rights connected therewith, except that part which lies west of and above the main road leading from Conway village to West Whately: *provided*, that no source of water supply for domestic purposes shall be taken under this act without the consent of the state board of health, and that the location of all dams and reservoirs shall be subject to the approval of said board. Said district may also take by purchase or otherwise and hold all lands, rights of way and easements in the towns of Deerfield and Whately necessary for taking, holding, storing and improving such water and for conveying the same to and through said South Deerfield Water Supply District, and said district may construct on the lands thus taken or acquired proper dams, buildings, fixtures and other structures, and may do such other things as may be necessary for providing and maintaining complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any land, water courses, railroads, railways and public or other ways, and along any highway or other way in the towns of Deerfield and Whately, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining and repairing such aqueducts, conduits, pipes and other works, and for all other purposes of this act, said water supply district may dig up, raise and embank any such lands, highways or other ways, in such manner as to cause the least hindrance to public travel: but all things done upon any such ways shall be subject to the direc-

Proviso.

May take certain lands, etc., erect structures, etc.

tion of the selectmen of the town in which such way is situated.

SECTION 3. Said water supply district shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the county of Franklin 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.

Description of lands, etc., to be recorded.

SECTION 4. Said water supply district shall pay all damages to property sustained by any person or corporation by the taking of any water, water source, water right, land, right of way or easement, or by any other thing done by said district under authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said district as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law in the case of land taken for highways, on application therefor at any time within one year after the taking of such land or other property or the doing of other injury under authority of this act: but no such application shall be made after the expiration of said year. No application for assessment of damages shall be made for the taking of any water or water rights, or for any injury thereto, until the water is actually withdrawn or diverted under authority of this act.

Damages.

SECTION 5. For the purpose of paying all expenses and liabilities incurred under the provisions of this act said district may from time to time issue bonds, notes or certificates of debt signed by the treasurer of the water supply district and countersigned by the chairman of the water commissioners hereinafter provided for, to be denominated on the face thereof, South Deerfield Water Supply District Loan, to an amount not exceeding thirty thousand dollars, payable at periods not exceeding thirty years from the dates of issue, and bearing interest payable semi-annually at a rate not exceeding four per cent per annum. Said district may sell such securities at public or private sale, at not less than par, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Said district shall pay the interest upon the loan as it

South Deerfield Water Supply District Loan.

Payment of loan.

accrues, and shall provide for the payment of said principal at maturity, either by establishing at the time of contracting the debt a sinking fund, or by making such annual proportionate payments as will extinguish the same within the time prescribed by this act. If said district shall decide to establish a sinking fund it shall contribute thereto annually a sum sufficient with its accumulations to pay the principal of said loan at maturity; and said sinking fund shall remain inviolate and pledged to the payment of said debt and shall be used for no other purpose. If said district shall decide to pay the principal of said loan by annual proportionate payments, the amounts which may be necessary to make such payments shall without further vote of said district be raised annually by taxation in the same way in which money is raised for town expenses.

District to raise a certain sum by taxation annually.

SECTION 6. Said district shall raise by taxation annually a sum which with the income derived from the sale of water will be sufficient to pay the current annual expenses of operating its water works and the interest accruing on the bonds issued by said district, together with such payments on the principal as may be required under the provisions of this act. Said district is further authorized, by a two thirds vote of the voters thereof present and voting at a legal meeting called for the purpose, to raise by taxation any sum of money for the purpose of enlarging or extending its water works and providing additional pipes, appliances and fixtures connected therewith, not exceeding two thousand dollars in any one year.

Assessment and collection of taxes.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act the clerk shall send a certified copy of the vote to the assessors of the town of Deerfield, who shall proceed within thirty days to assess the same in the same manner in all respects in which town taxes are required by law to be assessed. The assessment shall be committed to the town collector, who shall collect said tax in the manner provided for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of said district. Said district may collect overdue interest on taxes in the same manner as interest is authorized to be collected on town taxes: *provided*, that said district at the time of voting to raise the tax shall so

Proviso.

determine and shall also fix a time for the payment thereof.

SECTION 8. Said district may make such contracts with individuals, corporations and the town of Deerfield for supplying water as may be agreed upon, and may fix and collect rates for the use of such water; and said district may discontinue or shut off the water for the non-payment of such rates and for violation of the terms of any contract or agreement which may be made with individuals, corporations or the said town, by said district.

District may make contracts for supplying water, etc.

SECTION 9. The first meeting of said district shall be called on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Deerfield, or from a justice of the peace, directed to one of the petitioners, requiring him to give notice of the meeting by posting copies of said warrant in two or more public places in said district seven days at least before the time of said meeting, and by publishing such notice thereof as the warrant may require in any newspaper published in said town. One of the selectmen shall preside at the meeting until a clerk is chosen and sworn. After the choice of a moderator for said meeting the question of the acceptance of this act shall be submitted to the voters, and if it shall be accepted by a majority vote of the voters present and voting thereon it shall go into effect, and the meeting may then proceed to act on the other articles contained in the warrant.

First meeting.

SECTION 10. Said South Deerfield Water Supply District shall, after its acceptance of this act at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual meeting, to constitute a board of water commissioners, and at each annual meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district 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 district may impose by its vote. 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

Water commissioners, election, terms, etc.

To be trustees of sinking fund etc.

Vacancy, etc.

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 water supply district at any legal meeting called for the purpose. No money shall be drawn from the district treasury on account of said water works except by a written order of said commissioners or of a majority of them. Said commissioners shall annually make to said district a full report in writing of their doings and expenditures.

To make annual report.

District may adopt certain by-laws, provide rules, etc.

SECTION 11. Said district may adopt by-laws prescribing by whom and how meetings may be called and notified, and upon the application of ten or more legal voters in said district meetings may also be called by warrant as provided in section ten. Said district may also provide rules and regulations for the management of its water works, not inconsistent with this act or with the laws of the Commonwealth, and may choose such other officers not provided for in this act as it may deem proper and necessary.

Penalty for corruption of water, etc.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for the purposes of this act, shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment for a term not exceeding six months.

Town of Whately to pay part of cost if it takes water from district.

SECTION 13. If the town of Whately hereafter takes a part of the waters of said brook from the reservoirs of said district, it shall pay to said district, as damages therefor, such proportionate part of the original cost of the erection of said reservoirs, land damages and interest paid by said district as the assessed valuation of the property in Whately is to the assessed valuation of property in said district. If said town and said district are not able to agree on the proportionate part of said damages that said town shall pay, then said damages shall be assessed in the manner provided by law for assessing damages for the taking of land by eminent domain.

When to take effect.

SECTION 14. This act shall take effect upon its acceptance by a majority vote of the voters of said district

present and voting thereon at any legal district meeting called for the purpose within three years after the passage of this act: but it shall become void unless the said district shall begin to distribute water through its pipes to consumers in the said village of South Deerfield within three years after the date of the acceptance of this act as aforesaid.

Approved June 19, 1902.

AN ACT TO AUTHORIZE THE TOWN OF PEABODY TO IMPROVE ITS WATER SYSTEM AND TO BORROW MONEY FOR THAT PURPOSE.

Chap. 487

Be it enacted, etc., as follows:

SECTION 1. The town of Peabody is hereby authorized to extend and improve its water supply and water system, and to construct such reservoirs and other works and structures, and to take and hold such lands, easements and water rights as may be necessary for the said purposes.

Town of Peabody may extend, etc., its water system.

SECTION 2. In carrying out the purposes of this act the said town and the water board thereof shall have the powers, perform the duties and be subject to the restrictions and liabilities specified in sections two, three, four, five and six of chapter one hundred and seventy-one of the acts of the year eighteen hundred and eighty-one, so far as the same are applicable.

Powers and duties of town.

SECTION 3. In order to pay the expenses incurred under authority of this act the said town is hereby authorized to issue notes, bonds or scrip to the amount of one hundred and fifty thousand dollars. Such notes, bonds or scrip shall be denominated on the face thereof, Peabody Water Loan, 1902, shall be signed by the treasurer and countersigned by the water board of the town, shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, shall be payable at periods not exceeding thirty years from the dates of issue, and shall not be reckoned in determining the legal limit of indebtedness of the town. The town may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act: *provided*, that no such bonds, notes or scrip shall be sold for less than their par value.

Peabody Water Loan, 1902.

Provido.

SECTION 4. The said town instead of establishing a sinking fund shall at the time of authorizing said loan provide for the payment thereof in such annual propor-

May provide for annual payments on loan, etc.

tionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect has been passed the amount required shall without further vote be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan is extinguished.

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

Approved June 19, 1902.

*Chap.*488 AN ACT TO PROVIDE FOR SUPPLYING THE TOWN OF WAKEFIELD WITH WATER.

Be it enacted, etc., as follows:

Town of Wakefield may be admitted into the metropolitan water district, etc.

SECTION 1. The metropolitan water and sewerage board shall on application admit the town of Wakefield into the metropolitan water district and furnish water to the same on the terms prescribed by chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, subject however to the provisions of sections fourteen and fifteen of this act.

Town of Wakefield may supply itself with water, etc.

SECTION 2. The town of Wakefield may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, obtaining the same from said board by applying to be admitted into said district, or from any other source at any time authorized by law, and 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.

May take certain waters, lands, etc.

SECTION 3. The said town, for the purposes aforesaid, may hold and convey through the town the water to be furnished by the metropolitan water and sewerage board or obtained from any other source authorized by law, and may take by purchase or otherwise and hold and convey through said town the waters of any pond, stream, spring or wells within the limits of said town not heretofore taken or purchased and owned by the Wakefield Water Company, and may hold and convey through said town water from any source obtained as hereinafter provided from the Wakefield Water Company, and may also take, by purchase or otherwise, and hold all lands, rights of way and easements necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town; may erect on the land

thus taken or held proper dams, reservoirs, buildings, fixtures or other structures; 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 conduits, pipes and other works, under and over any lands, water courses, railroads, railways or public or private ways, and along any such way, in such manner as not unnecessarily to obstruct the same: and for the purposes of constructing, maintaining and repairing such conduits, pipes or other works, and for all proper purposes of this act, said town may dig up any such lands, and may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The title to all land taken or purchased under the provisions of this act shall vest in said town, and the land so taken may be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interests of said town.

May lay conduits, pipes, etc.

Title to land to vest in town, etc.

SECTION 4. Said town shall, within ninety days after the taking of any lands, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the registry of deeds for the southern district of the county of Middlesex 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.

Description of lands, etc., to be recorded.

SECTION 5. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands, rights of way or easements, or by any other thing done by said town under the authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with said town as to the amount thereof, may have the same assessed and determined in the manner and to the extent provided by law in the case of land taken for the laying out of highways, on making application at any time within the period of one year after the taking of such land or other property or the doing of other injury under authority of this act; but no such application shall be made after the expiration of said one year.

Damages.

SECTION 6. In every case of a petition to the superior court for an assessment of damages the town may tender

Town may tender any sum as damages, etc.

to the complainant or his attorney any sum, or may bring the same into court to be paid to the complainant, for the damages by him sustained or claimed in his petition, or may in writing offer to be defaulted and that damages may be awarded against it for the sum therein expressed ; and if the complainant does not accept such sum, with his costs up to that time, but proceeds in his suit, and does not recover greater damages than were so offered or tendered, not including interest on the sum recovered in damages from the date of such offer or tender, the town shall have judgment for its costs after said date, for which execution shall issue : and the complainant if he recovers damages shall be allowed his costs only to the date of such offer or tender.

Town of Wake-
field Water
Loan.

SECTION 7. 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 sufficient for such purpose, to be determined by the board of water commissioners hereinafter provided for. Such bonds, notes or scrip shall bear on their face the words, Town of Wakefield Water Loan, shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be signed by the treasurer of the town and countersigned by the water commissioners hereinafter provided for. Said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, and upon such terms and conditions as it may deem proper : *provided*, that such securities shall not be sold for less than the par value thereof. Said town shall provide at the time of contracting said loan for the establishment of a sinking fund, and shall annually contribute thereto a sum sufficient with the accumulations thereof to pay the principal of said loan at maturity. The sinking fund shall remain inviolate and pledged to the payment of the loan and shall be used for no other purpose.

Proviso.

Sinking fund.

May provide
for annual pay-
ments on loan.

SECTION 8. Said town instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual payments as will extinguish the same within the time prescribed in this act ; and when a vote to that effect has been passed the amount required thereby shall without further vote be

assessed by the assessors of said town each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

SECTION 9. Said town shall raise annually by taxation a sum which with the income derived from water rates will be sufficient to pay the current annual expenses of operating its water works, including therein any annual payment due to said metropolitan water and sewerage board, and the interest as it accrues on the notes, bonds or scrip issued as aforesaid by said town, and such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Town to raise a certain sum by taxation annually.

SECTION 10. Whoever uses any water taken or held by said town pursuant to the provisions of this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held by said town pursuant to the provisions of this act, or destroys 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 any of the above wilful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment for a term not exceeding one year.

Penalty for corruption of water, etc.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rate for the use of water in such tenement, and the owner shall also be liable in case of non-payment by the occupant, for all sums due for the use of water under this act, to be collected in an action of contract in the name of the town of Wakefield.

Liability for payment of rate for use of water.

SECTION 12. Said town shall after the acceptance of this act at a special meeting called for the purpose, or at an annual town meeting, elect by ballot three persons to be the board of water commissioners, to serve, one for three years, one for two years and one for one year from the first day of May then next ensuing, and also from the time of their election to the first day of said May; 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

Water commissioners, election, terms, etc.

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 them shall constitute a quorum for the transaction of business relative both to the water works and the sinking fund. Any vacancy occurring in said board from any cause may be filled for the unexpired term by said town at any legal meeting held for the purpose.

To be trustees of sinking fund, etc.

Vacancy.

To fix rates for use of water, etc.

SECTION 13. Said commissioners shall fix such prices or rates for the use of water as shall produce annually as near as may be a net surplus over operating expenses, including therein any annual payment due to said metropolitan water and sewerage board, and interest charges equal to two per cent of the total amount of the bonds, notes or scrip issued under this act, after paying all current expenses of operating the water works and interest upon loans, and after payment of all expenses for new construction, not exceeding five thousand dollars in any one year after the original construction. The net surplus aforesaid shall be paid into the sinking fund if any is established hereunder, and, if said surplus does not equal two per cent of the total amount of the bonds, notes or scrip issued under this act, the town shall raise by general taxation a sum which with the surplus will equal said two per cent, and shall contribute said sum to the sinking fund. Said commissioners shall annually, and as often as the town may require, render an account of all their doings in relation to the sinking fund, and shall be governed by the provisions of section fifteen of chapter twenty-seven of the Revised Laws, except as herein otherwise provided.

Commissioners to render an account of their doings in relation to the sinking fund, etc.

Town may purchase property of Wakefield Water Company, etc.

SECTION 14. If within thirty days after this act shall have been accepted by the town of Wakefield, as herein-after provided, the Wakefield Water Company shall notify the selectmen of said town in writing that it desires to sell to said town all its rights to take water from Crystal lake and all other sources for supplying the town of Wakefield and its inhabitants with water, and any or all of its other property situated within said town, and any and all of its property in the town of Stoneham, or so much thereof as is used for supplying water to the town of Wakefield or its inhabitants, and shall file with the town

clerk of said town specifications and descriptions of said property, said town shall not proceed to construct a distributing system for the water to be supplied to it and its inhabitants under the authority of this act unless it shall first purchase of said company the property aforesaid which said company has notified the selectmen of said town in writing that it desires to sell as aforesaid; and said company is authorized to make sale of said property to said town and said town is authorized to purchase the same and to manage and use the property thus acquired for the purposes and under the provisions of this act. Whenever said town by a majority vote of its legal voters present and voting thereon at a special meeting called for that purpose, or at the annual town meeting, as provided in section sixteen of this act, shall vote to purchase said property, notice of the desire of said company to sell the same having been given as hereinbefore provided, said company shall within two years after the vote aforesaid execute and deliver to said town proper deeds and writings conveying to said town the property aforesaid, free and clear from all encumbrances; said property shall thereupon become the property of said town, and said town shall thereupon take possession of said property and operate the same and pay to said company the fair value thereof, to be ascertained as hereinafter provided, and upon said conveyances all rights of said company to furnish said town and its inhabitants with water shall cease. In case said company fails to perform and observe all the terms set forth in this section, then said town may proceed to construct, operate and maintain a water supply system and furnish itself and its inhabitants with water as hereinbefore provided.

Town may purchase property of Wakefield Water Company, etc.

SECTION 15. In case the said town and the said company, after conference thereon, shall be unable to agree upon the value of said property, the supreme judicial court shall, upon application of either party and notice to the other, appoint three commissioners, one of whom shall be learned in the law and one a skilled engineer, who shall determine the fair value of said property for the purposes of its use by said town, and whose award, when accepted by the court, shall be final. Such value shall be estimated without enhancement on account of future earning capacity or good will, or on account of the franchise of said company. Said company shall be

In case of disagreement commissioners to be appointed to determine value of property, etc.

entitled to recover interest upon the amount found due by the commissioners, from the date when said company ceases to supply water to said town and its inhabitants, at the rate of five per cent per annum.

Question of acceptance to be submitted to voters.

SECTION 16. This act, except as provided in section seventeen, shall take effect upon its acceptance by a majority vote of the voters of the town of Wakefield present and voting thereon at the next annual town meeting, or at a special town meeting called for the purpose within two years after its passage: but the number of meetings so specially called shall not exceed three. Said vote shall be taken by separate ballot, with the use of the voting list, and the polls shall be open at least four hours. The vote shall be "Yes," or "No," in answer to the question printed upon the ballot:— Shall the town of Wakefield accept chapter _____ of the Acts of the year nineteen hundred and two, entitled "An Act to provide for supplying the town of Wakefield with water?"

When to take effect.

SECTION 17. So much of this act as authorizes its submission to the legal voters of said town shall take effect upon its passage, but it shall not take further effect until accepted as hereinbefore provided by the legal voters of said town.

Approved June 19, 1902.

Chap. 489 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO TAKE OR PURCHASE CERTAIN LAND FOR COUNTY PURPOSES.

Be it enacted, etc., as follows:

County commissioners of Bristol county may take certain land for county purposes.

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to take or purchase, at a cost not exceeding four thousand dollars, such land adjacent to the registry of deeds for the northern district of the county of Bristol, as may in their opinion be necessary properly to carry out the provisions of chapter two hundred and sixty-five of the acts of the year nineteen hundred and two, entitled "An Act to provide for the construction at Taunton of a building for the registry of deeds for the northern district of the county of Bristol and for the registry of probate and the probate court for said county."

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

Approved June 19, 1902.

AN ACT TO AUTHORIZE THE BOARD OF COMMISSIONERS OF SAVINGS BANKS TO EMPLOY AN ADDITIONAL CLERK. *Chap.490*

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter one hundred and thirteen of the Revised Laws is hereby amended by striking out before the word " clerks ", in the fourth line, the word " two ", and inserting in place thereof the word : — three, — by striking out the word " and ", in the fifth line, and by inserting after the words " fifteen hundred dollars ", in the fifth line, the words : — and that of the third clerk, twelve hundred dollars, — so as to read as follows : — *Section 2.* The annual salary of the chairman of the board shall be three thousand five hundred dollars and that of the other commissioners three thousand dollars each. The board may employ three clerks ; the annual salary of the first clerk shall be two thousand dollars, that of the second clerk, fifteen hundred dollars, and that of the third clerk, twelve hundred dollars. It may employ additional clerical and expert assistants as it may from time to time require and may annually expend therefor, including the actual travelling expenses of such assistants, not more than twenty-five hundred dollars. The board shall also be allowed its necessary office expenses and the actual expenses incurred in travelling in the performance of its official duties.

R. L. 113, § 2, amended.

Commissioners of savings banks, salaries, expenses, etc.

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

Approved June 19, 1902.

AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT OF THE CHANNEL BETWEEN VINEYARD SOUND AND OSTERVILLE BAY IN THE TOWN OF BARNSTABLE. *Chap.491*

Be it enacted, etc., as follows :

SECTION 1. The board of harbor and land commissioners is hereby authorized to expend, in its discretion, a sum not exceeding seven thousand five hundred dollars, for further improving, by dredging, the channel from Vineyard Sound to Osterville bay, in the town of Barnstable, according to the provisions of chapter four hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven.

Improvement of channel between Vineyard Sound and Osterville bay in town of Barnstable.

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

Approved June 19, 1902.

*Chap.*492 AN ACT RELATIVE TO THE NUMBER OF PERSONS TO BE CHOSEN AS MEMBERS OF STATE, WARD AND TOWN COMMITTEES.

Be it enacted, etc., as follows:

1902, 225,
amended.

Political committees may make rules and regulations, etc.

SECTION 1. Chapter two hundred and twenty-five of the acts of the year nineteen hundred and two is hereby amended by striking out section one and inserting in place thereof the following new section: — *Section 1.* Section eighty-four of chapter eleven of the Revised Laws is hereby amended by inserting after the word "consist", in the fourth line, the words:— which number shall be announced in the call for the meeting at which they are to be chosen, — so as to read as follows: — *Section 84.* A state, city or town committee may make rules and regulations, not inconsistent with law, for its proceedings and relative to caucuses called by it, and may fix the number of persons of whom it shall consist, which number shall be announced in the call for the meeting at which they are to be chosen. Each city or town committee may make reasonable regulations, not inconsistent with law, to determine membership in the party, and to restrain persons not entitled to vote at caucuses from attendance thereat or taking part therein. But no political committee shall prevent any voter from participating in a caucus of its party for the reason that the voter has supported an independent candidate for political office.

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

Approved June 19, 1902.

*Chap.*493 AN ACT RELATIVE TO EXEMPTIONS FROM JURY DUTY OF MEMBERS OF MILITARY ORGANIZATIONS.

Be it enacted, etc., as follows:

R. L. 16
amended.

Rolls of officers and men of militia to be made, etc.

Chapter sixteen of the Revised Laws is hereby amended by striking out section one hundred and eighty and inserting in place thereof the following section: — *Section 180.* Rolls of the volunteer militia, showing the names of all general, field, staff and non-commissioned staff officers, and the names of all company officers and enlisted men in the service, shall be made on the first day of January in each year. Those for companies shall be prepared by the respective company commanders, and all others by direction of the commanding officers of the several organizations. A sworn copy of such rolls, or of so much thereof as may be necessary, shall be furnished by the command-

ing officers of companies and of such other organizations, on or before the tenth day of January in each year, to the registrars of voters in any city except Boston, and in Boston to the election commissioners, or to the selectmen of any town in which such companies or organizations or any members thereof are located, for use in ascertaining exemptions from jury duty. The issue by an officer of the volunteer militia of a false certificate, or the issue of a certificate to any person not entitled to receive the same, for the purpose of securing exemption from jury duty, shall be punished in such manner as the commander-in-chief may direct. The clerk of the Ancient and Honorable Artillery Company shall furnish annually, as provided herein, to the election commissioners of the city of Boston, and to the registrars of voters of any other city, or to the selectmen of any town, sworn rolls of all active members belonging to the company resident in such city or town. No member of the company otherwise liable for jury duty shall be exempt if the sworn roll herein required has not been made and furnished as aforesaid.

Penalty for issuing false certificates, etc.

Clerk of Ancient and Honorable Artillery Company to furnish sworn rolls to certain cities and towns.

Approved June 19, 1902.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF ADDITIONAL COMMISSIONERS TO FURTHER THE ADOPTION BY THE STATES OF A UNIFORM LAW MAKING EIGHT HOURS A LEGAL DAY'S LABOR.

Chap. 494

Be it enacted, etc., as follows:

SECTION 1. The governor shall, with the advice of the council, appoint within thirty days after the passage of this act, two persons, one representing the interests of the working classes, and one representing the interests of manufacturers, as additional members of the commission appointed under the provisions of chapter four hundred and five of the acts of the year eighteen hundred and ninety-one and of chapter three hundred and eleven of the acts of the year eighteen hundred and ninety-three and of chapter two hundred and thirty-two of the acts of the year eighteen hundred and ninety-seven. The said commissioners shall examine the subjects and promote the objects specified in said acts, and shall also endeavor to promote uniformity of legislation making eight hours a legal day's labor throughout the United States.

Additional commissioners for the promotion of uniformity of legislation in the United States, appointment, etc.

SECTION 2. The additional members appointed under the provisions of this act shall hold office for the time specified in said act of the year eighteen hundred and

Term of office, etc.

ninety-seven, and shall be subject to the provisions of all acts relating to said commissioners.

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

Approved June 19, 1902.

Chap. 495 AN ACT TO AUTHORIZE THE STATE BOARD OF AGRICULTURE TO APPOINT A STATE NURSERY INSPECTOR AND TO PROVIDE FOR THE PROTECTION OF TREES AND SHRUBS FROM INJURIOUS INSECTS AND DISEASES.

Be it enacted, etc., as follows:

State nursery inspector, appointment, etc.

SECTION 1. The state board of agriculture shall annually appoint some person qualified by scientific training and practical experience, to be state nursery inspector, and he shall be responsible to the board for the performance of his duties as prescribed in this act. The said inspector may appoint such number of deputies, not exceeding three, as he may deem necessary or expedient.

May appoint deputies.

Nurseries, etc., to be inspected.

SECTION 2. It shall be the duty of the state nursery inspector, either personally or through his deputies, to inspect at least once each year all nurseries or places in the state where nursery stock is grown, sold or offered for sale, and if no dangerous insect or fungous pests are found therein a certificate to that effect shall be given.

Measures to be taken to suppress pests, etc.

If such pests are found therein the owner of the stock shall take such measures to suppress the same as the state nursery inspector shall prescribe, and no certificate shall be given until the said inspector has satisfied himself by subsequent inspections that all such pests have been suppressed.

Penalty for sale of nursery stock without certificate of inspection.

SECTION 3. Any owners of nurseries or of places in the state where nursery stock is grown, sold or offered for sale, who do not hold an unexpired certificate of inspection after the first annual inspection made after the passage of this act, who shall sell or otherwise dispose of nursery stock in the state, shall be subject to a penalty of not less than twenty-five nor more than one hundred dollars for each offence.

Certain owners of nurseries, etc., exempt from provisions of sections 2 and 3.

SECTION 4. Any owners of nurseries or of places in the state where nursery stock is grown, sold or offered for sale, who shall fumigate with hydrocyanic acid gas all stock which they sell, using at least two tenths of a gram of potassic cyanide to every cubic foot of space contained in the box, house or other place wherein this

fumigation is performed, which place shall be gas tight, and who shall expose the said stock to the fumes of this gas of the strength aforesaid for at least forty minutes, or who shall treat the stock which they sell by some other method approved by the state nursery inspector, and who shall make affidavit before a justice of the peace that all stock sold by them has thus been fumigated or treated, and who shall attach a copy of such affidavit to each package, box or car of stock sold, shall be exempt from the provisions of sections two and three of this act.

SECTION 5. All nursery stock shipped into this state from any other state, country or province shall bear on each box or package a certificate that the contents of said box or package have been inspected by a duly authorized inspecting officer, and that said contents appear to be free from all dangerous insects or diseases. In case nursery stock is brought within the state without such a certificate the consignee shall return it to the consignor at the expense of the latter, or shall call the state nursery inspector to inspect the same: *provided, however*, that any package or box bearing a certificate of fumigation which meets the requirements specified in section four of this act may be accepted as though bearing a proper certificate of inspection.

Nursery stock shipped into this state to bear certificate of inspection, etc.

Proviso.

SECTION 6. The state nursery inspector shall determine the season for inspecting nurseries and the forms of certificates to be given, but in no case shall he issue a certificate which shall continue in force after the first day of July next following the date of inspection. He or any of his deputies shall at all times have the right to enter any public or private grounds in the performance of any duty required by this act. He and each of his deputies shall receive five dollars for each day's service required of them under this act, and the travelling and other expenses necessarily incurred in the said service.

Powers and duties of inspector, etc.

Compensation, etc.

SECTION 7. A sum not exceeding one thousand dollars may be expended by the state board of agriculture in carrying out the provisions of this act.

Certain sum may be expended.

Approved June 19, 1902.

Chap. 496 AN ACT TO EXTEND THE CORPORATE POWERS OF THE STONY BROOK VALLEY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

The Stony Brook Valley Street Railway Company may construct, etc., its railway in Littleton.

SECTION 1. The Stony Brook Valley Street Railway Company is hereby authorized to construct, maintain and operate its railway in public ways of the town of Littleton wherein locations therefor may hereafter be granted by the selectmen of that town, with all the powers and privileges and subject to all the duties, liabilities and restrictions now or hereafter in force relating to street railways.

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

Approved June 19, 1902.

Chap. 497 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF FREDERICK P. INGALLS.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to the widow of Frederick P. Ingalls.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Frederick P. Ingalls, late an officer in attendance upon the sessions of the municipal court of the city of Boston for criminal business, a sum of money not exceeding one half of the annual salary of said Frederick P. Ingalls: *provided*, that the said sum shall not exceed the amount to which he would have been entitled if he had lived and continued to serve as such employee until the first day of January next succeeding the day of his death.

Proviso.

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

Approved June 23, 1902.

Chap. 498 AN ACT TO INCORPORATE THE DEERFIELD, WHATELY AND HATFIELD STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Deerfield, Whately and Hatfield Street Railway Company incorporated.

SECTION 1. James Mitchell, William S. Mitchell, James F. Phelps, Eugene F. DeNormandie, Charles E. Dennison and Edwin L. Emerson, their associates and successors, are hereby made a corporation by the name of Deerfield, Whately and Hatfield Street Railway Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all

general laws now or hereafter in force relating to street railway companies.

SECTION 2. Said company may locate, construct, maintain and operate its railway, with a single or double track, in such manner as may be convenient, in part upon private land, in the manner now provided by law, and upon streets, highways or state roads in the towns of Deerfield, Whately and Hatfield, and in the city of Northampton, subject to the approval and under the control of the selectmen of said towns, respectively, and of the mayor and aldermen of said city, and subject to the approval and consent of the Massachusetts highway commission as to any part of said railway located upon a state highway. The location of said railway outside of the public streets and highways shall not exceed fifty feet in width, with convenient turn-outs and switches.

May construct, etc., its railway in Northampton and certain towns.

Location.

SECTION 3. Said company may maintain and operate its railway by any motive power other than steam, and may act as a common carrier of passengers, baggage and merchandise in small quantities, in said towns and said city: *provided, however,* that said company shall in carrying goods and merchandise be subject to such by-laws, ordinances and regulations as may from time to time be made by said towns and said city; and shall also be subject to the provisions of chapter seventy of the Revised Laws and of all other laws now or hereafter in force relating to common carriers.

Motive power, etc.

Proviso.

SECTION 4. Said company is hereby authorized to lease and operate, on the conditions herein set forth, the whole or any part of any railway which its railway shall intersect or connect with, and any company owning such a railway is hereby authorized to lease the whole or any part of it to the company hereby incorporated. Said company is authorized to lease its property and franchises to any company owning or operating a railway which intersects or connects with a railway operated by it; but no lease made under the authority of this act shall be valid or binding until the terms thereof have been agreed to by a majority of the directors of each of the companies which are parties thereto, and by a majority in interest of their respective stockholders, at meetings duly called for the purpose, nor until the terms of such lease have been approved by the board of railroad commissioners as being consistent with the public interest.

May lease and operate certain railways, etc.

Terms of lease to be approved by railroad commissioners.

Capital stock,
etc.

SECTION 5. Said company may issue its capital stock to an amount not exceeding one hundred thousand dollars, and may increase the same as provided by general laws; and it may, by vote of a majority in interest of its stockholders, issue coupon or registered bonds, secured by mortgage of its franchise and of part or all of its property, but any such issue of bonds, and any such increase of capital stock, shall be subject to the provisions of law respecting the issue of stock and bonds by street railway companies.

To be in operation
prior to
July 1, 1904.

SECTION 6. The authority hereby granted shall cease if the proposed railway is not constructed and put in operation prior to the first day of July in the year nineteen hundred and four.

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

Approved June 23, 1902.

Chap. 499 AN ACT TO REGULATE THE COMPENSATION OF THE ASSISTANT CLERK OF THE SUPERIOR COURT DESIGNATED TO ACT AS CLERK FOR THE HEARING OF CASES FROM COUNTIES OTHER THAN SUFFOLK.

Be it enacted, etc., as follows:

Compensation
of assistant
clerk of
superior court,
civil business,
Suffolk county.

SECTION 1. In addition to the salary already provided for by section thirty-five of chapter one hundred and sixty-five of the Revised Laws, the assistant clerk of the superior court for civil business in the county of Suffolk designated under section sixteen of said chapter "to act as clerk of said superior court when sitting in Boston for the hearing of cases from any county other than Suffolk, and for such purposes as the court may order", shall receive for such services from the treasury of the Commonwealth the additional sum of five hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved June 23, 1902.

Chap. 500 AN ACT TO AUTHORIZE THE MILLERS FALLS WATER SUPPLY DISTRICT TO EXTEND ITS LIMITS.

Be it enacted, etc., as follows:

Limits of the
Millers Falls
Water Supply
District ex-
tended, etc.

SECTION 1. The limits of the Millers Falls Water Supply District, as established under chapter one hundred and fifty of the acts of the year eighteen hundred

and ninety-six, are hereby extended so as to include the territory lying in the town of Erving in the county of Franklin, designated and known as precinct number two. The territory hereby annexed to said district shall be subject to all the rights, privileges, liabilities and powers belonging to said district under the provisions of said chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six.

SECTION 2. Said district, for the purpose of enlarging and extending its water works, may issue bonds, notes or certificates of debt, to be denominated on the face thereof, Millers Falls Water Supply District Loan, to an amount not exceeding thirty thousand dollars in addition to the amount heretofore authorized by law to be issued by said district for water supply purposes. Said bonds, notes or certificates of debt shall be issued upon the same terms and conditions and with the same powers as are provided in chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six for the issue of the Millers Falls Water Supply District Loan, except that the rate of interest thereon shall not exceed four per cent.

Millers Falls
Water Supply
District Loan.

SECTION 3. Whenever a tax is duly voted by said district the clerk shall apportion, in accordance with the valuation of property situate in each part of said district, all and singular, such sums of money voted to be raised by said district for the purposes specified in this act and in chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six, and shall render a certified copy of the vote, with the apportionment made by said clerk, to the assessors of the towns of Montague and Erving. Said tax shall be assessed, collected and deposited in accordance with the provisions of chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six.

Assessment
and collection
of taxes.

SECTION 4. This act shall take effect when accepted by a majority of the legal voters of said district present and voting thereon at a legal meeting called for that purpose.

When to take
effect.

Approved June 23, 1902.

Chap.501 AN ACT TO EXTEND THE TERM OF OFFICE OF THE BOARD OF COMMISSIONERS FOR THE PROMOTION OF UNIFORMITY OF LEGISLATION IN THE UNITED STATES.

Be it enacted, etc., as follows:

Term of office of commissioners for promotion of uniformity of legislation in the United States extended.

SECTION 1. The term of office of the board of commissioners for the promotion of uniformity of legislation in the United States, created by chapter four hundred and five of the acts of the year eighteen hundred and ninety-one, as amended by chapter three hundred and eleven of the acts of the year eighteen hundred and ninety-three, and by chapter two hundred and thirty-two of the acts of the year eighteen hundred and ninety-seven, is hereby extended for the term of three years from the passage of this act.

Expenses.

SECTION 2. The sum of three hundred ninety-five dollars and six cents, being the unexpended balance of the sum of twenty-five hundred dollars originally appropriated to carry out the provisions of said act, may be expended for such necessary expenses as may be incurred by said board of commissioners in the performance of their duties.

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

Approved June 23, 1902.

Chap.502 AN ACT TO AUTHORIZE THE ROCKINGHAM COUNTY LIGHT AND POWER COMPANY TO FURNISH ELECTRICITY AT THE STATE LINE TO CERTAIN STREET RAILWAY COMPANIES, UPON POLES AND WIRES SUPPLIED AND OWNED BY SUCH COMPANIES.

Be it enacted, etc., as follows:

The Rockingham County Light and Power Company may furnish electricity to certain street railway companies.

SECTION 1. The Rockingham County Light and Power Company, incorporated under the laws of New Hampshire, is hereby authorized to furnish at any point or points at the state line between the state of New Hampshire and the Commonwealth of Massachusetts, electricity to any street railway company which may be operating its railway in any of the cities of Newburyport, Haverhill, Lawrence or Lowell, and in any of the towns of Salisbury, Amesbury, Newbury, West Newbury, Groveland, Georgetown, Merrimac, Methuen or Dracut, in this Commonwealth; but said company shall not be authorized to furnish electricity to any person, firm or corporation other than such a street railway company.

SECTION 2. Any such street railway company when furnished with electricity by the said Rockingham County Light and Power Company, as hereby authorized, may use the same for the sole purpose of propelling, lighting and heating its cars and lighting its buildings and adjacent premises and its switches and turn-outs, and may for such purpose erect and maintain poles, wires, conductors and apparatus over, upon, under and along such streets, highways, bridges and townways, and under and across such waters in any of the said cities or towns as may be authorized by the aldermen of such cities or the selectmen of such towns, respectively, and upon and over any private land with the consent of the owners thereof: *provided, however,* that the electricity furnished to any street railway company under authority of this act shall not be used for any purpose other than that for which electricity may be lawfully used by street railway companies under the laws of this Commonwealth.

Purposes for which electricity may be used, etc.

Proviso.

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

Approved June 23, 1902.

AN ACT RELATIVE TO ASSESSMENTS FOR PUBLIC WORKS.

Chap. 503

Be it enacted, etc., as follows:

SECTION 1. Chapter fifty of the Revised Laws is hereby amended by striking out section eleven and inserting in place thereof the following new section: — *Section 11.* Whenever any land shall have been taken for a city or town by a board or other authority, by purchase or otherwise, for any public improvement, such as laying out, relocating, altering, widening or constructing a public way, park, sewer, public alley or sidewalk, such board or other authority, after the taking, may make a new award or new awards of the damages to be paid by the city or town to the owner on account of such taking, and may agree in writing with the owner that the city or town shall assume the betterments assessed or that may be assessed upon the residue, or upon a portion of the residue, of the land of such owner if, upon terms to be agreed upon by him with said board or other authority, he shall release the city or town from all claims for damages growing out of the proceedings in respect of which the betterments are assessed.

R. L. 50, § 11, amended.

Assessments for public works.

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

Approved June 23, 1902.

Chap. 504 AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO TAKE LAND FOR A PUBLIC PARK.

Be it enacted, etc., as follows:

City of Somerville may take certain land for a public park.

SECTION 1. The city of Somerville, by its board of aldermen, may at any time within three years after the passage of this act take, from time to time, by gift, upon such conditions as said board of aldermen may deem advisable, or by purchase or otherwise, and hold in fee or otherwise, and maintain for the purpose of a public park, a certain tract of land or any part thereof, not exceeding three hundred thousand square feet in area, situated in said city and bounded westerly by Endicott avenue, northerly by Broadway, easterly by Clarendon avenue and southerly by the boundary line between the cities of Cambridge and Somerville: *provided, however,* that no land shall be taken within said boundaries belonging to the city of Cambridge, without the consent of the latter by a two thirds vote of the city council thereof.

Proviso.

Description of land to be recorded.

SECTION 2. Said city shall, within sixty days after the taking of any land as aforesaid, otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, which statement shall be signed by the mayor; and the title to any land so taken shall thereupon vest in the city of Somerville, in fee.

Damages.

SECTION 3. Said city shall pay all damages to property sustained by any person or corporation by the taking of any land, or by any other thing done by said city under the authority of this act. Any person or corporation sustaining damages as aforesaid, who fails to agree with the said city as to the amount thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, on application at any time within a period of two years after the taking of such land or other property, or the doing of such other injury under authority of this act.

No money to be appropriated except by a two thirds vote of city council.

SECTION 4. No money shall be appropriated at any time for the taking or purchasing of said land, except by a two thirds vote of the city council, taken by yeas and nays.

SECTION 5. At any time within two years after the work of laying out and constructing said park is completed the city council shall have the same authority to determine the value of and to assess upon real estate the amount of betterments accruing to such real estate by the taking of land and the locating, laying out and construction of a park under this act that is conferred by chapter fifty of the Revised Laws upon boards of city or town officers authorized to lay out streets or ways, and the provisions of the first nine sections of said chapter shall apply to such assessments by said city council, except in regard to the time of assessing betterments.

Assessment of betterments.

SECTION 6. This act, except as provided in the following section, shall not take effect unless accepted by said city of Somerville by a majority vote of the city council, taken by yeas and nays.

Not to take effect unless accepted by city.

SECTION 7. So much of this act as authorizes its submission to the city council of said city shall take effect upon its passage; and if accepted as provided in the preceding section it shall take full effect on the date of such acceptance.

When to take full effect.

Approved June 23, 1902.

AN ACT TO ESTABLISH THE SALARIES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

Chap. 505

Be it enacted, etc., as follows:

SECTION 1. The secretary of the board of registration in medicine shall receive a salary of twenty-five hundred dollars a year, and the other members of the said board shall each receive a salary of three hundred dollars a year.

Salaries of board of registration in medicine.

SECTION 2. The secretary of the board of registration in pharmacy shall receive a salary of one thousand dollars a year, and the other members of said board shall each receive a salary of three hundred dollars a year, except that the chairman of said board shall receive a salary of five hundred dollars.

Salaries of board of registration in pharmacy.

SECTION 3. The chairman and secretary of the board of registration in dentistry shall each receive a salary of four hundred dollars a year, and the other members of said board shall each receive a salary of two hundred dollars a year.

Salaries of board of registration in dentistry.

Travelling expenses, etc.

SECTION 4. Each member of the boards mentioned in sections one, two and three shall receive in addition to his salary his necessary travelling expenses actually incurred in attending the meetings of the board. The salaries and expenses of the members of the board of registration in medicine, the board of registration in pharmacy and the board of registration in dentistry shall be paid out of the treasury of the Commonwealth.

Fees to be paid into the treasury.

SECTION 5. The fees received for examination and registration of applicants before the board of registration in medicine, before the board of registration in pharmacy, and before the board of registration in dentistry, shall be paid monthly by the secretaries of the respective boards into the treasury of the Commonwealth.

Repeal.

SECTION 6. Sections four, twelve and twenty-seven of chapter seventy-six of the Revised Laws are hereby repealed.

When to take effect.

SECTION 7. This act shall take effect on the first day of July in the year nineteen hundred and two.

Approved June 23, 1902.

Chap. 506 AN ACT RELATIVE TO THE QUALIFICATIONS OF CAUCUS OFFICERS.
Be it enacted, etc., as follows:

R. L. 11, § 96, amended.

SECTION 1. Section ninety-six of chapter eleven of the Revised Laws is hereby amended by striking out in the eighteenth and nineteenth lines, the words "for membership in a ward or town committee", so as to read as follows:—*Section 96.* Notices of caucuses, signed by the chairman and secretary, shall be issued by each city and town committee not less than seven days prior to the day on which they are to be held. The notices shall state the place where, and the day and hour when, the several caucuses are to be held. They shall be conspicuously posted in at least five places on the highways or streets, and if practicable, in every post office in the city or town, or shall be published at least twice in one or more local newspapers, if there are any. The hour fixed for calling the caucus to order shall not be later than eight o'clock in the evening. The notice shall designate by name or office the person who shall call such caucus to order, and he shall preside until a chairman is chosen. If he is absent at the time appointed, any member of the ward or town committee present shall

Notices of caucuses.

Hour for calling, etc.

call the caucus to order and preside until a chairman is chosen. The first business in order shall be the choice of a chairman, a secretary and such other officers as the meeting may determine. No person shall serve as a caucus officer at any caucus in which he is a candidate for an elective office, or for a nomination to an elective office.

First business.

Certain persons not to serve as caucus officers.

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

Approved June 23, 1902.

AN ACT RELATIVE TO THE LOANS FOR THE ABOLITION OF GRADE CROSSINGS.

Chap.507

Be it enacted, etc., as follows:

SECTION 1. The treasurer and receiver general is hereby authorized to transfer to the loan authorized by chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, from any unexpended balance of the loan authorized by chapters four hundred and thirty-three of the acts of the year eighteen hundred and ninety-two and two hundred and fifty-seven of the acts of the year eighteen hundred and ninety-six, which provide a sum of money for the abolition of certain grade crossings, such amount of money as may be from time to time to the credit of said loan, and which may not be needed for the purposes for which the loan was issued; and the balance so transferred shall be in addition to the five million dollars appropriated by chapter four hundred and twenty-eight of the acts of the year eighteen hundred and ninety, and shall be a part of the sum authorized to be expended by chapter four hundred and forty of the acts of the year nineteen hundred and two, and available for the abolition of grade crossings under the provisions of said chapter four hundred and forty and of chapter one hundred and eleven of the Revised Laws.

Relative to loans for the abolition of grade crossings.

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

Approved June 23, 1902.

AN ACT RELATIVE TO THE UNION PASSENGER STATION AND TO THE ABOLITION OF CERTAIN GRADE CROSSINGS IN THE CITY OF WORCESTER.

Chap.508

Be it enacted, etc., as follows:

SECTION 1. The commission heretofore appointed by the superior court for the county of Worcester, under

Certain railroad tracks in Worcester to be

discontinued,
etc.

chapter three hundred and eighty-seven of the acts of the year nineteen hundred, is authorized, after due notice to all the parties to the petition upon which said commission was appointed, and to the Fitchburg Railroad Company, the Worcester, Nashua and Rochester Railroad Company, and the Boston and Maine Railroad, lessee of the said railroads, to discontinue the tracks of the Fitchburg Railroad Company and of the Worcester, Nashua and Rochester Railroad Company at Summer street and Shrewsbury street in the city of Worcester, and to provide for bringing the trains heretofore run over said tracks into a union passenger station by way of the viaduct and over the location of the Boston and Albany Railroad Company; and to alter, strengthen and make such changes in said viaduct and the bridges of the same over Foster street and Front street as are reasonably necessary for such use of said viaduct; and to order such change in said bridges as shall make the floor construction thereof water-tight.

Rent to be paid
for use of loca-
tion and tracks
of Boston and
Albany Rail-
road Company.

SECTION 2. The Fitchburg Railroad Company and the Worcester, Nashua and Rochester Railroad Company, and the Boston and Maine Railroad, lessee of said railroads, shall pay a reasonable rent for the use of the location and tracks of the Boston and Albany Railroad Company, to be determined in accordance with the provisions of section three of chapter three hundred and forty-three of the acts of the year eighteen hundred and seventy-one.

Certain altera-
tions, etc., to be
made in the
union passenger
station.

SECTION 3. Said commission is authorized to make such changes and alterations in the present union passenger station as are required by the abolition of grade crossings, in the manner provided herein and in said chapter three hundred and eighty-seven. Said commission shall also, after notice to all parties and a hearing, prescribe as a part of the work to be done under the provisions of said chapter three hundred and eighty-seven and of this act, such changes, alterations, rearrangements and adaptations in the union passenger station as may be reasonable in view of the provisions of said chapter three hundred and eighty-seven and of this act, and such as the safety and convenience of the public in the use of said station may require.

Grafton street
may be
widened, etc.

SECTION 4. Said commission is authorized to widen Grafton street to such width as it deems that the interests of public travel may require, and in the event of such

widening the owner or owners of land taken therefor shall be entitled to compensation therefor as for land taken for highways in said city, and the amount so recovered shall be apportioned between the parties to said petition as required by section one hundred and fifty-one of chapter one hundred and eleven of the Revised Laws. Said commission is also authorized to prescribe changes in the crossing at grade of the railroad tracks on Jackson street and in the overhead bridge by which the tracks now leased by the New York, New Haven and Hartford Railroad Company cross Hermon street, all in such manner as the public convenience may require, as a part of the work to be prescribed under said chapter three hundred and eighty-seven, and subject to the provisions thereof.

Changes may be prescribed in certain grade crossing, etc.

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

Approved June 23, 1902.

AN ACT TO PROVIDE FOR THE IMPROVEMENT BY THE BOARD OF HARBOR AND LAND COMMISSIONERS OF APPONAGANSETT HARBOR IN THE TOWN OF DARTMOUTH.

Chap. 509

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby authorized and directed to improve the harbor at Apponagansett in the town of Dartmouth by building a stone breakwater or breakwaters at its entrance substantially in the location recommended in their annual report for the year nineteen hundred and one; and for the purpose of beginning the construction thereof said board is hereby authorized to expend a sum not exceeding thirty thousand dollars.

Harbor at Apponagansett in Dartmouth to be improved, etc.

SECTION 2. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for carrying out the provisions of this act. The manner of such taking and of determining the damages caused thereby, or by any other doings of said board under the provisions of this act, shall be the same as is provided by sections seven and eight of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three, relative to the taking of land by the metropolitan park commission; and said board shall for the purposes of this act have the same powers which are conferred upon the metropolitan park commission by said sections. The damages when finally

Necessary land or materials may be taken, etc.

determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto.

Contracts to be approved by governor and council.

SECTION 3. No contract made under authority of this act shall be valid until approved in writing by the governor and council.

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

Approved June 23, 1902.

