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General Court of Massachusetts,

IN THE YEAR

1903,

TOGETHER WITH

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

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.



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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 Cusb. 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.

and to enjoin attendance thereon.

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

Exclusive right of electing religious teachers secured.

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

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

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

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

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

Right of self government secured.

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

Accountability of all officers, etc.

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

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 infeasible right to institute government ; and to reform, alter, or totally change the same, when their protection, safety, prosperity, and happiness require it.

Right of people to secure rotation in office.

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

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

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.

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

Taxation founded on consent.

16 Mass. 326.
1 Pick. 418.
7 Pick. 344.
12 Pick. 184, 467.
16 Pick. 87.
23 Pick. 360.
7 Met. 388.
4 Gray, 474.
7 Gray, 363.
14 Gray, 154.
1 Allen, 150.
4 Allen, 474.

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

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

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. 423, 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.
108 Mass. 5, 6.

118 Mass. 443, 451.
120 Mass. 118, 120.

122 Mass. 332.
124 Mass. 464.

127 Mass. 550, 554.
129 Mass. 559.

Prosecutions⁷ regulated.
8 Pick. 211.
10 Pick. 9.
18 Pick. 434.
21 Pick. 542.
2 Met. 329.
12 Cusb. 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.

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

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

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

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

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

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

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

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

114 Mass. 388, 390.
120 Mass. 320, 321.

122 Mass. 505, 516.
123 Mass. 590, 593.

125 Mass. 182, 183.
128 Mass. 600.

Liberty of the press.

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

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

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

Moral qualifications for office.

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

Moral obligations of lawgivers and magistrates.

Right of people to instruct representatives and petition legislature.

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

Power to suspend the laws or their execution.

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

Freedom of debate, etc., and reason thereof.

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

Frequent sessions, and objects thereof.

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

Taxation founded on consent. 8 Allen, 247.

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

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

Ex post facto laws prohibited. 12 Allen, 421, 424, 425, 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.

Salaries.

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

Separation of executive, judicial, and legislative departments. 2 Cush. 577. 2 Allen, 361. 3 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.

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

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

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. 386, 389.
 123 Mass. 493, 495.
 127 Mass. 413.
 may impose taxes, etc., to be disposed of for defence, protection, etc.
 8 Allen, 247, 256.
 Valuation of estates once in ten years, at least, while, etc.
 8 Allen, 247.
 126 Mass. 547.

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

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

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

CHAPTER I.

SECTION II.

Senate.

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

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

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-

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

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

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

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

Counties to be districts, until, etc.

Manner and time of choosing senators and councillors. 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.

Selectmen to preside at town meetings.

Return of votes.

As to cities, see amendments, Art. II.

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

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

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

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

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

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

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

Senate to be final judge of elections, etc.,

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.

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

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.

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.

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

As to cities, see amendments, Art. II.

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

Changed to plurality by amendments, Art. XIV.

How chosen, when no person has a plurality.

Power of governor, and of governor and council.

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, etc., 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 exer-
cise the power
of governor in
case, etc.

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

Elections may
be adjourned
until, etc.

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

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, etc.

ARTICLE I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and] naval officers, shall be chosen annually, by joint ballot of the senators and representatives in one room. And, that the citizens of this commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the pub-

Secretary, etc.,
by whom and
how chosen.
For provision as
to election of
secretary, treas-
urer and re-
ceiver-general,
and auditor and
attorney-gener-
al, see amend-
ments, 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.

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.

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.

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

Oaths and affirmations, how administered.

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

Same subject. 1 Allen, 533.

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. 107, 115. 2 Met. 118.

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

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

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

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

The enacting style.

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

Officers of former government continued until, etc.

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

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

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

Provision for revising constitution.

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

Provision for preserving and publishing this constitution.

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

ARTICLES OF AMENDMENT.

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

7 Gray, 299.
122 Mass. 595, 597.
124 Mass. 596.
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.

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

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

Notaries public, how appointed and removed.

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

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

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

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

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

Militia officers, how removed.

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

Who may vote for captains and subalterns.

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

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

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

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.

Basis of representation, and ratio of increase.

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

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

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

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

Qualifications of councillors.

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

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

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

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators, and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect rep-

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.

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.

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

shall be by them declared and published ; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

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

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.

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

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.

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.]

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.

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., relative to payment of a tax as a voting qualification, 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 qualification 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., relative 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.

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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.

1903.

¶ The General Court of the year nineteen hundred and three assembled on Wednesday, the seventh day of January. The oaths of office were taken and subscribed by His Excellency JOHN L. BATES and His Honor CURTIS GUILD, Jr., on Thursday, the eighth 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 three, 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-eight 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,
stationery,
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, a sum not exceeding ten thousand dollars.

Advertising
hearings.

For expenses of advertising hearings of the committees of the present general court, to include expenses of mailing the advertisements to the various newspapers, a sum not exceeding fifteen thousand dollars.

Witness fees.

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 16, 1903.

Chap. 2 AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF PREMIUMS ON SECURITIES PURCHASED FOR THE MASSACHUSETTS SCHOOL FUND.

Be it enacted, etc., as follows:

Payment of
premiums
on certain
securities.

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 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.

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

Approved January 29, 1903.

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 three, 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, one thousand dollars.

Messenger.

For the salary of the assistant executive messenger, eight hundred dollars.

Assistant.

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.

For the payment of extraordinary expenses, to be expended under the direction of the governor and council, a sum not exceeding fifteen thousand dollars.

Extraordinary expenses.

Indexes, etc.,
to statutes.

For the preparation of tables and indexes relating to the statutes of the present and previous years, a sum not exceeding five hundred dollars.

Reimburse-
ment of towns.

For reimbursement of 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 31, 1903.

Chap. 4 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 three, 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.

Stenographers,
etc.

For stenographers and such additional clerical assistance as the auditor may find necessary for the proper despatch of public business, a sum not exceeding four thousand dollars.

Messenger.

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

Printing
expert.

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

Expenses.

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

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

Approved January 31, 1903.

Chap. 5 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE DEPARTMENT OF THE ATTORNEY-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 three, to wit :—

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 may be deemed necessary in the discharge of his duties, and also for any 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 January 31, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BALLOT LAW COMMISSION. Chap. 6

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 three, 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 31, 1903.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN THE OFFICE OF THE CIVIL SERVICE COMMISSIONERS. Chap. 7

Be it enacted, etc., as follows :

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

- Registrar of labor. For the salary of the registrar of labor of the civil service commission, two thousand dollars.
- Expenses. For clerical assistance, and for office, printing, travelling and incidental expenses of the commissioners, chief examiner and secretary, and for advertising and stationery, a sum not exceeding sixteen thousand seven hundred dollars.
- Annual report. For printing and binding the annual report of the civil service commission, a sum not exceeding eight hundred and fifty dollars.

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

Approved January 31, 1903.

Chap. 8 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE STATE BOARD OF CONCILIATION AND ARBITRATION.

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 three, 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 nine thousand dollars, which shall include the compensation of expert assistants.
- Annual report. For printing and binding the annual report of the board, a sum not exceeding four hundred dollars.

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

Approved January 31, 1903.

Chap. 9 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE BOARD OF FREE PUBLIC LIBRARY 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 three, to wit : —

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

For printing and binding the annual report of the free public library commissioners, a sum not exceeding two hundred dollars. Annual report.

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

Approved January 31, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE SALARY AND EXPENSES OF THE COMMISSIONER OF PUBLIC RECORDS. Chap. 10

Be it enacted, etc., as follows :

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

For the salary of the commissioner of public records, twenty-five hundred dollars. Commissioner of public records.

For travelling, clerical and other necessary expenses of the commissioner of public records, including the printing of his annual report, 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, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES OF THE COMMISSIONERS OF SAVINGS BANKS. Chap. 11

Be it enacted, etc., as follows :

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

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

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, two thousand dollars.
Second clerk.	For the salary of the second clerk of the commissioners, fifteen hundred dollars.
Third clerk.	For the salary of the third clerk of the commissioners, twelve hundred dollars.
Additional clerks, etc.	For such additional clerks and expert assistants as the commissioners may deem necessary, a sum not exceeding twenty-five hundred dollars.
Expenses.	For travelling and incidental expenses of the commissioners, a sum not exceeding three thousand dollars.
Annual report.	For printing and binding the annual report of the commissioners, a sum not exceeding five thousand dollars.
Report on unclaimed deposits.	For printing and binding a supplementary report on unclaimed deposits in savings banks, a sum not exceeding two hundred and seventy-five dollars.

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

Approved January 31, 1903.

Chap. 12 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 support of the state library for the year ending on the thirty-first day of December, nineteen hundred and three, to wit:—
Librarian.	For the salary of the librarian, three thousand dollars.
Purchase of books.	For the purchase of books, sixty-five hundred dollars.
Clerical assistance.	For such clerical assistance as may be necessary, a sum not exceeding forty-three hundred dollars.
Index to current events.	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.
Expenses.	For contingent expenses, to be expended under the direction of the trustees and librarian, a sum not exceeding twenty-five hundred dollars.
Annual report.	For printing and binding the annual report of the librarian, a sum not exceeding eight hundred dollars.

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

Approved January 31, 1903.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 13*
 IN THE OFFICE OF THE CONTROLLER OF COUNTY ACCOUNTS.

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 three, to wit: —

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

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

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

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

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

For printing and binding the annual report of the controller of county accounts, a sum not exceeding two hundred and fifty dollars. Annual report.

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

Approved January 31, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES *Chap. 14*
 OF THE MASSACHUSETTS HIGHWAY COMMISSION.

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 three, to wit: —

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

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

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

- Rent of offices. For rent of offices for the use of the commission, a sum not exceeding four thousand seven hundred and fifty dollars.
- Road-building machinery. For the care and repair of road-building machinery, a sum not exceeding fifteen hundred dollars.
- Annual report. For printing and binding the annual report of the commission, a sum not exceeding twelve hundred dollars.

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

Approved January 31, 1903.

Chap. 15 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 three, 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.
- Annual report. For printing and binding the annual report of the tax commissioner, a sum not exceeding one thousand dollars.

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

Approved January 31, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE STATE HIGHWAY
LOAN SINKING FUND. *Chap. 16*

Be it enacted, etc., as follows:

SECTION 1. The sum of sixty-six thousand four hundred three dollars and fifty-nine 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. State Highway
Loan Sinking
Fund.

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

Approved January 31, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS
SCHOOL FUND. *Chap. 17*

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 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. Massachusetts
School Fund.

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

Approved January 31, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE STATE HOUSE LOANS
SINKING FUND. *Chap. 18*

Be it enacted, etc., as follows:

SECTION 1. The sum of sixty-nine thousand three hundred forty-seven dollars and sixty 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 Sinking
Fund.

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

Approved January 31, 1903.

Chap. 19 AN ACT MAKING AN APPROPRIATION FOR THE MEDFIELD INSANE ASYLUM LOAN SINKING FUND.

Be it enacted, etc., as follows:

Medfield
Insane Asylum
Loan Sinking
Fund.

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

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

Approved January 31, 1903.

Chap. 20 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS WAR LOAN SINKING FUND.

Be it enacted, etc., as follows:

Massachusetts
War Loan
Sinking Fund.

SECTION 1. The sum of five hundred sixty-seven dollars and fifty-one cents is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the Massachusetts War Loan Sinking Fund, as provided for by chapter five hundred and sixty-one of the acts of the year eighteen hundred and ninety-eight, said sum being the estimate of the treasurer and receiver general.

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

Approved January 31, 1903.

Chap. 21 AN ACT MAKING AN APPROPRIATION FOR THE PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows:

Perkins Insti-
tution and
Massachusetts
School for
the Blind.

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.

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

Approved January 31, 1903.

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

Chap. 22

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 three, to wit: —

Appropriations.

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

Agricultural experiment station.

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

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

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

Approved January 31, 1903.

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

Chap. 23

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 three, to wit: —

Appropriations.

For annuities to soldiers and others, as authorized by the general court, the sum of six thousand nine hundred and sixty-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 31, 1903.

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

Chap. 24

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,

Removal of 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 three.

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

Approved January 31, 1903.

Chap. 25 AN ACT MAKING AN APPROPRIATION FOR THE PUBLICATION OF A RECORD OF MASSACHUSETTS SOLDIERS AND SAILORS WHO SERVED IN THE WAR OF THE REBELLION.

Be it enacted, etc., as follows:

Publication
of record of
soldiers and
sailors.

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 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, 1903.

Chap. 26 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 31, 1903.

Chap. 27 AN ACT MAKING AN APPROPRIATION FOR THE INSTRUCTION OF THE ADULT BLIND AT THEIR HOMES BY THE PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND.

Be it enacted, etc., as follows:

Instruction of
adult blind.

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 provide for the

instruction of the adult blind at their homes by the Perkins Institution and Massachusetts School for the Blind, for the year ending on the thirty-first day of December, nineteen hundred and three.

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

Approved January 31, 1903.

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.

Chap. 28

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 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 three.

Preservation of harbors, etc.

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

Approved January 31, 1903.

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

Chap. 29

Be it enacted, etc., as follows:

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 three.

Inspectors of animals.

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

Approved January 31, 1903.

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

Chap. 30

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding thirty thousand dollars is hereby appropriated, to be paid out of the treasury

Tuition of certain children.

of the Commonwealth from the ordinary revenue, for payment of the tuition of children in high schools outside of the town in which they live, in so far as such payment is provided for by section three of chapter forty-two of the Revised Laws, as amended by chapter four hundred and thirty-three of the acts of the year nineteen hundred and two.

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

Approved January 31, 1903.

Chap. 31 AN ACT MAKING APPROPRIATIONS FOR 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 Massachusetts Agricultural College, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit:—

Massachusetts Agricultural College, scholarships, Labor fund, etc.

For providing eighty free scholarships, the sum of ten thousand dollars.

To be expended under the direction of the trustees, the sum of ten thousand dollars, as follows:—Five thousand dollars for the establishment of a labor fund to assist needy students of the 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 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 college, a sum not exceeding five hundred dollars.

Veterinary laboratory.

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

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

Approved January 31, 1903.

Chap. 32 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 31, 1903.

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

Chap. 33

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 three, to wit: —

Appropriations.

SUPREME JUDICIAL COURT.

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

Supreme judicial court, chief justice.

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

Associate justices.

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

Clerk.

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

Clerical assistance to clerk.

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

Clerical assistance to justices.

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

Expenses.

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.

Reporter of decisions, etc.

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

Officers and messenger.

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

Clerk for Suffolk.

SUPERIOR COURT.

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

Superior court, chief justice.

For the salaries and travelling expenses of the twenty

Associate justices.

associate justices of the superior court, one hundred and forty thousand dollars.

Assistant clerk.

For the salary of the assistant clerk of the superior court, five hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

Probate and insolvency judges, Barnstable, Berkshire.

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

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

Bristol.

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

Dukes County.

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

Essex.

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

Franklin.

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

Hampden.

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

Hampshire.

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

Middlesex.

For the salaries of the two judges of probate and insolvency for the county of Middlesex, forty-five hundred dollars each.

Nantucket.

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

Norfolk.

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

Plymouth.

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

Suffolk.

For the salaries of the two judges of probate and insolvency for the county of Suffolk, five thousand dollars each.

Worcester.

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

Acting in other counties.

For the compensation of judges of probate and insolvency acting in other counties than their own, a sum not exceeding three thousand dollars.

Register, Barnstable.

For the salary of the register of probate and insolvency for the county of Barnstable, thirteen hundred dollars.

Berkshire.

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

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.

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

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

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

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

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

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

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

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

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

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

For the salary of the assistant register of probate and insolvency for the county of Bristol, one thousand dollars. Assistant register, Bristol.

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

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

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

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

For the salary of the assistant register of probate and insolvency for the county of Suffolk, twenty-eight hundred dollars. Suffolk.

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

- Clerical assistance, Bristol. For extra clerical assistance to the register of probate and insolvency for the county of Bristol, a sum not exceeding two hundred dollars.
- Essex. For extra clerical assistance to the register of probate and insolvency for the county of Essex, a sum not exceeding twenty-five hundred dollars.
- Hampden. For extra clerical assistance to the register of probate and insolvency for the county of Hampden, a sum not exceeding six hundred dollars.
- Middlesex. For extra clerical assistance to the register of probate and insolvency for the county of Middlesex, a sum not exceeding four thousand dollars.
- Norfolk. For extra clerical assistance to the register of probate and insolvency for the county of Norfolk, a sum not exceeding six hundred dollars.
- Plymouth. For extra clerical assistance to the register of probate and insolvency for the county of Plymouth, a sum not exceeding five hundred dollars.
- Suffolk. For extra clerical assistance to the register of probate and insolvency for the county of Suffolk, a sum not exceeding fifty-one hundred dollars.
- Worcester. 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.
- Clerk of register, Suffolk. For the salary of the clerk of the register of probate and insolvency for the county of Suffolk, twelve hundred dollars.
- In the several counties except Suffolk. For extra clerical assistance to the courts of probate and insolvency in the several counties of the Commonwealth, excepting Suffolk county, a sum not exceeding nine thousand dollars.
- Expenses. For expenses of courts of probate and insolvency, a sum not exceeding thirty-five hundred dollars.

DISTRICT ATTORNEYS.

- District attorney, Suffolk. For the salary of the district attorney for the Suffolk district, five thousand dollars.
- First assistant. For the salary of the first assistant district attorney for the Suffolk district, thirty-eight hundred dollars.
- Second assistant. For the salary of the second assistant district attorney for the Suffolk district, thirty-eight hundred dollars.
- Clerk. For the salary of the clerk of the district attorney for the Suffolk district, eighteen hundred dollars.

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

For the salary of the assistant district attorney for the northern district, fifteen hundred dollars. Assistant.

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

For the salary of the assistant district attorney for the eastern district, fourteen hundred dollars. Assistant.

For the salary of the district attorney for the southeastern district, twenty-four hundred dollars. Southeastern district.

For the salary of the assistant district attorney for the southeastern district, fourteen hundred dollars. Assistant.

For the salary of the district attorney for the southern district, twenty-two hundred dollars. Southern district.

For the salary of the assistant district attorney for the southern district, twelve hundred dollars. Assistant.

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

For the salary of the assistant district attorney for the middle district, twelve hundred dollars. Assistant.

For the salary of the district attorney for the western district, twenty-one hundred dollars. Western district.

For the salary of the district attorney for the northwestern district, thirteen hundred and fifty dollars. Northwestern district.

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

Approved January 31, 1903.

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

Chap. 34

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 three, 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.

- Cashier. For the salary of the cashier in the secretary's department, a sum not exceeding twelve hundred dollars.
- Extra clerks and messengers. For messengers and such additional clerical assistance as the secretary may find necessary, a sum not exceeding twenty-six thousand dollars.
- Expenses. For incidental and contingent expenses in the secretary's department, a sum not exceeding thirty-five hundred dollars.
- Arrangement of records, etc. For the arrangement and preservation of state records and papers, a sum not exceeding five thousand dollars.
- Postage, 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.
- Ballot boxes. For furnishing cities and towns with ballot boxes, and for repairs to the same, a sum not exceeding three thousand dollars.
- Regimental histories. For the purchase of histories of regiments, batteries and other military organizations of the Massachusetts volunteers who served in the civil war, a sum not exceeding two thousand dollars.

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

Approved January 31, 1903.

Chap. 35 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 three, 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.

For the salary of the paying teller in the treasurer's department, eighteen hundred dollars.	Paying teller.
For the salary of the assistant paying teller in the treasurer's department, one thousand dollars.	Assistant paying teller.
For the salary of the cashier in the treasurer's department, twenty-two hundred dollars.	Cashier.
For the salary of the assistant bookkeeper in the treasurer's department, twelve hundred dollars.	Assistant bookkeeper.
For the salary of the fund clerk in the treasurer's department, fifteen hundred dollars.	Fund clerk.
For the salary of the warrant clerk in the treasurer's department, twelve hundred dollars.	Warrant clerk.
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 four 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, fifteen 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.	
<i>Approved January 31, 1903.</i>	

Chap. 36 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 bureau of statistics of labor, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit: —

Chief of bureau of statistics of labor.

For the salary of the chief of the bureau, three thousand dollars.

First clerk

For the salary of the first clerk, two thousand dollars.

Second clerk.

For the salary of the second clerk, sixteen hundred and fifty dollars.

Special agents.

For the salaries of the two special agents of the bureau, the sum of twenty-four hundred dollars.

Clerical assistance.

For such additional clerical assistance and for such expenses of the bureau 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.

Annual report.

For printing and binding the annual reports of the bureau, a sum not exceeding forty-two hundred dollars.

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

Approved January 31, 1903.

Chap. 37 AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES
OF THE HARBOR AND LAND 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 salaries and expenses of the harbor and land commissioners, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit: —

Harbor and land commissioners, salaries.

For the salaries of the commissioners, eighty-seven hundred dollars.

For the compensation and expenses of the engineer, and for clerical and other assistance authorized by the commissioners, a sum not exceeding twenty-eight thousand dollars. Clerical assistance, etc.

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

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

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

For printing and binding the annual report, a sum not exceeding five hundred and fifty dollars. Annual report.

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

Approved January 31, 1903.

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

Chap. 38

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 three, to wit : — Appropriations.

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

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

For the salary of the actuary in the insurance department, two thousand dollars. Actuary.

For the salary of the examiner in the insurance department, two thousand dollars. Examiner.

For the salary of the chief clerk in the insurance department, two thousand dollars. Chief clerk.

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

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

For such additional clerks and assistants as the insurance commissioner may find necessary for the despatch of public business, a sum not exceeding twenty-six thousand and twenty-five dollars. Additional clerks, etc.

Expenses. For incidental and contingent expenses of the insurance commissioner, a sum not exceeding four thousand dollars.

Annual report. For printing and binding the annual report of the insurance commissioner, a sum not exceeding forty-six hundred dollars.

SECTION 2. This act shall take effect upon its passage.
Approved January 31, 1903.

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 Commonwealth from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit :—

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

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

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

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

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

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

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

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

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

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

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

For printing and binding the annual report of the prison commissioners, a sum not exceeding eleven hundred and twenty-five dollars. Annual report.

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

Approved January 31, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES OF EMPLOYEES AND FOR OTHER NECESSARY EXPENSES IN THE DEPARTMENT OF THE SERGEANT-AT-ARMS. Chap. 40

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 three, to wit : — Appropriations.

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

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

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 fifty-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 the removal of ashes, a sum not exceeding thirty-five 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 occu- Care of state house, etc.

pied by state departments, a sum not exceeding twenty-two thousand dollars.

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

Messengers. 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.

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

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

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

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

Approved January 31, 1903.

Chap. 41 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 three, to wit:—

State and military aid. For reimbursement of cities and towns for money paid on account of state and military aid to Massachusetts volunteers and their families, a sum not exceeding seven hundred and ninety-four thousand dollars, the same to be paid on or before the tenth day of December in the year nineteen hundred and three.

Commissioner of state aid and pensions. For the salary of the commissioner of state aid and pensions, twenty-five hundred dollars.

Deputy. For the salary of the deputy commissioner of state aid and pensions, two thousand dollars.

Clerical assistance, etc. For clerical assistance, salaries and expenses of agents, and for other expenses of the commissioner of state aid and pensions, a sum not exceeding thirteen thousand seven hundred and forty dollars.

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

Approved January 31, 1903.

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

Chap. 42

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 three, to wit : —

Appropriations.

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

Nautical training school.

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

Expenses of commissioners.

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

Approved January 31, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE PRESERVATION OF TOWN RECORDS OF BIRTHS, MARRIAGES AND DEATHS.

Chap. 43

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding fifteen thousand dollars is hereby 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 three, for the preservation of town records of births, marriages and deaths previous to the year eighteen hundred and fifty.

Preservation of certain town records.

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

Approved January 31, 1903.

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

Chap. 44

Be it enacted, etc., as follows :

SECTION 1. The sum of sixty-seven thousand seven hundred and sixty-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 School for the Feeble-minded during the present year, said

Massachusetts School for the Feeble-minded.

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, the same to include printing and binding the annual report, 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, 1903.

Chap. 45 AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE
MEDFIELD INSANE ASYLUM.

Be it enacted, etc., as follows:

Medfield
insane asylum.

SECTION 1. The sum of forty-eight thousand five hundred forty-seven dollars and ninety-two cents is hereby 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 present year, said sum being based upon the average number of state 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 include printing and binding the annual report, 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, 1903.

Chap. 46 AN ACT MAKING APPROPRIATIONS FOR THE STATE COLONY FOR
THE INSANE.

Be it enacted, etc., as follows:

State colony
for the insane.

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 state colony for the insane, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit:—

For salaries, wages and labor, a sum not exceeding six thousand dollars. Salaries, etc.

For current expenses, a sum not exceeding seven thousand six hundred dollars. Expenses.

For printing and binding the annual report, a sum not exceeding two hundred dollars. Annual report.

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

Approved January 31, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE DANVERS INSANE HOSPITAL. *Chap. 47*

Be it enacted, etc., as follows:

SECTION 1. The sum of forty-three thousand seventy-four dollars and forty-six 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, and to include the expense of printing and binding the annual report, 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 31, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE SUPPORT OF THE NORTHAMPTON INSANE HOSPITAL. *Chap. 48*

Be it enacted, etc., as follows:

SECTION 1. The sum of nineteen thousand four hundred and ninety 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, the same to include printing and bind- Northampton insane hospital.

ing the annual report, 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, 1903.

Chap. 49 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 thirty-five thousand forty-six dollars and eighty-eight 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 31, 1903.

Chap. 50 AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE FIREMEN'S ASSOCIATION.

Be it enacted, etc., as follows :

Massachusetts
State Fire-
men's Asso-
ciation.

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 by chapter one hundred and eight of the acts of the year nineteen hundred and two. The cost of printing and binding the annual report shall be paid from this appropriation.

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

Approved January 31, 1903.

AN ACT TO AUTHORIZE THE SCITUATE WATER COMPANY TO INCREASE ITS CAPITAL STOCK AND TO ISSUE ADDITIONAL BONDS SECURED BY MORTGAGE OF ITS PROPERTY. Chap. 51

Be it enacted, etc., as follows:

Section six of chapter three hundred and ninety-one of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the word "sixty", in the fourth line, and inserting in place thereof the words:— one hundred,— so as to read as follows:—

Section 6. The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue bonds to an amount not exceeding the amount of its capital stock actually paid in and applied to the purpose of its incorporation, and may secure the same at any time by a mortgage of its franchise and property.

1893, 391, § 6,
amended.

Scituate Water
Company may
increase its
capital stock,
etc.

Approved February 3, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE TAUNTON INSANE HOSPITAL. 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 three, to wit:—

For the support of the Taunton insane hospital, the sum of forty-five thousand six hundred and thirty dollars, 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.

Appropriations.

Taunton insane hospital.

Annual report. For printing and binding the annual report of said institution, a sum not exceeding two hundred and twenty-five dollars.

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

Approved February 3, 1903.

Chap. 53 AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE WORCESTER INSANE 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 three, to wit: —

Worcester insane hospital.

For the support of the Worcester insane hospital, the sum of fifty-nine thousand two hundred fifty-four dollars and eighty-eight cents, 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.

Annual report.

For printing and binding the annual report of said institution, a sum not exceeding three hundred dollars.

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

Approved February 3, 1903.

Chap. 54 AN ACT RELATIVE TO THE SITTINGS OF THE SUPREME JUDICIAL COURT AND THE SUPERIOR COURT FOR THE COUNTY OF PLYMOUTH.

Be it enacted, etc., as follows:

R. L. 156, § 15, amended.

SECTION 1. Section fifteen of chapter one hundred and fifty-six of the Revised Laws is hereby amended by inserting after the word "Norfolk", in the sixth line, the word: — Plymouth, — so as to read as follows: — *Section 15.*

Sittings of supreme judicial court.

A law sitting of the court for the Commonwealth shall be held annually at Boston on the first Wednesday of January and may be adjourned from time to time to places and times most conducive to the despatch of business and to the interests of the public. At such sitting, questions of law arising in the counties of Barnstable, Middlesex,

Norfolk, Plymouth and Suffolk and, by consent of the parties filed in the case, such questions arising in other counties, and such questions for which no other provision is made, shall be entered and determined.

SECTION 2. Section sixteen of said chapter of the Revised Laws is hereby amended by striking out the words "For the county of Plymouth, at Plymouth, on the third Tuesday of October", in the thirteenth and fourteenth lines.

R. L. 156, § 16, amended.

SECTION 3. Sittings of the superior court shall be held within and for the county of Plymouth as follows: — At Plymouth for criminal business on the first Mondays of February, June and October of each year, for civil business at Plymouth on the second Mondays of March and September, and at Brockton on the first Mondays of May and November of each year.

Sittings of superior court for Plymouth county.

SECTION 4. All appeals, recognizances, processes and every other matter of criminal business which would be returnable to or have day in the sitting of the superior court to be holden in said county of Plymouth on the second Monday of June next, if this act had not been passed, shall be returnable to and have day in the sitting hereby established to be held on the first Monday of said June.

Return day in criminal cases.

SECTION 5. Section twenty-four of chapter one hundred and fifty-seven of the Revised Laws is hereby amended by striking out the words "For the county of Plymouth, at Plymouth, on the second Mondays of February and June and the fourth Monday of October", in the forty-first and forty-second lines.

R. L. 157, § 24, amended.

SECTION 6. This act shall take effect upon its passage as to the provisions of sections one, two and four and as to all matters preliminary to the sittings hereby established, and shall take full effect on the first day of June in the year nineteen hundred and three.

When to take effect.

Approved February 6, 1903.

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

Chap. 55

Be it enacted, etc., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the Commonwealth

Appropriations.

from the ordinary revenue, for the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit :—

Public documents.

For printing and binding the series of public documents, a sum not exceeding nine thousand dollars.

Pamphlet edition, acts and resolves.

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

Blue book.

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

Publication of laws, etc.

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

Decisions of supreme judicial court.

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

Purchase of paper.

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

Assessors' books, etc.

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

Registration books, etc.

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

Printing, etc., ballots.

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

Blank forms, etc.

For blank forms for town officers, election laws and instructions on all matters relating to elections, and for the expense 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.

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

Approved February 13, 1903.

Chap. 56 AN ACT MAKING APPROPRIATIONS FOR 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 the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit :—

For the salaries of the members of the board of registration in dentistry, fourteen hundred dollars. Board of registration in dentistry.

For travelling and other expenses of said board, a sum not exceeding one thousand dollars. Expenses.

For clerical services, postage, printing and other necessary expenses of said board, including the printing of its annual report, a sum not exceeding twelve hundred and fifty dollars. Clerical services, annual report, etc.

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

Approved February 13, 1903.

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

Chap. 57

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 three, to wit : — Appropriations.

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

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

For the salary of the assistant clerk of the railroad commissioners, a sum not exceeding twelve hundred dollars. Assistant clerk.

For such additional clerical assistance as the railroad commissioners may deem necessary for the proper despatch of public business, a sum not exceeding twelve hundred dollars. Clerical assistance.

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

For the salaries and expenses of the steam railroad inspectors, a sum not exceeding nine thousand dollars. Steam railroad inspectors.

For the compensation of experts or other agents of the railroad commissioners, a sum not exceeding eight thousand two hundred dollars. Experts, etc.

For rent, care of office and salary of a messenger for the railroad commissioners, a sum not exceeding five thousand three hundred dollars. Rent, messenger, etc.

For books, maps, statistics, stationery and incidental and contingent expenses of the railroad commissioners, a sum not exceeding three thousand dollars. Stationery, etc.

Evidence at inquests.

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.

Stenographer, etc.

For a stenographer and stenographic reports, a sum not exceeding twelve hundred dollars.

Annual report.

For printing and binding the annual report of the railroad commissioners, a sum not exceeding five thousand dollars.

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

Approved February 13, 1903.

Chap. 58

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN MEDICINE.

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 three, to wit :—

Board of registration in medicine.

For the salaries of the members of the board of registration in medicine, forty-three hundred dollars.

Expenses.

For travelling and other expenses of said board, a sum not exceeding eight hundred dollars.

Clerical services, annual report, etc.

For clerical services, printing, postage, office supplies, and contingent expenses of the members of said board, including the printing of its annual report, a sum not exceeding seventeen hundred and fifty dollars.

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

Approved February 13, 1903.

Chap. 59

AN ACT MAKING APPROPRIATIONS FOR THE BOARD OF REGISTRATION IN 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 the purposes specified, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit :—

Board of registration in pharmacy.

For the salaries of the members of the board of registration in pharmacy, twenty-four hundred dollars.

Expenses.

For travelling and other expenses of the members of said board, a sum not exceeding fourteen hundred and seventy-five dollars.

For the salary and expenses of the agent of said board, a sum not exceeding twenty-four hundred dollars. Agent.

For a stenographer, witness fees and incidental and contingent expenses of said board, the same to include printing the annual report, a sum not exceeding fourteen hundred and fifty dollars. Stenographer, annual report, etc.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE TRUSTEES OF THE LYMAN AND INDUSTRIAL SCHOOLS. Chap. 60

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 three, to wit: — Appropriations.

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

For printing and binding the annual report of the Lyman and industrial schools, a sum not exceeding three hundred dollars. Annual report.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE MASSACHUSETTS REFORMATORY. Chap. 61

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

For the salaries of officers, a sum not exceeding eighty-two thousand dollars. Massachusetts reformatory, salaries of officers.

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

For other current expenses, a sum not exceeding one hundred and nine thousand seven hundred dollars. Expenses.

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

Approved February 13, 1903.

Chap. 62 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 three, to wit:—

State prison, salaries.

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 dollars.

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

Approved February 13, 1903.

Chap. 63 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES
AT THE REFORMATORY PRISON FOR WOMEN.

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 reformatory prison for women, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit:—

Reformatory prison for women, salaries, etc.
Expenses.

For salaries, wages and labor, a sum not exceeding twenty-five thousand dollars.

For other current expenses, a sum not exceeding thirty-two thousand dollars.

Town of Framingham.

For the town of Framingham, toward the annual expense of maintaining and operating the system of sewage disposal at said prison, the sum of six hundred dollars.

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

Approved February 13, 1903.

Chap. 64 AN ACT MAKING AN APPROPRIATION FOR THE PAYMENT OF CERTAIN CLAIMS ARISING FROM THE DEATH OF FIREMEN IN THE DISCHARGE OF THEIR DUTIES.

Be it enacted, etc., as follows:

Payment of certain claims arising from the death of firemen.

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 any 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 three.

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

Approved February 13, 1903.

AN ACT MAKING AN APPROPRIATION FOR PRINTING AND BINDING
THE ANNUAL REPORT OF THE METROPOLITAN WATER AND SEWER-
AGE BOARD.

Chap. 65

Be it enacted, etc., as follows :

SECTION 1. The sum of twenty-five hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for printing and binding the annual report of the metropolitan water and sewerage board, the cost of the same to be assessed and collected by the treasurer and receiver general equally upon and from the metropolitan water and metropolitan sewerage districts.

Report of the metropolitan water and sewerage board.

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

Approved February 13, 1903.

AN ACT MAKING AN APPROPRIATION FOR DREDGING A PART OF
THE SOUTHERLY SHORE OF SOUTH BOSTON.

Chap. 66

Be it enacted, etc., as follows :

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, to be expended by the board of harbor and land commissioners in dredging a part of the southerly shore of South Boston, during the year ending on the thirty-first day of December, nineteen hundred and three.

Dredging part of southerly shore of South Boston.

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

Approved February 13, 1903.

Chap. 67 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 three, to wit:—

Unclaimed moneys in hands of receivers.

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 twenty-five hundred dollars.

Funds received from public administrators.

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

Medical examiner's fees.

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

Construction, etc., of roads in Mashpee.

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

Beach Point road.

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.

City of Waltham.

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, as provided for by section three of chapter eighty-three of the acts of the year eighteen hundred and ninety-three, the sum of eight hundred twenty dollars and eighty-nine cents.

Sarah J. Robinson.

For the support of Sarah J. Robinson, a prisoner in one of the jails in Middlesex county, a sum not exceeding four hundred dollars.

Small items of expenditure.

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.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES *Chap. 68*
 IN THE OFFICE OF THE STATE BOARD OF HEALTH.

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 state board of health, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit: —

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

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

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

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

For printing and binding the annual report, a sum not exceeding four thousand dollars.

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

Approved February 13, 1903.

AN ACT MAKING AN APPROPRIATION FOR PROTECTING THE PURITY *Chap. 69*
 OF INLAND WATERS.

Be it enacted, etc., as follows:

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 the 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 three.

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

Approved February 13, 1903.

Chap. 70 AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE BOARD OF INSANITY.

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 state board of insanity, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit:—

State board of insanity, expenses.

For travelling and office expenses of the board, a sum not exceeding forty-five hundred dollars.

Officers and employees.

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

Transportation, etc., of state paupers.

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

Support of certain insane paupers.

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

Support of certain state paupers.

For the support of state paupers in the Hospital Cottages for Children, a sum not exceeding six thousand five hundred dollars.

Annual report.

For printing and binding the annual report, a sum not exceeding nine hundred dollars.

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

Approved February 13, 1903.

Chap. 71 AN ACT MAKING AN APPROPRIATION FOR OPERATING THE NORTH METROPOLITAN SYSTEM OF SEWERAGE.

Be it enacted, etc., as follows:

North Metropolitan System of sewerage.

SECTION 1. A sum not exceeding one hundred and twenty-two thousand six 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 three.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE SALARIES AND EXPENSES *Chap. 72*
OF THE DISTRICT POLICE.

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 three, to wit:—
- For the salary of the chief of the district police, twenty-five hundred dollars. Appropriations.
Chief of district police.
 - For the salary of the deputy chief of the district police, in charge of the fire marshal's department, twenty-four hundred dollars. Deputy chief.
 - For the salary of the first clerk in the office of the chief of the district police, fifteen hundred dollars. First clerk.
 - For the salary of the second clerk in the office of the chief of the district police, one thousand dollars. Second clerk.
 - For the salary of the clerk in the fire marshal's department of the district police, twelve hundred dollars. Clerk in fire marshal's department.
 - For the salary of the stenographer in the fire marshal's department of the district police, twelve hundred dollars. Stenographer.
 - For the salary of the chief aid in the fire marshal's department of the district police, fifteen hundred dollars. Chief aid.
 - For the salaries of six additional aids in the fire marshal's department of the district police, six thousand dollars. Additional aids.
 - For the salary of the clerk in the boiler inspection department of the district police, six hundred dollars. Clerk in boiler inspection department.
 - For the compensation of the members of the district police, a sum not exceeding seventy-one thousand dollars. Members of district police.
 - For travelling expenses of the members of the district police, a sum not exceeding twenty-three thousand three hundred dollars. Expenses.
 - For travelling, contingent and incidental expenses of the fire marshal's department of the district police, the same to include services and expenses of persons employed in outside secret investigations, witness fees and travel, under the direction of the deputy chief, a sum not exceeding seven thousand dollars. Expenses of fire marshal's department.
 - For postage, printing, stationery, telephone, telegraph, and incidental and contingent office expenses under the Office expenses.

direction of the deputy chief, a sum not exceeding twenty-five hundred dollars.

Expenses of chief and members of district police.

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

Annual report.

For printing and binding the annual report, a sum not exceeding seventeen hundred dollars.

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

Approved February 13, 1903.

Chap. 73 AN ACT MAKING APPROPRIATIONS FOR THE COMPENSATION AND EXPENSES OF THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME.

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 three, to wit:—

Commissioners on fisheries and game.

For the compensation of the commissioners on fisheries and game, a sum not exceeding five thousand six hundred and thirty dollars.

Expenses.

For travelling and other necessary expenses of the commissioners on fisheries and game, a sum not exceeding fifteen hundred and fifty dollars.

Clerical services.

For clerical services in the office of the commissioners on fisheries and game, a sum not exceeding seven hundred and eighty dollars.

Enforcement of laws, propagation of fish, etc.

For the enforcement of laws relating to fisheries and game, and to carry out the provisions of law concerning the propagation and distribution of fish, birds and other animals, for running expenses, rent and maintenance of hatcheries, a sum not exceeding eighteen thousand four hundred and forty-five dollars.

Stocking great ponds.

For expense of stocking great ponds with food fish, a sum not exceeding five hundred dollars.

Stocking brooks.

For expense of stocking brooks with food fish, a sum not exceeding three hundred dollars.

Annual report.

For printing and binding the annual report of said commissioners, a sum not exceeding three hundred and fifty dollars.

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

Approved February 13, 1903.

AN ACT MAKING AN APPROPRIATION FOR OPERATING THE SOUTH METROPOLITAN SYSTEM OF SEWAGE DISPOSAL. *Chap. 74*

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding one hundred and one thousand four hundred ninety-one dollars and eighty-two cents is hereby appropriated, 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, Dedham, Hyde Park, Milton and Watertown, during the year ending on the thirty-first day of December, nineteen hundred and three.

South Metropolitan System of Sewage Disposal.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE COURT OF LAND REGISTRATION. *Chap. 75*

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 three, to wit:—

Appropriations.

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

Judge of land registration.

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

Associate judge.

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

Recorder.

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

Clerical assistance.

For sheriffs' bills, advertising, surveying, examination of titles, and sundry incidental expenses, a sum not exceeding thirteen thousand dollars.

Expenses.

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

Approved February 13, 1903.

Chap. 76 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 nine thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for operating the steamer Lexington, which is in charge of the chief of the district police and is used in the enforcement of the fishery laws of the Commonwealth.

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

Approved February 13, 1903.

Chap. 77 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF MIDDLESEX TO MAKE CERTAIN IMPROVEMENTS AT THE MIDDLESEX COUNTY TRUANT SCHOOL AT CHELMSFORD.

Be it enacted, etc., as follows:

Improvements
at truant
school in
Chelmsford.

SECTION 1. The county commissioners of the county of Middlesex may expend a sum not exceeding thirty-five thousand dollars in the construction of buildings and in completing a system of heating all the buildings from a central boiler house at the truant school of said county in Chelmsford.

County
commissioners
may borrow
upon credit
of county.

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

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

Approved February 13, 1903.

Chap. 78 AN ACT TO INCORPORATE THE OLD LANDING CEMETERY ASSOCIATION.

Be it enacted, etc., as follows:

Old Landing
Cemetery
Association
incorporated.

SECTION 1. W. H. H. Ryder, Charles H. Delano, Justus A. Briggs, Alice B. Hathaway, Oliver Cobb, Charles M. Deane, Amos Delano and William S. Little, their associates and successors, are hereby made a corporation by the name of the Old Landing Cemetery Association, for the purpose of acquiring and maintaining as a burial ground certain land set apart and known as the Old Landing Cemetery, situated in the town of Marion.

Said corporation shall have all the powers and privileges and shall be subject to all the restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

SECTION 2. Said corporation is hereby authorized to acquire possession and control of said cemetery, and may purchase from time to time and may acquire by gift, bequest or devise, and may hold so much real or personal property as may be necessary or appropriate for the purposes of said association: *provided*, that nothing herein contained shall affect the individual rights of proprietors in said cemetery.

May acquire, etc., necessary real or personal property.

Proviso.

SECTION 3. Only persons who shall become proprietors of lots in any lands acquired by said association, and persons who are now proprietors of lots, whether by deed or otherwise, in the real estate designated in section one of this act, shall be and become members of said association; and whenever any person shall cease to be the proprietor of a lot in the lands of said association he shall cease to be a member thereof.

Membership.

SECTION 4. The net proceeds of sales of lots in the lands held by said corporation shall be applied to the preservation, improvement, embellishment, protection and enlargement of said cemetery, and to paying the incidental expenses thereof, and to no other purpose.

Net proceeds of sales of lots to be applied to improvement, etc.

SECTION 5. Said corporation is hereby authorized to take and hold any grant, gift or bequest of property, upon trust, to apply the same or the income thereof to the improvement, embellishment or enlargement of said cemetery, or for the erection, repair, preservation or removal of any monument, fence or other structure, or for the planting and cultivation of trees, shrubs or plants in or around any lot, or for improving said premises in any other manner consistent with the object of said corporation, according to the terms of such grant, gift or bequest.

Grants, bequests, etc.

SECTION 6. Said corporation may by its by-laws provide for such officers as may be necessary, and may also provide for the care and management of the cemetery and for the sale and conveyance of lots therein, and for the care and management of any funds which it may hold, and for any other matters incident to the proper management of the corporation.

Officers, care of cemetery, etc.

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

Approved February 13, 1903.

Chap. 79 AN ACT TO AUTHORIZE THE ESSEX INSTITUTE TO HOLD ADDITIONAL PERSONAL PROPERTY.

Be it enacted, etc., as follows :

The Essex Institute may hold additional personal property.

SECTION 1. The Essex Institute is hereby authorized to hold personal property, exclusive of the books, papers and articles in the cabinets of said corporation, to an amount not exceeding five hundred thousand dollars in value.

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

Approved February 13, 1903.

Chap. 80 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 the Nantasket Beach reservation.

SECTION 1. A sum not exceeding sixteen thousand two hundred dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the care and maintenance of the Nantasket Beach reservation by the metropolitan park commission, during the year ending on the thirty-first day of December, nineteen hundred and three, 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 13, 1903.

Chap. 81 AN ACT MAKING AN APPROPRIATION FOR EXTERMINATING CONTAGIOUS DISEASES AMONG HORSES, CATTLE AND OTHER ANIMALS.

Be it enacted, etc., as follows :

Extermination of contagious diseases among animals.

SECTION 1. The sum of fifty-eight 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 three.

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

Approved February 13, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE MASSACHUSETTS STATE SANATORIUM. *Chap. 82*

Be it enacted, etc., as follows:

SECTION 1. The sum of ninety 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 three, including the printing and binding of the annual report, this amount to be in addition to the receipts of the said sanatorium; and so much of said receipts as may be needed to pay the expenses of the institution may be used for that purpose.

Massachusetts state sanatorium.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS. *Chap. 83*

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 three, to wit:—

Appropriations.

For salaries, wages and labor at the state industrial school for girls, a sum not exceeding eighteen thousand one hundred and sixty-two dollars.

State industrial school for girls, salaries, etc.

For other current expenses at the said school, a sum not exceeding twenty-five thousand four hundred and eighty-five dollars.

Expenses.

For expenses in connection with boarding out younger girls from the state industrial school, to include boarding and other expenses of girls on probation, a sum not exceeding fifty-three hundred and seventy dollars.

Boarding out younger girls.

For instruction in the public schools in any city or town in the Commonwealth of children 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 13, 1903.

Chap. 84 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 three, 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 six hundred dollars.

Expenses.

For other current expenses at the said school, a sum not exceeding forty-seven thousand six hundred dollars.

Agents.

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

Instruction in public schools.

For instruction in the public schools in any city or town in the Commonwealth of children 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 13, 1903.

Chap. 85 AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES IN
THE DEPARTMENT OF THE ADJUTANT GENERAL, AND FOR SUN-
DRY OTHER MILITARY 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 three, to wit : —

Adjutant general.

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

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.

For the salary of an additional clerk in the adjutant general's department, two thousand dollars.	Additional clerk.
For the salaries of the two extra clerks in the adjutant general's department, twelve hundred dollars each.	Extra clerks.
For the salary of the messenger in the adjutant general's department, eight hundred dollars.	Messenger.
For such additional clerical assistance as the adjutant general may deem necessary, and for the compensation of employees at the state arsenal, a sum not exceeding seventy-one hundred dollars.	Clerical assistance.
For the compensation of officers and men of the volunteer militia, a sum not exceeding one hundred and fifty thousand dollars.	Militia, compensation.
For the transportation of officers and men of the volunteer militia, when on military duty, a sum not exceeding nineteen thousand dollars.	Transportation.
For incidental and contingent expenses in the adjutant general's department, a sum not exceeding thirty-five hundred dollars.	Expenses.
For rent of brigade and battalion headquarters and company armories, a sum not exceeding thirty-eight thousand dollars.	Rent of armories, etc.
For quartermasters' supplies, a sum not exceeding ten thousand dollars.	Quartermasters' supplies.
For incidental and contingent expenses in the quartermaster general's department, a sum not exceeding five thousand dollars.	Expenses.
For grading and caring for the camp ground at Framingham, a sum not exceeding one thousand dollars.	Camp ground.
For expenses in connection with military accounts not otherwise provided for, a sum not exceeding four thousand dollars.	Military accounts.
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-eight thousand dollars.	Care, etc., of armories.
For services of janitors of certain armories, a sum not exceeding seven thousand dollars.	Janitors.
For allowance and repair of clothing of the volunteer militia, a sum not exceeding nine thousand dollars.	Clothing.
For expenses in connection with the rifle practice of the volunteer militia, a sum not exceeding twenty thousand dollars.	Rifle practice.

- Care, etc., of U. S. steamer Inca. For furnishing, repairing and caring for the United States steamer Inca, a sum not exceeding twelve hundred dollars.
- Care, etc., of property. For allowance to officers of the militia for care and responsibility of property, a sum not exceeding fifty-one hundred and fifty dollars.
- Annual report. For printing and binding the annual report of the adjutant general, a sum not exceeding eleven hundred dollars.
- Surgeon general. For the salary of the surgeon general, twelve hundred dollars.
- Medical supplies, etc. 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-three hundred and seventy-five dollars.
- Examination of recruits. For expenses in connection with the examination of recruits for the militia, a sum not exceeding twenty-six hundred dollars.
- Sale of grass at camp ground, etc. Any sums of money received under the provisions of section one hundred and two of chapter sixteen of the Revised Laws, and from the sale of grass at the camp ground at Framingham during the year nineteen hundred and three, 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.

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

Approved February 13, 1903.

Chap. 86 AN ACT MAKING APPROPRIATIONS FOR THE SUPPORT OF THE WESTBOROUGH INSANE 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 three, to wit:—

Westborough insane hospital. For the support of the Westborough insane hospital, the sum of forty-one thousand two hundred thirty-one dollars and eighty-six cents, 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, the same to include printing and binding

the annual report, 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.

For current expenses at said institution, in addition to the appropriation for state patients and to the receipts, a sum not exceeding ten thousand dollars. Expenses.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE FARM. Chap. 87

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

For salaries, wages and labor, a sum not exceeding forty-eight thousand dollars. State farm, salaries, etc.

For other current expenses, including the printing and binding of the annual report of said institution, a sum not exceeding one hundred and thirty-one thousand two hundred dollars. Expenses.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR SALARIES AND EXPENSES AT THE STATE HOSPITAL. 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 state hospital, for the year ending on the thirty-first day of December, nineteen hundred and three, to wit: — Appropriations.

For salaries, wages and labor, a sum not exceeding forty-seven thousand two hundred and sixty dollars. State hospital, salaries, etc.

For other current expenses, a sum not exceeding one hundred and fifty-five thousand dollars. Expenses.

For printing and binding the annual report of said hospital, a sum not exceeding four hundred dollars. Annual report.

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

Approved February 13, 1903.

Chap. 89 AN ACT MAKING APPROPRIATIONS FOR SUNDRY AGRICULTURAL 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 three, to wit : —

Board of agriculture, secretary, etc.

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

First clerk.

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

Second clerk.

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

Clerical assistance, etc.

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

Bounties.

For bounties to agricultural societies, a sum not exceeding nineteen thousand eight hundred dollars.

Agent of dairy bureau.

For the salary of the agent of the dairy bureau, twelve hundred dollars.

Experts, chemists, etc.

For assistants, experts, chemists and agents, and for other necessary expenses of the state dairy bureau, to include the printing and binding of the annual report, a sum not exceeding seven thousand dollars.

Protection of trees, etc.

For expenses in connection with the protection of trees and shrubs from injurious insects and diseases, a sum not exceeding one thousand dollars.

For printing and binding the annual report of the state board of agriculture, a sum not exceeding fifty-two hundred dollars. Annual report.

For printing and binding the annual report of the trustees of the Massachusetts Agricultural College, a sum not exceeding eleven hundred and fifty dollars. Annual report of trustees of Massachusetts Agricultural College.

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

Approved February 13, 1903.

AN ACT MAKING APPROPRIATIONS FOR SUNDRY CHARITABLE EXPENSES. Chap. 90

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 three, to wit : — Appropriations.

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 board's central office, a sum not exceeding seventy-eight hundred dollars. State board of charity.

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

For salaries and expenses in the division of state minor wards, a sum not exceeding forty-three 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 transportation of prisoners released on probation from the state farm, and travelling and other expenses of probation visitors, a sum not exceeding twelve thousand dollars. Transportation of state paupers.

For the care and maintenance of indigent and neglected children and juvenile offenders, for the present year and for previous years, to include expenses in connection with Indigent and neglected children, etc.

the same, a sum not exceeding two hundred thousand dollars.

Dangerous diseases.

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 fifty thousand dollars.

Instruction of certain children.

For instruction in the public schools in any city or town in the Commonwealth, including transportation to and from said schools, of children boarded or bound out by the state board of charity, for the present year and for previous years, a sum not exceeding twenty-three thousand dollars.

Sick state paupers.

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 thousand dollars.

Burial of state paupers.

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

Temporary aid.

For temporary aid furnished by cities and towns to state paupers and shipwrecked seamen, for the present year and for previous years, a sum not exceeding thirty thousand 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 fifty-three thousand dollars.

Annual report.

For printing and binding the annual report of the state board of charity, a sum not exceeding two thousand dollars.

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

Approved February 13, 1903.

Chap. 91 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

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 three, to wit: —

Massachusetts hospital for epileptics.

For the support of the Massachusetts hospital for epileptics, the sum of twelve thousand five hundred seventy-nine dollars and forty-three cents, 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.

For current expenses, in addition to the appropriation Expenses. for state patients and to the receipts of said hospital, to include the cost of printing and binding the annual report, a sum not exceeding twenty-nine thousand dollars.

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

Approved February 13, 1903.

AN ACT TO AUTHORIZE THE MASSACHUSETTS HOSPITAL LIFE INSURANCE COMPANY TO HOLD ADDITIONAL REAL ESTATE. Chap. 92

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts Hospital Life Insurance Company, incorporated by chapter one hundred and eighty of the acts of the year eighteen hundred and seventeen, is hereby authorized to purchase and hold real estate in the city of Boston to an amount not exceeding four million dollars. The Massachusetts Hospital Life Insurance Company may hold additional real estate.

SECTION 2. The funds and deposits of the said company which may be invested in taxable real estate shall not be liable to additional taxation under the provisions of section twenty-two of chapter fourteen of the Revised Laws. Not liable to additional taxation.

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

Approved February 13, 1903.

AN ACT TO AUTHORIZE THE NORTH ADAMS GAS LIGHT COMPANY TO DO BUSINESS IN THE TOWN OF CLARKSBURG. Chap. 93

Be it enacted, etc., as follows:

SECTION 1. The North Adams Gas Light Company is hereby authorized, upon the approval of the board of selectmen of the town of Clarksburg and of the board of gas and electric light commissioners, to carry on the business of furnishing gas and electricity for heat, light and power in the town of Clarksburg; with all the rights, powers and privileges, and subject to all the duties and The North Adams Gas Light Company may do business in Clarksburg.

liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

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

Approved February 13, 1903.

Chap. 94 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 three, 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.

Clerical and messenger service.

For clerical and messenger service for the state board of education, a sum not exceeding twenty-three hundred dollars.

Agents.

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

Expenses.

For incidental and contingent expenses of the state board of education and of the secretary thereof, a sum not exceeding two thousand dollars.

Expenses of members of board.

For travelling and other expenses of the members of the state board of education, a sum not exceeding one thousand dollars.

State normal schools.

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 sixty-seven thousand and seventy 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 support of the state normal art school, a sum not exceeding twenty-eight thousand seven 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.

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 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.

To enable small towns to provide themselves with school superintendents, a sum not exceeding ninety-six thousand two hundred and fifty dollars.

School superintendents in small towns.

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

Education of deaf pupils.

For school registers and other school blanks for the towns and cities of the Commonwealth, a sum not exceeding twelve hundred dollars.

School blanks.

For printing and binding the annual report of the state board of education, a sum not exceeding three thousand dollars.

Annual report.

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

Approved February 13, 1903.

AN ACT RELATIVE TO RETIRING SHARES IN CO-OPERATIVE BANKS.
Be it enacted, etc., as follows:

Chap. 95

SECTION 1. Section nine of chapter one hundred and fourteen of the Revised Laws is hereby amended by inserting after the word "them", in the eleventh line, the words: — and approved by the board of commissioners of savings banks, — and by striking out all after the word "withdrawal", in the thirteenth line, and inserting in place thereof the following: — of the same, and the shares to be

R. L. 114, § 9, amended.

R. L. 114, § 9,
amended.

retired shall be determined by lot, and the holders thereof shall be paid the full value of their shares, less all fines and a proportionate part of any unadjusted loss. Whenever shares are retired between the dates of adjustment of profits, interest shall be paid upon the full value of the shares for all full months from the date of the preceding adjustment to the date of retirement, at the rate at which profits were distributed at said adjustment. Shares pledged for share loans shall be treated as unpledged shares.

Withdrawal
of shares in
co-operative
banks.

The board of commissioners of savings banks, whenever in its judgment it is necessary for the welfare of the shareholders in any co-operative bank, may order the retirement of shares in any series after five years from the date of issue, and it shall be the duty of the board of directors, in the manner hereinbefore provided, to comply with the order of said board, — so as to read as follows: — *Section 9.* A member may withdraw his unpledged shares, after giving thirty days' notice of his intention so to do, written in a book held and provided by the corporation for such purpose. Upon such withdrawal such shareholder shall be paid the balance remaining after deducting from the amount then standing to the credit of the shares all fines, a proportionate part of any unadjusted loss, and such proportion of the profits previously credited to the shares as the by-laws may provide; but at no time shall more than one half of the funds in the treasury be applicable to the demands of withdrawing members without the consent of the directors. The directors may, under rules made by them and approved by the board of commissioners of savings banks, retire the unpledged shares of any series after four years from the date of their issue, by enforcing the withdrawal of the same, and the shares to be retired shall be determined by lot, and the holders thereof shall be paid the full value of their shares, less all fines and a proportionate part of any unadjusted loss. Whenever shares are retired between the dates of adjustment of profits, interest shall be paid upon the full value of the shares for all full months from the date of the preceding adjustment to the date of retirement, at the rate at which profits were distributed at said adjustment. Shares pledged for share loans shall be treated as unpledged shares.

Unpledged
shares may
be retired, etc.

Commissioners
of savings
banks may

The board of commissioners of savings banks, whenever in its judgment it is necessary for the welfare of the share-

holders in any co-operative bank, may order the retirement of shares in any series after five years from the date of issue, and it shall be the duty of the board of directors, in the manner hereinbefore provided, to comply with the order of said board.

order the retirement of certain shares.

SECTION 2. Section ten of said chapter is hereby amended by striking out the words "or if shares are retired between said dates", in the eighth and ninth lines, so as to read as follows:—*Section 10.* When each unpledged share of a given series reaches the value of two hundred dollars, all payments of dues thereon shall cease, and the holder thereof shall be paid out of the funds of the corporation two hundred dollars; but at no time shall more than one half of the funds in the treasury be applicable to the payment of such matured shares without the consent of the directors. If any series of shares, pledged or unpledged, reaches maturity between the dates of adjustment of profits, the holders of such shares shall, in addition to the value thereof, receive interest for all full months from the date of the preceding adjustment to the time of payment, at the rate at which profits were distributed at said adjustment; but before the payment of matured shares all arrears and fines shall be deducted.

R. L. 114, § 10, amended.

Payment of matured shares.

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

Approved February 16, 1903.

AN ACT RELATIVE TO THE APPOINTMENT OF CONSERVATORS OF THE PROPERTY OF MARRIED PERSONS. *Chap. 96*

Be it enacted, etc., as follows:

SECTION 1. Section forty of chapter one hundred and forty-five of the Revised Laws is hereby amended by inserting after the word "or", in the third line, the words:—upon the petition, — and by adding at the end thereof the words:—But a conservator of the property of a married person shall not be appointed or discharged without such notice as the court may order to the husband or wife of such person, — so as to read as follows:—*Section 40.* If a person by reason of advanced age or mental weakness is unable to properly care for his property the probate court of the county in which he resides may, upon his petition or upon the petition of one or more of his friends, appoint a conservator of his property. Upon the filing of such petition, the court shall appoint a time and

R. L. 145, § 40, amended.

Conservators of property of aged persons, etc., appointment, etc.

place for a hearing, and shall cause at least fourteen days' notice thereof to be given to the person for whom a conservator is to be appointed if he is not the petitioner. If at the hearing it appears that such person is incapable of properly caring for his property a conservator shall be appointed who shall have the charge and management of such property subject to the direction of the court. Such conservator may be discharged by the probate court upon the application of the ward, or otherwise, when it appears that the conservatorship is no longer necessary. But a conservator of the property of a married person shall not be appointed or discharged without such notice as the court may order to the husband or wife of such person.

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

Approved February 16, 1903.

Chap. 97 AN ACT TO ESTABLISH THE SITTINGS OF THE SUPERIOR COURT FOR CRIMINAL BUSINESS FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows :

R. L. 157, § 24,
amended.

SECTION 1. The paragraph of section twenty-four of chapter one hundred and fifty-seven of the Revised Laws relative to sittings of the superior court for the county of Middlesex, being lines thirty-one to thirty-five of said section, both inclusive, is hereby amended by striking out the thirty-fourth and thirty-fifth lines of said section, and inserting in place thereof the words: — first Mondays of June and December in each year, and at Lowell, on the first Monday of March and on the Tuesday after the first Monday of September in each year, — so that the paragraph as amended will read as follows: — For the county of Middlesex, for civil business, at Lowell, on the first Mondays of April and October, and at Cambridge, on the first Monday of January; for criminal business, at Cambridge, on the first Mondays of June and December in each year, and at Lowell, on the first Monday of March and on the Tuesday after the first Monday of September in each year.

Sittings of
superior court
for county of
Middlesex.

When to take
effect.

SECTION 2. This act shall take effect on the first day of June in the year nineteen hundred and three.

Approved February 16, 1903.

AN ACT TO INCORPORATE THE CHARLES B. HAVEN HOME FOR AGED MEN IN PEABODY. Chap. 98

Be it enacted, etc., as follows :

SECTION 1. Lyman Osborn, Charles W. Merrill, Franklin Osborn, Samuel D. Lord and Charles S. Goldthwait, their associates and successors, are hereby made a corporation by the name of the Charles B. Haven Home for Aged Men in Peabody, for the purpose of establishing a home for aged men in the town of Peabody ; 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.

Charles B. Haven Home for Aged Men in Peabody incorporated.

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

May hold real and personal estate.

SECTION 3. Charles W. Merrill and Charles M. Bennett, executors of the will of Almira M. Haven of Peabody, which will was duly allowed by the probate court for the county of Essex, are hereby authorized to convey to said corporation after it is organized the estate, real and personal, devised by the said Almira M. Haven to certain trustees mentioned in said will, who were to constitute a board of trustees for the purpose of organizing and establishing the said Charles B. Haven Home for Aged Men, and said estate shall be held by said corporation upon the same terms and conditions as the estate devised to said trustees by said will.

Certain estate may be conveyed to corporation, etc.

SECTION 4. Vacancies occurring for any cause in the membership of said corporation shall be filled as follows :— In case said Franklin Osborn shall at any time cease to be the chairman of the standing committee of the Old South Congregational parish in said Peabody, then his successor in said chairmanship shall be a member of said corporation in his stead ; should the said Samuel D. Lord at any time cease to be the chairman of the standing committee of the Unitarian parish of said Peabody, then his successor in said chairmanship shall be a member of said corporation in his stead ; and should the said Charles S. Goldthwait at any time cease to be the chairman of the standing committee of the First Universalist parish of said Peabody, then his successor in said chairmanship shall be a member of said corporation in his stead. The chairmen of the standing

Vacancies in membership, etc.

committees of said Old South Congregational parish, the Unitarian parish and the First Universalist parish of said Peabody, and their successors in office, shall forever constitute three of the five members of said corporation. Should the said Lyman Osborn or the said Charles W. Merrill die, or for any other reason cease to be a member of said corporation, the vacancy thereby caused shall be filled by vote taken by ballot of the remaining members of said corporation. If at any time there should cease to be a standing committee of any of said churches, or should the chairman thereof decline to serve, then the vacancy thus created shall be filled by vote taken by ballot of the remaining members of said corporation.

Certificate of change in membership to be filed.

SECTION 5. In case of a change in the membership of said corporation by election or otherwise under the provisions of this act, the clerk of the corporation shall make and file in the registry of deeds for the southern district of Essex county a certificate of such change, and the register shall thereupon record said certificate.

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

Approved February 19, 1903.

Chap. 99 AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND TWO.

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 two, to wit: —

Trustees of Lyman and industrial schools, expenses.

For expenses of the trustees of the Lyman and industrial schools, the sum of one hundred fifty-two dollars and thirty-six cents.

District police, expenses.

For contingent and incidental expenses of the district police, the sum of seventy-nine dollars and ninety-eight cents.

Steamer Lexington, expenses.

For expenses of the steamer Lexington, two hundred eighty-three dollars and thirteen cents.

Blank forms to town officers.

For blank forms furnished to town officers by the secretary of the Commonwealth, the sum of seventy-nine dollars and fifty-seven cents.

Registration books, etc.

For registration books and blanks, the sum of twenty-six dollars and twenty-two cents.

For printing and binding public documents, the sum of twenty-three hundred seventy-one dollars and fifty-two cents.	Public documents.
For fuel and lights at the state house, the sum of seven hundred fifty-eight dollars and ninety-seven cents.	State house, fuel and lights.
For new furniture and fixtures at the state house, the sum of seven hundred twenty-two dollars and fifty-five cents.	Furniture, etc.
For expenses of state armories, the sum of fourteen hundred fifty-nine dollars and eighty-two cents.	State armories, expenses.
For expenses in connection with the rifle practice of the volunteer militia, the sum of thirteen hundred eighty-five dollars and twenty-four cents.	Militia, rifle practice.
For the compensation of officers and men of the volunteer militia, the sum of five thousand one hundred and fourteen dollars.	Militia, compensation.
For incidental and contingent expenses in the office of the surgeon general, the sum of seventy-one dollars.	Surgeon general, expenses.
For rent and other expenses of the railroad commissioners, the sum of six hundred thirty-nine dollars and twenty-four cents.	Railroad commissioners, expenses.
For travelling and other expenses of the railroad inspectors, the sum of one hundred seventy-seven dollars and thirty-two cents.	Railroad inspectors, expenses.
For travelling, incidental and contingent expenses of the state board of conciliation and arbitration, the sum of eleven hundred thirty-eight dollars and seventeen cents.	State board of conciliation and arbitration, expenses.
For travelling and other necessary expenses of the board of registration in dentistry, the sum of one hundred forty-six dollars and ninety-five cents.	Board of registration in dentistry, expenses.
For incidental expenses of the state board of agriculture, the sum of forty-five dollars and thirteen cents.	Board of agriculture, incidental expenses.
For expense of lectures before the state board of agriculture, the sum of four hundred seventy-four dollars and fifty cents.	Lectures.
For travelling expenses of the members of the state board of agriculture, the sum of fifty-one dollars and thirty-one cents.	Members' travelling expenses.
For travelling expenses of the trustees of the Massachusetts Agricultural College, the sum of two hundred forty-four dollars and thirty cents.	Trustees of Massachusetts Agricultural College, expenses.
For expenses in the office of the state fire marshal, forty-six dollars and sixty-six cents.	State fire marshal, office expenses.
For current expenses at the state industrial school for girls, the sum of seventy-five dollars and forty-nine cents.	Industrial school for girls, expenses.

State farm,
expenses.

For current expenses at the state farm, the sum of four thousand five hundred eighty-eight dollars and ten cents.

Maintenance,
etc., of
indigent and
neglected
children.

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

Deputy sealer
of weights
and measures,
expenses.

For expenses of the deputy sealer of weights and measures, the sum of one hundred sixty-six dollars and twenty-nine cents.

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

Approved February 21, 1903.

Chap. 100 AN ACT RELATIVE TO DAMAGES FOR INJURIES CAUSED BY DOGS TO DOMESTIC ANIMALS.

Be it enacted, etc., as follows:

R. L. 102, § 151,
amended.

SECTION 1. Section one hundred and fifty-one of chapter one hundred and two of the Revised Laws is hereby amended by striking out the words "two disinterested persons, who, with himself", in the thirteenth line, and inserting in place thereof the words:— one disinterested person, and the person damaged shall appoint one disinterested person, who, with the said officer or chairman,—and by striking out the words "for all or any part thereof", in the twenty-seventh line, and inserting in place thereof the words:—for such amount, if any, as they decide to be just,—so as to read as follows:—*Section 151.* Whoever suffers loss by the worrying,

Payment of
damages for
injuries caused
by dogs to
domestic
animals.

maiming or killing of his sheep, lambs, fowls or other domestic animals by dogs, outside the enclosure of the owners or keepers of such dogs, may, if the damage is done in a city, inform the officer of police of said city who shall be designated to receive such information by the authority appointing the police, and, if the damage is done in a town, may inform the chairman of the selectmen of the town wherein the damage was done, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by dogs, and if so, appraise the amount thereof if it does not exceed twenty dollars. If in the opinion of said officer of police or chairman the amount of said damage exceeds twenty dollars, he shall appoint one disinterested person, and the person damaged shall appoint one disinterested person, who, with the said officer or chairman, shall appraise under oath the amount thereof. The said appraisers shall also

consider and include in such damages the labor and time necessarily expended in the finding and collecting of the sheep, lambs, fowls or other domestic animals so injured or separated and the value of those lost or otherwise damaged by dogs. The said officer of police or chairman shall return a certificate of the damages found, except in the county of Suffolk, to the treasurer of the county in which the damage is done, within ten days after such appraisal is made. The treasurer shall thereupon submit the same to the county commissioners, who, within thirty days, shall examine all such bills, and if any doubt exists, may summon the appraisers and all parties interested and make such examination as they may think proper, and shall issue an order upon the treasurer of the county in which the damage was done for such amount, if any, as they decide to be just. The treasurer shall pay all orders drawn upon him for the above purpose in full on or after the first day of July in each year if the amount in his hands standing to the credit of the dog fund is sufficient therefor; otherwise, he shall pay such amount pro rata upon such orders in full discharge thereof on demand. The appraisers shall receive from the county, or in the county of Suffolk, from the city or town treasurer, out of the money received under the provisions of this chapter relating to dogs, one dollar each for every such examination made by them; and the officer or the chairman of selectmen acting in the case shall receive twenty cents a mile one way for his necessary travel.

Payment of damages for injuries caused by dogs to domestic animals.

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

Approved February 25, 1903.

AN ACT TO AUTHORIZE THE TOWN OF EASTHAMPTON TO EXTEND ITS SYSTEM OF SEWAGE DISPOSAL AND TO INCUR INDEBTEDNESS THEREFOR.

Chap. 101

Be it enacted, etc., as follows:

SECTION 1. The board of sewer commissioners of the town of Easthampton, acting for the town, shall have power, in addition to the powers specified in chapter seventy-one of the acts of the year eighteen hundred and ninety-three, to make any alteration, extension or improvement of the system of sewerage and sewage disposal which has been adopted by the town: *provided*, that the same meets the approval of said town and of the state

Town of Easthampton may make improvements, etc., in system of sewerage, etc.

Proviso.

May take
lands, etc.

board of health. Said board of sewer commissioners shall have power to take by purchase or otherwise any lands, rights of way, easements or other real estate necessary for the establishment and construction of the system of sewerage and sewage disposal adopted by the town, or of any extension, alteration or improvement thereof.

May incur
indebtedness,
issue bonds,
etc.

SECTION 2. For the purposes named in the foregoing section, including the payment of all damages for the taking of land, rights of way or easements for the said purposes, the town of Easthampton may incur indebtedness to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law, and may from time to time issue bonds, notes or scrip therefor, payable in periods not exceeding twenty years from the date of issue. Securities so issued 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. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto shall apply to the indebtedness herein authorized and to the securities issued therefor.

R. L. 27, etc.,
to apply.

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

Approved February 25, 1903.

Chap. 102 AN ACT TO EXTEND THE PROVISIONS OF THE CIVIL SERVICE ACT
TO THE TOWN OF MILTON.

Be it enacted, etc., as follows:

R. L. 19, etc.,
extended to
Milton.

SECTION 1. The provisions of chapter nineteen of the Revised Laws entitled, "Of the Civil Service", and all acts in amendment thereof and in addition thereto, and the civil service rules established thereunder, are hereby extended and made applicable to the following named offices in the town of Milton, to wit:—

Offices
affected.

Heads of principal departments not elected by the voters, chief superintendents of departments, clerks and confidential stenographers of the selectmen, and all offices in the public service classified in and included by said civil service rules in the division designated as the "official service."

Terms of
certain
officers.

SECTION 2. Every person holding an office in the town of Milton, enumerated in section one, shall continue to hold such office until resignation or removal.

SECTION 3. This act shall take effect upon its acceptance by a majority vote of the voters of said town present and voting thereon by ballot at a town meeting duly called for the purpose within two years after its passage; but only one such meeting shall be called.

When to take effect.

Approved February 25, 1903.

AN ACT TO AUTHORIZE THE TOWN OF CHARLEMONT TO INCUR INDEBTEDNESS FOR SCHOOL PURPOSES, BEYOND THE LIMIT FIXED BY LAW.

Chap. 103

Be it enacted, etc., as follows:

SECTION 1. The town of Charlemont, 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 seven thousand five hundred dollars.

Town of Charlemont may incur indebtedness for school purposes.

SECTION 2. For the purposes aforesaid the town is authorized to issue from time to time to an amount not exceeding seven thousand five hundred dollars, negotiable notes, bonds or scrip, which shall bear on their face the words, Town of Charlemont School Loan, and shall be payable at periods of not more than thirty years from their respective dates. Securities so issued 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. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws, and acts in amendment thereof and in addition thereto, shall apply to the indebtedness herein authorized and to the securities issued therefor.

Town of Charlemont School Loan.

Proviso.

R. L. 27, etc., to apply.

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

(The foregoing was laid before the Governor on the nineteenth day of February, 1903, and after five days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

*Chap.*104 AN ACT TO AUTHORIZE THE CONNECTICUT RIVER RAILROAD COMPANY TO ACQUIRE STOCK OF THE VERMONT VALLEY RAILROAD.

Be it enacted, etc., as follows :

The Connecticut River Railroad Company may acquire, etc., stock of the Vermont Valley Railroad.

SECTION 1. The Connecticut River Railroad Company is hereby authorized to acquire, by purchase or exchange, and to hold the shares of the capital stock, or any part thereof, of the Vermont Valley Railroad, a corporation duly organized under the laws of the state of Vermont, and, subject to the approval of the railroad commissioners, to issue in payment or exchange therefor its own common capital stock : *provided, however,* that it shall not for the purpose aforesaid issue any greater amount of its own stock at par than the amount at par of capital stock so acquired.

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

Approved February 27, 1903.

*Chap.*105 AN ACT TO AUTHORIZE THE TOWN OF SHREWSBURY TO SUPPLY ITSELF WITH WATER.

Be it enacted, etc., as follows :

Town of Shrewsbury may supply itself with water, etc.

SECTION 1. The town of Shrewsbury 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.

May take certain waters, lands, etc.

SECTION 2. Said town may obtain its water supply by means of driven, artesian or other wells, or may take by purchase or otherwise and hold the water of any pond, stream or spring, or artesian or driven well, within the limits of the town, and the water rights connected with any such water sources, and also all lands, rights of way and easements necessary for holding and preserving the water and for 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 taken or held as aforesaid, proper dams, buildings, reservoirs, stand pipes, tanks and other structures, and may make excavations, procure and

Proviso.

May erect structures, lay pipes, etc.

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 on any lands, water courses, railroads, railways 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 any such lands or ways in such manner as to cause the least hindrance to public travel on such ways.

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, cause to be recorded in the registry of deeds for the county and district within which such land or other property is situated a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same was taken, signed by the water commissioners hereinafter provided for.

Description of land, 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 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 said town as to the amount thereof, may have the damages determined in the manner provided by law in the case of land taken for highways, on application at any time within the period of 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 two years, except that no application for assessment of damages shall be made for the taking of any water, water right, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Damages.

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 their face the words, Shrewsbury Water Loan, shall be payable at the

Shrewsbury Water Loan.

expiration of periods not exceeding thirty years from the dates of issue; shall bear interest payable semi-annually at a rate not exceeding five per cent per annum, and shall be signed by the treasurer 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, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof.

Proviso.

To provide for annual payments on loan.

SECTION 6. Said town shall 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 a vote to that effect 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 town 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.

Town to raise a certain sum by taxation annually.

SECTION 7. Said town shall annually raise by taxation a sum which together with the income derived from the water rates will be sufficient to pay the annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act.

Penalty for pollution of water, etc.

SECTION 8. Whoever wilfully or wantonly 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 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 said 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.

Water commissioners, election, terms, etc.

SECTION 9. Said town shall after its acceptance of this act, at a town 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 every annual town meeting

thereafter one water commissioner shall be elected by ballot for a term of three years. All the authority granted to said town by this act and not otherwise specifically provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as said town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said town at any town meeting called for the purpose.

Quorum.
Vacancy.

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 by ballot at a legal town meeting called for the purpose within three years after the passage of this act; but it shall become void unless said town shall begin work thereunder within two years from the date of the acceptance of this act.

When to take effect.

Approved February 27, 1903.

AN ACT TO AUTHORIZE THE TOWN OF FAIRHAVEN TO ABATE A NUISANCE EXISTING THEREIN, AND TO PROVIDE FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID TOWN.

Chap. 106

Be it enacted, etc., as follows:

SECTION 1. The town of Fairhaven may take by purchase or otherwise and hold any lands in said town, with the buildings and other fixtures thereon, situated within the district bounded northerly by Bridge street, thence easterly by Mulberry street, thence southerly by Christian street, thence easterly by Green street, thence southerly by Spring street, thence westerly by Main street, and also in the district bounded northerly by Pease street, thence easterly by Main street, thence southerly by Washington street, and thence westerly by Middle street. The town may also take by purchase or otherwise any ponds and the land or flats under water within said districts, or either of them, any or all mill privileges therein, any streams flowing through said districts, or either of them, or emptying or discharging into any pond in said districts, and any rights or privileges in said ponds or streams.

Town of Fairhaven may take, etc., certain lands, etc.

SECTION 2. The town may alter, divert and deepen the location and flow of any or all streams acquired as aforesaid, and may regulate the use of the same, and may

May alter location of streams, etc.

conduct the waters of any such pond, brook or stream through pipes or conduits.

Description of land, etc., to be filed.

SECTION 3. The town shall, within sixty days after the time of taking hereunder any land, pond, flat, mill privilege, stream or right or privilege therein, file in the office of the registry of deeds for the southern district of the county of Bristol a description of the land or property so taken, as certain as is required in a common conveyance of lands, and with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the selectmen of the town, and the title to all lands, ponds, flats, mill privileges, streams or rights or privileges therein so taken shall vest in the town of Fairhaven in fee simple.

To improve lands, etc., construct streets, etc.

SECTION 4. Said town shall forthwith, after any purchase or taking as aforesaid, fill with suitable material and otherwise improve any lands, ponds, flats, mill privileges, streams or rights or privileges in said districts, purchased or taken as aforesaid, or any part thereof, and shall abate any nuisance existing therein or arising therefrom. The town may lay out, widen, extend and construct streets, and construct sewers and drains therein, and may sell and convey or otherwise dispose of such lands and flats, or any part thereof, and the proceeds shall be applied to the cost of the work authorized by this act. For the purposes of this section the town may dredge the Aenshnet river, and may take by purchase or otherwise, in the manner provided in section one, the island situated in said river nearly opposite the outlet of the pond within said district, and commonly called Crow island, and may obstruct temporarily said river with appliances necessary or proper for said dredging or for using said island for said purposes. The town may establish a grade for said districts, and may enter upon any land within said districts for the purpose of filling the land to said grade. It may, in doing the work authorized by this act, lay railroad tracks or pipes through any street in said town, and maintain them so long as may be necessary for transporting earth or other material for use in the work aforesaid.

Damages.

SECTION 5. If any person whose land or other property is taken or damaged by any act done by said town in pursuance hereof shall agree with said town upon the damage done to him by such taking or act the amount so agreed upon shall be paid to him by said town forthwith. If the

parties do not so agree then all claims for damage to property sustained by any person, whether entitled to any estate in any land in said districts or not, by any acts of said town done in pursuance of the provisions of this act, shall be ascertained, determined and recovered in the manner now provided by law in the case of land taken for highways, except as herein otherwise provided. But in determining the damages sustained by such person the benefit, if any, to the property of such person by reason of any act of said town done in pursuance of the provisions of this act prior to the hearing on the merits of the petition, shall be set off against such damage. No petition for damages shall be filed within one year from the date of the taking or the date when the damage was sustained, and upon motion of the town the hearing upon the merits thereon shall be postponed until the completion of the work authorized by this act.

SECTION 6. - Said town in exercising any power granted by this act, except as herein otherwise provided, may act by a committee chosen at a town meeting duly notified, and said town itself or by said committee may enter into a contract for the performance of the work or any part thereof authorized by this act.

Town may act by a committee, etc.

SECTION 7. No contract shall be made nor work done nor expense incurred by said town or its committee under the provisions of this act, involving the town in any pecuniary liability, until an appropriation therefor has been made by the town sufficient to meet such liability.

No expense to be incurred, etc., until appropriation is made.

SECTION 8. All work done by said town under authority of this act west of Middle street shall be subject to the approval of the board of harbor and land commissioners.

Certain work to be subject to approval of harbor and land commissioners.

SECTION 9. The work authorized by this act shall be completed within three years after the date when the act takes effect, and all powers granted hereby which have not then been exercised shall thereupon cease and determine, and thereafter all property in said districts shall be subject to the general laws applicable thereto.

Work to be completed within three years, etc.

SECTION 10. 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 one hundred thousand dollars. Such bonds, notes or scrip shall be denominated on the face thereof, Fairhaven Improvement Loan, shall be payable at the expiration of periods not

Fairhaven Improvement Loan.

exceeding twenty years from the dates of issue, shall bear interest payable semi-annually at a rate not exceeding five per cent per annum, and shall be signed by the treasurer and countersigned by the selectmen of said town. 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 determine.

Sinking fund.

SECTION 11. Said town shall provide at the time of contracting the loan aforesaid 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. Said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

SECTION 12. This act shall take effect upon its passage.

Approved February 27, 1903.

Chap. 107

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

Be it enacted, etc., as follows:

Weymouth
Water Loan.

SECTION 1. The town of Weymouth, for the purpose of extending its system of water works, as authorized by the provisions of chapter one hundred and seventy-four of the acts of the year eighteen hundred and eighty-one, may from time to time, during the term of ten years after the passage of this act, issue notes, bonds or scrip, to be denominated on the face thereof, Weymouth Water Loan, to an amount not exceeding fifty thousand dollars in addition to the amount heretofore authorized by law to be issued by said town for the purposes of the act aforesaid. Such notes, bonds or scrip shall be issued upon the terms and conditions and with the powers specified in the act aforesaid. Said town may sell said securities at public or private sale, or may pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper: *provided*, that the whole amount of such notes, bonds or scrip issued by the town, together with those heretofore authorized to be issued by said town for the purposes named in said chapter one hundred and seventy-four, shall not in any event exceed the sum of five hundred and fifteen thousand dollars.

Proviso.

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

Approved February 27, 1903.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO PAY A SUM OF MONEY TO THE WIDOW OF THOMAS J. COBB. Chap.108

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Bristol are hereby authorized to pay to the widow of Thomas J. Cobb late clerk of the third district court of Bristol, who died on the twenty-ninth day of October in the year nineteen hundred and two, the remainder of the salary to which he would have been entitled had he lived and continued to hold his office until the end of said year.

County of Bristol may pay a sum of money to widow of Thomas J. Cobb.

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

Approved February 28, 1903.

AN ACT RELATIVE TO THE TECHNICAL EDUCATIONAL FUND, UNITED STATES GRANT. Chap.109

Be it enacted, etc., as follows :

SECTION 1. The treasurer and receiver general is hereby authorized to pay annually into the Technical Educational Fund, United States Grant, such sum of money as may be necessary with the income of the fund to produce a sum equal to five per cent interest per annum on the two hundred and nineteen thousand dollars in said fund, in order to comply with an implied agreement between the Commonwealth and the United States that the money received from land scrip shall constitute a perpetual fund for the promotion of education in agriculture and the mechanic arts, and shall be invested in such manner as to pay interest at the rate of five per cent per annum.

Technical Educational Fund, United States Grant.

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

Approved February 28, 1903.

AN ACT MAKING AN APPROPRIATION FOR PAYMENT OF THE JUDGMENT AGAINST THE COMMONWEALTH IN FAVOR OF THE AMERICAN BELL TELEPHONE COMPANY. Chap.110

Be it enacted, etc., as follows :

SECTION 1. A sum not exceeding thirteen hundred and fifty dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, to satisfy a judgment entered in the superior court against the Commonwealth in favor of the American

Payment of judgment against Commonwealth in favor of American Bell Telephone Company.

Bell Telephone Company for refund of its franchise tax for the year nineteen hundred and one, being for principal, interest and costs thereon.

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

Approved February 28, 1903.

Chap.111 AN ACT MAKING AN APPROPRIATION FOR A DORMITORY AT THE STATE NORMAL SCHOOL AT NORTH ADAMS.

Be it enacted, etc., as follows :

State normal
school at
North Adams.

SECTION 1. The sum of thirty-five thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the construction of a dormitory at the state normal school at North Adams, as authorized by chapter ninety-eight of the resolves of the year nineteen hundred and two, the same to be in addition to the amount appropriated by chapter four hundred and sixty-nine of the acts of the year nineteen hundred and two.

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

Approved February 28, 1903.

Chap.112 AN ACT MAKING AN APPROPRIATION FOR A DORMITORY AT THE STATE NORMAL SCHOOL AT FITCHBURG.

Be it enacted, etc., as follows :

State normal
school at
Fitchburg.

SECTION 1. The sum of twenty thousand dollars is hereby appropriated, to be paid out of the treasury of the Commonwealth from the ordinary revenue, for the construction of a dormitory at the state normal school at Fitchburg, as authorized by chapter ninety-seven of the resolves of the year nineteen hundred and two, the same to be in addition to the amount appropriated by chapter four hundred and sixty-nine of the acts of the year nineteen hundred and two.

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

Approved February 28, 1903.

Chap.113 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 three, 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 other 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.

For the salary of the gas inspector, twenty-five hundred dollars. Gas inspector.

For the salary of the first assistant inspector, fifteen hundred dollars. First assistant.

For the salary of the second assistant inspector, twelve hundred dollars. Second assistant.

For the compensation of deputies, and for travelling expenses, apparatus, office rent and other incidental expenses, a sum not exceeding five thousand dollars. Deputies, etc.

For printing and binding the annual report of the gas and electric light commissioners, a sum not exceeding fifteen hundred dollars. Annual report.

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

Approved February 28, 1903.

AN ACT TO AUTHORIZE THE WORCESTER CHILDREN'S FRIEND SOCIETY Chap. 114
TO HOLD ADDITIONAL PROPERTY.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter eighty-eight of the acts of the year eighteen hundred and forty-nine is hereby amended by striking out the word "fifty", in the third line, and inserting in place thereof the words: — two hundred, — so as to read as follows: — *Section 2.* Said corporation may, for the purpose aforesaid, take and hold real and personal property, to an amount not exceeding two hundred thousand dollars. 1849, 88, § 2, amended.
May hold additional property.

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

Approved February 28, 1903.

Chap. 115 AN ACT RELATIVE TO THE UNION PASSENGER STATION IN THE CITY OF WORCESTER.

Be it enacted, etc., as follows:

1902, 508, § 1,
amended.

Certain rail-
road tracks
in Worcester
to be discon-
tinued, etc.

SECTION 1. Section one of chapter five hundred and eight of the acts of the year nineteen hundred and two is hereby amended by inserting after the word "Company", in the sixteenth line, the words:—of the Providence and Worcester Railroad Company, of the Norwich and Worcester Railroad Company, or of the New York, New Haven and Hartford Railroad Company,—so as to read as follows:—*Section 1.* The commission heretofore appointed by the superior court for the county of Worcester, under 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, of the Providence and Worcester Railroad Company, of the Norwich and Worcester Railroad Company, or of the New York, New Haven and Hartford 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.

1902, 508, § 2,
amended.

SECTION 2. Section two of said chapter is hereby amended by inserting after the word "Company", in the fifth line, the words:—of the Providence and Worcester Railroad Company, of the Norwich and Worcester Railroad Company, or of the New York, New Haven and Hartford Railroad Company,—so as to read as follows:—*Section 2.* The Fitchburg Railroad Company and the Worcester, Nashua and Rochester Railroad Company,

Rent to be paid
for use of loca-
tion and

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, of the Providence and Worcester Railroad Company, of the Norwich and Worcester Railroad Company, or of the New York, New Haven and Hartford 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.

tracks of certain railroad companies.

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

Approved February 28, 1903.

AN ACT TO AUTHORIZE CITIES AND TOWNS TO APPROPRIATE MONEY FOR MONUMENTS TO PERSONS WHO SERVED IN THE WAR OF THE AMERICAN REVOLUTION.

Chap.116

Be it enacted, etc., as follows:

SECTION 1. Any city by vote of its city council, or by vote of its board of aldermen in a city which has no common council, and any town by vote at its annual meeting or at any special meeting called for the purpose, may appropriate money for erecting, dedicating or keeping in repair monuments in memory of soldiers or sailors who served their country in the war of the American revolution.

Cities and towns may appropriate money for certain monuments.

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

Approved February 28, 1903.

AN ACT TO REVIVE AND CONTINUE THE CORPORATE AUTHORITY OF THE LOWELL, ACTON AND MAYNARD STREET RAILWAY COMPANY.

Chap.117

Be it enacted, etc., as follows:

SECTION 1. The organization of the Lowell, Acton and Maynard Street Railway Company, as it existed prior to the first day of November in the year nineteen hundred and two, is hereby legalized, and the authority granted by chapter three hundred and three of the acts of the year nineteen hundred and by chapter three hundred and four of the acts of the year nineteen hundred and two, is revived, restored and continued as though it had never ceased.

Organization of Lowell, Acton and Maynard Street Railway Company legalized, etc.

Time extended.

SECTION 2. The time limit for constructing and putting in operation the railway of the said company is hereby extended until the first day of December in the year nineteen hundred and four.

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

Approved March 2, 1903.

Chap.118 AN ACT TO ESTABLISH THE METROPOLITAN PARKS LOAN SINKING FUND, SERIES TWO.

Be it enacted, etc., as follows:

Metropolitan
Parks Loan
Sinking Fund,
Series Two.

SECTION 1. The treasurer and receiver general is hereby authorized and directed to establish a sinking fund to be known as the Metropolitan Parks Loan Sinking Fund, Series Two, and to transfer from the Metropolitan Parks Loan Sinking Fund such portion of cash and securities as shall be determined to properly belong to the proposed new sinking fund. The Metropolitan Parks Loan Sinking Fund, Series Two, shall be maintained and increased by taxation from time to time to provide for the payment of bonds issued under the provisions of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and of chapter four hundred and seventy-two of the acts of the year eighteen hundred and ninety-six, and under any other acts or parts of acts under which bonds have been issued for parkways and boulevards.

Repeal.

SECTION 2. Chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-five is hereby repealed.

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

Approved March 2, 1903.

Chap.119 AN ACT TO PROVIDE FOR SUPPLYING SHIRLEY VILLAGE WITH WATER, AND FOR ESTABLISHING THE SHIRLEY VILLAGE WATER DISTRICT.

Be it enacted, etc., as follows:

Shirley Village
Water District
established.

SECTION 1. The inhabitants of Shirley Village in the county of Middlesex, liable to taxation in the town of Shirley and residing within the territory enclosed by the following boundary lines, to wit:—Beginning at the northeasterly corner of said proposed district at a stone bound in the easterly line of the Clark road, so-called; thence by the easterly line of said Clark road twenty-two hundred seventy feet to the northwesterly corner of land

of H. A. Sawtell; thence south, seventy-four degrees fifty-five minutes east, forty-three rods and nineteen links; thence in a straight line to a stone culvert in the Woods Village road, so-called, at a point eight hundred and seventeen feet distant northerly from the intersection of said Woods Village road and Main street; thence southerly eleven hundred and twenty-seven feet to a stone bound at a corner of land of the Samson Cordage Works; thence south, twenty degrees eighteen minutes west, fifteen hundred and sixty-six feet to a stone bound at a corner of land of the Samson Cordage Works; thence in a straight line to the southeasterly corner of land of David Lambert; thence in a line parallel with Phoenix street, so-called, and distant three hundred and thirty-one feet therefrom, to the southerly side of Shaker Plain road; thence westerly on the southerly line of said Shaker Plain road and Union street, so-called, to the intersection of said Union street and Summer street; thence in a straight line to a stone bound in the westerly line of Pleasant street, distant twenty-seven hundred feet from the intersection of Pleasant and Summer streets; thence in a straight line to a stone bound in the northerly line of Main street, fifty feet westerly from the house of Jerome Wheeler; thence in a straight line to a stone bound in the line of the Fitchburg railroad, five hundred feet westerly of Slab City crossing over said railroad; thence by the northerly line of said railroad to a hickory tree on land of Jacob P. Hazen, fourteen hundred and thirty feet easterly from said Slab City crossing; thence in a straight line to the southwest corner of land of Francis B. White; thence northerly to land of Charles W. Marshall; thence north, eighty-six and one-half degrees east, eighty rods and fifteen links to the westerly line of Centre street; thence northerly by the westerly line of said Centre street, two hundred and eighty feet; thence south, four degrees east, one hundred and two rods and sixteen links to the place of beginning; shall constitute a water district, and are hereby made a body corporate, by the name of the Shirley Village Water 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 and to relocate and discontinue the same, to regulate the use of such water and to fix and collect rates to be paid therefor, and to take by lease,

Shirley Village
Water District
established.

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, etc.

SECTION 2. Said water district, for the purposes aforesaid, may take by lease, purchase or otherwise, and hold the water from certain springs located upon the premises of the Samson Cordage Works, easterly from the mill buildings of said corporation, or from such other sources of supply within the limits of said district as may be approved by the state board of health.

May take certain lands, etc., erect structures, etc.

SECTION 3. Said district may also take by lease, purchase or otherwise, and hold all lands, rights of way and easements in the town of Shirley necessary for leasing, taking, holding, storing and improving such water and for conveying the same to and through said Shirley Village Water District; and said district may construct on the lands thus taken or acquired proper dams, wells, 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 town of Shirley, in such a manner as not to endanger or in any way unnecessarily 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 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 direction of the selectmen of said town.

Description of land, etc., to be recorded.

SECTION 4. Said water district shall within sixty days after taking any land, rights of way, water rights, water source or easements as aforesaid, otherwise than by lease or 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 of the purpose for which the same were taken, signed by the water commissioners hereinafter provided for.

SECTION 5. Said water district shall pay all damages to property sustained by any person or corporation by the taking of any lands, water source 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 highways. Any person or corporation whose water rights are thus taken or affected may apply as aforesaid within one year after the time when the water is actually withdrawn or diverted, and not thereafter.

Damages.

SECTION 6. 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 district and countersigned by the chairman of the water commissioners hereinafter provided for, to be denominated on the face thereof, Shirley Village Water District Loan, to an amount not exceeding fifty 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 five 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 accrues, and shall provide for the payment of said principal at maturity by making such annual proportionate payments as will extinguish the same within the time prescribed by this act. The amounts which may be necessary to make such payments shall without further vote of said district be raised annually by taxation in the way hereinafter provided.

Shirley Village
Water District
Loan.

Payment
of loan.

SECTION 7. Said district shall raise by taxation annually a sum which with the income derived from the sale of water and the payments from the town of Shirley for hydrant service 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

District to
raise a certain
sum by taxa-
tion annually.

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.

Town may guarantee payment of bonds, etc.

SECTION 8. The town of Shirley 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 certificates of debt, provided such meeting is held within one year after the acceptance of this act by said district.

Assessment and collection of taxes.

SECTION 9. 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 Shirley, 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 in which interest is authorized to be collected on town taxes: *provided*, that said district at the time of voting to raise the tax shall so determine, and shall also fix a time for the payment thereof.

Proviso.

District may make contracts for supplying water, etc.

SECTION 10. Said district may make such contracts with individuals, corporations, and the town of Shirley, 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 such contract or agreement.

First meeting.

SECTION 11. 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 Shirley, 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. 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.

SECTION 12. The Shirley Village Water 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 district meeting, to constitute a board of water commissioners; and at every 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 appoint a treasurer of said district who may be one of their number, who shall give bonds to said district to an amount and with such sureties as may be approved by said commissioners; and a majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board from any cause may be filled for the remainder of the unexpired term by said water 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 a majority of them. Said commissioners shall annually make to said district a full report in writing of their doings and expenditures.

Water commissioners, election, terms, etc.

Quorum.

Vacancy, etc.

To make annual report.

District may adopt certain by-laws, provide rules, etc.

SECTION 13. 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 eleven. 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.

SECTION 14. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under

Penalty for corruption of water, etc.

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.

When to take effect, etc.

SECTION 15. 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 Shirley Village within three years after the date of the acceptance of this act as aforesaid.

Approved March 2, 1903.

Chap. 120 AN ACT TO AUTHORIZE THE AUDITOR OF ACCOUNTS TO EMPLOY
ADDITIONAL CLERICAL ASSISTANCE.

Be it enacted, etc., as follows:

Additional clerical assistance.

SECTION 1. The auditor of accounts is hereby authorized to employ in his office such additional clerical assistance as may be necessary for the proper despatch of public business, at an expense not exceeding forty-five hundred dollars a year.

Repeal.

SECTION 2. So much of section fourteen of chapter six of the Revised Laws and of chapter one hundred and seventy-seven of the acts of the year nineteen hundred and two as is inconsistent with this act is hereby repealed.

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

Approved March 2, 1903.

Chap. 121 AN ACT TO AUTHORIZE THE CITY OF FITCHBURG TO REFUND A
PART OF ITS INDEBTEDNESS.

Be it enacted, etc., as follows:

City of Fitchburg may issue bonds, etc.

SECTION 1. The city of Fitchburg, for the purpose of refunding that part of its indebtedness at present existing for the purchase of land and the erection of a hospital, under the provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety, may issue bonds to an amount not exceeding ninety-one

thousand dollars, payable not more than twenty years from the date of issue, and bearing interest payable semi-annually at a rate not exceeding four per cent per annum. Such bonds shall be issued in accordance with the provisions of said chapter, and shall be deemed to constitute a part of the loan authorized thereby. The proceeds shall be used to refund said indebtedness, but no purchaser shall be responsible for the application thereof.

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

Approved March 2, 1903.

AN ACT TO REGULATE THE SALE OF CONCENTRATED COMMERCIAL FEED STUFFS. Chap. 122

Be it enacted, etc., as follows:

SECTION 1. Every lot or parcel of concentrated commercial feed stuff, as defined in section two of this act, used for feeding farm live stock, sold, or offered or exposed for sale within this Commonwealth, shall have affixed thereto, in a conspicuous place on the outside thereof, a plainly printed statement, clearly and truly certifying the name, brand or trade-mark under which the article is sold for feeding purposes, the name and address of the manufacturer, importer or dealer, the net weight of the package, and the minimum percentage of crude protein, reckoning one per cent of nitrogen equal to six and one fourth per cent of protein, and crude fat which it contains; the several constituents to be determined by the methods adopted by the Association of Official Agricultural Chemists of the United States. If the feed stuff is sold in bulk, or if it is put up in packages belonging to the purchaser, the agent or the dealer shall, upon request of the purchaser, furnish him with the certified statement described in this section.

Sale of concentrated commercial feed stuffs regulated.

SECTION 2. The term "concentrated commercial feed stuff", as used in this act, shall include cottonseed meals, linseed meals, pea meals, bean meals, peanut meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried distillers' grains, dried brewers' grains, dried beet refuse, malt sprouts, malt refuse, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat feeds, corn, oat and barley feeds, chop feeds, corn bran, ground beef or fish, scraps, meat and bone meals, mixed feeds, — except as otherwise provided in

Term "concentrated commercial feed stuff" defined.

section three of this act, — clover meals, condimental stock and poultry foods, patented, proprietary or trade-marked stock and poultry foods, and all other materials of a similar nature not included in section three of this act.

Not to include hays, straws, etc.

SECTION 3. The term "concentrated commercial feed stuff", as used in this act, shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn. Neither shall it include wheat bran or wheat middlings not mixed with other substances but sold separately as distinct articles of commerce, nor wheat bran and wheat middlings mixed together, not mixed with any other substances and known in the trade as "Mixed Feed", nor pure grains ground together unmixed with other substances.

Penalty for sale, etc., without printed statement, etc.

SECTION 4. Any manufacturer, importer, agent or other person selling, offering or exposing for sale any concentrated feed stuff included in section two of this act, without the printed statement required by section one of this act, or with a label stating that the said feed stuff contains substantially a larger percentage of either crude protein or crude fat than is actually present therein, shall be fined fifty dollars for the first offence and one hundred dollars for each subsequent offence.

Sample may be taken, etc.

SECTION 5. The director of the Hatch experiment station of the Massachusetts Agricultural College is hereby authorized, in person or by deputy, to enter any premises where feed stuffs are stored and to take a sample, not exceeding two pounds in weight, from any lot or package of any commercial feed stuff used for feeding any kind of farm live stock as defined in section two or of excepted materials named in section three of this act, which may be in possession of any manufacturer, importer, agent or dealer. Any sample so taken shall be put in a suitable vessel, and a label signed by the director or his deputy shall be placed on or within the vessel, stating the name or brand of the feed stuff or material sampled, the guaranty, the name of the manufacturer, importer or dealer, the name of the person, firm or corporation from whose stock the sample was taken, and the date and place of taking: *provided, however*, that whenever a request to that effect is made the sample shall be taken in duplicate and carefully sealed in the presence of the person or persons

Proviso.

in interest, or their representative, in which case one of the said duplicate samples shall be signed and retained by the person or persons whose stock was sampled. Any person who shall obstruct the director or his deputy while in the discharge of his duty under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offence. The aforesaid director shall cause at least one analysis of each feed stuff collected as herein provided, to be made annually. Said analysis may include determinations of crude protein, of crude fat, and of such other ingredients as it is deemed advisable at any time to determine. Said director shall cause the results of the analysis of the sample to be published from time to time in station bulletins, special circulars, or elsewhere, together with such additional information concerning the character, composition and use thereof as circumstances may require.

Penalty for obstructing director or deputy.

Analysis to be made and results published.

SECTION 6. Any person who shall adulterate any whole or ground grain with milling or manufacturing offals, or with any foreign substance whatever, or adulterate any bran or middlings, or mixtures of wheat bran and wheat middlings known in the trade as "Mixed Feed", or any other standard by-product made from the several grains or seeds with any foreign substance whatever, for the purpose of sale, unless the true composition, mixture or adulteration thereof is plainly marked or indicated upon the package containing the same or in which it is offered for sale; and any person who knowingly sells or offers for sale any whole or ground grain, bran or middlings, or mixture of wheat bran and wheat middlings known in the trade as "Mixed Feed", or other standard by-product, which have been so adulterated, unless the true composition, mixture or adulteration is plainly marked or indicated upon the package containing the same or in which it is offered for sale, shall on conviction be fined not less than twenty-five dollars or more than one hundred dollars for each offence, and such fines shall be paid into the treasury of the Commonwealth.

Penalty for adulteration, etc., of grain, mixed food, etc.

SECTION 7. The director of the Hatch experiment station upon ascertaining any violations of this act for the first time shall forthwith notify the manufacturers or importers in writing, giving them not less than thirty days thereafter in which to comply with the requirements of

Prosecution for violation of provisions, etc.

this act. In case of second or subsequent violations by the same person or persons, or in case after a lapse of thirty days the requirements of this act remain uncomplished with, it shall be the duty of the director of the said station to prosecute the person or persons violating any provision of this act, and for this purpose the director may, if necessary, employ experts, and may further designate some person connected with the said station, or some other suitable person, to make complaints in its behalf; and in making complaints for violations of this act the persons so designated shall not be required to enter into any recognizance or to give security for the payment of costs: *provided, however*, that there shall be no prosecution in relation to the quality of any unadulterated commercial feed stuff if the same shall be found to be substantially equivalent to the statement of analysis made by the manufacturers or importers.

Proviso.

Certain persons not affected.

SECTION 8. This act shall not affect persons manufacturing, importing or purchasing feed stuffs for their own use and not to sell in this state.

Term "importer" defined.

SECTION 9. The term "importer", for all the purposes of this act, shall be taken to include all who procure or sell concentrated commercial feed stuffs.

Payment of expenses of making analyses, etc.

SECTION 10. To defray the expenses of making the analyses and of carrying out the regulations provided for or made by or under this act the sum of three thousand dollars shall be allowed for the present year from the treasury of the Commonwealth, payable in semi-annual payments.

Repeal.

SECTION 11. Section twenty and so much of any other section of chapter fifty-seven of the Revised Laws as is inconsistent with this act are hereby repealed.

When to take effect.

SECTION 12. This act shall take effect on the first day of July in the year nineteen hundred and three.

Approved March 2, 1903.

Chap. 123

AN ACT MAKING APPROPRIATIONS FOR THE CARE OF RESERVATIONS UNDER THE CONTROL OF THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

Appropriations.

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

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 three, a sum not exceeding one hundred thirty-eight thousand and ninety-three dollars.

Care of certain reservations.

For printing and binding the annual report of the metropolitan park commission, a sum not exceeding twelve hundred dollars.

Annual report.

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

Approved March 3, 1903.

AN ACT MAKING AN APPROPRIATION FOR THE CARE AND MAINTENANCE OF BOULEVARDS AND PARKWAYS IN CHARGE OF THE METROPOLITAN PARK COMMISSION.

Chap. 124

Be it enacted, etc., as follows:

SECTION 1. A sum not exceeding seventy-nine thousand and twenty-one 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 three.

Care, etc., of certain boulevards and parkways.

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

Approved March 3, 1903.

AN ACT TO AUTHORIZE THE CITY OF EVERETT TO INCUR ADDITIONAL INDEBTEDNESS FOR SURFACE DRAINAGE PURPOSES.

Chap. 125

Be it enacted, etc., as follows:

SECTION 1. The city of Everett, for the purpose of extending and completing its system of surface drainage and disposing of surface water within the city, may incur indebtedness beyond the limit fixed by law to an amount not exceeding one hundred thousand dollars, and may issue from time to time bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods, not exceeding thirty years from the date thereof, as the city council of the city, with the approval of the mayor, shall determine. They shall be denominated on the face thereof, Everett Surface Drainage Loan, Act of 1903, and shall be signed by the mayor and treasurer of the city. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and of

Everett Surface Drainage Loan, Act of 1903.

R. L. 27, etc., to apply.

all acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

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

Approved March 3, 1903.

Chap. 126 AN ACT RELATIVE TO THE ANNUAL RETURNS OF RAILROAD CORPORATIONS.

Be it enacted, etc., as follows:

R. L. 111, § 84,
repealed.

SECTION 1. Section eighty-four of chapter one hundred and eleven of the Revised Laws, which provides that a fee of twenty dollars shall accompany the annual return of a railroad corporation, is hereby repealed.

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

Approved March 3, 1903.

Chap. 127 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

City of Fall
River may
issue bonds,
notes or scrip,
etc.

SECTION 1. The city of Fall River, for the purpose of purchasing land for the construction of new schoolhouses, and of furnishing the same, in that city, may incur indebtedness beyond the limit fixed by law to an amount not exceeding one hundred and fifty thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such period, not exceeding twenty years from the date thereof, and shall bear such rate of interest, not exceeding four per cent per annum, as the city council shall determine. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized and to the securities issued therefor.

R. L. 27 to
apply,
except, etc.

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

Approved March 3, 1903.

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO ISSUE ADDITIONAL BONDS.

Chap.128

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and thirty-one of the acts of the year nineteen hundred and two is hereby amended by striking out in the fifth line of said section the word "thirty", and inserting in place thereof the word: — forty, — so as to read as follows: —

1902, 331, § 2, 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 forty 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 2. This act shall take effect upon its passage.

Approved March 3, 1903.

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO USE CERTAIN LAND FOR MUNICIPAL PURPOSES.

Chap.129

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville is hereby granted perpetual right to occupy, for the purpose of erecting and maintaining thereon a building to be used as a public school, or for any other municipal purpose, such portions of a certain parcel of land situated on Highland avenue and Hudson street in said city, and acquired by it in the year nineteen hundred and two for the erection of an armory, as are not occupied by the armory building.

City of Somerville may use certain land for municipal purposes.

SECTION 2. This act, except as provided in the following section, shall not take effect unless accepted by said city by a majority vote of the board of aldermen, taken by call of the yeas and nays.

Not to take effect unless accepted by city.

SECTION 3. So much of this act as authorizes the submission of the question of its acceptance to the board of aldermen of said city shall take effect upon its passage, and if duly accepted it shall take full effect on the date of such acceptance.

When to take full effect.

Approved March 5, 1903.

Chap. 130 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO INCUR ADDITIONAL INDEBTEDNESS FOR SEWERAGE PURPOSES.

Be it enacted, etc., as follows:

1890, 357, § 10,
etc., amended.

SECTION 1. Section ten of chapter three hundred and fifty-seven of the acts of the year eighteen hundred and ninety, as amended by chapter three hundred and twelve of the acts of the year nineteen hundred and one, is hereby further amended by striking out in the fifth line the word "five", and inserting in place thereof the word: — six, — and by adding at the end of said section the words: — Said city may authorize temporary loans to be made by its mayor and treasurer, and may give temporary notes therefor, and may renew such temporary notes from time to time in anticipation of the issue of bonds, notes or scrip hereby authorized, or in anticipation of the payments to be made, — so as to read as follows: —

Pittsfield
Sewer Loan,
Act of Eighteen
Hundred
and Ninety.