Chap. 510

AN ACT TO AUTHORIZE THE SOUTH BAY COMPANY TO CHANGE AND FIX THE AMOUNT OF ITS CAPITAL STOCK AND TO CHANGE THE PAR VALUE OF ITS SHARES.

Be it enacted, etc., as follows:

The South Bay Company may change, etc., the amount of its capital stock.

SECTION 1. The South Bay Company may from time to time change and fix the amount of its capital stock, never exceeding an ultimate amount of one million dollars, and may change the par value of its shares to one hundred dollars each.

May issue new shares in exchange for outstanding shares.

SECTION 2. The said company may, in exchange for its outstanding shares, issue new shares at their new par value to an amount equal to the amount paid in on such outstanding shares: *provided*, that the commissioner of corporations approves such issue and exchange; and such new shares shall be fully paid and non-assessable.

Proviso.

May issue new shares.

SECTION 3. The said company may from time to time issue, subject to the approval of the commissioner of corporations, new shares not used in such exchange.

Certain provisions of law to apply.

SECTION 4. Except as otherwise expressly provided herein all issues and exchanges of stock authorized hereunder shall be subject to all general laws now or hereafter in force relating to corporations.

When to take effect.

SECTION 5. This act shall take effect when accepted by the vote of all the shareholders of the company; and a certificate of such acceptance made by the president of the company and filed with the secretary of the Commonwealth shall be conclusive evidence of such acceptance.

Repeal.

SECTION 6. Chapter two hundred and eight of the acts of the year eighteen hundred and seventy-two and chapter one hundred and twenty-five of the acts of the year eighteen hundred and seventy-five are hereby repealed.

Approved June 23, 1902.

AN ACT MAKING AN APPROPRIATION FOR THE RECLAMATION OF THE PROVINCE LANDS FOR THE BENEFIT OF PROVINCETOWN HARBOR. Chap.511

Be it enacted, etc., as follows:

SECTION 1. The sum of ten thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to be expended during the period of three years after the passage of this act, under the direction of the board of harbor and land commissioners, for the reclamation of the province lands belonging to the Commonwealth in the county of Barnstable, as a means toward the preservation of Provincetown harbor. Reclamation of province lands.

SECTION 2. Of the said amount there shall be expended not more than one third in any one year, except that if less than two thirds of the whole sum hereby appropriated shall have been spent during the first two years the remainder of said two thirds may be added to the one third set apart for the third year. Expenditures.

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

Approved June 26, 1902.

AN ACT RELATIVE TO THE FORM OF VOTING LISTS IN CERTAIN WARDS OF THE SUFFOLK SENATORIAL DISTRICTS. Chap.512

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and forty-eight of the acts of the year nineteen hundred and two is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* In all wards within any of the Suffolk senatorial districts which are outside of the city of Boston, except in the city of Chelsea, the registrars of voters shall, annually after the closing of registration and before the annual state election, make, by wards or precincts, as the case may be, street lists of voters to be used as the voting list at elections. Names shall be added thereto or taken therefrom as persons are found qualified or not qualified to vote. The said lists shall be in the following form:— 1902, 348, amended.
Form of voting lists in certain wards in Suffolk senatorial districts.

			Street.		
Name of Voter.	Residence, number or other designation, May 1, of the year of election.	Length of residence in city.	PERSONAL DESCRIPTION.		
			Age.	Height.	Weight.

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

Approved June 26, 1902.

Chap. 513 AN ACT TO ESTABLISH THE SALARY OF THE SECOND ASSISTANT CLERK OF THE SUPERIOR COURT FOR CIVIL BUSINESS IN THE COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

Salary of second assistant clerk, superior court for civil business, Suffolk county, established.

SECTION 1. The salary of the second assistant clerk of the superior court for the transaction of civil business in the county of Suffolk shall be three thousand dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved June 26, 1902.

Chap. 514 AN ACT TO PROVIDE FOR ENLARGING THE GREYLOCK STATE RESERVATION.

Be it enacted, etc., as follows:

Greylock reservation commission may acquire certain lands.

SECTION 1. A sum not exceeding twenty thousand dollars may be paid out of the treasury of the Commonwealth from the ordinary revenue to the Greylock reservation commission, to be expended by said commission for the purpose of acquiring by purchase or otherwise such lands adjoining the present Greylock state reservation as the said commission may deem it necessary or advisable to acquire.

To form a part of Greylock state reservation.

SECTION 2. Said commission shall have the same powers to acquire, take and care for such additional lands as are given to it by section four of chapter five hundred and forty-three of the acts of the year eighteen hundred and ninety-eight in respect to the lands already acquired by the commission for said reservation. The additional land so taken or acquired shall form a part of said reservation, and the title thereto shall be and remain in the Commonwealth.

SECTION 3. The necessary expense for care and maintenance of the additional lands so acquired or taken shall be paid by the county of Berkshire in the manner provided in section five of said chapter five hundred and forty-three. Care and maintenance.

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

Approved June 26, 1902.

AN ACT TO INCORPORATE THE ST. MARY'S CEMETERY TRUST FUND ASSOCIATION. Chap. 515

Be it enacted, etc., as follows:

SECTION 1. John T. Madden, Maurice A. O'Sullivan, George Wilmot, Edward L. Judge, James Daly, Michael Reilly and Francis P. Brady, their associates and successors, are hereby made a corporation by the name of the St. Mary's Cemetery Trust Fund Association, for the purpose of caring for, improving or beautifying the cemetery situated in the town of Uxbridge, known as St. Mary's cemetery, and any lots therein. St. Mary's Cemetery Trust Fund Association incorporated.

SECTION 2. Said corporation may take, hold and manage real and personal estate given, granted, devised or bequeathed to said corporation for the care, improvement or beautifying of said cemetery and of any lots therein. Grants, bequests, etc.

SECTION 3. Said corporation shall have, in respect to said cemetery and to any lots therein, all the powers and be subject to all the restrictions and liabilities of cemetery corporations organized under the general law, subject however to the rights of any persons or corporations having an estate or interest in said cemetery or any lots therein. To be subject to certain restrictions and liabilities, etc.

SECTION 4. The first meeting of said corporation shall be held on the second Monday of July in the year nineteen hundred and two, at two o'clock in the afternoon, at St. Mary's church, in said Uxbridge. At such meeting the incorporators may organize by the choice of a temporary chairman and clerk, may adopt by-laws and may proceed at such meeting, or at a subsequent meeting notified in accordance with the by-laws, to the permanent organization of the corporation. First meeting.

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

Approved June 26, 1902.

Chap.516 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO THE WIDOW OF LEMUEL WOOD.

Be it enacted, etc., as follows :

City of Boston may pay a certain sum of money to the widow of Lemuel Wood.

SECTION 1. The city of Boston is hereby authorized to pay to Mary A. Wood, widow of Lemuel Wood late an employee of said city, a sum of money not exceeding one half of the annual salary of said Lemuel Wood : *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which said employee would have been entitled if he had lived and continued to serve as such employee until the first day of February next succeeding the date of his death.

Proviso.

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

Approved June 26, 1902.

Chap.517 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE WIDOW OF AUGUSTUS P. MARTIN.

Be it enacted, etc., as follows :

City of Boston may pay a sum of money to the widow of Augustus P. Martin.

SECTION 1. The city of Boston is hereby authorized to pay to the widow of Augustus P. Martin late water commissioner of the city of Boston a sum of money not exceeding one half of the annual salary of said Augustus P. Martin : *provided*, that such sum shall not exceed the amount to which the said Martin would have been entitled if he had lived and continued to serve as such water commissioner until the first day of February next succeeding the date of his death.

Proviso.

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

Approved June 26, 1902.

Chap.518 AN ACT TO DIVIDE THE COMMONWEALTH INTO DISTRICTS FOR THE CHOICE OF REPRESENTATIVES IN THE FIFTY-SEVENTH CONGRESS OF THE UNITED STATES TO FILL VACANCIES.

Be it enacted, etc., as follows :

Commonwealth divided into thirteen districts for choice of representatives in the fifty-seventh congress.

SECTION 1. For the purpose of choosing representatives in the fifty-seventh congress of the United States to fill any vacancy that has occurred or that may occur from death, resignation or otherwise, and for that purpose only, the Commonwealth shall be divided into thirteen districts, each of which shall be entitled to choose one representative to fill any vacancy occurring, or which has

occurred, in the representation of that district in the congress of the United States.

SECTION 2. The said thirteen districts shall be the same as those into which the Commonwealth was divided by chapter three hundred and ninety-six of the acts of the year eighteen hundred and ninety-one, as affected by chapter five hundred and nineteen of the acts of the year eighteen hundred and ninety-six. How divided.

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

Approved June 26, 1902.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING AND PUTTING IN OPERATION THE LAWRENCE AND METHUEN STREET RAILWAY. Chap.519

Be it enacted, etc., as follows :

SECTION 1. The time allowed by law for building and putting in operation the railway of the Lawrence and Methuen Street Railway Company, or some part thereof, is hereby extended to the thirty-first day of December in the year nineteen hundred and two, and the corporate powers of said company shall not be held to have ceased by reason of any failure to build and put in operation its railway within eighteen months after the date of its certificate of incorporation. Time extended.

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

Approved June 26, 1902.

AN ACT TO EXTEND THE TIME FOR CONSTRUCTING AND PUTTING IN OPERATION THE HAVERHILL AND SOUTHERN NEW HAMPSHIRE STREET RAILWAY. Chap.520

Be it enacted, etc., as follows :

SECTION 1. The time allowed by law for building and putting in operation the railway of the Haverhill and Southern New Hampshire Street Railway Company, or some part thereof, is hereby extended to the thirty-first day of December in the year nineteen hundred and two, and the corporate powers of the said company shall not be held to have ceased by reason of any failure to build and put in operation its railway within eighteen months after the date of its certificate of incorporation. Time extended.

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

Approved June 26, 1902.

*Chap.*521 AN ACT RELATIVE TO HIGHWAYS, PUBLIC ALLEYS, SEWERS AND SIDEWALKS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1891, 323, §§ 10 to 12 and 14 to 18 inclusive, amended.

Laying out, etc., of highways in the city of Boston.

SECTION 1. Sections ten to twelve, inclusive, and fourteen to eighteen, inclusive, of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, as heretofore amended, are hereby further amended by striking out the said sections and inserting in place thereof the following:— *Section 10.* Every highway in said city shall be laid out, relocated, altered, widened, discontinued or constructed only as provided in this act or as provided in some other special act for a highway named therein, and in this act the word “highway” means any public way which has become such through the act of a board or other authority or in any other manner; the words “public alley” mean any alley or passageway not exceeding twenty-five feet in width, laid out as a public alley by an order of the board of street commissioners; the words “parcel of real estate” mean any lot of real estate a part of which is within one hundred and twenty-five feet of a highway or public alley ordered by said board to be laid out, relocated, altered, widened, discontinued or constructed, as the lot was on the day of the first publication of notice of the intention to make the improvement, or on the day of passing the order therefor, if there is no such publication, including any lot a part of which is taken and any lot a part or the whole of which is leased, and excluding any land within any location of a railroad company, and any lot situated on another way having the same general direction with the highway or public alley and not more than two hundred and fifty feet distant therefrom, if no part of such lot is between the highway or public alley and a line drawn midway between the same and said other way. *Section 11.* Whenever the board of street commissioners of the city of Boston shall be of opinion that in said city a public improvement should be made, consisting of laying out, relocating, altering, widening or discontinuing, with or without construction or sewer, or of changing the grade of, or constructing, with or without sewer, a highway or public alley, the board shall appoint a time for a public hearing and cause a notice

Powers and duties of street commissioners in the laying out, etc., of highways, etc.

thereof and of their intention in the matter to be published twice a week for two successive weeks in two daily newspapers published in the city, the last publication to be at least seven days prior to the time fixed for the hearing, and may adjourn the hearing from time to time. After the hearing the board may pass an order for making any such improvement that in the opinion of the board is required by public convenience, and in the order shall prescribe the lines, dimensions and grades for a highway shown on any plan filed as aforesaid, and for any not so shown shall prescribe as it deems proper. The board on the same day shall pass another order and therein shall determine and award the damages to be paid by the city to each person whose property is taken for the improvement, shall estimate the benefit or advantage to each parcel of real estate from the whole or a part of the improvement, beyond the general advantage to all real estate in said city; and if a highway is to be constructed shall prescribe the sizes and materials for the gas pipes and connections to be laid therein, and if the gas company authorized to lay the pipes shall certify to the board the sizes and materials therefor the board shall prescribe in accordance with the certificate. Said orders shall be null and void unless they shall both be approved in writing by the mayor within three months after the first publication of the notice above specified; and if so approved they shall then be recorded in the records of the board, take effect and be carried out. After such approval by the mayor and recording in said records, the board shall cause to be recorded in the registry of deeds for the county of Suffolk the order for the improvement, but not the other order, and such recording shall constitute the taking of land required for the improvement, and the board with the approval of the mayor may at any time thereafter make a new award or new awards. Any person interested, if aggrieved by any award made by said board, may, before the expiration of one year after the work is actually begun on the improvement, file a petition in the office of the clerk of the superior court for the county of Suffolk for a jury to determine the damages, and they shall then be determined by such jury, and all general laws relating to such damages and the determination and payment thereof shall, so far as not inconsistent with this act, apply to damages for the

Powers and duties of street commissioners in the laying out, etc., of highways, etc.

Persons aggrieved may have damages determined by a jury, etc.

Powers and duties of superintendent of streets, etc., in the laying out, etc., of highways, etc.

property taken as aforesaid. Judgment shall be entered on such determination by a jury, costs taxed and execution issued as in civil cases. *Section 12.* The superintendent of streets of said city, or other officer of the city authorized thereto by the mayor, as such superintendent or officer deems proper, whether as prescribed in the order or otherwise, but substantially in accordance therewith, shall carry out every order passed by any authority in said city authorized thereto, for making any public improvement specified in the preceding section, or consisting of the construction of a sewer or sidewalk; shall, if the order is for laying out, relocating, altering or widening a highway, and not for construction, remove obstructions therefrom and make temporary roadbeds and sidewalks therein and construct sewers therein if the order so requires; shall, if the order is for construction of a sewer, public alley or sidewalk, construct the same, and sewers in the alley if the order so requires; and shall, if the order is for construction of a highway, give public notice by advertisement twice a week for two successive weeks in two daily newspapers published in said city that all work which is to be done therein shall be done before a day, at least three weeks after there is such highway, specified in the notice, and shall at least three weeks before said day send a copy of said notice to the gas company authorized to lay gas pipes therein, and after said specified day shall construct permanent roadways, sidewalks and other details of construction therein, and sewers therein if the order so requires, and connections of the sewers to the line of the way. If the gas company neglects or refuses to lay its pipes before said day the superintendent shall furnish and lay the pipes as prescribed in the order, and connect them with pipes then in use, and the company shall pay to the city the cost thereof as agreed upon with such superintendent or other officer, or as determined by the court. The city may furnish materials required in doing the work under any such order, and shall do the remainder of the work, by contract or otherwise, as the mayor shall approve in writing; and whenever any contract is to be made, the estimated cost of which exceeds two thousand dollars, the superintendent or other officer, unless he causes a certificate that advertisements should be dispensed with, signed by him and approved in writing by the mayor, with his reasons

therefor, to be filed with the city auditor, shall publish advertisements for proposals for doing the work under the contract twice a week for two successive weeks in four daily newspapers published in said city, and in the advertisements shall state the time and place for opening the proposals, that each proposal must be accompanied by a suitable bond, certified check, or other security for the faithful performance of the proposal, and that he reserves the right to reject any or all proposals. Every such proposal shall be accompanied by the security aforesaid, and after being opened shall be kept for six months subject to public inspection. Every such contract shall be in writing, and shall be approved in writing by the mayor before being of any effect, shall, with a suitable bond, certified check, or other security for the faithful performance of the contract, be deposited with the city auditor, and shall be altered only by agreement in writing of the contractor, the officer or board making the contract, the sureties on said bond, and the mayor. *Section*

14. Said board within two years after the completion of any improvement specified in section eleven shall determine the value of the benefit or advantage aforesaid to each parcel of real estate beyond the general advantage to all real estate in the city, from the whole or a part of the improvement, shall determine as the assessable cost of the improvement such part, not exceeding one half, as the board shall deem just, of the expenses incurred by the city for such whole or part of the improvement, exclusive of the excess above four dollars per linear foot of the expenses for sewers and their connections, and exclusive of all the expenses for surface drainage and for water pipes, gas pipes, and their connections, and shall assess on each parcel a proportional share of said assessable cost, not exceeding the value of said benefit to the parcel as estimated or determined as aforesaid. If such assessment is invalid and has not been paid or has been recovered back, it may be reassessed by said board to the amount for which, and upon the real estate upon which, the original assessment ought to have been made, and any alienation of real estate assessed shall not affect any reassessment thereon made within one year after the first assessment has been found by the court to be invalid. The owner of any real estate in said city within one year after the making of any such assessment on such estate,

Assessment of
betterments,
etc.

may file with the board an application for a revision thereof, and the board within two months after such filing, shall, if necessary to make it conform to the provisions of this section, revise and reduce the amount thereof. The revised amount shall be the amount of the assessment, and the excess of any amount paid therefor over the revised amount shall, on the certificate of the board, be repaid by the treasurer of the city from the appropriation from which the improvement was paid for, to the person for whom the payment was made, or to his legal representative. *Section 15.* The owner of any real estate on which any assessment specified in section fourteen shall have been made and not wholly paid, or paid under protest and a suit brought within three months after the payment, for recovery thereof be pending, may on such notice as the court shall order have the amount of the assessment determined by a jury at the bar of the superior court for the county of Suffolk, on petition therefor, filed in the clerk's office of said court within one year after the making of the assessment; and if either party requests it the jury shall view the premises. If the amount so determined is less than the amount fixed by the board the petitioner shall be entitled to costs, otherwise the city shall be entitled to costs, and if no part of the assessment has been paid, or if the amount thereof paid is less than the amount so determined, judgment shall be entered for the city for the amount so determined, less any amount paid, with interest on the remainder and plus the amount of the costs in case the city is entitled to costs, and less the amount of the costs in case the petitioner is entitled to costs; and execution shall issue for the amount of the judgment. But if the assessment, or any part thereof, has been paid and is in excess of the amount determined by the jury, the amount of the excess with interest from the date of payment, plus the amount of the costs, shall, on the certificate of said board, be repaid by the treasurer of the city from the appropriation from which the improvement was paid for, to the person for whom the payment was made, or to his legal representative. *Section 16.* Every assessment for an improvement specified in this act shall bear interest until paid from the day when it is payable, which shall be the thirtieth day after it is made, and if not paid before the first day of September of the year next after

Amount of assessment may be determined by a jury in certain cases, etc.

Collection of assessments, etc.

the year in which it is made, the assessors of said city shall include in the annual tax bills for the parcel, or in separate bills, annually, until the assessment is paid, a sum not exceeding ten per cent of the amount thereof, and shall also include in the bill for the first year interest on said amount from the thirtieth day after the assessment is made to the last day of October of such year, and in the bill for each year thereafter one year's interest on the amount of the assessment remaining unpaid; or, if the parcel has been divided as hereinafter provided, the assessors shall include the several apportionments and their proportions of interest in the annual tax bills, for the divisions, or in separate bills, and every amount in any such bill shall be collected and paid into the city treasury in the same manner in which taxes are collected and paid. *Section 17.* Assessments and damages for the public improvements aforesaid ordered after the passage of this act shall bear interest at the rate of four per cent per annum for damages, from the day of taking, and for assessments as hereinbefore provided. Assessments on real estate exempt by law from taxation, as determined and certified by the assessors of said city on application to them therefor by the owner, shall not be payable or bear interest until the day on which the estate ceases to be so exempt. Assessments, or so much as remains unpaid, on real estate divided shall, on request of the owner of any division, or of the city collector, forthwith be apportioned by the board of assessors to the divisions in proportion to the values of the respective benefits thereto from said improvement, as determined by said board of street commissioners. Assessments and interest shall, until paid, be a lien on the real estate on which they are assessed, from the day of the first publication of notice of the intention to make the improvement for which the assessment is made, or from the day of the passage of the order for the improvement, if there is no such publication: *provided, however,* that in case of an apportionment as aforesaid, only the amount of the apportionment and interest shall, until paid, be a lien on the division to which it is apportioned. *Section 18.* The treasurer of said city shall add the net proceeds of all bonds issued to meet the expenses incurred for improvements specified in section eleven, and all moneys received for assessments therefor, to the appropriation

Assessments and damages to bear interest, etc.

Assessments and interest to be a lien on real estate.

Proviso.

Payment of expenses incurred for improvements, etc.

therefor, which shall be known as the appropriation for making highways, and shall from said appropriation pay the expenses incurred for the improvements, and the interest and sinking fund requirements for said bonds, and any balance required to meet said bonds when they become due.

Title of chapter 323, Acts of 1891, amended.

SECTION 2. The title of said chapter three hundred and twenty-three is hereby amended so as to read as follows:— An Act relative to highways, public alleys, sewers and sidewalks in the city of Boston.

Not to apply to certain im-
provements,
etc.

SECTION 3. This act shall not apply to any such improvement completed by said city before the passage of this act, and shall not affect any assessment heretofore made therefor or the making of any assessment therefor, or the collection of any such assessment.

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

Approved June 27, 1902.

Chap. 522

AN ACT RELATIVE TO LOANS OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1898, 471, § 2,
amended.

SECTION 1. Section two of chapter four hundred and seventy-one of the acts of the year eighteen hundred and ninety-eight is hereby amended by striking out all after the word "thereof", in the tenth line, so as to read as follows:— *Section 2.* All bonds or certificates of said city hereafter issued by said treasurer shall be for such terms, not exceeding forty years, and bear such rates of interest, not exceeding four per cent per annum, and the interest shall be payable at such times, as said treasurer and mayor shall determine, anything in any general or special act to the contrary notwithstanding. Any premiums coming to the city in the negotiation or sale of any bonds or certificates hereafter issued shall be paid into the sinking funds for the redemption thereof.

Terms, etc., of
certain bonds
or certificates
issued by city
of Boston.

Premiums to
be paid into
sinking fund.

SECTION 2. All bonds of the city of Boston heretofore issued are hereby ratified and confirmed as legal bonds and obligations of said city; and any bonds of said city heretofore offered for sale for terms not exceeding forty years may be issued in accordance with the offer.

Certain bonds
ratified as
legal, etc.

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

Approved June 27, 1902.

AN ACT RELATIVE TO THE APPOINTMENT OF MESSENGERS FOR THE EXECUTIVE DEPARTMENT OF THE COMMONWEALTH. *Chap.523*

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, may appoint a messenger and an assistant messenger for the executive department, who shall hold office during the pleasure of the governor, and who shall receive such compensation for their services, not exceeding one thousand dollars and eight hundred dollars, respectively, as the governor and council determine. Executive messengers, appointment, etc.

SECTION 2. So much of section six of chapter four of the Revised Laws as is inconsistent herewith* is hereby repealed. Repeal.

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

Approved June 27, 1902.

AN ACT TO PROVIDE FOR THE REVOCATION OF THE CHARTERS OF CERTAIN CLUBS. *Chap.524*

Be it enacted, etc., as follows:

If any liquor, or any casks or other vessels or implements of sale and furniture used or kept and provided to be used in the illegal keeping or sale of liquor, or any implements of gaming, are seized on the premises occupied by any club or organization described in section two of chapter one hundred and twenty-five of the Revised Laws, and are forfeited under the provisions of chapter one hundred of the Revised Laws, the selectmen of the town, or the mayor and aldermen of the city, in which such club or organization is situated, except Boston, and in Boston the board of police, shall immediately notify the secretary of the Commonwealth, and he shall, upon receipt of such notice, declare the charter of such club or organization void, and shall publish a notice in at least one newspaper published in the county in which such club or organization is located, that such incorporation is void and of no further effect. Charters of certain clubs, etc., to be declared void.

Approved June 27, 1902.

Chap. 525 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE MEMBERS OF THE BOARD OF REGISTRATION IN MEDICINE, THE BOARD OF REGISTRATION IN PHARMACY AND THE BOARD OF REGISTRATION IN DENTISTRY.

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 salaries and expenses of the board of registration in medicine, the board of registration in pharmacy, and the board of registration in dentistry, as provided for by chapter five hundred and five of the acts of the present year, from the first day of July to and including the thirty-first day of December, nineteen hundred and two, to wit:—

Board of registration in medicine.

For the salary of the secretary of the board of registration in medicine, the sum of twelve hundred and fifty dollars; for the salaries of the other members of said board, the sum of nine hundred dollars; for the necessary travelling expenses in attending meetings of the board of registration in medicine, a sum not exceeding three hundred and fifty dollars; and for clerical services, printing, postage, office supplies and incidental expenses of the members of the board of registration in medicine, a sum not exceeding one thousand dollars.

Board of registration in pharmacy.

For the salary of the secretary of the board of registration in pharmacy, the sum of five hundred dollars; for the salary of the chairman of the board of registration in pharmacy, the sum of two hundred and fifty dollars; for the salaries of the other members of the board of registration in pharmacy, the sum of four hundred and fifty dollars; for travelling expenses of the members of the board of registration in pharmacy in attending meetings of the board, a sum not exceeding six hundred and fifty dollars; for the salary and expenses of the agent of the board of registration in pharmacy, a sum not exceeding twelve hundred dollars; and for a stenographer, witness fees and incidental and contingent expenses of the board of registration in pharmacy, a sum not exceeding seven hundred dollars. Chapter three hundred and eighty-two of the acts of the present year, making an appropriation for enforcing the law to regulate the practice of pharmacy, is hereby repealed.

For the salary of the chairman of the board of registration in dentistry, the sum of two hundred dollars; for the salary of the secretary of the board of registration in dentistry, the sum of two hundred dollars; for the salaries of the other members of the board of registration in dentistry, the sum of three hundred dollars; for traveling expenses of the board of registration in dentistry in attending meetings of the board, a sum not exceeding four hundred dollars; and for clerical services, postage, printing and other necessary expenses in connection with the board of registration in dentistry, a sum not exceeding six hundred dollars.

Board of registration in dentistry.

SECTION 2. On and after the first day of July any sums of money remaining to the credit of the Board of Registration in Medicine Fund, the Board of Registration in Pharmacy Fund, and the Board of Registration in Dentistry Fund, may be transferred by the treasurer and receiver general to the revenue of the Commonwealth.

Certain sums may be transferred to the revenue of the Commonwealth.

SECTION 3. This act shall take effect on the first day of July in the year nineteen hundred and two.

To take effect July 1, 1902.

Approved June 27, 1902.

AN ACT TO PROVIDE FOR PAYMENT BY THE CITY OF BOSTON OF THE WHOLE EXPENSE OF CONSTRUCTING AND MAINTAINING SEWERS IN THAT CITY FOR THE DISPOSAL OF SURFACE DRAINAGE.

Chap. 526

Be it enacted, etc., as follows:

SECTION 1. The expense of the construction and maintenance of sewers in the city of Boston designed for the disposal of surface drainage solely shall be borne wholly by the said city.

Payment of expenses of construction, etc., of certain sewers in Boston.

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

Approved June 27, 1902.

AN ACT RELATIVE TO ASSESSMENTS OF BETTERMENTS FOR CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF BOSTON.

Chap. 527

Be it enacted, etc., as follows:

SECTION 1. The board of street commissioners of the city of Boston, within one year after the day of the passage of this act, may determine the value of the benefit or advantage to each and every parcel of real estate in said city beyond the general advantage to all real estate therein from any public improvement completed by the city within six

Assessments of betterments for certain public improvements in Boston.

years before said day, consisting of laying out, relocating, altering or widening, with or without construction or sewer, a highway, or a highway and parkway, public way or public alley, or of changing the grade of, or constructing with or without a sewer, a highway, or a highway and parkway, and may assess on each such parcel a proportional share of such part not exceeding one half as the board shall deem just of the expenses incurred by the city for such improvement, exclusive of the expenses for sewers and their connections in excess of four dollars per linear foot thereof, and exclusive of all expenses for surface drainage and for water pipes, gas pipes and their connections: *provided, however*, that no assessment on any parcel of real estate shall exceed the value of said benefit for that parcel, and that no parcel of real estate for which any assessment on account of any such improvement shall have been paid and not recovered back shall be subject to the payment of another assessment for that improvement; and *provided, further*, that no land within any location of a railroad company shall be subject to such assessment. If said board shall make, under the provisions of this act, a new assessment for any such improvement, any person on whose real estate a prior assessment on account of such improvement has been made and has not been wholly paid, or has been paid under protest and a suit brought within three months after the payment for recovery thereof be pending, may file with the board an application for a revision of the prior assessment, and the board shall, if necessary to make the prior assessment conform to the new assessment, revise and reduce the amount thereof, and give a certificate for payment of any part of a prior assessment paid under protest, or remit any unpaid excess of a prior assessment over the amount of the new assessment; and the city treasurer shall repay any amount authorized by the certificate from the appropriation from which said expenses were paid.

SECTION 2. The provisions of sections fifteen to eighteen, inclusive, of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one, as amended, so far as they are applicable and not inconsistent herewith, shall apply to assessments made under this act, or made before its passage; but petitions under said section fifteen filed on account of assessments made

Provisos.

Certain provisions of law to apply, etc.

before the passage of this act may be filed only within one year after the passage.

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

Approved June 27, 1902.

AN ACT RELATIVE TO THE CONSTRUCTION AT DEDHAM OF A BUILDING FOR THE REGISTRIES OF DEEDS AND OF PROBATE AND FOR THE PROBATE COURT FOR THE COUNTY OF NORFOLK.

Chap. 528

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and eighty-four of the acts of the year nineteen hundred and one is hereby amended by striking out in lines six to ten, both inclusive, the words "Such approval shall not be given until the board is convinced that the cost of the building, ready for the use of said registries and court, and of the offices incident thereto, will not exceed the sum of two hundred thousand dollars", so as to read as follows: — *Section 2.* No contract shall be made for the construction of said building until plans have been submitted by the county commissioners to a board consisting of the judge of probate, the register of probate, and the register of deeds, for the county of Norfolk, and have been approved by said board.

1901, 284, § 2,
amended.

Plans to be
approved.

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

Approved June 27, 1902.

AN ACT RELATIVE TO MUNICIPAL PARTIES IN THE CITY OF CAMBRIDGE.

Chap. 529

Be it enacted, etc., as follows:

SECTION 1. Any association of legal voters in the city of Cambridge which, First, For ten successive years previous to the passage of this act shall have nominated by caucuses or conventions candidates for any municipal office under a distinctive name; or Second, Which for the preceding municipal election shall have nominated by caucuses or conventions a candidate for mayor who received at least ten per cent of the entire vote polled in said city for that office; or Third, Which has filed with the city clerk, at least sixty days before the annual city election, a petition for separate caucuses, signed by at least three per cent of the registered voters of said city, shall so far as municipal elections in said city are con-

Certain associa-
tions of legal
voters in Cam-
bridge to be
deemed
political parties
for municipal
elections, etc.

cerned be deemed a political party within the meaning of chapter eleven of the Revised Laws as if said party had at the preceding annual state election polled for governor at least three per cent of the entire vote cast in the Commonwealth for that office; and voting or taking part in the caucuses of said municipal political party by any voter shall not affect his voting or taking part in the caucuses of another political party whether national, state or municipal, for any other election; and having voted or taken part in the caucuses of another political party for any previous election whether city, state or national, shall not affect his voting or taking part in the caucuses of said municipal political party.

Holding of
caucuses.

SECTION 2. All caucuses of any political party in the city of Cambridge as defined in section one of this act shall be held in accordance with the provisions of sections ninety-nine to one hundred and thirty-one inclusive of chapter eleven of the Revised Laws, as if said party had accepted the provisions of said sections as provided in section one hundred of said chapter eleven; except that for the last five words of the oath set forth in said section ninety-one, viz.: "for twelve months last past", there shall be substituted the words: — said election.

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

Approved June 27, 1902.

Chap.530 AN ACT TO ESTABLISH THE SALARY OF THE ASSISTANT DISTRICT ATTORNEY FOR THE EASTERN DISTRICT.

Be it enacted, etc., as follows:

Salary of
assistant dis-
trict attorney,
eastern district,
established.

SECTION 1. The salary of the assistant district attorney for the eastern district shall be fourteen hundred dollars a year, to be so allowed from the first day of July in the year nineteen hundred and two.

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

Approved June 27, 1902.

Chap.531 AN ACT TO PROVIDE FOR LICENSING HAWKERS, PEDLERS AND BOOT-BLACKS UNDER THE AGE OF FOURTEEN IN THE CITY OF BOSTON BY THE SCHOOL COMMITTEE OF SAID CITY.

Be it enacted, etc., as follows:

R. L. 65, § 17,
amended.

SECTION 1. Section seventeen of chapter sixty-five of the Revised Laws is hereby amended by inserting after the

word "relative", in the second line, the words: — to the exercise of the trade of bootblacking by minors and, — by inserting after the word "sales", in the fourth line, the words: — or such trade, — by inserting after the word "regulations", in the sixth line, the words: — *provided*, that in the case of persons under the age of fourteen years in the city of Boston the foregoing powers shall be vested in and exercised by the school committee of that city, — and by inserting after the word "articles", in the sixth line, the words: — or exercises such trade, — so as to read as follows: — *Section 17.* The mayor and aldermen or selectmen may make regulations relative to the exercise of the trade of bootblacking by minors and to the sale by minors of any goods, wares or merchandise the sale of which is permitted by section fifteen, and may prohibit such sales or such trade, or may require a minor to obtain from them a license therefor to be issued on terms and conditions prescribed in such regulations: *provided*, that in the case of persons under the age of fourteen years in the city of Boston the foregoing powers shall be vested in and exercised by the school committee of that city. A minor who sells such articles or exercises such trade without a license if one is required or who violates the conditions of his license or any of the provisions of said regulations shall be punished by a fine of not more than ten dollars for each offence.

Regulation of certain sales, etc., by minors.

Proviso.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and three.

To take effect January 1, 1903.

Approved June 27, 1902.

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING THE PRESENT YEAR, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

Chap. 532

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 for certain other expenses authorized by law, to wit: —

Appropriations.

For compensation and expenses of the committee authorized to examine and consider the laws of the Com-

Committee to examine, etc., corporation laws.

monwealth in relation to the formation, taxation and conduct of all corporations, as authorized by chapter three hundred and thirty-five of the acts of the present year, a sum not exceeding ten thousand dollars.

Experts appointed by railroad commissioners.

For compensation and expenses of experts appointed by the board of railroad commissioners, as authorized by chapter four hundred and thirty-two of the acts of the present year, a sum not exceeding three thousand dollars.

Reimbursing certain towns for expenses incurred in furnishing high school instruction.

For reimbursing certain towns for expenses incurred in furnishing high school instruction, as authorized by chapter four hundred and thirty-three of the acts of the present year, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

State board of publication.

For travelling, clerical and other necessary expenses of the state board of publication, as authorized by chapter four hundred and thirty-eight of the acts of the present year, a sum not exceeding three hundred dollars.

Widow of Henry G. Greene.

For Alexandrina Greene, widow of Henry G. Greene, as authorized by chapter one hundred of the resolves of the present year, the sum of seven hundred and fifty dollars.

School ship Enterprise.

For repairs and other necessary expenses upon the school ship Enterprise during the present year, as authorized by chapter one hundred and four of the resolves of the present year, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Dredging part of southerly shore of South Boston.

For dredging a part of the southerly shore of South Boston by the board of harbor and land commissioners, as authorized by chapter four hundred and twenty-five of the acts of the present year, a sum not exceeding twenty-five thousand dollars.

Investigations by railroad commissioners.

For certain expenses in connection with investigations to be made by the board of railroad commissioners, as provided for in chapters sixty-seven, seventy-five and eighty-six of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

State library.

For contingent expenses in the state library, to be expended under the direction of the trustees and librarian, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

For Harry J. Dougan, as authorized by chapter one hundred and five of the resolves of the present year, the sum of four hundred dollars.

Harry J. Dougan.

For the father of William L. Mooney, as authorized by chapter one hundred and six of the resolves of the present year, the sum of one hundred dollars.

Father of William L. Mooney.

For Walter H. Gilman of Lowell, as authorized by chapter one hundred and eight of the resolves of the present year, the sum of five hundred dollars.

Walter H. Gilman.

For the widow of John Hopkins, as authorized by chapter one hundred and nine of the resolves of the present year, the sum of four thousand and one dollars and thirty-six cents.

Widow of John Hopkins.

For the better protection of butter by the dairy bureau of the state board of agriculture, as authorized by chapter one hundred and ten of the resolves of the present year, a sum not exceeding three thousand dollars, the same to be in addition to the amount appropriated the present year for the expenses of the state dairy bureau.

Dairy bureau of state board of agriculture.

To provide for medals for the Massachusetts minute men of eighteen hundred and sixty-one, as authorized by chapter one hundred and eleven of the resolves of the present year, a sum not exceeding two thousand dollars, the same to be in addition to the one thousand dollars appropriated by chapter three hundred and forty-one of the acts of the present year.

Medals for Massachusetts minute men of 1861.

For Esther E. Bean, widow of Albro G. Bean, as authorized by chapter one hundred and thirteen of the resolves of the present year, the sum of three hundred and fifty dollars.

Widow of Albro G. Bean.

For clerical assistance for the register of probate and insolvency for the county of Norfolk, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Clerical assistance.

For authorized expenses of committees of the present general court, to include clerical assistance to committees authorized to employ the same, and also expenses in connection with advertising hearings before committees, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Committees of general court.

For the salary of the deputy sealer of weights, measures and balances, as authorized by chapter four hundred and

Deputy sealer of weights, measures, etc.

fifty-seven of the acts of the present year, the sum of one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Preservation of town records of births, marriages and deaths.

For expenses in connection with the preservation of town records of births, marriages and deaths previous to the year eighteen hundred and fifty, as authorized by chapter four hundred and seventy of the acts of the present year, a sum not exceeding ten thousand dollars.

Salary of first assistant district attorney for Suffolk district.

For the salary of the first assistant district attorney for the Suffolk district, as authorized by chapter four hundred and seventy-one of the acts of the present year, the sum of two hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Salary of second assistant district attorney for Suffolk district.

For the salary of the second assistant district attorney for the Suffolk district, as authorized by chapter four hundred and seventy-one of the acts of the present year, the sum of two hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Northampton insane hospital.

For certain improvements at the Northampton insane hospital, as authorized by chapter thirty-five of the resolves of the present year, a sum not exceeding thirty-five hundred dollars. So much of chapter three hundred and forty-one of the acts of the present year as provides for the payment of these expenses out of the receipts that may be paid into the treasury of the Commonwealth from the hospital is hereby repealed.

State board of charity.

For expenses of the state board of charity, including travelling and other expenses of members and salaries and expenses in the office of the clerk and auditor of said board, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Indigent and neglected children, etc.

For the care and maintenance of indigent and neglected children and juvenile offenders, to include expenses in connection with the same, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Unsettled pauper infants.

For the support and transportation of unsettled pauper infants in this Commonwealth, including infants in the infant asylum, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

For instruction in the public schools in any city or town in the Commonwealth of children boarded or bound out by the state board of charity for the present year and for previous years, a sum not exceeding thirty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Instruction of certain children.

For expenses in connection with smallpox and other diseases dangerous to the public health, for the present year and for previous years, a sum not exceeding twenty-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Dangerous diseases.

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

Approved June 27, 1902.

AN ACT TO REQUIRE STREET RAILWAY COMPANIES TO PAY PART OF THE COST OF BUILDING OR REPAIRING BRIDGES ON HIGHWAYS UPON WHICH THEY HAVE LOCATIONS. *Chap. 533*

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-four of chapter one hundred and eleven of the Revised Laws is hereby amended by inserting after the word "corporation", in the fourth line, the words:—or the directors of a street railway company having tracks on the said way,—and by adding at the end of said section the following:—In case any street railway company is authorized to lay and use tracks upon the said way, the said company shall bear such part of the expense of building, repairing or improving a bridge forming a part of said way, or of altering or improving the approaches thereto, as shall be deemed to be just by the commission provided for in sections one hundred and thirty-six and one hundred and thirty-seven,—so as to read as follows:—*Section 134.* If a public way and a railroad cross each other, and the mayor and aldermen of the city or the selectmen of the town in which the crossing is situated, or the directors of the railroad corporation, or the directors of a street railway company having tracks on the said way, are of opinion that it is necessary for the security or convenience of the public that an alteration which does not involve the abolition of a crossing at grade should be made in the crossing, the approaches thereto, the location of the railroad or way, or in a bridge at the crossing, they shall apply to the county commissioners,

R. L. III, § 134, amended.

Alterations may be made in certain crossings, etc.

or, if the crossing is situated in the city of Boston, to the board, who shall, after due notice, hear all parties interested and, if they decide that such alteration is necessary, shall prescribe the manner and limits within which it shall be made, and shall forthwith certify their decision to the parties and to the board. In case any street railway company is authorized to lay and use tracks upon the said way, the said company shall bear such part of the expense of building, repairing or improving a bridge forming a part of said way, or of altering or improving the approaches thereto, as shall be deemed to be just by the commission provided for in sections one hundred and thirty-six and one hundred and thirty-seven.

R. L. 111, § 136,
amended.

SECTION 2. Section one hundred and thirty-six of said chapter is hereby amended by adding at the end of said section the following: — If a street railway company is authorized to lay and use tracks upon any bridge in a highway which is built or repaired or altered as above provided for, or the approaches to which are altered or improved as above provided for, the said commission shall determine what part of the charges and expenses of making such changes or improvements, or of keeping such approaches in good condition, shall be paid by the said street railway company, — so as to read as follows: — *Section 136.* A special commission of three disinterested persons, who shall be appointed as provided in the following section, shall determine which party shall carry such decision into effect and which party shall pay the charges and expenses of making such alteration and the future charges for keeping such crossing and the approaches thereto in repair, as well as the costs of the application to the county commissioners, or the board of railroad commissioners, and of the hearing before said special commission: and it may apportion all such charges, expenses and costs between the railroad corporation, and the counties, cities or towns in which said crossing is situated and other cities and towns which may be specially benefited. Any county, and any city or town in which the crossing is not situated, may be omitted from the apportionment if it seems just. If a street railway company is authorized to lay and use tracks upon any bridge in a highway which is built or repaired or altered as above provided for, or the approaches to which are altered or improved as above provided for, the said

Apportionment
of expense,
etc.

commission shall determine what part of the charges and expenses of making such changes or improvements, or of keeping such approaches in good condition, shall be paid by the said street railway company.

SECTION 3. Section one hundred and thirty-seven of said chapter is hereby amended by inserting after the word "corporation", in the third line, the words:— or of the street railway company. — so as to read as follows: — *Section 137.* Upon the application of the county commissioners, the board of railroad commissioners, the mayor and aldermen, the selectmen or the directors of the railroad corporation or of the street railway company for the appointment of such commission, the superior court shall cause notice thereof to be given to the other parties interested, fourteen days at least before the time fixed for the hearing; and thereupon, after a hearing, shall appoint such commission, one member of which shall be a member of and designated by the board. The special commission shall meet as soon as may be after its appointment, and, after notice to and a hearing of the parties, shall make its award in writing and return the same into said court.

R. L. 111, § 137, amended.

Special commission, appointment, etc.

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

Approved June 27, 1902.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF ADDITIONAL TUNNELS AND SUBWAYS IN THE CITY OF BOSTON.

Chap. 534

Be it enacted, etc., as follows:

SECTION 1. The Boston transit commission, hereinafter called the commission, may construct in the city of Boston, hereinafter called the city, a system of tunnels and subways so designed as to be adapted for the accommodation of two tracks especially for use by elevated cars or trains and two tracks especially for use by surface cars, from a point or points near the junction of Broadway and Washington street or within one thousand feet therefrom, through and under public streets, squares or places and public or private lands, between the existing subway and a line parallel with and seven hundred and fifty feet easterly from Washington street to the line of Court and State streets, and thence northerly by such route as may be deemed best, to a point or points in or near Adams square, Haymarket square or Causeway street, together

Additional tunnels and subways may be constructed in Boston.

with approaches, sidings, entrances, stations, elevators, inclines, connections and other structures, hereinafter called appurtenances, which shall also include connections either at grade or otherwise with the East Boston tunnel and the existing subway.

When structures shall be begun, etc.

The structure for the two tracks especially adapted for elevated cars or trains, hereinafter called the tunnel, shall be begun immediately after the acceptance of this act by a majority of the voters of the city as hereinafter provided. The structure for the remaining two tracks, hereinafter called the subway, shall be begun at such time after the expiration of one year from the completion of the tunnel as the commission and the Boston Elevated Railway Company, hereinafter called the company, may agree upon, or, in case of difference, as the board of railroad commissioners, hereinafter called the board, shall determine that the public interests require. The structure or structures for all four tracks, with the appurtenances, or any part or parts thereof, may be begun at any time after the acceptance of this act by a majority of the voters of the city as hereinafter provided, if and so far as the commission deems it expedient and if the company by its board of directors consents thereto.

Preliminary investigation, surveys and plans to be made, etc.

SECTION 2. The commission shall immediately after the passage of this act make such preliminary investigations, surveys and plans as it deems expedient, and to that end may enter upon any lands and place and maintain marks therein, and may make excavations, borings and do all other acts necessary for such investigations and surveys. The commission may expend such sums as it deems necessary therefor. The expenses incurred in making such preliminary investigations, surveys and plans shall be paid from the loan authorized by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four and acts in addition thereto, but if construction is begun hereunder the amount so expended shall be transferred and charged to the cost of such construction.

Plan to be filed before construction is begun, etc.

SECTION 3. The commission shall not begin the work of construction until it has filed in the office of the city engineer a plan signed by the commission showing the location of that part of the work which it is about to construct. Any such plan so filed may be altered at any time by a new plan signed and filed in like manner.

SECTION 4. The commission may make contracts in the name of the city for the work herein authorized, but all contracts involving two thousand dollars or more in amount shall be in writing and signed by a majority of the commission; and no such contract shall be altered except by an instrument in writing signed by the contractor and a majority of the commission, and also by the sureties, if any, on the bond given by the contractor, for the completion of the original contract. No such contract or alteration of any such contract shall be valid or binding on the city unless executed in the manner aforesaid.

Contracts.

SECTION 5. All work done under this act under or near public streets and places shall be conducted, so far as practicable, in such manner as to leave such streets and places, or a reasonable part thereof, open for traffic between the hours of eight in the forenoon and six in the afternoon of each secular day except public holidays.

Parts of streets, etc., to be kept open for traffic between certain hours.

SECTION 6. The commission may for the purposes of this act use public ways and lands without compensation therefor, and may take for the city, by purchase or otherwise, lands in fee and easements, estates, and rights in land, including the right to go under the surface thereof or through or under buildings or parts of buildings thereon, and such takings in fee or otherwise may be made whether the lands taken or otherwise affected are held under or by title derived under eminent domain or otherwise. A taking under this section of an easement or other estate or right in a given parcel of real estate, whether such parcel consists of unimproved land or of land and buildings, may be confined to a portion or section of such parcel fixed by horizontal planes of division below or above or at the surface of the soil, and in such case no taking need be made of upper or lower portions or sections, except of such easements therein, if any, as the commission may deem necessary. The commission, to make any taking by right of eminent domain, shall cause to be recorded in the registry of deeds for the county of Suffolk a description of the lands, easements, estates or rights to be taken, as certain as is required in a common conveyance of land, with the statement that the same are taken under authority of this act, which description and statement shall be signed by the commission; and the lands, easements, estates or rights therein de-

Public ways may be used, lands taken, etc.

scribed shall upon such recording be taken for and shall vest in the city. The commission shall, so far as may be practicable, notify all known owners of such takings, but the validity thereof shall not be affected by want of such notice.

Certain buildings may be removed or sold, etc.

SECTION 7. The commission may sell or remove the buildings from any and all lands taken by it, and shall sell, if a sale be practicable, or if not shall lease, any lands, or rights or interests in land or other property so taken, or purchased for the purposes of this act, whenever the same shall in the opinion of the commission cease to be needed for such purposes. The proceeds of such sales, and the fair valuation of any such lands or other property no longer needed for such purposes but not actually sold, as agreed on by the commission and the company, or in case of difference as determined by the board, shall be deducted from the cost of the tunnel or the subway, as the case may be, for the purpose of ascertaining the rental thereof.

Damages.

SECTION 8. The commission shall determine and award the damages sustained by any person by reason of property taken or injured by the commission under authority of this act, except public ways or lands, and may agree with any person as to the amount to be paid as damages sustained by him for any property so taken or injured, which damages the city shall be liable to pay. If such person is dissatisfied with such award, or cannot agree with the commission upon his damages, the same may be determined by a jury in the superior court for the county of Suffolk, on petition therefor of such person or of the commission against the city, filed in the clerk's office within one year after such property is so taken or injured; and judgment shall be entered upon the determination of such jury and costs shall be taxed and execution issued in favor of the prevailing party as in civil cases. The members of the commission shall not be personally liable for any such damage.

Certain structures may be removed or relocated, etc.

SECTION 9. The commission may order the temporary removal or relocation of any surface tracks, and the temporary or permanent removal or relocation of any conduits, pipes, wires, poles or other property of any person or corporation, which it deems to interfere with the construction or operation of the tunnel or subway, and shall grant new locations for any such structures so

removed or relocated. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, conduits, pipes, wires, poles or other property, and the owner of any such structures in public ways or lands shall comply with such orders without expense to the city. If such owner shall fail to comply with the order of the commission within a reasonable time, to be fixed in the order, the commission may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the city by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. Any such structures in or upon private lands may be removed and relocated by the commission, or if removed and relocated by the owner thereof the reasonable expense shall be repaid him by the commission. Any gas company may shut off the gas from any pipes affected by any acts done hereunder, when and so far as it may be necessary to avoid danger of escape or explosion of gas.

Gas companies may shut off gas when necessary to avoid danger.

SECTION 10. The commission shall within ninety days after the passage of this act execute with the company, in the name of the city, the company consenting thereto, a contract in writing for the sole and exclusive use of the tunnel and subway and appurtenances for the period of twenty-five years from the beginning of the use of the tunnel, at an annual rental equal to four and one half per cent of the net cost of the tunnel and subway, respectively, for the running of trains and cars therein, and for such other uses and upon such provisions and conditions, not affecting the term or rental, as the commission and the company may agree upon, or in case of difference, as the board may determine. The provisions of this act, in so far as they declare, define or establish the terms and conditions for the construction, tenure, maintenance and operation of said tunnel, subway and appurtenances, shall be embodied in and made part of said contract. The use of the tunnel or subway respectively shall begin when, in the opinion of the commission, a reasonable time after completion has been allowed for equipment. The net cost of the tunnel and subway respectively shall be deemed to include all expenditures incurred in acquisition and

Contract may be made with the Boston Elevated Railway Company for the exclusive use of the tunnel and subway, etc.

construction, including damages, expenses and salaries of the commission, and interest at three and one fourth per cent per annum on the debt incurred in construction prior to the beginning of the use. If the contract for the use of the tunnel and subway is executed as above provided the commission, upon the acceptance of this act by the voters of the city as hereinafter provided, shall proceed with the work of construction.

If the company shall execute the contract it may construct lines of elevated railway upon certain locations, etc.

SECTION 11. If the company shall execute the contract hereinbefore provided for, the company may, before the completion of the tunnel, construct lines of elevated railway according to such plans as the board may approve, to be operated by electricity or by such other motive power except steam, as may be approved by the board in respect of the locations heretofore granted to the company, upon the following locations, which are hereby granted therefor, and may equip, maintain and operate engines, motors, trains and cars thereon, to wit:— (*a*) beginning at the southerly end or ends of the tunnel, thence upon and over any streets and public or private lands to the company's elevated structure now erected on or near Washington, Mott or Castle street: (*b*) beginning at the northerly end or ends of the tunnel, thence upon and over any streets, squares and public or private lands to the company's elevated structure now erected on or near Causeway street: and (*c*), such other locations as may in the opinion of the board be necessary or convenient to connect the tunnel with the elevated structures of the company. For the purposes of this act, including all equipment or other expenditure by the company thereby required or authorized, the company may issue such amounts of its stock or bonds, or of each, as may be necessary therefor, subject to all laws applicable to such issue: and it shall have all the rights and powers, and be subject to all the restrictions, liabilities and obligations conferred or imposed by sections eight, nine, eleven, twelve and fifteen of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, and sections seven, eight, nine and twenty-one of chapter five hundred of the acts of the year eighteen hundred and ninety-seven. The locations granted by this section in, upon or over public ways or lands shall be held by the company or its assigns so long as it or they have the use of the tunnel.

Necessary amounts of stock or bonds may be issued, etc.

SECTION 12. Upon the completion of the tunnel and appurtenances and upon notification as hereinbefore provided, the company shall remove its elevated trains and cars from the existing subway; and thereupon any alterations therein or in the approaches thereto necessary to re-adapt it to the use of surface cars shall be made by the commission, and the expense thereof shall be deemed part of the cost of the tunnel. The tunnel during the term of the contract hereinbefore provided for shall be and be considered a part of the elevated railway operated by the company; and the board, subject to the provisions of the contract, shall have and exercise the same power and control over the same in all respects that are conferred upon the board as to the elevated structure by chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four, chapter five hundred of the acts of the year eighteen hundred and ninety-seven and by other laws in addition thereto. The company, upon removal of its elevated trains from the existing subway, may discontinue the use of its elevated structures and locations connecting its elevated road therewith, and may sell any lands or other property acquired for the purposes of such connection, applying all proceeds thereof to proper corporate uses; and such discontinuance or sale shall not be deemed to impair the capital of the company.

Upon the completion of the tunnel, etc., elevated trains and cars shall be removed from existing subway, etc.

SECTION 13. Upon the determination by the commission of any important question arising in the course of the work herein provided for, upon which the company has previously requested a hearing, except an award of or agreement upon damages as provided in section eight hereof, the company may within three days after notice of such determination apply to the board for a revision of the same, and thereupon the board may consider and finally determine such question.

Company may apply for a revision of the determination of certain questions.

SECTION 14. At any time after the expiration of one year from the completion of the subway the board may order such surface tracks, together with the poles and wires used for the operation of cars thereon, to be removed from any part of Washington street between Broadway and Adams square, except tracks crossing said street, as in its opinion have been rendered unnecessary by the construction of such subway. Such order of the board shall be deemed a revocation of all rights or locations to occupy for street railway purposes the street or

After one year from the completion of the subway certain surface tracks, poles, etc., may be removed, etc.

part thereof included in the order: and surface tracks shall not thereafter be laid or maintained thereon. Nothing in this section contained shall be construed as affecting any existing power to revoke locations on said street or any part thereof as provided by law.

Use and control of subway to be subject to certain rights.

SECTION 15. The use and control of the subway, if acquired by the company, shall be subject to the rights, if any, which the West End Street Railway Company may have under the provisions of article two of its lease to the company, dated December ninth, eighteen hundred and ninety-seven, or otherwise.

Boston Tunnel and Subway Loan.

SECTION 16. The treasurer of the city shall from time to time, on request of the commission, issue and sell at public or private sale, the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding the cost of the tunnel and subway herein provided for. Such bonds shall be designated on their face, Boston Tunnel and Subway Loan, shall be for such terms, not exceeding fifty years, as the mayor and treasurer of said city may determine, and shall bear interest payable semi-annually at such rate not exceeding four per cent per annum, as the treasurer shall determine. The debts incurred by the city from time to time under the provisions of this act shall not be included in determining the limit of indebtedness of the city as established by law, and the proceeds of such bonds shall be used to meet all damages, costs and expenses incurred by the commission or the city in carrying out the provisions of this act. The board of commissioners of sinking funds shall establish a sinking fund for the payment of the bonds issued under this act. All premiums received from the sale thereof shall be paid into the sinking fund. All rents, tolls, percentages or other annual compensation received by the city for any use of the tunnel or subway under this act, or for any use of any lands or rights taken under authority of this act, shall annually be used by the treasurer, — first, to meet the requirements of and any deficiency in the sinking fund, — second, to meet the interest on the bonds, and the surplus, if any, as a part of the general revenue of the city. The proceeds from any sale of lands or rights taken by purchase or otherwise under authority of this act shall be paid into the sinking fund, or shall be used for construction, as the commission may determine.

Sinking fund, etc.

SECTION 17. The term of office of the commission is hereby extended to the first day of July in the year nineteen hundred and six. The provisions of section two of chapter three hundred and seventy-five of the acts of the year eighteen hundred and ninety-nine shall remain in force during said extended term. If the term of the commission, as hereby or as hereafter extended, expires before the completion of the work herein provided for, the city shall have all the rights, powers and privileges, and be subject to all the duties, restrictions and liabilities, hereby conferred or imposed upon the commission in respect thereof, such powers to be exercised by the mayor, city engineer and city treasurer in place of the commission, or by such other officers as the city council may prescribe. If this act is not accepted by a majority of the voters of the city, as hereinafter provided, the term of office of the commission shall be extended only to the first day of July in the year nineteen hundred and four. The members of the commission for the extended term provided for in this act shall be appointed by the governor and the mayor of the city in the manner provided in section twenty-three of chapter five hundred and forty-eight of the acts of the year eighteen hundred and ninety-four. Said appointments shall be for the term of two years.

Term of office of Boston transit commission extended, etc.

Members of commission for extended term, appointment, etc.

SECTION 18. The supreme judicial court and the superior court, upon application of any party in interest, including the city or any ten taxable inhabitants thereof, may enforce or prevent violation of the provisions of this act by any appropriate process.

Enforcement, etc., of provisions.

SECTION 19. If the contract for the use of the tunnel and subway is executed by the commission and the company as hereinbefore provided, this act shall be submitted for acceptance to the voters of the city at the next municipal election, and if accepted by a majority of those voting thereon at such election it shall thereupon take full effect. The city shall have, hold and enjoy in its private or proprietary capacity, for its own property, the existing subway, the East Boston tunnel, the Cambridge street subway and the tunnel and subway built under this act, and all rents, tolls, income and profits from all contracts heretofore or hereafter entered into for the use of said subways or tunnels or any part thereof, and the same shall never be taken by the Commonwealth except on

To be submitted for acceptance to voters at next municipal election, etc.

Proviso. payment of just compensation: *provided, however,* that so much of such rents, tolls, income and profits as may be necessary therefor shall be paid into the respective sinking funds for the redemption of said bonds and used for the payment of the interest thereon.

When to take effect.

SECTION 20. For the purposes of the preliminary work authorized by section two hereof, the payment of the expense of the same, the extension of the term of office of the commission and its powers to the first day of July in the year nineteen hundred and four, the appointment of the members thereof, and the execution of the contract provided for by section ten, and the submission of this act to the voters as hereinbefore provided, this act shall take effect upon its passage.

Approved June 27, 1902.

Chap. 535 AN ACT RELATIVE TO PROTECTING THE PURITY OF WATER BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Be it enacted, etc., as follows:

Certain rules and regulations not to be enforced until certain works are constructed.

SECTION 1. The metropolitan water and sewerage board shall not in the case of any manufacturing plant or tannery now in operation upon the watershed of the south branch of the Nashua river above the main dam in Clinton enforce the rules and regulations made by the state board of health under the provisions of chapter four hundred and eighty-eight of the acts of the year eighteen hundred and ninety-five, and acts in amendment thereof and in addition thereto, until said board has constructed works for the removal or purification of manufacturing refuse or polluting liquid incident to or resulting from the processes of such manufacturing plant or tannery: *provided,* that the owner of such manufacturing plant or tannery consents, without charge therefor, to the construction of suitable works upon his land and within his buildings so far as such works can be constructed thereon or therein. The amount paid for such works shall be considered as a part of the expense of construction of the metropolitan water works, and such works shall be maintained and operated as a part of said water works.

Proviso.

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

Approved June 27, 1902.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF ONE MILLION *Chap. 536*
 FIVE HUNDRED THOUSAND DOLLARS.

Be it enacted, etc., as follows:

SECTION 1. Each city and town in this Commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say: — State tax apportioned and assessed.

- Abington, thirteen hundred and twenty dollars.
- Acton, nine hundred and thirty dollars.
- Acushnet, three hundred and forty-five dollars.
- Adams, twenty-six hundred and seventy dollars.
- Agawam, seven hundred and sixty-five dollars.
- Alford, ninety dollars.
- Amesbury, twenty-eight hundred and five dollars.
- Amherst, sixteen hundred and eighty dollars.
- Andover, twenty-seven hundred and thirty dollars.
- Arlington, forty-four hundred and forty dollars.
- Ashburnham, four hundred and ninety-five dollars.
- Ashby, three hundred and thirty dollars.
- Ashfield, two hundred and eighty-five dollars.
- Ashland, five hundred and forty dollars.
- Athol, twenty-two hundred and twenty dollars.
- Attleborough, thirty-six hundred and thirty dollars.
- Auburn, three hundred and forty-five dollars.
- Avon, four hundred and fifty dollars.
- Ayer, eight hundred and ten dollars.
- Barnstable, twenty-two hundred and twenty dollars.
- Barre, seven hundred and eighty dollars.
- Becket, two hundred and seventy dollars.
- Bedford, five hundred and fifty-five dollars.
- Belchertown, four hundred and eighty dollars.
- Bellingham, three hundred and ninety dollars.
- Belmont, twenty-seven hundred and thirty dollars.
- Berkley, two hundred and twenty-five dollars.
- Berlin, two hundred and seventy dollars.
- Bernardston, two hundred and twenty-five dollars.
- Beverly, eighty-two hundred and sixty-five dollars.
- Billerica, eleven hundred and eighty-five dollars.
- Blackstone, fourteen hundred and ten dollars.
- Blandford, two hundred and forty dollars.
- Bolton, two hundred and fifty-five dollars.
- Boston, five hundred forty-one thousand nine hundred and twenty dollars.
- Bourne, eleven hundred and forty dollars.
- Boxborough, one hundred and twenty dollars.
- Boxford, three hundred and ninety dollars.
- Boylston, two hundred and fifty-five dollars.

State tax
apportioned
and assessed.

Braintree, twenty-four hundred and sixty dollars.
 Brewster, three hundred dollars.
 Bridgewater, thirteen hundred and ninety-five dollars.
 Brimfield, two hundred and twenty-five dollars.
 Brockton, fourteen thousand four hundred dollars.
 Brookfield, seven hundred and sixty-five dollars.
 Brookline, forty thousand eight hundred and fifteen dollars.
 Buckland, three hundred and fifteen dollars.
 Burlington, two hundred and eighty-five dollars.
 Cambridge, forty-seven thousand eight hundred and twenty
 dollars.
 Canton, twenty-two hundred and five dollars.
 Carlisle, one hundred and ninety-five dollars.
 Carver, four hundred and sixty-five dollars.
 Charlemont, one hundred and ninety-five dollars.
 Charlton, five hundred and ten dollars.
 Chatham, four hundred and ninety-five dollars.
 Chelmsford, twelve hundred and ninety dollars.
 Chelsea, twelve thousand and thirty dollars.
 Cheshire, three hundred and sixty dollars.
 Chester, four hundred and five dollars.
 Chesterfield, one hundred and fifty dollars.
 Chicopee, five thousand and ten dollars.
 Chilmark, one hundred and twenty dollars.
 Clarksburg, one hundred and fifty dollars.
 Clinton, thirty-nine hundred and seventy-five dollars.
 Cohasset, twenty-nine hundred and ten dollars.
 Colrain, three hundred and forty-five dollars.
 Concord, twenty-five hundred and sixty-five dollars.
 Conway, three hundred and sixty dollars.
 Cottage City, seven hundred and eighty dollars.
 Cummington, one hundred and sixty-five dollars.
 Dalton, fourteen hundred and seventy dollars.
 Dana, one hundred and ninety-five dollars.
 Danvers, twenty-seven hundred and fifteen dollars.
 Dartmouth, fourteen hundred and twenty-five dollars.
 Dedham, forty-four hundred and seventy dollars.
 Deerfield, seven hundred and five dollars.
 Dennis, six hundred and thirty dollars.
 Dighton, four hundred and thirty-five dollars.
 Douglas, five hundred and fifty-five dollars.
 Dover, four hundred and eighty dollars.
 Draut, ten hundred and twenty dollars.
 Dudley, six hundred and thirty dollars.
 Dunstable, one hundred and sixty-five dollars.
 Duxbury, eight hundred and fifty-five dollars.
 East Bridgewater, eight hundred and seventy dollars.
 East Longmeadow, two hundred and seventy dollars.
 Eastham, one hundred and sixty-five dollars.
 Easthampton, fifteen hundred and sixty dollars.

State tax
apportioned
and assessed.

Easton, twenty-six hundred and fifty-five dollars.
 Edgartown, four hundred and five dollars.
 Egremont, two hundred and forty dollars.
 Enfield, four hundred and thirty-five dollars.
 Erving, two hundred and twenty-five dollars.
 Essex, five hundred and fifty-five dollars.
 Everett, ninety-two hundred and fifty-five dollars.
 Fairhaven, twelve hundred and sixty dollars.
 Fall River, thirty-seven thousand four hundred and ten dollars.
 Falmouth, thirty-seven hundred and eighty dollars.
 Fitchburg, twelve thousand four hundred and sixty-five dol-
 lars.
 Florida, ninety dollars.
 Foxborough, ten hundred and sixty-five dollars.
 Framingham, forty-nine hundred and ninety-five dollars.
 Franklin, seventeen hundred and ten dollars.
 Freetown, four hundred and sixty-five dollars.
 Gardner, twenty-nine hundred and twenty-five dollars.
 Gay Head, fifteen dollars.
 Georgetown, five hundred and forty dollars.
 Gill, two hundred and fifty-five dollars.
 Gloucester, eighty-five hundred and five dollars.
 Goshen, seventy-five dollars.
 Gosnold, one hundred and five dollars.
 Grafton, thirteen hundred and twenty dollars.
 Granby, two hundred and forty dollars.
 Granville, one hundred and ninety-five dollars.
 Great Barrington, twenty-one hundred and seventy-five dol-
 lars.
 Greenfield, thirty-three hundred and thirty dollars.
 Greenwich, one hundred and thirty-five dollars.
 Groton, fifteen hundred dollars.
 Groveland, five hundred and forty dollars.
 Hadley, five hundred and forty dollars.
 Halifax, one hundred and fifty dollars.
 Hamilton, twelve hundred and thirty dollars.
 Hampden, two hundred and ten dollars.
 Hancock, one hundred and fifty dollars.
 Hanover, six hundred and ninety dollars.
 Hanson, three hundred and seventy-five dollars.
 Hardwick, eight hundred and twenty-five dollars.
 Harvard, five hundred and forty dollars.
 Harwich, six hundred and forty-five dollars.
 Hatfield, five hundred and eighty-five dollars.
 Haverhill, thirteen thousand seven hundred and twenty-five
 dollars.
 Hawley, ninety dollars.
 Heath, ninety dollars.
 Hingham, twenty-two hundred and ninety-five dollars.
 Hinsdale, three hundred and forty-five dollars.

State tax
apportioned
and assessed.

Holbrook, seven hundred and twenty dollars.
 Holden, six hundred and seventy-five dollars.
 Holland, forty-five dollars.
 Holliston, seven hundred and ninety-five dollars.
 Holyoke, twenty thousand three hundred and twenty-five dol-
 lars.
 Hopedale, twenty-two hundred and sixty-five dollars.
 Hopkinton, nine hundred and fifteen dollars.
 Hubbardston, three hundred and forty-five dollars.
 Hudson, seventeen hundred and ten dollars.
 Hull, eighteen hundred dollars.
 Huntington, two hundred and eighty-five dollars.
 Hyde Park, fifty-two hundred and sixty-five dollars.
 Ipswich, sixteen hundred and fifty dollars.
 Kingston, eight hundred and twenty-five dollars.
 Lakeville, three hundred dollars.
 Lancaster, fifteen hundred and ninety dollars.
 Lanesborough, two hundred and forty dollars.
 Lawrence, twenty thousand four hundred and forty-five dol-
 lars.
 Lee, nine hundred and seventy-five dollars.
 Leicester, fourteen hundred and forty dollars.
 Lenox, seventeen hundred and eighty-five dollars.
 Leominster, thirty-nine hundred and thirty dollars.
 Leverett, one hundred and fifty dollars.
 Lexington, twenty-seven hundred dollars.
 Leyden, one hundred and five dollars.
 Lincoln, eleven hundred and seventy dollars.
 Littleton, four hundred and eighty dollars.
 Longmeadow, four hundred and ninety-five dollars.
 Lowell, thirty-seven thousand five hundred and sixty dollars.
 Ludlow, eight hundred and twenty-five dollars.
 Lunenburg, four hundred and sixty-five dollars.
 Lynn, twenty-six thousand three hundred and fifty-five dol-
 lars.
 Lynnfield, three hundred and forty-five dollars.
 Malden, fifteen thousand three hundred and ninety dollars.
 Manchester, forty-seven hundred and ten dollars.
 Mansfield, ten hundred and fifty dollars.
 Marblehead, thirty-three hundred and forty-five dollars.
 Marion, six hundred and seventy-five dollars.
 Marlborough, forty-seven hundred and seventy dollars.
 Marshfield, seven hundred and five dollars.
 Mashpee, ninety dollars.
 Mattapoisett, eight hundred and ten dollars.
 Maynard, ten hundred and sixty-five dollars.
 Medfield, seven hundred and ninety-five dollars.
 Medford, ten thousand and five dollars.
 Medway, seven hundred and thirty-five dollars.
 Melrose, sixty-three hundred and seventy-five dollars.

State tax
apportioned
and assessed.

- Mendon, two hundred and eighty-five dollars.
 Merrimac, six hundred and ninety dollars.
 Methuen, twenty-five hundred and five dollars.
 Middleborough, twenty-two hundred and five dollars.
 Middlefield, one hundred and five dollars.
 Middleton, two hundred and eighty-five dollars.
 Milford, thirty-one hundred and five dollars.
 Millbury, eleven hundred and seventy dollars.
 Millis, three hundred and forty-five dollars.
 Milton, eleven thousand one hundred and fifteen dollars.
 Monroe, seventy-five dollars.
 Monson, ten hundred and thirty-five dollars.
 Montague, eighteen hundred and ninety dollars.
 Monterey, one hundred and twenty dollars.
 Montgomery, seventy-five dollars.
 Mount Washington, forty-five dollars.
 Nahant, thirty-two hundred and twenty-five dollars.
 Nantucket, sixteen hundred and fifty dollars.
 Natick, thirty-two hundred and forty dollars.
 Needham, seventeen hundred and fifty-five dollars.
 New Ashford, thirty dollars.
 New Bedford, twenty-nine thousand seven hundred and thirty dollars.
 New Braintree, two hundred and twenty-five dollars.
 New Marlborough, three hundred dollars.
 New Salem, one hundred and sixty-five dollars.
 Newbury, five hundred and eighty-five dollars.
 Newburyport, fifty-five hundred and five dollars.
 Newton, twenty-nine thousand seven hundred and sixty dollars.
 Norfolk, three hundred dollars.
 North Adams, seven thousand and five dollars.
 North Andover, twenty-three hundred and seventy dollars.
 North Attleborough, two thousand and eighty-five dollars.
 North Brookfield, ten hundred and eighty dollars.
 North Reading, two hundred and eighty-five dollars.
 Northampton, sixty-two hundred and seventy dollars.
 Northborough, six hundred and ninety dollars.
 Northbridge, twenty-three hundred and ten dollars.
 Northfield, five hundred and twenty-five dollars.
 Norton, four hundred and eighty dollars.
 Norwell, five hundred and ten dollars.
 Norwood, twenty-two hundred and eighty dollars.
 Oakham, one hundred and sixty-five dollars.
 Orange, seventeen hundred and forty dollars.
 Orleans, three hundred and thirty dollars.
 Otis, one hundred and twenty dollars.
 Oxford, seven hundred and ninety-five dollars.
 Palmer, fifteen hundred and seventy-five dollars.
 Paxton, one hundred and fifty dollars.

State tax
apportioned
and assessed.

Peabody, forty-two hundred and sixty dollars.
 Pelham, one hundred and five dollars.
 Pembroke, three hundred and thirty dollars.
 Pepperell, twelve hundred and thirty dollars.
 Peru, sixty dollars.
 Petersham, three hundred and fifteen dollars.
 Phillipston, one hundred and fifty dollars.
 Pittsfield, eight thousand and twenty-five dollars.
 Plainfield, ninety dollars.
 Plymouth, four thousand and fifty dollars.
 Plympton, one hundred and sixty-five dollars.
 Prescott, ninety dollars.
 Princeton, four hundred and thirty-five dollars.
 Provincetown, ten hundred and five dollars.
 Quincy, ten thousand one hundred and fifty-five dollars.
 Randolph, eleven hundred and seventy dollars.
 Raynham, four hundred and thirty-five dollars.
 Reading, twenty-two hundred and eighty dollars.
 Rehoboth, four hundred and five dollars.
 Revere, forty-nine hundred and eighty dollars.
 Richmond, one hundred and eighty dollars.
 Rochester, two hundred and seventy dollars.
 Rockland, sixteen hundred and ninety-five dollars.
 Rockport, fourteen hundred and forty dollars.
 Rowe, one hundred and thirty-five dollars.
 Rowley, three hundred and seventy-five dollars.
 Royalston, two hundred and eighty-five dollars.
 Russell, two hundred and forty dollars.
 Rutland, three hundred dollars.
 Salem, fourteen thousand seven hundred and thirty dollars.
 Salisbury, three hundred and seventy-five dollars.
 Sandisfield, one hundred and sixty-five dollars.
 Sandwich, five hundred and ten dollars.
 Saugus, eighteen hundred and thirty dollars.
 Savoy, ninety dollars.
 Scituate, twelve hundred and ninety dollars.
 Seekonk, four hundred and ninety-five dollars.
 Sharon, nine hundred and thirty dollars.
 Sheffield, four hundred and sixty-five dollars.
 Shelburne, four hundred and eighty dollars.
 Sherborn, four hundred and twenty dollars.
 Shirley, four hundred and fifty dollars.
 Shrewsbury, six hundred and thirty dollars.
 Shutesbury, ninety dollars.
 Somerset, five hundred and seventy dollars.
 Somerville, twenty-six thousand two hundred and fifty dol-
 lars.
 South Hadley, fourteen hundred and ten dollars.
 Southampton, two hundred and fifty-five dollars.
 Southborough, eight hundred and seventy dollars.

Southbridge, twenty-four hundred dollars.
 Southwick, two hundred and seventy dollars.
 Spencer, two thousand and twenty-five dollars.
 Springfield, thirty-seven thousand one hundred and seventy
 dollars.
 Sterling, four hundred and sixty-five dollars.
 Stockbridge, seventeen hundred and forty dollars.
 Stoneham, twenty-five hundred and ninety-five dollars.
 Stoughton, sixteen hundred and twenty dollars.
 Stow, four hundred and five dollars.
 Sturbridge, four hundred and ninety-five dollars.
 Sudbury, six hundred and thirty dollars.
 Sunderland, two hundred and forty dollars.
 Sutton, six hundred and thirty dollars.
 Swampscott, three thousand and fifteen dollars.
 Swansea, five hundred and twenty-five dollars.
 Taunton, eleven thousand four hundred dollars.
 Templeton, seven hundred and eighty dollars.
 Tewksbury, nine hundred and seventy-five dollars.
 Tisbury, four hundred and ninety-five dollars.
 Tolland, seventy-five dollars.
 Topsfield, four hundred and sixty-five dollars.
 Townsend, six hundred and fifteen dollars.
 Truro, one hundred and ninety-five dollars.
 Tyngsborough, two hundred and fifty-five dollars.
 Tyringham, one hundred and twenty dollars.
 Upton, six hundred and seventy-five dollars.
 Uxbridge, eleven hundred and eighty-five dollars.
 Wakefield, thirty-nine hundred dollars.
 Wales, one hundred and fifty dollars.
 Walpole, thirteen hundred and thirty-five dollars.
 Waltham, ten thousand three hundred and thirty-five dollars.
 Ware, two thousand two hundred and eighty dollars.
 Wareham, thirteen hundred and twenty dollars.
 Warren, ten hundred and thirty-five dollars.
 Warwick, one hundred and eighty dollars.
 Washington, one hundred and twenty dollars.
 Watertown, fifty-five hundred and twenty dollars.
 Wayland, nine hundred dollars.
 Webster, twenty-nine hundred and fifty-five dollars.
 Wellesley, forty-five hundred and seventy-five dollars.
 Wellfleet, four hundred and five dollars.
 Wendell, one hundred and twenty dollars.
 Wenham, five hundred and twenty-five dollars.
 West Boylston, five hundred and ten dollars.
 West Bridge-water, six hundred and thirty dollars.
 West Brookfield, four hundred and twenty dollars.
 West Newbury, four hundred and eighty dollars.
 West Springfield, twenty-six hundred and forty dollars.
 West Stockbridge, two hundred and seventy dollars.

State tax
 apportioned
 and assessed.

State tax
apportioned
and assessed.

West Tisbury, two hundred and ten dollars.
 Westborough, fifteen hundred and sixty dollars.
 Westfield, forty-three hundred and sixty-five dollars.
 Westford, seven hundred and sixty-five dollars.
 Westhampton, one hundred and twenty dollars.
 Westminster, four hundred and five dollars.
 Weston, twenty-five hundred and fifty dollars.
 Westport, eight hundred and forty dollars.
 Westwood, six hundred and thirty dollars.
 Weymouth, thirty-four hundred and ninety-five dollars.
 Whately, two hundred and forty dollars.
 Whitman, nineteen hundred and twenty dollars.
 Wilbraham, four hundred and twenty dollars.
 Williamsburg, four hundred and eighty dollars.
 Williamstown, thirteen hundred and fifty dollars.
 Wilmington, five hundred and forty dollars.
 Winchendon, thirteen hundred and ninety-five dollars.
 Winchester, forty-four hundred and ten dollars.
 Windsor, one hundred and five dollars.
 Winthrop, thirty-three hundred and thirty dollars.
 Woburn, fifty-three hundred and eighty-five dollars.
 Worcester, fifty-nine thousand one hundred and forty-five dol-
 lars.
 Worthington, one hundred and fifty dollars.
 Wrentham, seven hundred and ninety-five dollars.
 Yarmouth, nine hundred and sixty dollars.

Treasurer to
issue warrant.

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 section thirty-four of chapter twelve of the Revised Laws, 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.

Payment of
assessments.

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 nineteen hundred and two, 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 nineteen hundred and two.

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 cent per month during such delinquency from and after the tenth day of December in the year nineteen hundred and two; and if the same remains unpaid after the first day of January in the year nineteen hundred and three, 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.

Notice to treasurers of delinquent cities and towns.

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

Approved June 27, 1902.

AN ACT TO PROVIDE FOR DIRECT NOMINATION, IN CITIES, OF CANDIDATES FOR CERTAIN ELECTIVE OFFICES.

Chap. 537

Be it enacted, etc., as follows:

SECTION 1. Every nomination by a political party of a candidate for representative in the general court, or any elective city office except a member of the school committee of Boston, to be voted for only in two or more wards of one city, shall be made in caucuses by direct plurality vote.

Candidates for certain elective offices in cities to be nominated by direct plurality vote.

SECTION 2. All ballots and returns for such candidates shall be returned by the clerks of the several caucuses as ballots and returns of elections in such cities are returned, and the city clerk with the registrars of voters, or in Boston the election commissioners, shall determine and tabulate the results of all such ballots and returns, shall certify to the facts required by law in certificates for nomination of representatives to the general court, and shall file such certificates with the secretary of the Commonwealth on or before the Thursday designated by

Ballots and returns, etc.

law therefor. The secretary of the Commonwealth shall place on the official ballots to be used at the state election the names of all candidates for representatives nominated as aforesaid; and the city clerk, or in Boston the election commissioners, shall place on the official ballots to be used at municipal elections the names of all candidates nominated as aforesaid.

Number of signatures required on nomination papers, etc.

SECTION 3. Where nomination papers for candidates at caucuses are required by law such papers shall, for nominations under this act, be signed by a number of voters equal in the aggregate to not less than five for each ward in the city or district. Such voters shall be members of the political party holding the caucus and they shall add to their signatures the street and number, if any, of their residences.

Certain provisions of law to apply.

SECTION 4. All provisions of law relative to caucuses of political parties shall, so far as they are applicable and not inconsistent with the provisions of this act, apply to caucuses at which direct nominations are made as herein provided.

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

Approved June 28, 1902.

Chap. 538 AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE PROBATE COURTS.

Be it enacted, etc., as follows:

Certain proceedings and decrees of the probate courts confirmed.

SECTION 1. The proceedings and decrees, heretofore made and entered, of the probate courts of the counties of the Commonwealth authorizing and confirming compromises of controversies between persons claiming as devisees or legatees under a will and those entitled to the same estate under the statutes regulating the descent and distribution of intestate estates, in accordance with the provisions of sections fourteen to seventeen, inclusive, of chapter one hundred and forty-two of the Public Statutes and of acts in amendment thereof, and the probate of wills to be executed in accordance with said compromises, shall be and the same hereby are confirmed, and such proceedings and decrees shall have the same force and effect as if originally made and entered in the supreme judicial court: *provided, however,* that nothing herein contained shall apply to or affect cases wherein, prior to the passage of this act, such an agreement of compromise has been

Proviso.

confirmed by the supreme judicial court, or is pending therein under the provisions of section fifteen of chapter one hundred and forty-eight of the Revised Laws.

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

Approved June 28, 1902.

AN ACT RELATIVE TO WEIGHTS AND MEASURES.

Chap.539

Be it enacted, etc., as follows:

Section seventeen of chapter sixty-two of the Revised Laws is hereby amended by striking out the words "The expense thereof shall be paid by the respective counties, cities and towns", in the twelfth and thirteenth lines, so as to read as follows:— *Section 17.* The standards, except those of apothecaries' weight and apothecaries' liquid measure, which are in the custody of county treasurers shall, at least once in every ten years, and such standards which are in the custody of city and town treasurers shall, at least once in every five years, be tried, adjusted and sealed by the treasurer and receiver general or by his deputy. At least once in every three years, the standards of apothecaries' weights and of apothecaries' liquid measures which are in the custody of county treasurers shall be compared with and adjusted by those in the custody of the treasurer and receiver general, and such standards in the custody of city and town treasurers, with those of the treasurer and receiver general or of the county treasurer. Every treasurer who neglects to have the standards in his care so sealed shall forfeit not more than fifty dollars.

R. L. 62, § 17,
amended.

County and
town standards
to be tested.

Approved June 28, 1902.

AN ACT RELATIVE TO THE LABELLING OF BAKING POWDERS.

Chap.540

Be it enacted, etc., as follows:

SECTION 1. Whoever manufactures for sale within this state, or offers or exposes for sale or sells any baking powder or mixture or compound intended for use as a baking powder under any name or title whatsoever shall securely affix or cause to be securely affixed to the outside of every box, can or package containing such baking powder or like mixture or compound, a label distinctly printed in bavier gothic capital letters, in the English language, containing the name and residence of the manufacturer and the ingredients of the baking powder, mixture or compound.

Baking
powders, etc.,
to be labelled.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of not less than ten nor more than one hundred dollars for each offence.

To take effect
April 1, 1903.

SECTION 3. This act shall take effect on the first day of April in the year nineteen hundred and three.

Approved June 28, 1902.

Chap. 541

AN ACT TO PROHIBIT THE POLLUTION OF THE NEPONSET RIVER AND ITS TRIBUTARIES.

Be it enacted, etc., as follows :

Pollution of
Neponset river
and its tribu-
taries pro-
hibited.

SECTION 1. The state board of health is hereby authorized and directed to prohibit the entrance or discharge of sewage into any part of the Neponset river or its tributaries, and to prevent the entrance or discharge therein of every other substance which may be injurious to public health or may tend to create a public nuisance or to obstruct the flow of water, including all waste or refuse from any factory or other establishment where persons are employed, unless the owner thereof shall use the best practicable and reasonably available means to render such waste or refuse harmless.

State board of
health to con-
sult with
owners of cer-
tain establish-
ments relative
to refuse.

SECTION 2. The board shall consult and advise with any such owner at his request or of its own motion as to the best practicable and reasonably available means of rendering such waste or refuse harmless, having regard to the circumstances and requirements of the situation and to the industrial interests involved.

Enforcement of
provisions.

SECTION 3. The supreme judicial court or any justice thereof and the superior court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act and any order made by the state board of health in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the attorney-general upon the request of the state board of health, or of any other party in interest.

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

Approved June 28, 1902.

Chap. 542

AN ACT TO INCREASE THE NUMBER OF THE TRUSTEES OF THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Be it enacted, etc., as follows :

Number of
trustees of
Massachusetts
hospital for
dipsomaniacs

SECTION 1. The number of trustees of the Massachusetts hospital for dipsomaniacs and inebriates is hereby increased to seven ; and the governor is hereby author-

ized and requested to appoint, with the advise and consent of the council, within sixty days after the passage of this act, the two additional trustees thus provided for. In the year nineteen hundred and seven, and each fifth year thereafter, three trustees shall be appointed, and in every other year one trustee shall be appointed.

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

Approved June 28, 1902.

AN ACT RELATIVE TO THE IMPROVEMENT OF THE STATE HOUSE AND TO THE HEIGHT OF BUILDINGS ON BEACON STREET AND BOWDOIN STREET IN THE CITY OF BOSTON.

Chap. 543

Be it enacted, etc., as follows:

SECTION 1. Any part of any building abutting on or within forty-two feet of Bowdoin street between Allston street and Beacon street may be completed, built, rebuilt or altered to the height of one hundred feet above the highest grade of that part of said Bowdoin street on which the building abuts as such grade has been changed and established by the governor and council and no higher, and any part of any building on or within ninety-five feet of Beacon street between the Claffin building, so-called, and Park street may be completed, built, rebuilt or altered to the height of seventy feet above the highest grade of said Beacon street and no higher: *provided, however,* that there may be erected on any such building such chimneys, pipes, water tanks, elevator houses and ornamental features which shall not increase the interior capacity of said building as the governor and council may approve.

Height of buildings on parts of Beacon and Bowdoin streets, Boston.

Proviso.

SECTION 2. Any person owning land on or within forty-two feet of Bowdoin street, between Allston street and Beacon street, or on or within ninety-five feet of Beacon street between the Claffin building, so-called, and Park street, whose property is damaged more than it is benefited by the improvement of the state house, consisting of the limitation of the height of buildings on said land, the laying out and grading of said streets, the removal of buildings between Hancock street and Bowdoin street, the reconstruction and extension of the state house and the construction of the park between Bowdoin street and the state house, may, within two years after the passage of this act, and not afterward, file in the office of the clerk of the superior court for the county of Suffolk,

Damages on account of improvement of state house.

his petition for a jury to determine such damage, and a jury of said court shall thereupon determine the question, under the rules of law, so far as they are applicable, under which damages for the laying out of highways under the Revised Laws are determined. If the jury find that the petitioner is damaged more than he is benefited by said improvement they shall determine the amount of the difference, and the Commonwealth shall pay the same; and if the jury shall not so find, judgment shall be entered for the Commonwealth, costs taxed and execution issued therefor against the petitioner as in civil cases. The city of Boston shall repay to the Commonwealth all damages which the state shall be required to pay for the change of grade of Bowdoin street made under authority of the governor and council, and for all expenses incurred in making such change.

1900, 382, § 2,
etc., amended.

SECTION 3. Section two of chapter three hundred and eighty-two of the acts of the year nineteen hundred, as amended by section one of chapter five hundred and twenty-five of the acts of the year nineteen hundred and one, is hereby further amended by striking out all of said section two after the word "Commonwealth", in the seventeenth line, so as to read as follows:— *Section 2.* The governor and council may lay out said land for use as a park, with driveways, walks, grass plots, curbing and railing; may close Mount Vernon street from Beacon street to the state house arch; may construct a new approach to the state house from Bowdoin street and from Beacon street: may build retaining walls and fences: may change the grade of Mount Vernon street from Joy street to the state house as they shall deem to be most advantageous for an approach to the state house: may change the grade of Bowdoin street from Beacon street to Ashburton place so that the street will be substantially level in that part, and may widen Bowdoin street at any part to a width not exceeding fifty feet; may grade and construct said streets and relay the sewers, pipes, tubes, conduits and wires therein wherever necessary, and may provide for the proper storage of coal for the use of the Commonwealth.

Governor and
council may
lay out certain
land for use as
a park, etc.

Repeal.

SECTION 4. Section three of said chapter five hundred and twenty-five is hereby repealed.

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

Approved June 28, 1902.

AN ACT TO AMEND THE REVISED LAWS AND TO SUPPLY CERTAIN
OMISSIONS THEREFROM. Chap. 544

Be it enacted, etc., as follows:

SECTION 1. Section seventeen of chapter three of the Revised Laws is hereby amended by striking out all after the word "testimony", in the ninth line, so as to read as follows:—*Section 17.* A person shall not be excused from attending and testifying before either branch of the general court or before a committee thereof upon a subject referred to such committee on the ground that his testimony or evidence, documentary or otherwise, may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or subjected to a penalty or forfeiture for or on account of any action, matter or thing concerning which he may so testify or produce evidence, except for perjury committed in such testimony.

R. L. 3, § 17,
amended.

Testimony
before general
court, or com-
mittee thereof.

SECTION 2. Section two hundred and seventy-nine of chapter eleven of the Revised Laws is hereby amended by striking out the words "board of aldermen of the city of Chelsea and the", in the seventh line, so that the first paragraph of said section shall read as follows:—*Section 279.* Upon a failure to choose a county commissioner or associate commissioner, the board of examiners shall forthwith issue precepts to the board of aldermen of each city and to the selectmen of each town in such county, directing them to call meetings of the voters to elect such officer on a day appointed therein. In the county of Middlesex, such precept shall also be issued to the selectmen of the towns of Revere and Winthrop.

R. L. 11, § 279,
amended.

County or asso-
ciate commis-
sioner, failure
to elect.

SECTION 3. Section thirty-six of chapter nineteen of the Revised Laws is hereby amended by adding at the end of the first sentence, the words:—and thereupon such town shall have the authority given to a city under the provisions of section twenty-four of chapter twenty-six,—so as to read as follows:—*Section 36.* This chapter shall be in force in any town of more than twelve thousand inhabitants when accepted by it, and thereupon such town shall have the authority given to a city under the provisions of section twenty-four of chapter twenty-six. So much of this chapter and the rules established under it as relate to the employment of laborers, desig-

R. L. 19, § 36,
amended.

Application of
chapter.

nated as the "Labor Service", shall not be in force in any city of less than one hundred thousand inhabitants until the city council, with the approval of the mayor, accepts the same.

R. L. 20, § 14,
amended.

Salaries of
county com-
missioners.

SECTION 4. Chapter twenty of the Revised Laws is hereby amended by striking out section fourteen and inserting in place thereof the following:—*Section 14.* County commissioners shall receive from the county in full payment for all their services the following annual salaries:—

For the county of Barnstable, thirteen hundred dollars.

For the county of Berkshire, twenty-one hundred dollars.

For the county of Bristol, thirty-three hundred dollars.

For the county of Dukes County, four hundred dollars.

For the county of Essex, forty-five hundred dollars up to the first day of July in the year nineteen hundred and two, and thereafter fifty-four hundred dollars.

For the county of Franklin, sixteen hundred dollars.

For the county of Hampden, twenty-five hundred dollars.

For the county of Hampshire, sixteen hundred dollars.

For the county of Middlesex, fifty-four hundred dollars.

For the county of Norfolk, forty-two hundred dollars.

For the county of Plymouth, twenty-seven hundred dollars.

For the county of Worcester, forty-nine hundred and fifty dollars.

To be divided
in proportion
to services ren-
dered, etc.

Such salaries shall be divided among the county commissioners in proportion to the services rendered by each; and no other or additional compensation shall be paid to them for any service performed by them for their respective counties. Associate commissioners shall receive from the county not less than five dollars each for every day of actual service, to an amount not exceeding one hundred and fifty dollars in any county in any calendar year, and ten cents a mile for travel each way. An itemized statement of the actual and proper expenses of the commissioners for transportation shall, on the first day of each month, be certified to the controller of county accounts, who shall audit and certify it to the county treasurer, who shall pay such expenses from the county treasury.

Associate com-
missioners,
compensation,
etc.

Expenses of
commissioners.

R. L. 22, § 7,
amended.

SECTION 5. Section seven of chapter twenty-two of the Revised Laws is hereby amended by striking out the

word "mayor", in the sixth line, and inserting in place thereof the words:— such aldermen, — so as to read as follows:— *Section 7.* Each register of deeds, except in the county of Suffolk, shall be sworn before the county commissioners and, in the county of Suffolk, before one or more of the aldermen of the city of Boston. Each register shall give bond to the county for the faithful performance of his official duty, with such sureties and in such sum as the commissioners or such aldermen, respectively, shall approve.

Registers of deeds to be sworn and give bond.

SECTION 6. Section fourteen of chapter twenty-five of the Revised Laws is hereby amended by striking out the word "almshouse", in the thirteenth line, and inserting in place thereof the word:— hospital, — so that the third paragraph of said section shall read as follows:— For the reception, care and treatment, by hospitals established in a town, or in the vicinity thereof, which maintains and manages no hospital, of persons who by misfortune or poverty require relief during temporary illness; but this provision shall not add to the compensation now required from the Commonwealth or from any city or town for the care and treatment of any person chargeable to them respectively as a pauper, or diminish the right of the Commonwealth to require the removal to the state hospital of a pauper dependent upon it.

R. L. 25, § 14, amended.

Towns may make contracts for the hospital treatment, etc., of certain persons.

SECTION 7. Section one of chapter twenty-eight of the Revised Laws is hereby amended by striking out the word "A", in the twenty-first line, and inserting in place thereof the words:— In cities a, — so as to read as follows:— *Section 1.* A town in which, at a meeting called and notified at least seven days in advance in the same manner as meetings for the election of town officers, a majority of the voters, voting by ballot with the use of the voting list, adopt the provisions of the first fourteen sections of this chapter or have so adopted the corresponding provisions of earlier laws, may elect a board of park commissioners, consisting of three persons, and prescribe their terms of office; and the mayor of a city which, at meetings to be held at one time in the usual voting places of the city on such days as the board of aldermen, at a regular meeting, shall designate, called in the same manner as meetings for the election of city officers, accepts said provisions may, with the approval of the city council, appoint a board of park commissioners for said city, con-

R. L. 28, § 1, amended.

Park commissioners in certain towns, election, terms, etc.

In certain cities, appointment, etc.

sisting of five persons, who shall hold office for terms of one, two, three, four and five years respectively from the first Monday in May next following such appointment, or until their successors are appointed and qualified; and thereafter the mayor shall annually, before the first Monday in May, with like approval appoint one such commissioner for a term of five years from said first Monday in May. No selectman, member of the city council, clerk or treasurer of such city or town shall be such commissioner. In cities a vacancy in such board shall be filled in like manner for the residue of the unexpired term. A commissioner may be removed by a vote of two thirds of the voters of a town at a meeting called for the purpose, or by a concurrent vote of two thirds of the whole of each branch of a city council. Such commissioner shall serve without compensation.

Vacancy,
removal, etc.

R. L. 29, § 22,
amended.

SECTION 8. Section twenty-two of chapter twenty-nine of the Revised Laws is hereby amended by striking out the words "He shall tabulate the subject matter", in the second and third lines, and inserting in place thereof the words: — He shall prepare from said copies such statistical tables as will be of practical utility, — so as to read as follows: — *Section 22.* The secretary shall cause the copies received by him for each year to be bound, with indexes thereto. He shall prepare from said copies such statistical tables as will be of practical utility, and make report thereof annually to the general court.

Copies of
records of
births, mar-
riages and
deaths to be
bound, etc.

R. L. 65, § 9,
amended.

SECTION 9. Section nine of chapter sixty-five of the Revised Laws is hereby amended by striking out the word "or", after the word "fine", in the tenth line, and inserting in place thereof the word: — and, — so as to read as follows: — *Section 9.* Every itinerant vendor who sells or exposes for sale, at public or private sale, any goods, wares or merchandise without state and local licenses therefor, properly indorsed, or files any application, original or supplementary, which contains any false statement, or being licensed fails to comply with all the requirements of the preceding section and every person, both principal and agent, who, by circular, hand-bill, newspaper or in any other manner, advertises any such unlicensed sales, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

Penalty for
unlicensed
sales, etc., by
itinerant
vendors.

SECTION 10. Chapter seventy-five of the Revised Laws, as amended by section two of chapter one hundred and ninety of the acts of the year nineteen hundred and two, is hereby amended by striking out section one hundred and thirty-nine, as so amended, and inserting in place thereof the following:— *Section 139.* Any person over twenty-one years of age who presents a certificate signed by the register of a probate court that he is under guardianship shall not be subject to the provisions of section one hundred and thirty-seven; and any child who presents a certificate, signed by a registered physician designated by the parent or guardian, that the physician has at the time of giving the certificate personally examined the child and that he is of the opinion that the physical condition of the child is such that his health will be endangered by vaccination shall not, while such condition continues, be subject to the provisions of the three preceding sections of this chapter; and the parent or guardian of such child shall not be liable to the penalties imposed by section one hundred and thirty-six of this chapter.

R. L. 75, § 139, etc., amended.

Certain persons exempt from compulsory vaccination.

SECTION 11. Section sixty-four of chapter ninety-one of the Revised Laws is hereby amended by inserting after the words “apply to”, in the seventh line, the words:— the county of Berkshire nor to,—so as to read as follows:— *Section 64.* Whoever at any time takes, catches or has in possession, or whoever sells or offers or exposes for sale in this Commonwealth, trout less than six inches in length shall forfeit ten dollars for each such trout taken, caught, held in possession, sold or offered or exposed for sale; but the provisions of this section shall not affect the provisions of section twenty-eight, nor shall they apply to the county of Berkshire nor to a person who is engaged in breeding or rearing trout or to any person who, upon taking such trout, immediately returns it alive to the water from which it was taken.