Section 10. The said city may, for the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding in the aggregate six hundred thousand dollars beyond the limit of indebtedness fixed by law for said city. Such bonds, notes or scrip shall bear on the face thereof the words, Pittsfield Sewer Loan, Act of Eighteen Hundred and Ninety; shall be payable at the expiration of periods not exceeding forty years from the date of issue, and shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum; but the provisions of chapter twenty-nine of the Public Statutes and of chapter one hundred and twenty-nine of the acts of the year eighteen hundred and eighty-four shall otherwise apply to the issue of such bonds, notes or scrip and to the establishment of a sinking fund for the payment thereof at maturity. But said city may, instead of creating a sinking fund for the payment of said bonds so issued or to be issued, provide by the terms of said bonds that at least ten thousand dollars shall be due and payable each year upon the principal of such bonds, and if so paid said sinking fund need not be established as required by said acts. Said city may authorize temporary loans to be made by its mayor and treasurer, and may give temporary notes therefor, and may renew such

Payment of
loan.

Temporary
loans may be
authorized.

temporary notes from time to time in anticipation of the issue of bonds, notes or scrip hereby authorized, or in anticipation of the payments to be made.

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

Approved March 5, 1903.

AN ACT RELATIVE TO THE TRUSTEES OF THE BERKSHIRE ATHENÆUM.

Chap.131

Be it enacted, etc., as follows :

SECTION 1. The name of the Trustees of the Berkshire Athenæum is hereby changed to the Trustees of the Berkshire Athenæum and Museum.

Name of Trustees of the Berkshire Athenæum changed.

SECTION 2. The corporation may elect nine trustees in addition to the number now authorized.

Trustees.

SECTION 3. The corporation may by its by-laws limit the term of office of all trustees hereafter elected, and may from time to time reduce the number of trustees to a number not less than ten in addition to the trustees holding office ex officio, and may classify such trustees so that the terms of office of a certain number of trustees shall expire each year.

Term of office, etc.

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

Approved March 6, 1903.

AN ACT TO AUTHORIZE THE ASHBURNHAM NEW CEMETERY ASSOCIATION TO TRANSFER ITS PROPERTY AND FUNDS TO THE TOWN OF ASHBURNHAM.

Chap.132

Be it enacted, etc., as follows :

SECTION 1. The Ashburnham New Cemetery Association is hereby authorized to release and convey to the town of Ashburnham, by a deed executed by the president and clerk of said association in its behalf, all the real estate owned by it, and to transfer to said town of Ashburnham all the personal property of said association and all trust funds held by it by bequest or otherwise for the care and benefit of its cemetery or of any lot or lots therein: *provided*, that the town of Ashburnham shall vote to accept the same at a meeting duly called for that purpose.

The Ashburnham New Cemetery Association may transfer its property and funds to the town of Ashburnham.

Proviso.

SECTION 2. All real estate and personal property conveyed and transferred to the town of Ashburnham, pursuant to the authority contained in the preceding section,

Management, etc., of real estate and personal property.

Proviso.

shall be held and managed by said town in the same manner in which towns are authorized to hold and manage like property for cemetery purposes by the laws of this Commonwealth: *provided*, that any trust funds so transferred shall be held by said town for the same uses and purposes and charged with the same duties and liabilities as when held by said association, and that all rights which any persons have acquired in said cemetery or in any lot or lots therein shall remain valid to the same extent as if this act had not been passed.

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

Approved March 7, 1903.

Chap.133 AN ACT TO AUTHORIZE THE CITY OF NEWTON TO SELL A PART OF BOYD'S POND PARK.

Be it enacted, etc., as follows:

City of Newton may sell a part of Boyd's Pond park.

SECTION 1. The city of Newton is hereby authorized, upon the order or vote of its board of aldermen, to sell and convey that part of Boyd's Pond park, so-called, laid out under the provisions of chapter two hundred and ninety-six of the acts of the year eighteen hundred and ninety-three, which lies westerly of Jackson road.

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

Approved March 7, 1903.

Chap.134 AN ACT RELATIVE TO THE EQUIPMENT OF CERTAIN CARS OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

R. L. 112, § 52, amended.

SECTION 1. Section fifty-two of chapter one hundred and twelve of the Revised Laws is hereby amended by inserting after the word "guards", in the third line, the words:—brakes and emergency tools in such cases,—so as to read as follows:—*Section 52.* A street railway company shall equip its cars, when in use, unless propelled by horse power, with such fenders and wheel guards, brakes and emergency tools in such cases as may be required by the board, and the board may, from time to time, modify its requirements.

Equipment of certain cars of street railway companies.

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

Approved March 7, 1903.

AN ACT RELATIVE TO A METROPOLITAN PARK RAILWAY.

Chap. 135

Be it enacted, etc., as follows:

SECTION 1. The board of metropolitan park commissioners shall report to the next general court as to the advisability of establishing a metropolitan park railway through the whole or parts of the metropolitan park system and other parks in the cities and towns within the metropolitan park district, and shall submit an estimate of the probable cost of construction and operation of the railway and a statement of the best route therefor, and shall suggest the rules and regulations under which such railway should be maintained.

The metropolitan park commissioners to report as to advisability of establishing a metropolitan park railway.

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

Approved March 7, 1903.

AN ACT TO AUTHORIZE THE REMOVAL OF THE REMAINS OF THE DEAD FROM THE PLEASANT STREET CEMETERY IN THE CITY OF WORCESTER, AND THE SALE OF THE LAND.

Chap. 136

Be it enacted, etc., as follows:

SECTION 1. The Roman Catholic Bishop of Springfield, a corporation sole created by chapter three hundred and sixty-eight of the acts of the year eighteen hundred and ninety-eight, is hereby authorized to and shall, on or before the first day of July in the year nineteen hundred and six, remove the remains of the dead buried in the tract of land situated on Pleasant street in the city of Worcester, described in a deed from Rejoice Newton to Benedict I. Fenwick, dated the sixth day of August in the year eighteen hundred and thirty-five, and recorded in the Worcester district registry of deeds, in book three hundred and nine, page six hundred and fifty-three, to any other catholic cemetery in the city of Worcester designated by said Roman Catholic Bishop of Springfield, upon the following conditions:—

The Roman Catholic Bishop of Springfield may remove remains of dead from a certain cemetery.

1. The removals shall be made under the supervision of, and subject to any rules therefor adopted by, the board of health of the city of Worcester.

Conditions of removal.

2. Upon a request in writing by any relative or friend of any person whose remains are to be removed such relative or friend shall be permitted to remove at his own expense, subject to the above supervision and rules, the remains of such person to any other cemetery.

3. Where no such request is made said Roman Catholic Bishop of Springfield shall select and provide suitable places for the re-interments.

4. All monuments and headstones shall be carefully removed and re-set when others are not provided, and the utmost pains shall be taken to avoid mistakes.

5. The places of second burial shall be indicated upon a suitable plan of the cemetery or cemeteries designated as aforesaid by said Roman Catholic Bishop, which shall be open to the inspection of all interested persons.

Time for removal to be fixed and notice given.

SECTION 2. The board of aldermen of the city of Worcester shall fix a time for the removal of said remains and monuments reasonably within the time limited in section one hereof, and said Roman Catholic Bishop of Springfield shall give notice thereof by publication for three weeks successively in some one or more of the daily newspapers printed in said Worcester, the last publication thereof to be seven days at least before the time fixed for said removal, and by mailing a copy of said publication to the friends or next of kin whose residence may be known to said Roman Catholic Bishop of Springfield.

Contracts.

SECTION 3. The said Roman Catholic Bishop of Springfield is hereby empowered to make all necessary contracts for carrying out the purposes of this act.

Real estate may be sold, etc.

SECTION 4. The said Roman Catholic Bishop of Springfield, or whoever may be legally appointed as trustee under said deed from Rejoice Newton to Benedict I. Fenwick, is hereby empowered to sell and convey, either by a single conveyance or by several conveyances, the real estate described in said deed, and to convey thereby a title in fee free from the trusts created by said deed. The proceeds of such sale or sales, after paying the expenses incident to carrying out the provisions of this act, shall be held by said Roman Catholic Bishop of Springfield, or by any legally appointed trustee, in trust for the general purposes described in said deed.

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

Approved March 7, 1903.

Chap. 137

AN ACT TO AUTHORIZE THE APPOINTMENT OF A FOURTH ASSISTANT CLERK OF COURTS FOR THE COUNTY OF MIDDLESEX.

Be it enacted, etc., as follows:

Fourth assistant clerk of courts, county of Middlesex.

SECTION 1. The justices of the supreme judicial court or a majority of them may appoint a fourth assistant clerk

of courts for the county of Middlesex, who shall be subject to the provisions of law applicable to assistant clerks of courts and who shall receive an annual salary of two thousand dollars, to be paid by said county.

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

Approved March 7, 1903.

AN ACT TO AUTHORIZE THE PROPRIETORS OF THE SOUTH SUTTON RURAL CEMETERY COMPANY TO CONVEY ITS PROPERTY TO THE TOWN OF SUTTON.

Chap.138

Be it enacted, etc., as follows :

SECTION 1. The proprietors of the South Sutton Rural Cemetery Company at a meeting called for the purpose by notice published in the newspapers called the Worcester Telegram and the Uxbridge Compendium, at least seven days before said meeting, may by a two thirds vote of those present and voting authorize the trustees of said company or a majority of them to convey to the inhabitants of Sutton in their corporate capacity, all the right, title and interest in and to all the lands, buildings and other property belonging to said company. The principal or income of any property now or hereafter payable to said South Sutton Rural Cemetery Company or its officers shall, after the conveyance aforesaid, be paid under the same terms and conditions to the said inhabitants.

The proprietors of the South Sutton Rural Cemetery Company may convey its property to the town of Sutton.

SECTION 2. All rights which any persons have acquired in said cemetery or in any lot or lots therein shall remain valid, to the same extent as if this act had not been passed.

Certain rights not affected.

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

Approved March 7, 1903.

AN ACT RELATIVE TO THE WATER SUPPLY OF THE TOWN OF WILLIAMSBURG.

Chap.139

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter three hundred and forty-nine of the acts of the year nineteen hundred and one, as amended by section one of chapter one hundred and eighty-two of the acts of the year nineteen hundred and two, is hereby further amended by striking out all down to and including the word "therewith", in the seventh line, and inserting in place thereof the words : — Said town, for the purposes aforesaid, may take, by pur-

1901, 349, § 2, etc., amended.

chase or otherwise, and hold so much of the waters of the east branch and the west branch of Mill river, and of Unquomonk brook, and of all their tributaries, in said town of Williamsburg, and of the waters which flow into and from the same, together with any water rights connected therewith, as will provide the town with water amounting to not more than two hundred thousand gallons per day, — so as to read as follows: — *Section 2.* Said town, for the purposes aforesaid, may take, by purchase or otherwise, and hold so much of the waters of the east branch and the west branch of Mill river, and of Unquomonk brook, and of all their tributaries, in said town of Williamsburg, and of the waters which flow into and from the same, together with any water rights connected therewith, as will provide the town with water amounting to not more than two hundred thousand gallons per day, 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.

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

Approved March 7, 1903.

Town of Williamsburg may take certain waters, lands, etc.

Proviso.

May erect structures, lay pipes, etc.

AN ACT RELATIVE TO THE FIRE DEPARTMENT OF THE TOWN OF PLYMOUTH. *Chap.140*

Be it enacted, etc., as follows :

SECTION 1. Chapter fifty-three of the acts of the year eighteen hundred and thirty-five, entitled "An Act to establish a fire department in the town of Plymouth", is hereby repealed. 1835, 53, repealed.

SECTION 2. The Plymouth fire department as now organized shall be considered for all purposes as organized under the Revised Laws. Organization of the Plymouth fire department.

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

Approved March 7, 1903.

AN ACT TO ESTABLISH A BOARD OF SURVEY FOR THE TOWN OF BELMONT. *Chap.141*

Be it enacted, etc., as follows :

SECTION 1. The selectmen of the town of Belmont shall constitute a board of survey for the town. Board of survey for Belmont, selectmen to constitute.

SECTION 2. Any person or corporation desiring to lay out, locate or construct any street or way in said town after the passage of this act shall, before beginning such construction, submit to said board of survey suitable plans of such street or way, to be prepared in accordance with such rules and regulations as the board may prescribe. Plans of streets or ways to be submitted to board, etc.

Upon the receipt of such plans, with a petition for their approval, the board shall give a public hearing thereon, after giving notice of such hearing by publication once a week for two successive weeks in a newspaper published in the town, the last publication to be at least two days before the hearing; and after such hearing the board may alter such plans and may determine where such street or way shall be located, and the width and grades thereof, and shall so designate on said plans. Public hearing to be given, etc.

The plans shall then be approved and signed by the board and filed in the office of the clerk of the town, who shall attest thereon the date of such filing.

SECTION 3. The board of survey shall from time to time cause to be made under its direction plans of such territory or sections of land in said town as the board may deem advisable, showing thereon the location of such streets or ways, whether already laid out or not, as the board shall be of opinion that the present or future inter-

Plans to be made showing location of streets or ways, etc.

ests of the public require or will require in such territory, showing clearly the direction, width and grades of each street or way; and the board may employ such assistants and incur such expense in regard to said plans as it may deem necessary, not exceeding the amount of money appropriated by the town for the purpose. Before making any such plan the board shall give a public hearing as to the location, direction, width and grades of streets or ways in the territory to be shown on the plan, after giving notice of such hearing by publication once a week for two successive weeks in a newspaper published in the town, the last publication to be at least two days before the hearing, and shall, after making any such plan, give a like notice of hearing, and a hearing thereon, and shall keep the plan open to public inspection for one month after the first publication of notice of such hearing. After such hearing and after the alterations deemed necessary by the board have been made in such plan the plan shall be marked as made under the provisions of this act, shall be signed by the board, and shall then be filed in the office of the clerk of said town, who shall attest thereon the date of such filing.

Public hearings to be given, etc.

Certain powers of selectmen not abridged, etc.

Construction of streets or ways, etc.

Proviso.

SECTION 4. The powers of the board of selectmen of said town in regard to highways shall not be abridged by this act in any manner, except as provided in this section, and the powers given to them by this act shall be in addition to the powers now possessed by them. After the passage of this act no street or way in the town of Belmont, shown on any plan filed as aforesaid, shall be laid out, located anew, altered or widened, and no such street or way, whether already or hereafter laid out, shall be constructed by any public authority, except in accordance with the provisions of this act. If any person or corporation shall hereafter open for public travel any private way the location, direction, width and grades of which have not previously been approved in writing by the board of survey in the manner provided for in this act, then neither the town nor any other public authority shall place any public sewer, drain, water pipe or lamp in, or do any public work of any kind on, such private way so opened to public travel contrary to the provisions of this act: *provided, however*, that these provisions shall not prevent the laying of a trunk sewer, water or gas main, if it be required by engineering necessities.

SECTION 5. If any building shall hereafter be placed or erected in said town within the boundaries of any street or way shown on any plan filed with the town clerk as herein provided, or on land adjacent to any such street or way the grade of which at the time of placing or erecting such building is other than the grade shown on said plan, or on land adjacent to any street or way the plan and profile of which have not been approved by said board of survey, no damages caused to any building so placed or erected, by the construction of such street or way as shown on said plan, or caused to any building so placed or erected, or to the land upon which such building is placed or erected, by the subsequent change of grade of any street or way the plan of which has not been approved by said board of survey, shall be recovered by or paid to the owner of the whole or any part of the estate of which the land upon which said building so placed or erected formed a part at the date of the first publication of notice of hearing as aforesaid.

Erection, etc., of buildings at grades other than those filed, etc.

SECTION 6. Said town may from time to time appropriate sums of money to be expended by the board of survey for carrying out the provisions of this act; but no expenditures shall be made in excess of such appropriations.

Appropriations.

SECTION 7. Said board of survey, its officers and agents, may, so far as they deem it necessary in carrying out the provisions of this act, enter upon any lands and there make such examinations and surveys and place and maintain such monuments and marks as they may deem necessary; and any person whose property is injured by such entry or by such placing and maintaining, who fails to agree with the town as to the amount of his damages, may have them assessed and determined in the manner provided by law in the case of land taken for the laying out of highways in said town, on application at any time within one year after such entry or after such placing and maintaining.

Lands may be entered upon, surveys made, etc.

SECTION 8. This act shall not be construed to authorize any taking or condemnation of land, or to render the town liable for damages of any kind, except for making entries upon land and for placing and maintaining monuments and marks as authorized by section seven, nor to authorize the said town to lay out or to construct any way located on any of said plans, until such way has

Not to authorize taking of land, etc.

been laid out as a highway under other provisions of law.

SECTION 9. This act shall take effect upon its passage.

Approved March 7, 1903.

Chap. 142 AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO APPROPRIATE MONEY FOR THE CARE AND IMPROVEMENT OF BOYNTON PARK.

Be it enacted, etc., as follows:

City of Worcester may appropriate money for care, etc., of Boynton park.

SECTION 1. The city of Worcester is authorized to expend upon the real estate described in, and for the execution of the trusts created by, the deed of Charles Boynton, dated September fourteenth, eighteen hundred and ninety-eight, and recorded in Worcester district registry of deeds, in book fifteen hundred and ninety-four, page thirty, such sums of money as may from time to time be appropriated for the purpose by the city council of said city; and the board of park commissioners of said city, or such other board or officers as its city council may by ordinance designate, shall possess the same powers and authority and be charged with the same duties and responsibilities touching said real estate, and said city may otherwise in the execution of said trusts act as to said real estate as if it lay wholly within the city of Worcester.

No expenditures to be incurred until appropriation is made, etc.

SECTION 2. No expenditures shall be incurred under authority of this act until an appropriation sufficient for the estimated amount thereof has been made by a vote of two thirds of each branch of the city council. Such expenditures shall not exceed the appropriations therefor, and all contracts involving expenditures in excess of such appropriations shall be void.

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

Approved March 9, 1903.

Chap. 143 AN ACT RELATIVE TO THE SPEED OF CARS AND USE OF TRACKS OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

R. L. 112, § 40, amended

Section forty of chapter one hundred and twelve of the Revised Laws is hereby amended by striking out the word "may", in the first line, and inserting in place thereof the word: — shall, — and by inserting after the word "require", in the fourth line, the words: — subject

to the approval, revision or alteration of the board of railroad commissioners, — so as to read as follows : — *Section 40.* The board of aldermen or the selectmen shall from time to time establish such regulations as to the rate of speed and as to the mode of use of the tracks within their city or town as the interest and convenience of the public may require, subject to the approval, revision or alteration of the board of railroad commissioners ; and a street railway company whose servants or agents wilfully or negligently violate any such regulations shall forfeit not more than five hundred dollars for each offence.

Speed of cars of street railway companies to be regulated, etc.

Approved March 10, 1903.

AN ACT RELATIVE TO THE CROSSINGS OF RAILROADS AND PUBLIC
WAYS IN EAST BOSTON.

Chap. 144

Be it enacted, etc., as follows :

SECTION 1. Section two of chapter four hundred and sixty-two of the acts of the year nineteen hundred is hereby amended by striking out the word “ three ”, in the last line, and inserting in place thereof the word : — six, — so as to read as follows : — *Section 2.* In case the said commission shall determine that the public interests require the relocation of the tracks of the Boston and Maine or Boston and Albany railroads, or any of them, the present yards of the Boston and Albany Railroad Company between Marion and Bennington streets in East Boston may be used for storage and switching purposes, pending any change in the location of said railroad that may be ordered by said commission under section one of this act ; and the said railroad company may continue to cross at grade such streets as are necessary to reach said yards until said change of location has been effected, but in no event for a longer term than six years after the passage of this act.

1900, 462, § 2, amended.

In case of relocation of certain tracks, yards of Boston and Albany Railroad Company may be used for certain purposes, etc.

SECTION 2. Nothing in said chapter four hundred and sixty-two nor in chapter three hundred and ninety of the acts of the year eighteen hundred and ninety-nine shall be construed to limit or restrict the time within which the commissioners designated in said acts may report to the superior court for the county of Suffolk upon the matters referred to them under said acts.

Time within which commissioners may report not restricted, etc.

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

Approved March 10, 1903.

Chap.145 AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO ISSUE BONDS PAYABLE IN ANNUAL INSTALMENTS.

Be it enacted, etc., as follows:

Payment of certain bonds issued by the city of Newburyport.

SECTION 1. The bonds issued by the city of Newburyport for the purpose of paying necessary expenses and liabilities incurred under the provisions of chapter four hundred and seventy-four of the acts of the year eighteen hundred and ninety-four may be issued under and according to either said chapter or section thirteen of chapter twenty-seven of the Revised Laws, as the city may determine.

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

Approved March 10, 1903.

Chap.146 AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO INCUR INDEBTEDNESS FOR THE PURPOSE OF PAYING CERTAIN BONDS ISSUED BY THE WATERTOWN WATER SUPPLY COMPANY.

Be it enacted, etc., as follows:

The town of Watertown may incur indebtedness for the purpose of paying certain bonds.

SECTION 1. The town of Watertown, for the purpose of providing for the payment of bonds issued by the Watertown Water Supply Company, the principal of which amounts to one hundred and fifty thousand dollars, and the payment of which was assumed by the town at the time of its purchase of the franchise and property of said company, may incur indebtedness to an amount not exceeding one hundred and fifty thousand dollars.

Watertown Water Loan.

SECTION 2. The said town is hereby authorized to issue, for the indebtedness incurred under this act, bonds, notes or scrip to an amount not exceeding one hundred and fifty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Watertown 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 five per cent per annum, and shall be signed by the treasurer of the town and countersigned by the selectmen. The town may sell such securities at public or private sale or pledge the same for money borrowed for the purpose of this act, upon such terms and conditions as it may deem proper: *provided*, that such securities shall not be sold or pledged for less than the par value thereof.

Proviso.

SECTION 3. The town shall pay the interest on said loan as it accrues, and shall at the time of authorizing the 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 a vote to that effect has been passed the amount required thereby, so far as the income derived from water rates and available for the purpose may be insufficient therefor, shall without further vote be assessed by the assessors of the town in each year thereafter until said debt 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.

Payment of loan.

SECTION 4. The indebtedness incurred under this act shall not be reckoned in determining the authorized limit of indebtedness of said town under the provisions of section four of chapter twenty-seven of the Revised Laws.

Not to be reckoned in determining debt limit.

SECTION 5. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall apply to the issue of said bonds, notes or scrip.

R. L. 27 to apply.

Approved March 10, 1903.

AN ACT RELATIVE TO INCREASING THE LIMIT OF CAPITAL TO BE ACCUMULATED BY CO-OPERATIVE BANKS.

Chap. 147

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and fourteen of the Revised Laws is hereby amended by striking out the words "actually paid in shall not exceed one million dollars, and", in the first and second lines, and inserting in place thereof the words:—to be accumulated, —and by striking out the words "so long as the capital actually paid in on shares does not exceed one million dollars", in the fifth and sixth lines, so as to read as follows:—

R. L. 114, § 4, amended.

Section 4. The capital to be accumulated shall be divided into shares of the ultimate value of two hundred dollars each. The shares may be issued in quarterly, half yearly or yearly series, in such amounts and at such times as the members may determine. No person shall hold more than twenty-five shares in the capital of one such corporation. No shares of a prior series shall be issued after the issue of a new series.

Issue of stock of co-operative banks.

SECTION 2. Said chapter one hundred and fourteen is hereby further amended by adding at the end thereof the

R. L. 114 amended.

Co-operative
banks may
increase limit
of capital, etc.

following new section:— *Section 31.* A bank may by vote of a majority of its members present and voting at a meeting duly called for the purpose increase the limit of capital to be accumulated by it as stated in its original agreement of association and in its certificate of organization, and within thirty days after such vote shall file in the office of the secretary of the Commonwealth a certificate of the amount of such increase and a statement of such vote, signed and sworn to by the presiding and financial officers and by a majority at least of the officers who possess the powers of directors, by whatever name they may be called. For filing and recording such certificate of increase a fee of one dollar shall be paid to the secretary of the Commonwealth. Upon the filing thereof the bank without any further requirement shall be authorized to accumulate a capital up to the increased amount designated in such vote.

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

Approved March 10, 1903.

Chap. 148 AN ACT MAKING AN APPROPRIATION FOR THE COMPENSATION AND EXPENSES OF THE COMMITTEE APPOINTED TO CONSIDER THE ADVISABILITY OF CONSTRUCTING A DAM ACROSS THE CHARLES RIVER BETWEEN THE CITIES OF BOSTON AND CAMBRIDGE.

Be it enacted, etc., as follows:

Compensation,
etc., of the
committee
on Charles
river dam.

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, for the compensation and expenses of the committee appointed 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.

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

Approved March 10, 1903.

Chap. 149 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF BRAINTREE AND HOLBROOK.

Be it enacted, etc., as follows:

Boundary
line between
Braintree and

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Braintree

and Holbrook, viz. : — Beginning at the corner of Braintree, Holbrook and Weymouth, marked by a granite monument lettered H W; thence running north, eighty-nine degrees fifty-three minutes west, seven thousand one hundred sixty-seven feet to a point at the southwesterly corner of Pine and Division streets opposite the house of W. W. Wentworth; thence south, eighty-eight degrees thirty-seven minutes west, nine hundred and twenty-seven feet to a point near the southeasterly corner of Franklin and Division streets; thence north, seventy-nine degrees eight minutes west, one hundred and ninety-six feet to a point at the northwesterly corner of Washington street and an old road forming a continuation of Division street; thence north, eighty-eight degrees thirty-five minutes west, thirteen hundred and fifty-eight feet to an angle in the northerly side line of said old road; thence north, eighty-six degrees four minutes west, twenty-seven hundred and six feet to the centre of Tumbling brook at a point opposite the granite monument lettered H B, standing on the easterly bank about five feet from the centre of the brook; said point being the corner of Braintree, Holbrook and Randolph. The board of harbor and land commissioners is hereby directed to file a plan of this line with the secretary of the Commonwealth.

Holbrook established.

Plan to be filed.

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

Approved March 11, 1903.

AN ACT TO PROVIDE THAT PERSONS EMPLOYED BY THE UNITED STATES GEOLOGICAL SURVEY OR BY THE BOARD OF HARBOR AND LAND COMMISSIONERS OF THE COMMONWEALTH MAY ENTER UPON PUBLIC OR PRIVATE LAND IN THE COMMONWEALTH.

Chap. 150

Be it enacted, etc., as follows:

SECTION 1. Persons employed by the United States geological survey or by the board of harbor and land commissioners of the Commonwealth may enter upon public or private land within the Commonwealth whenever it may be necessary for them to do so for the purposes of said survey: *provided*, that no unnecessary injury is done by any such entry.

Certain persons may enter upon public or private land, etc.

Proviso.

SECTION 2. In case any damage to property is sustained by any person by reason of any entry as aforesaid, if the parties interested cannot agree upon the amount to be paid therefor, the damages shall be determined in the

Damages.

manner provided in sections ten, eleven and twelve of chapter one of the Revised Laws.

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

Approved March 11, 1903.

Chap.151 AN ACT RELATIVE TO THE EXAMINING BOARD OF THE MILITIA.

Be it enacted, etc., as follows:

Questions propounded by the examining board of the militia to be based on certain military text-books, etc.

SECTION 1. All questions propounded in examinations as to the technical military qualifications of an officer, as provided in section fifty-nine of chapter sixteen of the Revised Laws, shall be based on military text-books of recognized authority to be selected from time to time by the examining board. The titles of all books so selected, and the specific parts thereof adopted by said board as the basis of examination, shall be promulgated to the volunteer militia by the commander-in-chief in such a manner as to indicate the exact scope or standard required of candidates in each respective grade or staff position, and the quartermaster general shall furnish upon requisition, to officers accountable for public property, copies of said books for the use of such officers and of those belonging to their commands. The examining board shall prepare new sets of questions substantially different from those previously in use at least once in every two years.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

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

(The foregoing was laid before the governor on the ninth day of March, 1903, and after five days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.152 AN ACT TO EXTEND AND DEFINE THE RIGHT OF VETO OF THE MAYOR OF THE CITY OF NEWTON, AND TO FIX THE VOTE REQUISITE FOR THE GRANT OF STREET RAILWAY LOCATIONS IN THAT CITY.

Be it enacted, etc., as follows:

1897, 283, § 12, amended.

Section twelve of chapter two hundred and eighty-three of the acts of the year eighteen hundred and ninety-seven is hereby amended by striking out the words "required by law to be presented to the mayor", in the second and

third lines, and inserting in place thereof the words : — except those relating to matters of procedure or to the election or confirmation of officers,—and by adding at the end of said section the words : — No location of tracks of a street railway company under any laws now or hereafter in force relating thereto shall be granted except by vote of a majority of all the members of the board, taken by yea and nay,—so as to read as follows : — *Section 12.* Every ordinance, order, resolution or vote of the board of aldermen, except those relating to matters of procedure or to the election or confirmation of officers, shall be presented by the clerk of said board to the mayor for his approval in writing ; and thereupon the same proceedings shall be had as are provided by law in relation to similar ordinances, orders, resolutions and votes of a city council. The clerk shall hold every such ordinance, order, resolution or vote for twenty-four hours, Sundays and legal holidays excepted, and if during such time a notice of a motion to reconsider is filed with the clerk by any member entitled to make such motion the ordinance, order, resolution or vote shall be presented to the board at its next meeting ; otherwise it shall be presented to the mayor at the expiration of said twenty-four hours. No location of tracks of a street railway company under any laws now or hereafter in force relating thereto shall be granted except by vote of a majority of all the members of the board, taken by yea and nay.

Certain ordinances, etc., to be approved by mayor, etc.

Granting of locations of tracks of street railway companies.

Approved March 16, 1903.

AN ACT RELATIVE TO THE INDIAN CEMETERY IN THE TOWN OF DARTMOUTH.

Chap.153

Be it enacted, etc., as follows :

SECTION 1. The South Dartmouth Cemetery Association is hereby authorized to care for and control the old Indian cemetery, so-called, in the town of Dartmouth, and to make all reasonable rules for the management and protection of the same, and to erect therein any structures that may be necessary or convenient for its preservation or embellishment. Nothing herein shall affect the rights of any person holding title in or to said old Indian cemetery.

Management, etc., of the old Indian cemetery in Dartmouth.

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

Approved March 16, 1903.

Chap. 154 AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO ESTABLISH
A BOARD OF PUBLIC WORKS.

Be it enacted, etc., as follows:

Town of
Plymouth
may establish
a board of
public works,
etc.

SECTION 1. Upon the acceptance of this act as herein-
after provided the selectmen of the town of Plymouth
shall 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 date of their appoint-
ment. Thereafter one such commissioner shall be elected
annually by the selectmen to serve for the term of three
years. The commissioners shall serve until their succes-
sors are elected and qualified. Any vacancy in the said
board may be filled for the unexpired term by the select-
men at any legal meeting.

Powers,
duties, etc.

SECTION 2. Upon the election of said commissioners
or a majority of them the office of water commissioners
of said town shall be abolished, and thereupon all the
powers, duties and liabilities conferred or imposed by law
upon the said water commissioners shall be conferred and
imposed upon the said commissioners of public works.
The aforesaid transfer of powers, duties and liabilities
shall not affect any liability incurred or contract made
before such transfer, or any suit or other proceeding then
pending.

Construction,
etc., of streets,
ways, etc.

SECTION 3. The said board, in matters concerning the
construction, maintenance and repair of streets, ways,
bridges, sidewalks, public sewers and drains, monuments
at the termini and angles of roads, guide posts, shade
trees, the watering of streets, and the locating and re-
moving of poles, wires, pipes and fixtures, other than
those of a street railway company, in or over any street,
shall exclusively have the powers and be subject to the
duties, liabilities and penalties of the selectmen and sur-
veyors of highways and the superintendent of streets.

Oath of office,
compensation,
etc.

SECTION 4. Said commissioners shall be sworn to the
faithful discharge of their duties, and shall receive such
compensation for their services as the town may deter-
mine, and shall be subject to such rules and regulations
as the town may impose by its vote. They shall incur no
expense beyond what is authorized by the town, and they

may appoint a superintendent and such other officers as in their judgment may be necessary.

SECTION 5. This act except as provided in the following section shall take effect upon its acceptance by a two thirds vote of the legal voters of the town of Plymouth present and voting thereon at a town meeting duly called for the purpose.

When to take effect.

SECTION 6. So much of this act as authorizes its submission as aforesaid shall take effect upon its passage.

Part of act to take effect upon its passage.

Approved March 16, 1903.

AN ACT TO REMOVE THE CONDITIONS ON WHICH A CERTAIN FUND ACQUIRED BY THE SALE OF FISHERY RIGHTS IS HELD BY THE TOWN OF WEYMOUTH.

Chap.155

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter ninety-two of the acts of the year eighteen hundred and forty-six is hereby repealed.

1846, 92, § 5, repealed.

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

Approved March 16, 1903.

AN ACT TO RATIFY AND CONFIRM CERTAIN PROCEEDINGS OF THE FOXBOROUGH WATER SUPPLY DISTRICT.

Chap.156

Be it enacted, etc., as follows:

SECTION 1. The Foxborough Water Supply District is hereby authorized to continue to withdraw the subterranean waters in the land heretofore purchased and taken by said district, by means of a pumping station and driven wells upon said land, for the purposes of its water supply; and the action of said district in constructing and operating said pumping station is hereby ratified and confirmed.

Certain action of Foxborough Water Supply District confirmed, etc.

SECTION 2. The said district shall be liable for all damages to property sustained by any person or corporation by reason of the right conferred by this act to withdraw said subterranean waters, and such damages may be recovered upon a petition filed within one year after the passage of this act, in the manner provided by section three of chapter one hundred and ninety-six of the acts of the year eighteen hundred and seventy-nine.

Damages.

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

Approved March 16, 1903.

Chap. 157 AN ACT RELATIVE TO NOTICES OF ASSESSMENT TO BE GIVEN BY ASSESSORS.

Be it enacted, etc., as follows :

R. L. 12, § 41,
amended.

Notices of
assessment
to be given
by assessors,
etc.

SECTION 1. Section forty-one of chapter twelve of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 41.* Assessors before making an assessment shall give seasonable notice thereof to all persons, firms and corporations, domestic or foreign, subject to taxation in their respective cities and towns. Such notice shall be posted in one or more public places in each city or town, or shall be given in some other sufficient manner, and shall require the said persons, firms and corporations to bring in to the assessors, before a date therein specified, in case of residents a true list of all their polls and personal estate not exempt from taxation, and in case of non-residents and foreign corporations a true list of all their personal estate in that city or town not exempt from taxation, and may or may not require such list to include their real estate which is subject to taxation in that city or town. It shall also require all persons and corporations, except corporations making returns to the insurance commissioner as required by section nineteen of chapter one hundred and eighteen, to bring in to the assessors before a date therein specified, which shall not be later than the first day of July then following, unless the assessors for cause shown extend the time to the first day of August, true lists of all real and personal estate held by them respectively for literary, temperance, benevolent, charitable or scientific purposes on the preceding first day of May, or at the election of such corporation on the last day of its financial year last preceding said first day of May, and to state the amount of receipts and expenditures for said purposes during the year last preceding said days. The notice shall contain the provisions of section forty-five.

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

Approved March 16, 1903.

AN ACT TO PROTECT PUBLIC PARKS AND PARKWAYS FROM DIS- *Chap.158*
FIGUREMENT BY ADVERTISEMENTS.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan park commission and the officer or officers having charge of public parks and parkways in any city or town may make such reasonable rules and regulations respecting the display of signs, posters or advertisements in or near to and visible from public parks and parkways entrusted to their care, as they may deem necessary for preserving the objects for which such parks and parkways are established and maintained.

Rules, etc., may be made to protect public parks, etc., from disfigurement by advertisements.

SECTION 2. The commission or officers aforesaid shall give notice of all rules and regulations made by them under authority of this act by posting the same in three or more public places in the city or town in which the public park or parkway is situated, and by publishing the same in some newspaper, if there be one, published in such city or town. Such notice shall be deemed legal notice to all persons.

Notice to be given.

SECTION 3. Whoever violates any rule or regulation made and published as aforesaid shall be punished by a fine not exceeding twenty dollars for each offence; and any sign, poster or advertisement erected or maintained in violation of any such rule or regulation shall be deemed a public nuisance.

Penalty for violation of rules, etc.

Approved March 17, 1903.

AN ACT TO AUTHORIZE THE PITTSFIELD COAL GAS COMPANY, *Chap.159*
UNDER CERTAIN CONDITIONS, TO FURNISH GAS AND ELECTRICITY
IN THE TOWN OF DALTON.

Be it enacted, etc., as follows:

SECTION 1. The Pittsfield Coal Gas Company is hereby authorized, upon the approval of the board of gas and electric light commissioners, and with the consent of the selectmen of the town of Dalton, to furnish gas and electricity for heat, light and power in the town of Dalton, with all the rights, powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

The Pittsfield Coal Gas Company may, under certain conditions, furnish gas and electricity in Dalton.

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

Approved March 17, 1903.

*Chap.*160 AN ACT TO AUTHORIZE THE TOWN OF MARSHFIELD TO PAY A SUM OF MONEY TO BRADFORD L. HOWARD AND TO LEGALIZE THE ACTION OF THE TOWN IN PROVIDING FOR SUCH PAYMENT.

Be it enacted, etc., as follows:

The town of Marshfield may pay a sum of money to Bradford L. Howard.

SECTION 1. The town of Marshfield is hereby authorized to pay to Bradford L. Howard a sum not exceeding one thousand dollars, as compensation for the demolition by firewards of the town of a certain building belonging to said Howard situated in the village of Brant Rock, so-called, in said town, during the progress of a fire in said village on the twenty-fourth day of February in the year nineteen hundred and two. This sum is to be paid in settlement of the action brought by said Howard against said firewards to recover damages for the demolition of said building. Any and all votes of the said town passed at a special town meeting held on the nineteenth day of January in the year nineteen hundred and three whereby the town voted to assume the settlement of the said action are hereby declared legal and valid.

Certain acts of town legalized.

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

Approved March 17, 1903.

*Chap.*161 AN ACT RELATIVE TO LANDS TAKEN FOR THE PURPOSES OF WATER SUPPLY.

Be it enacted, etc., as follows:

R. L. 12, § 12, amended.

SECTION 1. Section twelve of chapter twelve of the Revised Laws is hereby amended by adding at the end thereof the following:— If land within any city or town shall have been taken from such city or town for said purposes, and for any one of the three years prior to the taking shall have been used for any public purpose, and for that reason no taxes shall have been collected thereon, the city or town and the board or officer having charge of the water supply may within six years after the taking agree as to the value of the land upon which the annual payment is to be made as aforesaid from the time of the taking, and if they cannot agree the board or officer shall notify the city or town thereof; and thereupon the value shall be determined by the superior court under the provisions of said sections seventy-eight and seventy-nine, and said notice shall be deemed to be the notice referred

to in said section seventy-eight. The provisions of this section and of the two preceding sections shall apply to property acquired for the purposes of the metropolitan water supply, — so as to read as follows:— *Section 12.* The assessors of a city or town in which land is acquired by another city or town for the purpose of a water supply shall, within one year after such acquisition, determine the said average valuation of such land, and certify the amount so determined to such other city or town. The mayor of a city or the selectmen of a town, within six months after receipt of said certificate, may appeal from such determination to the superior court for the county where the land lies; and said court shall determine such valuation in the manner provided in the two preceding sections, and the provisions of sections seventy-eight and seventy-nine, so far as applicable, shall govern such appeal.

Valuation of land held by a city or town in another city or town for a water supply.

If land within any city or town shall have been taken from such city or town for said purposes, and for any one of the three years prior to the taking shall have been used for any public purpose, and for that reason no taxes shall have been collected thereon, the city or town and the board or officer having charge of the water supply may within six years after the taking agree as to the value of the land upon which the annual payment is to be made as aforesaid from the time of the taking, and if they cannot agree the board or officer shall notify the city or town thereof; and thereupon the value shall be determined by the superior court under the provisions of said sections seventy-eight and seventy-nine, and said notice shall be deemed to be the notice referred to in said section seventy-eight. The provisions of this section and of the two preceding sections shall apply to property acquired for the purposes of the metropolitan water supply.

Valuation of certain land, how determined.

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

Approved March 18, 1903.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF MARSH AND BEACH BIRDS.

Chap. 162

Be it enacted, etc., as follows:

Section five of chapter ninety-two of the Revised Laws is hereby amended by striking out the word “ May ”, in the third line, and inserting in place thereof the word: — March, — so as to read as follows:— *Section 5.* Who-

R. L. 92, § 5, amended.

Close season
for shore
birds and
pigeons, etc.

ever takes or kills a plover, snipe, sandpiper, rail or any of the so-called shore, marsh or beach birds between the first day of March and the fifteenth day of July, or a wild or passenger pigeon, gull or tern at any time, shall be punished by a fine of ten dollars for every bird so taken or killed; but the provisions of this section shall not apply to the great American herring gull nor to the great black-backed gull between the first day of November and the first day of May following.

Approved March 18, 1903.

Chap. 163.

AN ACT TO AUTHORIZE THE BOSTON AND WORCESTER STREET RAILWAY COMPANY TO CONSTRUCT AND OPERATE ITS RAILWAY OVER THE TRACKS OF THE BOSTON AND ALBANY RAILROAD IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

The Boston
and Worces-
ter Street Rail-
way Company
may construct
and operate
its railway
over certain
tracks, etc.

SECTION 1. The Boston and Worcester Street Railway Company is hereby empowered to construct and operate its street railway over and across the tracks of the Boston and Albany railroad on Boylston street in the city of Newton upon a wooden trestle, which it is hereby authorized to construct and maintain in said Boylston street for that purpose, in conformity with plans to be submitted to and approved by the board of railroad commissioners. The use of said trestle shall be discontinued and said trestle removed upon the completion of the work of the abolition of the grade crossing of the tracks of said railroad with Boylston street.

Construction
of trestle, etc.

SECTION 2. In constructing the said trestle a clear headroom of sixteen feet shall be provided over the top of the present tracks of the Boston and Albany railroad, and the grade of the approaches to the crossing upon the trestle shall not exceed six and five tenths feet per one hundred feet.

Damages, etc.

SECTION 3. The construction, maintenance and use of the said trestle shall be deemed not to be an additional easement or servitude. If any person is legally damaged in his property by the construction, maintenance or use of the said trestle the damages may be assessed by a jury of the superior court upon proceedings conducted as provided with respect to the laying out of ways in the city of Newton.

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

Approved March 18, 1903.

AN ACT RELATIVE TO THE FURNISHING OF POWER BY GAS AND ELECTRIC LIGHT COMPANIES. *Chap.164*

Be it enacted, etc., as follows :

Section thirty-three of chapter one hundred and twenty-one of the Revised Laws is hereby amended by striking out the word “and”, in the third line, and inserting in place thereof the word :— or, — by striking out the words “or heat”, in the fourth line, and inserting in place thereof the words :— heat or power, — and by striking out all of said section after the word “company”, in the tenth line, and inserting in place thereof the words :— engaged in the manufacture and sale of gas to supply the petitioner with gas for any of said purposes, or the corporation or company engaged in the manufacture and sale of electricity to supply the petitioner with electricity for any of said purposes, upon such terms and conditions as are legal and reasonable, — so as to read as follows :— *Section 33.* Upon the petition in writing of any person who has a residence or place of business in a city or town in which a corporation or company is engaged in the manufacture or sale of gas or electricity for light, heat or power, and who is aggrieved by the refusal or neglect of such corporation or company to supply him with gas or electricity, the board of gas and electric light commissioners may, after notice to the corporation or company to appear at a time and place therein named to show cause why the prayer of such petition should not be granted, issue an order directing and requiring the corporation or company engaged in the manufacture and sale of gas to supply the petitioner with gas for any of said purposes, or the corporation or company engaged in the manufacture and sale of electricity to supply the petitioner with electricity for any of said purposes, upon such terms and conditions as are legal and reasonable.

R. L. 121, § 33, amended.

Supply of gas or electricity, how enforced.

Approved March 19, 1903.

AN ACT TO EXTEND THE PRIVILEGES OF ADMIRAL SIR ISAAC COFFIN'S LANCASTERIAN SCHOOL. *Chap.165*

Be it enacted, etc., as follows :

SECTION 1. Section one of “An Act to incorporate a school at Nantucket by the name of Admiral Sir Isaac Coffin's Lancastrian School”, approved on the eighth

1827, 1, § 1, amended.

day of June in the year eighteen hundred and twenty-seven, is hereby amended by inserting after the word "English", in the seventh line, the words:—classical or commercial,—and by inserting after the word "Nantucket", in the eleventh line, the words:—and others; and to teach manual training in connection with the aforesaid branches, or separately as a manual training school,—so as to read as follows:—*Section 1. Be it enacted by the Senate and House of Representatives, in General Court assembled, and by authority of the same,* That there be, and hereby is established, in the town of Nantucket, in the county of Nantucket, a school by the name of Admiral Sir Isaac Coffin's Lancasterian School, for the purpose of promoting decency, good order and morality, and for giving a good English, classical or commercial education to the youth who are descendants of the late Tristram Coffin, (who emigrated from England about the year 1641, first settled at Salisbury in Massachusetts Bay, now state of Massachusetts, and from thence removed to the town of Sherburne, now Nantucket,) and others; and to teach manual training in connection with the aforesaid branches, or separately as a manual training school, as the trustees for the time being shall direct; and that William Coffin, Ariel Coffin, Gorham Coffin, Jared Coffin, Thaddeus Coffin, and Charles G. Coffin, with such others as they may add to their number, be nominated and appointed trustees; and they are hereby incorporated into a body politic, by the name of the Trustees of Admiral Sir Isaac Coffin's Lancasterian School, and they and their successors shall be, and continue a body politic forever.

1827, 1, § 2,
amended.

May hold
property, etc.

SECTION 2. Section two of said act is hereby amended by striking out the word "three", in the eleventh line, and inserting in place thereof the word:—ten,—so as to read as follows:—*Section 2. Be it further enacted,* That all lands, buildings, monies, or other property heretofore given or subscribed for the purpose of establishing the aforesaid school, or which shall hereafter be given, granted, or assigned to the said trustees, shall be confirmed to the said trustees, and their successors, in that trust forever, for the uses for which said school is established, and the said trustees shall be capable of having, holding, and taking in fee simple, by gift, grant, devise, or otherwise, any lands, tenements, or other estate, real

Admiral Sir
Isaac Coffin's
Lancasterian
School incor-
porated.

or personal, provided that the annual income of the same shall not exceed the sum of ten thousand dollars, and shall apply the interest, rents, and profits thereof, so as most to promote the design of the institution.

Approved March 19, 1903.

AN ACT TO EXEMPT THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD BENEFICIAL ASSOCIATION FROM THE PROVISIONS OF LAW RELATIVE TO FRATERNAL BENEFICIARY CORPORATIONS.

Chap.166

Be it enacted, etc., as follows:

SECTION 1. The New York, New Haven and Hartford Railroad Beneficial Association is hereby exempted from the provisions of chapter one hundred and nineteen of the Revised Laws relative to fraternal beneficiary corporations, except the provisions of section fourteen of said chapter.

Exempt from certain provisions of law relative to fraternal beneficiary corporations.

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

Approved March 19, 1903.

AN ACT TO REVIVE AND CONTINUE THE CORPORATE AUTHORITY OF THE OAKHAM STREET RAILWAY COMPANY.

Chap.167

Be it enacted, etc., as follows:

SECTION 1. The organization of the Oakham Street Railway Company as it existed prior to the first day of December in the year nineteen hundred and two is hereby revived, and all the rights and privileges possessed by said company prior to said date are revived, restored and continued as though they had never ceased.

Organization of the Oakham Street Railway Company revived, etc.

SECTION 2. Section seven of chapter three hundred and thirty-seven of the acts of the year nineteen hundred and one is hereby amended by striking out the word "two", in the fourth line, and inserting in place thereof the word:—five,—so as to read as follows:—*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 five and if said railway is not constructed and in operation in the town of Oakham within four years from the granting of locations by the proper authorities.

1901, 337, § 7, amended.

Authority to cease unless certain conditions are complied with.

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

Approved March 19, 1903.

Chap.168 AN ACT TO REVIVE AND CONTINUE THE CORPORATE AUTHORITY
OF THE RUTLAND STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

Organization
of the Rutland
Street Railway
Company
revived, etc.

SECTION 1. The organization of the Rutland Street Railway Company as it existed prior to the first day of December in the year nineteen hundred and two is hereby revived, and all the rights and privileges possessed by said company prior to said date are revived, restored and continued as though they had never ceased.

1901, 338, § 7,
amended.

SECTION 2. Section seven of chapter three hundred and thirty-eight of the acts of the year nineteen hundred and one is hereby amended by striking out the word "two", in the fourth line, and inserting in place thereof the word :— five, — so as to read as follows :— *Section 7.* The authority hereby granted shall cease if four 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 five and if said railway is not constructed and put in operation in the town of Rutland within five years from the granting of locations by the proper authorities.

Authority to
cease unless
certain con-
ditions are
complied with.

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

Approved March 19, 1903.

Chap.169 AN ACT TO REVIVE AND CONTINUE THE CORPORATE AUTHORITY
OF THE ESSEX COUNTY STREET RAILWAY COMPANY.

Be it enacted, etc., as follows :

Organization
of the Essex
County Street
Railway
Company
revived, etc.

SECTION 1. The organization of the Essex County Street Railway Company as it existed prior to the twentieth day of November in the year nineteen hundred and two is hereby revived, and all the authority, rights and privileges possessed by said company prior to that date are hereby revived, restored and continued as though they had never ceased.

Time
extended.

SECTION 2. The time limit for constructing and putting in operation the railway of the said company is hereby extended until the first day of December in the year nineteen hundred and four.

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

Approved March 19, 1903.

AN ACT TO AUTHORIZE THE SCHOOL COMMITTEE OF THE CITY OF
 BOSTON TO MAKE ADDITIONAL APPROPRIATIONS IN THE PRESENT
 YEAR FOR THE SUPPORT OF THE PUBLIC SCHOOLS. *Chap. 170*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred of the acts of the year eighteen hundred and ninety-eight, as amended by section one of chapter four hundred and forty-eight of the acts of the year nineteen hundred and one, is hereby further amended by adding at the end thereof the words:—*provided*, that in the year nineteen hundred and three the school committee, instead of appropriating the said forty cents upon every such one thousand dollars solely for new school buildings, lands, yards and furnishings, as aforesaid, may appropriate such portion thereof as the mayor of the city may approve, not exceeding sixty thousand dollars, for the support of the public schools in addition to the amounts hereinbefore authorized to be used for that purpose, — so as to read as follows:— *Section 1.* The school committee of the city of Boston, in each year, by vote of two thirds of all its members, taken by yeas and nays, may make an appropriation in one sum for constructing and furnishing new school buildings, including the taking of land therefor and for school yards, and the preparing of school yards for use, and may also make an appropriation in one sum for repairs and alterations of school buildings, and may make such other appropriations by items for the support of the public schools as it deems necessary. The total amount to be used in any one year for the public schools of the city and their support, in addition to the money which may be given therefor, the income collected, the balance of appropriations of years preceding such year, and the money which may be authorized by acts of the general court passed prior to the year nineteen hundred and two and not repealed, shall not exceed, prior to said last named year, an amount equal to two dollars and ninety cents, and after the year nineteen hundred and one an amount equal to three dollars and forty cents, upon each one thousand dollars of the valuation on which the appropriations of the city council are based; and the amount which may so be raised shall be appropriated by the

1898, 400, § 1,
 etc., amended.

School committee of Boston may make appropriations for school purposes, etc.

school committee as aforesaid, and shall be a part of and be met by taxes within the tax limit; and of said amount of three dollars and forty cents not less than forty cents upon every such one thousand dollars shall be appropriated solely for new school buildings, lands, yards and furnishings as aforesaid, and not less than twenty-five cents upon every such one thousand dollars shall be appropriated solely for repairs and alterations of school buildings: *provided*, that in the year nineteen hundred and three the school committee, instead of appropriating the said forty cents upon every such one thousand dollars solely for new school buildings, lands, yards and furnishings, as aforesaid, may appropriate such portion thereof as the mayor of the city may approve, not exceeding sixty thousand dollars, for the support of the public schools, in addition to the amounts hereinbefore authorized to be used for that purpose.

Proviso.

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

Approved March 23, 1903.

Chap. 171 AN ACT RELATIVE TO THE AMOUNT WHICH MAY ANNUALLY BE EXPENDED FOR THE MAINTENANCE OF THE MASSACHUSETTS NAUTICAL TRAINING SCHOOL.

Be it enacted, etc., as follows:

R. L. 45, § 5,
amended.

SECTION 1. Section five of chapter forty-five of the Revised Laws is hereby amended by striking out the words "not more than fifty thousand dollars", in the first and second lines, and inserting in place thereof the words: — such sum as the general court may from year to year appropriate, — so as to read as follows: — *Section 5.* They may annually expend such sum as the general court may from year to year appropriate, which shall be paid by the Commonwealth: and they shall annually submit an estimate of the expense required in making cruises in or from the harbor of Boston, and the amount of said estimate, after approval by the governor and council and subject to the provisions of chapter six, shall be advanced to the commanding officer of the vessel detailed therefor, who shall give a bond in the sum of ten thousand dollars, with sureties approved by the governor and council, for its proper disbursement. Said advance shall not exceed ten thousand dollars for six months, and shall be accounted for by properly approved

Expense of
maintaining
Massachusetts
nautical train-
ing school.

vouchers within thirty days after the termination of said cruises.

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

Approved March 23, 1903.

AN ACT TO INCORPORATE THE BARNSTABLE WATER COMPANY.

Chap. 172

Be it enacted, etc., as follows:

SECTION 1. Eben A. Thacher, John W. Morrison, Frank G. Thacher, William T. Shepard and Edward M. Gallagher, their associates and successors, are hereby made a corporation by the name of the Barnstable Water Company, for the purpose of supplying the inhabitants of the towns of Barnstable and Yarmouth with water for the extinguishment of fires and for domestic, manufacturing and other purposes.

Barnstable Water Company incorporated.

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 Wequaquet lake, so-called, or any of its tributaries, or any ground waters in the town of Barnstable, 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: *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.

May take certain waters, lands, etc.

Proviso.

SECTION 3. Said corporation shall within sixty days after taking any land, 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 Barnstable 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.

Description of land, etc., to be recorded.

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.

May acquire other sources of water supply, etc.

Capital stock,
etc.

SECTION 5. Said corporation may, for the purposes aforesaid, hold real estate not exceeding in value twenty-five thousand dollars. Its capital stock shall not exceed one hundred and fifty thousand dollars, and shall 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 sections thirty and thirty-one of chapter one hundred and nine of the Revised Laws. The corporation may issue bonds and secure the same by mortgage of its franchise and other property: *provided*, that the total amount of such bonds shall not exceed the amount of its capital stock actually paid in. Such bonds shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest payable semi-annually at a rate not exceeding five per cent per annum, and shall be denominated on the face thereof, Barnstable Water Company Loan. They 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 may be specified in the decision of the commissioner.

May issue
mortgage
bonds, etc.

Proviso.

Certificate
to be filed
before bonds
are issued, etc.

Location of
water pipes.

SECTION 6. Said corporation may construct and maintain its water pipes in or under any public way in the towns of Barnstable or Yarmouth. 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.

Damages.

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 same assessed and determined in the manner provided in chapter forty-eight of the Revised Laws.

Distribution
of water, etc.

SECTION 8. Said corporation may distribute water in the towns of Barnstable and Yarmouth, 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

towns 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 towns or with such fire district, individual or corporation; and said corporation may establish public fountains and hydrants and relocate and discontinue the same.

SECTION 9. The said water supply system shall be completed within three years after the passage of this act.

SECTION 10. The town of Barnstable 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 will 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 Barnstable, 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 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 the 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 Barnstable 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.

System to be completed within three years.

Town of Barnstable may take franchise, property, etc.

Statement of receipts and expenditures, etc., to be furnished annually, etc.

When to take effect.

SECTION 11. This act shall take effect upon its acceptance by a two thirds vote of the voters of either of said towns of Barnstable or Yarmouth voting thereon by ballot at a special town meeting legally called for the purpose, so far as it applies to that town. If then voted upon and not accepted it may be re-submitted at subsequent town meetings legally called for the purpose: *provided*, that it shall not be voted upon by either of said towns more than twice in any one year.

Approved March 25, 1903.

Chap.173 AN ACT TO EXTEND THE AUTHORITY OF THE BOARD OF RAILROAD COMMISSIONERS TO CERTAIN STEAMSHIP COMPANIES.

Be it enacted, etc., as follows:

Authority of board of railroad commissioners extended to certain steamship companies.

SECTION 1. The board of railroad commissioners is hereby empowered and directed to perform the same duties in respect to regulating the rates for transporting freight or passengers charged by steamship companies that serve as common carriers throughout the year between two or more ports in this Commonwealth, which the said board is now or may hereafter be empowered to perform in the case of railroads and railways.

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

Approved March 25, 1903.

Chap.174 AN ACT TO REGULATE THE DISPOSITION OF PROFITS BY MUTUAL FIRE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

R. L. 118, § 43, amended.

SECTION 1. Section forty-three of chapter one hundred and eighteen of the Revised Laws is hereby amended by striking out the words "not exceeding twenty per cent", in the sixth line, and inserting in place thereof the words:—such portion as they may deem best,—so as to read as follows:—*Section 43.* Mutual fire insurance companies may continue to hold as a permanent fund the net profits, and such companies with a guaranty capital the special reserve, already set apart as provided by law. If such fund of any such company is less than two per cent of its insurance in force, or if such company has no such fund, the directors may annually set apart such portion as they may deem best of the net profits of the preceding year for an addition to or to establish such fund

Disposition of profits by mutual fire insurance companies, etc.

until said limit of two per cent has been reached. Such fund shall be held for the security of the insured and shall be subject to the provisions of law relative to the investment of the capital stock of insurance companies on the stock plan. The permanent fund so accumulated shall be used for the payment of losses and expenses when the cash funds of the company in excess of an amount equal to its liabilities, including guaranty capital, are exhausted; and when the said fund is drawn upon, the reservation of profits as aforesaid may be renewed or continued until the limit of accumulation as herein provided is reached. The income of the permanent fund shall be included annually in the cash receipts of the company; but the provisions of this section shall not affect the rights existing on the fifteenth day of February in the year eighteen hundred and ninety of holders of policies in companies having a guaranty capital.

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

Approved March 26, 1903.

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

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

Appropriations.

For the salary of the editor, the sum of two thousand dollars.

Province laws, editor.

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

Chief clerk.

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

Clerical service, etc.

For stationery, postage, travelling and other necessary expenses, a sum not exceeding one hundred dollars.

Expenses.

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

Printing and binding.

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

Approved March 26, 1903.

Chap. 176 AN ACT TO AUTHORIZE THE HONOURABLE ARTILLERY COMPANY OF LONDON TO PARADE WITH FIREARMS IN THE COMMONWEALTH DURING THE PRESENT YEAR.

Be it enacted, etc., as follows:

The Honourable Artillery Company of London may parade with firearms in this Commonwealth.

The Honourable Artillery Company of London is hereby authorized to parade with firearms in this Commonwealth during the present year, on the occasion of its visit to Massachusetts at the invitation of the Ancient and Honorable Artillery Company of Boston.

Approved March 26, 1903.

Chap. 177 AN ACT RELATIVE TO DOCUMENTS FILED WITH THE COMMISSIONER OF STATE AID AND PENSIONS.

Be it enacted, etc., as follows:

R. L. 35, § 23, amended.

SECTION 1. Section twenty-three of chapter thirty-five of the Revised Laws is hereby amended by adding at the end thereof the words:—The provisions of sections five and seventeen of this chapter shall not apply to declarations, affidavits and other papers filed by claimants in the office of the commissioner of state aid and pensions; nor to any records kept by said commissioner for use for reference by the officials of his department,—so as to read as follows:—*Section 23.* The provisions of this chapter shall not apply to the records of the general court. The provisions of sections five and seventeen of this chapter shall not apply to declarations, affidavits and other papers filed by claimants in the office of the commissioner of state aid and pensions; nor to any records kept by said commissioner for use for reference by the officials of his department.

Not to apply to certain records, etc.

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

Approved March 26, 1903.

Chap. 178 AN ACT RELATIVE TO THE HEATH TELEPHONE COMPANY.

Be it enacted, etc., as follows:

The Heath Telephone Company may increase its capital stock, etc.

SECTION 1. The Heath Telephone Company is hereby authorized to increase its capital stock from time to time, under the provisions of existing laws, to an amount not exceeding fifty thousand dollars, without selling at auction the shares not taken by stockholders as their pro-

portion of such increase. Shares not so taken may be sold by said company at a price not less than the par value thereof in such manner as it may by vote determine.

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

Approved March 26, 1903.

AN ACT TO PROVIDE CLERICAL ASSISTANCE FOR THE CLERK OF THE EAST BOSTON DISTRICT COURT. Chap. 179

Be it enacted, etc., as follows:

SECTION 1. From the first day of January in the year nineteen hundred and three there shall be allowed to the clerk of the East Boston district court in the city of Boston for clerical assistance a sum not exceeding five hundred dollars in any one year. Clerical assistance for clerk of East Boston district court.

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

Approved March 26, 1903.

AN ACT RELATIVE TO APPOINTMENTS BY THE MAYOR OF THE CITY OF WORCESTER. Chap. 180

Be it enacted, etc., as follows:

SECTION 1. Section twenty-six 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 words "or provided by the general laws", in the third and fourth lines, so as to read as follows:—*Section 26.* All officers of the city not elected by the qualified voters shall be resident citizens of the city, and shall, except as herein otherwise provided, or by ordinance, or by provisions of trusts, be appointed by the mayor, subject to confirmation by the board of aldermen, and for such terms respectively as are or may be fixed by law or ordinance, or, in case of an appointment to fill a vacancy, for the unexpired term. No appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week after such appointment is transmitted to said board, except by unanimous consent of said board. Any officer so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and any officer so removed shall not be reinstated save by a three fourths vote of the board of aldermen; the removal shall take 1893, 444, § 26, amended.
Appointments by mayor and aldermen, etc.
Removals, etc.

effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

1893, 444, § 32,
amended.

City officers,
election by
city council.

Appointments
by mayor, etc.

Additional
boards and
officers may
be established,
etc.

Changes may
be made in
boards and
offices, etc.

SECTION 2. Section thirty-two of said chapter four hundred and forty-four is hereby amended by striking out the words "or provided for by the general laws", in the eleventh and twelfth lines, so as to read as follows: — *Section 32.* The city council shall, annually in the month of January, by concurrent vote, the board of aldermen acting first, elect by ballot a city treasurer, a collector of taxes, a city solicitor, a city auditor, a city messenger, a city engineer, a street commissioner, a superintendent of sewers, a superintendent of lighting streets, a water commissioner, a water registrar, a superintendent of public buildings, and an assistant superintendent of public buildings. All the other officials necessary for the management of the affairs of the city whose selection is not otherwise herein provided for, or by ordinance, or by provisions of trusts, shall be appointed by the mayor. All officers appointed by the mayor shall be subject to confirmation by the board of aldermen. The city council may, from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance, by the establishment of additional boards and other offices, for the construction and care of the various public works and buildings, for the management and control of a public library and a public hospital, for the granting of licenses other than licenses for the sale of intoxicating liquors, and for other municipal purposes, but nothing herein contained shall be deemed to affect the provisions of chapter one hundred of the Public Statutes, authorizing the appointment of license commissioners in the city of Worcester, except as hereinafter provided for; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The city council may likewise, from time to time, consolidate boards and offices, and may separate and divide the powers and duties of such as have already been established, may increase the number of persons constituting

either of the boards hereinbefore specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board hereafter established, as hereinbefore provided, and may abolish an office or board so hereafter established.

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

Approved March 26, 1903.

AN ACT TO AUTHORIZE THE TOWN OF PLYMOUTH TO SUBSCRIBE FOR SHARES OF THE CAPITAL STOCK OR BONDS OF THE PLYMOUTH, CARVER AND WAREHAM STREET RAILWAY COMPANY.

Chap. 181

Be it enacted, etc., as follows:

SECTION 1. The town of Plymouth is hereby authorized to subscribe for and hold shares of the capital stock or bonds of the Plymouth, Carver and Wareham Street Railway Company to the amount of fifteen thousand dollars 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.

Town of Plymouth may hold stock, etc., of a certain railway company.

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

Approved March 27, 1903.

AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF EXTENDING ITS SYSTEM OF SEWERAGE.

Chap. 182

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly, in order to pay the cost of constructing additions to and extensions of its system of sewerage and sewage disposal, and of erecting and equipping a pumping station therefor, if it be needed, is hereby authorized to issue bonds from time to time to an amount not exceeding one hundred thousand dollars in addition to the amount heretofore authorized by law to be issued by the said city for the same purpose. Such bonds shall be denominated on the face thereof, Beverly Sewerage Loan, Act of 1903, shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually, and shall be payable within such periods, not exceeding thirty years from the date of their issue, as the city council shall from time to time determine. Said city may sell such bonds or any part thereof at public or

Beverly Sewerage Loan, Act of 1903.

private sale, provided the same shall not be sold for less than the par value thereof.

R. L. 27, etc.,
to apply, etc.

SECTION 2. Except as otherwise provided herein such bonds shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, and they shall not be reckoned in determining the legal limit of indebtedness of said city.

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

Approved March 28, 1903.

Chap. 183 AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE PURPOSE OF EXTENDING ITS WATER SUPPLY SYSTEM.

Be it enacted, etc., as follows:

Beverly Water
Loan, Act of
1903.

SECTION 1. The city of Beverly, for the purpose of paying the cost of extending its present water supply system, is hereby authorized to issue bonds from time to time, beyond its limit of indebtedness as fixed by law, to an amount not exceeding thirty-five thousand dollars in addition to the amount heretofore authorized by law for the same purpose. Such bonds shall be denominated on the face thereof, Beverly Water Loan, Act of 1903, shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually, and shall be payable within such periods not exceeding twenty years from the dates of issue as the city council shall from time to time determine. Said city may sell such bonds or any part thereof at public or private sale, provided the same shall not be sold for less than the par value thereof.

R. L. 27, etc.,
to apply, etc.

SECTION 2. Except as otherwise provided herein such bonds shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, and they shall not be reckoned in determining the legal limit of indebtedness of said city.

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

Approved March 28, 1903.

AN ACT TO AUTHORIZE THE TOWN OF GROVELAND TO SUPPLY *Chap. 184*
ITSELF WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Groveland, for the purpose of supplying itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, may take and hold so much as it may require for the purposes herein mentioned, but not more than five hundred thousand gallons in any one day, of the waters of Johnson's pond, situated in the towns of Groveland and Boxford, and of the waters that flow into and from the same; and for the purposes aforesaid may take by purchase or otherwise and hold any lands, water rights, rights of way and easements necessary for laying, constructing and maintaining aqueducts, water courses, reservoirs, storage basins, dams and such other works as may be deemed necessary for purifying the sources of its water supply and for collecting, purifying, raising, storing, discharging, conducting and distributing said waters; with full power and authority to construct aqueducts and maintain dams, reservoirs, storage basins and other proper works; to erect buildings and machinery; to make and establish such public fountains and hydrants as may from time to time be deemed proper, and to change or discontinue the same; to regulate the use of water and to establish the rates to be paid therefor, and to collect the same by process of law; with full power and authority for the purposes aforesaid to carry any pipe, drain or aqueduct over or under any water course, railroad, railway, public or other way in such manner as not unnecessarily to obstruct the same; to enter upon and dig up, raise and embank any such way under the direction of the board of selectmen of the town in which it is situated, in such manner as to cause the least hindrance to public travel, for the purpose of laying, maintaining or repairing any pipe, drain or aqueduct; and to do any other thing necessary or convenient in executing the purposes of this act: *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. The title to all lands purchased or taken under the provisions of this act shall vest in fee

Town of Groveland may take certain waters, lands, etc.

Proviso.

Title to lands to vest in town, etc.

simple in the town of Groveland, and the lands taken may be managed and controlled by the board of water commissioners hereinafter mentioned, in such manner as they shall deem for the best interests of the town.

Town may acquire certain property of the city of Haverhill.

SECTION 2. For the purposes herein mentioned the town of Groveland is further authorized to acquire by purchase or by lease from the city of Haverhill the pumping station, pipes, dams, machinery and other property owned by said city and used for the purpose of supplying ward seven of said city with water, and the rights granted to the town of Bradford by virtue of the provisions of chapter three hundred and seventy-seven of the acts of the year eighteen hundred and ninety-five, or such parts thereof as the city of Haverhill, by its water commissioners, and the town of Groveland may determine. For the purposes herein mentioned said town of Groveland may contract with said city for pumping, storing and delivering the waters of Johnson's pond to an amount not exceeding five hundred thousand gallons in any one day to said town and its inhabitants, upon such terms as said town and said city by its water commissioners may deem just and equitable. For the aforesaid purposes the water commissioners of said city are hereby authorized to sell and convey or to lease to the town of Groveland the pumping station, pipes, dams, machinery and other property of said city used for the purposes of supplying ward seven of said city with water, and also the rights granted to the town of Bradford by virtue of the provisions of chapter three hundred and seventy-seven of the acts of the year eighteen hundred and ninety-five, and the water commissioners of the city of Haverhill are further authorized to contract with the town of Groveland to pump, store and deliver the waters of Johnson's pond as aforesaid to said town and its inhabitants. No action taken by the town of Groveland under this section shall annul, limit or diminish the rights granted to it under section one of this act.

Town may contract for the pumping, etc., of water, etc.

Certain rights of town not annulled, etc.

Description of land, etc., to be recorded.

SECTION 3. The town of Groveland shall within ninety days after taking any land, water rights, 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 and district in which such land or other property is situated a description thereof sufficiently accurate for identification, with a statement signed by the water com-

missioners hereinafter provided for of the purpose for which the same was taken.

SECTION 4. The town of Groveland shall pay all damages Damages. to property sustained by any person or corporation by the taking of any land, water, water right, easement or other property, or by any other thing done by said 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 the same assessed and determined in the manner provided by law in the case of land taken for the laying out of highways, upon the application of the town or of the person or corporation sustaining damages as aforesaid, 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 or entertained after the expiration of said three years. No application for assessment of damages for the taking of water or water rights or for any injury thereto shall be made until the water is actually withdrawn or diverted by the town under authority of this act; and any person or corporation whose water rights may be thus taken or affected may make application as aforesaid at any time within three years after the time when the water is first so withdrawn or diverted.

SECTION 5. The town of Groveland 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 forty thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Groveland 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 five 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, at not less than the par value thereof, or may pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. Groveland
Water Loan.

SECTION 6. The town shall pay the interest on the loan as it accrues, and shall provide at the time of authorizing said loan for the payment thereof in such annual Payment of
loan.

proportionate payments as will extinguish the same within the time prescribed in this act, the first of such annual payments to be made at or before the expiration of five years from the date of the first issue of any of the securities authorized by 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 the town in each year thereafter until the debt incurred by the town 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 and acts in amendment thereof.

Town to raise a certain sum by taxation annually.

SECTION 7. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act.

Penalty for corruption of water, etc.

SECTION 8. 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 the town of Groveland 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.

Water commissioners, election, terms, etc.

SECTION 9. The said town shall after its acceptance of this act, at a legal meeting held for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to the town by this act and not otherwise specially provided for shall be vested in said board of water commissioners, who shall be subject however to such instructions, rules and regulations as the town may impose by its vote. A majority of said commissioners shall constitute a quorum for the transaction of business relative to the

Quorum.

water works. Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting held for the purpose.

Vacancy.

SECTION 10. Nothing in this act shall be construed to prevent the town of Boxford from supplying itself with water from Johnson's pond, independently of the town of Groveland.

Certain rights of town of Boxford not affected.

SECTION 11. The provisions of this act shall not affect any right of the present or future owners of the mills and privileges now known as the Groveland Woolen Mills, situated in said Groveland, to draw water from said Johnson's pond for the purposes of said mills and privileges concurrently with said town of Groveland acting under the provisions of this act, until the water in said pond is drawn as low as they could draw it through the outlet from said pond toward said mills as said outlet existed on the first day of January in the year eighteen hundred and ninety-five.

Certain rights of owners of Groveland Woolen Mills not affected.

SECTION 12. The town of Groveland shall provide suitable appliances for measuring the quantity of water drawn from said Johnson's pond under the provisions of this act, and shall keep accurate records of the same, and such appliances and records shall be open at all reasonable times to the inspection of all parties having an interest therein.

Town to provide for measuring water drawn from Johnson's pond, etc.

SECTION 13. This act shall take effect upon its acceptance by a two thirds vote of the voters of the town of Groveland present and voting thereon 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 March 28, 1903.*

When to take effect.

AN ACT TO INCORPORATE THE ACOAXET WATER SUPPLY COMPANY. *Chap. 185*
Be it enacted, etc., as follows:

SECTION 1. Asa R. Howland, G. Fred Davis, Henry E. Davis, George W. Howland and Stephen R. Howland, their associates and successors, are hereby made a corporation under the name of the Acoaxet Water Supply Company, for the purpose of supplying the residents along the shore and in the immediate vicinity of Westport harbor, in the town of Westport, with water for the extinguishment of fires and for domestic and other purposes.

Acoaxet Water Supply Company incorporated.

May acquire certain land and water rights, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may acquire by purchase or lease from Esther M. Davis or Asa R. Howland, or from both said Davis and said Howland, land and water rights, and may hold and convey the same, and may dig, bore or drive wells on the land so acquired, and may construct or erect thereon such tanks, towers, windmills, pumps, machinery, apparatus and buildings as may be necessary: *provided*, that no source of water supply shall be acquired for domestic purposes under authority of this act without the advice and approval of the state board of health.

Proviso.

May lay and maintain aqueducts, conduits, etc.

SECTION 3. Said corporation, for the purpose aforesaid, may lay and maintain aqueducts, conduits, pipes and other works under or over any land, water courses and public or other ways, and along any highway or other way in the town of Westport within the territory specified in the first section, 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 corporation may dig up, raise and embank any such lands, highways or other ways in the territory aforesaid, in such manner as to cause the least hindrance to public travel; but all things done upon such ways shall be subject to the direction of the selectmen of said town.

Capital stock.

SECTION 4. The capital stock of said corporation shall not exceed eight hundred dollars, to be divided into shares of one hundred dollars each.

May issue mortgage bonds.

SECTION 5. Said corporation may issue bonds and secure the same by mortgage of its franchise and other property: *provided*, that the total amount of such bonds shall not 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 necessary for the purpose for which said corporation is established.

Proviso.

Certificate to be filed before bonds are issued, etc.

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 may be specified in the decision of the commissioner.

Town of Westport may take property, rights, etc.

SECTION 6. The town of Westport 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 corporation 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 will make the net return to the stockholders five per cent per annum on the investment. If said town shall so take or purchase said property it may as part payment therefor 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 Westport, 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 system or 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 duly called for that purpose. The taking, if by exercise of the right of eminent domain, shall be by filing in the registry of deeds for the county of Bristol, southern district, 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.

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

Approved March 28, 1903.

AN ACT TO AUTHORIZE THE TOWN OF RUSSELL TO SUPPLY ITSELF WITH WATER. Chap. 186

Be it enacted, etc., as follows:

SECTION 1. The town of Russell may supply itself and its inhabitants, and any person, firm or corporation doing business therein, with water for the extinguishment of fires and for domestic and other purposes; and may establish fountains and hydrants and relocate and discon-

Town of Russell may supply itself with water, etc.

time the same; and may regulate the use of such water and fix and collect rates therefor.

May take certain waters, lands, etc.

SECTION 2. Said town, for the purposes aforesaid, may take by purchase or otherwise and hold and convey through said town the waters of Blandford Road brook, Bradley brook or Black's brook, so-called, in the town of Russell, or of any tributary thereof, and all the water rights connected therewith, and the waters of any other ponds or water sources within the watershed of said brooks or of the tributaries thereof, and also all lands, rights of way and easements necessary for holding and preserving such water and for conveying the same to any part of said town: *provided*, that no source of water supply for domestic purposes shall be taken under this act without the advice and approval of the state board of health. Said town may erect upon the land thus taken or held proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay conduits, pipes and other works, under or 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 purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said town may dig up, raise and embank any such lands and ways in such manner as to cause the least hindrance to public travel on such ways.

Proviso.

May erect structures, lay pipes, etc.

Description of land, 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 within 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, 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 person or corporation sustain-

ing damages as aforesaid, who fails to agree with the town 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 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. No such application 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 said town under authority of this act.

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 that it shall think proper, 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 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 the 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 may tender any sum it shall think proper for damages, etc.

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 twelve thousand dollars. Such bonds, notes or scrip shall bear on the face thereof the words, Russell 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 of the town and countersigned by the water commissioners hereinafter provided for. Said town 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.

Russell Water Loan.

SECTION 7. Said town shall pay the interest on the loan as it accrues, and at the time of authorizing said

Payment of loan, etc.

loan shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when a vote to that effect 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 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.

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 bonds, notes or scrip issued as aforesaid by the town, and to enable the town to make such payments on the principal as may be required under the provisions of this act.

Penalty for unauthorized use, or corruption of water, etc.

SECTION 9. Whoever uses any water taken under this act without the consent of the town, or wilfully or wantonly diverts, corrupts or pollutes the same, or wilfully or wantonly destroys 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 upon conviction of any of said 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, or by both such fine and imprisonment.

Water commissioners, election, terms, etc.

SECTION 10. At the meeting of said town called for the acceptance of this act, or at any legal meeting called for the purpose, said town shall elect by ballot three persons, residents of the town, 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 such commissioners shall hold office until their successors are elected, and vacancies occurring during the term may be filled for the remainder of the unexpired term by vote of the town at a meeting called for that purpose. The commissioners shall receive such compensation for their services as the town shall determine. Any commissioner, after due notice

Vacancy, removal, etc.

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.

SECTION 11. Said commissioners shall have charge of the whole system of water works of the town, and they shall superintend and direct the construction, execution and performance of all the works, matters and things mentioned in the preceding sections, and they may fix the rates to be paid for the use of water. 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 with the laws of the Commonwealth. Said water commissioners shall make all contracts for the above purposes in the name and behalf of the town. Powers and duties.

SECTION 12. This act shall take effect upon its passage, but no expenditure shall be made nor liability incurred under the same except for preliminary surveys and estimates, until this act shall have been accepted by a vote of two thirds of the legal voters of said town present and voting thereon at a legal meeting called for that purpose within three years after the passage of this act, and the number of meetings called for that purpose shall not exceed two in any one year. *Approved March 28, 1903.* When to take effect, etc.

AN ACT TO REVIVE AND CONTINUE THE CORPORATE AUTHORITY OF THE FITCHBURG AND ASHBY STREET RAILWAY COMPANY. Chap.187

Be it enacted, etc., as follows:

SECTION 1. All the authority, rights and privileges possessed by the Fitchburg and Ashby Street Railway Company prior to the first day of November in the year nineteen hundred and two are hereby revived, restored and continued, with the same effect as though they had never ceased. Corporate authority revived.

SECTION 2. The time within which the Fitchburg and Ashby Street Railway Company is authorized to construct and operate its railway is hereby extended until the first day of November in the year nineteen hundred and four. Time extended.

SECTION 3. This act shall take effect upon its passage. *Approved March 31, 1903.*

Chap.188 AN ACT RELATIVE TO SENTENCES TO THE STATE FARM.

Be it enacted, etc., as follows :

R. L. 85, § 33,
amended.

Section thirty-three of chapter eighty-five of the Revised Laws is hereby amended by striking out all after the word "by", in the fourth line, and inserting in place thereof the words : — an additional sentence to said farm, — so as to read as follows : — *Section 33.* Whoever being sentenced to the state farm escapes or attempts to escape therefrom, or from the custody of the officer while being conveyed to said farm, may be pursued and reclaimed ; and shall be punished by an additional sentence to said farm.

Approved March 31, 1903.

Chap.189 AN ACT TO AUTHORIZE THE CORPORATION TIFEREETH ISRAEL TO MAINTAIN A CEMETERY.

Be it enacted, etc., as follows :

The corpora-
tion Tifereth
Israel may
hold land for
cemetery
purposes, etc.

SECTION 1. The corporation Tifereth Israel is hereby authorized to acquire and hold land, and to hold land already acquired, for the purposes of a cemetery, and to bury therein the bodies of its deceased members and the bodies of deceased persons belonging to the families of the said members, at an expense not exceeding the sum of fifty dollars in each case.

Rules, regu-
lations, etc.

SECTION 2. The said corporation may make and enforce among its members all reasonable rules for the regulation and management of the cemetery and for burials therein or removal of bodies therefrom, or for the erection of monuments or other structures therein. The said corporation shall comply with all general laws relating to cemeteries, and with such rules and regulations as may be made by the board of health in the city or town where the cemetery is situated.

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

Approved March 31, 1903.

Chap.190 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PROVIDE FUNDS FOR THE CONSTRUCTION OF THE EAST BOSTON TUNNEL.

Be it enacted, etc., as follows :

Rapid Transit
Loan.

SECTION 1. The treasurer of the city of Boston shall from time to time, at the request of the Boston transit commission, issue and sell at public or private sale bonds

of said city in excess of the issues heretofore authorized to an amount not exceeding three hundred thousand dollars. Such bonds shall be designated on their face, Rapid Transit Loan, shall be for the term of forty years, shall be registered or with coupons attached, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually, as said treasurer shall determine, and shall not be included in determining the legal limit of indebtedness of the city. Said treasurer shall apply the proceeds of said bonds to the payment of the cost and expenses of constructing the tunnel or tunnels to East Boston, as authorized by chapter five hundred of the acts of the year eighteen hundred and ninety-seven and acts in amendment thereof and in addition thereto; and as required by said act shall keep a separate account of the bonds issued and of the cost and expenses incurred in the construction of said tunnel or tunnels.

Rapid Transit Loan.

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

Approved March 31, 1903.

AN ACT RELATIVE TO THE FINANCES OF THE CITY OF BOSTON.

Chap. 191

Be it enacted, etc., as follows:

SECTION 1. All bonds and certificates of the city of Boston shall, in determining the debt limit, be considered as issued on the date on which they are authorized, and may actually be issued and sold in such amounts and at such times during the year in which they are authorized, or thereafter, as the mayor shall from time to time request, anything in any special or general law to the contrary notwithstanding.

Issue of bonds and certificates of the city of Boston.

SECTION 2. The interest received in any year on securities held in the sinking fund of the city of Boston for the bonds of that city issued for the purpose of supplying its inhabitants with water, in excess of the amount required in that year to provide a sinking fund sufficient to meet said bonds at maturity, shall be applied to the payment of the assessments which the city is required to pay into the treasury of the Commonwealth on account of the construction, maintenance and operation of the metropolitan water works. If the net income received by the city of Boston in any year from its water works is not sufficient to meet the payments which can by law be made therefrom, the balance shall be raised by loan, if the city

Disposition of interest received on certain securities, etc.

shall so determine prior to the first day of September, otherwise by taxes, and such loans may be made and such taxes assessed without further authority therefor.

Repeal.

SECTION 3. Section three of chapter four hundred and twenty-seven of the acts of the year eighteen hundred and ninety-eight is hereby repealed.

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

Approved April 3, 1903.

Chap. 192 AN ACT RELATIVE TO THE TERMS OF MEMBERSHIP, QUALIFICATIONS AND METHOD OF ELECTION OF MEMBERS OF THE AMERICAN BOARD OF COMMISSIONERS FOR FOREIGN MISSIONS.

Be it enacted, etc., as follows:

The American Board of Commissioners for Foreign Missions, membership, etc.

SECTION 1. The American Board of Commissioners for Foreign Missions, a religious corporation incorporated by chapter twenty-one of the acts of the year eighteen hundred and twelve, is hereby authorized to define and limit the terms of membership, qualifications, and method of election of its members.

Repeal, etc.

SECTION 2. Section eight of said chapter twenty-one is hereby repealed; but no rights or privileges of membership, if any, created by or acquired under said section eight, shall be affected by this repeal.

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

Approved April 3, 1903.

Chap. 193 AN ACT TO AUTHORIZE THE COLLATERAL LOAN COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows:

The Collateral Loan Company may increase its capital stock.

SECTION 1. The Collateral Loan Company, a corporation organized under the laws of this Commonwealth, is hereby authorized to increase its capital stock in the manner provided by law, and at such times and in such amounts as it may from time to time determine, by issuing in addition to the amount of capital stock already issued an amount not exceeding three hundred thousand dollars, so that the entire authorized capital stock of the said corporation shall not exceed six hundred thousand dollars.

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

Approved April 3, 1903.

AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF HANSON AND PEMBROKE. *Chap.194*

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be in part the boundary line between the towns of Hanson and Pembroke, to wit:—Beginning at a point on the present boundary line twenty-seven and nine tenths feet westerly from the present corner numbered twenty-seven, said point to be called corner twenty-seven; thence with a true course south, thirty-one degrees five minutes west, five hundred and forty-nine feet to a stone monument called corner twenty-eight; thence crossing Main street in the same course seventy-one and three tenths feet to a stone monument to be called corner twenty-nine, distant sixty-six and one tenth feet westerly from the present corner twenty-nine. All the territory in said towns lying easterly from the above described line shall be and remain in the town of Pembroke, and all the territory lying westerly from said line shall be and remain in the town of Hanson.

Part of boundary line between Hanson and Pembroke established.

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

Approved April 3, 1903.

AN ACT RELATIVE TO THE ARMS AND THE GREAT SEAL OF THE COMMONWEALTH. *Chap.195*

Be it enacted, etc., as follows:

SECTION 1. No person or private corporation shall use the arms or the great seal of the Commonwealth, nor any representation thereof, for any advertising or commercial purpose whatever.

Use of the great seal, etc., of the Commonwealth, etc., for certain purposes prohibited.

SECTION 2. This act shall take effect at the expiration of one year after its passage. *Approved April 6, 1903.*

When to take effect.

AN ACT RELATIVE TO THE MAKING AND PUBLICATION OF RETURNS OF INSPECTION OF FISH. *Chap.196*

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter fifty-six of the Revised Laws, which provides for an annual return and publication relative to the inspection of fish, is hereby repealed.

R. L. 56, § 5, repealed.

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

Approved April 6, 1903.

Chap. 197 AN ACT RELATIVE TO THE RIGHTS OF THE TOWN OF WHATELY IN
THE WATERS OF ROARING BROOK.

Be it enacted, etc., as follows:

1902, 486,
amended.

Town of
Whately, etc.,
may take
water from
South Deer-
field Water
Supply
District.

Damages.

SECTION 1. Chapter four hundred and eighty-six of the acts of the year nineteen hundred and two is hereby amended by striking out section thirteen and inserting in place thereof the following: — *Section 13.* The town of Whately, or any fire district that may hereafter be established therein, shall have the right to take, within five years after the passage of this act, such proportional part of the waters of said brook from the reservoirs of the South Deerfield Water Supply District as the assessed valuation of the town of Whately, or of the property in any fire district so established therein, is of the assessed valuation of the property in the South Deerfield Water Supply District; and if the town of Whately or any fire district established therein shall so take the waters of said brook the town or such fire district shall pay to the South Deerfield Water Supply District as damages for such taking, such proportional part of the original cost of the construction of said reservoirs, and of the land damages paid by the South Deerfield Water Supply District on account thereof and directly connected therewith, with interest thereon, as the assessed valuation of the town of Whately, or of the property of any fire district so established therein, is of the assessed valuation of the property in said South Deerfield Water Supply District.

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

Approved April 7, 1903.

Chap. 198 AN ACT RELATIVE TO THE WATER SUPPLY OF THE AMHERST
WATER COMPANY.

Be it enacted, etc., as follows:

1880, 179, § 2,
amended.

SECTION 1. Section two of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and eighty is hereby amended by inserting after the word "Pelham", in the fourth line, the words: — and may also take and convey into said town of Amherst the water of what is known as Atkins pond and of the basin connected therewith, of Nurse brook and of Dean brook, so-called, said brooks being about eighteen hundred feet distant

from said pond and running parallel with each other where they cross the highway leading from the Amherst town line to East Leverett; said pond, basin and brooks being situated in the town of Shutesbury in the county of Franklin, — so as to read as follows: — *Section 2.* Said corporation may take, hold and convey into and through the town of Amherst or any part thereof, the water of what is known as the Amethyst brook, formerly Valley, situated in the town of Pelham, and may also take and convey into said town of Amherst the water of what is known as Atkins pond and of the basin connected therewith, of Nurse brook and of Dean brook, so-called, said brooks being about eighteen hundred feet distant from said pond and running parallel with each other where they cross the highway leading from the Amherst town line to East Leverett; said pond, basin and brooks being situated in the town of Shutesbury in the county of Franklin; and may take and hold by purchase or otherwise any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs, and for laying and maintaining aqueducts and pipes for distributing the waters so taken and held; and may lay its water pipes through any private lands, with the right to enter upon the same, and dig therein for the purpose of making all necessary repairs; and for the purposes aforesaid may carry its pipes under or over any water course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may, under the direction of the board of selectmen, enter upon and dig up any road or other way for the purpose of laying or repairing its aqueducts, pipes or other works; and in general may do any other acts and things convenient or proper for carrying out the purposes of this act.

The Amherst Water Company may take certain waters, real estate, etc.

SECTION 2. Section three of said chapter is hereby amended by inserting after the word “taken”, in the fourth line, the words: — in said county, and in the registry of deeds in the county of Franklin a description of any lands so taken in said county, — so as to read as follows: — *Section 3.* Said corporation shall, within sixty days after the taking of any land under the provisions of this act, file in the registry of deeds of the county of Hampshire a description of any land so taken in said county, and in the registry of deeds in the county of Franklin a description of any lands so taken in said

1880, 179, § 3, amended.

Description of lands to be filed, etc.

Damages.

county, sufficiently accurate for identification, and state the purposes for which it is so taken; and the title of land so taken shall vest in said corporation. Any person injured in any way by any acts of said corporation, and failing to agree with said corporation as to the amount of damages, may have the same assessed and determined in the manner provided when land is taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water rights until the water is actually taken or diverted by said corporation, nor after three years from the time the water is actually so taken or diverted; and no suit for injury done under this act shall be brought after two years from the alleged date of the injury.

1880, 179, § 5,
amended.

SECTION 3. Section five of said chapter is hereby amended by striking out the word "twenty", in the third line, and inserting in place thereof the word:— fifty, — and by striking out the word "seventy-five", in the fourth line, and inserting in place thereof the words: — one hundred, — so as to read as follows: — *Section 5.* Said corporation for the purposes set forth in this act may hold real and personal property not exceeding fifty thousand dollars in value; and the whole capital stock shall not exceed one hundred thousand dollars to be divided into shares of one hundred dollars each; and said corporation may at any time issue bonds to an amount equal to the capital stock actually paid in.

Real and personal property
not to exceed
\$50,000.

Capital stock.

SECTION 4. 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.

Source of
water supply
for domestic
purposes to
be approved
by state board
of health.Town, etc.,
may purchase
franchise and
property, etc.

SECTION 5. The town of Amherst, or any fire district that may be established therein, shall have the right at any time during the continuance of the charter of said Amherst Water Company to purchase the corporate property and all the rights and privileges of said corporation, at a price which may be mutually agreed upon between said corporation and the said town or fire district. In case said corporation and said town or fire district are unable to agree, then the compensation to be paid shall be determined by three commissioners, to be appointed by the supreme judicial court upon application by either party and notice to the other, whose award when accepted by said court shall be binding upon all parties. This authority to purchase said franchise and property is

granted on condition that the same is assented to by said town or fire district by a two thirds vote of the voters present and voting thereon at a legal meeting called for that purpose.

SECTION 6. The said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time bonds, notes or scrip to an amount not exceeding two hundred thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Amherst 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 at not less than the par value thereof, or may pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper.

Amherst
Water Loan.

SECTION 7. The town shall pay the interest on the loan as it accrues, and shall provide at the time of authorizing said loan for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act, the first of such annual payments to be made at or before the expiration of five years from the date of the first issue of any of the securities authorized by 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 the town in each year thereafter until the debt incurred by the town 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 and acts in amendment thereof.

Payment
of loan.

SECTION 8. The 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 after the next succeeding annual town meeting, to constitute a board of water commissioners; and at each annual town meeting thereafter one such commissioner shall be elected by ballot for the term of three years. All the authority granted to

Water com-
missioners,
election,
terms, etc.

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. A majority of said commissioners shall constitute a quorum for the transaction of business relative to the water works.

Quorum.

Any vacancy occurring in said board for any cause may be filled for the remainder of the unexpired term by the town at any legal town meeting called for the purpose.

Town to raise a certain sum by taxation annually.

SECTION 9. The town of Amherst shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act.

SECTION 10. This act shall take effect upon its passage.

Approved April 7, 1903.

Chap. 199 AN ACT TO AUTHORIZE THE MANSFIELD WATER SUPPLY DISTRICT TO MAKE AN ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows:

Mansfield Water Loan, 1903.

SECTION 1. The Mansfield Water Supply District, incorporated by chapter three hundred and thirty-six of the acts of the year eighteen hundred and eighty-six, as amended or affected by chapter one hundred and forty-one of the acts of the year eighteen hundred and eighty-seven, and by chapter three hundred and forty-four of the acts of the year eighteen hundred and ninety-five, is hereby authorized, for the purpose of enlarging and improving its water works, to borrow a sum of money not exceeding ten thousand dollars, and to issue bonds, notes or scrip therefor, to be denominated on the face thereof, Mansfield Water Loan, 1903, in addition to the amount heretofore authorized to be issued by said district. Such bonds, notes or scrip shall be issued upon the same terms and conditions and with the same powers, and with the same provisions for payment thereof, and shall be payable in the manner specified in said chapters three hundred and thirty-six and three hundred and forty-four: *provided*, that the whole amount of bonds, notes or scrip issued by said district shall not exceed the sum of one hundred and ten thousand dollars.

Proviso.

SECTION 2. No money shall be borrowed, no liability shall be incurred, and no bonds shall be issued under authority of this act without being authorized by a vote of two thirds of the legal voters of said district present and voting thereon at a meeting duly called for that purpose.

Issue of bonds, etc., to be authorized by a two thirds vote.

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

Approved April 7, 1903.

AN ACT TO AUTHORIZE THE TOWNS OF ABINGTON AND ROCKLAND TO TAKE AND HOLD LAND IN THE TOWN OF PEMBROKE FOR THE PURPOSE OF PROTECTING THEIR WATER SUPPLIES.

Chap. 200

Be it enacted, etc., as follows:

SECTION 1. The towns of Abington and Rockland, and each of said towns, may, with the consent and approval of the state board of health, given after due notice and a hearing, take by purchase or otherwise and hold lands, rights of way and easements in the vicinity of Big Sandy pond in the town of Pembroke which may be reasonably necessary for preserving the purity of the water supply of said towns of Abington and Rockland, or either of them.

Towns of Abington and Rockland may take certain lands, etc., for preserving purity of water supply.

SECTION 2. If any lands, rights or easements are taken under authority hereof, otherwise than by purchase, the town or towns taking the same shall within sixty days thereafter cause to be recorded in the registry of deeds for the county within which the same are situated a description thereof sufficient for identification, and a statement of the purpose for which they were taken, signed by the water commissioners of the town or towns taking them. Upon the filing of a description and statement as aforesaid the title in fee simple to the lands, rights or easements so taken shall vest in the town or towns taking them.

Description of lands, etc., to be recorded, etc.

SECTION 3. The town or towns taking land, rights or easements under authority hereof shall pay all damages sustained by any persons, corporations or town by such taking; and if the parties cannot agree upon the amount of the said damages they may be recovered in the manner provided by law in the case of land taken for the laying out of highways: *provided*, that application therefor is made within three years after such taking.

Damages.

Proviso.

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

Approved April 7, 1903.

Chap.201 AN ACT RELATIVE TO THE CHAPPAQUONSET HERRING FISHERY IN THE TOWN OF TISBURY.

Be it enacted, etc., as follows:

1847, 40, § 6,
amended.

Damages.

SECTION 1. Section six of chapter forty of the acts of the year eighteen hundred and forty-seven is hereby amended by inserting after the word "taken", in the second line, the words: — or of the land bordering upon said creek, by the erection or use of huts or other structures thereon, or in any other manner pertaining to said fishery, — so as to read as follows: — *Section 6.* If any damage is sustained by the owners of the land on which said fish are taken, or of the land bordering upon said creek, by the erection or use of huts or other structures thereon, or in any other manner pertaining to said fishery, by the inhabitants of the town of Tisbury, the selectmen of said town shall pay a reasonable compensation therefor, when demanded. And in case of a refusal, by the selectmen, to pay a reasonable compensation, the same may be recovered by an action on the case against the said town of Tisbury.

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

Approved April 7, 1903.

Chap.202 AN ACT TO AUTHORIZE STREET RAILWAY COMPANIES TO ACT AS COMMON CARRIERS OF BAGGAGE AND FREIGHT.

Be it enacted, etc., as follows:

Street railway
companies
may act as
common
carriers of
baggage, etc.
Provisos.

SECTION 1. Street railway companies are hereby authorized to act as common carriers of baggage and freight: *provided, however*, that no such company shall so act in any city or town until, after public notice and a public hearing, it has obtained the consent of the board of aldermen or selectmen, or of those exercising the powers of such boards, and also a certificate of the board of railroad commissioners to the effect that public necessity and convenience so require; and *provided, further*, that said companies shall be subject to such regulations and restrictions as may from time to time be made by the local authorities aforesaid, with the approval of the board of railroad commissioners, and shall also be subject to the provisions of all laws now or hereafter in force relating to common carriers.

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

Approved April 7, 1903.

AN ACT RELATIVE TO CO-OPERATIVE BANKS.

Chap.203

Be it enacted, etc., as follows:

SECTION 1. Section twenty-four of chapter one hundred and fourteen of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 24.* At each distribution of profits the directors shall reserve as a guaranty fund not less than one nor more than five per cent of the net profits accrued since the last preceding adjustment, until such fund amounts to five per cent of the dues capital, which fund shall thereafter be maintained and held, and shall at all times be available to meet losses in the business of the corporation from depreciation of its securities or otherwise.

R. L. 114, § 24, amended.

Co-operative banks to establish guaranty funds, etc.

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

Approved April 8, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE LOWELL TEXTILE SCHOOL AND THE NEW BEDFORD TEXTILE SCHOOL, AND FOR CERTAIN OTHER EXPENSES AUTHORIZED BY LAW.

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 the purposes specified in certain acts and resolves of the present year, and for certain other expenses authorized by law, to wit: —

Appropriations.

For the publication of the bulletin of committee hearings, as authorized by chapter one of the resolves of the present year, a sum not exceeding thirty-six hundred dollars.

Bulletin of committee hearings.

For additional clerical assistance in the office of the clerk of the house of representatives, as authorized by chapter three of the resolves of the present year, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Clerical assistance, clerk of house.

For certain expenses of the Massachusetts Agricultural College, as authorized by chapter seven of the resolves of the present year, a sum not exceeding twenty thousand eight hundred and twenty dollars.

Massachusetts Agricultural College.

For certain improvements at the state normal school at Salem, as authorized by chapter eight of the resolves of

State normal school at Salem.

the present year, a sum not exceeding seven thousand dollars.

Executors of will of Albert Curtis.

For repayment from the treasury of the Commonwealth, to Elijah B. Stoddard, James Logan and Charles F. Rugg, executors of the will of Albert Curtis, late of Worcester, as authorized by chapter nine of the resolves of the present year, the sum of thirteen hundred and fifty-eight dollars; that sum having been paid by mistake into the treasury on account of the collateral inheritance tax.

Ellen M. Gill.

For Ellen M. Gill, as authorized by chapter ten of the resolves of the present year, the sum of fifty dollars.

Lemuel D. and Anna Burr.

For Lemuel D. and Anna Burr, as authorized by chapter eleven of the resolves of the present year, the sum of one hundred and fifty dollars.

Preservation of war records.

For the preservation of war records in the office of the adjutant general, as authorized by chapter twelve 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.

Patrick Buckley.

For Patrick Buckley, as authorized by chapter thirteen of the resolves of the present year, the sum of one hundred and sixty dollars, the same to be in addition to the amount heretofore appropriated for the same purpose.

Instruction in riding to mounted militia.

For giving instruction in riding to the mounted militia, as authorized by chapter fourteen of the resolves of the present year, a sum not exceeding four thousand dollars.

Payment of premiums on certain securities.

For the payment of premiums on securities purchased for the Massachusetts School Fund, as authorized by chapter fifteen of the resolves of the present year, a sum not exceeding fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Portraits of former treasurers.

For collecting portraits of former treasurers of the Commonwealth, as authorized by chapter ninety-one of the resolves of the year nineteen hundred and one, the sum of three hundred twenty-three dollars and twenty-five cents, being the balance of the appropriation authorized by chapter five hundred and thirty-two of the acts of the year nineteen hundred and one, the same having reverted to the treasury in accordance with the provisions of section thirty-one of chapter six of the Revised Laws.

Preservation of shade trees, etc.

For the purchase of nails or spikes to be driven into certain trees designated by the authorities of cities and towns for the purpose of preserving ornamental and shade

trees on public highways, a sum not exceeding one hundred dollars.

For the income of the Technical Educational Fund, United States Grant, as authorized by chapter one hundred and nine of the acts of the present year, a sum not exceeding three thousand eight hundred and seventy-one dollars, said sum being the estimate of the treasurer and receiver general.

Technical Educational Fund, United States Grant.

For additional clerical assistance in the office of the auditor of accounts, as authorized by chapter one hundred and twenty of the acts of the present year, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore authorized for the same purpose.

Clerical assistance, office of auditor.

For collecting and analyzing samples of concentrated commercial feed stuffs, as authorized by chapter one hundred and twenty-two of the acts of the present year, the sum of eighteen hundred dollars, the same to be in addition to any amount heretofore authorized for the same purpose.

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

For the payment of the judgment against the Commonwealth in favor of the American Bell Telephone Company, the sum of twenty-one dollars and sixty-five cents, the same to be in addition to the thirteen hundred and fifty dollars appropriated by chapter one hundred and ten of the acts of the present year.

Payment of judgment against Commonwealth in favor of American Bell Telephone Company.

For the American Insurance Company, the sum of eight hundred and nine dollars, being the amount overpaid by said insurance company on their corporation tax on the seventeenth day of December in the year nineteen hundred and two.

American Insurance Company.

For the New Bedford textile school, as authorized by chapter nineteen of the resolves of the present year, the sum of twenty thousand dollars.

New Bedford textile school.

For the Bradford Durfee Textile School of Fall River, as authorized by chapter twenty of the resolves of the present year, the sum of eighteen thousand dollars.

Bradford Durfee Textile School of Fall River.

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 certain improvements at the state normal school at North Adams, as authorized by chapter twenty-three of the resolves of the present year, a sum not exceeding thirteen thousand dollars.

State normal school at North Adams.

Revolutionary records.

For publishing the tenth volume of the records of the Massachusetts troops who served in the revolutionary war, as authorized by chapter twenty-six of the resolves of the present year, the sum of three thousand dollars and forty-five cents.

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

Approved April 8, 1903.

Chap. 205 AN ACT TO PROHIBIT THE SALE OF ALL TROUT EXCEPT THOSE ARTIFICIALLY REARED.

Be it enacted, etc., as follows :

Sale, etc., of trout prohibited.

SECTION 1. It shall be unlawful at any time within three years after the passage of this act to buy or sell trout, or to offer trout for sale, within the Commonwealth : *provided, however,* that nothing in this act shall prevent the sale of trout artificially propagated or maintained or hatched from the egg in the house of the owner and grown in pools of said owner, in so far as the sale thereof is permitted by the laws of this Commonwealth now in force.

Proviso.

Penalty.

SECTION 2. Whoever violates any provision of this act shall be punished by a fine of one dollar for each trout so bought, sold or offered for sale.

Approved April 8, 1903.

Chap. 206 AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF WOODCOCK AND RUFFED GROUSE.

Be it enacted, etc., as follows :

R. L. 92, § 2, amended.

Close season for woodcock and ruffed grouse.

Section two of chapter ninety-two of the Revised Laws is hereby amended by striking out the words "prior to the thirteenth day of July in the year nineteen hundred and three", in the fifth and sixth lines, so as to read as follows :— *Section 2.* Whoever takes, kills or has in possession, or buys, sells or offers for sale, a woodcock or a ruffed grouse, commonly called partridge, between the first day of December and the first day of October following, whenever or wherever such bird may have been taken or killed, or whoever at any time buys, sells, offers for sale or has in possession for sale a woodcock or ruffed grouse, commonly called partridge, whenever or wherever such bird may have been taken or killed, shall be punished by a fine of twenty dollars for each bird.

Approved April 9, 1903.

AN ACT RELATIVE TO THE ESCAPE OF PRISONERS FROM THE STATE PRISON AND THE REFORMATORY PRISON FOR WOMEN. *Chap.207*

Be it enacted, etc., as follows:

SECTION 1. Section twenty-eight of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the word "state", in the fourth line, and inserting in place thereof the word: — the, — so as to read as follows: — *Section 28.* Prisoners in the state prison and in the reformatory prison for women may be employed, in the custody of an officer, on any part of the premises of the prison, and whoever escapes from said premises shall be deemed to have escaped from the prison. Prisoners in the Massachusetts reformatory may be employed, in the custody of an officer, upon any land or building which is owned by the Commonwealth, and whoever escapes from said land or building shall be deemed to have escaped from said reformatory.

R. L. 225, § 28, amended.

Employment of prisoners on land appurtenant to prison.

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

Approved April 9, 1903.

AN ACT TO EXTEND THE CORPORATE POWERS OF THE TRUSTEES OF GROTON SCHOOL. *Chap.208*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter ninety-four of the acts of the year eighteen hundred and ninety-three is hereby amended by striking out the words "five hundred thousand", in the last line, and inserting in place thereof the words: — one million, — so as to read as follows: — *Section 3.* Said corporation is hereby authorized to take and receive by gift, grant, bequest, devise or otherwise, any lands, tenements or other estate, real or personal, to have and to hold the same upon the terms and for the purposes specified in the declaration of trust aforesaid; and also upon such terms and for such purposes and trusts as may be expressed in any deed or instrument of conveyance or gift made to said corporation: *provided*, the same shall not be inconsistent with the terms and purposes of the declaration of trust aforesaid, made and declared by said trustees; and *provided*, the real and personal estate held by said corporation shall not exceed in value one million dollars.

1893, 94, § 3, amended.

May hold real and personal estate, etc.

Provisos.

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

Approved April 9, 1903.

Chap.209 AN ACT RELATIVE TO SENTENCES TO THE REFORMATORY PRISON
FOR WOMEN.

Be it enacted, etc., as follows:

Sentences to
reformatory
prison for
women.

SECTION 1. When a woman is sentenced to be imprisoned in the reformatory prison for women the court or trial justice imposing the sentence shall not prescribe the limit of the sentence unless it is for a term of more than five years.

Felony.

SECTION 2. A woman who is sentenced to said reformatory prison for a felony may be held therein for not more than five years; or if sentenced for a longer term than five years may be so held for such longer term.

Misdemeanor.

SECTION 3. A woman who is sentenced to said reformatory prison for a misdemeanor may be held therein for not more than two years.

Prison commis-
sioners
may make
rules.

SECTION 4. With the approval of the governor and council the prison commissioners shall make rules for dealing with prisoners who are sentenced under this act, according to their behavior and industry.

Permit to be
at liberty may
issue in cer-
tain cases.

SECTION 5. When it appears to the prison commissioners that a prisoner who is sentenced to the reformatory prison for women under this act has reformed, they may issue to her a permit to be at liberty, upon such conditions as they shall prescribe, during the remainder of the term for which she might be held in said prison; and they may revoke said permit at any time before its expiration. The provisions of section one hundred and twenty-nine of chapter two hundred and twenty-five of the Revised Laws shall apply to all cases of revocation of a permit under this act.

R. L. 225, § 129,
to apply.

When to take
effect.

SECTION 6. This act shall take effect on the first day of July in the year nineteen hundred and three.

Approved April 9, 1903.

Chap.210 AN ACT MAKING APPROPRIATIONS FOR THE MASSACHUSETTS HOSPITAL FOR DIPSOMANIACS AND INEBRIATES.

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 support of the Massachusetts hospital for dipsomaniacs and inebriates during

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

For the expenses of said institution, the sum of seven-
 teen thousand six hundred sixty dollars and fifty cents,
 said sum being based upon the average number of state
 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.

Massachusetts
 hospital for
 dipsomaniacs
 and inebriates,
 expenses.

For maintaining industries at said institution, a sum
 not exceeding four thousand dollars.

Maintaining
 industries.

For printing and binding the annual report of said
 institution, a sum not exceeding two hundred and fifty
 dollars.

Annual report.

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

Approved April 9, 1903.

AN ACT TO PROVIDE THAT A PORTION OF THE EXPENSE OF CON-
 STRUCTION AND MAINTENANCE OF THE BRIDGE OVER WEYMOUTH
 FORE RIVER MAY BE ASSESSED UPON THE COUNTY OF NORFOLK.

Chap. 211

Be it enacted, etc., as follows :

SECTION 1. Section three of chapter four hundred and
 fifty-six of the acts of the year nineteen hundred is hereby
 amended by inserting after the word “upon”, in the
 fifteenth line, and after the same word in the twentieth
 line, the words : — the county of Norfolk and, — and
 by inserting after the word “the”, in the twenty-first
 line, the words : — county of Norfolk and the, — so as to
 read as follows : — *Section 3.* When such bridge and
 approaches are completed and the full cost and expense
 of the same ascertained said county commissioners shall
 file their report of the fact, together with the amount of
 such cost and expense, in the office of the clerk of courts
 for the county of Norfolk ; whereupon and upon applica-
 tion of said county commissioners or of any party inter-
 ested, and after such notice as the superior court for the
 county of Norfolk may order, said superior court shall
 appoint a board of three commissioners, who shall be
 sworn to the faithful discharge of their duties hereunder,
 and who, after proper notice and a full hearing of all

1900, 456, § 3,
 amended.