R. L. 91, § 64, amended.

Penalty for taking, etc., of small trout.

Not to apply to certain persons, etc.

SECTION 12. Section ten of chapter one hundred and eight of the Revised Laws is hereby amended by inserting after the word “eighty”, in the tenth line, the word:— one,—so as to read as follows:— *Section 10.* County commissioners may appoint persons who are in the employment of said county as police officers, who shall, when on duty, wear in plain sight a metallic badge in-

R. L. 108, § 10, amended.

County police, appointment, powers and duties.

scribed with the words "County Police" and the name of the county for which they are appointed. Such officers may preserve order in any court house or in any room or building used for county business and upon the adjoining premises. They may, without a warrant, arrest idle, intoxicated or disorderly persons who by their presence or conduct obstruct or annoy persons using county buildings or premises, or who violate the provisions of section eighty-one of chapter two hundred and eight, and may take persons so arrested to the nearest police station or other place of lawful detention.

R. L. 111, § 237,
amended.

SECTION 13. Section two hundred and thirty-seven of chapter one hundred and eleven of the Revised Laws is hereby amended by striking out the word "by", in the twelfth line, and inserting in place thereof the word:— to, — so as to read as follows:— *Section 237.* A corporation which is unable to agree with the postmaster general or other proper officer of the United States as to the compensation to be paid for such transportation may notify the postmaster general of its unwillingness to carry the mails upon the terms proposed: and after the expiration of three months from the depositing of such notice in a post office in this Commonwealth, addressed to the postmaster general, such corporation shall be absolved from the duty imposed in the preceding section, unless he or some officer or agent of the post office department within that time has filed a petition in the supreme judicial court in any county, praying for the appointment of three commissioners to fix the price to be paid to the corporation for such service; and the court, after due notice to the corporation, shall appoint three commissioners to hear the parties and determine such compensation, the award of a major part of whom, being made to and confirmed by said court, shall be final as to all past service and for the period of two years after such confirmation.

Compensation
for carrying
mails, how
determined.

R. L. 144, § 1,
amended.

SECTION 14. Section one of chapter one hundred and forty-four of the Revised Laws is hereby amended by inserting after the word "Commonwealth", in the seventh line, the words:— or if abandoned property of a person who is not a resident of the Commonwealth is found therein and no agent therein is authorized to take care thereof, — by striking out the word "his", in the eighth line, and inserting in place thereof the word:— the, — by inserting after the word "estate", in the same line, the

words: — of such resident, — by inserting after the word “child”, in the ninth line, the words: — or if abandoned property belongs to such non-resident any suitable person, — by striking out the comma after the word “absentee”, in the twelfth line, and inserting the words: — or of such non-resident, — by striking out the word “his”, in the thirteenth line, and inserting in place thereof the word: — the, — by striking out the comma after the word “disappearance”, in the thirteenth line, — by inserting a comma after the word “made”, in the fifteenth line, and by striking out the word “his”, in the same line, and inserting in place thereof the word: — the, — so as to read as follows: — *Section 1.* If a resident of the Commonwealth having property therein has disappeared, absconded or is absent therefrom and has left no agent therein and his whereabouts are unknown; or if such resident, who has a wife or minor child dependent upon him wholly or partly for support, has disappeared without making sufficient provision for such support and his whereabouts are unknown, or if it is known that they are without the Commonwealth; or if abandoned property of a person who is not a resident of the Commonwealth is found therein and no agent therein is authorized to take care thereof, a person who would be entitled to administer upon the estate of such resident if he were dead, or such wife, or a person in behalf of such wife or minor child, or if abandoned property belongs to such non-resident any suitable person, may file a petition, under oath, in the probate court for the county in which any such property is located or found, stating the name, age, occupation and last known residence or address of such absentee or of such non-resident, the date and circumstances of the disappearance and the names and residence of the family of such absentee and of other persons of whom inquiry may be made, and containing a schedule of the property, real and personal, so far as known, and its location within the Commonwealth, and praying that such property may be taken possession of and a receiver thereof appointed under the provisions of this chapter.

Petition for
appointment of
receiver.

SECTION 15. Section three of chapter one hundred and forty-four of the Revised Laws is hereby amended by inserting after the word “absentee”, in the third line, the words: — or non-resident, — so as to read as follows: — *Section 3.* Upon the return of such warrant,

R. L. 144, § 3,
amended.

Notice may be issued on return of warrant.

the court may issue a notice which shall recite the substance of the petition, warrant and officer's return and shall be addressed to such absentee or non-resident and to all persons who claim an interest in said property, and to all whom it may concern, citing them to appear at a time and place named and show cause why a receiver of the property named in the officer's schedule should not be appointed and said property held and disposed of under the provisions of this chapter.

R. L. 144, § 4, amended.

SECTION 16. Section four of chapter one hundred and forty-four of the Revised Laws is hereby amended by striking out the word "cause", in the third line, and inserting in place thereof the word:— order,— by inserting after the word "absentee", in the ninth line, the words:— or non-resident,— and by striking out all of said section after the word "Commonwealth", in the tenth line,— so as to read as follows:— *Section 4.* The return day of said notice shall be not less than thirty nor more than sixty days after its date. The court shall order said notice to be published in one or more newspapers within the Commonwealth, once in each of three successive weeks and to be posted in two or more conspicuous places in the city or town in which the absentee last resided or was known to have been either temporarily or permanently and upon each parcel of land named in the officer's schedule, and a copy to be mailed to the last known address of such absentee or non-resident. The court may order other and further notice to be given within or without the Commonwealth.

Notice to be published, etc.

R. L. 144, § 5, amended.

SECTION 17. Section five of chapter one hundred and forty-four of the Revised Laws is hereby amended by inserting after the word "absentee", in the first line, the words:— or non-resident,— so as to read as follows:—

Petition may be dismissed or receiver appointed, etc.

Section 5. The absentee or non-resident and any person who claims an interest in any of the property may appear and show cause why the prayer of the petition should not be granted. The court may after hearing dismiss the petition and order the property in possession of the officer to be returned to the person entitled thereto, or it may appoint a receiver of the property which is in the possession of the officer and named in his schedule. If a receiver is appointed the court shall find and record the date of the disappearance or absconding of the absentee; and such receiver shall give bond to the judge of probate and his

Receiver to give bond.

successors in office in such sum and with such condition as the court orders, with a company named in section sixty-one of chapter one hundred and eighteen and approved by the court as surety thereon.

SECTION 18. Section seven of chapter one hundred and forty-four of the Revised Laws is hereby amended by inserting after the word "absentee", in the third line, the words: — or of any additional abandoned property which belongs to such non-resident, — so as to read as follows: — *Section 7.* Such receiver upon petition filed by him may be authorized and directed to take possession of any additional property within the Commonwealth which belongs to such absentee, or of any additional abandoned property which belongs to such non-resident, and to demand and collect all debts due such absentee from any person within the Commonwealth, and hold the same as if it had been transferred and delivered to him by the officer.

R. L. 144, § 7,
amended.

Possession of
additional prop-
erty, etc.

SECTION 19. Section eight of chapter one hundred and forty-four of the Revised Laws is hereby amended by inserting after the word "absentee", in the eighth line, the words: — or of the non-resident, — so as to read as follows: — *Section 8.* The court may make orders for the care, custody, leasing and investing of said property and its proceeds. If any of said property consists of live animals or is perishable or cannot be kept without great or disproportionate expense, the court may, at any time after the return of the warrant, order such property to be sold at public or private sale. After the appointment of a receiver, upon his petition and after notice, the court may order all or part of said property, including the rights of the absentee or of the non-resident in land, to be sold at public or private sale to supply money for payments authorized by this chapter or for reinvestment approved by the court.

R. L. 144, § 8,
amended.

Management
and sale of
property.

SECTION 20. Section twelve of chapter one hundred and forty-four of the Revised Laws is hereby amended by inserting after the word "receiver", in the first line, the words: — of the property of an absentee, — and by adding at the end of said section, the words: — If within fourteen years after the date of the appointment of such receiver of the property of a non-resident, said non-resident or an administrator, executor, assignee in insolvency, or trustee in bankruptcy, of said non-resident does not

R. L. 144, § 12,
amended.

appear and claim said property or its proceeds, all the right, title and interest of said non-resident in and to said property, real or personal, or the proceeds thereof shall be barred, and no action, suit or petition in any form shall be begun by said non-resident after the expiration of said fourteen years for or on account of said property or its proceeds: and the remainder thereof shall be distributed as provided in section eleven, as if said non-resident had died intestate on the day fourteen years after the date of the appointment of the receiver, — so as to read as follows:— *Section 12.* If such receiver of the property of an absentee is not appointed within thirteen years after the date found by the court under the provisions of section five, the time limited for accounting for, or fixed for distributing, said property or its proceeds, or for barring actions relative thereto, shall be one year after the date of the appointment of the receiver instead of the fourteen years provided in the two preceding sections. If within fourteen years after the date of the appointment of such receiver of the property of a non-resident, said non-resident or an administrator, executor, assignee in insolvency, or trustee in bankruptcy, of said non-resident does not appear and claim said property or its proceeds, all the right, title and interest of said non-resident in and to said property, real or personal, or the proceeds thereof shall be barred, and no action, suit or petition in any form shall be begun by said non-resident after the expiration of said fourteen years for or on account of said property or its proceeds; and the remainder thereof shall be distributed as provided in section eleven, as if said non-resident had died intestate on the day fourteen years after the date of the appointment of the receiver.

Limitation If receiver is not appointed within thirteen years.

Right to property, etc., barred if claim is not made within fourteen years.

R. L. 152, § 13, amended.

SECTION 21. Section thirteen of chapter one hundred and fifty-two of the Revised Laws is hereby amended by striking out the word “ becomes ”, in the first and second lines, and inserting in place thereof the word: — is, — so as to read as follows:— *Section 13.* If during the pendency of a libel the libellee is insane, the court shall appoint a suitable guardian to appear and answer in like manner as a guardian for an infant defendant in an action at law may be appointed.

Guardian for insane libellee.

R. L. 154, § 2, amended.

SECTION 22. Section two of chapter one hundred and fifty-four of the Revised Laws is hereby amended by

striking out the words “The fact of illegitimacy shall in no case appear upon the record”, in the ninth and tenth lines, so as to read as follows:—*Section 2.* A decree for such adoption shall not be made, except as herein-after provided, without the written consent of the child, if it is above the age of fourteen years; of her husband, if she is a married woman; of the lawful parents, or surviving parent; of the parent having the lawful custody of the child, if the parents are divorced or are living separately; of the guardian of the child, if any; of the mother only of the child, if illegitimate; or of the person substituted for any of the above named by the provisions of this chapter. A person whose consent is hereby required shall not thereby be debarred from being the adopting parent. If the child has been previously adopted, the consent of the previous adopting parent shall also be required.

Written consent required before decree for adoption is made, etc.

SECTION 23. Clause seven of section three of chapter one hundred and fifty-nine of the Revised Laws is hereby amended by striking out the words “of a partner”, in the thirty-sixth line, and by striking out the word “the”, before the word “partnership”, in the thirty-seventh line, so as to read as follows:—Clause 7. Suits by creditors to reach and apply, in payment of a debt, any property, right, title or interest, legal or equitable, of a debtor, within or without this Commonwealth, which cannot be reached to be attached or taken on execution in an action at law, although the amount of the debt is less than one hundred dollars or the property sought to be reached and applied is in the hands, possession or control of the debtor independently of any other person or cannot be reached and applied until a future time or is of uncertain value, if the value can be ascertained by sale, appraisal or by any means within the ordinary procedure of the court. In such suit, the interest of the defendant in partnership property may be reached and applied in payment of the plaintiff’s debt; but unless it is a judgment debt, the business of the partnership shall not be enjoined or otherwise interrupted further than to restrain the withdrawal of any portion of the debtor’s share or interest therein until the plaintiff’s debt is established; and if either partner gives to the plaintiff a sufficient bond with sureties approved by the clerk, conditioned to pay to the plaintiff the amount of his debt and costs

R. L. 159, § 3, clause 7, amended.

Equity jurisdiction of suits by creditors.

within thirty days after it is established, the court shall proceed no further therein than to establish the debt; and upon the filing of such bond, any injunction previously issued in such suit shall be dissolved.

R. L. 161, § 14,
amended.

SECTION 24. Section fourteen of chapter one hundred and sixty-one of the Revised Laws is hereby amended by striking out the word "less", in the second line, and inserting in place thereof the word:—more,—so as to read as follows:—*Section 14.* Such writs shall be served not less than seven days before the return day, which shall be not more than sixty days after the date thereof, and they may run into any county in which the defendant may be found.

Service of cer-
tain writs.

R. L. 163, § 2,
amended.

SECTION 25. Section two of chapter one hundred and sixty-three of the Revised Laws is hereby amended by striking out the words "probate court", in the eighth line, and inserting in place thereof the words:—courts of insolvency,—so as to read as follows:—*Section 2.* The courts of insolvency shall be courts of superior and general jurisdiction with reference to all cases and matters in which they have jurisdiction, and it shall not be necessary for any order, decree, sentence, warrant, writ or process which may be made, issued or pronounced by them, to set out any adjudication or circumstances with greater particularity than would be required in other courts of superior and general jurisdiction, and the like presumption shall be made in favor of proceedings of the courts of insolvency as would be made in favor of proceedings of other courts of superior and general jurisdiction.

Courts of insol-
vency to be
courts of
superior juris-
diction, etc.

R. L. 184, § 33,
amended.

SECTION 26. Section thirty-three of chapter one hundred and eighty-four of the Revised Laws is hereby amended by striking out the word "partition", in the third and fourth lines, and inserting in place thereof the word:—petition,—and by striking out the word "petition", in the fifth line, and inserting in place thereof the word:—partition,—so as to read as follows:—*Section 33.* If partition is made in the probate court, it shall be made as hereinafter provided for partition of the estate of a deceased person; and if a party dies during the pendency of the petition, the share or proportion belonging to him may be assigned in his name to his estate, to be held and disposed of as if the partition had been made prior to his decease.

Partition of
land in probate
court.

SECTION 27. Section four of chapter one hundred and ninety-two of the Revised Laws is hereby amended by striking out all of said section after the word "orders", in the eighth line, and inserting in place thereof the words:—The court at any time after the petition is presented may impose costs upon any party, may issue an injunction and may order the proceedings brought up; and, after they are brought up, may quash or affirm them, or may make such order, judgment or decree as law and justice may require, — so as to read as follows: — *Section 4.* A petition for a writ of certiorari to correct errors in proceedings which are not according to the course of the common law may be presented to a justice of the supreme judicial court and he may, after notice, hear and determine the same. The writ shall not be issued unless the petition therefor is presented within six years next after the proceedings complained of. It may be issued from the clerk's office in any county and shall be returnable as the court orders. The court at any time after the petition is presented may impose costs upon any party, may issue an injunction and may order the proceedings brought up; and, after they are brought up, may quash or affirm them, or may make such order, judgment or decree as law and justice may require.

R. L. 192, § 4,
amended.

Certiorari,
petition, writ,
decree, etc.

SECTION 28. Section forty of chapter two hundred and eight of the Revised Laws is hereby repealed.

R. L. 208, § 40,
repealed.

SECTION 29. Section sixty-one of chapter two hundred and eight of the Revised Laws is hereby amended by inserting after the word "more", in the fifth line, the word:—than,— so as to read as follows: — *Section 61.* Whoever, with intent to defraud, by a false pretence of carrying on business and dealing in the ordinary course of trade, obtains from any person goods or chattels shall be punished by imprisonment in the state prison for not more than five years or by a fine of not more than five hundred dollars and imprisonment in jail for not more than two years.

R. L. 208, § 61,
amended.

Penalty for
obtaining goods
under false
pretence.

SECTION 30. Section one hundred of chapter two hundred and eight of the Revised Laws is hereby amended by inserting after the word "maliciously", where it appears in the first and third lines of said section, the words:—or wantonly,— so as to read as follows: — *Section 100.* Whoever wilfully and maliciously or wantonly cuts down, destroys or injures a tree which is not

R. L. 208, § 100,
amended.

Penalty for
wilful injury
to trees, fences,
etc.

his own, standing for any useful purpose, or whoever wilfully and maliciously or wantonly breaks glass in a building which is not his own, or whoever wilfully and maliciously breaks down, injures, mars or defaces a fence belonging to or enclosing land which is not his own, or wilfully and maliciously throws down or opens a gate, bars or fence, and leaves the same down or open, or maliciously and injuriously severs from the freehold of another any produce thereof or anything attached thereto, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars.

R. L. 208, § 101,
amended.

SECTION 31. Section one hundred and one of chapter two hundred and eight of the Revised Laws is hereby amended by striking out the words "wilfully and maliciously", in the first line, and inserting in place thereof the word:— wantonly,— so as to read as follows:—

Penalty for
injury to plants,
objects of orna-
ment, etc.

Section 101. Whoever wantonly injures, defaces or destroys a shrub or plant or an object or fixture of ornament or utility in a public way or place or in any enclosure shall forfeit not less than five nor more than one hundred dollars, one half to the use of the complainant and one half to the use of the owner of the property injured, defaced or destroyed.

R. L. 208, § 102,
amended.

SECTION 32. Section one hundred and two of chapter two hundred and eight of the Revised Laws is hereby amended by striking out the words "wilfully and maliciously", in the first line, and inserting in place thereof the word:— wantonly,— so as to read as follows:—

Penalty for
injury to shade
trees, etc.

Section 102. Whoever wantonly injures, defaces or destroys an ornamental or shade tree in a public way or place, or negligently or wilfully suffers an animal, driven by or for him or belonging to him and lawfully in a public way or place, to injure, deface or destroy such tree, or whoever, by any other means, negligently or wilfully injures, defaces or destroys such tree, shall forfeit not less than five nor more than one hundred dollars, one half to the use of the complainant and one half to the use of the city or town in which said act is committed; and shall in addition thereto be liable to said city or town or other person interested in said tree for all damages caused by such act.

R. L. 208, § 106,
amended.

SECTION 33. Section one hundred and six of chapter two hundred and eight of the Revised Laws is hereby amended by striking out the words "and maliciously,

and without permission of the owner or person having control thereof", in the first and second lines, and inserting in place thereof the words:—intentionally and without right,—so as to read as follows:—*Section 106.* Whoever wilfully, intentionally and without right enters upon the orchard, garden or other improved land of another, with intent to cut, take, carry away, destroy or injure the trees, grain, grass, hay, fruit or vegetables there growing or being, shall be punished by imprisonment for not more than six months or by a fine of not more than five hundred dollars; and if the offence is committed on the Lord's day, or in disguise, or secretly in the night time, the imprisonment shall not be less than five days nor the fine less than five dollars.

Penalty for entering orchard, etc.

SECTION 34. Section four of chapter two hundred and twenty of the Revised Laws is hereby amended by adding at the end thereof the words:—If a person is convicted of a misdemeanor which is punishable by imprisonment, he may, unless it is otherwise expressly provided, be sentenced to imprisonment either in the jail or in the house of correction,—so as to read as follows:—*Section 4.* If no punishment for a crime is provided by statute, the court shall impose such sentence, according to the nature of the crime, as conforms to the common usage and practice in this Commonwealth. If a person is convicted of a misdemeanor which is punishable by imprisonment, he may, unless it is otherwise expressly provided, be sentenced to imprisonment either in the jail or in the house of correction.

R. L. '20, § 4, amended.

Sentence, if no punishment is provided by statute.

SECTION 35. Section two of chapter one hundred and ninety and chapter four hundred and eleven of the acts of the year nineteen hundred and two are hereby repealed; but nothing in this act shall be construed as repealing any act of the year nineteen hundred and two not expressly repealed by this act.

Repeal.

SECTION 36. This act shall take effect upon its passage.

Approved June 28, 1902.

Chap. 545 AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR SUNDRY MISCELLANEOUS EXPENSES AUTHORIZED DURING 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 for certain other expenses authorized by law, to wit:—

Commissioners of savings banks, third clerk.

For the salary of the third clerk in the office of the board of commissioners of savings banks, as authorized by chapter four hundred and ninety of the acts of the present year, a sum not exceeding six hundred and fifty dollars.

Improvement of channel between Vineyard Sound and Osterville bay.

For the further improvement of the channel between Vineyard Sound and Osterville bay in the town of Barnstable, as authorized by chapter four hundred and ninety-one of the acts of the present year, a sum not exceeding seventy-five hundred dollars.

Protection of trees and shrubs from injurious insects, etc.

For expenses in connection with the protection of trees and shrubs from injurious insects and diseases by the state board of agriculture, as authorized by chapter four hundred and ninety-five of the acts of the present year, a sum not exceeding one thousand dollars.

New Bedford textile school.

For equipping an addition to the New Bedford textile school, to be expended under the direction of the trustees of said school, as authorized by chapter seventy-nine of the resolves of the present year, the sum of eight thousand dollars.

Commission to investigate method of supporting public schools.

For expenses of the commission to investigate the method of supporting public schools, as authorized by chapter one hundred and fifteen of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Fuel and lights at state house.

For fuel and lights at the state house, including coal, water, gas and removal of ashes, a sum not exceeding eight thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Assistant clerk of superior court.

For the compensation of the assistant clerk of the superior court designated to act as clerk for the hearing

of cases from counties other than Suffolk, as authorized by chapter four hundred and ninety-nine of the acts of the present year, the sum of two hundred and fifty dollars.

For necessary expenses of the board of commissioners for the promotion of uniformity of legislation in the United States, as authorized by chapter five hundred and one of the acts of the present year, the sum of three hundred ninety-five dollars and six cents.

Commissioners for promotion of uniformity of legislation in the United States.

For expenses in connection with the examination of the water supply for the Massachusetts reformatory, as authorized by chapter one hundred and seventeen of the resolves of the present year, a sum not exceeding one thousand dollars.

Massachusetts reformatory.

For certain improvements at the Worcester insane hospital, as authorized by chapter one hundred and eighteen of the resolves of the present year, a sum not exceeding sixteen thousand dollars.

Worcester insane hospital.

For the improvement by the harbor and land commissioners of Apponagansett harbor in the town of Dartmouth, as authorized by chapter five hundred and nine of the acts of the present year, a sum not exceeding thirty thousand dollars.

Improvement of Apponagansett harbor.

For certain improvements at the Massachusetts state sanatorium, as authorized by chapter one hundred and nineteen of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Massachusetts state sanatorium.

For enlarging the Greylock state reservation, as authorized by chapter five hundred and fourteen of the acts of the present year, a sum not exceeding twenty thousand dollars.

Greylock state reservation.

For Lydia V. Jarvis, widow of William H. Jarvis late a messenger for the executive department, as authorized by chapter one hundred and twenty-three of the resolves of the present year, the sum of seven hundred dollars.

Widow of William H. Jarvis.

For a survey and estimate by the board of harbor and land commissioners to determine the cost of acquiring a part of Mount Tom and Mount Nonotuck as a state reservation, as authorized by chapter one hundred and twenty-four of the resolves of the present year, a sum not exceeding two thousand dollars.

Estimate of cost of acquiring part of Mount Tom and Mount Nonotuck as a state reservation.

For certain improvements at the Lyman school for boys, as authorized by chapter one hundred and twenty-five of the resolves of the present year, a sum not exceeding eleven thousand five hundred dollars.

Lyman school for boys.

Expenses of investigation, etc., as to a new sanatorium for consumptives.

For expenses in connection with an investigation and report by the state board of charity as to a new sanatorium for consumptives, as authorized by chapter one hundred and twenty-six of the resolves of the present year, a sum not exceeding two thousand dollars.

Executive messenger.

For the salary of the messenger for the executive department, a sum not exceeding five hundred and fifty dollars, and for the salary of the assistant messenger for the executive department, a sum not exceeding four hundred and fifty dollars, both of which are authorized by chapter five hundred and twenty-three of the acts of the present year. So much of chapter three of the acts of the present year as appropriates twelve hundred dollars for the salary of the executive messenger is hereby repealed.

Salary of assistant district attorney, eastern district.

For the salary of the assistant district attorney for the eastern district, as authorized by chapter five hundred and thirty of the acts of the present year, a sum not exceeding one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Medfield insane asylum.

For the purchase of land for the Medfield insane asylum, as authorized by chapter one hundred and twenty-eight of the resolves of the present year, a sum not exceeding two thousand dollars.

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

Approved June 28, 1902.

RESOLVES.

RESOLVE TO PROVIDE FOR PRINTING AND DISTRIBUTING ADDITIONAL COPIES OF THE REVISED LAWS. *Chap. 1*

Resolved, That the secretary of the Commonwealth is authorized to have printed three hundred and fifty additional copies of the Revised Laws. From this additional number each member of the present general court who has not already received copies of the said laws shall be furnished with two copies, and the remaining copies shall be retained in the office of the secretary of the Commonwealth, to be disposed of as provided by chapter one hundred and twenty-three of the resolves of the year nineteen hundred and one.

Additional
copies of
Revised Laws.

Approved February 6, 1902.

RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE. *Chap. 2*

Resolved, That the treasurer and receiver general 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 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 shall repay any sums borrowed under this resolve as soon as money sufficient for the purpose, and not otherwise appropriated, is received into the treasury.

Treasurer to
borrow money
in anticipation
of revenue.

Approved February 6, 1902.

RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS. *Chap. 3*

Resolved, That the publication of the bulletin of committee hearings shall be under the control of the joint committee on rules, who shall appoint the editor thereof

Publication of
bulletin of
committee
hearings.

and fix his compensation. The bills for editing and printing the bulletin shall be approved by the senate or house chairman of the joint committee on rules before being filed in the auditor's office for allowance. The sergeant-at-arms shall mail copies of the bulletin to persons making application therefor, on payment of the sum of two dollars. All sums of money received for the bulletin shall be paid to the treasurer of the Commonwealth once each month.

Approved February 10, 1902.

Chap. 4 RESOLVE RELATIVE TO EXPENDITURES BY OFFICIALS OF THE COMMONWEALTH AND HEADS OF DEPARTMENTS.

Expenditures by officials of the Commonwealth, etc.

Resolved, That heads of departments and officials having supervision of or charge of expenditures in behalf of the Commonwealth for which no appropriations have been made are hereby authorized to continue the several departments of service under their charge during the month of February until such appropriations are made therefor or the pleasure of the present general court in respect thereto is made known.

Approved February 11, 1902.

Chap. 5 RESOLVE TO PROVIDE FOR THE COMPENSATION OF THE PERSON EMPLOYED TO MAKE AN INDEX OF THE REVISED LAWS.

Compensation, etc., of person employed to make an index to the Revised Laws.

Resolved, That the compensation and expenses of the person employed to make an index of the Revised Laws, under authority of chapter one hundred and eleven of the resolves of the year nineteen hundred and one, be referred to the governor and council, who are authorized to fix the compensation and to approve bills for expenses; and the amounts so fixed and approved shall be paid out of the treasury of the Commonwealth.

Approved February 11, 1902.

Chap. 6 RESOLVE TO PROVIDE FOR THE REPAYMENT OF A SUM OF MONEY TO THE CLERK OF THE POLICE COURT OF LOWELL.

Clerk of police court of Lowell.

Resolved, That the sum of three hundred dollars be paid out of the treasury of the Commonwealth to the clerk of the police court of Lowell, this sum having been received by the said clerk as fines paid for violation of the oleomargarine law, so-called, and through a mistake paid by him into the treasury of the Commonwealth instead of into the treasury of the city of Lowell, as the law required.

Approved February 11, 1902.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY. *Chap. 7*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Massachusetts Charitable Eye and Ear Infirmary, the sum of twenty-five thousand dollars, to be expended under the direction of the managers thereof for the charitable purposes of the said infirmary during the year nineteen hundred and two.

Massachusetts
Charitable Eye
and Ear Infirmary.

Approved February 18, 1902.

RESOLVE RELATIVE TO THE ACCEPTANCE BY THE COMMONWEALTH OF A MEMORIAL OF ROGER WOLCOTT. *Chap. 8*

Resolved, That the governor and council, in the exercise of their discretion, may accept for the Commonwealth the tender of a memorial of Roger Wolcott, late governor of the Commonwealth, and may grant to the committee and their successors in charge of such memorial a suitable site for its erection, within the state house or upon the grounds adjoining the state house.

Memorial of
Roger Wolcott.

Approved February 20, 1902.

RESOLVE TO CONFIRM CERTAIN ACTS OF JOHN J. COLLINS AS A JUSTICE OF THE PEACE. *Chap. 9*

Resolved, That the acts of John J. Collins of Boston as a justice of the peace, between the tenth day of January and the first day of November in the year nineteen hundred and one, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Certain acts of
John J. Collins
as a justice of
the peace con-
firmed.

Approved February 20, 1902.

RESOLVE TO CONFIRM CERTAIN ACTS OF J. ROBERT FENELON AS A JUSTICE OF THE PEACE. *Chap. 10*

Resolved, That the acts of J. Robert Fenelon as a justice of the peace, between the seventeenth day of May in the year nineteen hundred and one and the thirteenth day of January in the year nineteen hundred and two, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Certain acts of
J. Robert Fen-
elon as a justice
of the peace
confirmed.

Approved February 20, 1902.

Chap. 11 RESOLVE IN FAVOR OF THE WIFE OF ALEXANDER McDONALD.Wife of
Alexander
McDonald.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the wife of Alexander McDonald of Lynn, the sum of forty-seven dollars and one cent, the amount of a warrant issued under date of August fourth, eighteen hundred and ninety-eight, in favor of said McDonald, who is supposed to be dead, said warrant not having been paid and the appropriation for the payment of the original warrant having reverted to the treasury of the Commonwealth.

Approved February 25, 1902.

Chap. 12 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT FRAMINGHAM.State normal
school at
Framingham.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixty-five hundred dollars, to be expended under the direction of the state board of education in furnishing the annex of the state normal school building at Framingham, in the equipment of its laboratories, and in grading the grounds near the new building.

Approved February 25, 1902.

Chap. 13 RESOLVE IN FAVOR OF ELLEN FORD.

Ellen Ford.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth an annuity of five hundred dollars for the term of five years, to Ellen Ford of Cambridge, whose husband was killed while at work on the marble panels in Memorial Hall, in the state house, in the month of December, nineteen hundred and one; the annuity to begin on the first day of January, nineteen hundred and two, and to be paid in equal quarterly instalments. Should the said Ellen Ford re-marry or die the annuity aforesaid shall be paid for the remainder of the term to her children.

Approved February 25, 1902.

Chap. 14 RESOLVE IN FAVOR OF LEDYARD BILL, EXECUTOR.Ledyard Bill,
executor.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Ledyard Bill of the town of Paxton, as executor of the will of D. Russell

Boynton of said Paxton, the sum of one hundred dollars, that amount having been paid into the treasury by mistake on account of the collateral inheritance tax.

Approved February 27, 1902.

RESOLVE TO PROVIDE FOR AN APPROPRIATION FOR DEDICATING THE MONUMENT ON DORCHESTER HEIGHTS IN THE CITY OF BOSTON.

Chap. 15

Resolved, That the sum of five thousand dollars be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the governor and council in paying the cost of dedicating, on Evacuation Day, the seventeenth day of March, in the year nineteen hundred and two, the monument on Dorchester Heights in the city of Boston which has been erected in memory of the evacuation of Boston by the British troops.

Dedicating monument on Dorchester Heights.

Approved March 5, 1902.

RESOLVE TO CONFIRM CERTAIN ACTS OF WALTER H. SOUTHWICK AS A MASTER IN CHANCERY.

Chap. 16

Resolved, That all acts of Walter H. Southwick as a master in chancery, between the twentieth day of September in the year eighteen hundred and ninety-nine and the fifteenth day of December in the year nineteen hundred and one, 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.

Certain acts of Walter H. Southwick as a master in chancery confirmed.

Approved March 12, 1902.

RESOLVE IN FAVOR OF JOHN P. RYAN.

Chap. 17

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to John P. Ryan of Lawrence the sum of seven hundred and twenty-nine dollars, in full compensation for injuries received by him while in the performance of his duties as armorer at the state armory in Lawrence.

John P. Ryan.

Approved March 12, 1902.

RESOLVE TO PROVIDE FOR REIMBURSING THE TOWN OF NEW ASHFORD FOR EXPENSE INCURRED IN REPAIRING CERTAIN HIGHWAYS.

Chap. 18

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of New Ashford the sum of five hundred dollars, to reimburse the

Town of New Ashford reimbursed for certain expenditures.

town for certain extraordinary expenditures needed upon a highway in the said town leading to the Greylock state reservation and used mainly by persons travelling to and from the said reservation; and also for extraordinary expenditures upon the highway leading from Pittsfield through the said town to the town of Williamstown.

Approved March 12, 1902.

Chap. 19 RESOLVE TO PROVIDE FOR COLLECTING PORTRAITS OF AUDITORS OF THE COMMONWEALTH.

Portraits of auditors.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, a sum not exceeding five hundred dollars, to be expended under the direction of the auditor of the Commonwealth in procuring the portraits of all the auditors who have served the Commonwealth from the establishment of the office in eighteen hundred and forty-nine up to and including the year nineteen hundred and two. The portraits so procured shall be hung in the rooms of the auditor.

Approved March 12, 1902.

Chap. 20 RESOLVE IN FAVOR OF THE TOWN OF PERU.

Town of Peru.

Resolved, That there be allowed and paid out of the income of the Massachusetts School Fund to the town of Peru, the sum of one hundred fifty-two dollars and thirty-nine cents, this sum being the additional amount which Peru should have received in the apportionment of January twenty-fifth, nineteen hundred and one.

Approved March 12, 1902.

Chap. 21 RESOLVE IN FAVOR OF THE LOWELL TEXTILE SCHOOL.

Lowell Textile School.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Lowell Textile School the sum of twenty thousand dollars, to be applied to the purposes of the school: *provided,* that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts of the Commonwealth that an additional sum of eight thousand dollars has been paid to said trustees by the city of Lowell, or received by them from other sources. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such sum of

money, not exceeding eight thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved March 12, 1902.

RESOLVE IN FAVOR OF ELLA RAYMOND.

Chap. 22

Ella Raymond.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth an annuity of three hundred dollars to Ella Raymond of Malden, formerly of Lowell, whose husband was rendered unable to labor by injuries received in the discharge of militia duty at Framingham. Said annuity shall begin on the first day of January in the year nineteen hundred and two, shall be paid quarterly, and shall continue for the term of five years should said Ella Raymond so long survive.

Approved March 19, 1902.

RESOLVE TO PROVIDE FOR A HEATING AND VENTILATING PLANT FOR THE LOWELL TEXTILE SCHOOL.

Chap. 23

Lowell Textile School.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Trustees of the Lowell Textile School a sum not exceeding twenty-one thousand seven hundred and fifty dollars, to be expended in the purchase, installing and housing of a heating and ventilating plant for that school.

Approved March 19, 1902.

RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AND IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT WESTFIELD.

Chap. 24

State normal school at Westfield.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended under the direction of the state board of education in repairing the boilers, tinting the walls, and fitting the principal's office in the building of the state normal school at Westfield, and in recoating and relaying the concrete walks around the building.

Approved March 19, 1902.

RESOLVE IN FAVOR OF SAMUEL HILLMAN OF NORTH ADAMS.

Chap. 25

Samuel Hillman.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Samuel Hillman of

North Adams an annuity of three hundred and sixty dollars, payable in equal quarterly instalments, for the term of five years, beginning with the first day of January in the year nineteen hundred and two, for injuries sustained by him while he was employed at the Hoosac tunnel, his injuries being caused by an explosion of nitro-glycerine negligently placed by employees of the Commonwealth. Chapter ten of the resolves of the year eighteen hundred and ninety-nine is hereby repealed.

Approved March 19, 1902.

Chap. 26 RESOLVE TO PROVIDE FOR THE ERECTION OF A MEMORIAL TO MASSACHUSETTS SOLDIERS WHO TOOK PART IN THE SIEGE OF VICKSBURG.

Memorial to Massachusetts soldiers who took part in siege of Vicksburg.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended under the direction of a commission to consist of three persons appointed by the governor, in the erection of a suitable memorial of the three Massachusetts regiments, namely, the twenty-ninth, the thirty-fifth and the thirty-sixth, which took part in the siege of Vicksburg. The commission shall serve without compensation but shall be reimbursed for necessary expenses actually incurred by them. The design for the memorial shall be submitted to and approved by the governor and council, and no bills contracted hereunder shall be paid by the auditor unless they are approved by the governor and council. The said memorial shall be erected in the National Park, near Vicksburg, at a spot to be selected by the said commission and by the national military park commission, and shall be completed on or before the first day of December in the year nineteen hundred and two.

Approved March 19, 1902.

Chap. 27 RESOLVE TO PROVIDE FOR AN ADDITIONAL SUM OF MONEY FOR THE CONSTRUCTION OF A NEW DORMITORY AT THE STATE NORMAL SCHOOL AT WESTFIELD.

State normal school at Westfield.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, to be expended by the state board of education in the construction of a new dormitory at the state normal school at Westfield, this sum

being in addition to the fifty thousand dollars provided for by chapter ninety-five of the resolves of the year nineteen hundred and one. *Approved March 19, 1902.*

RESOLVE IN FAVOR OF CHARLES H. SARGENT OF METHUEN.

Chap. 28

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to Charles H. Sargent of Methuen, who served in the United States army during the war of the rebellion to the credit of the town of Methuen and who never received a bounty for such service. The said Sargent served throughout the war and was a prisoner at Andersonville.

Charles H.
Sargent.*Approved March 19, 1902.*

RESOLVE TO AUTHORIZE THE BOARD OF RAILROAD COMMISSIONERS TO INVESTIGATE THE VALUE OF THE POWER BRAKE AS A SAFETY DEVICE UPON THE CARS OF STREET RAILWAY COMPANIES.

Chap. 29

Resolved, That the board of railroad commissioners is hereby authorized and directed to investigate the practical application and operation of the power brake in use upon certain street railways in this Commonwealth, and, if they see fit, of the power brake used by street railway companies elsewhere, and to report, after such public hearing or hearings as they may deem necessary, on or before the fifteenth day of January, nineteen hundred and three, upon the following questions:—

Railroad com-
missioners to
investigate
value of power
brake, etc.

First. Is the power brake superior as a safety device to the hand brake?

Second. What expense would be entailed upon street railway companies by the equipment of their rolling stock with the power brake?

Third. Would public safety be furthered by the adoption of a power brake?

Fourth. Within what time might the street railway companies operating in this Commonwealth reasonably be required to equip their rolling stock with power brakes, in case the use of the device should be made obligatory?

Approved March 26, 1902.

RESOLVE IN FAVOR OF ANNIE M. BABCOCK.

Chap. 30

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred

Annie M.
Babcock.

dollars to Annie M. Babcock, widow of George W. Babcock who served in the civil war to the credit of the town of Beverly, and who never received a bounty for such service. The sum allowed by this resolve shall be paid only to the beneficiary named herein, or to her executor or administrator.

Approved March 26, 1902.

Chap. 31 RESOLVE TO PROVIDE FOR THE PRESERVATION OF THE WAR RECORDS IN THE OFFICE OF THE ADJUTANT GENERAL.

Preservation of war records.

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 adjutant general in preserving war records worn by age and use, said sum to be in addition to any unexpended part of the amount authorized to be expended for this purpose by chapter forty of the resolves of the year nineteen hundred and one.

Approved March 26, 1902.

Chap. 32 RESOLVE TO PROVIDE FOR CERTAIN REPAIRS AT THE STATE PRISON.

State prison.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the following sums, to be expended at the state prison under the direction of the board of prison commissioners:— For replacing the trap entrance and providing a new wall after the change in the grade crossing at Austin street is completed, a sum not exceeding six thousand dollars; and for repairs on the roofs of the buildings, a sum not exceeding two thousand dollars.

Approved March 26, 1902.

Chap. 33 RESOLVE TO AUTHORIZE THE PURCHASE OF NEW BOOKS FOR THE LIBRARY AT THE MASSACHUSETTS REFORMATORY.

Massachusetts reformatory.

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 board of prison commissioners in the purchase of new books for the library at the Massachusetts reformatory.

Approved March 26, 1902.

Chap. 34 RESOLVE IN FAVOR OF LEMUEL D. BURR AND ANNA BURR OF CAMBRIDGE.

Lemuel D. and Anna Burr.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue

the sum of one hundred and fifty dollars, to Lemuel D. Burr and Anna Burr, children of the late Lemuel Burr of Cambridge, who was a member of the Ponkapoag tribe of Indians, for their support. *Approved March 26, 1902.*

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE NORTH-AMPTON INSANE HOSPITAL.

Chap. 35

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-five hundred dollars, to be expended under the direction of the trustees of the Northampton insane hospital in providing a new boiler and new machinery for the carpenter and machine shops at said hospital. The above amount shall be paid from any receipts that may be paid into the treasury of the Commonwealth by said hospital.

Northampton
insane hospital.

Approved March 27, 1902.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERKSHIRE.

Chap. 36

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and two: —

County tax,
Berkshire.

For interest on county debt, a sum not exceeding four thousand dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twelve thousand dollars.

For clerical assistance in county offices, a sum not exceeding four thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty thousand dollars.

For criminal costs in the superior court, a sum not exceeding nine thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding five thousand dollars.

For trial justices, a sum not exceeding one hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

County tax,
Berkshire.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-two thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding five thousand two hundred dollars.

For highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For truant schools, a sum not exceeding one thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand dollars.

For the care and maintenance of the Greylock state reservation, a sum not exceeding one thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred fifteen thousand four hundred sixty-three dollars and ninety-eight cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 27, 1902.

Chap. 37

County tax,
Essex.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF ESSEX.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Essex for the year nineteen hundred and two:—

For interest on county debt, a sum not exceeding seven thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty thousand dollars.

For clerical assistance in county offices, a sum not exceeding fifteen thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-two thousand dollars.

For salaries of jailers, masters and assistants, and sup-

port of prisoners in jails and houses of correction, a sum not exceeding fifty-six thousand dollars. County tax, Essex.

For criminal costs in the superior court, a sum not exceeding thirty-five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-two thousand dollars.

For trial justices, a sum not exceeding five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding six hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding ten thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding six thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding eighteen thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding fourteen thousand dollars.

For highways, bridges and land damages, a sum not exceeding thirty thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding eight thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and fifty-eight thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 27, 1902.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN. *Chap. 38*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and two:— County tax, Franklin.

For interest on county debt, a sum not exceeding two thousand dollars.

For salaries of county officers and assistants, fixed by

County tax,
Franklin.

law, a sum not exceeding six thousand three hundred dollars.

For clerical assistance in county offices, a sum not exceeding two thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding nine thousand dollars.

For criminal costs in the superior court, a sum not exceeding six thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding six thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand two hundred dollars.

For auditors, masters and referees, a sum not exceeding six hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding two thousand eight hundred dollars.

For highways, bridges and land damages, a sum not exceeding ten thousand dollars.

For law libraries, a sum not exceeding five hundred dollars.

For truant schools, a sum not exceeding three hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand five hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of forty-nine thousand two hundred twenty-four dollars and seventy-five cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 27, 1902.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE. *Chap. 39*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and two:— County tax, Hampshire.

For interest on county debt, a sum not exceeding two thousand dollars.

For reduction of county debt, a sum not exceeding ten thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seven thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding three thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding seven thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ten thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand five hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding five thousand three hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand six hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding four thousand five hundred dollars.

For highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For law libraries, a sum not exceeding one thousand dollars.

For truant schools, a sum not exceeding one thousand dollars.

County tax,
Hampshire.

For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of sixty thousand eight hundred fifty dollars and fourteen cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved March 27, 1902.

Chap. 40 RESOLVE IN FAVOR OF PATIENCE FIDELIA CLINTON OF THE HASSANAMISCO TRIBE OF INDIANS.

Patience Fidelia
Clinton.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the selectmen of the town of Grafton, beginning with the first day of January in the year nineteen hundred and two, and payable in equal quarterly instalments, an annuity of two hundred dollars for the benefit of Patience Fidelia Clinton, of the Hassanamisco tribe of Indians, for the rest of her life, to be expended by the selectmen for her support.

Approved March 27, 1902.

Chap. 41

RESOLVE IN FAVOR OF GEORGE O. BENT.

George O.
Bent.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to George O. Bent of Framingham, beginning with the first day of January in the year nineteen hundred and two, an annuity of six hundred dollars, for the term of five years, payable in equal quarterly instalments, on account of injuries received by him at the reformatory prison for women while in the employ of the Commonwealth.

Approved March 27, 1902.

Chap. 42 RESOLVE TO PROVIDE FOR PREPARING AND PRINTING AN ACCOUNT OF THE BROWN TAIL MOTH AND OF THE BEST METHODS FOR DESTROYING THE SAME.

Printing, etc.,
history of
brown tail
moth, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, for preparing and printing, under the direction of the state board of agriculture, in an edition of two thousand copies, a history of the brown tail moth, with an account of its habits and of the best methods for destroying the same.

Approved March 28, 1902.

RESOLVE TO PROVIDE FOR THE PURCHASE OF EQUIPMENT FOR THE FIRST REGIMENT OF HEAVY ARTILLERY. *Chap. 43*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, upon vouchers approved by the quartermaster general, a sum not exceeding fifteen hundred dollars, to be expended by the commanding officer of the first regiment of heavy artillery, Massachusetts volunteer militia, for the purchase of text-books, scientific instruments, and such other equipment as may be required for the instruction of said regiment as coast artillery.

Purchase of equipment for first regiment of heavy artillery.

Approved April 1, 1902.

RESOLVE TO PROVIDE FOR NEW FURNITURE FOR THE ROOM OCCUPIED BY THE JOINT COMMITTEE ON THE JUDICIARY. *Chap. 44*

Resolved, That the sergeant-at-arms is hereby authorized and directed to furnish the committee room used by the joint committee on the judiciary, and numbered two hundred and twenty-seven, with sixteen circular desks and sixteen swivel chairs, at a cost not exceeding one thousand dollars, and that the cost be paid from the annual appropriation for the current year for the care and repair of the state house and for furniture therein.

New furniture for room occupied by joint committee on judiciary.

Approved April 1, 1902.

RESOLVE TO AUTHORIZE THE BUREAU OF STATISTICS OF LABOR TO PRINT AND DISTRIBUTE TWO THOUSAND COPIES OF THE LAWS RELATING TO LABOR. *Chap. 45*

Resolved, That the chief of the bureau of statistics of labor is hereby authorized to have printed under his supervision two thousand copies of the laws of the Commonwealth relating to labor, and to distribute them in such manner as he shall deem best. The expense of printing and distributing the same shall be paid out of the appropriation for contingent expenses of the bureau of statistics of labor.

Printing, etc., laws relating to labor.

Approved April 1, 1902.

RESOLVE RELATIVE TO THE STATE PRINTING.

Resolved, That the chairman of the committee on printing on the part of the senate, the chairman of the said committee on the part of the house of representatives, the secretary of the Commonwealth, the treasurer and

Chap. 46
State printing.

receiver general, the auditor of accounts, the clerk of the senate, and the clerk of the house of representatives, are hereby directed to advertise for proposals for the execution of all the printing for the several departments of the government of the Commonwealth, except office stationery and blank books, for a term of three or five years from the first day of July in the year nineteen hundred and two. They shall take into consideration the circumstances and facilities of the several bidders for the work as well as the terms offered; they may reject any bids received, and they shall award the contract, which shall be based upon a working day of eight hours and equal pay for equal work performed by men and women, at such rates as they shall decide to be equitable between employer and employed, to that bidder whom in their judgment the interests of the Commonwealth may require them to select; and they shall execute such contract in the name and behalf of the Commonwealth. Bonds satisfactory to the said officers, to an amount not less than ten thousand dollars, shall be given by the party to whom such contract is awarded, for the faithful performance of the contract.

Approved April 1, 1902.

Chap. 47 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BRISTOL.

County tax,
Bristol.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Bristol for the year nineteen hundred and two: —

For interest on county debt, a sum not exceeding forty-eight thousand dollars.

For reduction of county debt, a sum not exceeding sixty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-one thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding nine thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty-five thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty-two thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty thousand dollars. County tax, Bristol.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding eight thousand dollars.

For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-eight thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding sixteen thousand dollars.

For highways, bridges and land damages, a sum not exceeding fifteen thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding six thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of three hundred five thousand fifty-four dollars and five cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved April 1, 1902.*

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPDEN.

Chap. 48

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and two: —

County tax, Hampden.

For interest on county debt, a sum not exceeding ten thousand dollars.

For reduction of county debt, a sum not exceeding thirty-five thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirteen thousand five hundred dollars.

For clerical assistance in county offices, a sum not exceeding twelve thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-two thousand dollars.

County tax,
Hampden.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-six thousand dollars.

For criminal costs in the superior court, a sum not exceeding five thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty-one thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding five thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding eight thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding ten thousand dollars.

For highways, bridges and land damages, a sum not exceeding fourteen thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding eight thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding twenty-one thousand two hundred thirteen dollars and forty-four cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred and fifty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1902.

Chap. 49 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX.