Construction
 of new bridge
 over Wey-
 mouth Fore
 river, payment
 of expense.

parties interested, shall proceed to assess the amount then paid out by the county of Norfolk, including interest paid on moneys borrowed under the authority of section two of this act, upon the county of Norfolk and such cities, towns and quasi-public corporations as they shall award and determine to be specially benefited by such bridge, and in such amounts as they shall award and determine to be fairly proportionate to the special benefits conferred by said bridge upon the county of Norfolk and the cities, towns and corporations so assessed. The county of Norfolk and the cities, towns and corporations so assessed shall, within such time and in such manner as said commissioners shall determine, pay into the treasury of the county of Norfolk the amount assessed upon them, with interest.

1900, 456, § 8,
amended.

Payment of
cost of main-
taining bridge,
etc.

SECTION 2. Section eight of said chapter is hereby amended by inserting after the word "by", in the third line, the words: — the county of Norfolk and, — so as to read as follows: — *Section 8.* The cost of maintaining such bridge and of keeping the same in repair, including the cost of operating the draw therein, shall be borne by the county of Norfolk and the cities, towns and quasi-public corporations found by the commissioners appointed under section three of this act to be specially benefited by such bridge, in the same relative proportion in which they shall contribute to the cost and expense of building the bridge.

Approved April 9, 1903.

Chap. 212

AN ACT RELATIVE TO AIDING DISCHARGED PRISONERS.

Be it enacted, etc., as follows:

R. L. 225, § 136,
amended.

SECTION 1. Section one hundred and thirty-six of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out all after the word "on", at the end of the eighth line, up to and including the word "employment", in the twelfth line, and inserting in place thereof the words: — permit from the state prison or the Massachusetts reformatory, provide said prisoners with needed assistance, — so as to read as follows: —

Section 136. The prison commissioners may employ an agent for aiding prisoners who have been discharged from the state prison, at an annual salary of sixteen hundred dollars, payable by the Commonwealth, who, in addition to his other duties, shall assist the secretary of the board.

Aiding
discharged
prisoners,
appointment
of agents, etc.

They may also employ three other agents, at an annual salary of twelve hundred dollars each, payable in like manner. Said agents shall endeavor to secure employment for prisoners who have been permanently discharged or released on permit from the state prison or the Massachusetts reformatory, provide said prisoners with needed assistance, and perform such other duties relative to such discharged or released prisoners as the board requires. They shall also obtain information for the board relative to prisoners who have been committed to institutions under its supervision, especially as to the details of their offences and their previous character and history. They may, for that purpose, require of the police authorities any facts in their possession relative to such prisoners if the communication thereof will not, in the opinion of said authorities, be detrimental to the public interest. They shall be reimbursed for the necessary expenses actually incurred by them in the performance of their official duties, after their bills therefor have been approved by the commissioners. The commissioners may expend not more than three thousand dollars annually for the assistance of prisoners discharged from the state prison and not more than five thousand dollars annually for the assistance of prisoners discharged from the Massachusetts reformatory or from any institution to which he was removed from said reformatory.

Aiding discharged prisoners, appointment of agents, etc.

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

Approved April 9, 1903.

AN ACT RELATIVE TO THE PURCHASE OF IMPLEMENTS AND MATERIALS FOR USE IN THE EMPLOYMENT OF PRISONERS.

Chap. 213

Be it enacted, etc., as follows:

SECTION 1. Section fifty-one of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the word "he", in the eighth line, and inserting in place thereof the words:—said commissioners,—and by striking out the word "him", in the ninth line, and inserting in place thereof the word:—them,—so as to read as follows:—*Section 51.* The tools, implements and materials required for use in manufacturing in any penal institution named in section forty-three shall, and such machinery as may be necessary to replace any which becomes unfit for use, or which is destroyed by fire

R. L. 225, § 51, amended.

Purchase of implements and materials for use in employment of prisoners.

or by the malicious acts of prisoners or to establish new trades or industries may, be purchased by the warden, superintendent, master or keeper thereof under the supervision of the prison commissioners after estimates or requisitions, in such form as said commissioners shall from time to time require, have been approved by them.

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

Approved April 9, 1903.

Chap. 214 AN ACT TO ESTABLISH THE FOURTH DISTRICT COURT OF BRISTOL.

Be it enacted, etc., as follows:

Fourth District Court of Bristol established.

SECTION 1. The towns of Attleborough, North Attleborough, Mansfield and Norton are hereby excluded from the jurisdiction of the first district court of Bristol, and are hereby constituted a judicial district under the jurisdiction of a court to be known as the Fourth District Court of Bristol. Sessions of said court shall be held in the town of Attleborough on every day except Sundays and legal holidays, for the transaction of criminal business, and on one day in each week and on such other days as may be fixed by rule of the court for the trial of civil cases.

Justices and clerk, compensation, etc.

SECTION 2. There shall be one justice and two special justices and a clerk of said court. The justice shall receive a salary of twelve hundred dollars per annum, and the clerk a salary of eight hundred dollars per annum, to be paid by the county of Bristol. All the provisions of law applicable to police and district courts shall apply to said court.

First session, etc.

SECTION 3. The first session of said court shall be held on the first day of January in the year nineteen hundred and four; but nothing in this act shall affect any suit or other proceeding begun prior to said first day of January.

Repeal.

SECTION 4. So much of any act as is inconsistent herewith is hereby repealed, such repeal to take effect from and after the first day of January in the year nineteen hundred and four.

When to take effect.

SECTION 5. So much of this act as relates to the appointment of the justices and clerk of said court shall take effect on the first day of November of the present year; and the remainder of this act shall take effect on the first day of January in the year nineteen hundred and four.

Approved April 9, 1903.

AN ACT TO AUTHORIZE THE EDISON ELECTRIC ILLUMINATING COMPANY OF BROCKTON, UNDER CERTAIN CONDITIONS, TO FURNISH ELECTRICITY IN THE TOWN OF WHITMAN.

Chap. 215

Be it enacted, etc., as follows:

SECTION 1. The Edison Electric Illuminating Company of Brockton is hereby authorized, upon the approval of the board of gas and electric light commissioners, and with the consent of the selectmen of the town of Whitman, to furnish electricity for heat, light and power in said town; with all the rights, powers and privileges and subject to all the duties and liabilities set forth in all general laws now or hereafter in force applicable to such corporations.

The Edison Electric Illuminating Company of Brockton may furnish electricity in Whitman.

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

Approved April 9, 1903.

AN ACT TO PROVIDE FOR THE PROTECTION OF SHELLFISH IN THE TOWN OF EDGARTOWN.

Chap. 216

Be it enacted, etc., as follows:

SECTION 1. No person shall take any shellfish from their beds or wilfully obstruct the growth of any shellfish within the town of Edgartown, except as is hereinafter provided.

Taking, etc., of shellfish in Edgartown restricted.

SECTION 2. The selectmen of said town may give permits in writing to any person to take shellfish from their beds within said town, at such times, in such quantities, and for such uses, as they shall deem expedient. But any inhabitant of said town may without such permit take from the beds in said town shellfish for the use of his family, not exceeding in quantity one bushel, including shells, in any one day; and any fisherman may without such permit take shellfish from the said beds for bait for his own use, not exceeding in quantity one bushel, including shells, in any one day.

Selectmen may give permits.

Certain persons may take shellfish without permit.

SECTION 3. No person shall take from their beds in said town, or sell or offer for sale, or have in his possession, any little neck clams or quahaugs measuring less than one and one half inches across the widest part.

Taking, etc., of little neck clams or quahaugs less than certain size prohibited.

SECTION 4. Whoever violates any provision of this act shall be punished by a fine of not less than ten nor more than one hundred dollars.

Penalty.

Jurisdiction of offences.

SECTION 5. The district court of Dukes County shall have concurrent jurisdiction with the superior court of all offences under this act.

Certain provisions of law not to apply.

SECTION 6. So much of section eighty-five of chapter ninety-one of the Revised Laws as is inconsistent herewith shall not apply to the town of Edgartown.

Approved April 9, 1903.

Chap. 217

AN ACT TO INCORPORATE THE ASHFIELD WATER COMPANY.

Be it enacted, etc., as follows :

Ashfield Water Company incorporated.

SECTION 1. Emory D. Church, Allison G. Howes, Frederick H. Smith, George R. Fessenden, Levant F. Gray, Charles A. Hall, Amos D. Daniels and M. M. Belding, their associates and successors, are hereby made a corporation by the name of the Ashfield Water Company, for the purpose of furnishing the inhabitants of the town of Ashfield with water for the extinguishment of fires and for domestic and other purposes ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

May take certain waters, lands, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may take, by purchase or otherwise, and hold the waters of Taylor brook in said town, 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 : *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 ; 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, railways, 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

Proviso.

May erect structures, lay pipes, etc.

proper purposes of this act, said corporation may dig up such lands, and, under the direction 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.

SECTION 3. Said corporation 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 signed by the president of the corporation of the purposes for which the same were taken, and the damages awarded therefor to any person or corporation.

Description
of land, etc.,
to be recorded.

SECTION 4. Said corporation 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 corporation under authority of this act. Any corporation or person sustaining damages as aforesaid, who fails to agree with the corporation as to the amount of damages sustained, may have them 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 or water rights, or for any injury thereto, until the water is actually withdrawn or diverted by the corporation under authority of this act.

Damages.

SECTION 5. Said corporation may distribute water through the town of Ashfield; may from time to time establish and fix the rates for the use of said water, and may collect the same; and may make such contracts with the said town, or with any fire district now or hereafter established therein, or with any individual or corporation, to supply water for the extinguishing of fires or for other purposes, as may be agreed upon between the parties.

Distribution
of water, etc.

SECTION 6. Said corporation may, for the purposes set forth in this act, hold real estate to a value not exceeding three thousand dollars, and its capital stock shall be

Real estate and
capital stock.

not more than twenty thousand dollars, divided into shares of one hundred dollars each.

Town, etc.,
may take
franchise,
property, etc.

SECTION 7. The town of Ashfield or any fire district therein may at any time during the continuance of the charter hereby granted, take by purchase or otherwise the corporate property and all the rights or privileges of said corporation, at a price which shall be equal to the sums expended by the said corporation in establishing and perfecting its plant and facilities; and the said corporation shall keep such detailed accounts of the sums paid by it for construction, for apparatus, and for the purchase of property, as shall be satisfactory to the selectmen of the town. In case said corporation and said town or fire district are unable to agree upon the purchase price estimated as aforesaid, then the same shall be determined by three commissioners to be appointed by the supreme judicial court upon application by either party and notice to the other, whose award when accepted by the court shall be binding upon all parties. This authority to purchase said franchise and property is granted on condition that the same is assented to by said town or fire district by a two thirds vote of the voters present and voting thereon at a legal meeting called for that purpose.

Corporation
may be re-
quired to give
satisfactory
security for
payment of
damages, etc.

SECTION 8. The selectmen of said town, upon the application of the owner of any land, water or water rights taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded to such owner for the land or other property so taken; but before requiring such security the selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking, and the selectmen shall in like manner require further security if at any time the security already required appears to them to be insufficient; and all the right of said corporation to enter upon or use such land or other property, except for making surveys or tests of the soil, shall be suspended until it gives the security as aforesaid.

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 corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed

therefor, to be recovered in an action of tort; and whoever is convicted 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.

SECTION 10. Said town may subscribe for and hold stock issued as aforesaid by the said water company, to an amount not exceeding three thousand dollars: *provided*, that the town shall vote so to do at an annual town meeting or at a meeting duly called for the purpose.

Town may hold stock issued by water company.
Proviso.

SECTION 11. Said town may, for the purpose of paying the necessary expenses and liabilities incurred under the provisions of section ten, issue from time to time bonds, notes or scrip to an amount not exceeding three 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 upon such terms and conditions as it may deem proper. Said town shall pay the interest upon the loan as it accrues, and shall provide for the payment of said principal at maturity by such annual proportionate payments as will extinguish the same within the time prescribed in this act. The amounts which may be necessary to make such payments shall without further vote of said town be raised by taxation in the same manner in which money is raised for town expenses. All income derived from said stock shall be applied in payment of the debt incurred under this act.

Ashfield Water Loan.

Payment of loan.

SECTION 12. Said town may at an annual town meeting, or at a meeting duly called for the purpose, vote to sell at public or private sale the whole or any part of its stock in said water company: *provided*, that no part of such stock shall be sold at less than the par value thereof.

Sale of stock.

Proviso.

SECTION 13. This act shall take effect upon its passage, but shall become void unless work is begun under it within three years after the date of its passage.

When to take effect.

SECTION 14. Chapter one hundred and twenty-nine of the acts of the year nineteen hundred and two is hereby repealed.

Repeal.

Approved April 9, 1903.

*Chap.*218 AN ACT TO AUTHORIZE THE TOWN OF METHUEN TO ELECT A BOARD OF PUBLIC WORKS TO HAVE CONTROL OF ITS WATER WORKS, SEWER SYSTEM AND PUBLIC LIGHTING.

Be it enacted, etc., as follows:

Town of Methuen may elect a board of public works, etc.

SECTION 1. The town of Methuen may at its next annual meeting, or at a special meeting called for the purpose, elect a board of public works, to consist of three members, who shall hold office, one for one year, one for two years and one for three years, respectively, from the date of the annual meeting at which they are elected; or if they are elected at a special meeting then from the date of the annual meeting next succeeding, and in either case until their successors are elected; and at every annual town meeting when the term of any member of said board expires said town shall elect one member of said board to serve three years or until a successor is elected. If a vacancy occurs in the board the town may at any meeting called for the purpose elect a person to serve for the unexpired term.

Vacancy.

Powers and authority.

SECTION 2. The said board of public works shall have all the rights, powers and authority vested in the water commissioners of the town of Methuen, all the rights, power and authority in respect to public sewers now vested in the board of selectmen or which might be vested in a board of sewer commissioners, and all the rights, powers and authority in respect to public lighting now vested in the board of selectmen.

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

Approved April 9, 1903.

*Chap.*219

AN ACT RELATIVE TO THE PRACTICE OF DENTISTRY.

Be it enacted, etc., as follows:

R. L. 76, § 29, amended.

Section twenty-nine of chapter seventy-six of the Revised Laws is hereby amended by inserting after the word "chapter", in the third line, the words: — and in actual practice as a physician, in cases where he deems immediate treatment necessary for the relief of his patients, — so as to read as follows: — *Section 29.* The provisions of sections twenty-four to twenty-eight, inclusive, shall not apply to a physician registered under the provisions of this chapter and in actual practice as a physician, in cases

Application of provisions of sections 24 to 28 inclusive limited.

where he deems immediate treatment necessary for the relief of his patients, nor prevent a licensed dentist of another state from operating at a public clinic under the auspices of a duly organized and reputable dental association nor a student of a reputable chartered dental college from performing operations in the college infirmary as a part of the regular college course and in the presence, and under the actual instruction, of a registered dentist appointed as instructor.

Approved April 9, 1903.

AN ACT RELATIVE TO THE MARKING OF CERTAIN CARCASSES AND THE INSPECTION OF CERTAIN DOMESTIC ANIMALS.

Chap. 220

Be it enacted, etc., as follows:

SECTION 1. Chapter seventy-five of the Revised Laws is hereby amended by inserting after section one hundred and two the following new sections: — *Section 103.* In a slaughtering establishment wherein inspection and branding is not carried on under the rules and regulations for the inspection of live stock and other products, established by the United States department of agriculture in accordance with acts of congress in force on the fifteenth day of June in the year nineteen hundred and one, the carcasses of animals slaughtered under the provisions of the four preceding sections shall at the time of slaughter, if not condemned, be stamped or branded by the inspector thereof in like manner as those inspected by the United States bureau of animal industry for interstate trade, by a stamp or brand designed for the purpose by the cattle bureau of the state board of agriculture, which shall be furnished by it to the board of health of a city or town applying therefor. Such stamps shall be uniform in design throughout the Commonwealth, but shall contain the name of the city or town in which they are used. *Section 104.* The carcasses of animals slaughtered under the provisions of the five preceding sections and not stamped or branded as provided in the preceding section shall be deemed unfit for human food and shall not be sold or offered for sale. Whoever sells, or offers for sale, or has in his possession with intent to sell, a carcass or any part thereof required by the provisions of the preceding section to be stamped or branded, which has not been stamped or branded as therein provided, shall be punished by a fine

R. L. 75 amended.

Certain carcasses to be stamped, etc.

Penalty for sale, etc., of unstamped carcasses.

of not more than one hundred dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

R. L. 75, § 105,
etc., amended.

SECTION 2. Section one hundred and five of said chapter seventy-five, as amended by section two of chapter three hundred and twelve of the acts of the year nineteen hundred and two, is hereby further amended by striking out the word "four", in the second line, and inserting in place thereof the word :— six, — so as to read as follows :

Not to apply
to certain
persons.

— *Section 105.* The provisions of the six 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.

Approved April 9, 1903.

Chap. 221 AN ACT TO AUTHORIZE THE MILLERS FALLS WATER SUPPLY DISTRICT TO FURNISH ELECTRICITY FOR LIGHT AND POWER.

Be it enacted, etc., as follows :

The Millers
Falls Water
Supply Dis-
trict may
establish an
electric plant,
etc.

SECTION 1. The Millers Falls Water Supply District in the towns of Montague and Erving, in addition to the powers conferred upon it by chapter one hundred and fifty of the acts of the year eighteen hundred and ninety-six, and extended by chapter five hundred of the acts of the year nineteen hundred and two, is hereby authorized to establish an electric plant for the purpose of owning, generating, storing, transmitting and selling electricity for light, heat or power, except for the operation of street railways, for the use of and distribution among the inhabitants of said district, or for the use of either of said towns or of any corporation, manufacturing or otherwise, except street railway corporations, doing business either within or without said district, or without said district but within said towns ; with all the rights and privileges and subject to all the duties, restrictions and liabilities of towns authorized to manufacture or distribute electricity, so far as the same may be applicable to said district and not inconsistent with the provisions of this act.

SECTION 2. Said district may, subject to all general laws relating to the erection, maintenance and operation of lines for the transmission of electric light, heat or power, so far as the same are applicable, construct and operate lines for the transmission of light, heat or power upon and along the public ways of the said towns; but subject to the local laws and regulations of said towns; and for this purpose may erect and maintain upon said public ways such posts and other fixtures as may be necessary to sustain the wires and other fixtures of its lines.

May construct and operate lines, etc.

SECTION 3. Said district, for the purposes aforesaid, may contract with the Greenfield and Turners Falls Street Railway Company, or with the Millers Falls Company, or with the Millers Falls Paper Company, or with any other corporation or individual properly equipped for the said purposes, to supply and furnish it with power for the generation of electricity for the purposes herein named, on such terms and conditions as are authorized between street railway companies and towns under chapter four hundred and forty-nine of the acts of the year nineteen hundred and two.

May contract for power, etc.

SECTION 4. The board of water commissioners of said district, or such other officer or officers as said district may from time to time determine, subject to such orders, rules and regulations not inconsistent with law as said district may prescribe, shall, so far as is consistent with the provisions of this act, have and exercise all the powers and be subject to all the duties of the officer provided for in section twenty of chapter thirty-four of the Revised Laws and acts in amendment thereof and in addition thereto.

Operation and management.

SECTION 5. For the purpose of paying the expenses and liabilities incurred in establishing a plant under the provisions of this act said district may issue, from time to time, bonds, notes or certificates of debt, signed by the treasurer of said district and countersigned by the chairman of said board of water commissioners, to be denominated on the face thereof, Millers Falls Water Supply District Electric Loan, to an amount not exceeding fifteen thousand dollars in addition to the amount heretofore authorized by law to be issued by said district for water supply purposes. Such bonds, notes or certificates of debt shall be issued upon the terms and conditions and with the powers which are provided in chapter one hundred and fifty of the acts of the year eighteen hundred

Millers Falls Water Supply District Electric Loan.

and ninety-six for the issue of the Millers Falls Water Supply District Loan, except that the rate of interest thereon shall not exceed five per cent per annum.

May extend or enlarge electric plant, etc.

SECTION 6. Said district may reconstruct, extend or enlarge its electric plant, but no such reconstruction, extension or enlargement beyond the necessary and ordinary maintenance, repair and replacement thereof, except such increased appliances for the distribution of electricity as may be necessary to furnish the same to new takers, shall be undertaken or made except by a two thirds vote of the voters of said district present and voting thereon at any legal district meeting called for that purpose.

When to take effect, etc.

SECTION 7. This act shall take effect upon its passage, but shall not become operative until it has been accepted by a vote of two thirds of the voters present and voting at each of two legal meetings of said district duly called for the purpose, of which meetings the second shall be held at an interval of not less than two nor more than thirteen months after the first. At said meetings said vote shall be taken by written or printed ballot and by use of the check list. When such a vote has failed of passage at the second of said meetings as hereinbefore provided no similar vote shall be taken until after the expiration of two years.

Approved April 9, 1903.

Chap. 222 AN ACT TO GIVE THE PROBATE COURT JURISDICTION OF CERTAIN ARBITRATION AND COMPROMISE MATTERS.

Be it enacted, etc., as follows:

Jurisdiction of certain arbitration and compromise matters.

SECTION 1. The probate court shall have jurisdiction concurrent with the supreme judicial court of all cases and matters under sections fourteen, fifteen, sixteen, seventeen and eighteen of chapter one hundred and forty-eight of the Revised Laws.

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

Approved April 9, 1903.

Chap. 223 AN ACT RELATIVE TO LIFE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

R. L. 118, § 11, amended.

SECTION 1. Clause fourth of section eleven of chapter one hundred and eighteen of the Revised Laws is hereby amended by striking out the word "three", in the sixty-second line of said section, and inserting in place thereof the word:—six,—so as to read as follows:—Fourth,

The aggregate net value so ascertained of all the policies of any such company shall be deemed its reserve liability, to provide for which it shall hold funds in secure investments of an amount equal to such net value above all its other liabilities.

Valuation of
policies of
life companies.

All policies or certificates of insurance issued before the first day of July in the year eighteen hundred and ninety-nine by corporations which formerly transacted a life insurance business under the provisions of chapter four hundred and twenty-one of the acts of the year eighteen hundred and ninety and acts in amendment thereof, and which now have authority to do business in this Commonwealth under the provisions of this chapter, which policies or certificates are in force on the thirty-first day of December of any year and which contain a provision for a payment other than the premium stipulated therein and under which the duration of the premium payment is the same as the duration of the contract, except in endowment certificates and endowment policies, shall be valued and shall have a reserve maintained thereon on the basis of renewable term insurance as fixed by attained age in accordance with the provisions of this chapter. To the reserve liability determined as above the insurance commissioner shall add the determinate contract reserve under any other policies or certificates issued by said companies, before said first day of July and remaining in force on the thirty-first day of December of any year, and in the absence of such contract reserve shall value them as contracts providing similar benefits are to be valued under the provisions of this chapter. But under no policy or certificate shall a greater aggregate reserve liability be charged than is otherwise required by this chapter. All policies of life insurance issued by any such corporation subsequent to the first day of July in the year eighteen hundred and ninety-nine, including those which contain a provision for a payment other than the premiums specified therein, shall be valued and a reserve maintained thereon according to the provisions of this chapter, but all such policies issued by said former assessment corporations prior to the first day of January in the year nineteen hundred and six, shall be valued taking the first year as one-year-term insurance.

Assessment
contracts.

To determine the liability upon its contracts of insurance of an insurance company, other than life and real

Computation
of reserves
for reinsur-

ance or policy liability.

estate title insurance, and the amount such company shall hold as a reserve for reinsurance, he may take fifty per cent or the actual unearned portion of the premiums written in its policies; but in respect to marine risks he shall compute the liability thereon by charging sixty per cent of the amount of premiums written in its policies upon yearly risks, and upon risks covering more than one passage not terminated, and the full amount of premiums written in policies upon all other marine risks not terminated; but in the case of foreign fire and marine insurance companies with less than three hundred thousand dollars capital, admitted to transact fire insurance only in this Commonwealth, the full amount of premiums written in their marine and inland navigation and transportation insurance policies shall be charged as liability.

What assets admissible.

He shall allow to the credit of an insurance company in the account of its financial condition only such assets as are immediately available for the payment of losses in this Commonwealth, but may credit any deposits or funds of the company set apart as security for a particular liability in set-off to the amount charged on account of such liability.

Stockholders' obligations not capital except, etc.

He shall not allow stockholders' obligations of any description as part of the assets or capital of any stock insurance company, unless the same are secured by sufficient approved collateral.

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

Approved April 10, 1903.

Chap. 224

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BERKSHIRE TO BORROW A SUM OF MONEY FOR THE PURPOSE OF PAYING A PART OF THE INDEBTEDNESS OF SAID COUNTY.

Be it enacted, etc., as follows:

County commissioners of Berkshire county may borrow on credit of county.

SECTION 1. The county commissioners of the county of Berkshire are hereby authorized to borrow on the credit of said county a sum of money not exceeding sixty thousand dollars, for the purpose of paying a part of the existing indebtedness of said county.

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

Approved April 10, 1903.

AN ACT RELATIVE TO THE MAYOR AND ALDERMEN OF THE CITY OF FALL RIVER. *Chap. 225*

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter three hundred and ninety-three of the acts of the year nineteen hundred and two is hereby amended by striking out the word "second", in the last line, and inserting in place thereof the word: — first, — so as to read as follows: — *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 first Monday of the following January.

1902, 393, § 6,
amended.

Aldermen,
election, terms,
etc.

SECTION 2. Section eight of said chapter is hereby amended by inserting after the word "elect", in the second line, the words: — if any there be, otherwise the mayor and aldermen, — and by inserting after the word "and", in the third line, the words: — the mayor elect and aldermen elect shall, — so as to read as follows: — *Section 8.* On the first Monday of January, at ten o'clock in the morning, the mayor elect, if any there be, otherwise the mayor and aldermen and aldermen elect shall meet, and the mayor elect and aldermen elect shall 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

1902, 393, § 8,
amended.

Oath of office
of mayor and
aldermen.

Organization
of board of
aldermen, etc.

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.

Approved April 13, 1903.

Chap. 226 AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO ISSUE BONDS AND SCRIP UPON THE SERIAL PAYMENT PLAN.

Be it enacted, etc., as follows:

Bonds or scrip
of the Com-
monwealth
may be issued
upon the serial
payment plan.

SECTION 1. The treasurer and receiver general, whenever he shall deem it to be for the advantage of the Commonwealth so to do, may, with the approval of the governor and council, issue any of the bonds or scrip of the Commonwealth, now or hereafter authorized, upon the serial payment plan instead of establishing a sinking fund for the retirement thereof. The said plan shall provide for the issue of bonds or scrip to be paid serially in such amounts and at such times as shall be determined by the treasurer and receiver general, with the approval of the governor and council, to be for the best interests of the Commonwealth; the bond last payable in any such issue to become due at a date not later than that at which the whole series of bonds would have matured if they had been issued under the sinking fund method.

Treasurer to
certify to
auditor
amount to be
included in
state tax.

SECTION 2. The treasurer and receiver general shall annually certify to the auditor of the Commonwealth the amount necessary to be included in the state tax to provide for such serial payments on account of any bonds or scrip of the Commonwealth, which amount shall be included in the state tax ordered to be assessed for that year.

Not to apply
to certain
issues of bonds
or scrip.

SECTION 3. The provisions of this act shall not apply to any issue of bonds or scrip now or hereafter authorized for the benefit of any of the metropolitan districts, so-called.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved April 13, 1903.

AN ACT RELATIVE TO AGENTS OF ASSESSMENT INSURANCE COMPANIES. *Chap.227*

Be it enacted, etc., as follows :

Section thirteen of chapter one hundred and twenty of the Revised Laws is hereby amended by striking out the word “foreign”, in the first line, and by inserting after the word “agent”, in the fourth line, the words :— within this Commonwealth, — so as to read as follows :— *Section 13.* A corporation transacting the business of insurance under the provisions of this chapter shall file with the insurance commissioner the name and residence of each person it shall appoint or employ to act as its agent within this Commonwealth; and whoever shall assume to act as such agent, or shall, on behalf of such corporation, in any manner for compensation aid in negotiating contracts of insurance for a person other than himself, before such notice of appointment or employment is filed, shall be punished as provided in section twenty-one.

R. L. 120, § 13, amended.

Names, etc., of agents of assessment insurance companies to be filed, etc.

Approved April 13, 1903.

AN ACT RELATIVE TO THE BOARD OF REGISTRATION IN DENTISTRY. *Chap.228*

Be it enacted, etc., as follows :

Section three of chapter five hundred and five of the acts of the year nineteen hundred and two is hereby amended by striking out the word “two”, in the fourth line, and inserting in place thereof the word :— three, — so as to read as follows :— *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 three hundred dollars a year.

1902, 505, § 3, amended.

Salaries of board of registration in dentistry.

Approved April 13, 1903.

AN ACT TO ESTABLISH THE OFFICE HOURS OF THE VARIOUS DEPARTMENTS OF THE STATE GOVERNMENT. *Chap.229*

Be it enacted, etc., as follows :

SECTION 1. Section thirteen of chapter eighteen of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following :— *Section 13.* The offices of all the departments of the state government shall be open to the public

R. L. 18, § 13, amended.

Office hours of state departments.

for the transaction of business daily, except on Sundays and legal holidays, from nine o'clock in the forenoon until five o'clock in the afternoon, except on Saturdays, when they may be closed at twelve o'clock, noon. The treasurer and receiver general shall not be required to keep his office open for the receipt and payment of money later than two o'clock in the afternoon.

Repeal.

SECTION 2. Section fourteen of chapter eighteen of the Revised Laws is hereby repealed.

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

Approved April 13, 1903.

Chap. 230 AN ACT TO AUTHORIZE THE SALEM YOUNG MEN'S CHRISTIAN ASSOCIATION TO ACCEPT AND ADMINISTER CERTAIN TRUSTS.

Be it enacted, etc., as follows:

The Salem Young Men's Christian Association may accept, etc., certain trust.

SECTION 1. In case the Marine Society at Salem shall resign the trust accepted by it under the authority given by chapter four hundred and ten of the acts of the year eighteen hundred and eighty-nine, or there shall be occasion for the appointment of a new trustee under said trust, the Salem Young Men's Christian Association may, if appointed thereto by the probate court for the county of Essex, accept and administer said trust, and hold the property thereof.

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

Approved April 13, 1903.

Chap. 231 AN ACT RELATIVE TO THE REMOVAL OF STATE PAUPERS TO THE PLACES OF THEIR SETTLEMENT.

Be it enacted, etc., as follows:

R. L. 84, § 11, amended.

Certain state paupers may be removed to places of settlement, etc.

SECTION 1. Section eleven of chapter eighty-four of the Revised Laws is hereby amended by striking out all after the word "pauper", in the sixth line, so as to read as follows:— *Section 11.* If a state pauper, who has received a certificate described in section seven of chapter eighty-five, desires to be sent to any state or place where he has a legal settlement, or to friends willing to support him, the board may remove said pauper instead of committing him, if in its judgment it is for the interest of the Commonwealth and of the pauper.

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

Approved April 14, 1903.

AN ACT RELATIVE TO THE SALE OF REAL ESTATE BY THE COMMONERS OF SALISBURY. *Chap.232*

Be it enacted, etc., as follows :

SECTION 1. The Commoners of Salisbury may, by a vote of more than two thirds of the whole number of rights or shares and more than two thirds of the number present, in person or by proxy, voting at a legal meeting, sell the whole or any part of their lands and estate and divide the proceeds thereof.

The Commoners of Salisbury may sell certain real estate.

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

Approved April 14, 1903.

AN ACT RELATIVE TO THE REMOVAL OF SICK PAUPERS TO THE STATE HOSPITAL. *Chap.233*

Be it enacted, etc., as follows :

Section ten of chapter eighty-five of the Revised Laws is hereby amended by striking out all after the word "health", in the fifth line, and inserting in place thereof the following:—*provided, however*, that in case of doubt as to the safety of such removal such officer or agent shall obtain a certificate of a competent physician that at the request of such officer or agent he has examined such pauper, and that in his opinion such pauper can so be removed without injury or danger to his health; and *provided, also*, that such removal shall be made whenever ordered by the state board of charity,—so as to read as follows:—*Section 10.* No city or town officer or agent having the care and oversight of a sick pauper shall remove or attempt to remove him or cause him to be removed to the state hospital unless there is reasonable cause to believe that such removal will not injure or endanger his health: *provided, however*, that in case of doubt as to the safety of such removal such officer or agent shall obtain a certificate of a competent physician that at the request of such officer or agent he has examined such pauper, and that in his opinion such pauper can so be removed without injury or danger to his health; and *provided, also*, that such removal shall be made whenever ordered by the state board of charity.

R. L. 85, § 10, amended.

Removal of sick paupers.

Provisos.

Approved April 14, 1903.

Chap. 234 AN ACT TO PROVIDE FOR THE PAYMENT OF DAMAGES AND EXPENSES CAUSED BY THE OPERATION OF THE ACT LIMITING THE HEIGHT OF BUILDINGS IN THE VICINITY OF THE STATE HOUSE.

Be it enacted, etc., as follows:

Payment of damages, etc., caused by act limiting height of buildings in the vicinity of the state house.

SECTION 1. To provide for the payment of damages and expenses arising under the operation of chapter four hundred and fifty-seven of the acts of the year eighteen hundred and ninety-nine, entitled "An Act to limit the height of buildings in the vicinity of the state house", as amended by chapter four hundred and seventeen and chapter five hundred and twenty-five of the acts of the year nineteen hundred and one, the treasurer and receiver general is hereby authorized to issue from time to time, under the direction of the governor and council, scrip or certificates of indebtedness in the name and behalf of the Commonwealth, to such an amount as may be necessary, in the manner and upon the terms and conditions prescribed in chapter three hundred and eighty-two of the acts of the year nineteen hundred, as amended by chapter five hundred and twenty-five and chapter five hundred and thirty-seven of the acts of the year nineteen hundred and one, and by chapter five hundred and forty-three of the acts of the year nineteen hundred and two.

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

Approved April 15, 1903.

Chap. 235 AN ACT RELATIVE TO THE REVISION OF BETTERMENT ASSESSMENTS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Betterment assessments in Boston may be revised, etc.

Provisos.

SECTION 1. The owner of any real estate in the city of Boston on which any betterment assessment authorized by law shall have been made may apply to the board which made the assessment for a revision thereof: *provided*, that any part of the same remains unpaid or shall have been paid under protest; and *provided, further*, that an application to revise an assessment heretofore made shall be filed with the board within one year after the passage of this act, and that an application to revise an assessment hereafter made shall be filed with the board within one year after the board gives notice that the assessment has

been made; and the board, within two months thereafter, shall revise or refuse to revise the assessment. If a revision is made any excess of the original assessment over the revised assessment shall be abated by the board; and if any part of such excess shall have been paid under protest the board shall issue a certificate of the abatement to the treasurer of the city, who shall thereupon repay such part to the person for whom the assessment was paid, or to his legal representative, and charge the same to the appropriation for the work on account of which the assessment was made.

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

Approved April 15, 1903.

AN ACT TO AUTHORIZE THE REFUNDING, IN CERTAIN INSTANCES, OF MONEY DEPOSITED IN LIEU OF BAIL IN CRIMINAL CASES. *Chap.236*

Be it enacted, etc., as follows:

SECTION 1. Section seventy-nine of chapter two hundred and seventeen of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 79.* The defendant may surrender himself at any time before a default, in the same manner as sureties in criminal cases may surrender their principal, and the court shall thereupon order the money so deposited to be returned to him or his order. At any time after a default, on the surrender or recaption of the defendant, the court may order the whole or any part of the money so deposited to be returned to him.

R. L. 217, § 79, amended.

Money deposited in lieu of bail in criminal cases may be refunded in certain instances.

SECTION 2. The provisions of the foregoing amendment shall apply to cases in which forfeiture has been ordered.

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

Approved April 15, 1903.

AN ACT RELATIVE TO THE GRANTING OF LOCATIONS FOR POLES AND WIRES. *Chap.237*

Be it enacted, etc., as follows:

Section two of chapter one hundred and twenty-two of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 2.* The mayor and aldermen of a city or the selectmen of a town through which the lines of

R. L. 122, § 2, amended.

Granting of locations for poles and

wires by cities
and towns.

a company are to pass shall give the company a writing specifying where the poles may be located, the kind of poles, the height at which, and the places where, the wires may run. Any company, except street railway companies, desiring permission to erect poles, piers, abutments or other fixtures upon or along any public way shall, in writing, petition the said mayor and aldermen or selectmen therefor. A public hearing shall be held on such petition, and written notices of the time and place at which such hearing will be held shall be mailed at least three days before said hearing, by the clerk of the city or town in which the petition for locations has been made, to the owners of real estate along the ways or parts of ways upon which it is proposed to construct said line, as determined by the last preceding assessment for taxation. The clerk of the city or town shall endorse upon the order or specification of locations granted, his certificate that notices were sent and a hearing held as herein provided, and no such order or specification shall be valid without such certificate. After the erection of the lines the mayor and aldermen or selectmen may, after giving the company or its agents an opportunity to be heard, or upon petition of the company without hearing or notice, direct any alteration in the location or erection of the poles, piers or abutments, and in the height of the wires; and no permit shall be required for renewing, repairing or replacing poles, piers, abutments or other fixtures once erected under the provisions of law. Such certificates, specifications and decisions shall be recorded in the records of the city or town.

Approved April 15, 1903.

Chap. 238 AN ACT TO AUTHORIZE THE CITY OF EVERETT TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

Everett School
Building Loan,
Act of 1903.

SECTION 1. The city of Everett, for the purpose of acquiring land and erecting and furnishing buildings for school purposes, is hereby authorized to issue from time to time negotiable notes or bonds to an amount not exceeding one hundred thousand dollars, to be denominated on the face thereof, Everett School Building Loan, Act of 1903, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually.

SECTION 2. Such notes or bonds shall be payable in such periods, not exceeding twenty years from the dates of issue, as the city council shall determine at the time of their issue; and except as otherwise provided herein they 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. Such notes or bonds shall not be reckoned in determining the legal limit of indebtedness of the city.

Payment of loan, etc.

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

Approved April 15, 1903.

AN ACT TO AUTHORIZE THE TOWN OF SALISBURY TO SELL CERTAIN REAL ESTATE.

Chap. 239

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Salisbury are hereby authorized to sell to the Commoners of Salisbury all the right, title, interest and claim of said inhabitants or of said town, in and to the premises known as Salisbury beach, and bounded east by the sea, south by the Merrimac river, west by the marshes of sundry owners, and north by the old state line between the state of New Hampshire and this Commonwealth, meaning the state line prior to the last change made therein at that place; and the said inhabitants may, by deed executed in their name and behalf, by such agent or agents as may be appointed at any town meeting called for the purpose, convey the same, free of all public rights therein, to said commoners or to such person or persons as said commoners may direct or appoint.

Town of Salisbury may sell certain real estate to the Commoners of Salisbury.

SECTION 2. Said Commoners of Salisbury are hereby authorized, at a meeting called for the purpose, to accept said sale and to direct and appoint to whom such conveyance shall be made, and may obtain the funds with which to make payment therefor, by loan, by assessment upon the commoners' rights or shares, or otherwise, and may secure any loan made for such purpose by mortgage of their property.

Commoners of Salisbury may accept sale, etc.

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

Approved April 15, 1903.

Chap.240 AN ACT TO INCORPORATE THE CONWAY WATER COMPANY.

Be it enacted, etc., as follows:

Conway Water
Company
incorporated.

SECTION 1. John B. Laidley, Arthur P. Delabarre and Fred. A. Delabarre, their associates and successors, are hereby made a corporation by the name of the Conway Water Company, for the purpose of furnishing the inhabitants of Conway with pure water for the extinguishment of fires and for domestic purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

May take
certain
waters, etc.

SECTION 2. Said corporation, for the purposes aforesaid, may lease, take or acquire, by purchase or otherwise, and hold and convey through the town of Conway the water of Roaring brook and of any tributary thereof, in Conway, except that part of said brook and its tributaries which lies east of and below 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 east of and below 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 advice and approval 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 company may also take by purchase or otherwise and hold all lands, rights of way and easements in the town of Conway necessary for taking, holding, storing and improving such water and for conveying the same to and through the town of Conway, and said company may construct on the lands thus 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 town of Conway, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining and repairing such

Proviso.

May take
certain lands,
erect struc-
tures, lay
pipes, etc.

aqueducts, conduits, pipes and other works, and for all other purposes of this act, said company 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 direction of the selectmen of said town.

SECTION 3. Said corporation shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements as aforesaid, other than by purchase, file and cause to be recorded in the registry of deeds for the county of Franklin a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same were taken, signed by the president of the corporation. The recording shall operate as a taking of the real estate and rights and easements therein described.

Description
of lands, etc.,
to be recorded.

SECTION 4. The said corporation shall pay all damages to property sustained by any person by the taking of any land, right of way, water source; water right or easement, or by any other thing done by said corporation under authority hereof. Any person sustaining damages as aforesaid who fails to agree with said corporation as to the amount thereof may have the same assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within 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 said corporation under authority of this act.

Damages.

SECTION 5. Said corporation may distribute the water through said town of Conway, may establish and fix from time to time the rates for the use of said water and collect the same; and may make such contracts with the said town or with any fire district now or hereafter established therein, or with any individual or corporation, to supply water for the extinguishing of fire or for other purposes, as may be agreed upon with said town or with such fire district, individual or corporation.

Distribution
of water, etc.

Real estate and
capital stock.

SECTION 6. Said corporation may, for the purposes aforesaid, hold real estate to an amount not exceeding ten thousand dollars in value. The capital stock of said corporation shall not exceed thirty thousand dollars, to be divided into shares of one hundred dollars each. If necessary for the purposes of the 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. The corporation may issue bonds and secure the same by mortgage of its franchise and other property, but the total amount of such bonds shall not exceed the capital stock of the corporation actually paid in. Said bonds shall be denominated on the face thereof, The Conway Water Company 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 five per cent per annum, and shall be issued only to such amount as may from time to time upon investigation by the commissioner of corporations be deemed by him reasonably necessary for the purposes for which said 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 only to such purposes as are specified in the decision of the commissioner.

The Conway
Water Com-
pany Loan.

Certificate
to be filed
before bonds
are issued, etc.

R. L. 109, §§ 22
and 23, to
apply.

SECTION 7. Sections twenty-two and twenty-three of chapter one hundred and nine of the Revised Laws shall apply to the payment of the thirty thousand dollars of the capital stock of the corporation.

Penalty for
corruption of
water, etc.

SECTION 8. 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 corporation, under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefor, to be recovered in an action of tort; and upon conviction of 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.

Town of Con-
way may take
franchise,
property, etc.

SECTION 9. The town of Conway 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 the 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 Conway, 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 the county of Franklin 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.

SECTION 10. The selectmen of said town upon application of the owner of any land, water or water rights taken under this act, shall require said corporation to give satisfactory security for the payment of all damages and costs which may be awarded such owner for the land or other property so taken; but before requiring such security the selectmen shall, if application therefor is made by either party, make an estimate of the damages which may result from such taking; and the selectmen shall in like manner require further security if at any time the security before required appears to them to have become insufficient; and all the right or authority of said corporation to enter upon

Corporation may be required to give satisfactory security for payment of damages, etc.

or use such land or other property, except for making surveys or tests of the soil, shall be suspended until it gives security as required.

When to take effect, etc.

SECTION 11. This act shall take effect upon its passage, but shall become null and void unless work is begun under it within three years after the date of its passage.

Approved April 16, 1903.

Chap. 241 AN ACT RELATIVE TO THE SETTLEMENT OF ESTATES OF ABSENTEES.

Be it enacted, etc., as follows:

R. L. 144, § 1,
etc., amended.

SECTION 1. Section one of chapter one hundred and forty-four of the Revised Laws, as amended by section fourteen of chapter five hundred and forty-four of the acts of the year nineteen hundred and two, is hereby further amended by striking out the whole of said section and inserting in place thereof the following:— *Section 1.* If a person entitled to or having an interest in property within the jurisdiction of the Commonwealth has disappeared or absconded therefrom, or has disappeared or absconded from the place without the Commonwealth where he was last known to be, and has no agent in the Commonwealth, and it is not known where he is, or if such person, having a wife or minor child dependent to any extent upon him for support, has thus disappeared or absconded without making sufficient provision for such support, and it is not known where he is, or if it is known that he is without the Commonwealth, any one who would under the law of this Commonwealth be entitled to administer upon the estate of such absentee if he were deceased, or if no one is known to be so entitled, any suitable person, or such wife, or some one in her or such minor's behalf, may file a petition under oath in the probate court for the county in which any such property is situated or found, stating the name, age, occupation and last known residence or address of such absentee, the date and circumstances of the disappearance or absconding, and the names and residence of other persons, whether members of such absentee's family or otherwise, of whom inquiry may be made, and containing a schedule of the property, real and personal, so far as it is 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 2. Section eleven of said chapter one hundred and forty-four is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 11.* If at the expiration of said fourteen years said property has not been accounted for, delivered or paid over under the provisions of the preceding section, the court shall order the distribution of the unexpended balance thereof to the persons to whom, and in the shares and proportions in which, it would have been distributed if said absentee had died intestate within this Commonwealth on the day fourteen years after the date of the disappearance or absconding as found and recorded by the court.

R. L. 144, § 11, amended.

Distribution of property.

SECTION 3. Sections fifteen, sixteen, seventeen, eighteen and nineteen of chapter five hundred and forty-four of the acts of the year nineteen hundred and two are hereby repealed.

Repeal.

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

Approved April 16, 1903.

AN ACT TO PROVIDE FOR THE ADDITION OF THE TOWN OF REVERE TO THE NORTH METROPOLITAN SEWERAGE SYSTEM.

Chap. 242

Be it enacted, etc., as follows:

SECTION 1. The territory comprising the town of Revere is hereby added to the north metropolitan sewerage district, created by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine. In becoming a part of the metropolitan system said addition shall be subject to the provisions and shall conform to the requirements of the aforesaid act and of acts in amendment thereof and in addition thereto, except as otherwise provided herein, and the proportionate liability incurred by said addition shall be assumed by the town of Revere. Any authority granted to other municipalities by said act or acts in amendment thereof and in addition thereto is also vested in the town of Revere, in common with said other municipalities.

Town of Revere added to the north metropolitan sewerage district, etc.

SECTION 2. The metropolitan water and sewerage board shall provide one or more outlets at the Revere town line for the sewage of said town, and, acting on behalf of the Commonwealth, shall construct a main trunk sewer or sewers through such parts of the city of Chelsea as may be necessary, to such point in the north metropolitan

Outlet to be provided for sewage, etc.

system at the corner of Eastern avenue and Marginal street in Chelsea, as said board may determine. The sewer or sewers so to be constructed to enter the town of Revere shall be built at a sufficiently low grade to drain by gravity the sewage from the whole town of Revere.

Metropolitan water and sewerage board to exercise certain authority, etc.

SECTION 3. In providing such outlets and in receiving sewage from the town of Revere, and in any action relating thereto, and for the purpose of taking, constructing and maintaining such additional main lines of sewer, the said metropolitan water and sewerage board, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon them by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto, and by chapter one hundred and sixty-eight of the acts of the year nineteen hundred and one; and all the provisions of said acts are hereby made applicable to this additional construction, except as otherwise provided herein.

Metropolitan Sewerage Loan.

SECTION 4. To meet the expenses incurred under the provisions of this act the treasurer and receiver general shall, with the approval of the governor and council, issue scrip or certificates of debt, in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding two hundred thousand dollars, for a term not exceeding thirty years. Such scrip or certificates of debt 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 March and September in each year. Said interest and the scrip or certificates shall be payable and when due shall be paid in gold coin or its equivalent. Such scrip or certificates of debt shall be designated on the face thereof, Metropolitan Sewerage Loan, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified therein in gold coin or its equivalent, and shall be sold and disposed of at public auction or in such other mode and at such times and prices and in such amounts and at such rate of interest, not exceeding four per cent per annum, as the treasurer and receiver general with the approval of the governor and council shall deem for the best interests of the Commonwealth. Any scrip or certificates of debt issued under the

provisions of this act shall be considered as an addition to and shall become a part of the loan authorized by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, as amended by chapter three hundred and seven of the acts of the year eighteen hundred and ninety-four, and by chapter two hundred and ninety-four of the acts of the year eighteen hundred and ninety-five.

SECTION 5. The interest and sinking fund requirements of the moneys expended in constructing that part of the sewerage system provided for in this act, and the cost of maintenance and operation thereof, shall be deemed and paid as a part of the interest, sinking fund requirements and costs specified in section fifteen of said chapter four hundred and thirty-nine, and the sinking fund established under the provisions of said chapters shall be a sinking fund for the extinguishment of the debt authorized by this act, said funds to be increased in the following manner: — The treasurer and receiver general shall from year to year, beginning with the year nineteen hundred and three, apportion to said sinking fund an amount sufficient with its accumulations to extinguish the debt at maturity; and in making the assessment for the increase of said sinking fund upon the several cities and towns liable thereto seven two hundred and fortieths of the whole amount shall be assessed in each of the first seven years, beginning with the year nineteen hundred and three, one thirtieth in each of the next ten years, beginning with the year nineteen hundred and ten, and the remainder shall be distributed equally in the next ten years, beginning with the year nineteen hundred and twenty. Any premium realized from the sale of said scrip or certificates of debt shall be applied to the payment of the interest on said loan as it accrues.

Payment of
loan, etc.

SECTION 6. The commissioners to be appointed by the supreme judicial court under the provisions of section fourteen of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, for the purposes specified in said section, and any other commissioners thereafter appointed for said purposes, shall include the town of Revere among the cities and towns whose proportions are to be determined as provided in said section.

Town of
Revere to be
included in
determining
proportions to
be assessed.

SECTION 7. The metropolitan water and sewerage board, until the town of Revere has been included in

Determination
of amount to be
paid by town

until included
in a finding of
commission-
ers.

a finding of commissioners appointed by the supreme judicial court, shall each year determine the amount to be paid by said town in that year as its fair share of the interest, sinking fund requirements and cost of maintenance and operation of said north metropolitan sewerage system, and the same shall be certified by the treasurer and receiver general and paid by said town as provided for payments of proportional parts of such interest, sinking fund requirements and costs by the other cities and towns in said district: *provided, however*, that no part of the cost of maintenance shall be assessed upon said town until its sewers are connected with the north metropolitan system as provided herein.

Proviso.

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

Approved April 16, 1903.

Chap. 243 AN ACT RELATIVE TO PAYMENT OF THE COST OF LAYING OUT, ALTERING AND REPAIRING HIGHWAYS.

Be it enacted, etc., as follows:

R. L. 48, § 52,
amended.

SECTION 1. Section fifty-two of chapter forty-eight of the Revised Laws is hereby amended by striking out the word "relocated", in the second line; and by striking out the words "upon the order of the commissioners", in the fifth and sixth lines, and inserting in place thereof the words:— or by the town or towns in which the part or parts of the highway affected are respectively located, as the commissioners may order, — so as to read as follows:— *Section 52.* When a highway has been finally laid out and established, altered or discontinued, or when specific repairs are ordered on an existing highway, the expenses of the proceeding, the damages allowed therefor and the amounts awarded as indemnity shall be paid by the county, or by the town or towns in which the part or parts of the highway affected are respectively located, as the commissioners may order, except as herein otherwise provided.

Payment of
cost of laying
out, etc., high-
ways.

Certain suits,
etc., not
affected.

SECTION 2. The provisions of this act shall not affect any suits for the recovery of land damages pending at the time of its passage, or operate to release any county from any liability for the payment of damages, expenses or indemnity on account of the laying out, establishing, relocating, altering or discontinuing of a highway by the county commissioners prior to the passage of this act, or

on account of their ordering specific repairs on a highway prior to the passage of this act.

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

Approved April 16, 1903.

AN ACT TO PROVIDE FURTHER FOR THE PROTECTION OF CERTAIN MARSH BIRDS.

Chap. 244

Be it enacted, etc., as follows:

SECTION 1. Whoever takes or kills any heron or bittern, or has in possession any such bird or part thereof, whenever or wherever taken, shall be punished by a fine not exceeding ten dollars for every bird so taken or killed, or bird or part of bird so had in possession.

Taking, etc., of heron or bittern prohibited.

SECTION 2. Nothing in this act shall prevent the owner or keeper of any trout pond or trout hatchery from killing any heron or bittern engaged in the act of destroying fish; nor shall anything herein contained prevent the taking or possession of said birds by natural history associations, museums, or holders of certificates authorizing the collection of specimens for scientific purposes.

Not to apply in certain cases.

Approved April 16, 1903.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF DEER.

Chap. 245

Be it enacted, etc., as follows:

Section seventeen of chapter ninety-two of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

R. L. 92, § 17, amended.

Section 17. Whoever, before the first day of November in the year nineteen hundred and eight, hunts, chases, wounds, injures or kills a deer, except his own tame deer kept on his own grounds, shall forfeit one hundred dollars for each offence: *provided, however,* that nothing contained herein shall prevent an owner or occupant of cultivated land from driving a deer therefrom, but dogs shall not be used for this purpose, nor shall the deer be wounded or injured.

Preservation of deer.

Proviso.

Approved April 16, 1903.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF FISH.

Chap. 246

Be it enacted, etc., as follows:

Section one hundred and thirty-three of chapter ninety-one of the Revised Laws is hereby amended by striking

R. L. 91, § 133, amended.

Penalty for poisoning fish, etc.

out the whole of said section and inserting in place thereof the following : — *Section 133.* Whoever puts or throws into any waters for the purpose of taking or destroying fish therein any poisonous substance, simple, mixed or compound, or whoever kills or destroys fish by the use of dynamite or other explosive, or explodes dynamite or powder in fishing waters, shall forfeit ten dollars for each offence : *provided, however,* that the provisions of this act shall not apply to operations of the federal government, of the state government, or of any municipal government in this Commonwealth, nor to the use of explosives for raising the body of a drowned person.

Proviso.

Approved April 16, 1903.

Chap.247 AN ACT RELATIVE TO DRILLS BY HEAVY ARTILLERY REGIMENTS AND THE NAVAL BRIGADE.

Be it enacted, etc., as follows :

R. L. 16, § 139, amended.

Section one hundred and thirty-nine of chapter sixteen of the Revised Laws is hereby amended by inserting before the word “ regiments ”, in the fourth line, the words : — and heavy artillery, — and by inserting after the word “ regiments ”, in the same line, the words : — and the naval brigade, — so as to read as follows : — *Section 139.* Every company shall drill at least twice in each month or oftener on the order of commanding officers. Battalion drills may count in the place of company drills. Battalions of infantry and heavy artillery regiments and the naval brigade may, without pay, be assembled for instruction twice each year, by order of the commander-in-chief. Transportation shall be furnished by the quartermaster general.

Approved April 16, 1903.

Chap.248 AN ACT TO CONFER UPON THE PROBATE COURT JURISDICTION IN REGARD TO CERTAIN MATTERS RELATIVE TO TAXES UPON COLLATERAL LEGACIES AND SUCCESSIONS.