County tax,
Middlesex.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year nineteen hundred and two:—

For interest on county debt, a sum not exceeding forty-seven thousand five hundred dollars.

For reduction of county debt, a sum not exceeding County tax, Middlesex. sixty-one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-four thousand seven hundred dollars.

For clerical assistance in county offices, a sum not exceeding sixty-eight thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding seventy-three thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred and thirty-six thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty-two thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding forty-eight thousand dollars.

For trial justices, a sum not exceeding three thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding five hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding twelve thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding eight thousand dollars.

For building county buildings, a sum not exceeding eight thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-nine thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding forty-three thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding forty thousand dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding twenty-one thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the

sum of five hundred and sixty thousand one hundred thirty dollars and seven cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes. *Approved April 1, 1902.*

Chap. 50 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF NORFOLK.

County tax,
Norfolk.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Norfolk for the year nineteen hundred and two :—

For interest on county debt, a sum not exceeding four thousand dollars.

For reduction of county debt, a sum not exceeding fifteen thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding seventeen thousand seven hundred dollars.

For clerical assistance in county offices, a sum not exceeding eighteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-six thousand dollars.

For criminal costs in the superior court, a sum not exceeding eighteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding fifteen thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding four thousand five hundred dollars.

For auditors, masters and referees, a sum not exceeding two thousand five hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding two thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding eleven thousand dollars.

For highways, bridges and land damages, a sum not exceeding thirty-five thousand dollars.

For truant schools, a sum not exceeding four thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand dollars.

County tax,
Norfolk.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of one hundred forty thousand four hundred seventeen dollars and sixty-one cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1902.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH.

Chap. 51

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and two: —

County tax,
Plymouth.

For interest on county debt, a sum not exceeding two thousand five hundred dollars.

For reduction of county debt, a sum not exceeding fifteen thousand six hundred seventy-two dollars and seventy-nine cents.

For salaries of county officers and assistants, fixed by law, a sum not exceeding nine thousand six hundred dollars.

For clerical assistance in county offices, a sum not exceeding five thousand five hundred dollars.

For salaries and expenses of district and police courts, a sum not exceeding fifteen thousand five hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirteen thousand five hundred dollars.

For criminal costs in the superior court, a sum not exceeding sixteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding ten thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding four hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand dollars.

For auditors, masters and referees, a sum not exceeding two thousand dollars.

For repairing, furnishing and improving county build-

County tax,
Plymouth.

ings, a sum not exceeding three thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding three thousand five hundred dollars.

For highways, bridges and land damages, a sum not exceeding ten thousand dollars.

For truant schools, a sum not exceeding three thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand eight hundred seventy-four dollars and nineteen cents.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of ninety thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1902.

Chap. 52 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES COUNTY.

County tax,
Dukes County.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year nineteen hundred and two:—

For interest on county debt, a sum not exceeding three hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding two thousand two hundred dollars.

For clerical assistance in county offices, a sum not exceeding one hundred and fifty dollars.

For salaries and expenses of district and police courts, a sum not exceeding eight hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding five hundred dollars.

For criminal costs in the superior court, a sum not exceeding two hundred dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding nine hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one hundred dollars. County tax,
Dukes County.

For auditors, masters and referees, a sum not exceeding one hundred dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding seven hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding four hundred dollars.

For highways, bridges and land damages, a sum not exceeding one thousand seven hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding eleven hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of eight thousand eight hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 1, 1902.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER.

Chap. 53

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and two:— County tax,
Worcester.

For interest on county debt, a sum not exceeding twelve thousand dollars.

For reduction of county debt, a sum not exceeding forty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-five thousand dollars.

For clerical assistance in county offices, a sum not exceeding thirty-eight thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding forty-five thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding fifty thousand dollars.

For criminal costs in the superior court, a sum not exceeding twenty thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty thousand dollars.

County tax,
Worcester.

For trial justices, a sum not exceeding five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding eight hundred dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding ten thousand dollars.

For auditors, masters and referees, a sum not exceeding five thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding twenty-five thousand dollars.

For highways, bridges and land damages, a sum not exceeding twenty-one thousand dollars.

For truant schools, a sum not exceeding ten thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding seventeen thousand two hundred dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of two hundred and eighty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 8, 1902.

Chap. 54

Daniel Coonan.

RESOLVE IN FAVOR OF DANIEL COONAN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, from the Massachusetts Volunteers' Fund, the sum of three hundred and twenty-five dollars to Daniel Coonan, who served in the civil war as a member of the thirty-sixth regiment, Massachusetts volunteers, to the credit of the city of Worcester, and who never received the state bounty promised for such service.

Approved April 8, 1902.

Chap. 55

Certain special laws to be published.

RESOLVE TO PROVIDE FOR THE PUBLICATION OF CERTAIN SPECIAL LAWS.

Resolved, That the special acts of this Commonwealth, passed in the years eighteen hundred and ninety-eight to

nineteen hundred and one, inclusive, be collated and published under the direction of the secretary of the Commonwealth, in a volume as nearly as may be in conformity with the volume of special laws last printed.

Resolved, That fifteen hundred copies of the volume aforesaid be printed and distributed as follows:—One hundred copies for use in the various state offices and in the committee rooms and offices of the two branches of the general court; one copy to each member of the present general court; one copy to each of the justices of the supreme judicial and superior courts and to each judge of probate and insolvency; two hundred copies for the state library, six copies of which shall be preserved upon the shelves, and the residue used in exchanges; one copy to each city and town in the Commonwealth, to be placed in the city or town library, when such library exists; one copy to each public and each incorporated library in the Commonwealth, other than a city or town library; one copy to each registry of deeds; one copy to each of the clerks of the courts in each county; fifty copies to be retained in the office of the secretary of the Commonwealth; and the remaining copies to be disposed of by the secretary of the Commonwealth to individual purchasers at cost, the money received therefor to be paid into the treasury of the Commonwealth: *provided*, that no copies shall be sold for the purpose of re-sale. The secretary shall cause to be pasted on the inside of the cover of each copy delivered by him to any public officer for the use of his office a paper stating that fact, and that such copy is to be transmitted by the present incumbent at the expiration of his term of office to his successor in such office.

Distribution.

Proviso, etc.

Approved April 8, 1902.

RESOLVE IN FAVOR OF FREDERICK C. MARGERUM.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one hundred and twenty-five dollars to Frederick C. Margerum of Worcester, or his legal representatives, a veteran of the civil war who served in the fifteenth Massachusetts regiment, company G, to the credit of the town of Grafton, and who never received a bounty for such service.

Approved April 8, 1902.

Chap. 56

Frederick C.
Margerum.

*Chap. 57*Dennis
Cashman.

RESOLVE IN FAVOR OF DENNIS CASHMAN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Dennis Cashman, who served in company B, seventeenth regiment, Massachusetts volunteers, in the civil war, the sum of one hundred and twenty-five dollars, the amount of a bounty promised to him by vote of the town of Danvers on account of his enlistment in said service, which sum he would have been entitled to receive from the Commonwealth under the provisions of chapter five hundred and twenty-five of the acts of the year eighteen hundred and ninety-eight, if his claim had seasonably been filed.

Approved April 8, 1902.

*Chap. 58*Certain equip-
ment used in
improving
channel of
Connecticut
river to be
disposed of.

RESOLVE TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO DISPOSE OF CERTAIN EQUIPMENT USED IN IMPROVING THE CHANNEL OF THE CONNECTICUT RIVER.

Resolved, That the board of harbor and land commissioners is hereby authorized to sell and dispose of the scows, tools, material and equipment collected for use in improving the channel of the Connecticut river, which cannot be utilized in other work carried on by said board. The proceeds of such sales shall be paid into the treasury of the Commonwealth.

Approved April 8, 1902.

*Chap. 59*Charles E.
Mitchell.

RESOLVE IN FAVOR OF CHARLES E. MITCHELL.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Charles E. Mitchell the sum of three thousand dollars, the said Mitchell being a wardroom steward on the training ship Enterprise, who on the seventh day of August in the year nineteen hundred and one received injuries while in the discharge of his duty which necessitated the amputation of his left foot.

Approved April 9, 1902.

*Chap. 60*Custody of
records and
plans of the
Proprietors of
Rochester.

RESOLVE RELATIVE TO THE CUSTODY OF THE RECORDS AND PLANS OF THE PROPRIETORS OF ROCHESTER.

Resolved, That all records and plans of the Proprietors of Rochester shall, under the direction of the commissioner of public records, be deposited in the registry of deeds for the county of Plymouth.

Approved April 11, 1902.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARNSTABLE. *Chap. 61*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and two : — County tax,
Barnstable.

For interest on county debt, a sum not exceeding six hundred dollars.

For reduction of county debt, a sum not exceeding nine hundred dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding five thousand seven hundred dollars.

For clerical assistance in county offices, a sum not exceeding one thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding four thousand nine hundred dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding four thousand three hundred dollars.

For criminal costs in the superior court, a sum not exceeding fifteen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding two thousand five hundred dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding three hundred and fifty dollars.

For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand one hundred dollars.

For auditors, masters and referees, a sum not exceeding one thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one thousand five hundred dollars.

For fuel, lights and supplies in county buildings, other than jails and houses of correction, and for care of the same, a sum not exceeding one thousand five hundred dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding eight thousand dollars.

For truant schools, a sum not exceeding one hundred dollars.

County tax,
Barnstable.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four hundred and fifty dollars.

And the county commissioners of said county are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of thirty-nine thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 11, 1902.

Chap. 62 RESOLVE TO PROVIDE FOR MEDALS FOR THE MASSACHUSETTS
MINUTE-MEN OF 1861.

Medals for
Massachusetts
minute-men of
1861.

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 adjutant general in the preparation of medals to be distributed by him to those veterans who, as members of the Massachusetts volunteer militia organizations selected by the governor, responded to President Lincoln's first call for troops on the fifteenth day of April in the year eighteen hundred and sixty-one.

Approved April 15, 1902.

Chap. 63 RESOLVE TO PROVIDE FOR GIVING INSTRUCTION IN RIDING TO THE
MOUNTED MILITIA.

Instruction in
riding to the
mounted
militia.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding four thousand dollars, for giving instruction in riding to officers required by the militia laws to be mounted, to non-commissioned officers, buglers and drivers of the light artillery, to enlisted men of the cavalry, and to enlisted men of the infantry who are required by law to be mounted. Certificates signed by the commanding officer of each organization, stating the number of men in his command who have received such instruction and who have ridden at least five times under proper military instruction, shall be furnished to the adjutant general, and upon his approval payments shall be made from said sum to the commanding officer of each organization at the rate of ten dollars for each man in his command so certified to have received such instruction.

Approved April 17, 1902.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 64*

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 thirty-five thousand dollars, for the maintenance of a home for deserving veteran soldiers and sailors. Trustees of Soldiers' Home.

Approved April 17, 1902.

RESOLVE TO AUTHORIZE THE STATE BOARD OF EDUCATION TO RECEIVE IN THE STATE NORMAL SCHOOLS PUPILS FROM OTHER STATES AND COUNTRIES. *Chap. 65*

Resolved, That the state board of education is hereby authorized to receive in the state normal schools pupils from other states and from foreign countries upon the payment of tuition fees; and also to receive in said schools upon the payment of tuition fees such a number of properly qualified teachers or persons intending to be teachers, from Porto Rico, Cuba, Guam, the Sandwich Islands and the Philippine Islands, as they may deem expedient, and to distribute them in such a manner among the several schools aforesaid as will avoid an excessive demand upon, or serious inconvenience to, the existing facilities and equipment of the schools. Pupils from other states and countries may be received in state normal schools.

Approved April 17, 1902.

RESOLVE TO PROVIDE FOR COMPENSATING WINTHROP A. GATES FOR LOSS SUSTAINED BY THE TAKING OF CERTAIN LAND IN THE CITY OF NEWTON BY THE METROPOLITAN PARK COMMISSION. *Chap. 66*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Winthrop A. Gates or his legal representatives such sum, not exceeding six hundred dollars, as the metropolitan park commission shall certify is just and equitable to compensate said Gates for any loss sustained by him due to the taking by the Commonwealth, through said commission, of land in Newton on the banks of the Charles river, with timber standing thereon. Said sum shall be paid from the Metropolitan Parks Loan Fund. Winthrop A. Gates.

Approved April 17, 1902.

- Chap. 67* RESOLVE TO AUTHORIZE THE BOARD OF RAILROAD COMMISSIONERS TO INVESTIGATE THE ADVISABILITY OF REQUIRING STREET RAILWAY COMPANIES TO EQUIP THEIR CARS WITH IMPLEMENTS FOR RAISING THEM IN CASES OF ACCIDENT.

Necessity of having street cars equipped with implements for raising cars to be investigated, etc.

Resolved, That the board of railroad commissioners is hereby authorized and directed to investigate the advisability and necessity of having all street railway cars equipped with jack-screws or other implements or machinery of sufficient power to raise the cars to such a height as will permit the extrication of injured persons held beneath them, and to report thereon to the general court on or before the fifteenth day of January in the year nineteen hundred and three.

Approved April 17, 1902.

- Chap. 68* RESOLVE TO PROVIDE FOR THE APPOINTMENT OF COMMISSIONERS TO PREPARE TESTIMONIALS FOR THE SOLDIERS AND SAILORS WHO SERVED IN THE WAR WITH SPAIN.

Commissioners to prepare testimonials for soldiers and sailors who served in war with Spain, appointment, etc.

Resolved, That the governor appoint a suitable person, and that the person so appointed, the lieutenant governor and the adjutant general, be commissioners, without pay, to cause to be engraved and printed a suitable testimonial for each officer, soldier or sailor who served as part of the quota of Massachusetts during the war with Spain, and was honorably discharged from or died in the service; and that the adjutant general deliver such testimonials, on application, to such persons as he may deem entitled to receive the same.

Approved April 17, 1902.

- Chap. 69* RESOLVE TO PROVIDE FOR A CENTRAL HEATING AND LIGHTING PLANT AND FOR A DINING HALL AT THE MASSACHUSETTS AGRICULTURAL COLLEGE.

Massachusetts Agricultural College.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-one thousand dollars, to be expended at the Massachusetts Agricultural College under the direction of the board of trustees for the following purposes, to wit:—Thirty-five thousand dollars for the installation of a central plant for heating the buildings grouped on the western slope of the state property, and for lighting all the buildings on the same property; thirty-five thousand dollars for erecting, equipping and furnishing a dining

hall: and one thousand dollars for the maintenance of the dining hall, this sum to be available upon the completion of the building.

Approved April 17, 1902.

RESOLVE IN FAVOR OF THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

Chap. 70

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the New England Industrial School for Deaf Mutes the sum of forty-five hundred dollars, to be expended under the direction of the trustees thereof for the educational purposes of said school for the year nineteen hundred and two. Said trustees shall report to the state board of education the expenditures made under the authority of this resolve.

New England
Industrial
School for Deaf
Mutes.

Approved April 17, 1902.

RESOLVE TO PROVIDE FOR A SURVEY AND ESTIMATE BY THE BOARD OF HARBOR AND LAND COMMISSIONERS AS TO THE IMPROVEMENT OF CATAUMET HARBOR.

Chap. 71

Resolved, That the board of harbor and land commissioners is hereby directed to make or cause to be made a survey and estimate as to the cost, best method and advisability of improving Cataumet harbor, lying partly in the town of Falmouth and partly in the town of Bourne, and to report thereon to the general court not later than the fifteenth day of January in the year nineteen hundred and three. For this purpose the board may expend a sum not exceeding five hundred dollars, to be taken from the annual harbor and river improvements and contingency appropriation.

Survey and
estimate as to
the improve-
ment of Cata-
met harbor to
be made.

Approved April 17, 1902.

RESOLVE IN FAVOR OF MARTHA REESE GRANT.

Chap. 72

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the guardian of Martha Reese Grant, orphan daughter of James A. and Rhoda Rosella Grant, for her benefit, an annuity of three hundred dollars payable in equal quarterly instalments from the first day of January in the year nineteen hundred and two up to and including the twenty-fifth day of May in the year nineteen hundred and four, should she so long survive, being the amount authorized by chapter ninety-two of the resolves of the year eighteen hundred and

Martha Reese
Grant.

ninety-nine to be paid to her mother, Rhoda Rosella Grant, who died on the twenty-first day of February in the year nineteen hundred and two. The said chapter ninety-two is hereby repealed.

Approved April 18, 1902.

Chap. 73 RESOLVE TO PROVIDE FOR THE PURCHASE OF ADDITIONAL LAND FOR THE USE OF THE STATE NORMAL SCHOOL AT BRIDGEWATER.

State normal school at Bridgewater.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirty-five hundred dollars, for the purchase, under the direction of the state board of education, of additional land for the use of the state normal school at Bridgewater.

Approved April 18, 1902.

Chap. 74 RESOLVE TO PROVIDE FOR A CHEMICAL DEPARTMENT IN THE STATE NORMAL SCHOOL AT WORCESTER.

State normal school at Worcester.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventy-five hundred dollars, to be expended by the state board of education in the alteration and furnishing of rooms and in the purchase of chemical supplies for a chemical department in the main building of the state normal school at Worcester. *Approved April 18, 1902.*

Chap. 75 RESOLVE TO DIRECT THE BOARD OF RAILROAD COMMISSIONERS TO INVESTIGATE THE MERITS OF FENDERS NOW IN USE BY STREET RAILWAY COMPANIES.

Merits of fenders in use by street railway companies to be investigated, etc.

Resolved, That the board of railroad commissioners is hereby authorized and directed to examine the fenders in use upon street railway cars in this Commonwealth, and such other fenders as may be brought to their attention and are in their opinion worthy of consideration. After giving such public hearings upon the subject as they may deem necessary the board shall report to the general court on or before the fifteenth day of January in the year nineteen hundred and three such recommendations in regard to fenders upon street railway cars as they may deem proper.

Approved April 18, 1902.

RESOLVE TO PROVIDE FOR THE MAINTENANCE AND REPAIR OF CERTAIN APPARATUS USED IN THE BOILER INSPECTION DEPARTMENT OF THE DISTRICT POLICE. *Chap. 76*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five hundred dollars, to be expended under the direction of the chief of the district police for the maintenance and necessary repair of apparatus used by the members of the boiler inspection department of the district police in the examination of engineers and firemen.

Repair, etc., of apparatus used in boiler inspection department.

Approved April 23, 1902.

RESOLVE TO PROVIDE ROOMS IN THE STATE HOUSE FOR THE EXAMINATION OF APPLICANTS FOR ADMISSION TO THE STATE SANATORIUM. *Chap. 77*

Resolved, That the sergeant-at-arms is hereby authorized and directed to provide suitable rooms in the state house for use in the examination of applicants for admission to the state sanatorium.

Rooms to be provided for examination of applicants for admission to the state sanatorium.

Approved April 23, 1902.

RESOLVE TO AUTHORIZE PAYMENT TO THE BOSTON, CAPE COD AND NEW YORK CANAL COMPANY OF INTEREST RECEIVED BY THE COMMONWEALTH ON MONEY DEPOSITED BY THE COMPANY WITH THE TREASURER OF THE COMMONWEALTH. *Chap. 78*

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to pay to the treasurer of the Boston, Cape Cod and New York Canal Company the interest already accrued on the two hundred thousand dollars deposited by the company with the treasurer of the Commonwealth under the provisions of chapter four hundred and forty-eight of the acts of the year eighteen hundred and ninety-nine, and also to pay semi-annually to the treasurer of said company the interest which may hereafter accrue on said deposit: *provided, however*, that the treasurer of the Commonwealth shall retain from said interest such amount as may be required for payment of the assessment to which said deposit is or may be liable under the provisions of section six of chapter six of the Revised Laws.

Treasurer to pay to the Boston, Cape Cod and New York Canal Company interest on certain deposit.

Proviso.

Approved April 23, 1902.

Chap. 79 RESOLVES IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL.New Bedford
Textile School.

Proviso.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of eighteen thousand dollars, to be expended by the Trustees of the New Bedford Textile School for the purposes of the school: *provided*, that no part of this sum shall be paid until satisfactory evidence has been furnished to the auditor of accounts that an additional sum of seven thousand dollars has been paid to the said trustees by the city of New Bedford or received by them from other sources. The city of New Bedford is hereby authorized to raise by taxation and pay to said trustees such sum of money not exceeding seven thousand dollars as may be necessary to secure the amount provided for by this resolve.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the aforesaid trustees a further sum of eight thousand dollars, to be expended under their direction in equipping an addition to the building for the use of said school.

Approved April 30, 1902.

Chap. 80 RESOLVE IN FAVOR OF HERMAN B. COOK OF BOSTON.Herman B.
Cook.

Resolved, That the sum of sixty dollars is hereby appropriated to be paid out of the treasury of the Commonwealth to Herman B. Cook of Boston, in full compensation for injuries to a horse owned by said Cook which were received at the Frauningham camp ground in July, nineteen hundred and one, the said horse being then on hire by the state for use in the militia.

Approved April 30, 1902.

Chap. 81 RESOLVE TO PROVIDE FOR THE EXPENSES OF THE BAND OF AND FOR THE PURCHASE OF A FLAG FOR THE MASSACHUSETTS AGRICULTURAL COLLEGE.Massachusetts
Agricultural
College.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred dollars, to be expended under the direction of the trustees of the Massachusetts Agricultural College, for the expenses of the band of and for the purchase of a flag for the use of the cadets of the college.

Approved April 30, 1902.

RESOLVE TO PROVIDE FOR PRINTING THE REPORT OF THE BOARD OF HARBOR AND LAND COMMISSIONERS AS TO A CANAL FROM TAUNTON RIVER TO WEYMOUTH FORE RIVER.

Chap. 82

Resolved, That the board of harbor and land commissioners is hereby authorized and directed to prepare, on or before the first day of May in the year nineteen hundred and two, a report of its survey of the proposed canal from Taunton river to Weymouth Fore river, and to have five hundred copies thereof printed. The said report shall include such maps as the board may deem necessary, a statement of the cost of making the proposed canal, and a statement of the expenses incurred by the board in making the survey. The cost of printing the report shall not exceed the sum of one hundred dollars, and shall be paid out of the sum appropriated for the said survey. A copy of the report shall be delivered to each member of the general court, and a copy shall be sent to each representative and senator from Massachusetts in the congress of the United States.

Report of survey of proposed canal from Taunton river to Weymouth Fore river to be printed, etc.

Approved April 30, 1902.

RESOLVE TO PROVIDE FOR REPAIRS AT THE REFORMATORY PRISON FOR WOMEN.

Chap. 83

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the following sums, to be expended at the reformatory prison for women under the direction of the board of prison commissioners:— For painting the buildings, a sum not exceeding twenty-five hundred dollars; for new stairways and other means of protection from fire, a sum not exceeding five thousand dollars; for new boilers and setting, a sum not exceeding three thousand dollars.

Reformatory prison for women.

Approved May 6, 1902.

RESOLVE AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX COUNTY TO REPAIR CERTAIN BRIDGES.

Chap. 84

Resolved, That the county commissioners of Essex county are hereby authorized and directed to expend a sum not exceeding twenty-five hundred dollars in repairing Rocks bridge between the city of Haverhill and the town of West Newbury, and Deer Island bridge between the city of Newburyport and the town of Amesbury, which have been injured by recent freshets.

County commissioners of Essex county to repair certain bridges.

Approved May 6, 1902.

Chap. 85 RESOLVE TO AUTHORIZE THE STATE BOARD OF EDUCATION TO PREPARE AND PUBLISH A MANUAL OF THE REVISED SCHOOL LAWS.

Manual of revised school laws to be published.

Resolved, That the state board of education is hereby authorized to prepare and publish a manual of the revised school laws, and that there be allowed and paid out of the treasury of the Commonwealth for this purpose a sum not exceeding five hundred dollars.

Approved May 6, 1902.

Chap. 86 RESOLVE TO DIRECT THE BOARD OF RAILROAD COMMISSIONERS TO INVESTIGATE CERTAIN MATTERS RELATING TO THE TRANSPORTATION OF PASSENGERS ON RAILROADS IN AND ABOUT THE CITY OF BOSTON.

Railroad commissioners to investigate certain matters relating to transportation of passengers.

Resolved, That the board of railroad commissioners is hereby directed to investigate the passenger train service furnished by, and the rates of passenger fare charged upon, railroads in and about the city of Boston, and particularly the matter of a cheap morning and evening train service for that locality; and that said board is directed also to investigate the use of electricity as a motive power upon steam railroads, and to inquire into the results obtained by such use upon railroads within the Commonwealth or elsewhere, and to make a report upon the matters aforesaid on or before the fifteenth day of January in the year nineteen hundred and three, with such suggestions, recommendations and information in relation thereto as the board shall deem that the public interests require.

Approved May 6, 1902.

Chap. 87 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE TAUNTON INSANE HOSPITAL.

Taunton insane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding eighteen thousand dollars, to be expended under the direction of the trustees of the Taunton insane hospital in the construction and equipment of a new barn and silo at the Raynham farm, in enlarging the bakery, in building a cellar and house for storage purposes, in the purchase and installation of laundry machinery, and in making other minor improvements at said hospital.

Approved May 6, 1902.

RESOLVE TO PROVIDE FOR THE COMPLETION OF THE MONUMENT
ON DORCHESTER HEIGHTS IN THE CITY OF BOSTON. *Chap. 88*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended under the direction of the governor and council in completing the monument on Dorchester Heights in the city of Boston, commemorating the construction in that place by General Washington and his army of a redoubt which caused the British troops under the command of General Howe to evacuate Boston on the seventeenth day of March, seventeen hundred and seventy-six.

Completion of
monument on
Dorchester
Heights.

Approved May 6, 1902.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE
INDUSTRIAL SCHOOL FOR GIRLS. *Chap. 89*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-four thousand one hundred dollars, to be expended at the state industrial school for girls under the direction of the trustees of the Lyman and industrial schools, for the following purposes, to wit:— For the purchase of land in the town of Bolton, a sum not exceeding twenty-nine hundred dollars; for increased water supply, a sum not exceeding two hundred dollars; and for a cottage to hold thirty inmates, a sum not exceeding twenty-one thousand dollars.

State industrial
school for girls.

Approved May 6, 1902.

RESOLVE RELATIVE TO THE DISPOSAL OF SEWAGE AT THE LYMAN
SCHOOL FOR BOYS *Chap. 90*

Resolved, That the superintendent of the Lyman school for boys is hereby authorized, with the approval and under the direction of the trustees of the Lyman and industrial schools, to contract with the town of Westborough for the disposal of the sewage from said school, by means of a connection with the main trunk sewer in the said town. To carry out the provisions of this resolve a sum not exceeding six thousand dollars may be expended under the direction of the said trustees.

Lyman school
for boys.

Approved May 13, 1902.

Chap. 91 RESOLVE TO PROVIDE FOR A TEAM OF THE MILITIA TO ATTEND
THE INTERNATIONAL RIFLE MATCH AT SEA GIRT, NEW JERSEY.

Team of militia
to attend an
international
rifle match.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended by the inspector general of rifle practice, under the direction of the adjutant general, to defray the expense of a rifle team to take part in the international rifle match at Sea Girt, New Jersey.

Approved May 14, 1902.

Chap. 92 RESOLVE IN FAVOR OF ELIZA B. PHINNEY, EUGENE G. McSWEENEY
AND ELLEN McSWEENEY.

Eliza B.
Phinney,
Eugene G.
and Ellen
McSweeney.

Resolved, That the time within which Eliza B. Phinney, Eugene G. McSweeney and Ellen McSweeney may file petitions in the superior court for any damages suffered by them for the taking of land or rights in land by the Commonwealth through the metropolitan park commission for the Revere Beach parkway is hereby extended to the first day of July in the year nineteen hundred and two.

Approved May 15, 1902.

Chap. 93 RESOLVE IN FAVOR OF THE TOWN OF PHILLIPSTON.

Town of
Phillipston.

Resolved, That there be allowed and paid out of the income of the Massachusetts School Fund to the town of Phillipston the sum of four hundred thirty dollars and forty-six cents, this sum being the additional amount which the town of Phillipston should have received in the apportionment of January twenty-fifth, nineteen hundred and two.

Approved May 21, 1902.

Chap. 94 RESOLVE RELATIVE TO THE STANDARD WEIGHTS, MEASURES AND
BALANCES OF THE COMMONWEALTH.

Standard
weights, meas-
ures and bal-
ances.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding one thousand dollars, to be expended by the treasurer and receiver general in repairing and adding to the standard weights, measures and balances of the Commonwealth.

Approved May 21, 1902.

RESOLVE TO AUTHORIZE THE PAYMENT OF A SUM OF MONEY FROM THE TREASURY OF THE COMMONWEALTH TO THE WIDOW OF JOHN N. BALL. *Chap. 95*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of John N. Ball, member of the house of representatives from the seventh Middlesex district for the year nineteen hundred and one, who died before the extra session held in that year, the sum of one hundred dollars, to which he would have been entitled had he lived and served through the said extra session.

Widow of John N. Ball.

Approved May 21, 1902.

RESOLVE TO AUTHORIZE THE SALE OF CERTAIN LAND OF THE COMMONWEALTH AT SOUTH FRAMINGHAM. *Chap. 96*

Resolved, That the governor is hereby authorized, with the advice and consent of the council, to sell at public or private sale, upon such terms as he may deem proper, the land at South Framingham which was purchased by the Commonwealth for use as a pumping station for the state camp ground, and to execute and deliver a deed of the same.

Certain land of the Commonwealth at South Framingham may be sold.

Approved May 21, 1902.

RESOLVE TO PROVIDE FOR A DORMITORY AT THE STATE NORMAL SCHOOL AT FITCHBURG. *Chap. 97*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty thousand dollars, to be expended under the direction of the state board of education in the construction of a dormitory and, if necessary, in the purchase of a site therefor, at the state normal school at Fitchburg. Of this sum thirty thousand dollars may be expended during the current year and the remainder during the following year.

State normal school at Fitchburg.

Approved May 21, 1902.

RESOLVE TO PROVIDE FOR A DORMITORY AT THE STATE NORMAL SCHOOL AT NORTH ADAMS. *Chap. 98*

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 under the direction of the state board of education in the construction of a dormitory at the state normal school at North

State normal school at North Adams.

Adams. Of this sum forty thousand dollars may be expended during the current year and the remainder during the following year. *Approved May 21, 1902.*

Chap. 99 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE
CAMP GROUND.

State-camp
ground.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifteen hundred dollars, to be expended by the quartermaster general under the direction of the governor in making repairs on buildings at the state camp ground.

Approved May 21, 1902.

Chap. 100 RESOLVE IN FAVOR OF THE WIDOW OF HENRY G. GREENE.

Widow of
Henry G.
Greene.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Alexandrina Greene, widow of Henry G. Greene late a member of the house of representatives from the thirteenth Worcester district, the salary to which he would have been entitled had he lived until the end of the present session.

Approved June 3, 1902.

Chap. 101 RESOLVE TO CONFIRM CERTAIN ACTS OF JOSEPH C. PELLETTIER AS
A JUSTICE OF THE PEACE.

Certain acts of
Joseph C.
Pelletier as a
justice of the
peace con-
firmed.

Resolved, That all acts of Joseph C. Pelletier of Boston as a justice of the peace, between the third day of January and the twenty-fifth day of March in the year nineteen hundred and two, are hereby confirmed and made valid, to the same extent as if during that time he had been qualified to discharge the duties of said office.

Approved June 3, 1902.

Chap. 102 RESOLVE TO PROVIDE FOR A COMMISSION TO REVISE THE LAWS
RELATING TO TRUST COMPANIES.

Commission to
revise laws
relating to
trust compa-
nies.

Resolved, That the chairman of the board of commissioners of savings banks, the commissioner of corporations and the attorney-general shall constitute a commission, to serve without compensation, to consider the advisability of legislation providing for the incorporation of trust companies under general provisions of law, and shall consider the expediency of amending or revising chapter one

hundred and sixteen of the Revised Laws relating to trust companies. Said commission shall give public hearings to all persons interested in the subject, if they deem it advisable so to do, and shall submit to the general court, on or before the first day of February in the year nineteen hundred and three, a report of their doings under this resolve, together with a draft of a bill or bills embodying any legislation which they may recommend.

Approved June 3, 1902.

RESOLVE TO EXTEND THE TIME FOR THE REPORT OF THE COMMITTEE APPOINTED TO CONSIDER THE ADVISABILITY OF CONSTRUCTING A DAM ACROSS THE CHARLES RIVER BETWEEN THE CITIES OF BOSTON AND CAMBRIDGE. *Chap. 103*

Resolved, That the time within which the committee Time extended. appointed under chapter one hundred and five of the resolves of the year nineteen hundred and one to consider the advisability of constructing a dam across the Charles river between the cities of Boston and Cambridge is required to report to the general court be extended until the second Wednesday in January in the year nineteen hundred and three.

Approved June 3, 1902.

RESOLVE TO PROVIDE FOR AN ADDITIONAL EXPENDITURE BY THE COMMISSIONERS OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL. *Chap. 104*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended by the commissioners of the Massachusetts nautical training school in making repairs upon the school ship *Enterprise*, and in meeting certain other necessary expenses during the present year. This sum shall be in addition to the amount provided for by section five of chapter forty-five of the Revised Laws.

Massachusetts
nautical train-
ing school.

Approved June 3, 1902.

RESOLVE IN FAVOR OF HARRY J. DOUGAN.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Harry J. Dougan the sum of four hundred dollars, on account of the loss of a thumb caused by the explosion of the magazine of a rifle

Chap. 105

Harry J.
Dougan.

at the rifle range in the town of Lexington on the twenty-sixth day of April in the year nineteen hundred and one, the said rifle being the property of the Commonwealth.

Approved June 5, 1902.

Chap. 106 RESOLVE TO AUTHORIZE THE PAYMENT OF A SUM OF MONEY FROM THE TREASURY OF THE COMMONWEALTH TO THE FATHER OF WILLIAM L. MOONEY.

Father of
William L.
Mooney.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the father of William L. Mooney, member of the house of representatives from the nineteenth Suffolk district for the year nineteen hundred and one, who died before the extra session held in that year, the sum of one hundred dollars, to which said member would have been entitled had he lived and served through the said extra session.

Approved June 5, 1902.

Chap. 107 RESOLVE TO PROVIDE THAT THE STATE BOARD OF HEALTH SHALL INVESTIGATE THE PRODUCTION OF VACCINE LYMPH IN THIS COMMONWEALTH, AND ALSO REPORT A PLAN FOR ITS PRODUCTION AND FREE DISTRIBUTION.

Production of
vaccine lymph
to be investi-
gated, etc.

Resolved, That the state board of health is authorized and requested to report to the general court as soon as possible a plan for the production and distribution of pure vaccine lymph for free use in this Commonwealth; and also to report as to the quality of the vaccine lymph in use in this Commonwealth during the past winter and at the present time, and as to the quality of the vaccine lymph produced or sold by private persons or corporations in this Commonwealth, and the methods and conditions by and under which it is produced.

Approved June 10, 1902.

Chap. 108 RESOLVE IN FAVOR OF WALTER H. GILMAN OF LOWELL.

Walter H.
Gilman.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Walter H. Gilman of Lowell, who is permanently disabled by reason of an injury received by him while in the discharge of his duty as a militiaman, on the twenty-ninth day of November in the year eighteen hundred and seventy-five, the sum of five hundred dollars.

Approved June 11, 1902.

RESOLVE IN FAVOR OF THE WIDOW OF JOHN HOPKINS.

Chap.109

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the widow of John Hopkins late an associate justice of the superior court of this Commonwealth, who died on the nineteenth day of May in the year nineteen hundred and two, the sum of four thousand and one dollars and thirty-six cents, being the amount of salary which he would have received had he held the said office until the end of the year nineteen hundred and two.

Widow of
John Hopkins.*Approved June 11, 1902.*

RESOLVE TO PROVIDE FOR THE BETTER PROTECTION OF BUTTER BY THE DAIRY BUREAU OF THE STATE BOARD OF AGRICULTURE.

Chap.110

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 dairy bureau of the state board of agriculture in protecting the purity of butter sold in this Commonwealth, this sum to be in addition to any amount heretofore authorized for the same purpose.

Protection of
butter.*Approved June 11, 1902.*

RESOLVE TO PROVIDE FOR MEDALS FOR THE MASSACHUSETTS MINUTE MEN OF 1861.

Chap.111

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended under the direction of the adjutant general in the preparation of medals to be distributed by him to the members of the Massachusetts volunteer militia of the third, fourth, fifth, sixth and eighth regiments, third battalion, and first battery of light artillery, and to those general and staff officers selected by the governor, who responded to President Lincoln's first call for troops on the fifteenth day of April in the year eighteen hundred and sixty-one, and who were mustered in and served honorably. In case of the death of any of the persons above described the medal may be presented to his widow, child or such other representative as the adjutant general may select. Authority is hereby granted to use on the said medals the state seal used by Governor John A. Andrew. Chapter sixty-two of the resolves of the year nineteen hundred and two is hereby repealed.

Medals for the
Massachusetts
minute-men of
1861.*Approved June 11, 1902.*

Chap.112 RESOLVE RELATIVE TO AN INVESTIGATION OF THE IMPROVEMENT OF SPOT POND BROOK BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Condition of Spot Pond brook to be investigated, etc.

Resolved, That the metropolitan water and sewerage board is hereby authorized and directed to investigate the condition of Spot Pond brook in Stoncham, Melrose and Malden, and to report a plan for such improvements to the brook as will provide for the easy and natural flow to tide water of the water from Doleful pond and surrounding country turned into it by said board. The board shall take into consideration the whole question of the improvement of the brook, shall ascertain what troubles are to be remedied, and by what methods the needed improvements may be effected, and shall give public notice and a hearing to all persons interested. If the board finds that such plan and improvements are feasible and desirable, it shall recommend a plan for apportioning the expense of the improvements between the Commonwealth and towns and cities benefited, and the extent, if any, to which betterments should be imposed upon abutting owners. Said report shall be made to the general court before the fifteenth day of January in the year nineteen hundred and three.

Approved June 11, 1902.

Chap.113 RESOLVE IN FAVOR OF THE WIDOW OF ALBRO G. BEAN.

Widow of Albro G. Bean.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Esther E. Bean, widow of Albro G. Bean late a messenger of the senate, who died on the first day of June in the year nineteen hundred and two, the sum of three hundred and fifty dollars, being the amount of money that he would have been entitled to receive had he performed service as messenger till the end of the present session.

Approved June 11, 1902.

Chap.114 RESOLVE TO AUTHORIZE THE TRUSTEES OF THE MASSACHUSETTS AGRICULTURAL COLLEGE TO BORROW A SUM OF MONEY.

Trustees of the Massachusetts Agricultural College may borrow a cer-

Resolved, That the trustees of the Massachusetts Agricultural College are hereby authorized to borrow the sum of thirty-five hundred dollars for a period not exceeding

seven months, for the purpose of meeting the deficiency caused by the reinvesting for this year of the fund received from the United States in the year eighteen hundred and sixty-two, and known as the fund for the promotion of education in agriculture and the mechanic arts.

tain sum of money.

Approved June 19, 1902.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE METHOD OF SUPPORTING PUBLIC SCHOOLS.

Chap.115

Resolved, That the governor appoint a commission, consisting of five persons, from different branches of the public service, to investigate the method of supporting public schools. The commission shall take into consideration the aid now given to the towns by means of the school fund and in other ways, and the measure now pending to provide for levying a mill tax for school purposes; shall determine the most equitable method of distributing the amount paid by the state for educational purposes, and whether the amount should be increased; and shall report the results of their investigation to the next general court, with such recommendations for new legislation or otherwise, as they may deem best. The commission shall serve without compensation, but, for all expenses actually incurred in the performance of their official duties, they shall be allowed such a sum, to be paid out of the treasury of the Commonwealth, as the governor, with the advice and consent of the council, shall approve.

Commission to investigate the method of supporting public schools, appointment, etc.

Approved June 19, 1902.

RESOLVE TO PROVIDE FOR THE DISTRIBUTION OF ADDITIONAL COPIES OF THE GUIDE BOOK OF THE STATE HOUSE.

Chap.116

Resolved, That there be distributed the following copies of the guide book to the state house: — To the governor, ten copies; to the lieutenant governor, the members of the executive council, the secretary, treasurer, auditor, and attorney-general of the Commonwealth, ten copies each; to the members and officers of the general court for the year nineteen hundred and two, ten copies each; to the reporters, five copies each; to the doorkeepers, messengers, pages and assistant clerks, two copies each; and the remainder shall be placed in the hands of the sergeant-at-arms to be distributed by him at his discretion.

Additional copies of guide book of state house to be distributed.

Approved June 23, 1902.

*Chap.*117 RESOLVE TO AUTHORIZE THE BOARD OF PRISON COMMISSIONERS TO MAKE AN EXAMINATION AS TO A WATER SUPPLY FOR THE MASSACHUSETTS REFORMATORY.

Examination to be made as to water supply for Massachusetts reformatory.

Resolved, That the board of prison commissioners is hereby authorized and directed to investigate the practicability and expediency of supplying the Massachusetts reformatory in the town of Concord with water from Nagog pond, so-called, in the towns of Acton and Littleton; and a sum not exceeding one thousand dollars shall be allowed and paid out of the treasury of the Commonwealth for the expense of the investigation.

Approved June 23, 1902.

*Chap.*118 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE WORCESTER INSANE HOSPITAL.

Worcester insane hospital.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding sixteen thousand dollars, to be expended under the direction of the trustees of the Worcester insane hospital in making alterations in the boiler house and engine room and in providing necessary heating and electrical apparatus. The above amount shall be paid from any receipts that may be paid into the treasury of the Commonwealth by said hospital.

Approved June 23, 1902.

*Chap.*119 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS STATE SANATORIUM.

Massachusetts state sanatorium.

Resolved, That the following sums be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, for improvements at the Massachusetts state sanatorium, to be expended under the direction of the trustees thereof, namely:— A sum not exceeding two thousand dollars for the purchase of land in the vicinity of the sanatorium; and a sum not exceeding five hundred dollars for repairing the roads leading to the sanatorium.

Approved June 26, 1902.

*Chap.*120 RESOLVE TO CONFIRM THE ACTS OF SAMUEL T. HARRIS AS A NOTARY PUBLIC.

Certain acts of Samuel T. Harris as a

Resolved, That the acts of Samuel T. Harris of Somerville as a notary public, between the twenty-fourth day

of February in the year eighteen hundred and ninety-nine and the ninth day of June in the year nineteen hundred and two, are hereby confirmed and made valid, to the same extent as if he had been during that time qualified to discharge the duties of said office.

notary public confirmed.

Approved June 26, 1902.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT BY THE STATE BOARD OF AGRICULTURE AS TO THE FEASIBILITY AND PROBABLE COST OF PRODUCING VACCINE LYMPH AT THE MASSACHUSETTS AGRICULTURAL COLLEGE, FOR FREE DISTRIBUTION WITHIN THE COMMONWEALTH.

Chap. 121

Resolved, That the state board of agriculture is hereby authorized and directed to investigate as to the feasibility and probable cost of producing vaccine lymph at the Massachusetts Agricultural College, for free distribution within the Commonwealth, and to report the result of such investigation, together with such recommendations as the board may consider advisable, to the general court on or before the fifteenth day of January in the year nineteen hundred and three. *Approved June 26, 1902.*

Cost, etc., of producing vaccine lymph for free distribution to be investigated, etc.

RESOLVE RELATIVE TO THE CONSTRUCTION OF A BRIDGE OVER TAUNTON GREAT RIVER BETWEEN THE CITY OF FALL RIVER AND THE TOWN OF SOMERSET.

Chap. 122

Resolved, That the county commissioners of the county of Bristol are hereby authorized and directed to advertise for plans and estimates for a drawbridge, with the necessary piers, abutments and approaches thereto, between the city of Fall River and the town of Somerset, over Taunton Great river at a point coincident with or in the vicinity of the present Slade's ferry bridge, sufficient to accommodate public travel. Said commissioners shall give such public hearing or hearings as may in their opinion be necessary, and on or before the fifteenth day of January in the year nineteen hundred and three shall report to the general court the result of their investigations in writing, with such recommendations as they may deem proper, and with a statement of the probable cost of the said bridge, and of the parties by whom the cost should be borne and paid. For the purposes aforesaid the said commissioners are hereby authorized to expend from the treasury of the county of Bristol a sum not exceeding five thousand dollars.

Construction of bridge over Taunton Great river between Fall River and Somerset.

Approved June 26, 1902.

Chap.123 RESOLVE TO AUTHORIZE THE PAYMENT OF A SUM OF MONEY FROM THE TREASURY OF THE COMMONWEALTH TO THE WIDOW OF WILLIAM H. JARVIS.

Certain sum of money to be paid to widow of William H. Jarvis.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, the sum of seven hundred dollars, to Lydia V. Jarvis, the widow of William H. Jarvis late messenger for the executive department, being the remainder of the salary to which said Jarvis would have been entitled had he lived and served as messenger until the end of the current year.

Approved June 27, 1902.

Chap.124 RESOLVE TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO MAKE A SURVEY AND ESTIMATE TO DETERMINE THE COST OF ACQUIRING A PART OF MOUNT TOM AND MOUNT NONOTUCK AS A STATE RESERVATION.

Estimate, etc., to be made to determine cost of acquiring part of Mount Tom and Mount Nonotuck as a state reservation.

Resolved, That the board of harbor and land commissioners is hereby authorized to make surveys, examinations and estimates to determine the probable cost of acquiring an area of about three thousand acres of land situate on or about Mount Tom and Mount Nonotuck in the county of Hampshire, suitable for a state reservation, excluding therefrom railroads and railways, lands occupied as the usual locations therefor, and buildings appurtenant to said railroads and railways; and to report thereon to the general court on or before the fifteenth day of January in the year nineteen hundred and three. To pay the cost of such survey and examination the board may expend a sum not exceeding two thousand dollars; and the said board and its employees may enter upon land within this Commonwealth when it may be necessary to do so for the purpose of this resolve, and may erect works, stations, buildings and appurtenances requisite for that purpose: *provided*, that no unnecessary injury shall be done thereby. Sections ten, eleven and twelve of chapter one of the Revised Laws shall apply to the settlement for any damage done in connection with the work hereby authorized.

Approved June 27, 1902.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE LYMAN SCHOOL FOR BOYS. *Chap.125*

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 Lyman school for boys under the direction of the trustees thereof for the following purposes, to wit:—For a storage battery and other electrical improvements, a sum not exceeding nine thousand dollars; and for connecting the pumping station with the electrical machinery in the laundry building, a sum not exceeding twenty-five hundred dollars.

Lyman school
for boys.

Approved June 27, 1902.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND A REPORT BY THE STATE BOARD OF CHARITY AS TO A NEW SANATORIUM FOR CONSUMPTIVES. *Chap.126*

Resolved, That the state board of charity is hereby directed to investigate the following matters and to report thereon to the general court on or before the fifteenth day of January in the year nineteen hundred and three, to wit:—

State board of
charity to
investigate,
etc., as to a
new sanatorium
for consump-
tives.

First. Is it necessary or expedient for the Commonwealth to make additional provision for the care and treatment of consumptives? If so, should such provision be made by establishing one large new sanatorium or by establishing several smaller institutions, and, if several, should these be located in different parts of the Commonwealth so as to provide for patients at sanatoriums comparatively near their places of residence?

Second. Should the patients be furnished board and treatment without charge, or should a moderate charge, not exceeding the actual cost, be made for board? And, if the patients should be unable to pay for their board, should the cities and towns in which they have a legal settlement be required to pay therefor?

Third. Where, in the opinion of the board, should a new sanatorium or new sanatoriums be established?

Fourth. What would the board recommend as to the material, plan, manner of construction and details of such sanatorium or sanatoriums?

If the board should conclude that it is advisable for the Commonwealth to establish a sanatorium or sanatoriums

Plan of build-
ings, etc., may
be prepared.

the board is authorized to prepare a general plan of a building or buildings therefor, together with an estimate of the cost of constructing them, and such plan and estimate shall form part of the report to be made by the board to the general court.

Certain sum
may be
expended.

In carrying out the provisions of this resolve the board may expend, with the approval of the governor and council, a sum not exceeding two thousand dollars.

Approved June 27, 1902.

Chap. 127 RESOLVE IN FAVOR OF THE CAPE COD PILGRIM MEMORIAL ASSOCIATION.

Cape Cod Pilgrim Memorial Association.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the Cape Cod Pilgrim Memorial Association a sum not exceeding twenty-five thousand dollars, to be expended by the said association in erecting at Provincetown a suitable memorial of the first landing of the Pilgrims on the soil of Cape Cod and the signing of the compact in the cabin of the Mayflower while at anchor in Provincetown harbor: *provided*, that no part of this sum shall be paid until the site and character of the proposed memorial shall have been approved by the governor and council, nor until satisfactory evidence shall have been furnished to them that an equal sum has been raised and paid to said association for the same purpose, exclusive of land for the monument, which shall have been given by the town of Provincetown, and that the combined sums will be sufficient to pay the whole cost of erecting said memorial; and *provided, further*, that unless the said sum of twenty-five thousand dollars shall have been raised and paid to the said Cape Cod Pilgrim Memorial Association for said memorial before the fifth day of July in the year nineteen hundred and five this resolve shall be null and void.