Be it enacted, etc., as follows :

R. L. 15, § 17, amended.

Section seventeen of chapter fifteen of the Revised Laws is hereby amended by adding at the end thereof the words : — The probate court shall also have jurisdiction in like proceedings to discharge the lien created by this act or any amendment thereof on any real estate or separate parcel thereof, and shall make such order or

decree as will otherwise secure to the Commonwealth the payment of any tax due or to become due on such real estate or separate parcel thereof, — so as to read as follows: — *Section 17.* The probate court having jurisdiction of the settlement of the estate of the decedent shall, subject to appeal as in other cases, hear and determine all questions relative to said tax affecting any devise, legacy or inheritance, and the treasurer and receiver general shall represent the Commonwealth in any such proceedings. The probate court shall also have jurisdiction in like proceedings to discharge the lien created by this act or any amendment thereof on any real estate or separate parcel thereof, and shall make such order or decree as will otherwise secure to the Commonwealth the payment of any tax due or to become due on such real estate or separate parcel thereof.

Jurisdiction of probate court in certain matters relative to taxes upon legacies and successions, etc.

Approved April 16, 1903.

AN ACT TO PROVIDE FOR ESTABLISHING A BOARD OF REGISTRATION IN VETERINARY MEDICINE.

Chap. 249

Be it enacted, etc., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall appoint five veterinarians, residents of this Commonwealth and graduates of a school of veterinary medicine recognized by the American Veterinary Medical Association, who shall constitute a board of registration in veterinary medicine. Their terms of office shall begin on the first day of January in the year nineteen hundred and four, and they shall hold office, one for one year, one for two years, one for three years, one for four years and one for five years, or until their successors are appointed; and the governor shall appoint annually thereafter, before the first day of December, beginning with the year nineteen hundred and four, one veterinarian, qualified as aforesaid, who shall hold office for five years from the first day of January next ensuing. Any member of said board may be removed from office for cause by the governor, with the advice and consent of the council. The members of the board shall each receive a salary of fifty dollars a year, and their necessary travelling and contingent expenses actually incurred in attending meetings of the board. The said salary and expenses shall be paid out of the treasury of the Commonwealth.

Board of registration in veterinary medicine, appointment, terms, etc.

Removals, compensation, etc.

Organization,
meetings, etc.

SECTION 2. The members of said board shall meet on the second Tuesday of January in each year, at such time and place as they shall determine, and shall immediately proceed to organize by electing a chairman and a secretary, who shall hold their respective offices for the term of one year. Said board shall hold regular meetings on the first Tuesday of March, July and November of each year, and such additional meetings at such times and places as they may determine. Said board may make by-laws and rules not inconsistent with law necessary to carry out the provisions of this act.

Certain persons entitled
to registration,
etc.

SECTION 3. Said board shall notify all persons practicing veterinary medicine in this Commonwealth of the provisions of this act by publishing the same in one or more newspapers in this Commonwealth, and every such person who is a graduate of a recognized school of veterinary medicine, and also every person who has been a practitioner of veterinary medicine in this Commonwealth for a period of three years next prior to the passage of this act, shall, upon the payment of a fee of two dollars, be entitled to registration, and said board shall issue to him a certificate thereof signed by its chairman and secretary. Registration under the provisions of this section shall cease on the first day of September in the year nineteen hundred and four. All applications for registration under this act shall be made upon blanks furnished by the board, and shall be signed and sworn to by the applicant.

Certain
persons to be
examined, etc.

SECTION 4. Any person not entitled to registration as aforesaid who is twenty-one years of age shall, upon the payment of a fee of five dollars, be entitled to examination, and if found qualified by the board shall be registered and shall receive a certificate of registration as provided in section three. Any person who fails to pass a satisfactory examination and is therefore refused registration may be re-examined at any regular meeting of the board within two years of the time of such refusal, without additional fee, and thereafter may be examined at any regular meeting upon the payment of a fee of five dollars for each examination. The fees received for examination and registration of applicants before the board shall be paid monthly by the secretary of the board into the treasury of the Commonwealth.

Disposition
of fees.

Examinations.

SECTION 5. Examinations shall be held at least twice annually, and shall be exclusively in writing, in English.

There shall be suitable questions to test the requisite knowledge of the applicants in the following subjects: — Anatomy, surgery, physiology, animal parasites, obstetrics, pathology, bacteriology, diagnosis and practice, therapeutics and materia medica.

SECTION 6. It shall be the duty of said board to keep a register of all practitioners qualified under this act, which shall be open to public inspection, and to make an annual report to the governor. Register to be kept, etc.

SECTION 7. It shall be unlawful after the first day of September in the year nineteen hundred and four for any person to practice veterinary medicine, or any branch thereof, in this Commonwealth who does not hold a certificate issued by said board. Practicing after Sept. 1, 1904, without certificate prohibited.

SECTION 8. Any person not registered as provided by this act who shall practice veterinary medicine or any branch thereof in this Commonwealth shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than fifty dollars or by imprisonment for a term not exceeding two months, or by both such fine and imprisonment. Penalty.

SECTION 9. The provisions of this act shall not be construed to prohibit advice or service, in a case of emergency, by a person not entitled to practice veterinary medicine under this act, and the provisions of section nine of chapter seventy-six of the Revised Laws relating to the practice of medicine within the Commonwealth by physicians and surgeons shall, so far as they may be applicable, apply to the practice of veterinary medicine or any branch thereof by veterinarians. Not to prohibit advice or service in case of emergency, etc.

SECTION 10. Except as otherwise provided herein this act shall take effect upon its passage. When to take effect.

Approved April 16, 1903.

AN ACT TO INCORPORATE THE SALISBURY LAND AND IMPROVEMENT COMPANY. Chap. 250

Be it enacted, etc., as follows:

SECTION 1. Edward P. Shaw, James F. Shaw, Phineas W. Sprague, George A. Butman and Edward P. Shaw, Junior, their associates and successors, are hereby made a corporation by the name of the Salisbury Land and Improvement Company, for the purpose of buying, holding, owning, managing, improving, mortgaging, leasing, sell- Salisbury Land and Improvement Company incorporated.

ing or otherwise dealing with or disposing of any real estate in the town of Salisbury, and performing such other legal acts as may be necessary in accomplishing said purposes; with all the powers and privileges and subject to all the duties, liabilities and conditions set forth in all general laws now or hereafter in force and applicable to such corporations.

May own, hire and carry on hotels, etc.

SECTION 2. Said corporation may build, own, hire and carry on a hotel or hotels and other buildings in said town, and may hold such personal property as it may deem necessary or convenient.

Capital stock.

SECTION 3. The capital stock of said corporation shall be forty thousand dollars, which may by vote of the corporation be increased to an amount not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each.

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

Approved April 17, 1903.

Chap.251

AN ACT TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO EFFECT SETTLEMENT OF THE TAX ON COLLATERAL LEGACIES AND SUCCESSIONS IN CERTAIN CASES.

Be it enacted, etc., as follows:

Settlement of tax on collateral legacies, etc., in certain cases.

SECTION 1. In every case where there shall be a devise, descent or bequest to collateral heirs or strangers liable to the collateral legacy tax, conditioned upon the happening of a contingency or dependent upon the exercise of a discretion, the treasurer and receiver general may, with the approval of the attorney-general, effect such settlement of the tax as he shall deem to be for the best interests of the Commonwealth, and payment of the sum so agreed upon shall be a full satisfaction of such tax.

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

Approved April 17, 1903.

Chap.252

AN ACT TO INCORPORATE THE TOWN OF BALDWINVILLE.

Be it enacted, etc., as follows:

Town of Baldwinville incorporated.

SECTION 1. All the territory now within the town of Templeton which lies northerly of the following described line, that is to say: — Beginning at a stone monument marking an angle in the boundary line between the town of Templeton and the town of Phillipston at the north-

easterly corner of the Lewis Brigham farm, so-called, and now owned and occupied by Oscar O. Oliver, and running thence in a straight line easterly to a stone monument at the northwest corner of the Baptist common school house lot, thence in the same course easterly to a stone monument on the east line of the East Baptist common road, thence running southeasterly in a straight line to the boundary line between the town of Templeton and the town of Gardner, at the point where the Underwood pond outlet empties into the Otter river, is hereby incorporated into a separate town by the name of Baldwinville; and the said town of Baldwinville is hereby vested with all the powers, privileges, rights and immunities, and subjected to all the duties and obligations conferred or imposed on towns by the constitution and laws of the Commonwealth.

Town of
Baldwinville
incorporated.

SECTION 2. The inhabitants of and the estates within the town of Baldwinville, and the owners of all such estates, shall be holden to pay all arrears of taxes which have legally been assessed upon them by the town of Templeton, and all the taxes heretofore assessed and not collected shall be collected and paid to the treasurer of the town of Templeton, and all moneys now in the treasury of the town of Templeton, or that may hereafter be received from taxes now assessed, shall be applied to the purposes for which they were raised and assessed, in the same manner as if this act had not been passed; and until the next state valuation the town of Baldwinville shall annually in the month of November pay to the town of Templeton its proportion of such state and county taxes as may be assessed upon the town of Templeton, said proportion to be ascertained and determined by the last valuation of the town of Templeton; and the assessors of the town of Templeton shall make return of said valuation and the proportion thereof in the towns of Templeton and Baldwinville, respectively, to the secretary of the Commonwealth and to the county commissioners of the county of Worcester.

Payment of
taxes, etc.

SECTION 3. The towns of Templeton and Baldwinville shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained either by original acquisition or by derivation within their respective limits, and the town of Baldwinville shall pay annually to the

Relief and
support of
paupers, etc.

town of Templeton such proportion of all costs for the support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers and whose settlement by original acquisition or by derivation was gained by reason of military service as a part of the quota of the town of Templeton, or who cannot be located on the site whence their settlement was derived, or whereon it was acquired, as the valuation of the town of Baldwinville shall bear to that of the town of Templeton, according to the last state valuation prior to the giving of such relief or support.

Certain sums to be paid to Baldwinville, etc.

SECTION 4. That part of the cemetery fund the income of which is to be applied to the care of the cemetery in Baldwinville, belonging to the town of Templeton, shall be paid to and become the property of the town of Baldwinville, and shall be managed and the income expended according to the intention of the original grant thereof. The town of Templeton shall also pay to the town of Baldwinville a proportionate part of whatever amount may hereafter be refunded to the town of Templeton by the Commonwealth or by the United States to reimburse it for bounties to soldiers or for state or other aid heretofore paid to soldiers or their families, after deducting all reasonable expenses, and shall bear the expense of making the necessary surveys and establishing the lines between it and the town of Baldwinville.

Suits and proceedings at law or in equity.

SECTION 5. All suits and proceedings at law or in equity where the cause of action in favor of or against the town of Templeton arose before the passage of this act, shall be instituted and prosecuted or defended by the town of Templeton, with the same effect as if this act had not been passed, and the amount recovered in any such suit or proceeding by or against the town of Templeton shall be received or paid as the case may be by the town of Templeton, and reckoning costs and expenses, including counsel fees, shall be divided between the towns of Templeton and Baldwinville in proportion to the last valuation prior to the passage of this act.

Division of corporate property and debts.

SECTION 6. The corporate property of the town of Templeton, both real and personal, in being at the time of the passage of this act, and the town debts then existing, shall be divided between the towns of Templeton and Baldwinville according to the valuation of the property within their respective limits as assessed May first in the

year nineteen hundred and two. The towns shall severally retain and hold all the real and personal property now within their respective limits, except the records, which shall be the property of the town of Templeton, at a valuation to be agreed upon by the boards of selectmen of both towns in concurrence, and the differences in valuation shall be equalized and balances adjusted by apportionment of the town debt. In case of a failure to agree upon a valuation and division of the assets and liabilities the same shall be determined by a board of three commissioners, neither of whom shall be residents of either of said towns, to be appointed by the superior court for the county of Worcester, in term time or vacation, upon petition of either town after notice to the other, whose award when accepted by the court shall be final; and the said court may issue any writ or make any order thereon necessary to carry said award into effect. The award may be set aside for fraud or manifest error, but for no other cause, and the matters to be determined as aforesaid may be recommitted to the same or other commissioners to be appointed for the same purpose, with like powers and duties as aforesaid.

In case of failure to agree, matters to be determined by commissioners.

Award of commissioners.

SECTION 7. The town of Baldwinville, until it is otherwise provided by law, shall continue to be a part of the fourth congressional district, of the seventh councillor district, of the fourth Worcester senatorial district, and of the second representative district of Worcester county; and the inhabitants of said town shall vote for each of said officers in the town of Baldwinville. The selectmen and clerk of the town of Baldwinville in each of said cases shall make returns as if said town had existed at the time of the formation of said district. The town of Baldwinville, until it is otherwise provided by law, shall continue to be a part of the judicial district of the first district court of northern Worcester. The town of Baldwinville shall continue as a part of the union of the towns of Templeton, Hubbardston, Phillipston and Royalston for the support of a superintendent of schools.

Election districts.

Judicial district.

Superintendent of schools.

SECTION 8. Any justice of the peace within and for Worcester county, whose residence is in the town of Baldwinville, may issue his warrant, directed to any inhabitant of said town, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein appointed, for the

First meeting for election of town officers.

purpose of choosing all such officers as towns are by law authorized and required to choose at their annual meeting, and said warrant shall be served by posting copies thereof, attested by the person to whom the same is directed, in three or more public places in the town of Baldwinville, seven days at least before such time of meeting. The said justice, or in his absence the inhabitant required to notify the meeting, shall preside until the choice of a moderator in said town meeting. The registrars of the town of Templeton shall before said meeting prepare a list of voters in the town of Baldwinville qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of moderator thereof.

Certain rights of existing corporations not affected, etc.

SECTION 9. All rights heretofore secured to existing corporations upon the territory hereby incorporated shall continue as though this act had not been passed. The powers and privileges reserved to the town of Templeton and the selectmen thereof in any orders or decrees heretofore made by the selectmen of Templeton relative to the construction, maintenance and operation of a street railway by the Templeton Street Railway Company in said town, shall hereafter, so far as relates to the construction, maintenance and operation of said street railway in the territory hereby incorporated as the town of Baldwinville, enure to and be exercised by the town of Baldwinville and the selectmen thereof, respectively, as fully as if said orders or decrees had originally been made by the selectmen of said Baldwinville.

When to take effect.

SECTION 10. This act shall take full effect upon its acceptance by a two thirds vote of the voters of the town of Templeton present and voting thereon at any special election or legal meeting duly called for the purpose, but the number of such elections or meetings shall not exceed two. The first of such elections or meetings shall be called in the month of April in the year nineteen hundred and three, and if a subsequent election or meeting should be necessary it shall be called in the month of September in the year nineteen hundred and three. The selectmen of said town shall insert in the warrant for such election or meeting an article providing for a vote upon the question, "Shall the act to incorporate the town of Baldwinville be accepted?" The vote shall be by separate ballot and in accordance with what is commonly

known as the Australian ballot or method of voting; and the ballot shall be printed in substantially the following form:— Shall the act to incorporate the town of Baldwinville be accepted?

YES.	
NO.	

In taking said vote the check list shall be used. So much of this act as authorizes the submission thereof to the voters of the town of Templeton shall take effect upon its passage.

Approved April 17, 1903.

AN ACT RELATIVE TO THE APPOINTMENT OF THE COMMISSIONERS
OF THE FIREMEN'S RELIEF FUND.

Chap. 253

Be it enacted, etc., as follows:

SECTION 1. Section seventy-three of chapter thirty-two of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following:— *Section 73.* Such fund shall be used for the relief of firemen, whether members of said association or not, who may be injured in the performance of their duty at a fire or in going to or returning from the same, and for the relief of the widows and children of firemen killed in the performance of such duty, in the manner and to the amount determined by a board of five persons, of whom three, not members of said association, shall be appointed by the governor in July of the year nineteen hundred and three, to serve, one for three years, one for two years and one for one year; and one shall be appointed in July of each year thereafter to serve for the full term of three years, and two shall be appointed by said association in such manner as it may from time to time determine.

R. L. 32, § 73,
amended.

Firemen's
relief fund.

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

Approved April 17, 1903.

AN ACT TO AUTHORIZE THE BOSTON CATHOLIC CEMETERY ASSO-
CIATION TO SELL CERTAIN LAND OWNED BY IT.

Chap. 254

Be it enacted, etc., as follows:

SECTION 1. The Boston Catholic Cemetery Association, incorporated under the name of the Catholic Cemetery Association in Dorchester, by chapter two hundred and ninety-two of the acts of the year eighteen hundred and fifty-one, and the name of which was changed to the Boston Catholic Cemetery Association by chapter twelve

The Boston
Catholic
Cemetery
Association
may sell
certain land.

The Boston
Catholic
Cemetery
Association
may sell
certain land.

of the acts of the year eighteen hundred and seventy-seven, is hereby authorized to sell, for such price as may be approved by its board of directors, and to convey in fee simple, a certain parcel of land situated in that part of the city of Boston formerly West Roxbury, being lots numbered nine, ten, eleven and twelve, on a plan made by T. A. Moses, dated December fourth, eighteen hundred and seventy-three, and bounded easterly by Folsom street, as shown on said plan, two hundred nineteen and five tenths feet; northerly by lot numbered eight, on said plan, eighty feet; westerly by land now or late of John Weld, one hundred sixty-one and one tenth feet; and southwesterly by Mount Hope street, ninety-nine and four one hundredths feet; containing fifteen thousand two hundred and twenty-four square feet, and being the same premises conveyed to said association under its former name by Charles J. Page, by deed dated April seventh, eighteen hundred and seventy-six, and recorded in Suffolk registry of deeds in book thirteen hundred and twenty-two, page one hundred and thirty-seven, and subject to certain restrictions therein set forth.

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

Approved April 17, 1903.

Chap. 255 AN ACT RELATIVE TO THE ELEMENTS OF VALUE IN CERTAIN GAS AND ELECTRIC LIGHTING PLANTS.

Be it enacted, etc., as follows:

R. L. 34, § 10,
amended.

SECTION 1. Section ten of chapter thirty-four of the Revised Laws is hereby amended by striking out the words "locations or similar rights and", in the seventeenth and eighteenth lines, so as to read as follows:—

Purchase of
established gas
and electric
lighting plants
by cities and
towns.

Section 10. If, when a city or town votes to establish a municipal lighting plant, any person or corporation engaged at the time of the first vote required by sections two and three of this chapter in the business of generating or distributing gas or electricity for sale for lighting purposes in such city or town shall elect to sell in the manner hereinafter provided, the city or town shall purchase of him or it such portion of his or its plant and property within the limits of such city or town as is suitable for and is used in connection with such business. Such purchase shall be required to include both a gas and electric lighting plant only if a single corporation

owns or operates both such plants. If the main gas works or the central electric lighting station lie within the city or town limits, such city or town shall purchase the whole of such plant and the property used in connection therewith, lying within such limits, at its fair market value for the purposes of its use; but no portion of such plant shall be estimated at less than its fair market value for any other purpose, including, as an element of value, the damages, if any, caused by the severance of any portion of such plant lying outside such city or town limits, if they are not purchased by the city or town, and excluding any mortgage or other incumbrance or lien to which such plant or any part thereof may be subject at the time of such purchase. The city or town may require the plant and property to be transferred to it free of any mortgage or lien unless the commissioners appointed under the provisions of the following section otherwise determine. Such value shall be estimated without enhancement on account of future earning capacity or good will or of exclusive privileges derived from rights in the public streets. If the main gas works or central electric lighting station of such plant lie without the city or town limits, the city or town shall purchase only that portion of the plant or property within its limits, estimating its value as above provided, but without allowance of damages on account of severance of plant. No city or town shall be required to buy any apparatus or appliances which are covered by letters patent of the United States or embody a patentable invention unless a complete right to use the same and all other apparatus or appliances necessary for its use, to such extent as such city or town shall reasonably require, shall be assigned or granted to it at a cost as low as it would be to the person or corporation whose plant is purchased. No city or town shall be required to buy any property unnecessarily added to a plant after the passage of its first vote under the provisions of sections two or three, nor any property except such as would be suitable for the ordinary business of the vendor. If any property or plant which the city or town would be entitled or required to buy would not be available to it if purchased, by reason of liens, interests of third parties, private contracts or other causes whereby the city or town would be at a greater disadvantage in its use than the vendor, it may be released from buying the same, or

Purchase of established gas and electric lighting plants by cities and towns.

it may be allowed an equitable discount from the purchase price as the commissioners provided for in the following section determine.

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

Approved April 17, 1903.

Chap.256

AN ACT RELATIVE TO THE PAYMENT OF JURORS.

Be it enacted, etc., as follows:

R. L. 204, § 17,
amended.

Jurors' fees,
etc.

SECTION 1. Section seventeen of chapter two hundred and four of the Revised Laws is hereby amended by adding at the end thereof the words: — If a grand or traverse juror is required to be in attendance or to serve for five or more consecutive days he shall receive his fees not later than the end of every fifth day of such attendance or service, — so as to read as follows: — *Section 17.* A grand juror or traverse juror in any court or before a sheriff shall receive three dollars a day for attendance, and eight cents a mile for travel out and home. A juror who serves in court shall also be allowed the amount of the expense necessarily incurred by him for transportation by railroad or stage from his home to the court and return, in excess of the said allowance for travel. If a grand or traverse juror is required to be in attendance or to serve for five or more consecutive days he shall receive his fees not later than the end of every fifth day of such attendance or service.

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

(The foregoing was laid before the Governor on the thirteenth day of April, 1903, and after five days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.)

Chap.257

AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR THE ERECTION AND FURNISHING OF SCHOOL BUILDINGS.

Be it enacted, etc., as follows:

Chelsea School
Loan.

SECTION 1. The city of Chelsea, for the purpose of erecting and furnishing school buildings, may incur indebtedness beyond the limit fixed by law to an amount not exceeding seventy-five thousand dollars, and may issue therefor notes, scrip or bonds, to be denominated on

the face thereof, Chelsea School Loan, payable at a period not later than the thirty-first day of December in the year nineteen hundred and ten.

SECTION 2. The said city at the time of authorizing said loan or any part thereof shall provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed by 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 the city in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until the debt incurred by said loan is extinguished.

Payment of loan.

SECTION 3. Any premium received from the sale of said notes, scrip or bonds shall be placed to the credit of the appropriation for the construction of the new high school building in Chelsea, and the rate of interest to be paid upon the said securities shall not exceed three and one half per cent per annum.

Disposition of premiums, etc.

SECTION 4. The indebtedness authorized by this act and the notes, scrip or bonds which may be issued therefor shall not be reckoned in determining the legal limit of indebtedness of the said city.

Not to be reckoned in determining debt limit.

Approved April 21, 1903.

AN ACT TO CEDE TO THE UNITED STATES GOVERNMENT JURISDICTION OVER A TRACT OF LAND CALLED THE GRAVES, NEAR THE ENTRANCE TO THE HARBOR OF BOSTON.

Chap. 258

Be it enacted, etc., as follows:

SECTION 1. The right, title and interest of the Commonwealth and jurisdiction is hereby granted and ceded to the United States over that tract of land situated in Boston harbor, described and bounded as follows, to wit: — Beginning at a point two and eleven sixteenths statute miles north thirty-four degrees twenty-eight minutes east from the centre of Boston light tower on Little Brewster island; thence continuing along the same straight line north thirty-four degrees twenty-eight minutes east, twelve hundred and forty-four feet; thence turning an angle of ninety degrees and running south fifty-five degrees thirty-two minutes east, three hundred and fifty feet; thence turning an angle of ninety degrees

Certain land in Boston harbor ceded to the United States.

and running south thirty-four degrees twenty-eight minutes west, twelve hundred and forty-four feet; thence turning an angle of ninety degrees and running north fifty-five degrees thirty-two minutes west, three hundred and fifty feet to the point of beginning; containing four hundred and thirty-five thousand square feet and including the ledges known as "The Graves", all as shown on a plan of the premises hereby ceded, filed in the office of the secretary of the Commonwealth, and dated March nineteen, nineteen hundred and three: *provided, always*, that this Commonwealth shall and does retain concurrent jurisdiction with the United States in and over the tract of land aforesaid, so far as 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 revest in the Commonwealth whenever the said land shall cease to be used for a light and fog signal station.

Provisoas.

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

Approved April 22, 1903.

Chap. 259 AN ACT RELATIVE TO THE CONGREGATIONAL SOCIETY IN THE TOWN OF SEEKONK.

Be it enacted, etc., as follows:

1792, 4, § 3, etc., amended.

Section three of chapter four of the acts of the year seventeen hundred and ninety-two, by which chapter certain persons were incorporated by the name of the Congregational Society in the First Precinct in the town of Rehoboth, as amended by chapter twenty-five of the acts of the year eighteen hundred and sixty-four, which changed the name of said society to the Congregational Society in the town of Seekonk, is hereby further amended so as to read as follows: — *Section 3. And be it further enacted*, that John Hunt, Nathaniel Titus, Elijah Kent, Asahel Carpenter and Eliphalet Slack, and such others as may be hereafter annually chosen by said society as trustees, shall be, and they are hereby empowered, by the name of the Trustees of the Congregational Society in the town of Seekonk, to take, hold, receive and manage all the estate and rights of property of every kind, both real and per-

Trustees of the Congregational Society in the town of Seekonk may hold, etc., certain property, etc.

sonal, which now do, or hereafter may appertain and belong to the Congregational Society, or are legally appropriated to the use and support of a Congregational minister in the territory formerly comprised in the first precinct in Rehoboth, and also such other grants, appropriations and donations, real or personal, as have been or shall hereafter be made for the purposes aforesaid: *provided*, that the annual income of the whole shall never exceed twelve hundred dollars; and the trustees shall apply the rents, issues and profits, or so much thereof as the said society shall find necessary, for the support of a pious, learned, orthodox Congregational minister, residing and officiating in the work of the ministry in said territory.

Proviso.

Approved April 23, 1903.

AN ACT TO PROVIDE FOR SALE OF REAL ESTATE BY PUBLIC ADMINISTRATORS. Chap. 260

Be it enacted, etc., as follows:

SECTION 1. The probate court may, upon the petition of a public administrator, with the consent of all parties interested or after notice, license him to sell the real property or any undivided interest therein belonging to the estate of the intestate, in the same manner and upon the same notice which the court orders for the purpose of distribution; and the net proceeds of such sale, after deducting the expenses thereof and such amount as may be required for the payment of debts in consequence of a deficiency in the personal property, shall, after two years from the time of the filing of the administrator's bond, or in case he has filed a general bond after two years from the date of his appointment, be distributed to the persons who would have been entitled to said real property in the proportions to which they would have been entitled had it not been sold.

Sale of real estate by public administrators, etc.

SECTION 2. Public administrators may be authorized by the probate court to take charge of the real property of the deceased or of any part thereof, to lease the same, to collect the rents, to make necessary repairs, and to do all other things which it may consider needful for the preservation of such real property and as a charge thereon.

Public administrators may be authorized to take charge of real property, etc.

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

Approved April 23, 1903.

Chap. 261 AN ACT TO AUTHORIZE THE LADIES' CITY MISSION SOCIETY IN NEW BEDFORD TO HOLD ADDITIONAL PROPERTY.

Be it enacted, etc., as follows:

1868, 15, § 2,
amended.

SECTION 1. Section two of chapter fifteen of the acts of the year eighteen hundred and sixty-eight, said chapter being "An Act to incorporate the Ladies' City Mission Society in New Bedford", is hereby amended by striking out the word "twenty-five", in the second line, and inserting in place thereof the word: — fifty, — so as to read as follows: — *Section 2.* Said corporation may take and hold real and personal estate to an amount not exceeding fifty thousand dollars.

May take and hold real and personal estate.

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

Approved April 23, 1903.

Chap. 262 AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR DEFICIENCIES IN APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR NINETEEN HUNDRED AND TWO.

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 in the year nineteen hundred and two, to wit: —

Advertising list of nominations.

For advertising the list of nominations for the state election, the sum of two hundred twenty-seven dollars and sixty cents.

Protection of purity of inland waters.

For the protection of the purity of inland waters, the sum of nine hundred seventy-one dollars and thirty-five cents.

Registration books and blanks.

For registration books and blanks, the sum of seven hundred one dollars and sixty-six cents.

Nautical training school.

For expenses of the nautical training school, the sum of two hundred and fifty dollars.

Quartermaster's incidentals.

For quartermaster's incidentals, the sum of one hundred six dollars and seventy-six cents.

State armories.

For expenses of state armories, the sum of one hundred ten dollars and twelve cents.

Militia, compensation.

For the compensation of men of the volunteer militia, the sum of twenty-nine hundred forty-six dollars and eleven cents.

For militia transportation, the sum of two hundred fifty-three dollars and ninety-one cents. Militia transportation.

For the extermination of contagious diseases among horses, cattle and other animals, a sum not exceeding forty-five hundred dollars. Extermination of contagious diseases among animals.

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

Approved April 24, 1903.

AN ACT TO AUTHORIZE THE CITY OF BEVERLY TO INCUR INDEBTEDNESS FOR SCHOOL AND STREET PURPOSES. Chap. 263

Be it enacted, etc., as follows:

SECTION 1. The city of Beverly, for the purpose of acquiring land and erecting and furnishing new buildings for school purposes, may from time to time issue bonds, notes or scrip to an amount not exceeding eighty-five thousand dollars, to be denominated on the face thereof, Beverly School Loan, Act of 1903, and to bear interest at a rate not exceeding four per cent per annum, payable semi-annually. Beverly School Loan, Act of 1903.

SECTION 2. Said city, for the purpose of paying the cost of taking or purchasing land for additional streets and of constructing such streets, may issue from time to time bonds, notes or scrip to an amount not exceeding sixty-five thousand dollars, to be denominated on the face thereof, Beverly Street Loan, Act of 1903, and to bear interest at a rate not exceeding four per cent per annum, payable semi-annually. Beverly Street Loan, Act of 1903.

SECTION 3. Such bonds, notes or scrip shall be payable within such periods, not exceeding twenty years from the dates of issue, as the city council shall from time to time determine, and, except as otherwise provided herein, 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 included in determining the legal limit of indebtedness of the city. Issue, etc., of bonds, notes or scrip.

SECTION 4. The city council of said city shall at the time of authorizing said loans provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and thereafter, without further action by the city council, the amount required for such payments shall be assessed by the assessors of said city in each year until the debt Payment of loans.

incurred by the city 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 5. This act shall take effect upon its passage.

Approved April 25, 1903.

Chap. 264

AN ACT TO ESTABLISH THE MOUNT TOM STATE RESERVATION IN THE COUNTY OF HAMPSHIRE.

Be it enacted, etc., as follows:

County commissioners of Hampshire and Hampden counties to take, etc., certain land.

SECTION 1. The county commissioners of the county of Hampshire and the county of Hampden as a joint commission are hereby authorized and directed, within six months after the passage of this act, to take or acquire by purchase, gift or otherwise, land not exceeding fifteen hundred acres in extent, situated on or about Mount Tom and Mount Nonotuck of the Mount Tom range of mountains in the county of Hampshire, lying northerly and westerly of land on the summit and slopes of Mount Tom now owned by the Mount Tom Railroad Company.

Mount Tom State Reservation.

SECTION 2. The land acquired under the provisions of this act shall be known as the Mount Tom State Reservation, and the title to the land shall be and remain in the Commonwealth of Massachusetts.

Mount Tom State Reservation Commission.

SECTION 3. Said commission shall be known as the Mount Tom State Reservation Commission, and shall have the same power to acquire land for the Mount Tom state reservation which is given to the metropolitan park commission under the provisions of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three and acts amendatory thereof, and shall be vested with full power and authority to care for, protect and maintain the same in behalf of the Commonwealth.

Care and maintenance of reservation.

SECTION 4. The necessary expense for the care and maintenance of the said reservation, in excess of any income that may be derived therefrom, shall annually be estimated by said Mount Tom state reservation commission and shall be embodied by the county commissioners of said counties in the estimate annually submitted by them to the general court, and shall be assessed upon said counties according to their assessed valuations, and collected in the same manner in which county taxes are collected.

Mount Tom State Reservation Fund.

SECTION 5. The county treasurer of Hampshire county shall receive and hold, subject to the order of the Mount

Tom state reservation commission, all sums raised by taxation in the manner provided in section four of this act, and all other sums that may be given to said commission for the purposes of the reservation as the Mount Tom State Reservation Fund.

SECTION 6. To carry out the purposes of this act the sum of thirty-five thousand dollars shall be allowed and paid out of the treasury of the Commonwealth.

Certain sum to be paid from the treasury of the Commonwealth.

SECTION 7. The question of the acceptance of this act shall be submitted to the legal voters of the county of Hampshire and of the county of Hampden 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 three, entitled 'An Act to establish the Mount Tom State Reservation in the county of Hampshire', be accepted?" and the affirmative votes of a majority of the voters of each of said counties voting thereon shall be required for its acceptance.

Question of acceptance to be submitted to voters, etc.

SECTION 8. So much of this act as authorizes and directs its submission to the legal voters of said counties of Hampshire and Hampden shall take effect upon its passage, and the act shall take full effect upon its acceptance as above provided.

When to take effect.

Approved April 25, 1903.

AN ACT TO AUTHORIZE THE TOWN OF FALMOUTH TO CONSTRUCT A HARBOR OF REFUGE WITHIN ITS BOUNDARIES AND TO INCUR INDEBTEDNESS FOR THAT PURPOSE.

Chap. 265

Be it enacted, etc., as follows:

SECTION 1. The town of Falmouth is hereby authorized to improve Salt pond in that town, and to convert the same into a harbor of refuge by enlarging its connection with the sea or by making a new connection, and by building a stone breakwater or breakwaters at its entrance, and the town may make such contracts and surveys as may be necessary for these purposes.

Town of Falmouth may convert Salt pond into a harbor of refuge.

SECTION 2. Said town may take by purchase or otherwise, in its name and behalf, any land or materials within its borders 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

Town may take necessary land or materials.

1893, 407, §§ 7 and 8, to apply, etc.

town 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 ; except that claims for damages shall be made and suits brought against the said town ; and the selectmen thereof shall, for the purposes of this act, have the same powers which are conferred upon the metropolitan park commission by said sections.

Town of
Falmouth,
Harbor Loan,
Act of 1903.

SECTION 3. The town of Falmouth, for the purpose of acquiring land, of altering a highway, of dredging, or for any other purpose connected with the construction of a harbor within the boundaries of said town, is hereby authorized to issue from time to time notes, bonds or scrip to an amount not exceeding twenty-five thousand dollars, to be denominated on the face thereof, Town of Falmouth, Harbor Loan, Act of 1903, and such notes, bonds or scrip shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually.

Payment of
loan.

SECTION 4. Such notes, bonds or scrip shall be payable within such periods, not exceeding twenty years from their dates of issue as the town shall from time to time determine, except as otherwise provided herein, and 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.

When to take
effect.

SECTION 5. This act shall take effect upon its acceptance by a majority of the voters of said town present and voting thereon at any regular or special town meeting.

Approved April 25, 1903.

Chap. 266 AN ACT TO AUTHORIZE THE CITY OF NORTHAMPTON TO ISSUE
ADDITIONAL SEWER SCRIP.

Be it enacted, etc., as follows :

1888, 354, § 9,
etc., amended.

SECTION 1. Section nine of chapter three hundred and fifty-four of the acts of the year eighteen hundred and eighty-eight, as amended by chapter ninety-eight of the acts of the year eighteen hundred and ninety-two, is hereby further amended by inserting after the word " hundred ", in the ninth line, the words : — and fifty, — so as to read as follows : — *Section 9.* For the purpose of defraying the expenses and outlays incurred for the purposes aforesaid, or so much thereof as they shall see fit, the city

Sewer Scrip
of the City of
Northampton.

council of the city of Northampton is hereby authorized to issue from time to time scrip, notes, bonds or certificates of debt, to be denominated on the face thereof, Sewer Scrip of the City of Northampton, to an amount outstanding at any one time not exceeding two hundred and fifty thousand dollars, and redeemable at a time not exceeding twenty years from and after the date.

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

Approved April 25, 1903.

AN ACT TO AUTHORIZE THE TOWN OF RANDOLPH TO MAKE AN ADDITIONAL WATER LOAN. Chap.267

Be it enacted, etc., as follows:

SECTION 1. The town of Randolph, for the purposes mentioned in section five of chapter two hundred and seventeen of the acts of the year eighteen hundred and eighty-five, may issue bonds, notes or scrip from time to time, to be denominated on the face thereof, Randolph Water Loan, to an amount not exceeding five thousand dollars in addition to the amounts heretofore authorized by law to be issued by said town for the same purposes. Such bonds, notes or scrip shall be issued upon the terms and conditions and with the powers specified in said act for the issue of the Randolph water loan by said town: *provided*, that the whole amount of bonds, notes or scrip issued by said town under the authority of this act, together with those heretofore issued by said town for the same purposes, shall not exceed one hundred and sixty thousand dollars. Randolph Water Loan.
Proviso.

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

Approved April 25, 1903.

AN ACT RELATIVE TO THE SEWERAGE WORKS OF THE CITY OF BOSTON. Chap.268

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter four hundred and twenty-six of the acts of the year eighteen hundred and ninety-seven, as amended by chapter two hundred and fifty-seven of the acts of the year eighteen hundred and ninety-eight, as amended by section one of chapter four hundred and fifty of the acts of the year eighteen hundred and ninety-nine, as amended by section three of chapter four hundred and seventy-eight 1897, 426, § 1,
etc., amended.

of the acts of the year nineteen hundred, is hereby further amended by adding at the end of said section the words:— Any such sewerage work aforesaid may hereafter be constructed by the superintendent of streets of said city, or by such other officer as the mayor shall designate, in any public way or place, or in any land owned by the city or in which the city has acquired authority to lay such sewerage work; but before commencing the construction of any sewer the superintendent or officer shall cause to be recorded in the Suffolk registry of deeds a statement approved by the mayor of his intention to construct the sewer, naming the street or otherwise describing the land in which the sewer is to be constructed, and giving his estimate of the cost thereof, — so as to read as follows:— *Section 1.* The board or boards authorized to make appropriations for the city of Boston, by a majority vote of the members of such board or boards, approved by the city council of said city by the affirmative vote of two thirds of all the members of each branch thereof, taken by a call of the yeas and nays, or, if there should be no such board or boards, then said city council by such two thirds vote, may annually appropriate, to be met by the issue of bonds as hereinafter provided, sums not exceeding one million dollars in any one year for constructing sewerage works in said city, and shall also appropriate, to be met by the annual income and taxes of said city, sums for maintaining and operating the sewerage works, and such sums as the city treasurer of said city shall each year determine to be the amount to be used for interest on the bonds issued for sewerage works, and also the amount to be used for the sinking funds for bonds issued for sewerage works, which, with all other amounts so used, and their accumulations, will pay all such bonds at maturity; and there shall also be used for said sinking funds all premiums received from the sale of said bonds, and all amounts received for breach of any contract for constructing sewerage works, or for securities deposited as security for making such contracts and declared to be forfeited to the city, or for sales of property. All sewers, drains, pumping stations and other works for the collection or disposal of sewage, or surface or ground water in said city shall be included in the term “sewerage work”, as used in this act, and no such work shall hereafter be constructed in said city, except under authority of this

Construction,
etc., of sewer-
age works in
the city of
Boston, etc.

act, or of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and acts in amendment of or in addition to said acts or either of them, unless the same has been ordered to be constructed before the passage thereof. Any such sewerage work aforesaid may hereafter be constructed by the superintendent of streets of said city, or by such other officer as the mayor shall designate, in any public way or place, or in any land owned by the city or in which the city has acquired authority to lay such sewerage work; but before commencing the construction of any sewer the superintendent or officer shall cause to be recorded in the Suffolk registry of deeds a statement approved by the mayor of his intention to construct the sewer, naming the street or otherwise describing the land in which the sewer is to be constructed, and giving his estimate of the cost thereof.

SECTION 2. Section four of said chapter four hundred and twenty-six is hereby amended by striking out the words "shall carry out such order", in the third line, and inserting in place thereof the words:— shall construct sewerage works as authorized by section one, and shall carry out every such order of said board, — so as to read as follows:— *Section 4.* The superintendent of streets or such other officer as the mayor of said city shall from time to time direct shall construct sewerage works as authorized by section one, and shall carry out every such order of said board, and may at the expense of said city construct and maintain such work under or over any water course or private land, railroad or public way, in such manner as not to unnecessarily obstruct or impede public travel, and may alter or change the location or grade of any public way in which any such work is constructed, may alter or change the course of any water course, and in general may do any other act or thing deemed by him to be necessary in constructing or maintaining such work.

1897, 426, § 4,
amended.

Construction
of sewerage
works in the
city of Boston,
etc.

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

Approved April 27, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF
MONEY TO THE MOTHER OF JOHN W. O'NEIL.

Chap. 269

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Katherine O'Neil, the mother of John W.

City of Boston
may pay a sum
of money to

mother of John
W. O'Neil.

Proviso.

O'Neil, deceased, late foreman of the street department of that city, a sum of money not exceeding one half of his annual salary: *provided*, that such sum shall not exceed the amount to which the said O'Neil would have been entitled if he had lived and continued to serve as such foreman 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 28, 1903.

Chap.270 AN ACT TO AUTHORIZE THE PROVIDENCE AND FALL RIVER STREET RAILWAY COMPANY TO MAKE CERTAIN CONTRACTS WITH OTHER STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

The Providence and Fall River Street Railway Company may make certain contracts with other street railway companies, etc.

SECTION 1. The Providence and Fall River Street Railway Company may make contracts with any other street railway company or companies with the railways of which its own railway connects, for the conveyance and transportation over the lines of such connecting companies of its ears, passengers, and such baggage and merchandise as it is authorized to transport over its own railway; and such other companies may enter into like contracts with said Providence and Fall River Street Railway Company, and may carry out the terms and provisions thereof and perform the business thereby contemplated, but only to such extent and in such manner as regards the transportation of baggage and merchandise in any city or town as the aldermen or selectmen thereof shall approve, subject to the same restrictions which are applicable by law to said Providence and Fall River Street Railway Company in carrying on a similar business upon its own railway.

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

Approved April 28, 1903.

Chap.271 AN ACT TO AUTHORIZE THE CITY OF PITTSFIELD TO GRADE AND PAVE ITS STREETS AND TO ASSESS BETTERMENTS AND ISSUE BONDS TO MEET THE EXPENSE THEREOF.

Be it enacted, etc., as follows:

City of Pittsfield may grade and pave certain streets, etc.

SECTION 1. The mayor and city council of the city of Pittsfield, the city council acting by a majority vote of all its members, whenever they adjudge that public

convenience and necessity so require, may order that any public way or part thereof, shall be graded, paved with granite blocks, vitrified brick, asphalt, or other suitable solid material, and provided with necessary curbstones, and may authorize the board of public works of the city or any other person or persons to cause such public way or part thereof, to be graded, paved and provided with necessary curbstones, in accordance with the provisions of such order. When such work of grading and paving and providing curbstones is completed said board of public works or such other person or persons as may so be authorized shall certify to the assessors of taxes an itemized account of all expenses incurred and paid on account of such order, including all damages paid to owners of real estate for injury thereto, sustained by reason of any act done under the provisions of such order. At any time within two years after the work has been completed, if in the opinion of the assessors of taxes any estate receives a benefit or advantage therefrom beyond the general advantage to all estates in said city, said assessors shall determine the value of such benefit or advantage to such estate, and shall assess upon the several estates, except such as are by law exempt from taxation, abutting upon any such public way or part thereof especially benefited by the work done under such order a proportional share of the cost thereof, but no such assessment upon any such estate shall exceed one half the amount of such adjudged special benefit or advantage, nor shall the assessment upon any estate exceed fifteen per cent of the total expense incurred for all work done under such order directly in front of or opposite to any such estate. No damages paid to owners of real estate for injuries thereto, sustained by reason of any act done under the provisions of such order, shall be included in any assessment levied thereunder.

Assessment of betterments.

SECTION 2. Any assessment levied under the provisions of this act which is invalid, and which has not been paid or recovered back, may be reassessed by the assessors to the amount for which the original assessment ought to have been made, and the same shall be a lien upon the estate assessed and shall be collected in the same manner as reassessed taxes.

Certain assessments may be reassessed.

SECTION 3. Every assessment levied upon real estate under the provisions of this act shall constitute a lien

Assessments to constitute a lien upon real estate.

upon the real estate assessed, to be enforced with like charges for costs and interest in the manner provided by law for the collection of taxes.

Parties aggrieved may apply for a jury.

SECTION 4. A party aggrieved by the doings of said assessors may within one year apply by petition filed in the superior court for the county of Berkshire for a revision thereof by a jury, and after due notice to the city a trial shall be had by a jury at the bar of the court.

Costs, etc.

SECTION 5. If the jury does not reduce the assessment the respondent shall recover costs, which shall be a lien upon the estate or property and shall be collected in the same manner as the assessment; but if the jury reduces the assessment the petitioner shall recover costs; and all assessments shall be a lien on the estate or property for one year after final judgment in any proceeding wherein the amount or validity of the same is called in question, and shall be collected in the same manner as original assessments.

Declaration of order to grade, etc., to be filed, etc.

SECTION 6. Whenever the mayor and city council pass an order to grade and pave a public way or part thereof under this act, the mayor shall within thirty days thereafter file a declaration thereof in the registry of deeds for the middle Berkshire district, which shall state in general terms the action of said mayor and council, and shall state the ways or part thereof upon which any parcels of real estate subject to assessment under this act are situated. The register of deeds shall cause such declaration to be entered forthwith in a book kept for the purpose, and classified according to the names of the streets specified therein.

No assessment to be laid in certain cases, etc.

SECTION 7. No assessment shall be laid under the provisions of this act upon any real estate except such as abuts upon streets so specified, and no such assessment shall constitute a lien upon real estate unless the declaration provided for in the preceding section has been filed. Nothing in this act shall authorize the laying of a second assessment upon real estate abutting upon any way graded and paved under this act, for the regrading or repaving of such way or part thereof.

Amount allowed as set-off to be deducted from sum assessed in certain cases.

SECTION 8. If any benefit received by any owner of real estate from any alteration or repair done under the authority of this act shall have been allowed by way of set-off to any damages to property sustained by him by reason of any raising, lowering or other act done under

the said authority, the amount so set off shall be deducted from the sum assessed upon his said property for any expenses incurred hereunder, and the remainder only, if any, shall be assessed and collected as herein provided.

SECTION 9. The said city may, for the purpose of paying the necessary expenses and liabilities incurred under this act, issue from time to time bonds to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law for said city. Such bonds shall be designated, Pittsfield Paving Loan, Act of 1903; shall be payable at the expiration of periods not exceeding twenty years from the dates of issue, and shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum; but the provisions of chapter twenty-seven of the Revised Laws shall otherwise apply to the issue of such bonds and to the establishment of a sinking fund for the payment thereof at maturity. The said city may authorize temporary loans to be made by its mayor and treasurer, and may give temporary notes therefor, and may renew such temporary notes from time to time in anticipation of the issue of bonds herein authorized or in anticipation of the payments to be made. Instead of creating a sinking fund for the payment of bonds so issued or to be issued the city may provide by the terms of such bonds that at least five thousand dollars shall be due and payable each year upon the principal thereof, and if such provision and payments are made the said sinking fund need not be established.

Pittsfield Paving Loan, Act of 1903.

Temporary loans may be authorized, etc.

SECTION 10. This act shall take effect upon its passage.

Approved April 29, 1903.

AN ACT MAKING AN ADDITIONAL APPROPRIATION FOR EXPENSES OF THE GENERAL COURT.

Chap. 272

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 authorized expenses of the present general court, to include clerical assistance to committees authorized to employ the same; said sum to be in addition to the ten thousand dollars appropriated by chapter one of the acts of the present year.

Expenses of general court.

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

Approved April 29, 1903.

Chap.273 AN ACT TO AUTHORIZE THE TOWN OF WINCHESTER TO MAKE AN
ADDITIONAL WATER LOAN.

Be it enacted, etc., as follows :

Winchester
Water Fund
Bonds.

SECTION 1. The town of Winchester is hereby authorized to issue its notes or bonds for water purposes from time to time as it may deem necessary, to an amount not exceeding fifty thousand dollars in addition to the amounts which it is already authorized to issue for those purposes, upon the conditions and in the manner set forth in chapter two hundred and sixty-five of the acts of the year eighteen hundred and seventy-two, as modified by chapter four hundred and thirteen of the acts of the year eighteen hundred and ninety. Such notes or bonds shall be denominated, Winchester Water Fund Bonds, and shall be payable at the expiration of periods not exceeding thirty years from their dates of issue. The proceeds thereof shall be used by said town for the purpose of completing and renewing its water system and of supplying said town with water.

Payment of
loan.

SECTION 2. Said town shall pay the interest on said loan as it accrues, and shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning at the expiration of five years from the date of the first issue of such securities, as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby, so far as the income derived from water rates and available for the purpose may be insufficient therefor, shall without further vote be assessed by the assessors of the town in each year thereafter until said debt 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 3. This act shall take effect upon its passage.

Approved April 29, 1903.

Chap.274 AN ACT TO AUTHORIZE THE COMMISSIONERS ON FISHERIES AND GAME
TO RESTOCK CERTAIN GREAT PONDS WITH FOOD FISH.

Be it enacted, etc., as follows :

R. L. 91, § 19,
amended.

Section nineteen of chapter ninety-one of the Revised Laws is hereby amended by inserting after the word

“enforced”, in the tenth line, the words:— The commissioners may restock a pond with fish and extend the provisions of this section for an additional period of three years whenever they receive a petition therefor as herein provided, — so as to read as follows:— *Section 19.* The commissioners, upon the petition of the mayor and aldermen of a city or of the selectmen of a town within which a great pond or a portion thereof is situated, or of thirty or more inhabitants thereof, shall cause the waters of such pond to be stocked with such food fish as they judge to be best suited to such waters. They shall thereupon prescribe, for a period not exceeding three years, such reasonable regulations relative to the fishing in such ponds and their tributaries, with such penalties, not exceeding twenty dollars for one offence, as they deem to be for the public interest, and shall cause such regulations to be enforced. The commissioners may restock a pond with fish and extend the provisions of this section for an additional period of three years whenever they receive a petition therefor as herein provided. Five hundred dollars shall be annually appropriated by the Commonwealth to carry out the provisions of this section.

Stocking great ponds with food fish.

Approved April 29, 1903.

AN ACT RELATIVE TO THE REGISTRATION OF THE INSIGNIA, RIBBONS, ROSETTES OR BUTTONS OF LABOR UNIONS. *Chap.275*

Be it enacted, etc., as follows:

SECTION 1. The registration of the insignia, distinctive ribbons, or membership rosette or button of a labor union indicated in chapter four hundred and thirty of the acts of the year nineteen hundred and two shall be made in the office of the secretary of the Commonwealth in accordance with the provisions of sections seven and eight of chapter seventy-two of the Revised Laws.

Registration of insignia, etc., of labor unions.

SECTION 2. Any such insignia, distinctive ribbons, or membership rosettes or buttons heretofore registered under the provisions of said chapter four hundred and thirty of the acts of the year nineteen hundred and two shall be deemed to have been fully registered within the meaning of said act if such registration has been in accordance with the requirements of sections seven and eight of said chapter seventy-two of the Revised Laws.

Certain insignia, etc., to be deemed to have been fully registered, etc.

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

Approved April 29, 1903.

Chap. 276 AN ACT RELATIVE TO TAXES UPON COLLATERAL LEGACIES AND SUCCESSIONS.

Be it enacted, etc., as follows:

1902, 473, § 1,
amended.

SECTION 1. Section one of chapter four hundred and seventy-three of the acts of the year nineteen hundred and two is hereby amended by inserting after the word "property", in the thirteenth line, the words: — Upon the filing of the bond hereinafter required, — and by adding at the end of said section the words: — Any person or persons beneficially interested in remainder or reversion in any personal property liable to a tax upon which such tax is postponed by the provisions of this section shall, within one year after the date of the death of the decedent, give bond to a judge of the probate court having jurisdiction of the estate of such decedent, in such amount and with such sureties as said court may approve, conditioned upon the payment of such tax at the time or period when such person or persons shall come into possession or actual enjoyment of the same. If any such person or persons shall fail to file such bond within the period required the tax shall be due and payable under the provisions of section four of chapter fifteen of the Revised Laws, — so as to read as follows: —

Taxes upon
collateral
legacies and
successions.

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. Upon the filing of the bond hereinafter required 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 pay-

Proviso.

ment 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. Any person or persons beneficially interested in remainder or reversion in any personal property liable to a tax upon which such tax is postponed by the provisions of this section shall, within one year after the date of the death of the decedent, give bond to a judge of the probate court having jurisdiction of the estate of such decedent, in such amount and with such sureties as said court may approve, conditioned upon the payment of such tax at the time or period when such person or persons shall come into possession or actual enjoyment of the same. If any such person or persons shall fail to file such bond within the period required the tax shall be due and payable under the provisions of section four of chapter fifteen of the Revised Laws.

Proviso.

SECTION 2. This act shall take effect upon its passage, but shall not apply to the estate of any person who died before the passage thereof. *Approved April 29, 1903.*

When to take effect, etc.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO MARY E. KELLY. Chap.277

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Mary E. Kelly, widow of George F. Kelly late a police officer of that city, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Kelly would have been entitled if he had lived and continued to serve as such police officer until the first day of February next succeeding the date of his death.

City of Boston may pay a sum of money to the widow of George F. Kelly.
Proviso.

SECTION 2. This act shall take effect upon its passage. *Approved April 29, 1903.*

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARY ELLEN FLYNN. Chap.278

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Mary Ellen Flynn, widow of William J. Flynn late a police officer of that city, a sum of money not ex-

City of Boston may pay a sum of money to the widow of William J. Flynn.

Proviso.

ceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Flynn would have been entitled if he had lived and continued to serve as such police officer 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 29, 1903.

Chap. 279 AN ACT RELATIVE TO THE LISTING AND REGISTRATION OF VOTERS
IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Board of police
of Boston to
make lists of
male persons,
etc., annually.

SECTION 1. In Boston the board of police shall, within the first seven week days of May in each year, by themselves or their officers, visit every building in said city and after diligent inquiry make true lists, arranged by streets, wards and voting precincts and containing, as nearly as they can ascertain, the name, age, occupation and residence on the first day of May in the current year, and the residence on the first day of May in the preceding year, of every male person twenty years of age or upwards, residing in said city. They shall designate in such lists all buildings used as residences by such male persons, in their order on the street where they are located, by giving the number or other definite description of each such building so that it can be readily identified, and shall place opposite the number or other description of each such building the name, age and occupation of every such male person residing therein on the first day of May in the current year, and his residence on the first day of May in the preceding year. They shall also inquire at the residences of the women voters whose names are contained in the list transmitted to them by the election commissioners under section eight of this act whether such women voters are resident thereat, and shall thereupon make true lists of the women voters found by them.

To make lists
of women
voters.

Lists to con-
tain names of
persons giving
information,
etc.

They shall place in such lists, opposite the name of each such male person or woman voter, the name of the inmate, owner or occupant of the building, or the name and residence of any other person, who gives the information relating to such male person or woman voter. Where such information is given by one person relating to more than one such male person or woman voter residing in one

building, ditto marks may be used in such lists under the name of the person giving the information, after his name has been once placed opposite the name of such male person or woman voter first written down as residing in such building.

The board of police shall, upon the personal application of a listed person for the correction of any error in their lists, or whenever informed of any such error, make due investigation and, upon proof thereof, correct the same on their lists. They shall cause all applications and affidavits received by them under this section to be preserved for two years.

Correction of errors, etc.

SECTION 2. The board of police shall, on or before the twelfth day of May in each year, transmit to the election commissioners the lists, made as provided in the preceding section, or certified copies thereof, and shall promptly transmit to the election commissioners notice of every addition to and correction in the lists made by them. The board of police shall furnish all information in their possession necessary to aid the election commissioners in the performance of their duties.

Lists to be transmitted to election commissioners, etc.

SECTION 3. The board of police shall, on or before the fifteenth day of June in each year, prepare street lists containing the information concerning such male persons, obtained by them under section one of this act. Such lists shall be arranged by streets, wards and voting precincts. They shall print such lists in pamphlet form, deliver to the election commissioners as many copies thereof as they may require, and hold the remaining copies for public distribution.

Street lists to be prepared, etc.

SECTION 4. If a male person resident in Boston on the first day of May was not listed by the board of police, he shall, in order to establish his right to be listed, appear before the board of police, the superintendent, a deputy superintendent or an inspector of police, who are hereby authorized to administer oaths for this purpose, and present under oath a statement in writing that he was on said day a resident of said city, giving the number on the street or other definite description of the building in which he so resided.

Listing of persons omitted.

A male person who becomes a resident of said city after the first day of May and desires to be listed shall appear before the board of police, the superintendent, a deputy superintendent or an inspector of police, who are hereby

Listing of persons becoming residents after May 1.

authorized to administer oaths for this purpose, and present under oath a statement in writing that he became a resident of said city at least six months immediately preceding the election at which he claims the right to vote, giving the number on the street or other definite description of the building in which he so resided.

Certificate of residence to be given, etc.

If the board of police are satisfied that such statements are true, they shall give such applicant a certificate that he was a resident of said city on said first day of May or a certificate that he became a resident of said city at least six months immediately preceding such election, as the case may be; but no person shall be listed or be given such certificate later than the first day of September.

Copies of laws to be posted.

In every place where oaths are administered as required by this act the board of police shall post in a conspicuous place a copy of section three hundred and eighty-nine of chapter eleven of the Revised Laws, as amended by this act, printed on white paper with black ink, in type not less than one quarter of an inch wide.

Names, etc., of persons given certificates to be published, etc.

SECTION 5. The board of police shall enter the name and residence of each applicant who has been given a certificate, as above provided, in a book provided for that purpose, and shall cause to be printed in some newspaper published in Boston the name and residence of each applicant who has been given such certificate. The names and residences of such applicants shall be printed, as above provided, within two days after the number of names of such applicants, not printed, reaches fifty, and on the day when such number is reached, the names to be printed within such two days shall include the names of all such applicants up to the close of business for this purpose in the office of the board of police on such day. The names and residences of such applicants shall be arranged and printed by wards and precincts.

Office hours of board of police.

SECTION 6. The board of police shall have its office open during such hours as shall be necessary to carry out the provisions of the two preceding sections.

Board of police to investigate and report in certain cases, etc.

SECTION 7. The board of police shall, forthwith after any such applicant has been given a certificate, make investigation as to whether such applicant actually resided, at the time named in the statement presented by him, in the building named therein, and shall record the result of such investigation in writing, which record shall be open to public inspection. They shall report to the election

commissioners, within ten days after any such applicant has been given a certificate, the name and residence of every such applicant who did not actually reside, at the time named in such statement, in the building named therein, and upon receipt of such report the election commissioners shall proceed to revise and correct the registers under the provisions of section fifty-one of chapter eleven of the Revised Laws.

SECTION 8. The election commissioners shall, after the first day of May in each year, prepare an annual register containing the names of all qualified voters in Boston for the current year, beginning with such first day of May. Such names shall be arranged by wards and precincts and, opposite the name of each voter, shall be entered his residence on the preceding first day of May or any subsequent day when he became a resident of said city. The election commissioners shall enter in the annual register every name contained in the lists, for the current year, of persons transmitted to them by the board of police, giving, as the residence of each person on the first day of May, the place at which he was listed by the board of police; and likewise the name and residence, as aforesaid, of every woman voter whose name is contained in the list of women voters transmitted to them under this act: *provided*, that in every case they are able to identify the name so transmitted as that of a man or woman whose name was borne on the voting list of said city at the last preceding election. They shall make all inquiries and investigations necessary to identify such person, and they shall not enter in the annual register the name of a person objected to by any commissioner, until such person has been duly notified and given an opportunity to be heard by them, and shall have appeared and satisfied them of his right to have his name so entered. They shall forthwith enter in the annual register the name of every person whose qualifications as a voter have been determined by them in the current year and whose name has accordingly been entered in the general register. They shall, before the first day of May in each year, transmit to the board of police a list of the women voters whose names are contained upon the register of the preceding year, with their residences, as they appear on said register.

Election commissioners to prepare annual register of voters.

Proviso.

Necessary inquiries and investigations to be made, etc.

List of women voters to be transmitted to board of police.

SECTION 9. Every person, male or female, whose name has not been entered in the annual register in accordance

Applicants for registration to apply in person, etc.

with the preceding section, must, in order to be registered as a voter, apply in person for registration and prove that he is qualified to register.

Male applicant for registration to present certificate from board of police.

SECTION 10. Every male applicant for registration shall present a certificate from the board of police, as provided in section four of this act, and the same shall be prima facie evidence of his residence.

Penalty on members of board of police or police officers.

SECTION 11. A member of the board of police or a police officer who knowingly enters on any list of male persons or women voters, as above provided, or causes, or allows to be entered thereon, the name of any person as a resident of a building, who is not a resident thereof, shall for each offence be punished by imprisonment for not more than one year.

Penalty for neglect of duty, etc.

SECTION 12. A member of the board of police or a police officer, upon whom a duty is imposed by this act, who refuses or wilfully neglects or wilfully fails to perform such duty, or who wilfully performs it contrary to law, shall for each offence, if no other penalty is herein specifically imposed therefor, be punished by imprisonment for not more than one year.

Penalty for neglect to give information, etc.

SECTION 13. Whoever in Boston, being an inmate of a building and a male resident twenty years of age or upwards, refuses or neglects to give his true name, when asked by a member of the board of police or a police officer acting under this act, or whoever, being an owner or occupant of a building, refuses or neglects to give the full and true information within his knowledge relating to all persons residing in such building, when asked by a member of the board of police or a police officer acting under this act, shall be punished by imprisonment for not more than three months.

R. L. 11, § 388, amended.

SECTION 14. Section three hundred and eighty-eight of chapter eleven of the Revised Laws is hereby amended by inserting after the word "tax", in the second line, the words: — or in Boston to a member of the board of police or a police officer, for the purpose of making a list of male residents twenty years of age or upwards or women voters.

R. L. 11, § 389, amended.

SECTION 15. Section three hundred and eighty-nine of chapter eleven of the Revised Laws is hereby amended by inserting after the word "registration", in the third line, the words: — or in Boston for being listed or given a certificate by the board of police.

SECTION 16. That part of section fifteen of chapter eleven of the Revised Laws, beginning with the word "and", in the ninth line, to and including the thirteenth line; that part of section seventeen of said chapter, beginning with the word "they", in the eighth line, to and including the word "distribution", in the tenth line; and section twenty of said chapter, as amended by chapter ninety of the acts of the year nineteen hundred and two, shall not apply to the assessors of Boston.

Certain provisions of law not to apply to the assessors of Boston.

SECTION 17. Section sixteen of chapter eleven of the Revised Laws is hereby amended by adding at the end thereof the words: — In Boston such lists or certified copies thereof or notice of every addition to and correction in such lists need not be transmitted to the election commissioners.

R. L. 11, § 16, amended.

SECTION 18. So much of section fifteen of chapter eleven of the Revised Laws as is contained in lines fourteen to twenty-two, both inclusive; section two of chapter four hundred of the acts of the year nineteen hundred and one, as amended by chapter two hundred and eleven of the acts of the year nineteen hundred and two; and section three of said chapter four hundred are hereby repealed.

Repeal.

SECTION 19. Sections forty-six and fifty-four of chapter eleven of the Revised Laws are hereby amended by adding at the end of each of said sections the words: — The provisions of this section shall not apply to Boston.

R. L. 11, §§ 46 and 54, amended.

SECTION 20. All provisions of chapter eleven of the Revised Laws not inconsistent herewith are hereby made a part of this act, and all provisions of said chapter eleven inconsistent herewith are hereby repealed.

Repeal.

SECTION 21. This act shall take effect upon its passage.

Approved April 30, 1903.

AN ACT RELATIVE TO THE CONSTRUCTION AND REPAIR OF STATE HIGHWAYS BY THE MASSACHUSETTS HIGHWAY COMMISSION.

Chap. 280

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission is hereby authorized to expend during the current year and the four years succeeding a sum not exceeding two million two hundred and fifty thousand dollars for the construction of state highways. Of this sum not more than four hundred and fifty thousand dollars shall be

Construction of state highways.

Proviso. expended in any one year: *provided, however*, that an unexpended balance in any year may be used in the succeeding year for the same purpose.

Repair of state highways. SECTION 2. There may be expended out of the treasury of the Commonwealth during the present year a sum not exceeding forty thousand dollars for the repair of state highways, subject to the provisions and limitations of section sixteen of chapter forty-seven of the Revised Laws.

State Highway Loan, 1903. SECTION 3. For the purpose of meeting the expenditures 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 two million two hundred and fifty 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. They shall be designated on their face, State Highway Loan, 1903, 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. Instead of providing a sinking fund as aforesaid the treasurer and receiver general may, with the approval of the governor and council, if they deem it best, provide for the payment of the said loan as it falls due, and the interest thereon, by annual payments sufficient to extinguish

Sinking fund.

Payment of loan.

the same at maturity; and the amount of such annual payments shall be raised annually by taxation in the same manner in which other state taxes are assessed and collected, without further legislation.

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

Approved April 30, 1903.

AN ACT TO AUTHORIZE THE TOWN OF MERRIMAC TO SUPPLY ITSELF Chap. 281
AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Merrimac 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 therefor.

Town of Merrimac 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 Attitash lake, sometimes called Kimball's pond, situated partly in said town and partly in the town of Amesbury, so much of the waters thereof as it may desire, and may also obtain and take water by means of bored, driven, artesian or other wells on any land within said town of Merrimac: *provided*, that no source of water supply shall be taken for domestic purposes without first obtaining the advice and approval of the state board of health. Said town of Merrimac 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 town of Merrimac necessary for holding, storing, purifying and preserving such water and for conveying the same to any part of said town; 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, rail-

May take certain waters, etc.

Proviso.

May take certain lands, etc., erect structures, etc.

ways or public or private ways, and along any such ways,

May construct and lay conduits, pipes, etc.

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 of Merrimac 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 of Merrimac, 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.

Title to land to vest in town, etc.

Description of land, 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 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.

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 under this act, who fails to agree with said town as to the amount of damages sustained, may have the damages assessed and determined in the manner provided by law when land is taken for the laying out of highways, on application at any time within the period of two years from 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, except that no application for the assessment of damages shall be made for the taking of any water or 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 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 petitioner if he recovers damages shall be allowed his costs only to the date of such offer or tender.

Town may tender any sum for damages, etc.

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 ninety thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Town of Merrimac Water Loan, and shall be payable at the expiration of periods not exceeding thirty years from the date of issue, shall bear interest, payable semi-annually, at a rate not exceeding 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.

Town of Merrimac Water Loan.

Proviso.

SECTION 7. Said town shall at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments, beginning five years after the first issue of such bonds, notes or scrip, as will extinguish the same within the time prescribed by 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

Payment of loan.

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 annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town, and to make such payments on the principal as may be required under the provisions of this act.

Town may purchase interest in certain property, etc.

SECTION 9. 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.

Penalty for corruption of water, etc.

SECTION 10. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any water taken or held by said town under 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 the conviction of any of the said 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.

Liability for rent for use of water.

SECTION 11. 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 of such tenement 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 recovered in an action of contract in the name of the town of Merrimac.

Water commissioners, election, terms, etc.

SECTION 12. 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 every 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. A majority of said commissioners shall constitute a quorum for the transaction of business. Any vacancy occurring in said board for any cause may be filled for the unexpired term by said town at any legal meeting held for the purpose. Any such vacancy may be filled temporarily by a majority vote of the selectmen, and the person so appointed shall hold office until the town fills the vacancy in the usual manner.

Quorum.

Vacancy.

SECTION 13. Nothing in this act shall be construed to prevent the town of Amesbury or the city of Newburyport from supplying itself with water from said Attitash lake or Kimball's pond for the extinguishment of fires and for domestic and other purposes.

Certain rights of town of Amesbury and city of Newburyport not affected.

SECTION 14. This act shall take full effect upon its acceptance by two thirds of the legal voters of the town of Merrimac present and voting thereon at a legal 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 April 30, 1903.*

When to take effect.

AN ACT TO AUTHORIZE THE CITY OF SALEM TO MAKE AN ADDITIONAL WATER LOAN. Chap. 282

Be it enacted, etc., as follows:

SECTION 1. The city of Salem, for the purpose of extending and improving its system of water supply within its limits, may from time to time 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 be signed by the treasurer of the city and countersigned by the mayor. They shall be payable at the expiration of periods not exceeding thirty years from the dates of issue, and shall bear interest at a rate not exceeding four per cent per annum. 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: *provided*, that such securities shall

City of Salem may issue bonds, notes or scrip, etc.

Proviso.

Payment of
loan.

not be sold or pledged for less than the par value thereof. Said city shall at the time of authorizing said loan vote to 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 provision has been made the amount required thereby shall without further vote be assessed by the assessors of said city in each year thereafter until said debt 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 2. This act shall take effect upon its passage.

Approved April 30, 1903.

Chap. 283 AN ACT RELATIVE TO ADVERTISING HEARINGS BEFORE COMMITTEES OF THE GENERAL COURT.

Be it enacted, etc., as follows:

R. L. 6, § 46,
amended.

SECTION 1. Section forty-six of chapter six of the Revised Laws is hereby amended by inserting after the word "published", in the seventh line, the word:— daily, — and after the word "and", in the same line, the words:— in daily newspapers, or in weekly newspapers where no daily papers are published, — and by adding at the end of said section the words:— No hearing shall be advertised where the parties in interest can readily be reached by notices sent by mail, — so as to read as follows:— *Section 46.* No hearing before a committee of the general court, or of either branch thereof, shall be advertised at the expense of the Commonwealth in more than two newspapers published in any county, nor more than twice in any newspaper; and no hearing on a matter of special legislation affecting the interest of only a portion of the Commonwealth shall be advertised in any newspapers except those published daily in the county of Suffolk and in daily newspapers, or in weekly newspapers where no daily papers are published in the localities directly interested therein. No hearing shall be advertised where the parties in interest can readily be reached by notices sent by mail.

Advertisement
of legislative
committee
hearings.

R. L. 6, § 48,
amended.

SECTION 2. Section forty-eight of said chapter six is hereby amended by inserting after the word "published", in the sixth line, the words:— designating daily papers whenever such are available, — so as to read as follows:—

Section 48. Advertisements of hearings shall be published only in newspapers designated by the chairman on the part of the senate or of the house and the clerk of the committee, and in each case the order for the advertisement shall be signed by the chairman and clerk of the respective committees, who shall designate therein the newspapers in which such advertisement is to be published, designating daily papers whenever such are available, and shall file the same with the auditor of the Commonwealth, who shall thereupon forward a copy to the newspapers so designated for publication, and shall give such directions as he may deem necessary to secure uniformity in the style and manner of publication, as provided in the preceding section. The auditor shall certify all bills for publishing such advertisements, and shall annually, during the first week in April, report in detail to the general court the expenses incurred under the provisions of this section by the several committees.

Publishing of advertisements of legislative committee hearings, etc.

Auditor to certify bills, etc.

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

Approved April 30, 1903.

AN ACT TO EXTEND THE CORPORATE POWERS OF THE CONWAY ELECTRIC STREET RAILWAY COMPANY. *Chap. 284*

Be it enacted, etc., as follows:

SECTION 1. The Conway Electric Street Railway 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 authorized to operate a street railway, and for the purposes aforesaid may erect and maintain poles, trolley, feed and stay wires and other devices for conducting electricity in, over or under any public ways and bridges, in any city or town wherein it has been or may be authorized to operate its railway, and upon and over any private land with the consent of the owners thereof, and may sell electricity to or purchase electricity from any other street railway or electric lighting company incorporated under the laws of this Commonwealth.

The Conway Electric Street Railway Company may generate, etc., electricity, erect poles, etc.

SECTION 2. Said company may purchase or lease and hold all real estate and water power necessary or convenient for operating its power stations by water power and for other uses incident to the proper maintenance and

May purchase, etc., certain real estate, etc.

operation of its railway, and for the purpose of furnishing motive power for its own use or for the use of any connecting street railway, or for the purpose of furnishing electricity as provided in section one.

May increase capital stock, issue bonds, etc.

SECTION 3. For the purposes aforesaid the said Conway Electric Street Railway Company may increase its capital stock and may issue bonds, subject to the approval of the board of railroad commissioners and in accordance with the general laws relating thereto.

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

Approved April 30, 1903.

Chap.285 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE MOTHER OF DANIEL L. SHEA.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to the mother of Daniel L. Shea.

SECTION 1. The city of Boston is hereby authorized to pay to Bridget Shea, mother of Daniel L. Shea who, while in the discharge of his duty as a member of the fire department of the city of Boston, sustained injuries causing his death, a sum of money not exceeding twelve hundred dollars.

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

Approved April 30, 1903.

Chap.286 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARY STEELE.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to the mother of Walter P. Steele.

SECTION 1. The city of Boston is hereby authorized to pay to Mary Steele, mother of Walter P. Steele, deceased, late an employee in the department of public grounds of that city, a sum not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Steele would have been entitled if he had lived and continued to serve as such employee until the fourteenth day of November next succeeding the date of his death.

Proviso.

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

Approved April 30, 1903.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF SONG AND INSECTIVOROUS BIRDS. Chap. 287

Be it enacted, etc., as follows:

Section seven of chapter ninety-two of the Revised Laws is hereby amended by inserting after the word “dollars”, in the seventh line, the words:—for each bird taken or killed or each nest or egg destroyed, disturbed or taken contrary to the provisions of this section, — so as to read as follows:— *Section 7.* Whoever takes or kills a wild or undomesticated bird not named in sections two, three, four and five, except English sparrows, crow blackbirds, crows, jays, birds of prey, wild geese and fresh water and sea fowl not named in said sections, or wilfully destroys, disturbs or takes a nest or eggs of any wild or undomesticated birds, except such as are not protected by the provisions of this section, shall be punished by a fine of ten dollars for each bird taken or killed or each nest or egg destroyed, disturbed or taken contrary to the provisions of this section; but a person over twenty-one years of age, who has a certificate from the commissioners on fisheries and game or from the president of the Boston Society of Natural History that he is engaged in the scientific study of ornithology or is collecting in the interest of a scientific institution, may at any season take or kill or take the nests and eggs of an undomesticated bird, except woodcock, ruffed grouse and quail; but the provisions of this section shall not authorize a person to enter upon private grounds without the consent of the owner thereof for the purpose of taking nests or eggs or killing birds. Said commissioners or the president of said society may at any time revoke such certificate.

R. L. 92, § 7, amended.

Penalty for killing, etc., certain wild birds, etc.

Not to apply to certain persons, etc.

Approved April 30, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARGARET CULHANE. Chap. 288

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Margaret Culhane, widow of Charles A. Culhane late a member of the police department of that city, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be

City of Boston may pay a sum of money to the widow of Charles A. Culhane.

Proviso.

paid shall not exceed the amount to which the said Culhane 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 30, 1903.

Chap.289 AN ACT TO AUTHORIZE THE BOARD OF GAS AND ELECTRIC LIGHT COMMISSIONERS TO LICENSE THE PEOPLE'S GAS AND ELECTRIC COMPANY OF STONEHAM TO MAKE AND SELL GAS.

Be it enacted, etc., as follows:

The People's Gas and Electric Company of Stoneham may be licensed to sell gas, etc.

SECTION 1. The board of gas and electric light commissioners is hereby authorized to license the People's Gas and Electric Company of Stoneham to make and sell gas for light, heat or power, of such candle-power and for such time as said board may determine, and the board may renew such license at the expiration thereof. After receiving such license and during the time or times mentioned therein said company shall be exempt from any penalty or prohibition provided in section fourteen of chapter fifty-eight of the Revised Laws relating to candle-power, and also from the requirements of section eighty of chapter one hundred and ten relative to a chimney or a flue.

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

Approved April 30, 1903.

Chap.290 AN ACT TO INCREASE THE AMOUNT OF MONEY TO BE PLACED AT THE DISPOSAL OF THE METROPOLITAN PARK COMMISSION FOR PARK PURPOSES.

Be it enacted, etc., as follows:

The metropolitan park commission may expend an additional sum.

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 all acts in amendment thereof and in addition thereto, may expend an additional sum of one hundred and twenty-five thousand dollars.

Treasurer and receiver general to issue scrip or certificates of indebtedness, etc.

SECTION 2. To meet expenditures made under authority of this act the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the said amount of

one hundred and twenty-five thousand dollars, as an addition to the Metropolitan Parks Loan, at such times and in such sums as the metropolitan park commission shall certify to him to be necessary to meet 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 nine, ten, eleven and twelve of said chapter four hundred and seven, 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 April 30, 1903.

AN ACT RELATIVE TO THE ANNUAL REPORT OF THE BOARD OF COMMISSIONERS ON FISHERIES AND GAME.

Chap.291

Be it enacted, etc., as follows:

SECTION 1. The annual report of the board of commissioners on fisheries and game shall hereafter include the year ending on the thirty-first day of December, and shall be submitted on or before the fifteenth day of January next following.

Annual report of board of commissioners on fisheries and game.

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

Approved April 30, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO KATHERINE F. DUSTAN.

Chap.292

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Katherine F. Dustan, widow of John F. Dustan late an employee of the water department, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Dustan 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 sum of money to the widow of John F. Dustan. Proviso.

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

Approved April 30, 1903.

Chap.293 AN ACT TO PROVIDE BETTER ACCOMMODATIONS FOR THE COURTS AND REGISTRY OF DEEDS OF THE COUNTY OF ESSEX AT LAWRENCE.

Be it enacted, etc., as follows :

Alterations in, etc., registry of deeds and superior court building at Lawrence.

SECTION 1. The county commissioners of the county of Essex, for the purpose of completing the necessary alterations in and additions to the registry of deeds and superior court building in Lawrence, and to provide the necessary furnishings for said building, are hereby authorized to expend, in addition to the amount already authorized, a further sum not exceeding fifty thousand dollars.

County commissioners may 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 fifty thousand dollars.

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

Approved April 30, 1903.

Chap.294 AN ACT TO PROHIBIT THE USE OF TRAWLS IN CERTAIN PONDS.

Be it enacted, etc., as follows :

R. L. 91, § 26, amended.

Section twenty-six of chapter ninety-one of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

Use of trawls, etc., in ponds prohibited.

Section 26. Whoever draws, sets, stretches or uses a drag net, set net, purse net, seine or trawl in any pond, or aids in so doing, shall be punished by a fine of not less than twenty nor more than fifty dollars; and the use of more than ten hooks by one person shall be deemed a trawl within the meaning of this section. No floating devices shall be used in connection with such trawls.

Certain rights not affected.

The provisions of this section shall not affect the rights of riparian proprietors of ponds mentioned in section twenty-three or the corporate rights of any fishing company.

Approved April 30, 1903.

Chap.295 AN ACT TO INCORPORATE THE NORTHAMPTON COLLATERAL LOAN COMPANY.

Be it enacted, etc., as follows :

Northampton Collateral Loan Company incorporated.

SECTION 1. Henry C. Hallett, Emory C. Davis, John F. Lambie, Ralph H. Clark, Frank P. Wood, Clarence D. Chase, Arthur P. Smith, Perley W. Newell, Charles H.

Sawyer, Harvey T. Shores and Louis L. Campbell, their associates and successors, are hereby made a corporation by the name of the Northampton Collateral Loan Company, to be located at Northampton, for the purpose of loaning money upon pledge or mortgage of goods and chattels or of safe securities of any kind; with all the powers and privileges necessary for the execution of these purposes, and with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force relating to such corporations.

SECTION 2. The capital stock of said corporation shall be ten thousand dollars, to be divided into shares of one hundred dollars each, and to be paid for at such times and in such manner as the board of directors shall decide: *provided*, that no business shall be transacted by said corporation until said amount of ten thousand dollars is subscribed for and actually paid in; and no certificate of shares shall be issued until the par value of such shares has actually been paid in in cash. The said corporation may increase its capital stock from time to time until the same amounts to two hundred thousand dollars.

SECTION 3. Said corporation is hereby authorized to borrow money on its own notes, not exceeding the amount of its capital paid in, and for periods not exceeding one year.

SECTION 4. The government of said corporation shall be vested in a board of directors, chosen as the by-laws may prescribe, conformably to law: *provided, however*, that one director shall be appointed by the governor of the Commonwealth and one shall be appointed by the mayor of the city of Northampton; and the board thus constituted shall elect one of their number president, and such other officers as may be deemed necessary. The compensation of the directors appointed by the governor and mayor for their services and attendance at meetings shall be paid by said corporation.

SECTION 5. When said corporation has disposable funds it shall loan on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered, with this exception, that it may always discriminate in favor of small loans to the indigent.

SECTION 6. All loans shall be for a time fixed and for not more than one year, and the mortgagor or pledgor

Capital stock.

Proviso.

May borrow on its own notes.

Government.

Proviso.

To loan on goods and chattels, etc.

Duration of loans, right of redemption of property, etc.

shall have a right to redeem his property mortgaged or pledged, at any time before it is sold in pursuance of the contract between the parties, or before the right of redemption is foreclosed, on payment of the loan and rate of compensation to the time of the offer to redeem. No charges shall be made for making a preliminary examination when a loan is not made, nor for the examination of property offered at the office of the company for pledge.

Pledgor to receive certificate, etc.

SECTION 7. The corporation shall give to each pledgor a card inscribed with the name of the corporation, a designation of the article or articles pledged, the name of the pledgor, the amount of the loan, the date when made, the date when payable, the rate of compensation, the page of the book where recorded and a copy of sections eight and nine of this act.

Certain unredeemed property to be sold at public auction.

SECTION 8. Property pledged to the Northampton Collateral Loan Company shall be held one year, unless sooner redeemed, and if not redeemed within one year from the date of the loan shall be sold at public auction, and the net surplus, after paying loan charges and expenses of sale, shall be held one year for the owner. All auction sales shall be advertised for at least one week in two daily newspapers published in Northampton. In case a savings bank deposit book pledged to the company shall not be redeemed as above it shall not be necessary for the association to sell the same at public auction, but it may convert the same or so much thereof as may be necessary to pay the debt, in such mode and at such time as in the judgment of the directors will best secure the interest of all parties, holding the net surplus as above for the owner.

Interest.

SECTION 9. Said company shall in no case charge interest at a rate exceeding one and one half per cent per month.

Commissioners of savings banks to have access to vaults, etc.

SECTION 10. The commissioners of savings banks shall have access to the vaults, books and papers of the corporation, and it shall be their duty to inspect, examine and inquire into its affairs and to take proceedings in regard to them, in the same manner and to the same extent as if said corporation was a savings bank, subject to all general laws now or hereafter in force relating to such institutions in this regard. The returns required to be made to the commissioners of savings banks shall be in the form of a trial balance of its books, and shall specify the different kinds of its liabilities and the different kinds of its assets,

Form of returns to be made to commissioners of savings banks, etc.

stating the amounts of each kind, together with such other information as may be called for by said commissioners, in accordance with a blank form to be furnished by them; and these returns shall be published in a newspaper of the city of Northampton at the expense of said corporation, at such times and in such manner as may be directed by said commissioners, and in the annual report of said commissioners: *provided, however,* that said commissioners Proviso. may cause any examination to be made by an expert, under their direction, but at the expense of the corporation.

SECTION 11. This act shall take effect upon its passage.

Approved April 30, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM Chap.296
OF MONEY TO JOHANNA RYAN.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Johanna Ryan, widow of Thomas F. Ryan late an employee of the permit division of the street department of that city, a sum of money not exceeding one half of his annual salary: *provided,* that the sum hereby authorized to be paid shall not exceed the amount to which the said employee would have been entitled if he had lived and continued to serve as such employée until the first day of February next succeeding the date of his death. City of Boston may pay a sum of money to the widow of Thomas F. Ryan.
Proviso.

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

Approved April 30, 1903.

AN ACT RELATIVE TO ACCIDENTS ON STREET RAILWAYS.

Chap.297

Be it enacted, etc., as follows:

Section two hundred and sixty-three of chapter one hundred and eleven of the Revised Laws is hereby amended by inserting after the word "railroad", in the first line, the words:— and street railway,— so as to read as follows:— *Section 263.* Every railroad and street railway corporation shall give immediate notice of an accident on its road, which results in a loss of life to the medical examiner of the county who resides nearest to the place of accident, and shall also, within twenty-four hours, give notice to the board of any such accident R. L. 111, § 263, amended.

Railroads and street railway corporations to give notice of accidents.

Penalty. or of any accident of the description of accidents of which the board may require notice to be given. For each omission to give such notice the corporation shall forfeit not more than one hundred dollars.

Approved April 30, 1903.

Chap. 298 AN ACT TO PROHIBIT THE TAKING OF FISH BY NETS AND SEINES IN THE WATERS OF BARNSTABLE AND MASHPÉE ON NANTUCKET SOUND.

Be it enacted, etc., as follows :

Taking of fish in the waters of Barnstable and Mashpee on Nantucket Sound prohibited.

SECTION 1. For a period of three years after the passage of this act no person shall draw, set, stretch or use any drag-net or set-net, purse or sweep seine of any kind, except as is hereinafter provided, for taking fish anywhere in the waters of the towns of Barnstable and Mashpee on Nantucket Sound, so-called, northerly of or within a straight line extended from Point Gammon to Succonusetts Point; nor in any bay, harbor, cove or bight of said waters, nor in any inlet or stream flowing into the same: *provided, nevertheless*, that nothing herein contained shall be so construed as to forbid or make unlawful the catching of menhaden or other small fish for bait purposes; nor the use of nets for the taking of herring; nor the use of dredges or drag-nets for the taking of scallops.

Proviso.

Penalty.

SECTION 2. Whoever violates any provision of this act or aids or assists in so doing, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars for each offence, or by imprisonment for a term not exceeding six months.

Certain nets, seines, boats, etc., to be forfeited, etc.

SECTION 3. Any net, seine or movable device for catching fish used in violation of any provision of this act, together with any boat, craft, vessel, steamer or fishing apparatus employed in such illegal use, and any fish found therewith, are hereby declared to be public nuisances and forfeited; and it shall be lawful for any inhabitant of said Barnstable or Mashpee or any constable, police officer or deputy sheriff in the Commonwealth, to seize and detain, without warrant, for a period not exceeding forty-eight hours, any such net, seine or movable device, boat, craft, vessel, steamer or fishing apparatus found in use contrary to the provisions of this act, and any fish found therewith, to the end that the same may be libelled, if necessary, by due process of law. District

courts and trial justices shall have concurrent jurisdiction with the superior court of all offences and proceedings under the provisions of this act, regardless of the value of the property libelled. *Approved April 30, 1903.*

Jurisdiction of offences, etc.

AN ACT TO AUTHORIZE THE STATE BOARD OF EDUCATION TO FORM OR READJUST UNIONS OF TOWNS FOR THE EMPLOYMENT OF SUPERINTENDENTS OF SCHOOLS. *Chap.299*

Be it enacted, etc., as follows :

The state board of education is hereby authorized to form or readjust unions of towns for the employment of superintendents of schools whenever in its judgment it becomes imperatively necessary to include a town which is otherwise unable to comply with the law. In carrying out the provisions of this act the board may allow the formation of unions with a number of schools less than that required by section forty-three of chapter forty-two of the Revised Laws, and in no case shall the readjustment deprive any town of its right to aid under the law.

State board of education may form or readjust unions of towns for the employment of superintendents of schools.

Approved April 30, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARY LE ROACHE. *Chap.300*

Be it enacted, etc., as follows :

SECTION 1. The city of Boston is hereby authorized to pay to Mary Le Roache, widow of John C. Le Roache late foreman in the sanitary division of the street department of that city, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Le Roache would have been entitled if he had lived and continued to serve as such foreman until the first day of February next succeeding the date of his death.

City of Boston may pay a sum of money to the widow of John C. Le Roache.

Proviso.

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

Approved April 30, 1903.

AN ACT RELATIVE TO WAYS OF EGRESS FROM BUILDINGS IN THE CITY OF BOSTON. *Chap.301*

Be it enacted, etc., as follows :

SECTION 1. Section eighty-two of chapter four hundred and nineteen of the acts of the year eighteen hun-

1892, 419, § 82, etc., amended.

Ways of egress
from certain
buildings in
Boston.

dred and ninety-two, as set out in section one of chapter three hundred and ten of the acts of the year eighteen hundred and ninety-seven, and as amended by section two of chapter three hundred and thirty-five of the acts of the year nineteen hundred, is hereby further amended by inserting after the word "and", in the fourteenth line, the words:— unless the building be a first-class building, shall be, — so as to read as follows:— *Section 82.* No building two stories or more in height hereafter erected in the city of Boston, and no such building in said city not used at the passage of this act as a schoolhouse, church, theatre, public building, hall, place of assembly or public resort, tenement house, boarding house or lodging house, or as a factory or workshop where ten or more persons are employed, or used above the second story as a dwelling by two or more families, shall be used for any of said purposes unless such building is provided with at least two independent and sufficient ways of egress. One of said ways of egress shall consist of a flight of stairs extending from the lowest to the highest floor, made of fireproof material and, unless the building be a first-class building, shall be enclosed in brick walls, with the enclosed space or stairway provided with a ventilating skylight which can be opened and closed from every floor, and having openings through an external wall to the outer air at least one to each story except the upper and the lower, each opening to have an area of at least five square feet and to be maintained unobstructed: *provided, however,* that when there shall be within the space enclosed by the stairway and its landings from the second story upwards an open area for light and ventilation whose least horizontal dimensions shall be equal to the width of the stairs, but in no case less than three feet, then the aforesaid openings through an exterior wall may be omitted. There shall be no opening upon the stairway except as aforesaid and for said skylight, and for doors from apartments and corridors. The other way of egress shall be approved by the inspector of buildings, and may project over a public way. Every way of egress from every such building shall be kept in good repair and unobstructed.

Proviso.

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

Approved May 4, 1903.

AN ACT TO AUTHORIZE THE TOWN OF REVERE TO INCUR INDEBTED-
NESS BEYOND ITS DEBT LIMIT, FOR SEWER PURPOSES. Chap. 302

Be it enacted, etc., as follows:

SECTION 1. The town of Revere, for the purpose of extending its present sewerage system and of providing for sewage disposal, may incur indebtedness from time to time, as the town in town meeting may vote, to an amount not exceeding one hundred thousand dollars beyond its debt limit as fixed by law, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall bear on their face the words, Town of Revere Sewer Loan, Act of 1903, shall be payable in equal annual proportionate payments in 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 a majority of the selectmen of said town. The town may sell such securities at public or private sale, or pledge the same for money borrowed for the purpose of extending its sewerage system or providing sewage disposal, upon such terms as it may deem proper: *provided*, that they shall not be sold or pledged for less than the par value thereof. The proceeds of such sales and the money borrowed upon such securities as collateral shall be retained in the treasury of the town for the purposes of this act, and the treasurer shall have no right or authority to pay out the same except for the purposes aforesaid and upon orders duly approved by the board of sewer commissioners and by the selectmen of said town. All sewer assessments accruing to the treasury of said town from abutting lands along the lines of sewers constructed under this act shall be held for the redemption of the indebtedness and interest charges hereby authorized, as payments of the same may fall due. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws, so far as they may be applicable, shall apply to the indebtedness hereby authorized.

Town of
Revere Sewer
Loan, Act of
1903.

Proviso.

R. L. 27 to
apply.

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

Approved May 4, 1903.

Chap. 303 AN ACT TO AUTHORIZE THE UNION OF THE FIRST BAPTIST CHURCH AND PARISH OF WORCESTER AND THE MAIN STREET BAPTIST CHURCH OF WORCESTER.

Be it enacted, etc., as follows:

The First Baptist Church and Parish of Worcester and the Main Street Baptist Church of Worcester may unite.

SECTION 1. The First Baptist Church and Parish of the city of Worcester and the Main Street Baptist Church of that city are hereby authorized to unite, upon such terms as have been or may be agreed upon by votes of said churches and parish at meetings called for that purpose; and such votes so passed by said churches and parish respectively shall be effectual to unite them within the intent and meaning of this act.

First Baptist Church of Worcester, Massachusetts.

SECTION 2. The united church authorized by this act shall be the First Baptist Church of Worcester, Massachusetts, a corporation already organized under chapter thirty-six of the Revised Laws, and said corporation shall have and enjoy all the franchises, powers, privileges, property and rights of every kind belonging to the First Baptist Church and Parish and to the Main Street Baptist Church, or either of them, and shall assume and be subject to all the duties, debts and liabilities of said churches and parish, or either of them, and shall be subject to all general laws now or hereafter in force relating to religious corporations.

Conveyance of certain property confirmed, etc.

SECTION 3. The conveyance of the church property of the First Baptist Church and Parish at Salem Square, in Worcester, to the Roman Catholic Bishop of Springfield is hereby ratified, and the title so given by deed dated July ninth, nineteen hundred and two, is hereby confirmed. The conveyance of the property of the Main Street Baptist Church situated at the corner of Main and Hermon streets, in Worcester, to the united church by deed dated February third, nineteen hundred and three, signed by the deacons of said Main Street Baptist Church, is also confirmed, and authority is hereby given to said united church corporation, known as the First Baptist Church of Worcester, Massachusetts, to sell and convey said property and to give a valid title thereto. The proceeds of such sale or conveyance shall be used for the benefit of the united church.

The First Baptist Parish of Worcester,

SECTION 4. The First Baptist Parish of Worcester, Massachusetts, having by lawful and unanimous vote of

its members disposed of its entire parish property and assets for the benefit of the united church, and it appearing further that the parish owes no debts and that the object for which it was created has ceased to exist the said parish is hereby dissolved.

Massachusetts,
dissolved.

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

Approved May 4, 1903.

AN ACT TO PROVIDE FOR AN ARMORY FOR THE COMPANIES OF THE MASSACHUSETTS VOLUNTEER MILITIA IN THE CHARLESTOWN DISTRICT OF THE CITY OF BOSTON.

Chap.304

Be it enacted, etc., as follows:

SECTION 1. The armory commissioners of the Commonwealth shall acquire for the city of Boston, by purchase or otherwise, a suitable lot of land in the Charlestown district of that city, and shall erect thereon a suitable building for an armory, sufficient for four companies of infantry and for such other detachments of the militia and for such of the militia headquarters located in said city as they may deem necessary, and containing the necessary rooms for drilling and for the care of state property; and the provisions of sections one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten and one hundred and eleven of chapter sixteen of the Revised Laws, exclusive of lines twenty-three to twenty-five, inclusive, of said section one hundred and seven, shall apply to all proceedings hereunder.

Armory to be
erected in the
Charlestown
district of
Boston.

Certain provisions of law
to apply.

SECTION 2. No proceedings shall be had and no expense incurred under this act until it has been accepted by the city council of the city of Boston, nor until the city council has designated the amount of the loan necessary for acquiring the land and for erecting the armory.

Subject to
acceptance by
the city council
of Boston, etc.

SECTION 3. Except as otherwise provided herein this act shall take effect upon its passage.

When to take
effect.

Approved May 4, 1903.

AN ACT RELATIVE TO RETURNS OF RECORDS OF DEATHS BY CLERKS OF CITIES AND TOWNS.

Chap.305

Be it enacted, etc., as follows:

SECTION 1. Section eighteen of chapter twenty-nine of the Revised Laws is hereby amended by inserting after the word "births", in the eighth line, the word: — and,

R. L. 29, § 18,
amended.

— by striking out the words “and deaths”, in the same line, by inserting after the word “births”, in the eleventh line, the word :—and,— by striking out the words “and deaths”, in the same line, and by adding at the end of said section the words :—The clerk of each city and town shall, on or before the tenth day of every month, transmit to the secretary of the Commonwealth, upon blanks to be furnished by him, certified copies of the records of deaths recorded in such city or town during the preceding month, — so as to read as follows :— *Section 18.* The clerk of each town and of each city containing less than thirty thousand inhabitants shall annually, on or before the first day of March, the clerks of cities containing more than thirty thousand and less than one hundred thousand inhabitants, on or before the first day of April, and the clerks of cities containing one hundred thousand inhabitants or more, on or before the first day of May, transmit to the secretary of the Commonwealth certified copies of the records of births and marriages recorded therein during the preceding calendar year, with certified copies, upon blanks provided by the secretary, of all such records and corrections in records of births and marriages as may not have been previously returned. The clerk of each city and town shall, on or before the tenth day of every month, transmit to the secretary of the Commonwealth, upon blanks to be furnished by him, certified copies of the records of deaths recorded in such city or town during the preceding month.

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

Approved May 4, 1903.

Chap. 306

AN ACT RELATIVE TO INFECTED ARTICLES.

Be it enacted, etc., as follows :

R. L. 75, § 90,
amended.

SECTION 1. Section ninety of chapter seventy-five of the Revised Laws is hereby amended by adding at the end thereof the words :— or by the city or town, as the board may determine. For any article of furniture or wearing apparel ordered to be destroyed by an order of the board of health the city or town may recompense the owner to an amount not exceeding fifty dollars, — so as to read as follows :— *Section 90.* The expense of securing, transporting and purifying such articles, as fixed by the board, shall be paid by the owners or by the city or town, as the board may determine. For any article of furniture or

Purifying,
etc., infected
articles.

Copies of records of births and marriages to be transmitted to secretary of the Commonwealth annually.

Copies of records of deaths to be transmitted to secretary of the Commonwealth monthly.

wearing apparel ordered to be destroyed by an order of the board of health the city or town may recompense the owner to an amount not exceeding fifty dollars.

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

Approved May 4, 1903.

AN ACT RELATIVE TO THE RETURNS TO BE MADE TO THE TAX COMMISSIONER BY LIFE INSURANCE COMPANIES. *Chap. 307*

Be it enacted, etc., as follows :

SECTION 1. Section twenty-four of chapter fourteen of the Revised Laws is hereby amended by adding at the end of said section the words: — After the first return has been made under this section each subsequent return shall contain all the foregoing particulars relating to new policies issued or assumed by the company since the last return, and the numbers and new values of all policies required to be included in the year for which the return is made, and such other particulars as the tax commissioner shall require, — so as to read as follows: — *Section 24.* A domestic or foreign company or association, which is engaged, by its officers or by agents as defined in chapter one hundred and eighteen, in the business of life insurance within this Commonwealth shall annually, on or before the tenth day of May, make a return to the tax commissioner, signed and sworn to by its president and secretary, giving the number, date and class of the policies so held, the age of the assured life and the aggregate net value of each group requiring a separate computation to determine their net value and the combined aggregate, and shall annually pay an excise tax of one quarter of one per cent upon the net value of all policies in force on the preceding thirty-first day of December, issued or assumed by such company and held by residents of the Commonwealth, as determined by the tax commissioner upon such return and such other evidence as he may obtain. After the first return has been made under this section each subsequent return shall contain all the foregoing particulars relating to new policies issued or assumed by the company since the last return, and the numbers and new values of all policies required to be included in the year for which the return is made, and such other particulars as the tax commissioner shall require.

R. L. 14, § 24,
amended.

Taxation of
life insurance
companies.

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

Approved May 4, 1903.

Chap.308 AN ACT RELATIVE TO THE TEMPORARY RELEASE OF INMATES OF TRUANT SCHOOLS.

Be it enacted, etc., as follows:

R. L. 46, § 9,
amended.

SECTION 1. Section nine of chapter forty-six of the Revised Laws is hereby amended by striking out the words "a court or trial justice which has jurisdiction of such offences", in the third and fourth lines, and inserting in place thereof the words:—any member of the board of trustees or county commissioners having charge of the institution, — so as to read as follows:— *Section 9.* If a near relation of a child who is confined on a sentence as an habitual truant, habitual absentee or habitual school offender dies or is seriously ill, any member of the board of trustees or county commissioners having charge of the institution may order such child to be released for a specified time, either with or without the custody of the superintendent or other officer, and may revoke, extend or otherwise modify such order. The expenses incurred in serving such order shall be approved and paid in the same manner as other expenses of the institution in which the child is confined.

Temporary
release of
inmates of
truant schools.

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

Approved May 4, 1903.

Chap.309 AN ACT TO AUTHORIZE THE LOWELL AND PELHAM STREET RAILWAY COMPANY TO LEASE ITS RAILWAY AND PROPERTY TO THE HUDSON, PELHAM AND SALEM ELECTRIC RAILWAY COMPANY.

Be it enacted, etc., as follows:

The Lowell
and Pelham
Street Railway
Company may
lease its rail-
way, etc.

SECTION 1. The Lowell and Pelham Street Railway Company may lease its railway and property to the Hudson, Pelham and Salem Electric Railway Company for a period not exceeding ninety-nine years, and the Hudson, Pelham and Salem Electric 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 the authority herein granted shall be subject to the approval of the board of railroad commissioners.

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

Approved May 4, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO SELL CERTAIN PROPERTY AND RIGHTS TO THE TOWN OF BROOKLINE, AND TO AUTHORIZE SAID TOWN TO INCUR INDEBTEDNESS THEREFOR. Chap.310

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Boston is hereby authorized to sell and convey to the town of Brookline the old Boston Reservoir property on Boylston street, Brookline, and any or all land other than the Fisher Hill Reservoir property in said town held for the purpose of the water supply of said city, and any and all rights of the said city in, upon and over any such property or land so held, upon such terms as may be agreed upon by said mayor and town. City of Boston may sell certain property, etc., to town of Brookline.

SECTION 2. The town of Brookline is hereby authorized to purchase and acquire said property, land and rights, and to borrow money to pay for the same, and to make the debt incurred therefor payable in such annual proportionate payments as will extinguish the same in twenty years. Town of Brookline may acquire property, etc.

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

Approved May 5, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE MOTHER OF JOHN DROHAN. Chap.311

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Margaret Drohan, mother of John Drohan late superintendent of lamps of the city of Boston, a sum of money not exceeding one half of the annual salary of said John Drohan: *provided*, that such sum shall not exceed the amount to which the said Drohan would have been entitled if he had lived and continued to serve as superintendent aforesaid until the first day of February next succeeding the date of his death. City of Boston may pay a sum of money to mother of John Drohan.

~
Proviso.

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

Approved May 5, 1903.

AN ACT RELATIVE TO THE FURTHER EXTENSION OF THE PENSION SYSTEM IN THE POLICE DEPARTMENT OF THE CITY OF BOSTON. Chap.312

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and six of the acts of the year nineteen hundred is hereby 1900, 306, § 1, amended.

Certain members, etc., of police department of Boston may be pensioned, etc.

amended by inserting after the word "member", in the third line, the words:—engineer or fireman,—so as to read as follows:—*Section 1.* The board of police for the city of Boston shall, at his own request, retire from active service and place upon a pension roll any member, engineer or fireman of the police department in good standing who has arrived at the age of sixty years and who has performed active service in the department for twenty-five consecutive years.

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

Approved May 5, 1903.

Chap. 313 AN ACT RELATIVE TO WATER COURSES AND DRAINAGE IN THE TOWN OF WATERTOWN.

Be it enacted, etc., as follows:

Town of Watertown may improve certain brooks, water courses, etc., for drainage purposes.

SECTION 1. The town of Watertown, for the purposes of surface and ground drainage and for the protection of the public health, may by its selectmen from time to time improve the brooks and natural streams and water courses in said town by widening the same, by removing obstructions in or over them, by 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, stream or water course and any surface or ground water through pipes, covered conduits or open channels, or convert any such brook, stream or water course, 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 from time to time purchase or take land in fee simple or otherwise, or any right or easement in land, including any brook, stream, pond or water course or part of any brook, stream, pond or water course which is wholly or partly within the boundaries of any land so purchased or taken, and may change the course of any brook, stream or water course so that it shall be within said boundaries, and may by the construction of drains or otherwise divert any surface water or ground water into any brook, stream, pipe, conduit or channel constructed or maintained under authority of this act, and for the purposes of this act may conduct any brook, 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

May take certain land, change course of brooks, etc.

upon any land or way or do any work thereon which the selectmen may deem necessary for said purposes, and may make such improvements on the land so taken or purchased as the selectmen shall deem necessary for the protection of the public health or for protecting the water of any brook, stream, water course, drain, conduit or channel against pollution or obstruction, and may construct such walks or ways thereon as the selectmen 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 railroad or railway tracks and within such location, and may do any work thereon which said selectmen shall deem necessary; and for the purposes of this act may enter into any contracts or agreements with any person or corporation.

SECTION 2. When any land or easement or right is taken under the provisions of the preceding section the proceedings for the taking shall be the same as the proceedings in the laying out of town ways. A description and plan of the land, easements or water or other rights so taken shall, within sixty days after the taking of the same, be filed for record by the town in the registry of deeds for the southern district of the county of Middlesex.

Taking of land, etc.

Description of land, etc., to be filed for record.

SECTION 3. All claims for damages sustained by the taking of lands, rights or easements under authority of 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 town ways in said town: *provided*, that, except in the case of lands taken under the provisions of law for the assessment of betterments, in estimating the damages sustained by any person by the taking of his property, or by any other thing 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 or from any other act so done.

Damages.

Proviso.

SECTION 4. At any time within two years after any brook or natural stream or water course or the drainage in said town has been improved in any of the ways mentioned or referred to in the first section of this act, under

Assessment of betterments.

Assessment of betterments.

a vote declaring the same to be done under the provisions of law authorizing the assessment of betterments, if in the opinion of the selectmen any real estate in said town, 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 town, the selectmen 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 relative to the assessment and collection of betterments in the case of the laying out, altering, widening, grading or discontinuing of ways in said town shall, so far as they may be applicable and not inconsistent with the provisions of this act, apply to the doings of the selectmen and of the town 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 town.

No work to be undertaken, etc., until appropriation is made.

SECTION 5. No land, water rights or other rights shall be purchased as herein authorized, nor shall any of the work and acts herein authorized be undertaken or contracts therefor be made, until an appropriation has been made of the moneys to be expended therefor.

Certain land, etc., may be sold by town.

SECTION 6. If in the opinion of the selectmen it is not necessary for the town to retain the whole of the land or water rights which may be purchased or taken for the purposes of this act, such land or rights as it may no longer be necessary for the town to retain may be sold and conveyed by the town, provided such sale is authorized by vote of a majority of the voters of the town present and voting thereon at a town meeting duly called for the purpose.

Penalty for injury to work, etc.

SECTION 7. No person shall, without lawful authority, disturb, injure or destroy any work of said town constructed or maintained for the purposes of this act, nor pollute the waters of any brook, stream, water course, drain, conduit or channel in said town, nor 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.

Approved May 5, 1903.

AN ACT TO AUTHORIZE THE TOWN OF WATERTOWN TO REFUND
CERTAIN INDEBTEDNESS.

Chap. 314

Be it enacted, etc., as follows:

SECTION 1. The town of Watertown is hereby authorized to renew or refund by the issue of new securities certain of its outstanding notes, to wit:— Notes to the amount of five thousand dollars issued on account of the widening of Watertown street, and maturing in the year nineteen hundred and four; notes to the amount of three thousand dollars issued on account of the widening of Mount Auburn street, and maturing in the year nineteen hundred and five; notes to the amount of fifty-nine thousand dollars issued on account of construction of sewers, and maturing in the year nineteen hundred and six; notes to the amount of twenty-four thousand dollars issued on account of the widening of Mount Auburn street, and maturing in the year nineteen hundred and seven; notes to the amount of four thousand dollars issued on account of permanent improvements in highways, and maturing in the year nineteen hundred and nine; notes to the amount of ten thousand dollars issued on account of permanent improvements in highways, and maturing in the year nineteen hundred and ten; and notes to the amount of twelve thousand dollars issued on account of sewer debts, and maturing in the year nineteen hundred and eleven. The securities authorized by this act to be issued shall be payable as follows:— Those issued on account of sewer debts in periods not exceeding thirty years from the dates of issue of the new securities, and securities issued on account of all other debts so renewed or refunded in periods not exceeding twenty years from the dates of issue of the new securities: *provided*, that said securities shall be paid in such annual or serial payments as will extinguish within the time specified in this act the debts on account of which they are issued.

Town of
Watertown
may refund
certain in-
debtedness.

Payment of
securities.

Proviso.

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

Approved May 5, 1903.

Chap.315 AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION BY THE METROPOLITAN WATER AND SEWERAGE BOARD OF THE SEWER FOR THE NEPONSET RIVER VALLEY.

Be it enacted, etc., as follows :

Treasurer and receiver general to issue scrip or certificates of debt, etc.

SECTION 1. The treasurer and receiver general, in order to meet additional expenses incurred under the provisions of chapter four hundred and six of the acts of the year eighteen hundred and ninety-five, and of acts in amendment thereof and in addition thereto, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding four thousand dollars, in addition to the amounts hitherto authorized to be issued under the provisions of said chapter and acts, and the said provisions shall apply to this additional loan.

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

Approved May 5, 1903.

Chap.316 AN ACT TO EXTEND THE POWERS OF THE WESTON WATER COMPANY.

Be it enacted, etc., as follows :

The Weston Water Company may extend its conduits, pipes, etc., into the town of Wayland.

SECTION 1. The Weston Water Company, incorporated by chapter two hundred and seventeen of the acts of the year eighteen hundred and ninety-six, may extend its conduits, pipes, mains and other works into the town of Wayland along the Plain road, so-called, at Tower hill, for a distance not exceeding one and one half miles from the boundary line between the town of Wayland and the town of Weston. In making such extension said company shall have the same rights and be subject to the same liabilities as if the right to make such extension had been included in its charter, except as otherwise provided in section two.

Town of Wayland may take property, etc.

SECTION 2. The town of Wayland shall have the right at any time to take, by purchase or otherwise, the property and all the rights and privileges of the Weston Water Company within the town of Wayland, on payment to the company of a sum not exceeding three thousand eight hundred dollars, for works constructed previous to the first day of June in the year nineteen hundred and three, and

of the actual cost, without interest, of any other constructive work done or acquired by the said company under the conditions hereinafter prescribed between the said first day of June and the date of such taking. The Weston Water Company may make additions to or improvements in its works within the town of Wayland subsequent to said first day of June: *provided*, that it shall first file a plan of any such proposed additions or improvements with the selectmen of the said town and shall receive the approval of said selectmen; and the said water company shall file with the said selectmen a sworn statement of all expenses of any such additions or improvements within six months after the completion of the same. In case the said town shall vote to purchase the said property, rights and privileges, and cannot agree with the Weston Water Company upon the amount to be paid therefor as hereinbefore provided, then, upon a suit in equity brought either by said water company or by the said town, the supreme judicial court shall ascertain and fix such sum in accordance with the foregoing provisions, and shall enforce the right of the said town to take possession of the said property upon payment of such sum.

The Weston Water Company may make additions to its works, etc., in Wayland.
Proviso.

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

Approved May 5, 1903.