Provisos.

Approved June 27, 1902.

Chap. 128 RESOLVE TO PROVIDE FOR THE PURCHASE OF LAND FOR THE MEDFIELD INSANE ASYLUM.

Medfield insane asylum.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding two thousand dollars, to be expended by the superintendent and trustees of the Medfield insane asylum for the purchase of land for the enlargement of the plant at said institution.

Approved June 28, 1902.

RESOLVE IN FAVOR OF ALBIN M. RICHARDS.

Chap. 129

Resolved, That there be allowed and paid to Albin M. Richards of Cambridge the sum of two hundred dollars, and interest as hereinafter provided, the same to be paid from the Harbor Compensation Fund, said sum, less the interest, being the amount of assessments made by the board of harbor and land commissioners under chapter nineteen of the Public Statutes for the displacement of tide waters occasioned by filling in flats and building a wharf on the Mystic river, which was paid by the said Albin M. Richards in the month of February in the year eighteen hundred and ninety-five : *provided, however*, that said payment shall not be made if, within three years from the date of the passage of this resolve, it shall be determined by judgment and decree of the superior court or the supreme judicial court that the assessments for tide water displacement levied by said board against Albert Metcalf and Joseph Stone, respectively, under the provisions of section twenty-three of chapter ninety-six of the Revised Laws was legally assessed ; and *provided, further*, that said Albin M. Richards, in addition to the said sum of two hundred dollars, shall be entitled to receive from the said Harbor Compensation Fund interest on the principal sum of two hundred dollars before mentioned, from the fifteenth day of February in the year eighteen hundred and ninety-five to the date of payment under this resolve, at the rate of four per cent per annum.

Albin M.
Richards.

PROVISOR.

Approved June 28, 1902.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AND ESTIMATE BY THE BOARD OF HARBOR AND LAND COMMISSIONERS OF THE COST OF IMPROVING THE CHANNEL FROM SCORTON HARBOR TO BARNSTABLE BAY IN THE TOWN OF SANDWICH.

Chap. 130

Resolved, That the board of harbor and land commissioners is hereby requested to make, or cause to be made, an investigation as to the advisability and cost of completing the improvements of the channel from Scorton harbor to Barnstable bay in the town of Sandwich, and to report thereon, with an estimate of the cost, to the next general court not later than the fifteenth day of January in the year nineteen hundred and three. The expense of the said investigation shall be paid out of the annual harbor and river improvement and contingency appropriation.

Estimate to be
made of cost of
improving
channel from
Scorton harbor
to Barnstable
bay.*Approved June 28, 1902.*

RESOLUTIONS.

RESOLUTIONS RELATIVE TO AN AMENDMENT OF THE CONSTITUTION OF THE UNITED STATES ENABLING CONGRESS TO ENACT LAWS REGULATING HOURS OF LABOR.

Relative to an amendment of the constitution of the United States enabling congress to enact laws regulating hours of labor.

Resolved, That in the opinion of the general court of Massachusetts it is desirable that the constitution of the United States should be so amended as to place it clearly within the power of congress to enact laws regulating the hours of labor in the several states according to some uniform system; and the senators and representatives of this Commonwealth in congress are hereby requested to use their influence to procure the adoption of the resolution now pending which proposes such an amendment to the constitution.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted, February 6, 1902.

In Senate, adopted, in concurrence, February 11, 1902.

RESOLUTIONS REQUESTING CONGRESS TO PROVIDE FOR AN INVESTIGATION BY THE UNITED STATES GOVERNMENT OF THE FEASIBILITY OF CONSTRUCTING A CANAL BETWEEN WEYMOUTH FORE RIVER AND TAUNTON RIVER.

Requesting congress to provide for an investigation of the feasibility of constructing a canal between Weymouth Fore river and Taunton river.

Resolved, That the general court of Massachusetts requests that the congress of the United States shall take such action as will provide for an investigation by the United States government of the feasibility of constructing a canal from Weymouth Fore river to Taunton river,

by way of the city of Brockton, in this Commonwealth, and for a report thereon, to be made as speedily as possible, to congress.

Resolved, That copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of congress and also to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted, March 6, 1902.

In Senate, adopted, in concurrence, March 11, 1902.

RESOLUTIONS ON THE DEATH OF HENRY GARDNER GREENE, REPRESENTATIVE FROM THE THIRTEENTH WORCESTER REPRESENTATIVE DISTRICT.

Whereas, Henry Gardner Greene, member of the house of representatives from the thirteenth Worcester representative district, died at Fitchburg on the eighth day of March in the year nineteen hundred and two ;

On the death of
Henry Gardner
Greene.

Resolved, That the house hereby records its deep regret at the loss of a useful and conscientious member, who came to it with an enviable and unblemished record as soldier, citizen and public officer. Colonel Greene, born at Westborough in eighteen hundred and forty-three, entered the army at the age of nineteen, and served throughout the civil war. Immediately after being mustered out he took up the active duties of civil life, engaging as clerk in a business of which, by industry, faithfulness and skill, he subsequently became manager and then proprietor. In eighteen hundred and sixty-seven he enlisted as a private in the militia and rose through the various grades, becoming colonel of the sixth regiment in eighteen hundred and eighty-four, which office he held until he resigned in eighteen hundred and ninety. He was deputy sheriff from eighteen hundred and seventy-eight till the time of his death, and for many years warden of his ward. In these and in all the other relations of life he won not only the respect of the community, but the affection of all who knew him well, being liked most by those who knew him best. Colonel Greene had a kindly humor, a charity without ostentation, and, under a quiet, pleasant manner, he possessed a will of iron which resisted the approach of death itself.

Resolved, That the house of representatives offers its sympathy to the family of its deceased member, and directs that a copy of these resolutions be sent to them, and also that the resolutions be entered upon the journal of the house.

In House of Representatives, adopted, March 14, 1902.

RESOLUTIONS IN SUPPORT OF THE BILL NOW PENDING BEFORE THE CONGRESS OF THE UNITED STATES TO INCREASE THE PAY OF LETTER CARRIERS.

In support of bill now pending before congress to increase the pay of letter carriers.

Whereas, A bill to increase the pay of letter carriers is now pending in congress; and

Whereas, We believe the enactment into law of said bill would be an act of justice to the thousands of faithful, industrious and intelligent letter carriers who collect and deliver the United States mail; therefore be it

Resolved, That the general court of the Commonwealth of Massachusetts approves and heartily endorses H. R. bill, No. 6279, and respectfully recommends to the senators and representatives from this Commonwealth in congress to urge the members of the committee on post offices and post roads to make a favorable report on said bill, and that they use all honorable means to secure its enactment into law at the present session of congress.

Resolved, That properly attested copies of these resolutions be forwarded by the secretary of the Commonwealth to the presiding officers of both branches of congress, and also to the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted, April 30, 1902.

In Senate, adopted, in concurrence, May 1, 1902.

RESOLUTIONS RELATIVE TO THE BUILDING OF WAR VESSELS IN NAVY YARDS OF THE UNITED STATES.

Relative to the building of war vessels in navy yards of the United States.

Resolved, That the senators and representatives from Massachusetts in the congress of the United States are requested to use all reasonable efforts to secure the passage of the naval appropriation bill now pending, in such form as shall authorize the construction by the United States government in its own navy yards of some of the war vessels to be built under the provisions of that bill.

Resolved, That properly attested copies of these resolutions be sent to each of the senators and representatives from Massachusetts in congress.

In Senate, adopted, May 1, 1902.

In House of Representatives, adopted, in concurrence, May 7, 1902.

The general court of 1902, during its annual session, passed 545 acts and 130 resolves which received the approval of his excellency the governor.

“A Resolve to direct the Board of Harbor and Land Commissioners to improve the entrance of Herring river in the town of Harwich” was passed and laid before the governor for his approval, and was returned by him, with his objections thereto, to the house of representatives, the branch in which it originated; was reconsidered, agreeably to the provisions of the Constitution, and the vote being taken on passing the same, the objections of the governor to the contrary notwithstanding, it was rejected, two thirds of the members not having voted in the affirmative.

The general court was prorogued on Saturday, the twenty-eighth day of June, at 5.26 P.M., the session having occupied 179 days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY W. MURRAY CRANE.

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, met the senate and house of representatives, in convention, and delivered the following

ADDRESS.

Members of the General Court of Massachusetts :

In preparing a statement of the financial condition of the Commonwealth I have decided to make it brief, and to deal only with totals, referring those who wish for fuller information to the annual reports of the treasurer and the auditor.

The gross debt of the Commonwealth, actual and contingent, Jan. 1, 1902, was \$77,696,635.30. Of this amount, \$25,738,223.30 is represented by loans which have been issued for state purposes exclusively, and \$51,958,412, the total contingent debt, by loans which have been issued for the benefit of cities and towns, and which will be repaid ultimately by them to the Commonwealth. Applicable to the loans issued for strictly state purposes there are accumulations in sinking funds amounting to \$13,278,169.69, making the net actual state debt \$12,460,053.61. For the redemption of the loans included in the contingent debt there are accumulations in sinking funds amounting to \$3,312,853.17, which amount, applied to the principal of the loans, makes the net contingent debt \$48,645,558.83. Of the net

contingent debt, \$1,101,082.49 falls upon certain cities and towns in which armories have been built, and the remainder, \$47,544,476.34, upon the cities and towns in the metropolitan water, sewerage and parks districts.

The net actual state debt for five years is as follows:—

Jan. 1, 1898,	. . . . .	\$12,462,378 82
Jan. 1, 1899,	. . . . .	14,698,964 24
Jan. 1, 1900,	. . . . .	16,869,171 04
Jan. 1, 1901,	. . . . .	11,704,166 45
Jan. 1, 1902,	. . . . .	12,460,053 61

ECONOMY IN EXPENDITURES.

The receipts of the Commonwealth do not increase in a ratio corresponding to its expenditures, and unless a greater restraint is exercised over appropriations it will not be long before new sources of revenue will need to be discovered. There is no danger that the state will fail in its duty in caring for its educational, penal and charitable institutions. We all desire that they shall be maintained at a high standard; but poorly considered or merely experimental changes, which add to their cost without increasing their usefulness, are drains upon the treasury which the taxpayers ought not to be called upon to supply. We must keep the Commonwealth progressive and liberal, but at the same time we must not forget that it is our duty to administer her affairs with a scrupulous regard for the strictest economy.

The scale of salaries and wages established by the Commonwealth is fair and liberal, and in many cases, considering the service rendered, even generous: and I urge that you will scrutinize carefully all applications for increases, and that none shall be authorized except in distinctly meritorious cases.

METROPOLITAN WATER AND SEWERAGE DISTRICTS.

Under the act of the legislature of last year the metropolitan water board and the board of metropolitan sewerage commissioners were consolidated, and the board created was called the metropolitan water and sewerage board. The act went into effect on March 20, 1901, and since that date the new board has performed all the duties formerly entrusted to the two bodies of commissioners.

The water board last year called attention to the great increase from year to year in the consumption of water in the district, and its successor has begun extended investigations relative to the excessive use and waste of water. This increase not only necessitates a great increase in current expenses, but it hastens the time when still greater expenditures must be incurred, not only for new sources of supply but also for new pumping facilities, new aqueducts and new pipe mains. There is undoubtedly a considerable consumption of water which is excessive and wasteful and which can be prevented. Some method should be devised by which every city and town, if not every individual water taker, shall be financially interested in the prevention of waste and of the excessive use of water.

The metropolitan water act based the amount of assessment laid on each city and town upon its valuation or upon its valuation and population, and not upon the amount of water distributed within its limits. If for population as an element in determining the measure of its assessment there be substituted the consumption of water, each of the cities and towns affected would be given a direct incentive to prevent an undue consumption within the municipality. This change can be accomplished readily, and I recommend such legislation as may be necessary to carry it into effect.

Meters have been introduced into some municipalities with beneficial effect. It is now worthy of consideration whether the use of meters, wholly or in part, ought not to be compelled, or at least whether some measure may not be adopted whereby municipalities and water takers shall be encouraged in the use of meters by the promise of financial advantage.

The quality of the water afforded to the metropolitan district has continued to be excellent, and will compare most favorably with that furnished by the other great water supplies.

The total amount expended on account of the metropolitan water works, beginning with the year 1895, until Nov. 1, 1901, has been \$30,044,937.22. Of this amount, \$16,287,736.51 has been paid for construction, land, water and business damages and general expenses; \$12,860,180.99 has been paid, principally to the city of Boston, for existing water works; and \$897,020.22 for maintenance.

A larger amount of sewerage construction has been carried on than in any preceding year, involving the expenditure of upwards of two and one quarter millions of dollars.

The larger work has been the building of the high-level sewer, begun in the year 1900, for the south metropolitan district. This sewer is designed to relieve the existing Charles and Neponset river valley systems, and extends through the portions of Boston formerly called Roxbury and West Roxbury, and Hyde Park, Milton and Quincy, to the sea. Six miles of this sewer have been completed, seven miles more are under construction, and contracts will soon be made for the remaining three miles. The appropriation for this work was \$4,600,000.

The extension of the north metropolitan system, by the construction of five miles of sewer for the relief of the town of Wakefield and portions of the cities of Chelsea and Everett, has been completed. This system, which provides for the sewerage of the territory north of the Charles river, comprising the cities of Cambridge, Chelsea, Everett, Malden, Medford, Melrose, Somerville and Woburn, and portions of the city of Boston, and the towns of Arlington, Belmont, Stoneham, Wakefield, Winchester and Winthrop, is operated by the metropolitan board, with sewers aggregating a length of fifty-six miles.

The total expenditures on account of the metropolitan sewerage works to Nov. 1, 1901, have amounted to \$9,688,305.26. Of this amount, \$8,712,591.08 has been paid for construction, damages and general expenses, and \$975,714.18 for maintenance.

METROPOLITAN PARKS DISTRICT.

During the past year the chief work of construction by the metropolitan park commission has been upon Revere Beach parkway and upon Mattapan bridge, as part of the Blue Hills parkway. The former is nearly ready for travel between Everett and Revere Beach, although a bridge and approaches remain to be built by the Boston and Maine Railroad, under a contract which requires the work to be done in connection with the abolition by the railroad of the highway grade crossing at Revere station. Mattapan bridge will probably be completed during the current year.

The settlement of claims for lands has proceeded rapidly. Fully one half of the claims outstanding a year ago against the Metropolitan Parks Loan, that is, for the reservations, has been adjusted, leaving claims outstanding to an estimated amount of \$300,000; while all but five claims, amounting to \$4,000, against the Nantasket Beach loan, have been adjusted.

The commission called attention last year to a probable deficiency in the Metropolitan Parks Loan, Series 2, in providing for the balance of claims outstanding against that loan. This has proved to be the case. The amount which now appears likely to be required to meet the deficiency is \$450,000.

No part of the loans advanced by the Commonwealth for metropolitan park purposes, now amounting to \$9,067,500, has been refunded by the cities and towns which compose the district. The apportionment made in the year 1900 by a special commission appointed by the supreme judicial court is still under review by the court, and until an apportionment has been approved and the district has begun to reimburse the Commonwealth for the loans advanced I recommend that no new work should be authorized by the general court.

For each of the last three years, by authority of the general court, the governor and council have fixed the compensation of the members of the metropolitan park commission. Instead of providing for the salaries of the commissioners annually I recommend legislation to establish them on a permanent basis.

GRADE CROSSINGS.

The abolition of crossings at the same level of our steam railroads and our streets and public ways is an important matter, as affecting the safety, convenience and economy of the operation of railroads, and of the use of the streets and public ways. The general law of 1890, by which the policy of the state in respect to the abolition of grade crossings was first established, has practically ceased to be operative. The five millions of dollars, appropriated by that act to defray the proportion of the expense of the abolition of such crossings payable by the Commonwealth and the municipalities, will be all spent in work which has been ordered by decrees of court and special acts of the legislature.

Under the act of 1890 there has been expended :—

By the Commonwealth, for itself and municipalities, .	\$4,749,736 66
By the railroad companies,	12,976,017 60

Under special acts requiring the abolition of grade crossings, passed since 1890, there has been expended :—

By the Commonwealth, for itself and municipalities, .	\$2,728,084 28
By the railroad companies,	6,062,409 48
Total amount expended by the Commonwealth, for itself and municipalities,	7,477,820 94
Total amount expended by railroad companies,	19,038,427 08

I am of the opinion that the further operation of the general law for the abolition of grade crossings should be secured by an appropriation for that purpose, and I therefore recommend an appropriation of \$5,000,000, to be expended, at the rate of not more than \$500,000 in any one year, by the Commonwealth, for the abolition of grade crossings of railroads and public ways. I think however this appropriation should be made in such a form that it may be expended with due regard to the relative interests of all sections of the Commonwealth, not only in respect to the amount which is to be expended in each year, but in respect to the localities where it is to be expended. To secure this some public officers should be authorized to decide upon what crossings the expense should be incurred. This duty may properly be discharged by the board of railroad commissioners.

It seems to be equitable that the street railways having lines upon crossings to be abolished should be required to make a proper contribution to the expense of abolition, and should be allowed to petition for the abolition of such crossings. These railway companies have, under the existing law, a tenure which is practically secure in the streets which they occupy. Their locations cannot be revoked by the municipal authorities except for good and sufficient reasons, to be stated in the order of revocation, and upon the approval of the board of railroad commissioners, after public notice and hearing.

The legislature of 1900 directed the board of railroad commissioners to consider the matter of requiring street railway companies to pay some portion of the cost of the abolition of grade crossings, and to report their view upon that subject to the legislature of the year 1901. The

commissioners reported that, in their judgment, it would be equitable to require such contribution to be made, but that the amount of it ought to be determined in each case by the special commission appointed to consider the abolition of the crossing.

It may well be considered however whether the street railway company should not have the right to ask that its percentage of contribution, as fixed by the special commissioners, be revised by the superior court. This would be an additional safeguard to the street railway companies against an undue assessment; and if the provision giving that right of revision were properly guarded, it would, in my judgment, be wise.

The contribution of the street railway company must affect the exact proportions in which the cost of abolition is distributed among the railroad, the city or town, and the Commonwealth, under the general law of 1890. In view of the special and direct benefits received by the other contributing parties, and the less important and less direct interest of the Commonwealth in the removal of these crossings, and in view of the fact that in lessening the expense to the Commonwealth, provision is made for the abolition of a larger number of grade crossings, I recommend that the amount contributed by the street railway company be deducted from the twenty-five per cent which would otherwise be paid by the Commonwealth.

I see no reason why the percentage already established as the contribution of the railroad companies should be increased, nor, on the other hand, why the contribution of the street railway companies should be so applied as to cause them to pay less.

CARE OF THE INSANE.

The insane in the public institutions of the Commonwealth numbered on Oct. 1, 1901, 7,790; of this number 3,779 were men and 4,011 women. On the corresponding date of 1900 the total number was 7,411, showing an increase of 373 for the year. This was somewhat larger than the annual increase for the previous five years.

The general court last year made appropriations to provide for additions to the present insane hospital buildings, to take care of the overcrowding and the natural increase.

These additions will be completed during the current year, and will afford accommodations for 632 patients.

The board of insanity will this year recommend that appropriations be made to provide accommodations for an increase of 475 patients. In this recommendation I concur.

The site for the state colony for the insane, authorized under chapter 451 of the acts of 1900, has been selected in the towns of Gardner and Westminster. The state board of insanity has purchased 1,500 acres of land, well adapted for the purpose, which have passed into the control of a board of trustees having powers and functions similar to those exercised by the trustees of other state institutions. Under their direction work will immediately begin at the colony, in order that a few patients may be received early in the coming spring. The milder insane of the chronic class will be gradually transferred thither from the hospitals, to the number of about 100 a year for the present. This will be the first step in the development of a system of colony care for the chronic insane, which will be extended gradually in connection with existing hospitals and asylums so far as possible, and in other directions according to the claims of locality.

THE PUBLIC SCHOOLS.

The latest school returns received by the state board of education show that the number of pupils of all ages enrolled in the public schools the preceding school year was 469,188; in private schools, 82,325. Of 334,913 persons returned by the school census as coming within the compulsory age limits of seven and fourteen years, 87 per cent were included in the public school enrolment; the rest, with few exceptions, in the private school enrolment.

The total expenditure by the Commonwealth and municipalities for the public schools was \$14,179,947, of which \$11,134,934 was for support and \$3,045,013 for school buildings. The cost for each child in the average membership of the public schools was \$34.91. The taxation burden for each \$1,000 of the state's total valuation was \$4.66. Upon comparing these figures with those of the preceding year it appears that, while the schooling of each child has increased somewhat in cost, such in-

creased cost, in consequence of the increase in valuation, has made a reduced draft on each \$1,000 of the total assessed property of the state.

Upon the public schools more than upon any other public agency depends the welfare of the Commonwealth. Their contribution to this welfare justifies the large sums annually expended upon them.

SUPERVISION OF PUBLIC REPORTS.

The public documents printed by the Commonwealth have increased so rapidly, both in numbers and in size, that it is desirable to consider whether the material they contain may not be presented in a more condensed form without impairing its value. These publications, to be of the greatest usefulness, should be simple, comprehensive and brief. In order to promote these ends I recommend that a board of publication be established, to be composed of three state officials, to be appointed by the governor and council, who shall serve without additional compensation and shall have clearly defined advisory and supervisory power regarding the scope and size of all public reports.

Sections 10 and 11 of chapter 107 of the Revised Laws, providing for the establishment of a board of statistics, have never been operative, and I recommend their repeal.

BOSTON HARBOR.

The general court of 1901 provided for the construction of the necessary anchorage facilities in Boston harbor, and during the year the board of harbor and land commissioners has received leases of all property interests in the location selected, and is now about to begin the work of construction.

The work on the main channel in Boston harbor has been continued by the general government, and there is now a channel twenty-seven feet deep at mean low water from the wharves to the sea, but its width is restricted at the Upper Middle by ledges which were uncovered during the dredging.

The necessity for increasing the size and depth of the main ship channel is very great. An earnest effort should be made to impress upon Congress the need of legislation

such as was embodied in the river and harbor bill which failed of passage at the last session of Congress, and which provided for a channel thirty-five feet deep from the wharves to the sea.

STREET RAILWAY LOCATIONS.

Under existing law street railway companies may be organized at will, and receive locations from local boards of aldermen and selectmen for routes through any number of cities and towns. In granting these locations boards of aldermen or selectmen are naturally animated by a desire to secure for their respective cities and towns peculiar privileges and accommodations, and it is not to be expected that they will study questions of construction and operation.

It sometimes happens that in granting locations the interests of the public are not satisfactorily safeguarded; and a further defect in the present system is that on the same line of railway there is often found a wide difference in the provisions of the grants made by different local boards.

I recognize the desirability of having the local boards proceed, as now, to grant locations in the first instance; but I recommend a change in the law, to require that all locations granted by local boards shall be subject to the approval of the board of railroad commissioners.

MUNICIPAL LEGISLATION.

I renew my former recommendations on the subject of municipal legislation. It is good policy to compel cities and towns to depend upon their own resources in the management of their local affairs, instead of encouraging them to come to the legislature for relief when no real necessity therefor exists. They should be let alone to work out their own problems, excepting in the extreme cases where it is necessary to invoke the paramount authority of the legislature to legalize important measures vitally affecting their interests.

I am glad to bear witness that last year there was great improvement in respect to this class of legislation; and I trust that in your consideration of municipal measures this year you will find it advisable to exercise still further restraint.

INSURANCE.

The Massachusetts insurance department is sustained by fees for services charged upon the insurance companies. These fees are not designed to be a source of revenue, but are intended merely to meet the expenses of the department. In the early days of the department these fees amounted to a trifle more than its expenses; but with the growth of the insurance business their amount has become very much larger than the sum needed to support the department. During the year 1900 the fees were \$84,777.47, and the expenses of the department only \$41,380.34, so that the department collected from the companies more than twice the amount required for its support.

This increase of fees results largely from the charges made for valuation of the policy liabilities of the life companies, which the legislature has heretofore, in 1884 and 1894, remedied in a measure by reduction of the scale of charges. The present condition touches the home life companies most nearly, which, in consequence of the retaliatory laws of other states, are compelled to pay in those States the fees for valuation of their policies that have been charged here for similar service to the companies of such states, but from which they would be relieved in many cases by reciprocal provisions in our own laws. This results in imposing upon our home companies retaliatory fees to an amount much in excess of that paid to the Massachusetts department for all its valuation work upon the entire list of companies transacting business in the Commonwealth.

This burden may be lightened to a considerable extent by remitting the valuation fees upon the companies of those states having reciprocal laws, retaining the charges only upon the others. This change, which I recommend, would not reduce the income of the department so far as to render it insufficient, and would effect a welcome relief to the home companies.

THE REVISED LAWS.

The thorough and exhaustive labors of the commission appointed by the legislature of 1896 to consolidate and

arrange the general laws of the Commonwealth have resulted in the enactment by your immediate predecessors of a new compilation of the general laws of the Commonwealth. The work is in two volumes, entitled *The Revised Laws of the Commonwealth*. This compilation went into effect Jan. 1, 1902.

The enactment of this consolidation leads me to suggest that more than usual caution be exercised in altering or amending the general laws as they stand. It is of the first importance that all citizens be able to ascertain readily what the laws of the Commonwealth are. Every amendment increases the difficulty of ascertaining and understanding them. While it is true that the statutes of the state should keep pace with its progress and civilization, it is nevertheless especially true at this time, now that the laws are to be published in a form readily accessible to and easily found by every citizen of the Commonwealth, that proposed changes should be carefully considered before being acted upon. The presumption should be against such amendments. It is more important that the law be permanently fixed and easily accessible than that experiments in new legislation should be constantly tried.

SAVINGS BANKS.

There are now in the Commonwealth 186 savings banks, with aggregate deposits of \$560,000,000. This great amount of money is an important factor in the business life of the Commonwealth, and the institutions holding the same should be protected by every reasonable and proper safeguard. The number of depositors in the savings banks Nov. 1, 1901, was 1,593,640, representing, as such a number must necessarily do, a large proportion of the homes of the Commonwealth. Legislation should seek to serve the true interests of these depositors.

The law requires the publication by each bank, semi-annually, in some newspaper published in the county, of the names of the board of trustees, but the names of the members of the corporation who elect the board of trustees, by whom the business of the bank is managed principally, are not now required to be made known to the public; and I recommend such legislation as will require the banks to publish, once in each year, a list of the members of the corporation, and to include such a list in their

annual report to the board of commissioners of savings banks, to be filed in its office for public inspection.

In connection with the matter of savings banks I desire to call your attention to the fact that in some instances they are closely connected with national banks or other financial institutions in the occupancy of the same offices, and also have, in common with those institutions, the same officers and clerical force. In view of the fact that in most, if not all, such instances the savings bank is large enough to be able to occupy suitable business rooms of its own, such connections are uncalled for, and are, in the interest of the public, open to serious objection. I recommend, therefore, the enactment of such legislation as will require the dissolution, within a reasonable time, of any such existing connections, and which will also prohibit any bank hereafter incorporated from being so connected. Provision should also be made that no person holding the position of president or cashier of a national bank or trust company shall be eligible for the office or perform the duties of president or treasurer of a savings bank.

I realize that the change suggested will work hardship in some instances, a circumstance greatly to be regretted; but no reform in the interest of the whole people can be secured without temporary loss or inconvenience to a small minority. We must all make sacrifices for the general welfare, and if the institutions which fall within the scope of this recommendation will view the situation from this standpoint, I think they will agree that the proposed change, if carried into effect, will add an important safeguard to the security of deposits.

The statute of 1898, which was enacted as a remedial measure, does not appear to aid in the separation of these institutions, but operates rather to encourage the continuance of such connection where it now exists.

STATE HOUSE ACCOMMODATIONS.

By chapter 109 of the resolves of 1901, the governor and council were "authorized and requested to arrange for terminating or otherwise disposing of the leases of the quarters outside of the state house now occupied by the state highway commission, the cattle commission and the controller of county accounts." Acting in obedience

to this request the governor and council have established offices for the cattle commission and the controller of county accounts in the state house, but they have not been able to find suitable accommodations there for the highway commission.

I concur in the commendable purpose of the legislature to provide rooms for all the state offices in the state house, and I share in the feeling that the Commonwealth ought not to pay rent for quarters hired elsewhere; but with the state house arranged as it is it is almost impossible to provide for offices in addition to those already located there. In my opinion the state house is large enough to supply the needs of the Commonwealth for public offices for many years to come. The difficulty is that the rooms are too large. The original arrangement of the space was made on a scale altogether too broad and generous. Many of the rooms would answer the purposes for which they are used if only half as large. I say this in no spirit of criticism upon any one who has had to do with the building or arranging of the state house, but I feel that, as the legislature has imposed an obligation upon the governor and council to furnish rooms in the state house for all the state offices, it is my duty to express my opinion freely and frankly.

The resolve to which I have referred provides that expenses incurred under it shall be paid out of the treasury of the Commonwealth; but I do not construe that as giving the governor and council authority to undertake a radical rearrangement of the building. It is apparent that only a slight expense was intended to be incurred under that resolve, and that any elaborate plan for extensive alterations should not be undertaken without the express authority of the legislature.

In the near future it will be advisable, I believe, to enact legislation to provide for a complete rearrangement of the offices in the state house.

TRANSIT FACILITIES IN BOSTON.

If legislation is to be passed authorizing the construction of a new subway in the city of Boston the act should contain these provisions:—First, that the subway shall be owned, controlled and paid for by the city of Boston; and, second, that the act shall not take effect until it has

been accepted by a majority of the voters of said city, voting at a special, state or municipal election.

The transit commission is of the opinion that the tracks of the East Boston tunnel cannot connect directly with the tracks of the existing subway without impairing the traffic capacity of the subway. The commission recommends as an alternative that definite authority be given to it to so construct the westerly end of said tunnel that, in addition to a connection at grade or otherwise with the present subway, it can be connected directly with the proposed subway under Cambridge street, the construction of which was also provided for by the act of 1897. It is suggested that this latter connection may well be made under or near the present Scollay Square station. The East Boston tunnel and the Cambridge Street subway would then form a continuous cross-line connection by elevators with the present subway at Scollay square, with the elevated railway at Atlantic avenue, and at the crossing points with any new north and south subways which may hereafter be built.

COMMISSIONS.

The delegation to boards and commissions of important powers of supervision and control has been a necessary incident of the expanding life of the Commonwealth. The authority imposed upon these boards and commissions has, in the main, been exercised wisely and conservatively. I think it may be affirmed, without danger of successful contradiction, that the excellence of the work performed by the more important of them has justified their establishment. The only fair criticism that can be made of the system is the tendency to unnecessary multiplication: in other words, to the establishment of special commissions to care for interests of a trivial character, which might properly be delegated to boards already in existence.

I desire to call your attention to some instances of the creation of unnecessary offices, and to point out what seem to me to be practical methods for effecting consolidations. The duties of the commissioners of state aid and of the pension agent are of the same general character. Each has to do with our military pensioners, the applicants for pensions, and with the dependent poor of our soldiers. The duties of these two offices may easily

and properly be united, and I recommend that the powers and duties of the pension agent be transferred to the commissioners of state aid. If this recommendation meets with your approval I would suggest that the number of state aid commissioners be reduced to one, and that an appeal may be taken from the decisions of the commissioner to the governor and council.

The office of state fire marshal was established in 1894, to investigate the origin of fires and to prosecute persons accused of responsibility for those of incendiary origin. There was need for the appointment of officials to do this special work, as there had been an alarming increase in fires which were suspected of being incendiary, and the service performed under the direction of the fire marshal has had the good effect of lessening the number of this class of fires. But the duties of the fire marshal are essentially those which are ordinarily conferred upon the police for the detection and prevention of crime. The Commonwealth maintains a department of police possessing all the machinery necessary to perform the work now delegated to the fire marshal, and at a very considerable saving in expense, on account of the inevitable duplication of officials and of office expenses. There was appropriated for the expenses of the fire marshal's office last year \$35,400, and I am convinced, by the investigation I have made, that if the powers and duties of the fire marshal were transferred to the district police, a saving of at least one half of this expense would be effected. For these reasons I recommend that the powers and duties of the fire marshal be transferred to the district police.

For similar reasons I make the following recommendations :—

That the powers and duties of the cattle commissioners be transferred to the state board of agriculture.

That the powers and duties of the inspector of gas and gas meters be transferred to the board of gas and electric light commissioners.

That the powers and duties of the inspector general of fish be transferred to the commissioners on inland fisheries and game.

That the powers and duties of the state assayer of liquors be transferred to the state board of health.

I recommend, furthermore, that you consider the ex-

pediency of abolishing the per diem system of compensation in all boards and commissions where it now obtains, and substituting therefor in all cases a fixed salary.

Senators and Representatives : — You have been called by the suffrages of the people to discharge for the current year the important work of legislating for the Commonwealth. It is a labor that should be undertaken with a grave sense of the responsibilities involved. From these halls personal and selfish considerations should be banished. In honor and conscience to serve the true interests of the state should be your only aim and object. In so far as you are guided by this high purpose you will deserve and receive the gratitude 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, 1902.]

I have the honor herewith to present, in compliance with chapter 50 of the resolves of 1860, a report of the nineteen pardons issued by the governor with the advice of the council during the year of my administration just closed. Of the number thus released, four were in the state prison, four in the Massachusetts reformatory, one in the reformatory prison for women and ten in houses of correction. Critical illness was the controlling reason for the discharge of five.

W. MURRAY CRANE.

No. 1. JAMES THOMPSON. Convicted of breaking and entering, Superior Court, Worcester county, Feb. 6, 1896. Sentenced to the state prison for from twelve to eighteen years. Pardoned Jan. 30, 1901. The prisoner, a resident of New York City, was convicted, with one Ryan, of breaking and entering the post office in Webster and stealing therefrom several bonds. Upon a full view of the testimony submitted to the pardon committee of the executive council, they were satisfied that there was at least grave doubt whether Thompson was present aiding and assisting in the commission of the principal crime, but rather that the extent of his offence was aiding in the disposal of a part of the stolen property. The view taken by the prosecuting officer for the Commonwealth, that, if the defence had been based upon the ground that he was not a participant, but only an accessory after the fact, he would not have been convicted of the principal crime, seemed to be well established by the evidence.

Thompson was a man advanced in years, respectably connected, and, so far as a careful investigation revealed, never before arrested for crime. The time he had served would undoubtedly be an adequate sentence for receiving stolen goods. For this reason, and on account of his age and previous good character, the pardon was granted.

No. 2. HARRY F. CARTER. Convicted of stubbornness, Municipal Court, Charlestown, Dec. 15, 1900. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned March 13, 1901, upon the recommendation of the justice who imposed the sentence and the prison commissioners, on the ground that he had been sufficiently punished.

No. 3. EDWIN J. MORSE. Convicted of perjury, Superior Court, Suffolk county, June 19, 1896. Sentenced to the state prison for from five to seven years. Pardoned March 20, 1901. Morse's record in prison had been perfect. He would have been entitled to release June 19, 1901, his minimum term expiring at that time. His wife was very ill with an incurable disease. In view of this fact, and his good conduct in the prison, the prison commissioners recommended that the three months remaining of his sentence be remitted.

No. 4. JOSEPH PERRY. Convicted of breaking and entering and larceny, Superior Court, Bristol county, Feb. 12, 1895. Sentenced to the state prison for fifteen years. Pardoned April 3, 1901, upon the recommendation of the district attorney who prosecuted the case and a number of the leading citizens of Fall River, where the crime was committed, on the ground that Perry had been sufficiently punished. He was but eighteen years of age when the crime was committed, and this was his first offence. He had no counsel at his trial. The property taken did not amount to one hundred dollars in value. The pardon was granted on the ground of excessive sentence, which was undoubtedly imposed under a misapprehension of the facts in the case, owing to the prisoner not being represented by counsel.

No. 5. WILLIAM MAHONEY. Convicted of larceny, Superior Court, Suffolk county, July 13, 1900. Sen-

tened to the house of correction, and transferred to the Massachusetts reformatory July 27, 1900. Mahoney was incurably ill with consumption. He was pardoned to be placed in the Holy Ghost Hospital at Cambridge. He died Oct. 8, 1901.

Nos. 6 and 7. WILLIAM H. and HERBERT J. WAKEHAM. Convicted of unlawfully having smelts in their possession. First District Court, Eastern Middlesex, April 23, 1901. Sentenced each to pay a fine of fifty dollars. Pardoned June 25, 1901, upon the recommendation of justice Pettengill, who imposed the sentence. Considering the insignificance of the offence, he was of the opinion that they had been sufficiently punished. The penalty of fifty dollars being the minimum, he was obliged to impose that sentence, or discharge the defendants. They were penniless, and unable to pay the fine.

No. 8. HENRY L. GREGORY. Convicted of forgery, Superior Court, Berkshire county, July 20, 1899. Sentenced to the state prison for from three to four years. Pardoned July 3, 1901, upon the recommendation of the county commissioners, clerk of courts, sheriff and register of probate and insolvency of Berkshire county, the mayor, city clerk, chief of police and many of the leading citizens of Pittsfield, where the crime was committed, on the ground that the object of his imprisonment had been fully accomplished, that the ends of justice had been served and he had been sufficiently punished. The district attorney certified that "In my judgment, the case is one in which executive clemency may be properly exercised."

No. 9. TERENCE KEENAN. Convicted of robbery, Superior Court, Plymouth county, June 25, 1900. Sentenced to the house of correction for two years. Pardoned July 8, 1901, upon the recommendation of the district attorney, who certified that, as he has learned since the trial, "The robbery was not a prearranged or premeditated crime, but Keenan, by his presence, became a victim of circumstances. There is more than a reasonable doubt of his guilt."

No. 10. VICTOR ALLAIR, *alias* HECTOR LAVALLE. Convicted of breaking and entering, Superior Court,

Worcester county, May 17, 1900. Sentenced to the house of correction for two years. Pardoned July 3, 1901. The prison physician reported that the prisoner had tubercular disease of the brain, with no hope of recovery.

No. 11. JOHN MARTIN. Convicted of larceny, Superior Court, Franklin county, Nov. 21, 1900. Sentenced to the house of correction for one year. Pardoned July 10, 1901, upon the recommendation of the prison physician and district attorney. The prisoner was fatally ill with tuberculosis of the bowels.

No. 12. JAMES R. HOWARD. Convicted of stubbornness, Municipal Court, Charlestown, Dec. 8, 1900. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 31, 1901, upon the recommendation of the prison commissioners. This boy, who was but sixteen years of age, was arrested on complaint of his mother, he having persisted for two weeks in staying out late at night, against her expressed wishes and commands. He had never been arrested before, had a good home, and his father was respectable and industrious. It was the opinion of the pardon committee that he had been sufficiently punished for so slight an offence.

No. 13. FREDERICK Y. OLIVER. Convicted of polygamy, Superior Court, Worcester county, Feb. 8, 1901. Sentenced to the house of correction for one year. Pardoned Nov. 6, 1901, upon recommendation of the district attorney, chairman of the prison commissioners, chaplain of the house of correction, and many of the leading citizens of Athol, where the prisoner — who was a respected citizen of that town — resided at the time of his arrest. His last marriage took place under a misapprehension, he believing that his former wife, who had deserted him, was a married woman, and that her marriage to him was illegal. After living in Athol with his last wife several months, his former wife returned and caused his arrest. The pardon committee were unanimously of the opinion that he had been sufficiently punished for an unintentional violation of the law.

No. 14. PATRICK SULLIVAN. Convicted of larceny, Superior Court, Suffolk county, July term, 1900. Sen-

tenced to the house of correction for two years. Pardoned Nov. 13, 1901, upon the recommendation of the district attorney. The property stolen — a bicycle — was represented to be worth more than one hundred dollars. The prisoner was sentenced upon this assertion. The real value of the bicycle is now known to have been but forty-five dollars. If this had been known at the time of sentence the court could not have sentenced the defendant for more than one year.

No. 15. ANNIE CHESTNUT. Convicted of drunkenness, District Court of Western Hampden, April 26, 1901. Sentenced to the reformatory prison for one year. Pardoned Nov. 13, 1901, upon the recommendation of the prison commissioners. When the prisoner was sentenced to the prison the mittimus showed a sentence of only six months. The superintendent declined to receive her upon this mittimus, the minimum sentence to the reformatory being one year. The officer, leaving his prisoner in the custody of the superintendent, took his papers back to Westfield, where the judge changed the sentence to one year. In view of the fact that the court originally intended a sentence of six months the pardon was granted.

No. 16. BESSIE BEAMAN. Convicted of lewd and lascivious cohabitation, Superior Court, Suffolk county, April 17, 1901. Sentenced to the house of correction for nine months. Pardoned Nov. 20, 1901, upon the recommendation of the district attorney. She was jointly indicted with one Thomas Whalen, with whom she was engaged to be married. They had secured from the office of the registrar of the city of Boston an intention of marriage, and applied to a clergyman of Boston for the solemnization of said marriage, but, not possessing the usual fee, the marriage was not consummated. Whalen obtained bail, and defaulted the same, abandoning said Bessie to suffer alone the penalty of the law.

No. 17. CLARENCE R. STRUCK. Convicted of stubbornness, First District Court of Bristol, July 25, 1901. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Nov. 27, 1901, upon the recommendations of the prison commissioners, the judge who imposed the sentence, and many reputable citizens of

Attleborough, the home of the boy, who was but seventeen years of age. The complaint was made by the father, who claimed that he was led to believe that he could get his boy out of the reformatory at any time he asked for him, supposing it was a school instead of a prison. For this reason the pardon was granted.

No. 18. JOSEPH PAYETTE. Convicted of highway robbery, Superior Court, Worcester county, Aug. 23, 1900. Sentenced to the house of correction for three years. Pardoned Dec. 4, 1901, upon the recommendation of the prison physician, who reported that Payette had marked disease of the lungs, and could not possibly recover.

No. 19. JOHN P. WALCH. Convicted of assault, Superior Court, Worcester county, May 29, 1901. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Dec. 24, 1901, upon the recommendation of the prison commissioners, who had very carefully investigated all the circumstances of the case and were fully satisfied that the prisoner had been sufficiently punished. The district attorney and the police officials of Worcester concurred in the recommendation.

[To the honorable senate and house of representatives, January 10, 1902.]

I have the honor to transmit for your consideration a letter addressed to me by the committee in charge of location and form of memorial of the Roger Wolcott Memorial.

I am advised that to grant a site for a memorial on the state house grounds will require an act of the legislature.

[To the honorable senate and house of representatives, January 21, 1902.]

I have the honor to transmit a letter and draft of a bill from the Hon. Elihu Root, secretary of war, requesting the passage of an act ceding the jurisdiction to the United States of a tract of land containing about forty-five acres in the town of Nahant, for the purposes of national defense.

[To the honorable senate and house of representatives, March 3, 1902.]

I have the honor to transmit herewith a letter from the governor of the state of Missouri relative to the Louisiana Purchase Exposition to be held in the city of St. Louis.

[To the honorable senate and house of representatives, April 17, 1902.]

I have the honor to transmit herewith for your consideration a communication addressed to me by the chairman of the committee on Charles River dam.

[To the honorable senate and house of representatives, May 5, 1902.]

I deem it to be my duty to suggest to your honorable bodies the advisability of enacting legislation to provide for an election to fill a vacancy in the 57th Congress of the United States, caused by the resignation of the Hon. William H. Moody as representative for the sixth district of Massachusetts.

The statutes of 1891, chapter 396, under which that district was established and continued, was expressly repealed by chapter 227 of the Revised Laws, which took effect December 31, 1901. By the statutes of 1901, chapter 511, now embodied in the Revised Laws, chapter 11, section 422, the Commonwealth was divided into districts "for the purpose of electing representatives in the 58th Congress of the United States and in each subsequent congress until otherwise provided by law." It thus appears that there is now no provision of law dividing the Commonwealth into districts for the choice of representatives to fill vacancies in the 57th Congress.

[To the honorable senate and house of representatives, May 31, 1902.]

I return herewith a resolve entitled "Resolve to direct the Board of Harbor and Land Commissioners to improve the Entrance of Herring River in the Town of Harwich," with my objections thereto in writing.

By direction of the legislature of 1901 the board of harbor and land commissioners was directed to cause a survey and estimate to be made as to the advisability and cost of improving the entrance to Herring river. From the report of the board it appears that the river is about 100 feet wide between the marshes, but widening in places to 200 feet or more; that the channel has a depth where it passes through the crest of the beach of from three to four feet at mean low water, but above this and on the outer slope of the beach of only about a foot; that there is no natural harbor at or near the mouth of the river, and to maintain an effectual opening it would be necessary to build two jetties, the estimated cost of

which with the necessary dredging ranges from \$33,200 to \$59,100, the expense varying with the length of the jetties and the durability of the materials used in their construction. In view of the uncertainty of accomplishing a public work of utility in this unfavorable spot on an exposed coast and of the large expense involved in comparison with the number of possible beneficiaries of the proposed improvement, the board was unwilling to make an affirmative recommendation.

Considering all the facts in the case which have been brought to my attention I am convinced that the appropriation authorized by the resolve, namely, \$33,000, is extravagant and wasteful. I cannot feel therefore that I am justified in giving my approval to a measure carrying so large an appropriation for the improvement of a shallow, unimportant stream, in a locality where the population is small and the natural advantages for creating a harbor extremely meagre.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Public Statutes, Chap. 148, Sect. 14, as amended by Chap. 89, Acts of, 1897, returns of the following Changes of Names have been received in the office of the Secretary of the Commonwealth, as decreed by the several Probate Courts of the Commonwealth, in their respective counties: —

BARNSTABLE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
Feb. 12,	John Gerald Grenley,	John Gerald Chipman,	Sandwich.
May 14,	Charles Edward Johnson,*	Edwin Lowe Linnell,	Orleans.
Aug. 13,	Hattie Patten Ryder,	Harriet Patten Ryder,	Bourne.

BERKSHIRE COUNTY.

June 4,	Mary Richards,*	Mary Haynes Wilkinson,	North Adams.
10,	Roy Snyder,*	Arthur Bratcher,	Williamstown.
Sept. 16,	Richard Arthur Hilbert,*	Richard Arthur Roehm,	Adams.
Dec. 17,	Josephine Stafler,*	Josephine Boyne,	Lenox.
17,	Geraldine Hildreth Webster,*	Gladys Grandshaw,	Pittsfield.

BRISTOL COUNTY.

Jan. 4,	Joseph St. Laurent,*	Joseph Fortin,	Fall River.
4,	Arthur Murphy,*	Arthur Hinds,	Attleborough.
18,	Julia Antell,*	Ethel Fitch Julia Elliott,	Taunton.
18,	Annie Maguire,*	Anna E. McArdle,	Boston.
April 5,	Florence L. Cummings,	Florence L. Russell,	New Bedford.
5,	Minnie Agnes Doherty,*	Minnie Agnes Lucia,	Taunton.
5,	George Andrew Hurley,*	George Wilson Crabtree,	Fall River.
5,	Gladys May Rendells,*	Dorothy Ruth Perkins,	New Bedford.
12,	Nathan Harris,*	Nathan Altshuller,	Fall River.
12,	Katie Miller,*	Katie L. Fischback,	Attleborough.
May 17,	Ethel May Wallace,*	Ethel May McGuire,	Fall River.
June 14,	John Stephen Baer,*	Stephen Anson Bottoms,	Fall River.
Aug. 2,	Florence Lucille Legge,	Florence Lucille Leaming,	New Bedford.
2,	Sarah E. Jackson,*	Sarah E. Francis,	New Bedford.
2,	Carl E. Chandler,*	Carl E. Murry,	New Bedford.
Sept. 6,	Annie Feeney,*	Annie Louise Miller,	Central Falls, R. I.
6,	James Francis Sullivan,*	James Florence Sullivan,	Fall River.
Nov. 1,	Samuel T. Levy,	Samuel T. Lee,	New Bedford.
1,	Marsden J. P. Miller,	Charles Henry Miller,	Somerset.
1,	Leora A. Sweeney,*	Leora Eva Slater,	Attleborough.
1,	Susie E. Bryan,*	Susie E. Little,	Providence, R. I.
8,	Marion Gibbs,*	Marion Louise Bushee,	Easton.
Dec. 6,	Rachael E. Sampson,*	Emma B. Hazard,	New Bedford.

* Changed by reason of adoption.

DUKES COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1901. Oct. 21,	Harold Ernest Heath,*	Harold Ernest Heath Tilton,	Chilmark.

ESSEX COUNTY.

Jan. 7,	Joseph Dolan,*	Joseph Williams,	Cambridge.
7,	Joseph E. Beckwith,*	Elmer Beckwith Hall,	North Adams.
7,	Herbert R. Jones,*	Fred Perkins Whittier,	Lynn.
7,	Gladys M. McClellan,*	Gladys May Corbett,	Lynn.
7,	Simon Sondowitz,	Simon Sanders,	Gloucester.
7,	Rachael Sondowitz,	Rachael Sanders,	Gloucester.
7,	Minnie Sondowitz,	Minnie Sanders,	Gloucester.
7,	Moe Sondowitz,	Moe Sanders,	Gloucester.
7,	Lillie Sondowitz,	Lilly Sanders,	Gloucester.
7,	Fennie Sondowitz,	Fennie Sanders,	Gloucester.
7,	Gilbert Sondowitz,	Gilbert Sanders,	Gloucester.
7,	Mendil Sondowitz,	Mendil Sanders,	Gloucester.
14,	Ellie A. Smith,*	Ethel Annie Vining,	Amesbury.
28,	Margaret —,*	Margaret Underwood,	Lynn.
28,	William L. Dennis,*	Willard Leslie Russell,	Newburyport.
28,	Nellie A. Tasker,	Nellie Alberta Leavitt,	Middleton.
Feb. 4,	Harry E. Hale,*	Harry E. Wing,	Newburyport.
18,	Edith Mildred Sollows,*	Edith Mildred Bailey,	Salem.
18,	Morris Saltinsky,	Morris Salter,	Newburyport.
18,	Thomas Saltinsky,	Thomas Salter,	Newburyport.
18,	Sarah Saltinsky,	Sarah Salter,	Newburyport.
18,	Fannie Pauline Saltinsky,	Fannie Pauline Salter,	Newburyport.
18,	Albert Saltinsky,	Albert Salter,	Newburyport.
18,	Abram Saltinsky,	Abram Salter,	Newburyport.
18,	Lena Esther Saltinsky,	Lena Esther Salter,	Newburyport.
18,	Rosa Viola Saltinsky,	Rosa Viola Salter,	Newburyport.
18,	Paul Saltinsky,	Paul Salter,	Newburyport.
18,	Samuel A. Morganstern,	Samuel Abram Grant,	Lynn.
March 4,	Alma G. Furbush,*	Alma Furbush Keyany,	Gloucester.
11,	Dora Carter,*	Dora Carter Hazlehurst,	Lawrence.
April 1,	Florence E. Greenough,*	Florence Emma Dugdale,	Lawrence.
1,	Russell A. Upton,*	Russell Upton Mulgett,	Natick.
8,	Helen F. Thayer,*	Helen Thayer Jones,	Salem.
15,	Gertrude Morse,*	Ina Louise Bradstreet,	Melrose.
May 6,	Clarence Neil,*	Howard Cummings Robison,	Lynn.
6,	Grechen A. Hillman,*	Daisy Alberta Hanna,	Saugus.
13,	Percy V. Coose,*	Percy Verrill Carter,	Rockport.
13,	Herbert A. Perkins,	Herbert Alberta Day,	Haverhill.
20,	William Leonard Lonzo,*	Paul Byington,	Westfield.
20,	Mary E. Drohan,*	Mary Eita Sweetnam,	Peabody.
20,	Wallace C. St. Clair,*	Wallace Clifton Fessenden,	Lynn.
June 17,	Mary Murphy,*	Mary Donlan,	Lynn.
17,	Annie T. O'Brien,*	Annie Thresa Lawrence,	Lynn.
17,	Catharine O'Brien,*	Catharine Lawrence,	Lynn.
17,	Mary J. O'Brien,*	Mary Josephine Lawrence,	Lynn.
24,	Pauline L. H. Bourke,*	Pauline May Bachelder,	Boston.
July 1,	Margaret Heron,*	Maud Stafford,	Reading.
1,	Pearl Gustafson,*	Emily Swift Poor,	Boston.
8,	John Cullen,	John Leo Morse,	Lawrence.
22,	Carl H. Boudreau,*	Carl Henry Barth,	Haverhill.
Aug. 5,	Helen Johnson,*	Emma Helen Lord,	Concord.
Sept. 3,	Margaret Farley,*	Margaret Fenwick Hinchcliffe,	Andover.
3,	George Smith,*	Walter Dixon Adlington,	Somerville.
16,	Jennie A. Gilbert,	Jeanette Alden Gilbert,	Swampscott.
16,	Emily G. P. Heaton,	Emily Gusta Parsons Thurlow,	Haverhill.
Oct. 7,	Mary Gazetta,*	Mary Surprenant,	Lawrence.
7,	Georgia L. King,*	Georgia Shepard,	Lawrence.
21,	Edgar Blethen,*	Edgar Blethen Cotton,	Topsfield.

* Changed by reason of adoption.

CHANGE OF NAMES.

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ESSEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
Oct. 28,	Frances B. Batten,*	Frances Vine,	Gloucester.
28,	Gertrude E. Brown,*	Gertrude Eleanor Larkin,	Boston.
28,	Catherine A. Fallon,*	Derinda Jordan,	Lynn.
Nov. 4,	Frank Haynes,*	Frank Corliss,	Haverhill.
4,	Maud F. Eaton,*	Grace Frances Stackhouse,	Lynn.
4,	Lottie M. Chautrey,*	Lottie Chautrey Atkinson,	Boston.
4,	Martha Shaw,*	Martha Ridley,	Boston.
11,	Frances E. G. Eldridge,	Frances Edna Grasse,	Boston.
25,	Dorothy Frances,*	Dorothy Frances Lord,	Haverhill.
Dec. 16,	Isaac Sidersky,	Isaac Sawyer,	Salem.
16,	Joseph Sidersky,	Joseph Sawyer,	Salem.
16,	Melia Sidersky,*	Melia Sawyer,	Salem.
16,	Ethel Barrett Hale,*	Ethel Barrett Lang,	Lynn.

FRANKLIN COUNTY.

Jan. 1,	Minnie M. Waite,*	Minnie Myrtle Burnett,	Erving.
1,	Stella M. Rodda,	Stella M. Lewis,	Erving.
March 5,	Josephine Linnehan,*	Mabel Josephine LeClair,	Colerain.
5,	Ruth Best,*	Beatrice Adelaide Geyer,	Deerfield.
April 23,	Elizabeth O'Connell,*	Lizzie Crotty,	Conway.
July 15,	Frederick Evans McKinnon,*	Frederick Chester Ranney,	Orange.
16,	Gertrude Huntton,*	Ruth Hildegard Anderson,	Orange.
Aug. 6,	Gretchen Edith Stevens,*	Gretchen Eleanor Smeal,	Greenfield.
Oct. 29,	María Dewey,*	Irene Marjorie Bates,	Greenfield.
Nov. 19,	Winmona E. Huntton,*	Winmona E. Hayden,	Shutesbury.

HAMPDEN COUNTY.

Jan. 2,	Charlotte Gray,*	Charlotte Gray Simonds,	Ludlow.
2,	Bessie May Bassett,*	Bessie May Allen,	Monson.
16,	Hazel Myrtle Damon,*	Hazel Myrtle Shearer,	Wilbraham.
Feb. 6,	Homer Delard Goodrow,*	Homer Delard Raymond,	Ludlow.
March 6,	Edward James Dugan,	Harry James Edwards,	Springfield.
27,	Caroline Buckingham,*	Caroline Morissette,	Springfield.
April 3,	Ransom Ford,*	Ransom Williams,	Bucksport, Me.
May 1,	William Chagnon,*	William Snyder,	Springfield.
June 5,	Dora Harley,*	Dorothea Madeline Moss,	New York, N. Y.
July 3,	Hazel L. Avery,	Hazel Lysle Smith,	West Springfield.
31,	Sidney Braden,*	Sidney William Ashley,	Springfield.
Sept. 4,	Helen Francis McGilvray,*	Helen Francis McGilvray Conlin,	Springfield.
20,	Susan Seymour,*	Susie Sykes,	Agawam.
25,	Maida Eleanor Rogers,*	Maida Eleanor Barnes,	Springfield.
25,	Theodora Jennette Larkin,*	Lucy Ella Talbert,	Springfield.
Dec. 4,	Rozalina Schoch,*	Rozalina Blanchard,	Agawam.

HAMPSHIRE COUNTY.

Jan. 8,	Flora E. Avery,*	Ethel Stanley,	Southampton.
Feb. 23,	Edna Mae Nott,*	Edna Mae Phinney,	Williamsburg.
April 2,	Iverline M. Witherell,*	Ethel Gladys Tillson,	Northampton.
2,	Merton Leroy Hack,	Merton Leroy Eddy,	Ware.
June 25,	Dorothy Lydia Eaton,*	Dorothy Lydia Scelye,	Amherst.
Aug. 6,	Harold Alfred Baker,*	Harold Alfred Segur,	Enfield.
6,	George Rozenbloom,	George R. Paige,	Amherst.
Oct. 8,	Ruth Agnes Townsend,*	Eva Ruth Mowe,	Ware.

* Changed by reason of adoption.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
Jan. 1,	Lucy Everett,*	Lucy Esther Slack,	Worcester.
1,	Ruth Holbrook,*	Pearl Hazel Brooks,	Boston.
15,	Angelina Versailles,*	Angelina Chenelle,	Lowell.
15,	Elizabeth B. Swift,*	Elizabeth Birdseye Burnett,	Newton.
15,	Vera Hope Swift,*	Vera Hope Burnett,	Newton.
22,	Mabel Katherine Owens,*	Mabel Katherine Owens Messier,	Waltham.
Feb. 5,	Henry Abbett,*	Henry Abbett Baxter,	Boston.
5,	Erick Harold Brandt,*	Harold Morton Curry,	Boston.
5,	Elizabeth Clifford,*	Mary Elizabeth Peterson,	Cambridge.
5,	Helen Dennis,*	Helen Elizabeth Rice,	Boston.
5,	Marion Frances FitzGerald,*	Marion Aurora Mullett,	Cambridge.
5,	Olga Maria Personen,*	Olga Elizabeth Lundberg,	Worcester.
5,	Leo Remington,*	Leo Remington Adams,	Boston.
12,	Mildred Caroline Snell,*	Mildred Caroline Whitman,	Medford.
12,	Willard F. Snell,*	Willard Franklyn Whitman,	Medford.
19,	Charles Lawrence Billings,	Charles Billings Turner,	Malden.
19,	Isabelle Knowlton Morss,*	Isabelle Knowlton Thomas,	Somerville.
19,	Harold Charles McLaren,*	Harold Charles Miller,	Somerville.
25,	John Paul Leary,	John Paul,	Malden.
26,	Abram Kletsky,	Abram Clark,	Cambridge.
26,	Hazel French,	Hazel Winfred Hewitt,	Boston.
March 5,	Helen Sanborn,	Marion Mineta McLellan,	Malden.
12,	Hazel Gladys Kinder,*	Hazel Gladys Newton,	Ashland.
19,	Mary Ann Beatty,*	Hazel G. Welch,	Lowell.
20,	Sarah Ellen Stuntz,*	Sarah Stuntz Peirec,	Newton.
26,	Margaret Barry,*	Mabel Hazel Webster,	Boston.
26,	Mabel H. Anderson,*	Mabel Lillie Margareta Johnson,	Plymouth.
26,	Georgiana Sprague,*	Helen Genevieve Kinney,	Boston.
April 2,	Mary Gertrude Peede (alias Mary R. Peede),*	Mary Ruth Moores,	Malden.
2,	Mary E. C. Geehnyden,*	Edith May Lagerberg,	Boston.
2,	George Perry,*	George Perry Foster,	Cambridge.
9,	Chester O. Pierce,*	Chester O. Shaw,	Ashby.
16,	Mabel Gagon,*	Mabel Albertha Brunell,	Lowell.
23,	Lynwood Russell Munroe,*	Thomas Lenwood Gaines,	Groton.
23,	Lillian Louise De Lorey,*	Lillian May Chapman,	New Braintree.
29,	Hayrabed H. Jeknavorian,	Herbert H. Chickering,	Everett.
30,	Albert Augustus Lovering,*	Albert Lovering Torrey,	Wakefield.
May 7,	Phyllis Edna Graham (alias Phyllis Edna Thomas),*	Phyllis Edna Thomas,	Cambridge.
7,	James Yardley,*	Stephen Mansfield Baker,	Cambridge.
21,	Philip Beau,*	Philip Cormier,	Pepperell.
28,	Rose Parker,*	Rose Estella Johnson,	Amherst.
28,	Olivia Brown,*	Lilian Germaine Dauce,	Boston.
28,	Eselle Davis Almy,*	Grace Viall Nickerson,	Somerville.
31,	Sarah Holmes Luce Mulliken,	Sarah Holmes Luce,	Cambridge.
31,	Cordelia Dunham Luce Mulliken,	Cordelia Dunham Luce,	Cambridge.
31,	James Lyon Luce Mulliken,	James Lyon Luce,	Cambridge.
31,	Lyman Burgess Luce Mulliken,	Lyman Burgess Luce,	Cambridge.
31,	Ella May Stanton,	Ella May Emerson,	Winchester.
June 12,	Ike Poslonsky,	Harry Julius Paine,	Woburn.
17,	Mary Jane Acomb,	Violet Mary Jane Acomb,	Malden.
19,	Bessie Styles,*	Katherine Parker,	Barre, Vt.
25,	Madeline Hayden,*	Madeline Elizabeth Buckenham,	Boston.
July 9,	Marcus William Boyce,*	Marcus William Bruce,	Marlborough.
9,	John Alfred Boyce,*	John Alfred Bruce,	Marlborough.
23,	Lizzie Herbert,*	Lizzie Herbert Burke,	Waltham.
23,	Walter Kent,*	Walter Landin Mullett,	Malden.
25,	Beatrice Cherrier,*	Helen Beatrice Reed,	Ashburnham.
Aug. 2,	Irene Marguerite Stewart,*	Irene Marguerite Stevens,	Somerville.
Sept. 3,	Jennie Howard,*	Jennie Elizabeth Armstrong,	Boston.
3,	Peter A. Adams,*	Peter Adams Brown,	Williamstown.
3,	Laura King,*	Laura Leola Goode,	Boston.
5,	Henry Eliphalet Deacon,*	Henry Deacon Stone,	Waltham.
17,	John Quincy Adams, Jr.,*	Quincy Brooks Park,	Chelmsford.
Oct. 2,	Leander B. Clement,	Leander B. Porter,	Somerville.

* Changed by reason of adoption.

CHANGE OF NAMES.

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MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
Oct. 14,	Blanche E. McIver,	Blanche Ellie Pierce,	Cambridge.
17,	Celina Florence White,*	Florence Bolduc,	Cambridge.
Nov. 4,	Maurice Edwin Sicard,	Maurice Edwin Clement,	Cambridge.
6,	Edward Fay Burke,	Edward Robert Ames,	Marlborough.
6,	Laura Williams,*	Laura Ethel West,	Worcester.
19,	Bertha Ready,*	Rena May Knapp,	Boston.
21,	Helen M. Oliver,*	Helen Mildred Irving,	Reading.
26,	John Aldrich Courtney,*	Frank John Billings,	Boston.
26,	Susan Brigham,*	Susan Wortham,	Holden.
26,	Mildred Davis,*	Mabel Mildred Sargent,	Everett.
26,	Mary Scott Davis,	Mary Scott Brooks,	Waltham.
Dec. 10,	Samuel Northrup Castle Cole- man,	Samuel Northrup Castle,	Cambridge.
10,	Frederick J. Evans,*	Joseph Osborne Garrity,	Malden.
17,	Frank E. Pickett,*	Frank Ebert Bacheider,	Lowell.
18,	Pauline Clifford (alias Bertha Pauline Smith),*	Bertha Pauline Smith,	Cambridge.
18,	Julius Barlofsky,	Julius Richard,	Lowell.
19,	Ruth Snow,*	Ruth Merrick,	Townsend.
19,	Ruby Snow,*	Ruby Merrick,	Townsend.

NANTUCKET COUNTY.

July 11,	Lauriston Flood,*	Lauriston Raymond,	Nantucket.
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NORFOLK COUNTY.

Jan. 9,	Joseph Towle,*	Joseph Crowley,	Randolph.
16,	Doris Verna Ferbert,*	Doris Verna Pierson,	Abington.
Feb. 16,	James H. Sweeney,	James Edward Kendall,	Hyde Park.
March 6,	Alice Veronica Weleh,	Alice Veronica Stearns,	Foxborough.
6,	Sadie Gertrude Nutting,*	Sadie Gertrude Meadows,	Brockton.
27,	Winnifred McCleannan Nelson,*	Winnifred McCleannan Flanders,	Hyde Park.
April 3,	Mary Currin,*	Mary Josephine Prior,	Westfield.
May 8,	Daniel S. Bowen,*	Daniel Sylvester Fury,	Hyde Park.
8,	Inez Gertrude Ferbert,*	Lena Grace Belcher,	Holbrook.
June 5,	Harold E. Grant,*	Harold Elsworth Leonard,	Foxborough.
5,	Amalia Elizabeth Seifert,*	Amalia Elizabeth Nelson,	Norfolk.
5,	Helen Jane Lenahan,*	Helen Jane Maguire,	Medway.
19,	Lucy May Small,*	Marion Frances Shepperson,	Needham.
July 3,	Gertrude Gottlieb,*	Lena Gertrude Trudell,	Boston.
17,	Marjorie Sawyer,*	Estella Dean Morrison,	Everett.
Sept. 11,	Mabel Cotter,*	Mabel Elizabeth Najarian,	Everett.
Oct. 16,	James McGinn,*	Frank Ogden,	Boston.
Nov. 6,	Glenn S. Robinson,*	George Noble McLellan,	Boston.
13,	Rachel Freeman,	Helen Freeman,	Brookline.
20,	Alice Touzalin,*	Alice Cullinan,	Braintree.
20,	Fred Packer,*	Frederick Parker Newcomb,	Lynn.
27,	Henry Morgan Stetson,	Harry Morgan Stetson,	Cohasset.
Dec. 4,	Evelyn Louise Burnham,*	Evelyn Louise White,	Boston.
4,	Jeanie Laughl,*	Jeanie Chadwick Morgan,	Milton.
11,	Catherine G. Emmons,*	Gertrude Young,	Brockton.

PLYMOUTH COUNTY.

Jan. 14,	Bennie Chester Glover,*	Chester Arthur Hickman,	Brockton.
Feb. 11,	Ruth Elizabeth Baker,*	Ruth Avery Whitaker,	Abington.
11,	Jane Charlotte Simmons,*	Doris Linwood Bartlett,	Plymouth.

* Changed by reason of adoption.

PLYMOUTH COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
Feb. 11,	George Burgess,	George Briggs,	Middleborough.
25,	Frank M. Barrows,*	Frederick Forest Lincoln,	Brockton.
March 11,	Elnira Hayward,*	Cynthia M. Westgate,	Wareham.
25,	Patrick Edward Currin,*	Patrick Edward Carey,	Rockland.
25,	Mary Roe,*	Marie Linwood Beal,	Rockland.
25,	Mary E. Hall,*	Mary E. Staples,	Lakeville.
25,	Bertha Frances Bonney,*	Bertha Frances Pearson,	Brockton.
April 22,	Albert Upham,*	Allen Webber Burrill,	Bridgewater.
22,	George Emil Klint,*	George Emil Smith,	Brockton.
May 13,	Lillian Sayward,*	Madeline Camille McCarty,	Brockton.
13,	Nellie G. Meekins,*	Nellie G. Chummuck,	Plymouth.
13,	Mabel D. Harris,*	Mabel D. Tilden,	Brockton.
June 10,	Charles Tirrell Berman,*	Charles Tirrell Rosenberg,	Brockton.
24,	Marion P. Halessey,	Halessey T. Martin,	Bridgewater.
24,	Lydia M. Schleuter,	Lydia M. Wilber,	Middleborough.
July 8,	Lillie Robinson,*	Ruth Lillian Damon,	Hanover.
Aug. 26,	Harold F. Sisson,*	Harold F. Eastman,	E. Bridgewater.
26,	Ralph Marcus Smith,*	Ralph Cushing Clark,	Marion.
Sept. 9,	Kate Eliza Snow,*	Kate Snow Graves,	Plymouth.
9,	Annie W. Mackins,	Annie May Montgomery,	Brockton.
Oct. 28,	Alice Gertrude Hunt,*	Alice Gertrude Hatch,	Abington.
28,	Catherine May Nutting,*	Catherine May Morse,	Brockton.
Dec. 23,	Arthur Crandell Cronin,*	Arthur Monroe Sullivan,	Brockton.

SUFFOLK COUNTY.

Jan. 3,	Silas Hobson,*	Harold Robert McLellan,	Worcester.
3,	Annie Douglas,*	Anna Louise Weaver,	Boston.
3,	Henrietta Jewell King,	Henrietta Jewell,	Boston.
3,	Everet Bryant,*	Ernest Gilman Boyce,	Boston.
10,	Mary Ellen Bresenhan,	Mary Elizabeth Maxwell,	Boston.
10,	Lilla Belle Russell Thompson,*	Lilla Belle Lovelace,	Boston.
17,	— Jones,*	Virginia Christina Wardwell,	Boston.
24,	Manuel Eliot Rencurrel,	Manuel Emile Rencurrel,	Boston.
24,	Alice Ruth Cummings,*	Ruth Richardson,	Boston.
31,	Bernhard Flocker,	Frank Flocker Bernard,	Boston.
31,	Samuel Silberstein,	Samuel Sherman,	Boston.
31,	James Edward Roach,*	James Edward Welch,	Boston.
31,	Mary E. Chapman,	Mary E. Elkins,	Boston.
Feb. 14,	Mercedes Haskins,*	Ruth Morris Adams,	Boston.
14,	James H. Delaney,*	James H. Sullivan,	Boston.
20,	Sol B. Kantrowitz,	Sol B. Kantor,	Boston.
21,	John Wilensky,	John Williams,	Boston.
21,	Samuel Wilensky,	Samuel Williams,	Boston.
21,	Florence Irene Dolphin,*	Florence Irene Josselyn,	Boston.
28,	William H. Flynn,*	Rufus G. Jennings,	Boston.
28,	Harold P. Whetmore,*	Harold Preston Matthews,	Boston.
28,	Harry Myer Kenin,	Harry Myers,	Boston.
March 7,	Joseph M. Pucowitz,	Joseph M. Parker,	Boston.
7,	Isadore Eugene Rosenstein,	Isadore Eugene Rosenstein Reid,	Boston.
7,	Myrtle Ruth Stockman,*	Myrtle Ruth Goulding,	Boston.
7,	Ruth Kent,*	Ruth Edith Moors,	Boston.
7,	Dorothy May Crafts,*	Dorothy May Stevens,	Boston.
14,	Ruth Margareth Harris,*	Ruth Margareth States,	Boston.
14,	Earnest Bradford Lamb,*	Earnest Bradford Conant,	Boston.
14,	Caroline Lamb,*	Caroline Conant,	Boston.
14,	Elsie Lawson,*	Hildreth Pearl Marguerite Adamore,	Boston.
21,	Ernest William Zeeb,*	Ernest William Nietz,	Boston.
21,	Louis A. Frothingham,*	Lawrence Steelman Robinson,	Boston.
April 1,	Louis Lichtenstein CoX,	Louis Lichtenstein Jones,	Boston.
4,	Laurence E. Murphy,	Laurence E. Boyle,	Boston.
4,	Nathan F. Ginsberg,	Norton F. Ginsberg,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY — Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
April 4.	Frank A. Wyman,*	James Michael O'Hara,	Boston.
11.	Berka Dlugatch,	Barnett White,	Boston.
11.	Lizzie Goodrich Hastings,	Elizabeth Goodrich Hastings,	Boston.
11.	Mary Schromm Newton,*	Mary Schromm,	Boston.
18.	Abraham Wilansky,	Abraham Silverman,	Boston.
18.	Patha Vilkerman,	Benjamin Finkelstein,	Boston.
18.	Ruth Jeanette Basley,*	Ruth Jeanette Nickerson,	Boston.
18.	Ethelyn May Toomoth,*	Ethelyn Boardman Doyle,	Boston.
25.	Wolf Stone,	Joseph William Stone,	Boston.
May 2.	Henrietta Adams,*	Katherine Van Ness,	Boston.
2.	Albena Cardinal,*	Alice Marion Dudman,	Boston.
2.	Josiah D. Cutter,	Dexter Josiah Cutter,	Boston.
2.	Walter Cutter,	Walter Hill Cutter,	Boston.
9.	Frances McKinnon,*	Ruth Olga Garland,	Boston.
9.	Lila Monroe,*	Lila May Sherman,	Boston.
15.	Ida M. Webster,	Ida M. Howe,	Boston.
16.	John Harold Smith,*	Harold Hewett,	Boston.
16.	Eva Di Persio,*	Iva Viola Garvie,	Boston.
16.	Edward McLaughlin (alias Doherty),*	Petronius Don Henderson,	Boston.
23.	— Mason,*	Harold Herbert Ferlinand,	Boston.
31.	Louise Alexander,*	Mary Louise Walker,	Boston.
31.	Ethel Parker,*	Pauline Ethel Hardy,	Amherst.
June 6.	Florence Ruth Aldrich,*	Joy Leavitt Stevens,	Boston.
13.	Abraham Poonsky,	Abraham Vernon,	Boston.
20.	Jennie May Cilley,	Dorothy May Cilley,	Boston.
20.	James Vernon Cheese,	James Vernon Chase,	Boston.
20.	Melita Harris Bowsly,*	Alice Sharp McGuire,	Boston.
27.	Abby Emily Wieland,*	Abby Emily Krebs,	Boston.
27.	Nathan Julius Somersky,	Nathan Julius Somers,	Boston.
27.	Ellen R. Tighe,	Nellie R. O'Brien,	Boston.
27.	Grace D. Byram,	Grace D. Richardson,	Boston.
July 5.	Leopold Goldstein,	Leo Guild,	Boston.
5.	John Birkenauer,	John J. McCormack,	Boston.
11.	Mary Jane Jack,*	Mary Jane Mortimer,	Boston.
11.	Ruth Bennett Aldrich,*	Ruth Davison,	Upton.
11.	Esther May Brown,*	Esther May Akins,	Chelsea.
15.	Peter Casari,	Peter Gasser,	Boston.
15.	Anna Casari,	Anna Gasser,	Boston.
18.	Emily Isabel Huggins,	Emily Isabelle Hargrave,*	Chelsea.
18.	Gertrude Dancink,*	Pauline Plummer,	Boston.
25.	Selig Krevitsky,*	Selig Covin,	Boston.
25.	Margaret I. Ripley,	Margaret I. Rea,	Boston.
Aug. 15.	Rosanna White,*	Anna W. Loudon,	Boston.
15.	Calvin Doty Cafferty,*	Calvin Doty Leon,	Boston.
15.	Joseph Spektorsky,	Joseph Spektorsky Spencer,	Boston.
15.	Mary A. Barry,*	Amy Howe,	Boston.
15.	Frank Gray,*	John Randall Salter,	Boston.
Sept. 5.	Hattie Mae Bean,	Harryett Mae Bean,	Boston.
5.	Frances Stockfish,	Frances Stokes,	Boston.
5.	Marcia Stanley,*	Margaret Burke,	Boston.
5.	May Walker Clemmons,*	Dorothy May Purdy,	Boston.
5.	Alice E. Eminger,	Alice E. Rodick,	Boston.
5.	Blanche Curtis,*	Mary Phillips,	Boston.
5.	George Prince,*	Charles McIntosh,	Boston.
5.	Henry J. Wilbur,*	Harry Joseph Tebbetts,	Boston.
12.	Hyman Samuel Trachtenberg,	Herman Samuel Tay,	Boston.
12.	Harold W. Akers,*	Harold Winfield White,	Boston.
12.	Samuel Wilensky,	Benjamin Welling,	Boston.
20.	John A. Brievoegel,	John A. Eaton,	Boston.
20.	Moses Cohen,	Jacob Moses Cohen,	Boston.
20.	Ethel Hurshman,*	Ethel May C. McKeuney,	Boston.
26.	Philip B. Cohen,	Philip B. Phillips,	Boston.
26.	Morris Spatz,	Morris Horovitz,	Boston.
26.	Howard De Lory,*	Howard Milligan,	Boston.
26.	Maxine Stafford Dick,*	Hazel Maxine Mitchell,	Taunton.

* Changed by reason of adoption.

SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
Oct. 3.	Leo Mordacai Kantorowitz.	Leo Mordacai Kantor.	Boston.
3.	Mabel Ruth Shurtleff.	Mabel Ruth Miller.	Boston.
3.	Dorothy St. Clair Studley.*	Dorothy Studley Marshall.	Boston.
3.	Mary Lyons.*	Mary Ferguson.	Boston.
19.	Joanna Elizabeth Kuhn.	Elizabeth Donaldson.	Boston.
19.	George A. Dickinson.*	George A. Wilson.	Boston.
24.	Albert Eugene Abrahamson.	Albert Abrahams.	Boston.
24.	Lillian B. Rhodes.	Lillian B. Stacy.	Revere.
31.	Zarah Dworetzky.	Zara Dworet.	Boston.
31.	Rachel Lena Dworetzky.	Rachel Lena Dworet.	Boston.
31.	Joseph A. Cole.	Joseph A. St. John.	Boston.
31.	Weldon Fletcher Downey.	Welman Fletcher.	Boston.
Nov. 7.	Yeta Lake Iredale.*	Yeta Lake Iredale Young.	Boston.
14.	Charles J. Burkquist.	Charles J. Birch.	Boston.
14.	Euphemia Stewart Watt.	Edie Stewart Creighton.	Boston.
14.	Hilma Burquist.	Hilma Birch.	Boston.
14.	Priscilla McKenna.*	Priscilla Murphy.	Boston.
21.	Reginald G. Anderson.*	George Reginald Towle.	Boston.
21.	Mary McEneaney.*	Mary Prescott.	Boston.
21.	Dorothy Sharp.*	Dorothy Ferrier.	Somerville.
21.	Edna Leona Cole.*	Edna Leona Grimes.	Boston.
21.	Mary Elizabeth Lambert.*	Mary Elizabeth Hawkes.	Boston.
Dec. 3.	Meyer Louis Feingold.	Meyer Louis Fernald.	Boston.
12.	Edward Joseph Walsh.*	Edward Joseph Murray.	Boston.
19.	John Delupe.*	Salvatore Giscolbe.	Boston.
19.	Mary Annie Elizabeth Clifford.	Marion Winthrop Clifford.	Boston.
26.	Dorothea F. Sears.*	Mildred May White.	Boston.
26.	Charles C. Morgan.*	Charles C. Stirk.	Boston.
26.	Francis S. Morgan.*	Francis S. Stirk.	Boston.

WORCESTER COUNTY.

Jan. 15.	Catherine R. Donegan.*	Grace Ruth Fionan.	Fitchburg.
18.	Eunice Hemenway.*	Margaret Vance.	Worcester.
22.	Ray McDonald.*	Kenneth Ray Darling.	Westminster.
Feb. 15.	Vivian Mae Pearl.*	Vivian Mae Taft.	Westborough.
March 7.	Paul Foster Lyman.*	Fred Foster Cowden.	Springfield.
8.	Gladys S. Moore.*	Gladys S. Fisher.	Athol.
12.	Elva Ruth Leisman.*	Elva Ruth Stewart.	Milford.
12.	Willie Reno White.	William Reno White.	Boylston.
13.	Benlah Albertine Brown.*	Benlah Albertine Gould.	Douglas.
13.	Maud F. Macnamara.*	Maud Frances Chappell.	Douglas.
16.	Mildred Rorhe.*	Mildred Josephine Kimball.	Milford.
16.	Harold Barnard.*	Sidney Irving Day.	Westborough.
19.	Mary Smart.*	Mary Smart Robinson.	Lancaster.
26.	Roscoe Emerson Coburn.	Joseph E. Coburn.	Berlin.
May 9.	Florence Goodney.*	Florence Barriere.	Worcester.
9.	Joseph Goodney.*	Joseph Luc.	Worcester.
9.	Delia Goodney.*	Delia Natinville.	Worcester.
9.	Virginie Goodney.*	Virginie Thibodeau.	Worcester.
14.	Etta May Day.*	Doris Louise Fletcher.	Oxford.
14.	Nellie E. Woodman.	Nellie E. Whitney.	Westborough.
June 6.	Mary Martha Clemons.*	Mary Martha Warrick.	Athol.
10.	Amelia Deady.*	Amelia May Hall.	Fpton.
18.	Josephine Mageret Wesson.*	Josephine Park Houston.	Worcester.
18.	Willie Franklin Dillaber.	William Franklin Dillaber.	Warren.
July 12.	William P. Welch.*	William P. Lavergne.	Sturbridge.
16.	Herbert Francis O'Leary.	Herbert Francis Parsons.	Worcester.
Aug. 10.	Uselina Arsenault.*	Uselina Bulger.	Fitchburg.

* Changed by reason of adoption.

WORCESTER COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1901.			
Sept. 3,	Marble White,*	Majorie M. Webster,	Worcester.
5,	Albert E. Robertson,*	Albert E. Haskins,	West Brookfield.
19,	Blanche Evelyn Paradis,*	Blanche Evelyn Brochu,	Gardner.
19,	Florence Evelyn Rowley,*	Florence Evelyn Talbot,	Worcester.
17,	John E. Andrews,	John E. Ward,	Leominster.
17,	Beatrice Morse Cooley,*	Beatrice Morse Pratt,	Gardner.
24,	Arthur Clarence Moody,	Arthur Clarence Williamson,	Gardner.
Oct. 1,	Dora P. Butler,*	Dora Margery Wood,	Epton.
5,	Gracie Amelia Fowler,*	Gracie Amelia Hager,	Southbridge.
9,	Julia A. Ayer,	Julia A. Litchfield,	Fitchburg.
25,	Ralph Rodney King,*	Ralph Rodney Clough,	Ashburnham.
29,	Maud B. Glencross,*	Maud Glencross Liddle,	Worcester.
29,	Elizabeth Summers Bart,*	Bessie Carolyn Ross,	No. Brookfield.
Nov. 12,	Charles Riley,	Charles Trask,	Uxbridge.
12,	Henry Nathaniel Engelbrektsen,	Henry Nathaniel Andrews,	Fitchburg.
15,	Irene Agnes Bartsch,*	Irene Agnes Murphy,	Leominster.
19,	Elizabeth Phillips McAleer,*	Elizabeth Winter McAleer,	Worcester.
Dec. 17,	Mina Isabel Blair,*	Isabel Woodward,	Leominster.
24,	Alice Agnes O'Brien,*	Alice Agnes Corcoran,	Fitchburg.
24,	—————	Minnie F. Cummings,	Spencer.
24,	Arthur G. Andrews,	Arthur G. Ward,	Leominster.
27,	Martha Jones,*	Mattie Jones Farwell,	Worcester.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF
The Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1902.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY

W. MURRAY CRANE,
GOVERNOR.

JOHN B. SMITH *Private Secretary.*
EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR

JOHN L. BATES,
LIEUTENANT GOVERNOR.

COUNCIL — (By Districts).

I. — DAVID F. SLADE Fall River.
II. — ARTHUR A. MAXWELL Boston.
III. — HENRY D. YERXA Cambridge.
IV. — JEREMIAH J. McNAMARA Boston.
V. — DAVID I. ROBINSON Gloucester.
VI. — S. HERBERT HOWE Marlborough.
VII. — LUCIUS FIELD Clinton.
VIII. — JULIUS H. APPLETON Springfield.

WILLIAM M. OLIN,
SECRETARY OF THE COMMONWEALTH.

ISAAC H. EDGETT, *1st Deputy.* HERBERT H. BOYNTON, *2d Deputy.*

EDWARD S. BRADFORD,
TREASURER AND RECEIVER GENERAL.

HENRY S. BRIDGE, *1st Clerk.* A. B. C. DEMING, *2d Clerk.*
WENDELL P. MARDEN, *Cashier.*

HENRY E. TURNER,
AUDITOR OF ACCOUNTS.

WILLIAM D. HAWLEY, *1st Clerk.* JAMES POPE, *2d Clerk.*

HERBERT PARKER,
ATTORNEY-GENERAL.

FREDERICK E. HURD, RALPH A. STEWART,
ROBERT G. DODGÉ, ARTHUR W. DEGOOSH,
FREDERICK H. NASH, FREDERIC B. GREENHALGE,

ASSISTANT ATTORNEYS-GENERAL.

LEGISLATIVE DEPARTMENT.

GENERAL COURT.

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1896.

SENATE.

President—RUFUS A. SOULE.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Willard Howland, . . .	Chelsea.
Second " . . .	Charles S. Sullivan, . . .	Boston.
Third " . . .	Henry S. Fitzgerald, . . .	Boston.
Fourth " . . .	William T. A. Fitzgerald, . . .	Boston.
Fifth " . . .	John A. Sullivan, . . .	Boston.
Sixth " . . .	Michael J. Sullivan, . . .	Boston.
Seventh " . . .	John K. Berry, . . .	Boston.
Eighth " . . .	Edward Seaver, . . .	Boston.
Ninth " . . .	Perlie A. Dyar, . . .	Boston.
First Essex, . . .	Thomas F. Porter, . . .	Lynn.
Second " . . .	J. Frank Porter, . . .	Danvers.
Third " . . .	Harry C. Foster, . . .	Gloucester.
Fourth " . . .	Carleton F. How, . . .	Haverhill.
Fifth " . . .	Archie N. Frost, . . .	Lawrence.
First Middlesex, . . .	Henry R. Skimmer, . . .	Watertown.
Second " . . .	Albert S. Apsey, . . .	Cambridge.
Third " . . .	Leonard B. Chandler, . . .	Somerville.
Fourth " . . .	George R. Jones, . . .	Melrose.

District.	Name of Senator.	Residence.
Fifth Middlesex,	Chester B. Williams,	Wayland.
Sixth "	Herbert E. Fletcher,	Westford.
Seventh "	John T. Sparks,	Dracut.
Middlesex and Essex,	Alva S. Wood,	Woburn.
First Worcester,	David Manning,	Worcester.
Second "	John P. Munroe,	Worcester.
Third "	Edward F. Blodgett,	Leominster.
Fourth "	George K. Tufts,	New Braintree.
Fifth "	Cornelius R. Day,	Blackstone.
First Hampden,	John F. Marsh,	Springfield.
Second "	Henry C. Bliss,	West Springfield.
Franklin and Hampshire,	Merrick A. Morse,	Belchertown.
Berkshire,	George Z. Dean,	Cheshire.
Berkshire and Hampshire,	Henry E. Gaylord,	South Hadley.
First Norfolk,	Eugene H. Sprague,	Quincy.
Second "	Frank A. Fales,	Norwood.
First Plymouth,	Elisha T. Harvell,	Rockland.
Second "	David G. Pratt,	Middleborough.
First Bristol,	E. Clarence Holt,	Taunton.
Second "	Andrew H. Morrison,	Fall River.
Third "	Rufus A. Soule,	New Bedford.
Cape,	William A. Nye,	Bourne.

HENRY D. COOLIDGE, *Clerk.*

EDMUND DOWSE, *Chaplain.*

CHARLES G. DAVIS, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—JAMES J. MYERS.

COUNTY OF SUFFOLK.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1, . . .	Charles I. Albee, . . .	Boston.
		A. Dudley Bagley, . . .	Boston.
2d,	Boston, Ward 2, . . .	Joseph F. Hickey, . . .	Boston.
		Daniel J. Sheehan, . . .	Boston.
3d,	Boston, Ward 3, . . .	William H. Hayes, . . .	Boston.
		James J. Mellen, . . .	Boston.
4th,	Boston, Ward 4, . . .	Thomas A. Kelley, . . .	Boston.
		John H. Quinlan, . . .	Boston.
5th,	Boston, Ward 5, . . .	Martin P. Higgins, . . .	Boston.
		John C. Hurley, . . .	Boston.
6th,	Boston, Ward 6, . . .	Andrew A. Badaracco, . . .	Boston.
		Patrick H. Bradley, . . .	Boston.
7th,	Boston, Ward 7, . . .	Thomas Mackey, . . .	Boston.
		John Quinn, Jr., . . .	Boston.
8th,	Boston, Ward 8, . . .	Thomas F. Keenan, . . .	Boston.
		Daniel J. Kiley, . . .	Boston.
9th,	Boston, Ward 9, . . .	John J. Gartland, Jr., . . .	Boston.
		Charles H. Reinhart, . . .	Boston.
10th,	Boston, Ward 10, . . .	Alfred F. Kinney, . . .	Boston.
		Walter E. Nichols, . . .	Boston.

COUNTY OF SUFFOLK—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th.	Boston, Ward 11, .	Lonis A. Frothingham, . Robert Homans, .	Boston. Boston.
12th.	Boston, Ward 12, .	James M. Burke, . David D. Leahy, .	Boston. Boston.
13th.	Boston, Ward 13, .	Thomas J. Collins, . William J. Sullivan, .	Boston. Boston.
14th.	Boston, Ward 14, .	David J. Gleason, . Edward L. Logan, .	Boston. Boston.
15th.	Boston, Ward 15, .	David W. Creed, . William S. McNary, .	Boston. Boston.
16th.	Boston, Ward 16, .	Richard H. Foley, . Arthur P. Russell, .	Boston. Boston.
17th.	Boston, Ward 17, .	James M. Curley, . John J. Mansfield, .	Boston. Boston.
18th.	Boston, Ward 18, .	Edwin A. Harney, . Thomas E. Rafferty, .	Boston. Boston.
19th.	Boston, Ward 19, .	James P. Lennon, . James McInerney, .	Boston. Boston.
20th.	Boston, Ward 20, .	Wilbur F. Adams, . Thomas M. Vinson, .	Boston. Boston.
21st.	Boston, Ward 21, .	Charles M. Draper, . Fred A. Emery, .	Boston. Boston.
22d.	Boston, Ward 22, .	John Duff, . John Young, Jr., .	Boston. Boston.
23d.	Boston, Ward 23, .	John A. Conlthurst, . Andrew J. Peters, .	Boston. Boston.
24th.	Boston, Ward 24, .	Edward B. Callender, . Fred C. Gilpatrick, .	Boston. Boston.
25th.	Boston, Ward 25, .	James N. Thompson, . James I. Wingate, .	Boston. Boston.
26th.	Chelsea, Wards 1, 2, .	John E. Beck, .	Chelsea.

COUNTY OF SUFFOLK — CONCLUDED

District.	Town or Ward.	Name of Representative.	Residence.
27th.	Chelsea, Wards 3, 4, .	Charles P. Brewer, . .	Chelsea.
28th.	{ Chelsea, Ward 5, . . . } { Revere, } { Winthrop, }	George T. Sleeper, . .	Winthrop.

COUNTY OF ESSEX.

1st.	Amesbury,	Daniel W. Davis, . . .	Amesbury.
2d.	{ Merrimac, } { Newburyport, Ward 6, . . . } { Salisbury, } { West Newbury, }	Richard Newell, . . .	West Newbury.
3d.	Haverhill, Wards 4, 6, .	George A. Hall, . . .	Haverhill.
4th.	Haverhill, W'ds 1, 2, 3, .	F. Franklin Batchelder, .	Haverhill.
5th.	Haverhill, Ward 5, . .	James F. Carey, . . .	Haverhill.
6th.	{ Lawrence, Wards 1, 2, . } { Methuen, }	Joseph E. Buswell, . . Karl M. Ebert, . . .	Methuen. Lawrence.
7th.	Lawrence, W'ds 3, 4, 5, 6, .	{ Jeremiah J. Desmond, . . John T. Maloney, . . . Simon B. Ryan, . . . }	Lawrence. Lawrence. Lawrence.
8th.	{ Andover, } { Middleton, } { North Andover, }	Maurice E. Tyler, . . .	Middleton.
9th.	{ Boxford, } { Georgetown, } { Groveland, } { Haverhill, Ward 7, . . . }	Henry Kimball Palmer, .	Georgetown.
10th.	{ Danvers, } { Peabody, } { Topsfield, }	Charles H. Goulding, . . Charles H. Preston, . .	Peabody. Danvers.
11th.	{ Lynn, Ward 3, }	William F. Craig, . . .	Lynn.
	{ Swampscott, }	George H. Jackson, . .	Lynn.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
12th.	{ Lynn, Wards 1, 5, 7, . } { Lynnfield, }	Albert S. N. Hickford, .	Lynn.
		William B. Phinney, .	Lynn.
13th.	{ Lynn, Wards 2, 4, . } { Nahant, }	Francis S. Newhall, .	Lynn.
		Charles H. Tucker, .	Lynn.
14th.	{ Lynn, Ward 6, . . . } { Saugus, }	Warren P. Babb, .	Lynn.
		Joseph C. Randlett, .	Lynn.
15th.	Marblehead, . . .	Samuel Roads, Jr., .	Marblehead.
16th.	Salem, Wards 1, 2, .	Thomas L. Davis, .	Salem.
17th.	Salem, Wards 3, 5, .	David P. Waters, .	Salem.
18th.	Salem, Wards 4, 6, .	Joseph F. Pitman, .	Salem.
19th.	{ Beverly, } { Essex, } { Gloucester, Ward 8, . } { Hamilton, } { Manchester, } { Wenham, }	George H. Gibney, .	Hamilton.
		Ulysses G. Haskell, .	Beverly.
20th.	{ Gloucester, Wards 1, 3, } { 4, 5, 6, }	John J. Cunningham, .	Gloucester.
		Alphonso Davis, .	Gloucester.
21st.	{ Gloucester, Wards 2, 7, } { Rockport, }	J. Manuel Marshall, .	Rockport.
22d.	{ Ipswich, } { Newbury, } { Newburyport, Wards 1, } { 2, 3, 4, 5, } { Rowley, }	Moody Kimball, .	Newburyport.
		George A. Schofield, .	Ipswich.

COUNTY OF MIDDLESEX.

1st.	Cambridge, Ward 1, .	James J. Myers, .	Cambridge.
2d.	Cambridge, Ward 2, . {	Jeremiah F. Donovan, .	Cambridge.
		James A. Montgomery, .	Cambridge.
3d.	Cambridge, Ward 3, .	George H. Dinan, .	Cambridge.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th.	Cambridge, Ward 4.	{ Eben H. Googins, William J. Rounds,	Cambridge. Cambridge.
5th.	Cambridge, Ward 5.	William H. Lewis,	Cambridge.
6th.	Somerville, Ward 1.	Charles F. Wildes,	Somerville.
7th.	{ Somerville, Wards 2, 3, 6, 7, }	{ John F. Foster, Robert Luce, Isaac M. Story, }	Somerville. Somerville. Somerville.
8th.	Somerville, Wards 4, 5.	Charles L. Underhill,	Somerville.
9th.	Medford, Wds 1, 2, 4, 5.	J. William Williams,	Medford.
10th.	Everett,	{ Arthur W. Hatch, H. Huestis Newton, }	Everett. Everett.
11th.	Malden,	{ Aaron C. Dowse, George H. Fall, William Schofield, }	Malden. Malden. Malden.
12th.	{ Medford, Wards 3, 6, Winchester, }	Lombard Williams,	Medford.
13th.	{ Arlington, Lexington, }	J. Howell Crosby,	Arlington.
14th.	{ Belmont, Watertown, }	Thomas L. Creeley,	Belmont.
15th.	Waltham,	{ George F. Leslie, Charles E. Stearns, }	Waltham. Waltham.
16th.	Newton,	{ George P. Bullard, William F. Dana, }	Newton. Newton.
17th.	{ Bedford, Concord, Lincoln, Weston, }	Abram E. Brown,	Bedford.
18th.	Natick,	Arthur P. Sleeper,	Natick.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Ashland, . . . Holliston, . . . Hopkinton, . . . Sherborn, . . . }	Henry M. Cutler, . . .	Holliston.
20th,	Framingham, . . .	James R. Entwistle, . . .	Framingham.
21st,	{ Marlborough, . . . Sudbury, . . . Wayland, . . . }	William M. Brigham, . . . Harrie C. Hunter, . . .	Marlborough. Marlborough.
22d,	{ Boxborough, . . . Hudson, . . . Maynard, . . . Stow, . . . }	Albert Littlefield, . . .	Boxborough.
23d,	{ Acton, . . . Ayer, . . . Littleton, . . . Shirley, . . . Westford, . . . }	Webster C. Robbins, . . .	Acton.
24th,	{ Ashby, . . . Groton, . . . Pepperell, . . . Townsend, . . . }	Horace I. Whipple, . . .	Pepperell.
25th,	{ Chelmsford, . . . Dunstable, . . . Lowell, Wards 4, 7, 8. Tyngsborough, . . . }	Eben T. Adams, . . . William H. T. Hayes, . . . Caleb L. Smith, . . .	Chelmsford. Lowell. Lowell.
26th,	Lowell, W'ds 1, 2, 3, 6. {	Edwards Cheney, . . . Michael J. Mahoney, . . . Frank K. Stearns, . . .	Lowell. Lowell. Lowell.
27th,	{ Billerica, . . . Burlington, . . . Carlisle, . . . Dracut, . . . Lowell, Wards 5, 9, . . . North Reading, . . . Tewksbury, . . . Wilmington, . . . }	Edward L. McMahon, . . . Daniel J. O'Brien, . . .	Billerica. Lowell.

COUNTY OF MIDDLESEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
28th,	{ Reading, } { Woburn, }	Henry M. Aldrich, . . . Arthur E. Roberts, . . .	Woburn. Reading.
29th,	Wakefield,	Charles A. Dean, . . .	Wakefield.
30th,	Stoneham,	Sidney A. Hill,	Stoneham.
31st,	Melrose,	Charles H. Adams, . . .	Melrose.

COUNTY OF WORCESTER.

1st,	{ Athol, } { Phillipston, } { Royalston, }	Edmund C. Shepardson, . .	Athol.
2d,	{ Ashburnham, } { Gardner, } { Templeton, } { Winchendon, }	J. Myron Moore, Charles H. Pratt,	Gardner. Ashburnham.
3d,	{ Barre, } { Dana, } { Hardwick, } { Hubbardston, } { Petersham, } { Westminster, }	Frank W. Fenno,	Westminster.
4th,	{ Holden, } { New Braintree, } { North Brookfield, } { Oakham, } { Princeton, } { Rutland, }	Timothy Howard,	No. Brookfield.
5th,	{ Brookfield, } { Sturbridge, } { Warren, } { West Brookfield, }	Walter B. Mellen,	Brookfield.
6th,	{ Leicester, } { Paxton, } { Spencer, }	Eugene D. Marchesseault,	Spencer.

COUNTY OF WORCESTER — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
7th.	{ Charlton, . . . Dudley, . . . Oxford, . . . Southbridge, . . . Webster, . . . }	Henry Brandes, . . . Francis Xavier Tetreault,	Webster. Southbridge.
8th.	{ Auburn, . . . Douglas, . . . Millbury, . . . Sutton, . . . }	Winfield S. Schuster, . . .	Douglas.
9th.	{ Blackstone, . . . Grafton, . . . Northbridge, . . . Shrewsbury, . . . Uxbridge, . . . }	Edward A. Estabrook, . . . George W. Maxon, . . .	Grafton. Blackstone.
10th.	{ Hopedale, . . . Mendon, . . . Milford, . . . Upton, . . . Westborough, . . . }	Horace C. Adams, . . . Edward L. Osgood, . . .	Mendon. Hopedale.
11th.	{ Berlin, . . . Boylston, . . . Clinton, . . . Northborough, . . . Southborough, . . . Sterling, . . . West Boylston, . . . }	Francis D. Newton, . . . Samuel W. Tyler, . . .	Southborough. Clinton.
12th.	{ Bolton, . . . Fitchburg, Ward 6, . . . Harvard, . . . Lancaster, . . . Lunenburg, . . . }	William N. Felton, . . .	Bolton.
13th.	{ Fitchburg, Wards 1, 2, . . . 3, 4, 5, . . . }	Henry G. Greene,* . . . James Pearce, . . .	Fitchburg. Fitchburg.
14th.	Leominster, . . .	Wooster F. Dodge, . . .	Leominster.
15th.	Worcester, Ward 1, . . .	Warren C. Jewett, . . .	Worcester.
16th.	Worcester, Ward 2, . . .	George C. Hunt, . . .	Worcester.

* Died March 8.

COUNTY OF WORCESTER — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
17th,	Worcester, Ward 3. . .	Peter F. Sullivan, . . .	Worcester.
18th,	Worcester, Ward 4. . .	Mark N. Skerrett, . . .	Worcester.
19th,	Worcester, Ward 5, . .	John G. Hagberg, . . .	Worcester.
20th,	Worcester, Ward 6, . .	Frank M. Heath, . . .	Worcester.
21st,	Worcester, Ward 7, . .	Arthur M. Taft, . . .	Worcester.
22d,	Worcester, Ward 8, . .	Homer R. King, . . .	Worcester.

COUNTY OF HAMPSHIRE.

1st,	{ Goshen, } { Hadley, } { Hatfield, } { Northampton, } { Westhampton, } { Williamsburg, }	Thomas P. Larkin, . . . Louis H. Warner, . . .	Williamsburg. Northampton.
2d,	{ Chesterfield, } { Cummington, } { Easthampton, } { Huntington, } { Middlefield, } { Plainfield, } { Southampton, } { Worthington, }	Henry Ellsworth Stanton,	Huntington.
3d,	{ Amherst, } { Granby, } { Pelham, } { South Hadley, }	Fred M. Smith, . . .	So. Hadley.
4th,	{ Belchertown, } { Enfield, } { Greenwich, } { Prescott, } { Ware, }	Arthur E. Newcomb, . .	Ware.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, Holland, Monson, Palmer, Wales, }	Elbridge G. Hastings, .	Palmer.
2d,	{ Agawam, East Longmeadow, . . Granville, Hampden, Longmeadow, Ludlow, Southwick, Tolland, Wilbraham, }	Arthur G. Crane, . . .	E. Longmeadow.
3d,	{ Springfield, Wards 1, } { 2, 8, }	Elisha H. Brewster, . Henry F. Sampson, .	Springfield. Springfield.
4th,	{ Springfield, Wards 3, } { 4, 5, }	Fordis C. Parker, . . . George W. Tapley, . . .	Springfield. Springfield.
5th,	Springfield, Wards 6, 7.	Fred A. Bearse,	Springfield.
6th,	{ Chicopee, Wards 1, 2, } { 3, 4, 5, 6, }	Bernard F. Mitchell, .	Chicopee.
7th,	{ Chicopee, Ward 7, . . } { Holyoke, Wards 1, 2, 3, } { 4, 5, }	Thomas E. Begley, . . . James J. Dowd,	Holyoke. Holyoke.
8th,	Holyoke, Wards 6, 7, .	Fred F. Bennett,	Holyoke.
9th,	{ Blandford, } { Chester, } { Montgomery, } { Russell, } { West Springfield, . . } { Westfield, }	Lucien O. Moore, Harold P. Moseley, . . .	Montgomery. Westfield.

COUNTY OF FRANKLIN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Ashfield, . . . } { Buckland, . . . } { Charlemont, . . . } { Colrain, . . . } { Conway, . . . } { Hawley, . . . } { Heath, . . . } { Monroe, . . . } { Rowe, . . . } { Shelburne, . . . }	Charles E. Ward, . . .	Buckland.
2d,	{ Bernardston, . . . } { Gill, . . . } { Greenfield, . . . } { Leyden, . . . }	Frank Gerrett, . . .	Greenfield.
3d,	{ Deerfield, . . . } { Leverett, . . . } { Montague, . . . } { Sunderland, . . . } { Wendell, . . . } { Whately, . . . }	Luther W. Clark, . . .	Deerfield.
4th,	{ Erving, . . . } { New Salem, . . . } { Northfield, . . . } { Orange, . . . } { Shutesbury, . . . } { Warwick, . . . }	Charles H. Green, . . .	Northfield.

COUNTY OF BERKSHIRE.

1st,	{ Clarksburg, . . . } { North Adams, . . . }	William F. Barrington, . . . C. Burr Goodrich, . . .	North Adams. North Adams.
2d,	{ Dalton, . . . } { Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	F. Dorr Deming, . . .	Lanesborough.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d.	{ Adams, } { Cheshire, } { Florida, } { Savoy, } { Windsor, }	Henry M. Fern,	Adams.
4th.	{ Pittsfield, }	Frank Bartlett, William W. Linnehan,	Pittsfield. Pittsfield.
5th.	{ Becket, } { Hinsdale, } { Lenox, } { Peru, } { Richmond, } { Washington, } { West Stockbridge, }	Frank G. Creamer,	Peru.
6th.	{ Lee, } { New Marlborough, } { Otis, } { Sandisfield, } { Stockbridge, } { Tyringham, }	John E. Merritt,	Otis.
7th.	{ Alford, } { Egremont, } { Great Barrington, } { Monterey, } { Mount Washington, } { Sheffield, }	A. Chalkley Collins,	Gt. Barrington.

COUNTY OF NORFOLK.

1st.	{ Dedham, } { Norwood, } { Westwood, }	John E. Fisher,	Dedham.
2d.	Brookline,	Benjamin C. Dean,	Brookline.
3d.	Hyde Park,	Edward Q. Dyer,	Hyde Park.
4th.	{ Canton, } { Milton, }	Joseph W. Wattles, Jr.,	Canton.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th.	Quincy. . . . }	Frank E. Badger, . . . John McKnight, . . .	Quincy. Quincy.
6th.	{ Braintree, } { Weymouth, }	Horace R. Drinkwater, . . . Gordon Willis, . . .	Braintree. Weymouth.
7th.	{ Avon, } { Holbrook, } { Randolph, }	John J. Collins, . . .	Avon.
8th.	{ Sharon, } { Stoughton, } { Walpole, }	Joseph S. Leach, . . .	Walpole.
9th.	{ Dover, } { Medfield, } { Millis, } { Needham, } { Wellesley, }	Thomas Sutton, . . .	Needham.
10th.	{ Bellingham, } { Foxborough, } { Franklin, } { Medway, } { Norfolk, } { Wrentham, }	Albion F. Bemis, . . . George W. Bullard, . . .	Foxborough. Medway.

COUNTY OF PLYMOUTH.

1st.	{ Kingston, } { Plymouth, }	Alexander Holmes, . . .	Kingston.
2d.	{ Duxbury, } { Marshfield, } { Norwell, } { Pembroke, } { Scituate, }	Charles N. Gardner, . . .	Norwell.
3d.	{ Cohasset, } { Hingham, } { Hull, }	William H. Litchfield, . . .	Hull.
4th.	{ Hanover, } { Hanson, } { Rockland, }	Frederic O. MacCartney, . . .	Rockland.

COUNTY OF PLYMOUTH — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th.	{ Abington. . . . } { Whitman, }	Benjamin Calvin Reed, .	Whitman.
6th.	{ Carver, } { Lakeville, } { Marion, } { Mattapoisett, } { Rochester, } { Wareham, }	Noble W. Everett, . . .	Wareham.
7th.	{ Halifax, } { Middleborough, } { Plympton, }	William A. Andrews, . .	Middleborough.
8th.	{ Bridgewater, } { East Bridgewater, } { West Bridgewater, }	Fred E. Fuller,	E. Bridgewater.
9th.	Brockton, Wards 3, 4, .	Edward H. Keith, . . .	Brockton.
10th.	Brockton, W'ds 1, 2, 5, }	George H. Garfield, . . . Portus B. Hancock, . . .	Brockton. Brockton.
11th.	Brockton, Wards 6, 7, .	William S. Bamford, . .	Brockton.

COUNTY OF BRISTOL.

1st.	{ Attleborough, } { North Attleborough, } { Norton, } { Rehoboth, } { Seekonk, }	Harry Draper Hunt, . . . Thomas W. Williams, . . .	N. Attleborough. Attleborough.
2d.	{ Easton, } { Mansfield, } { Raynham, }	Robert Rogerson,	Mansfield.
3d.	Taunton, Wards 5, 7, 8,	John L. Rankin,	Taunton.
4th.	Taunton, Wards 2, 3, 4,	Silas D. Reed,	Taunton.
5th.	{ Berkley, } { Dighton, } { Taunton, Wards 1, 6, . }	Dwight F. Lane,	Dighton.

COUNTY OF BRISTOL — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
6th.	{ Acushnet, . . . } { Dartmouth, . . . } { Fairhaven, . . . } { Freetown, . . . }	Handel E. Washburn,	Freetown.
7th.	{ New Bedford, Wards 1, } { 2, 3, . . . }	John E. O'Neill, . . . Samuel Ross, . . .	New Bedford. New Bedford.
8th.	{ New Bedford, Wards 4, } { 5, 6, . . . }	William J. Bullock, . . . J. Clifford Sherman,	New Bedford. New Bedford.
9th.	{ Fall River, Wards 1, 2, } { Westport, . . . }	Edwin J. Mills, . . . John Nightingale, . . .	Fall River. Fall River.
10th.	Fall River, W'ds 3, 4, 5, }	Thomas Donahue, . . . Joseph G. Jackson, . . .	Fall River. Fall River.
11th.	{ Fall River, Wards 6, 7, } { 8, 9, . . . } { Somerset, . . . } { Swansea, . . . }	Frank M. Chace, . . . Pierre F. Peloquin, . . . Thomas B. Rounds, . . .	Fall River. Fall River. Somerset.

COUNTY OF BARNSTABLE.

1st.	{ Barnstable, . . . } { Bourne, . . . } { Falmouth, . . . } { Mashpee, . . . } { Sandwich, . . . }	Moses C. Waterhouse,	Bourne.
2d.	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Charles W. Swift, . . .	Yarmouth.
3d.	{ Brewster, . . . } { Eastham, . . . } { Orleans, . . . } { Provincetown, . . . } { Truro, . . . } { Wellfleet, . . . }	Joseph H. Cummings,	Orleans.

COUNTY OF DUKES COUNTY.

District.	Town or Ward.	Name of Representative.	Residence
1st,	{ Chilmark, . . . } { Cottage City, . . . } { Edgartown, . . . } { Gay Head, . . . } { Gosnold, . . . } { Tisbury, . . . } { West Tisbury, . . . }	Benjamin G. Collins,	Edgartown.

COUNTY OF NANTUCKET.

1st,	Nantucket,	Arthur H. Gardner,	Nantucket.
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JAMES W. KIMBALL, *Clerk.*
 DANIEL W. WALDRON, *Chaplain.*
 CHARLES G. DAVIS, *Sergeant-at-Arms.*

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

OLIVER WENDELL HOLMES, *of Boston.*

ASSOCIATE JUSTICES.

MARCUS P. KNOWLTON, *of Springfield.*
 JAMES M. MORTON, *of Fall River.*
 JOHN LATHROP, *of Boston.*
 JAMES MADISON BARKER, *of Pittsfield.*
 JOHN WILKES HAMMOND, *of Cambridge.*
 WILLIAM CALEB LORING, *of Boston.*

SUPERIOR COURT.

CHIEF JUSTICE.

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 ELISHA BURR MAYNARD, *of Springfield.*
 FRANKLIN G. FESSENDEN, *of Greenfield.*
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 JOHN H. HARDY, *of Arlington.*
 WILLIAM B. STEVENS, *of Stoughton.*
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 JOHN A. AIKEN, *of Greenfield.*
 FREDERICK LAWTON, *of Lowell.*
 EDWARD P. PIERCE, *of Fitchburg.*

JABEZ FOX,	. . . . .	<i>of Cambridge.</i>
CHARLES A. DE COURCEY,	. . . . .	<i>of Lawrence.</i>
ROBERT O. HARRIS,	. . . . .	<i>of East Bridgewater.</i>
LEMUEL LeBARON HOLMES,	. . . . .	<i>of New Bedford.</i>
WILLIAM C. WAIT,	<i>of Medford.</i>

COURT OF LAND REGISTRATION.

JUDGE.

LEONARD A. JONES,	<i>of Boston.</i>
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ASSOCIATE JUDGE.

CHARLES T. DAVIS,	<i>of Worcester.</i>
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RECORDER.

CLARENCE C. SMITH,	<i>of Everett.</i>
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ROBERT GRANT, Boston,	SUFFOLK.
ROLLIN E. HARMON, Lynn,	ESSEX.
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L. ELMER WOOD, Fall River,	SOUTHERN.
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JOSEPH A. WILLARD, Boston, Sup. Ct., Civil Bus.,	} SUFFOLK.
JOHN P. MANNING, Boston, Sup. Ct., Crim. Bus.,	
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CLIFTON L. FIELD, Greenfield,	FRANKLIN.
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SMITH K. HOPKINS, Barnstable,	BARNSTABLE.
SAMUEL KENISTON, Edgartown,	DUKES.
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[Congressional Districts established by Chap. 396, Acts of 1891, and Chap. 519, Acts of 1896.]

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 HENRY CABOT LODGE, of Nahant.

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 II.—FREDERICK H. GILLETT, of Springfield.
 III.—JOHN R. THAYER, of Worcester.
 IV.—CHARLES Q. TIRRELL, of Natick.
 V.—WILLIAM S. KNOX, of Lawrence.
 VI.—WILLIAM H. MOODY,* of Haverhill.
 VII.—ERNEST W. ROBERTS, of Chelsea.
 VIII.—SAMUEL W. McCALL, of Winchester.
 IX.—JOSEPH A. CONRY, of Boston.
 X.—HENRY F. NAPHEN, of Boston.
 XI.—SAMUEL L. POWERS, of Newton.
 XII.—WILLIAM C. LOVERING, of Taunton.
 XIII.—WILLIAM S. GREENE, of Fall River.

* Resigned May 1.

APPENDIX

The following tables have been prepared by FISHER AMES, Esq., appointed to that duty under section 1 of chapter 9 of the Revised Laws, which directs the governor to appoint a skilled person to prepare "a table of changes in the general laws."

TABLES

SHOWING

WHAT GENERAL LAWS OF THE COMMONWEALTH
HAVE BEEN AFFECTED BY SUBSEQUENT
LEGISLATION.

I.

CHANGES IN THE "REVISED LAWS."

Chapter 1. — Of the Jurisdiction of the Commonwealth, and Places ceded to the United States.

SECT. 5. Tract in Nahant ceded. St. 1902, 373.

Chapter 3. — Of the General Court.

SECT. 17 amended. St. 1902, 544 § 1.

Chapter 4. — Of the Governor, Lieutenant Governor and Council.

SECT. 6. Provision for an assistant messenger and change in salaries. St. 1902, 523.

Chapter 5. — Of the Secretary of the Commonwealth.

SECT. 2 revised. St. 1902, 364.

SECT. 4 *et seq.* See St. 1902, 470, 524, 544 § 8.

SECT. 6. See St. 1902, 438.

Chapter 6. — Of the Treasurer and Receiver General, the Auditor of Accounts and Matters of Finance.

SECT. 14. Allowance for additional assistance increased. St. 1902, 177.

SECT. 59. Certain checks excepted. St. 1902, 55.

Chapter 7. — Of the Attorney General and the District Attorneys.

SECT. 13. Salaries changed: assistant, eastern district. St. 1902, 530. First and second assistants, Suffolk. St. 1902, 471.

Chapter 8.—Of the Statutes.

SECT. 5, cl. 9. "Home week" established. St. 1902, 109.

Chapter 9.—Of the Printing and Distribution of the Laws.

A board of publication is established. St. 1902, 438.

SECT. 6 repealed. St. 1902, 438 § 7.

SECT. 7 repealed as to report of inspector of gas. St. 1902, 228 § 8.
Board of health may publish certain information in interests of public health. St. 1902, 230.

Amendment as to prison commissioners' report. St. 1902, 269. So much as refers to maps, plans, woodcuts, etc., repealed. St. 1902, 438 § 7.

Certain printed town records added. St. 1902, 470 § 2.

Chapter 11.—Of Elections.

Name of "demoeratic social" party changed to "socialist" party. St. 1902, 56.

SECT. 1. Municipal political parties in Cambridge. St. 1902, 529.

SECT. 5 amended. St. 1902, 384.

SECT. 20 amended. St. 1902, 90.

SECT. 60. Provision as to Suffolk senatorial districts. St. 1902, 348, 512.

SECT. 84 amended. Provision for announcement of number of the committee. St. 1902, 225, 492.

SECT. 96 amended. St. 1902, 506.

SECT. 108. See St. 1902, 537 § 3.

SECT. 124. See St. 1902, 537 § 2.

SECTS. 136-149. Provision for direct nomination in cities of candidates for certain offices. St. 1902, 537.

SECT. 171 amended. St. 1902, 157.

SECT. 279 amended. St. 1902, 544 § 2.

SECT. 331. Town may provide that moderator be elected for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3.

SECT. 422. Districts for election of representative to fill a vacancy. St. 1902, 518.

Chapter 12.—Of the Assessment of Taxes.

SECT. 4. Fourth cl. in part repealed. St. 1902, 374 § 4.

SECTS. 7, 8 and 9 repealed, and new provisions made for taxing vessels engaged in foreign trade. St. 1902, 374.

SECT. 15 amended. St. 1902, 113.

SECT. 17 amended. St. 1902, 112.

SECT. 23. Provision as to underground wires, etc., added. St. 1902, 342 § 1.

SECT. 49 repealed. St. 1902, 111.

SECT. 84 amended. St. 1902, 91.

Chapter 13. — Of the Collection of Taxes.

SECT. 20 *et seq.* A foreign corporation or non-resident failing to pay the tax may be enjoined in equity from doing business here until tax is paid. St. 1902, 349.

SECT. 43 amended. Provision as to deed being *prima facie* evidence after five years stricken out. St. 1902, 423.

SECTS. 60, 61 are superseded. St. 1902, 443.

Chapter 14. — Of the Taxation of Corporations.

SECTS. 37, 38, 39, 42. Underground wires, pipes, etc., added. St. 1902, 342 §§ 2, 3, 4, 5.

Chapter 15. — Of the Taxation of Collateral Legacies and Successions.

SECTS. 2-4. Provision for cases where there is an intervening estate for life or a term of years. St. 1902, 473.

Chapter 16. — Of the Militia.

SECT. 14. Allowance for additional clerks, etc., increased. St. 1902, 336.

SECT. 82 amended. St. 1902, 158.

SECT. 180 revised. St. 1902, 493.

Chapter 19. — Of the Civil Service.

A board of publication is established. St. 1902, 438.

SECT. 5 amended. Certain records may be destroyed after six years. St. 1902, 308.

SECT. 21 not to apply to detective department of district police. St. 1902, 413.

SECT. 36 amended. St. 1902, 544 § 3.

Chapter 20. — Of Counties and County Commissioners.

County commissioners authorized to kill sheep-worrying dogs in certain cases. St. 1902, 226.

SECT. 1. Muskeget and Gravelly islands annexed to Nantucket. St. 1887, 88.

SECT. 14. Salaries changed: Essex. St. 1902, 411.

Form of section revised. St. 1902, 544 § 4.

Chapter 22. — Of Registers of Deeds.

SECT. 7 amended. St. 1902, 544 § 5.

SECT. 31 amended. Powers of commissioners increased. St. 1902, 422.

Chapter 23. — Of Sheriffs.

SECT. 18. Salaries changed: Franklin. St. 1902, 359. Plymouth. St. 1902, 436.

Chapter 25. — Of Towns and Town Officers.

Town may provide for choice of a moderator for one year. St. 1902, 346 § 1. He shall be sworn in. St. 1902, 346 § 2. Provision in case of his absence. St. 1902, 346 § 3. Town may appropriate money for observance of "home week." St. 1902, 109. Certain towns may appropriate money for removal of snow and ice from sidewalks in certain cases and assess cost on abutting estates. St. 1902, 205. Towns may regulate and license junk collectors. St. 1902, 187. They may provide for care of neglected burial grounds. St. 1902, 389. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499.

SECT. 14 amended. St. 1902, 544 § 6.

SECT. 16. Town officers may enter on private land for purpose of exterminating certain insect pests. St. 1902, 57.

SECT. 23. Paragraph 4. See St. 1902, 205.

SECT. 35. Extended to purchase of water. St. 1902, 361.

SECT. 54. See St. 1902, 449.

SECT. 83. See St. 1902, 57.

Chapter 26. — Of Cities.

City may appropriate money for observance of "home week." St. 1902, 109. And for memorials of persons who served in Spanish-American War. St. 1902, 286. And for care of neglected burial grounds. St. 1902, 389. May regulate and license junk collectors. St. 1902, 187. City officers may enter private land to exterminate certain insect pests. St. 1902, 57.

SECT. 7. Overseers of the poor to be elected for three years in certain cities. St. 1902, 444.

SECT. 21. Cities (except Boston) may provide annuities for widows and minor children of police officers who die from injuries received in discharge of duty. St. 1902, 437.

Chapter 27. — Of Municipal Indebtedness.

SECT. 3. See St. 1902, 325.

SECTS. 13, 14, 15. See St. 1902, 325.

Chapter 28. — Of Public Parks, Playgrounds and the Public Domain.

SECT. 1 amended. St. 1902, 544 § 7.

Chapter 29. — Of the Return and Registry of Births, Marriages and Deaths.

Provision for printing and preserving certain town records. St. 1902, 470.

SECT. 22 amended. St. 1902, 544 § 8.

Chapter 32. — Of the State Fire Marshal, Fires, Fire Departments and Fire Districts.

Offices of state fire marshal, deputy and subordinates abolished and department transferred to district police. St. 1902, 142.

SECT. 37. See St. 1889, 57.

SECTS. 71, 72. Amount increased. St. 1902, 108.

Chapter 34. — Of the Manufacture and Distribution of Gas and Electricity by Cities and Towns.

SECT. 1. Towns not having electric light may contract therefor with street railway companies. St. 1902, 449.

Chapter 35. — Of the Public Records.

Certain public records in Norfolk to be transferred to Essex. St. 1902, 311 § 1.

SECT. 3. See St. 1902, 470 § 1.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

Chapter 38. — Of Libraries.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

Chapter 42. — Of the Public Schools.

Provisions for schools in Boston. St. 1889, 297; 1895, 408; 1897, 202, 442; 1898, 400; 1899, 362; 1900, 235, 237; 1901, 448, 473; 1902, 386.

SECT. 3 amended as to amounts to be furnished by the Commonwealth. St. 1902, 433.

Chapter 46. — Of Truants and Truant Schools.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256.

Chapter 47. — Of State Highways.

Provision for expenses. St. 1902, 246.

Chapter 48. — Of the Laying Out and Discontinuance of Ways and of Damages caused by the Taking of Land for Public Uses.

As to metropolitan park commission, see St. 1893, 407; 1894, 288; 1895, 450; 1896, 465; 1898, 473, 531; 1899, 400, 406, 419; 1901, 93, 146, 380; 1902, 77, 166, 172.

An act to fix the time when property shall be deemed to be taken for metropolitan sewerage works. St. 1902, 101.

SECT. 88. Ways in Suffolk. St. 1888, 397; 1891, 323; 1892, 401, 415 § 3, 418; 1895, 494; 1896, 237; 1897, 166, 167, 319, 394; 1898, 210, 252, 298, 566; 1899, 433, 443, 450; 1900, 478; 1901, 199, 465; 1902, 521. An act relative to Boston bridges. St. 1902, 224.

Chapter 49. — Of Sewers, Drains and Sidewalks.

As to metropolitan water and sewerage system, see St. 1889, 439 ; 1895, 342, 406 ; 1897, 80, 81, 83, 88, 502 ; 1901, 168 ; 1902, 101, 189.

As to Boston, see St. 1891, 323 ; 1892, 402 ; 1894, 227, 256 ; 1895, 297, 494 ; 1896, 237, 359 ; 1897, 426 ; 1898, 257 ; 1899, 450 ; 1900, 126, 478 ; 1901, 199 ; 1902, 521, 526.

Chapter 50. — Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

Provision for certain assessments in Boston. St. 1902, 521, 527.
SECT. 11 revised. St. 1902, 503.

Chapter 52. — Of Regulations and By-Laws relative to Ways and Bridges.

Advertising signs restricted in streets of Boston. St. 1895, 352 ; 1897, 413 § 6.

An act to regulate speed and operation of automobiles and motor vehicles on highways. St. 1902, 315.

SECT. 5. See St. 1902, 205.

Chapter 56. — Of the Regulation of Trade and the Inspection and Sale of Food.

Baking powders after March 31, 1903, to be labelled with names of ingredients. St. 1902, 540.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397.

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners of fisheries and game. St. 1902, 138.

Chapter 57. — Of the Inspection and Sale of Various Articles.

Baking powders after March 31, 1903, to be labelled with names of ingredients. St. 1902, 540.

SECT. 39. Inspection and weighing to be made when required by vendee at the time. St. 1902, 459.

SECT. 83. A woman may be appointed a weigher of coal. St. 1902, 159. Or a non-resident. St. 1902, 453 § 1.

SECTS. 88, 89, 91 amended. St. 1902, 453 §§ 2, 3, 4.

Chapter 58. — Of the Inspection of Gas and Gas Meters.

SECT. 1. Powers and duties of inspector transferred to board of gas and electric light commissioners. St. 1902, 238 § 1.

SECTS. 1, 2, 3, 4, 5, 6, 7 repealed. St. 1902, 238 § 8.

SECT. 14. See St. 1902, 238 § 3.

Chapter 60. — Of the Survey and Sale of Lumber, Ornamental Wood and Ship Timber.

SECT. 4 amended. St. 1902, 477 § 1.

SECT. 7 amended. St. 1902, 477 § 2.

SECTS. 9, 10, 11 repealed. St. 1902, 477 § 3.

Chapter 62. — Of Weights and Measures.

SECT. 3. Barrel of sweet potatoes 150 pounds. St. 1902, 115.

SECT. 8. Deputy's salary changed. St. 1902, 457.

SECT. 17 amended. Provision charging expense to counties, cities and towns omitted. St. 1902, 539.

Chapter 65. — Of Itinerant Vendors, Hawkers and Pedlers.

SECT. 9 amended. Error corrected. St. 1902, 544 § 9.

SECT. 17 amended. Boot blacks added, and provision for licenses in Boston after December 31, 1902. St. 1902, 531.

Charter 66. — Of Shipping and Seamen, Harbors and Harbor Masters.

Lines and regulations in certain harbors. Boston, St. 1882, 48; 1891, 309; 1892, 358 § 2; 1897, 486; 1898, 278; 1899, 469; 1901, 196. Buzzard's Bay, 1898, 169. Charles River, 1897, 479; 1901, 245, 401. Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313. New Bedford, 1901; 243.

SECT. 19. As to Boston. See St. 1889, 147.

Chapter 67. — Of Pilots and Pilotage.

Fees established. Cohasset, St. 1887, 298. Salem and Beverly, 1887, 204. Winthrop, 1892, 114. Woods Hole, 1889, 275.

Chapter 72. — Of the Use of Labels, Trade-Marks and Names.

After March 31, 1903, baking powders must be labelled with names of ingredients. St. 1902, 540.

Chapter 75. — Of the Preservation of the Public Health.

As to metropolitan water and sewerage system, see St. 1889, 439; 1895, 342, 406; 1897, 80, 81, 83, 88, 502; 1901, 168; 1902, 101, 189, 391, 535. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272.

SECTS. 4, 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541.)

SECT. 34 revised. St. 1902, 403.

SECT. 40. Board may admit patients from another city or town. St. 1902, 206 § 1.

SECT. 46 amended. St. 1902, 206 § 2.

SECT. 57 revised. St. 1902, 213.

SECTS. 103, 104 repealed. St. 1902, 312 § 1.

SECT. 105 amended. St. 1902, 312 § 2.

SECT. 112 *et seq.* See St. 1902, 541.

SECT. 137 revised. St. 1902, 190 § 1.

SECT. 139 revised. St. 1902, 190 § 2; 544 § 10.

Chapter 76. — Of the Registration of Physicians, Surgeons, Pharmacists and Dentists.

Salaries of members and secretaries of the several boards and allowance for travel fixed. St. 1902, 505.

SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.

SECT. 17 amended. Board may reconsider its action in certain cases. St. 1902, 321.

SECT. 23 added to. St. 1902, 327.

Chapter 77. — Of the Promotion of Anatomical Science.

New section (5) added relative to autopsies. St. 1902, 417.

Chapter 78. — Of Cemeteries and Burials.

Cities and towns may appropriate money for care of neglected burial grounds. St. 1902, 389.

Chapter 79. — Of State and Military Aid and Soldiers' Relief.

SECT. 3 amended. St. 1902, 251. (See 1902, 55.)

SECTS. 8, 22. Offices of commissioners of state aid and of state pension agent abolished, and offices of commissioner and deputy commissioner of state aid and pensions established. St. 1902, 192. (See 1902, 216.)

SECTS. 18, 20, 21 extended. St. 1902, 250.

SECT. 20 extended. St. 1902, 292.

Chapter 81. — Of the Support of Paupers by Cities and Towns.

SECT. 25. See St. 1902, 206, 213.

Chapter 86. — Of the Lyman School for Boys, the Industrial School for Girls, and the Reformation of Juvenile Offenders.

Reform school for Boston. St. 1901, 359.

SECT. 20 amended. St. 1902, 314.

Chapter 87. — Of the State Board of Insanity and Institutions for the Insane.

SECT. 22. Number of trustees increased. St. 1902, 542.

Chapter 89. — Of the State Board of Agriculture and the Dairy Bureau.

Cattle bureau established with powers and duties of board of cattle commissioners. St. 1902, 116 §§ 2, 3.

State nursery inspectorship established and provision for protection of trees etc., from injurious insects and diseases. St. 1902, 495.

SECT. 1 amended. St. 1902, 116 § 4.

Chapter 90.—Of the Board of Cattle Commissioners and of Contagious Diseases of Domestic Animals.

Board of cattle commissioners abolished and powers and duties transferred to cattle bureau of state board of agriculture. St. 1902, 116.

Chapter 91.—Of Fisheries.

Powers and duties of inspector general of fish transferred to the commissioners of fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178.

Fishing regulated in various places: Barnstable County; St. 1884, 264; 1887, 120; 1892, 196; 1901, 184. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137. Boston harbor; 1894, 189. Bourne; 1899, 194. Brimfield; 1895, 411. Bristol; 1882, 189; 1891, 198. Buzzard's bay; 1884, 214 § 2; 1886, 192; 1891, 237; 1893, 205, 255. Charles river; 1894, 189. Dennis; 1895, 203. Dukes; 1884, 245; 1886, 234; 1891, 198. Eastham; 1893, 77. Edgartown; 1886, 234; 1891, 52; 1897, 181. Franklin, Hampden and Hampshire; 1890, 193; 1902, 137. Haverhill; 1894, 296. Hingham; 1894, 189. Ipswich; 1897, 289. (See 1902, 164.) Marion; 1892, 188; 1893, 255. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196. Mattapoisett; 1884, 214; 1890, 229; 1892, 186. Merrimac river; 1882, 166; 1883, 31, 121; 1884, 317; 1895, 88; 1897, 110. (See 1902, 164.) Mystic river; 1894, 189. Nantucket; 1891, 128. Neponset river; 1894, 189. Norwell and Pembroke; 1889, 292; 1890, 336. Plum island bay; 1887, 105; 1890, 30; 1900, 159. (See 1902, 164.) Plymouth; 1884, 199; 1886, 163; 1889, 292; 1890, 336. Podonk pond; 1900, 234. Quinsigamond lake; 1896, 259; 1901, 158. Randolph; 1889, 78. Rowley; 1897, 289. Seitate; 1889, 292; 1890, 336. Webster; 1896, 110. Weir river; 1894, 189. Wellfleet bay; 1891, 135. Westport; 1887, 193; 1891, 137. Weymouth river; 1894, 189.

SECT. 7 revised. St. 1902, 164.

SECT. 63 amended. St. 1902, 137.

SECT. 64 amended. Section not to apply to county of Berkshire. St. 1902, 544 § 11.

Chapter 92.—Of the Preservation of Certain Birds and Animals.

Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127.

SECT. 3 amended. Quail protected in Nantucket. St. 1902, 85. And in Bristol. St. 1902, 165. (See 1893, 49; 1894, 102.)

SECT. 18 revised. St. 1902, 154.

SECT. 22 revised. St. 1902, 236.

Chapter 96.—Of the Board of Harbor and Land Commissioners.

An act relative to Boston bridges. St. 1902, 224.

Chapter 98. — Of the Observance of the Lord's Day.

SECT. 3. Sale of ice-cream, soda-water and confectionery permitted in certain cases. St. 1902, 414.

Chapter 99. — Of Gaming.

Club charter may be revoked in case of seizure of gaming implements on premises. St. 1902, 254.

Chapter 100. — Of Intoxicating Liquors.

SECT. 10 *et seq.* Provisions for local district option in Boston. St. 1902, 485.

SECT. 20 revised. St. 1902, 171.

SECT. 22. See St. 1902, 327.

SECT. 67. Office of inspector and assayer abolished and powers and duties transferred to state board of health. St. 1902, 110.

SECT. 88. See St. 1902, 485 § 4. Club charter may be revoked in certain cases. St. 1902, 524.

Chapter 101. — Of Common Nuisances.

Nuisances on unoccupied land and private passageways in Boston. St. 1893, 342; 1897, 185.

Chapter 102. — Of Licenses and Municipal Regulations of Police.

In Boston public lodging houses must be licensed. St. 1894, 414. And gas fitters, 1897, 265. And junk collectors, 1900, 416. (See 1902, 187.)

Licenses to minors to sell goods, etc., and to black boots in Boston. St. 1902, 531.

SECTS. 29, 30, 32 amended. "Junk collectors" added. St. 1902, 187 §§ 1, 2, 3.

SECT. 57 *et seq.* As to licenses in Lowell, see St. 1902, 151, 187 § 5.

SECT. 150 *et seq.* Provision for better protection of sheep from dogs. St. 1902, 226.

SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4.

Chapter 104. — Of the Inspection of Buildings.

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Gas fitters in Boston must be licensed. St. 1897, 265.

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SECTS. 20, 21, 23 repealed and new provisions made as to issue of stock and bonds. St. 1902, 370. (See 1902, 440 § 7, 441, 449 § 5.)

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SECTS. 1-6. Signature of married woman under twenty-one to conveyance of husband's land has same validity as if she were over that age. St. 1902, 478.

SECT. 8 amended. "Special commissioners" added. St. 1902, 289.

Chapter 128. — Of the Registration and Confirmation of Titles to Land.

SECT. 13, relative to appeals, amended. St. 1902, 458.

Chapter 129. — Of Estates for Years and at Will.

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Chapter 132. — Of the Rights of a Husband in the Real Property of His Deceased Wife and the Rights of a Wife in that of Her Deceased Husband.

SECT. 1. St. 1894, 170 is declared to be in full force in respect of claims to which surviving husband or wife was entitled on or before December 31, 1901, under Public Statutes, ch. 124 §§ 1, 3. St. 1902, 482.

SECTS. 4, 5. Signature of married woman under twenty-one is valid. St. 1902, 478.

Chapter 134. — General Provisions relative to Real Property.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or years, see St. 1902, 473.

Chapter 135. — Of Wills.

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SECT. 1 amended. St. 1902, 544 § 14.

SECT. 3 amended. "Non-resident" added. St. 1902, 544 § 15.

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SECT. 7 amended. St. 1902, 544 § 18.

SECT. 8 amended. St. 1902, 544 § 19.

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Chapter 145. — Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474. (See 1902, 324.)

Chapter 148.—Provisions relative to Sales, Mortgages, etc., by Executors, etc.

SECT. 15. Certain proceedings of probate courts are confirmed. St. 1902, 538.

Chapter 151.—Of Marriage.

SECT. 11. Court having jurisdiction may issue writ of *habeas corpus* in cases of children whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

SECT. 14 revised. St. 1902, 310.

SECT. 40. Advertising to perform or procure performance of marriage ceremony is made punishable. St. 1902, 249.

Chapter 152.—Of Divorce.

SECT. 13 amended. St. 1902, 544 § 21.

SECT. 25. Court having jurisdiction may bring before it on *habeas corpus* any child whose care or custody is in question. St. 1902, 324. (See 1902, 474.)

Chapter 153.—Of certain Rights and Liabilities of Husband and Wife.

SECTS. 15, 16. See St. 1902, 478.

SECT. 33. See St. 1902, 324.

Chapter 154.—Of the Adoption of Children and Change of Names.

SECT. 2 amended. Requirement that fact of illegitimacy shall not appear in the record, stricken out. St. 1902, 544 § 22.

Chapter 157.—Of the Superior Court.

SECT. 1. Number of associate justices increased to twenty. St. 1902, 383.

SECT. 3. Provision for determining question in dispute as to care or custody of child, by proceeding on a writ of *habeas corpus*. St. 1902, 324.

SECT. 24. Sessions changed. Barnstable, St. 1902, 456 § 2. Suffolk, 1902, 456 § 1.

Chapter 159.—Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.

SECT. 3. Cl. 7 amended. Error corrected. St. 1902, 544 § 23.

Chapter 160.—Of Police, District and Municipal Courts.

SECT. 2. New court established, western Worcester. St. 1902, 416 §§ 1, 2. Northborough transferred from second to first eastern Worcester district. St. 1902, 161. Rowley annexed to district of police court of Newburyport. St. 1902, 455. Rutland annexed to central district of Worcester. St. 1902, 186.

SECT. 39. Sessions, district court of western Worcester. St. 1902, 416 § 4.

SECT. 64. Officers attending criminal sessions to wear uniforms. St. 1902, 368.

SECT. 67. Changes in salaries. Justice, first district court of Barnstable. St. 1902, 320. Clerk, municipal court of Brookline, 1902, 299. Clerk, police court of Holyoke, 1902, 356. Justice and clerk, second district of Plymouth, 1902, 360. Justice and clerk, second eastern district of Worcester, 1902, 378. Salary established, justice and clerk, western district of Worcester. St. 1902, 416 § 3.

SECT. 68. Compensation established of special justices of district court of Dukes County. St. 1902, 309.

Chapter 161. — Of Justices of the Peace and Trial Justices.

SECT. 14 amended. Error corrected. St. 1902, 544 § 24.

Chapter 162. — Of Probate Courts.

SECT. 3. Administration of French spoliation claim moneys. St. 1902, 371.

SECT. 4. Court may proceed by *habeas corpus* to determine question of care and custody of children in certain cases. St. 1902, 324.

SECT. 5. Certain proceedings of the probate courts confirmed. St. 1902, 538.

Chapter 163. — Of Courts of Insolvency.

SECT. 2 amended. Error corrected. St. 1902, 544 § 25.

Chapter 164. — Of Judges and Registers of Probate and Insolvency.

SECT. 29. Amount increased for Bristol. St. 1902, 412.

Chapter 165. — Of Clerks, Attorneys and Other Officers of Judicial Courts.

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SECT. 35. Salaries changed: third assistant, Middlesex. St. 1902, 358. Second, Suffolk, superior, 1902, 513. Suffolk, superior, assistant acting in cases from other counties, 1902, 499.

Chapter 184. — Of the Partition of Land.

SECT. 33 amended. Errors corrected. St. 1902, 544 § 26.

Chapter 191. — Of Habeas Corpus.

Provision for issue of writ of *habeas corpus* in cases of divorce, nullity of marriage, separate support or maintenance, or any proceeding, in which the care and custody of children is in question. St. 1902, 324.

Chapter 192. — Of Audita Querela, Certiorari, Mandamus and Quo Warranto.

SECT. 4 amended. St. 1902, 544 § 27.

Chapter 202. — Of the Limitation of Actions.

SECT. 4. Actions of tort for personal injuries against counties, cities and towns added. St. 1902, 406.

Chapter 203. — Of Costs in Civil Actions.

Certain items of cost added in cases of petitions for abolition of grade crossings under R. L. ch. 111. St. 1902, 298.

Chapter 204. — Of the Fees of Certain Officers.

SECT. 6 amended. City of Boston, as a party in civil actions, to pay no fees or expenses of suits to clerks of courts in Suffolk. St. 1902, 253.

Chapter 207. — Of Crimes against the Person.

An act to regulate speed and operation of automobiles and motor vehicles on highways. St. 1902, 315.

Chapter 208. — Of Crimes against Property.

SECT. 26. Misrepresentations as to articles for sale made punishable. St. 1902, 397.

SECT. 40 repealed. St. 1902, 544 § 28.

SECT. 60. Unauthorized wearing of *insignia* of a labor union is punishable. St. 1902, 430.

SECT. 61 amended. Error corrected. St. 1902, 544 § 29.

SECT. 100 amended, "or wantonly" added. St. 1902, 544 § 30.

SECTS. 101, 102 amended. "Wantonly" substituted for "wilfully and maliciously." St. 1902, 544 §§ 31, 32.

SECT. 106 amended. St. 1902, 544 § 33.

Chapter 212. — Of Crimes against Chastity, Morality, Decency and Good Order.

Advertising to perform or procure performance of marriage ceremony is punishable. St. 1902, 249.

Chapter 217. — Of Search Warrants.

SECT. 85 *et seq.* Probation officers of superior court shall report to board of prison commissioners if required. St. 1902, 196.

Chapter 220. — Of Judgment and Execution.

SECT. 4 amended. Unless otherwise provided, a person convicted of a misdemeanor, punishable by imprisonment, may be sentenced to jail or house of correction. St. 1902, 544 § 34.

Chapter 223. — Of the State Prison, the Massachusetts Reformatory and the Reformatory Prison for Women.

SECT. 19. Salary changed: physician and surgeon. St. 1902, 454.

Chapter 224. — Of Jails and Houses of Correction.

SECT. 11. See St. 1895, 449 § 14; 1896, 521, 536; 1897, 395.

Chapter 225. — Of the Officers and Inmates of Penal and Reformatory Institutions, and of Pardons.

SECT. 121 amended. St. 1902, 227. (See 1902, 196.)

 II.
CHANGES IN THE GENERAL LAWS

PASSED SINCE THE ENACTMENT OF THE "REVISED LAWS."

Statutes of 1902.

Chap.

- 114 See 1902, 534. R. L. 112.
 190 § 2, superseded, 1902, 544 §§ 10, 35. R. L. 75.
 206 See 1902, 213. R. L. 75.
 225 Superseded, 1902, 492. R. L. 11.
 250 See 1902, 292. R. L. 79.
 324 See 1902, 474. R. L. 145, 151, 152.
 348 § 1 superseded, 1902, 512. R. L. 11.
 370 See 1902, 441. R. L. 109.
 411 Repealed, 1902, 544 §§ 4, 35. R. L. 20.
 440 § 5. See 1902, 507. R. L. 111.

Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, August 29, 1902.

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 table of changes in general laws has been prepared, and is printed as an appendix to this edition of the laws, by direction of the governor, in accordance with the provisions of section 1 of chapter 9 of the Revised Laws.

WILLIAM M. OLIN,

Secretary of the Commonwealth.



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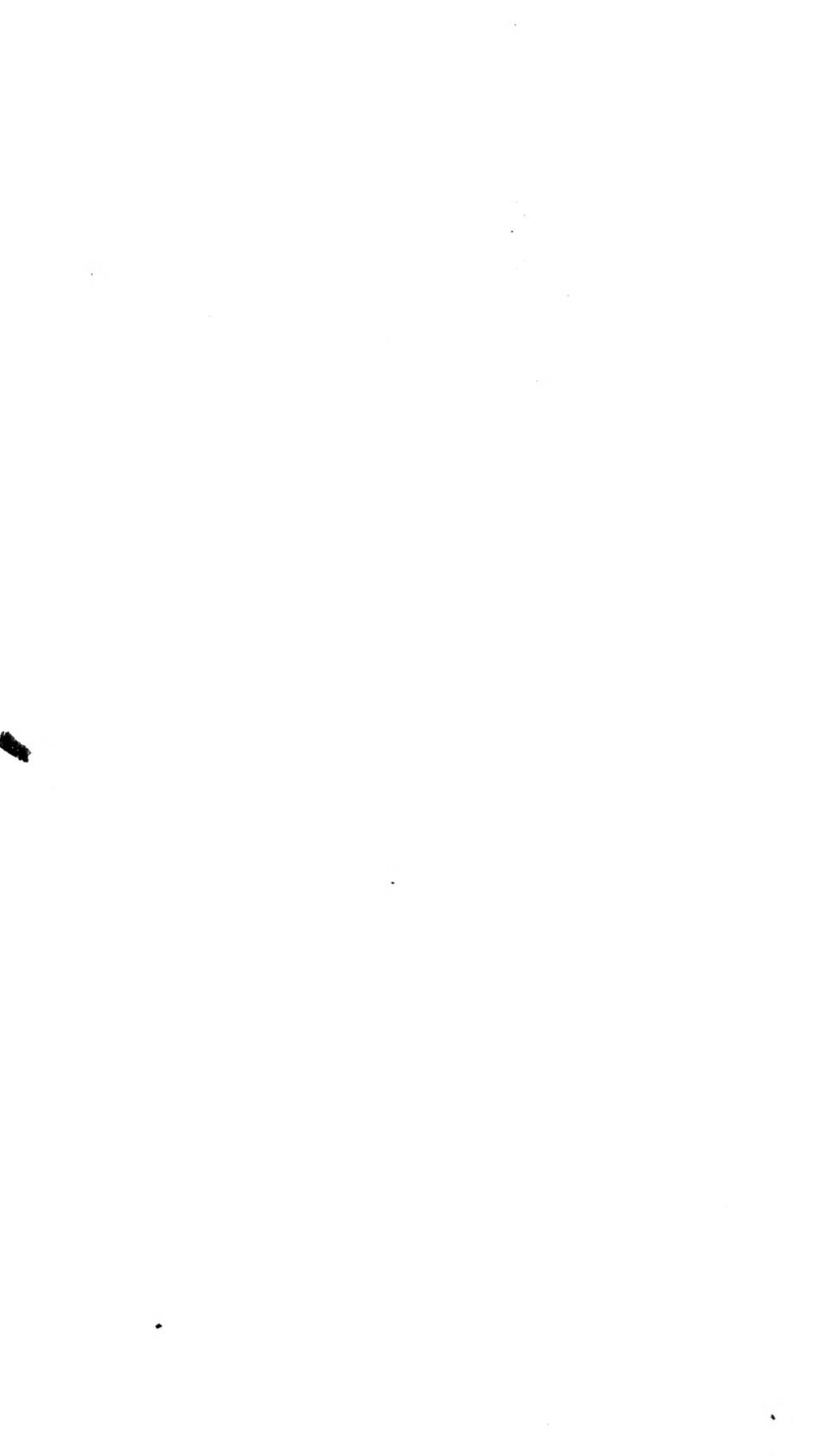
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