AN ACT TO AUTHORIZE THE CITY OF NORTH ADAMS TO BORROW MONEY OUTSIDE THE DEBT LIMIT, FOR THE IMPROVEMENT OF STREETS.

Chap. 317

Be it enacted, etc., as follows:

SECTION 1. The city of North Adams may issue bonds or notes of the city to an amount not exceeding one hundred thousand dollars beyond the limit of indebtedness fixed by law and in addition to all amounts hitherto authorized. Such bonds or notes shall be designated, Permanent Improvement Loan, Act of 1903, shall be payable in equal annual instalments in not more than five years from their date, shall bear interest at a rate not exceeding five per cent per annum, and shall be signed by the treasurer and countersigned by the mayor of the city.

Permanent Improvement Loan, Act of 1903.

SECTION 2. The city treasurer shall certify to the board of assessors each year the amount of such bonds or notes issued and outstanding, and the board of assessors shall each year assess upon the real and personal estate

Payment of loan.

subject to taxation in North Adams such sums as will be sufficient to discharge all payments of principal and interest falling due, and the city shall raise such sums by taxation.

Sale of bonds,
etc.

SECTION 3. The city council may authorize the treasurer to sell such bonds or notes in his discretion for not less than the par value thereof. The proceeds shall be used to pay for the grading and paving of such streets or parts thereof as may be designated by the city council, under the provisions of chapter seventy-five of the acts of the year eighteen hundred and ninety-seven, and to provide curbstones for the same.

Not to be
reckoned in
determining
debt limit.

SECTION 4. Bonds or notes issued under this act shall not be reckoned in determining the limit of indebtedness of the city as fixed by law.

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

Approved May 5, 1903.

*Chap.*318 AN ACT RELATIVE TO THE DISPOSITION OF CASES FOR THE VIOLATION OF THE ELECTION LAWS.

Be it enacted, etc., as follows:

R. L. 11, § 421,
amended.

SECTION 1. Section four hundred and twenty-one of chapter eleven of the Revised Laws is hereby amended by adding at the end thereof the words: — A prosecution for the violation of any provision of this chapter shall not, unless the purposes of justice require such disposition, be placed on file or disposed of except by trial and judgment according to the regular course of criminal proceedings. It shall be disposed of otherwise only upon motion in writing stating specifically the reasons therefor and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied that the cause relied on exists and that the interests of public justice require the allowance of the motion the motion shall be allowed and the certificate of the court or magistrate shall be filed in the case, — so as to read as follows: —

Enforcement
of laws relat-
ing to elections.

Section 421. The supreme judicial court and the superior court shall have jurisdiction at law or in equity to enforce the provisions of this chapter. Police officers and constables shall arrest without a warrant any person detected in the act of violating the caucus or election laws. A prosecution for the violation of any provision of this chapter shall not, unless the purposes of justice

require such disposition, be placed on file or disposed of except by trial and judgment according to the regular course of criminal proceedings. It shall be disposed of otherwise only upon motion in writing stating specifically the reasons therefor and verified by affidavit if facts are relied on. If the court or magistrate certifies in writing that he is satisfied that the cause relied on exists and that the interests of public justice require the allowance of the motion the motion shall be allowed and the certificate of the court or magistrate shall be filed in the case.

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

Approved May 5, 1903.

AN ACT RELATIVE TO 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.

Chap.319

Be it enacted, etc., as follows :

SECTION 1. Sections one, four, six and seven of chapter two hundred and sixty-five of the acts of the year nineteen hundred and two, relative to the construction 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 of said county, are hereby amended by striking out the words "one hundred thousand dollars", wherever they occur therein, and inserting in each instance, in place thereof, the words: — one hundred and thirty thousand dollars.

1902, 265, §§ 1, 4, 6 and 7, amended.

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

Approved May 5, 1903.

AN ACT RELATIVE TO PUBLIC SERVICE CORPORATIONS AND THEIR EMPLOYEES.

Chap.320

Be it enacted, etc., as follows :

SECTION 1. No railroad, street railway, electric light, gas, telegraph, telephone, water or steamboat company shall appoint, promote, reinstate, suspend or discharge any person employed or seeking employment by any such company at the request of the governor, lieutenant governor, or any member or member elect of the council or of the general court, or candidate therefor, justice of the supreme judicial court, justice of the superior court,

Employment, etc., of persons by public service corporations restricted.

Employment
etc., of persons
by public
service cor-
porations
restricted.

judge of probate, justice of a police, district or municipal court, district attorney, member or member elect of a board of county commissioners, or candidate for county commissioner, member or member elect of a board of aldermen, or selectmen, or city council, or any executive, administrative or judicial officer, clerk or employee of any branch of the government of the Commonwealth or of any county, city or town; nor shall any such public officer or body, or any member or member elect thereof or candidate therefor, directly or indirectly advocate, oppose, or otherwise interfere in, or make any request, recommendation, endorsement, requirement or certificate relative to, and the same, if made, shall not be required as a condition precedent to, or be in any way regarded or permitted to influence or control, the appointment, promotion, reinstatement or retention of any person employed or seeking employment by any such corporation, and no such person shall solicit, obtain, exhibit, or otherwise make use of any such official request, recommendation, certificate or endorsement in connection with any existing or desired employment by a public service corporation.

Certain offices
not to be con-
sidered public
offices.

SECTION 2. The offices of probation officer, notary public and justice of the peace shall not be considered public offices within the meaning of this act.

Penalty.

SECTION 3. Any person or corporation violating the provisions of this act shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars for each offence.

Approved May 5, 1903.

Chap. 321 AN ACT RELATIVE TO THE CARE OF THE INSANE OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1900, 451, § 2,
amended.

Section two of chapter four hundred and fifty-one of the acts of the year nineteen hundred is hereby amended by inserting after the word "city", in the fourth line, the words:—and are cared for in said hospitals,—so as to read as follows:—*Section 2.* The hospitals now or hereafter established and maintained by the city of Boston for the board, care and treatment of the insane, and all insane persons who have a settlement in said city and are cared for in said hospitals, shall be excepted from the operation of this act and shall be and remain under the operation of the existing acts relating to insane persons; and the

Certain
hospitals, etc.,
excepted from
operation of
act, etc.

bills for the board, care and treatment of patients in said hospitals, from and after said first day of January, at the rate of three dollars and twenty-five cents per week, or as hereafter fixed by the legislature, shall be paid by the Commonwealth, except the bills of patients who, or whose kindred bound by law to support such patients, are of sufficient ability to pay for such board, care and treatment as determined by the board having charge of said hospitals.

Approved May 5, 1903.

AN ACT TO PROVIDE THAT TESTS BY THE USE OF TUBERCULIN SHALL BE MADE WITHOUT CHARGE TO CITIZENS OF THE COMMONWEALTH.

Chap.322

Be it enacted, etc., as follows:

Section thirty-one of chapter ninety of the Revised Laws is hereby amended by adding at the end of said section the words:—Such tests by the use of tuberculin shall be made without charge to citizens of the Commonwealth, and in all other cases the expense of such tests shall be paid by the owner of such animals or by the person in possession thereof,—so as to read as follows:—*Section 31.* Tuberculin as a diagnostic agent for the detection of tuberculosis in domestic animals shall be used only upon cattle brought into the Commonwealth and upon cattle at Brighton, Watertown and Somerville; but it may be used as such diagnostic agent on any animal in any other part of the Commonwealth, with the consent in writing of the owner or person in possession thereof, and upon animals which have been condemned as tuberculous upon physical examination by a competent veterinary surgeon. Such tests by the use of tuberculin shall be made without charge to citizens of the Commonwealth, and in all other cases the expense of such tests shall be paid by the owner of such animals or by the person in possession thereof.

R. L. 90, § 31, amended.

Use of tuberculin restricted, etc.

Approved May 5, 1903.

AN ACT MAKING CERTAIN CHANGES IN THE SERGEANT-AT-ARMS' DEPARTMENT.

Chap.323

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter ten of the Revised Laws is hereby amended by striking out the words "and the postmaster", in the fourth line, and by adding

R. L. 10, § 11, amended.

Salaries of doorkeepers of senate and house, etc.

at the end of said section the words:—The postmaster shall receive an annual salary of twelve hundred dollars; and the sergeant-at-arms may employ a cashier, who shall be a stenographer, for whose conduct he shall be accountable, who shall receive an annual salary of one thousand dollars, — so as to read as follows:— *Section 11.* The doorkeepers of the senate and house of representatives shall each receive an annual salary of fifteen hundred dollars. The assistant doorkeepers of the senate and house of representatives shall each receive nine hundred and fifty dollars for the regular annual session of the general court. The postmaster shall receive an annual salary of twelve hundred dollars; and the sergeant-at-arms may employ a cashier, who shall be a stenographer, for whose conduct he shall be accountable, who shall receive an annual salary of one thousand dollars.

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

Approved May 5, 1903.

Chap. 324 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO EMMA M. POOLE.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to widow of John C. Poole.

SECTION 1. The city of Boston is hereby authorized to pay to Emma M. Poole, widow of John C. Poole late an employee in the street department of that city, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Poole 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 May 5, 1903.

Chap. 325 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARY E. BARRY.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to widow of Thomas J. Barry.

SECTION 1. The city of Boston is hereby authorized to pay to Mary E. Barry, widow of Thomas J. Barry late a police inspector of that city, a sum of money not exceeding one half of the annual salary of the said Barry:

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 police inspector 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 May 5, 1903.

AN ACT TO PROVIDE FOR THE BETTER PROTECTION OF THE PUBLIC HEALTH ALONG CERTAIN WATER COURSES IN THE CITY OF LYNN. Chap. 326

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn, 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, by removing obstructions in or over them, by 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 or through a covered conduit or an open channel, or may 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, the city 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 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

City of Lynn may improve certain brooks and streams for drainage purposes, etc.

May take certain land, etc., change course of streams, etc.

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 the board 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.

Taking of
land, etc.

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 the proceedings 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 Lynn 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 is taken or purchased, be filed for record by the city in the registry of deeds for the southern Essex district.

Proviso.

Description of
land, etc., to be
filed for record.

Damages.

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.

Proviso.

Assessment of
betterments.

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 or 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.

Certain provisions 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 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.

Penalty for injury to work, pollution of water, etc.

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

Approved May 7, 1903.

AN ACT TO AUTHORIZE THE CITIES OF CAMBRIDGE AND SOMERVILLE AND THE TOWNS OF ARLINGTON AND BELMONT TO IMPROVE THE CONDITION OF ALEWIFE BROOK, LITTLE RIVER AND WELINGTON BROOK.

Chap. 327

Be it enacted, etc., as follows:

SECTION 1. At any time or times within five years after the passage of this act the cities of Cambridge and

Alewife brook, etc., may be improved for

drainage purposes.

Somerville and the towns of Arlington and Belmont, acting by the special commission hereinafter constituted may, at their joint expense, for the purpose of surface drainage, widen, fill, clear, grade, deepen, alter the channel of, wall up, cover and otherwise improve, in whole or in part, Alewife brook from its junction with Mystic river to its junction with Little river, and Little river from its junction with Alewife brook to the Arlington line, and Wellington brook from Little river to Wellington street.

Improvements to be agreed upon by a special commission, etc.

SECTION 2. The general scheme for said improvements within the limits of said cities and towns shall first be agreed upon by a special commission, consisting of the mayor of the city of Cambridge, the mayor of the city of Somerville, the chairman of the selectmen of the town of Arlington and the chairman of the selectmen of the town of Belmont, for the time being, and shall be executed and maintained by said special commission. Said special commission may make such contracts and appoint such agents as may be necessary to carry out the provisions of this act. No action by said special commission in regard to any matter shall be valid unless taken by agreement of all the members.

Certain lands, etc., may be taken, etc.

SECTION 3. In order more effectually to make said improvements within their respective limits, either city acting by and through its city council and either town may, by purchase or otherwise from time to time, under the laws, so far as they apply, relating to the taking of lands for the laying out of highways in said cities and towns, respectively, under the provisions of law authorizing the assessment of betterments, with like remedies to all parties interested, take in fee or otherwise any lands, easements, rights and other property situated within four hundred feet on either side of the centre of the channel of said brooks and Little river. Said special commission may construct, lay and carry any conduit, pipe, drain or other work under any railroad or railway location or way, in such manner as not unnecessarily to obstruct or impede travel thereon; may dig up any such way and may lay, maintain and repair conduits, pipes and other works beneath the surface thereof, conforming to any reasonable regulations made by the aldermen of the city and selectmen of the town respectively wherein such works are performed, and restoring, so far as practicable, any such way to an order and condition as good as that which

Special commission may construct conduits, lay pipes, etc.

obtained when such digging was begun, and shall save said cities and towns harmless against all damages for injuries resulting from, arising out of and incident to the doing and construction of any such work. If it is found necessary to have a right of way from Alewife brook to the streets or boulevards near Mystic river, and to take land in excess of the amount hereinbefore authorized, any of the said cities and towns may, as aforesaid, take said right of way and land.

Certain right of way, etc., may be taken.

SECTION 4. Said cities and towns, within sixty days after the taking by them, respectively, of any property as aforesaid, shall cause to be recorded in the registry of deeds for the county of Middlesex, southern district, descriptions of the property taken sufficiently accurate for identification, and a statement that the same are taken in pursuance of the provisions of this act, which statement shall be signed by the mayor of the city or a majority of the selectmen of the town taking the same, and the title to all property so taken within their respective limits shall be vested in the city or town taking the same.

Description of property to be recorded, etc.

SECTION 5. For the purpose of regulating the flow of water in the channels of said brooks and Little river, and of preventing the inflow of tide water from Mystic river into Alewife brook and upon the marshes and meadows along and in the vicinity of said brooks and Little river, said special commission shall, upon such terms and conditions as may mutually be agreed upon by said special commission and the metropolitan water and sewerage board and the metropolitan park commission, construct suitable tide-gates located near Mystic river upon land now owned by the Commonwealth of Massachusetts, and under the care and control of the metropolitan water and sewerage board and metropolitan park commission. If said special commission cannot agree with said board and said metropolitan park commission upon the terms and conditions aforesaid, the same shall be determined by the state board of health.

Tide-gates may be constructed, etc.

SECTION 6. At any time within ten years after the passage of this act, upon the unanimous agreement of the said cities and towns, the said special commission may, at the joint expense of said cities and towns and in the manner provided in section three of this act, take additional land and build a reservoir therein, in connection with the tide-gates hereinbefore provided for, for the pur-

Additional land may be taken, etc.

pose of receiving the flow of said brooks and Little river during the period of high tides when the tide-gates would be closed, and in order to prevent too great a rise in the water level in the channel of either brook or river as aforesaid in times of storms or at other times. The care and maintenance of the tide-gates and the reservoir, if constructed, and of the channels of said brooks and Little river, and the keeping of the same clear and free from vegetable growths and other obstructions, shall be vested in the said special commission.

Damages.

SECTION 7. Any person entitled by law to any damages, whether by the taking of or injury to his property under authority of this act, may have such damages determined by a jury in the superior court in the county of Middlesex, by petition therefor, filed within two years after such taking or takings, or after the doing of such injury, under the same rules of law, so far as they apply, by which damages are determined for the taking of land for highways in the said cities of Cambridge and Somerville and towns of Arlington and Belmont, respectively.

Assessment of betterments.

SECTION 8. At any time within three years after the taking of any lands or property under the provisions of this act, betterments may be assessed for said taking and for the expenses and costs of carrying out the provisions of this act, under the general laws authorizing the assessment of betterments in said cities and towns, respectively, with like remedies to all parties interested. Such betterments shall be assessed by said special commission, and the proceeds of such betterments shall be divided among said cities and towns in the proportions hereinafter stated.

Payment of expenses, etc.

SECTION 9. The expenses and costs incurred as provided in this act for damages for land and other property rights taken shall in the first place be paid by the city or town originally liable as provided in this act for such damages. These expenses, costs and damages so paid, and the cost and expense of constructing and carrying out and maintaining from year to year all the works herein authorized, shall be computed by said special commission, and each city and town shall pay or be reimbursed therefor by the others of said cities and towns so that the net expense to each shall be in the proportions of fifteen per cent to the city of Somerville, twenty per cent to the town of Belmont, twenty-two per cent to the town of Arlington, and forty-three per cent to the city of Cam-

bridge. The determination of the amount each city and town shall pay and the auditing and approval of the bills shall be made by said special commission. Each city and town may recover in an action of contract of any other city or town its proportion of the expenses and costs incurred by it under the provisions of this act. Each city and town shall be liable in an action of contract for its proportional share, as above specified, to any person to whom said special commission may incur any obligation under this act.

SECTION 10. Each of said cities or towns may from time to time issue, in excess of the limit of indebtedness prescribed by law, notes, bonds or scrip to such an amount as may be required for the purposes of this act. Such notes, bonds or scrip shall be designated on the face thereof, Improvement of Alewife Brook Loan, and the proceeds shall be used to meet the costs to be paid by said cities and towns, respectively, under this act. Such notes, bonds or scrip shall bear interest payable semi-annually at a rate not exceeding four per cent per annum, and shall be payable at such times, in not less than ten years nor more than forty years from their dates, as shall be determined by vote of the city council of the city or by vote of the town issuing the same. Said cities or towns may sell such notes, bonds or scrip, or any part thereof, from time to time, or pledge the same for money borrowed for the above purpose, but the same shall not be sold or pledged for less than the face value thereof. The provisions of sections twelve, thirteen, fourteen, fifteen, sixteen and seventeen of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the securities issued under authority of this act.

Improvement
of Alewife
Brook Loan.

Certain provisions of law
to apply.

SECTION 11. The supreme judicial court, or any justice thereof, sitting in equity shall, in term time or vacation, upon the petition of any of said cities or towns, or of said special commission, or of the attorney of any such petitioner, have jurisdiction in equity to enforce the provisions of this act and to prevent any violation of the same.

Enforcement
of provisions.

SECTION 12. This act shall take effect upon its passage.

Approved May 7, 1903.

Chap.328 AN ACT RELATIVE TO THE ANNUAL RETURNS OF STREET RAILWAY CORPORATIONS.

Be it enacted, etc., as follows :

R. L. 112, § 95,
repealed.

SECTION 1. Section ninety-five of chapter one hundred and twelve of the Revised Laws, which provides that a fee of twenty dollars shall accompany the annual report of every street railway corporation in this Commonwealth to the board of railroad commissioners, is hereby repealed.

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

Approved May 7, 1903.

Chap.329 AN ACT RELATIVE TO POSSESSION OF BODIES OR FEATHERS OF CERTAIN BIRDS.

Be it enacted, etc., as follows :

R. L. 92, § 8,
amended.

SECTION 1. Section eight of chapter ninety-two of the Revised Laws is hereby amended by inserting after the word "section", in the third line, the words: — or of section five of this chapter, — so as to read as follows: —

Penalty for
having in
possession
the body or
feathers of
certain birds,
etc.

Section 8. Whoever has in possession the body or feathers of a bird, the taking or killing of which is prohibited by the provisions of the preceding section or of section five of this chapter, whether taken in this Commonwealth or elsewhere, or wears such feathers for the purpose of dress or ornament, shall be punished by a fine of ten dollars; but the provisions of this section shall not prohibit the taking or killing of such birds by the holders of certificates provided for in the preceding section, nor shall they apply to natural history associations or to the proprietors of museums, or other collections for scientific purposes, or to non-residents of the Commonwealth passing through it or temporarily dwelling therein.

When to take
effect.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and four.

Approved May 7, 1903.

Chap.330 AN ACT RELATIVE TO THE INSTRUCTION AND TRAINING OF HABITUAL TRUANTS, ABSENTEES AND SCHOOL OFFENDERS.

Be it enacted, etc., as follows :

R. L. 46, § 3,
amended.

SECTION 1. Section three of chapter forty-six of the Revised Laws is hereby amended by striking out the

whole of said section and inserting in place thereof the following: — *Section 3.* A child between seven and fourteen years of age who wilfully and habitually absents himself from school contrary to the provisions of section one of chapter forty-four shall be deemed to be an habitual truant, and, unless placed on probation as provided in section seven of this chapter, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school for not more than two years, and, if a girl, to the state industrial school for girls; but if the girl is under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

Habitual
truants, com-
mitment of,
etc.

SECTION 2. Section four of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 4.* A child between seven and sixteen years of age who may be found wandering about in the streets or public places of any city or town, having no lawful occupation, habitually not attending school, and growing up in idleness and ignorance, shall be deemed to be an habitual absentee, and, unless placed on probation as provided in section seven, may, upon complaint by a truant officer or any other person and conviction thereof, if a boy, be committed to a county truant school for not more than two years, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls; but if the girl be under twelve years of age she shall be committed to the custody of the state board of charity, if they so request, for not more than two years.

R. L. 46, § 4,
amended.

Habitual
absentees,
commitment
of, etc.

SECTION 3. Section five of said chapter is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 5.* A child under fourteen years of age who persistently violates the reasonable regulations of the school which he attends, or otherwise persistently misbehaves therein, so as to render himself a fit subject for exclusion therefrom, shall be deemed to be an habitual school offender, and, unless placed on probation as provided in section seven, may, upon complaint by a truant officer and conviction thereof, if a boy, be committed to a county truant school for not more than two years, or to the Lyman school for boys, and, if a girl, to the state industrial school for girls; but if the girl be under twelve years of age she shall be com-

R. L. 46, § 5,
amended.

Habitual
school offend-
ers, commit-
ment of, etc.

mitted to the custody of the state board of charity, if they so request, for not more than two years.

R. L. 46, § 10,
amended.

SECTION 4. Section ten of said chapter is hereby amended by adding at the end thereof the words:— If a girl who is committed to the custody of the state board of charity under section three, four or five of this chapter, proves unmanageable in a private family, she may be committed by the state board of charity to the state industrial school for girls,— so as to read as follows:—

Disposition of
unruly inmates
of truant
schools, etc.

Section 10. An inmate of a county truant school or of the parental school of the city of Boston who persistently violates the reasonable regulations thereof, or is guilty of indecent or immoral conduct, or otherwise grossly misbehaves, so as to render himself an unfit subject for retention therein, may, upon complaint by the officer in control of said school and conviction thereof, if under fifteen years of age, be committed to the Lyman school for boys; if over fifteen years of age, to the Massachusetts reformatory. If a girl who is committed to the custody of the state board of charity under section three, four or five of this chapter, proves unmanageable in a private family, she may be committed by the state board of charity to the state industrial school for girls.

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

Approved May 7, 1903.

Chap. 331 AN ACT RELATIVE TO STREETS AND LANDS IN THE NEIGHBORHOOD OF PARKS, PARKWAYS AND BOULEVARDS IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

1898, 540, § 2,
amended.

SECTION 1. Section two of chapter five hundred and forty of the acts of the year eighteen hundred and ninety-eight is hereby amended by striking out the whole of said section and inserting in place thereof the following:—

The park com-
missioners of
Boston to con-
trol planting
of trees, etc., in
neighborhood
of parks, etc.

Section 2. Said board of park commissioners shall have under their direction and control the planting and care of all trees, the placing of seats, standpipes, drinking fountains, and works of art on said boundary roads and parts of ways, and may establish such reasonable rules and regulations relating to the same and to said roads and parts of ways, and to the displaying of advertisements, and to the height and character of fences placed upon lands abutting upon said boundary roads or parts of ways, as they shall deem that the public interests require.

SECTION 2. The board of park commissioners of the city of Boston shall have the same power and control over, and the same power to make rules relating to, playgrounds now or hereafter taken by said board under authority of law or placed under their charge by the city council of said city, as are or may be vested in them in respect to parks, parkways and boulevards under their control.

To have control over certain playgrounds.

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

Approved May 7, 1903.

AN ACT RELATIVE TO CERTAIN FRATERNAL BENEFICIARY CORPORATIONS. Chap. 332

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter one hundred and nineteen of the Revised Laws is hereby amended by striking out the word "both", in the eleventh line, and inserting in place thereof the words:— an annuity or gratuity contingent upon length of service not exceeding five hundred dollars in any one year, or any or all of said benefits, — and by inserting at the end thereof the words: — An association which limits its membership, benefits and business as described in this section may be incorporated in the manner prescribed in sections one and two of this chapter, so far as the same are applicable. The money or other benefit to be paid by such a corporation shall be exempt from attachment as provided in section seventeen of this chapter. The recording officer of any organization claiming exemption under this section shall file a certified copy of its by-laws with the insurance commissioner whenever he shall so require in writing, — so as to read as follows: — *Section 12.* A fraternal beneficiary corporation, — or an association which limits its membership to a particular order, class or fraternity, or to the employees of towns or cities, the Commonwealth, or the federal government, or of a designated firm, business house or corporation, — or a secret fraternity or order, — or a purely charitable association or corporation existing on the twenty-eighth day of June in the year eighteen hundred and ninety-nine or on the twenty-third day of May in the year nineteen hundred and one, — any one of which pays a death or funeral benefit not exceeding two hundred dollars, or disability benefits not exceeding

R. L. 119, § 12, amended.

Certain corporations, etc., may pay death or disability benefits, etc.

ten dollars a week, or an annuity or gratuity contingent upon length of service not exceeding five hundred dollars in any one year, or any or all of said benefits, and which is not conducted as a business enterprise or for profit, may transact in this Commonwealth such business, without otherwise conforming to the provisions of this chapter. An association which limits its membership, benefits and business as described in this section may be incorporated in the manner prescribed in sections one and two of this chapter, so far as the same are applicable. The money or other benefit to be paid by such a corporation shall be exempt from attachment as provided in section seventeen of this chapter. The recording officer of any organization claiming exemption under this section shall file a certified copy of its by-laws with the insurance commissioner whenever he shall so require in writing.

Exemption from attachment, etc.

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

Approved May 7, 1903.

Chap. 333 AN ACT TO AUTHORIZE THE GOVERNOR TO APPOINT CERTAIN AGENTS OF THE MASSACHUSETTS SOCIETY FOR THE PREVENTION OF CRUELTY TO CHILDREN AS SPECIAL DISTRICT POLICE OFFICERS.

Be it enacted, etc., as follows :

Certain agents of the Massachusetts Society for the Prevention of Cruelty to Children may be appointed as special district police officers, etc.

The governor may from time to time appoint two or more agents of the Massachusetts Society for the Prevention of Cruelty to Children as special district police officers for a term of three years, who shall be subject to removal at any time by the governor, shall serve without pay and shall have and exercise throughout the Commonwealth the powers of district police officers to serve warrants and other criminal processes: *provided, however,* that this act shall give the officers appointed under it no authority to arrest without a warrant.

Proviso.

Approved May 7, 1903.

Chap. 334 AN ACT TO PROVIDE FOR THE CARE OF NEGLECTED CHILDREN.

Be it enacted, etc., as follows :

Certain children may be taken in custody, etc.

SECTION 1. A police, district or municipal court or a trial justice, upon a complaint made by any person that any child under sixteen years of age within its or his jurisdiction, by reason of orphanage or of the neglect, crime or drunkenness, or other vice of its parents, is

growing up without education or without salutary control, or in circumstances exposing him to lead an idle and dissolute life, or is dependent upon public charity, may issue a precept to bring such child before said court or trial justice, and shall issue a notice to the state board of charity and shall also issue a summons requiring the board or person to whom such notice or summons is directed to appear before said court or trial justice at the time and place stated in the notice and summons, to show cause why such child should not be committed to the state board of charity, or be otherwise provided for. Such summons shall be directed to the father of the child, if living and resident within the Commonwealth; if not, to the mother of the child, if living and resident within the Commonwealth; if there be no parent living and resident within the Commonwealth, to the legal guardian of such child; if there be no legal guardian, to the person with whom such child last resided; if there be no father, mother, guardian or person as aforesaid, to some suitable person to act in behalf of such child.

Certain children may be taken in custody, etc.

SECTION 2. When such child is taken in custody upon said precept and is brought before said court or trial justice, it or he may then hear said complaint, or said complaint may be continued to a time fixed by said court or trial justice for hearing, and said court or trial justice may allow the child to be placed in the care of some suitable person or charitable corporation upon his or its furnishing surety for the further appearance of said child; or the child may be committed to the custody of said state board until surety is furnished, pending a hearing on said complaint.

Complaint may be continued, etc.

SECTION 3. If at the hearing by said court or trial justice upon said complaint the child is before said court or trial justice, and it appears that said summons has been duly and legally served upon some person mentioned as aforesaid, and that said notice has been issued to said state board, the court or trial justice, if it or he finds the allegations in said complaint to be proven, may further continue said complaint and may allow the child to be placed in the care of some suitable person or charitable corporation upon his or its furnishing surety for the further appearance of the child before said court or trial justice whenever said court or trial justice may require; and said court or trial justice may make such further orders with reference

Commitment, etc., of neglected children.

to the care and custody of the child as may conduce to the best interests of the child ; or said court or trial justice may commit the child to the custody of the state board of charity until he attains the age of twenty-one years, or for a less time ; and said board may discharge said child from its custody whenever the object of its commitment has been accomplished.

Certain children may be committed to the custody of the overseers of the poor.

SECTION 4. If such child has a settlement, and if the overseers of the poor of the place of his settlement so request, the commitment may be to their custody. The state board of charity may, in its discretion, transfer its custody of any such child who has a settlement, to the overseers of the poor of the place of settlement, upon their request, and such transfer shall thereafter relieve the Commonwealth from further liability for his maintenance.

Powers and duties of overseers of the poor, etc.

SECTION 5. The overseers of the poor shall have the same powers as to children committed or transferred to their custody as are given to the state board as to children in its custody ; and in the city of Boston the trustees for children shall have the powers and duties conferred by the provisions of this and the preceding section upon the overseers of the poor.

Appeal may be made from order of court, etc.

SECTION 6. The child, parent, guardian or person appearing in behalf of such child, or the state board of charity, may appeal from the order of the court or justice to the superior court sitting for civil business for the county within which the hearing is held, and if said parent, guardian or other person appearing on behalf of the child fails to furnish such bail as may be required by the court or justice before whom such hearing is held, the child may be committed to the custody of the state board of charity, or placed in the care of some suitable person or charitable corporation, pending the determination of the appeal. Such appeal shall be entered in said superior court by the court or justice from which or from whom the appeal is taken, without the payment of an entry fee, and the superior court may, in its discretion, advance such complaint for speedy trial.

Repeal.

SECTION 7. Sections thirty-seven and thirty-eight of chapter eighty-three of the Revised Laws are hereby repealed.

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

Approved May 8, 1903.

AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES. *Chap.335*

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter one hundred and twenty-seven of the acts of the year nineteen hundred and three is hereby amended by striking out the words "for the construction of new schoolhouses and of furnishing the same", in the second and third lines, and inserting in place thereof the following:—for new school buildings and of constructing and furnishing such buildings,—so as to read as follows:—*Section 1.* The city of Fall River, for the purpose of purchasing land for new school buildings and of constructing and furnishing such buildings in that city, may incur indebtedness beyond the limit fixed by law to an amount not exceeding one hundred and fifty thousand dollars, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such period, not exceeding twenty years from the date thereof, and shall bear such rate of interest, not exceeding four per cent per annum, as the city council shall determine. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the indebtedness hereby authorized, and to the securities issued therefor.

1903, 127, § 1, amended.

City of Fall River may issue bonds, notes or scrip, etc.

R. L. 27 to apply, etc.

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

Approved May 8, 1903.

AN ACT TO PROVIDE AN ADDITIONAL OUTLET FOR THE SEWAGE OF THE TOWN OF BELMONT. *Chap.336*

Be it enacted, etc., as follows :

SECTION 1. The metropolitan water and sewerage board is hereby authorized and directed to provide an outlet for the sewage of that part of the town of Belmont, approximately three hundred and thirty acres in area, situated north of Belmont street and adjoining the city of Cambridge on the westerly side of that city, and to construct for that purpose a sewer extending westerly from the existing metropolitan sewer in Mount Auburn street, at Lowell street, through Mount Auburn street to Aber-

Outlet to be provided for sewage of part of town of Belmont, etc.

deen avenue, thence northerly through Aberdeen avenue, and westerly through Dundee street and private lands and under the Watertown branch railroad; thence westerly through Holworthy place and Holworthy street and private lands to Cushing street near Cushing avenue; and thence westerly in Cushing avenue to the Belmont line at Ericson street. The city of Cambridge shall have the right to make and maintain house connections with said additional metropolitan sewer and to connect lateral sewers therewith, in the same manner in which connections are made with the present sewers of that city, under the direction of the metropolitan water and sewerage board: *provided, however*, that no drain or sewer used for the conveyance of any rain water shall be connected with said sewer.

City of Cambridge may make house connections with sewer, etc.

Proviso.

Metropolitan water and sewerage board to exercise certain authority, etc.

SECTION 2. In providing an outlet for the sewage of the aforesaid part of the town of Belmont and in receiving sewage from said area, and in all action relating thereto, and for the purpose of constructing and maintaining the additional metropolitan sewer, the metropolitan water and sewerage board, acting on behalf of the Commonwealth, shall have and exercise all the authority conferred upon said board by chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and by acts in amendment thereof and in addition thereto, regarding the original system or anything relating thereto; and all the provisions of said chapter and acts are hereby made applicable to this additional taking and construction, except as otherwise provided herein.

Treasurer and receiver general to issue scrip or certificates of debt, etc.

SECTION 3. The treasurer and receiver general, in order to meet the expenses incurred under this act, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding fifty thousand dollars, and any scrip or certificates of debt so issued shall be considered as in addition to the amounts authorized under said chapter four hundred and thirty-nine and acts in amendment thereof and in addition thereto, and the provisions of said chapter and acts in relation to the loan so authorized shall apply to this additional loan.

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

Approved May 9, 1903.

AN ACT MAKING APPROPRIATIONS FOR THE LOUISIANA PURCHASE EXPOSITION, FOR THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS, AND FOR CERTAIN MISCELLANEOUS EXPENSES AUTHORIZED BY LAW. *Chap. 337*

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: —

For disseminating useful information in agriculture, as authorized by chapter twenty-seven of the resolves of the present year, the sum of five hundred dollars. Appropriations.
Disseminating useful information in agriculture.

For expenses in connection with the meeting of the National Educational Association in the city of Boston during the current year, as authorized by chapter twenty-eight of the resolves of the present year, a sum not exceeding one thousand dollars. Meeting of National Educational Association.

For completing and furnishing the new dormitory at the state normal school at Westfield, as authorized by chapter twenty-nine of the resolves of the present year, a sum not exceeding seventeen thousand dollars. State normal school at Westfield.

For the New England Industrial School for Deaf Mutes, as authorized by chapter thirty of the resolves of the present year, the sum of twenty-five hundred dollars. New England Industrial School for Deaf Mutes.

For the commissioners on unpaid bounty claims, as authorized by chapter thirty-one of the resolves of the present year, the sum of six thousand dollars, being the amount of compensation ordered by the governor and council under date of April fifteenth, nineteen hundred and three. Commissioners on unpaid bounty claims.

For the expenses of a team of the Massachusetts militia to take part in the international rifle match at Sea Girt, New Jersey, as authorized by chapter thirty-two of the resolves of the present year, a sum not exceeding two thousand dollars. Militia rifle team.

For the state normal school at Fitchburg, as authorized by chapter thirty-four of the resolves of the present year, a sum not exceeding twenty-five thousand dollars. State normal school at Fitchburg.

For compiling, indexing and publishing the records of Massachusetts troops who served in the revolutionary Revolutionary war records.

war, as authorized by chapter thirty-five of the resolves of the present year, a sum not exceeding six thousand dollars.

Reimbursing officers of Co. F, 6th regiment.

For reimbursing the officers of company F of the sixth regiment of the Massachusetts militia for uniforms and equipments which were destroyed by fire on the twenty-fifth day of December in the year nineteen hundred and two, as authorized by chapter thirty-six of the resolves of the present year, a sum not exceeding two hundred and twenty-five dollars.

Trustees of Soldiers' Home.

For the Trustees of the Soldiers' Home in Massachusetts, as authorized by chapter thirty-seven of the resolves of the present year, the sum of thirty thousand dollars.

Charles F. Sargent.

For Charles F. Sargent, as authorized by chapter thirty-eight of the resolves of the present year, the sum of two hundred twenty-two dollars and fifty cents.

Louisiana purchase exposition.

For the Louisiana purchase exposition, as authorized by chapter forty-two of the resolves of the present year, a sum not exceeding one hundred thousand dollars.

Massachusetts Charitable Eye and Ear Infirmary.

For the Massachusetts Charitable Eye and Ear Infirmary, as authorized by chapter forty-three of the resolves of the present year, the sum of thirty thousand dollars.

Dedication of statue of major general Joseph Hooker.

For expenses of the dedication of the statue of major general Joseph Hooker, as authorized by chapter forty-four of the resolves of the present year, a sum not exceeding twenty-three thousand dollars.

Improvements of channel of Bass river.

For completing the improvements of the channel of Bass river, as authorized by chapter forty-six of the resolves of the present year, a sum not exceeding fifteen thousand dollars.

Protection of Stage harbor in Chatham.

For completing certain structures in the vicinity of Stage harbor in the town of Chatham, for the protection of said harbor, as authorized by chapter forty-seven of the resolves of the present year, a sum not exceeding five thousand dollars.

Massachusetts reformatory.

For the purchase of domestic animals for the Massachusetts reformatory, as authorized by chapter forty-eight of the resolves of the present year, a sum not exceeding five thousand dollars.

State prison.

For additional shop room at the state prison, as authorized by chapter forty-nine of the resolves of the present year, a sum not exceeding three thousand dollars.

For Albert B. Leighton, as authorized by chapter fifty-three of the resolves of the present year, the sum of three hundred dollars.

Albert B. Leighton.

For Napoleon Bird, as authorized by chapter fifty-four of the resolves of the present year, the sum of one hundred and seventy-nine dollars.

Napoleon Bird.

For printing and binding the manual for the general court, the sum of two hundred fifty-seven dollars and eighteen cents, the same to be in addition to the amount appropriated by chapter one of the acts of the present year.

Manual.

For current expenses of the Massachusetts nautical training school, a sum not exceeding five thousand dollars, the same to be in addition to the fifty thousand dollars authorized by chapter forty-two of the acts of the present year.

Nautical training school.

For the examination of teachers in the public schools, a sum not exceeding five hundred dollars.

Examination of teachers in public schools.

For heating, lighting, furnishing and caring for armories recently erected in certain cities in the Commonwealth for the use of the volunteer militia, a sum not exceeding seven thousand dollars, the same to be in addition to the twenty-eight thousand dollars appropriated by chapter eighty-five of the acts of the present year.

Care, etc., of armories.

For preparing suitable testimonials for the soldiers and sailors who served in the war with Spain, as authorized by chapter sixty-eight of the resolves of the year nineteen hundred and two, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Testimonials for soldiers and sailors who served in war with Spain.

For expenses of summoning witnesses before committees and for fees of such witnesses, a sum not exceeding three hundred and fifty dollars, the same to be in addition to the two hundred dollars appropriated by chapter one of the acts of the present year.

Witnesses before committees.

For the salaries of the members of the board of registration in dentistry, a sum not exceeding two hundred and twenty-five dollars, as authorized by chapter two hundred and twenty-eight of the acts of the present year, the same to be in addition to the amount appropriated for the same purpose by chapter fifty-six of the acts of the present year.

Board of registration in dentistry.

For the salaries and expenses of the board of registration in veterinary medicine, as authorized by chapter two

Board of registration in veterinary medicine.

hundred and forty-nine of the acts of the present year, a sum not exceeding five hundred and fifty dollars.

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

Approved May 9, 1903.

Chap.338 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO MARY A. HOSEA.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to the widow of Samuel Hosea, Jr.

Proviso.

SECTION 1. The city of Boston is hereby authorized to pay to Mary A. Hosea, widow of Samuel Hosea, Junior, late an employee of the building department of that city, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Hosea 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 May 9, 1903.

Chap.339 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO ELLEN E. LYONS.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to the widow of Lawrence J. Lyons.

Proviso.

SECTION 1. The city of Boston is hereby authorized to pay to Ellen E. Lyons, widow of Lawrence J. Lyons late an employee in the street department of that city, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Lyons would have been entitled had he 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 May 9, 1903.

Chap.340 AN ACT TO AUTHORIZE THE TOWN OF DOVER TO LAY OUT SPECIAL TOWN WAYS FOR THE USE OF STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

Town of Dover may lay out special town ways for certain railways, etc.

SECTION 1. The town of Dover may lay out special town ways for railways operated by any motive power except steam. Such ways may cross highways and town

ways, at grade or otherwise, and shall be laid out, altered and discontinued in the manner provided by law in the case of town ways, except that the selectmen shall exercise the powers conferred on the road commissioners, if any such commissioners are chosen by the town, and that there shall be no appeal to the county commissioners; and the rights and remedies of all persons interested shall be the same, so far as they may be applicable, as those provided in the case of town ways. There may be included in such ways land necessary or convenient for approaches, and for buildings or other structures used in the operation of such railways.

SECTION 2. The selectmen of the town may grant locations in such ways to street railway companies, subject to the terms, conditions and obligations authorized by law in the case of grants of locations to street railway companies in public streets, and may require any company to which a location is granted to pay for the same such amounts and in such manner as the railroad commissioners shall approve, but no grant of location shall take effect until approved by vote of the town. In granting any location the selectmen may require of the company receiving the same, security to the town by bond or otherwise, that the company will perform and observe the terms and conditions imposed by such grant. Any street railway company organized under general or special law and having authority to operate a street railway in the town may, if it obtains a location as above provided, construct, maintain and operate its road over such special town ways. The town shall be under no obligation to perform any work of construction, but may do such work as it deems expedient.

Granting of locations.

SECTION 3. Such special town ways shall be used only for the purpose stated in the first section, except that drains, pipes, tubes and conduits, for water, gas, electric wires and other like objects, and poles for wires and cables, may be laid, erected and maintained therein as in the public streets. Town ways and highways may be laid out, altered or located anew across any special town way at grade or otherwise. The said town shall not be liable for any defect in a special town way, nor obliged to keep the same in repair.

Use of special town ways restricted, etc.

SECTION 4. When any person is cut off by a special town way from access to lands owned by such person the

Crossings to be established in certain cases, etc.

selectmen shall, after due notice to the parties in interest and a hearing, establish a crossing, and shall make from time to time all reasonable orders as to the construction, maintenance and use thereof, and shall apportion the expense of construction, and from time to time the expense of maintenance, between the town and the street railway companies using the way, as justice may require. Any such crossing, if it has become unnecessary or inconvenient, may be abolished by the selectmen after due notice to the parties in interest and a hearing; but no crossing shall be abolished against the consent of a person who would thereby be cut off from access to his lands, until another crossing established in the manner herein provided is substituted therefor. Any person aggrieved by any action or failure to act on the part of the selectmen in relation to any such crossing may appeal to the railroad commissioners by petition filed within three months after the action complained of, or within six months after application is first made to the selectmen if they have failed for two months to take final action thereon; and the railroad commissioners, after due notice to the parties in interest and a hearing, shall make such order as the selectmen might have made. The superior court sitting in equity shall have jurisdiction to enforce any order made by the selectmen or railroad commissioners as above provided.

Persons aggrieved may appeal to the railroad commissioners, etc.

Enforcement of orders.

Dover Special Town Way Loan.

SECTION 5. For the purpose of paying and discharging all necessary expenses and liabilities incurred under the provisions of this act the said town shall have authority from time to time to issue bonds to such an amount, not in excess of the debt limit of the town, as shall be approved by the board of railroad commissioners, but such approval shall not be given until after said board has given a public hearing to all parties interested, including citizens and taxpayers of the town, of which hearing thirty days' public notice shall be given in the manner and to the extent required in warning the citizens of a town meeting in said town, and, after such hearing, has certified that such issue of bonds is required by public necessity and convenience and by the interests of the town. Such bonds shall be signed by the treasurer and countersigned by a majority of the selectmen, shall be payable at periods not exceeding twenty years from the dates of issue; shall bear interest payable semi-annually

at a rate not exceeding four per cent per annum; shall bear on their face the words, Dover Special Town Way Loan. The town may sell such bonds at public or private sale or pledge the same for money borrowed for the purposes of this act: *provided*, that none of such bonds shall be sold for less than their par value. Said town instead of establishing a sinking fund shall 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 a vote to that effect has been passed the net amount required under the provisions of this and the following section 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.

Proviso.
Payment of
loan.

SECTION 6. Said town shall each year apply the net income and receipts derived from the said grants of locations to the payment of said interest, and the remainder, if there be any, of such net income and receipts, it shall apply, so far as may be necessary, towards the annual proportionate payments required by the preceding section, and the amount so applied or paid shall be deducted from the sums which would otherwise be required to be raised by taxation.

Net income
and receipts to
be applied to
payment of
interest, etc.

SECTION 7. Nothing shall be done under this act until it has been accepted at a town meeting called for the purpose. After the said town has accepted this act no grant by the selectmen to a street railway company of a location in any public street in the town shall take effect until approved by vote of the town.

Subject to
acceptance by
town, etc.

SECTION 8. Except as otherwise provided herein this act shall take effect upon its passage.

When to take
effect.

Approved May 11, 1903.

AN ACT TO PROVIDE FOR DREDGING THE CHANNEL OF BASS RIVER IN THE CITY OF BEVERLY, AND FOR WIDENING THE DRAW OF BASS RIVER BRIDGE IN THAT CITY.

Chap. 341

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby directed to dredge the channel of Bass river in the city of Beverly, from Isabelle's island, so-called, near Elliott street to the mouth of Bass river at its junction with Danvers river, to a depth of eighteen

Channel of
Bass river in
the city of
Beverly to be
dredged, etc.

feet at mean high tide. Said channel shall be made as straight as is practicable under existing conditions and one hundred feet wide wherever in the judgment of said board such width is practicable, and at the end nearest Elliott street the channel may, in the discretion of said board, be made of greater width.

Necessary
land or
materials may
be taken, etc.

SECTION 2. Said board may take, in the name and behalf of the Commonwealth, any land or materials necessary for the dredging and construction of said channel, and the manner of such taking and of determining the damages caused thereby, or by any of the 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 of harbor and land commissioners shall, for the purposes of this act, have all the powers conferred upon said park commission by said sections. The damages, when finally determined, shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto.

Draw of Bass
river bridge to
be widened,
etc.

SECTION 3. The county commissioners of the county of Essex are hereby authorized and directed to rebuild and widen the draw of Bass river bridge in the city of Beverly, making the same not less than forty feet wide. No county commissioner shall be disqualified from acting hereunder by reason of his residing in the city of Beverly. Said commissioners are hereby authorized to borrow money upon the credit of the county, if it is necessary, for the purposes aforesaid.

Payment of
expenses of
dredging, etc.

SECTION 4. To pay the expenses of dredging aforesaid and to pay damages that may be awarded under section two of this act, a sum not exceeding twenty-five thousand dollars may be paid out of the treasury of the Commonwealth upon the order of the board of harbor and land commissioners.

Payment of
expenses of
widening
draw, etc.

SECTION 5. The city of Beverly shall upon demand pay to the county commissioners of Essex county all expenses incurred by them in rebuilding and widening said draw as above provided. All expenses in excess of twenty-five thousand dollars incurred by the board of harbor and land commissioners for the dredging and damages aforesaid shall be paid by the city of Beverly upon requisition from the board of harbor and land commissioners as

needed, and the determination of said board as to amounts and times of payment shall be final. For the foregoing purposes the city of Beverly is hereby authorized to issue from time to time bonds to be denominated, Beverly Dredging Loan, Act of 1903, bearing interest payable semi-annually at a rate not exceeding four per cent per annum, and payable within such periods not exceeding twenty years from their dates of issue as the city council shall from time to time determine. Except as otherwise provided herein such bonds shall be issued in accordance with the provisions of chapter twenty-seven of the Revised Laws and acts in amendment thereof and in addition thereto, but they shall not be reckoned in determining the legal limit of indebtedness of the said city.

Beverly Dredg-
ing Loan, Act
of 1903.

R. L. 27, etc.,
to apply, etc.

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

Approved May 12, 1903.

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. 342

Be it enacted, etc., as follows:

SECTION 1. The amount of money authorized by chapter two hundred and eighty-four of the acts of the year nineteen hundred and one to be expended for 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, and the amount authorized to be borrowed for the said purpose, are hereby increased from two hundred thousand dollars to two hundred and eighty thousand dollars.

Construction
at Dedham of
a building for
the registries
of deeds, etc.

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

Approved May 12, 1903.

AN ACT RELATIVE TO THE NEW JAIL BUILDING IN THE CITY OF FALL RIVER.

Chap. 343

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Bristol county may make such disposition of the new jail building in the city of Fall River as the governor and council may deem to be for the best interests of the county.

Disposition of
new jail build-
ing in Fall
River.

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

Approved May 12, 1903.

Chap. 344 AN ACT TO PROVIDE FOR THE PAYMENT OF A BOUNTY FOR KILLING
A WILD CAT, CANADA LYNX OR LOUPCERVIER.

Be it enacted, etc., as follows:

Bounty to be
paid for the
killing of wild
cats, Canada
lynx, etc.

SECTION 1. Whoever in any town kills a wild cat, Canada lynx or loupcevriev not being in captivity shall, upon producing satisfactory evidence of such killing, be entitled to receive from the treasurer of the town the sum of five dollars; and all sums so paid out shall be repaid to the town treasurer by the treasurer of the county in which the town is situated: *provided*, that a sworn statement thereof shall be transmitted by the town treasurer to the county treasurer.

Proviso.

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

Approved May 12, 1903.

Chap. 345 AN ACT TO REVISE THE CHARTER OF THE CITY OF MEDFORD.

Be it enacted, etc., as follows:

City of
Medford.

SECTION 1. The inhabitants of the city of Medford shall continue to be a body politic and corporate under the name of the City of Medford, and as such shall have, exercise and enjoy all the rights, powers, privileges and immunities, and shall be subject to all the duties and obligations pertaining to and incumbent upon the said city as a municipal corporation.

Management,
etc., of munic-
ipal affairs,
etc.

SECTION 2. The government of the city and the general management and control of all the fiscal, prudential and municipal affairs thereof shall be vested in a single officer, to be called the mayor, and in a legislative body, to be called the board of aldermen, except however that the general management and control of the public schools of the city and of the buildings and other property pertaining to such schools shall be vested in a school committee.

Municipal
election and
municipal
year.

SECTION 3. 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.

Election of
mayor, alder-
men, etc.

SECTION 4. At the municipal election the qualified voters shall in the several wards give in their votes by

ballot for mayor and for members of the board of aldermen and 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 deemed and declared to be elected to such office; and whenever two or more persons are to be elected to the same office the several persons, up to and including the number required to be chosen, receiving the highest number of votes shall be deemed and declared to be elected.

SECTION 5. If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause warrants, or orders, to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of mayor; and such proceedings shall be repeated until the election of a mayor is completed. If the full number of members of the board of aldermen then required to be chosen shall not be elected at the annual municipal election, or if a vacancy in the office of a member thereof shall occur more than four months previous to the expiration of his term of office, the board of aldermen shall forthwith cause a new election to be held as aforesaid to fill the vacancy. In case a vacancy in the office of mayor or of a member of the board of aldermen shall occur within the four months previous to the expiration of his term of office, the board of aldermen may, in its discretion, order a new election to be held as aforesaid to fill the vacancy.

Vacancy in office of mayor or board of aldermen.

SECTION 6. When no convenient wardroom for holding the meetings of the qualified voters of a ward can be had within the territorial limits of such ward the board of aldermen may, in the warrant or order for calling a meeting of the qualified voters of such ward, appoint and direct that the meeting be held in some convenient place within the limits of an adjacent ward of the city; and for such purpose the place so assigned shall be deemed to be a part of the ward for which the meeting or election is held.

Meetings of qualified voters may be held in adjacent ward.

SECTION 7. General meetings of the inhabitants of the city may from time to time be held, according to the right secured to the people by the constitution of the

General meetings of inhabitants.

Commonwealth; and such meetings may, and upon the request in writing of fifty qualified voters setting forth the purposes thereof shall, be called by the board of aldermen.

Aldermen,
election, term,
etc.

SECTION 8. The board of aldermen shall be composed of twenty-one members, three from each ward, to be elected as follows:— Seven aldermen at large, one being selected from each ward, shall annually be elected by the qualified voters of the city at large, voting in their respective wards, and two aldermen shall at the same time be elected by and from the qualified voters of each ward. The members of the board of aldermen shall hold office for the municipal year next following their election, or, if elected after the first Monday in January, for the remainder of the municipal year and until a majority of the new board shall be elected and qualified in their stead.

Oath of office
of mayor and
aldermen.

SECTION 9. The mayor elect and the members elect of the board of aldermen shall, on the first Monday in the January succeeding their election, at eight o'clock in the evening, assemble 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 board of aldermen 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 elected subsequently, the oath of office may at any time thereafter be administered to him in the presence of the board of aldermen; and at any time after the first Monday in January the oath of office may be administered in the presence of the board of aldermen to a member thereof who was absent on the first Monday in January or who shall be elected subsequently. A certificate that such oath has been taken by the mayor and the members of the board of aldermen shall be entered in the journal of the board of aldermen.

Organization
of board of
aldermen, etc.

SECTION 10. Immediately after the oaths of office have been administered the board of aldermen shall meet and organize by the election, according to law, of a president, and no other business shall be in order until a president has been chosen. The eldest senior member present shall preside until a president has been chosen. The board of aldermen shall elect, according to law, a

city clerk, who shall hold office for the term of his election and until his successor is elected and qualified. The city clerk shall also be the clerk of the board of aldermen; but in case of delay in the election of a city clerk, or in case of a vacancy in the office, the board of aldermen may elect a temporary clerk who shall act as clerk of the board until a city clerk is chosen and qualified. The city clerk shall be sworn to the faithful discharge of his duties by the president of the board of aldermen or by a justice of the peace. The clerk shall attend the sessions of the board of aldermen, and shall keep a record of its proceedings and perform such further service as the board of aldermen may require. In case of the temporary absence or disability of the city clerk the board of aldermen may appoint a city clerk pro tempore, who shall be duly sworn. In case of a vacancy in the office the same shall be filled by the board of aldermen. The board of aldermen may likewise by ordinance provide for the election of a city messenger.

City clerk, election, duties, etc.

City messenger.

SECTION 11. The board of aldermen shall be the judge of the election and qualifications of its members, shall determine the rules of its proceedings, and may appoint such assistant clerks and other officers as may be necessary for the proper conduct of its business.

Board of aldermen to be judge of the election, etc., of its members, etc.

SECTION 12. The mayor may, and the city clerk at the written request of seven members thereof shall, call a special meeting of the board of aldermen by causing a written notice of such meeting, containing a statement of the subjects to be considered thereat, to be left at the usual place of residence of each member at least twenty-four hours previous to the time appointed for the meeting, and no other business shall be transacted at such special meeting.

Special meetings of board of aldermen.

SECTION 13. In the board of aldermen a majority of the whole number of members provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Quorum.

SECTION 14. The board of aldermen shall by ordinance determine the salary of the mayor, and may in like manner change such salary from time to time, but no ordinance changing the salary shall take effect until the expiration of the current term of the mayor then in office.

Salary of mayor.

SECTION 15. All votes of the board of aldermen making appropriations or loans of money shall be in itemized

Appropriations and loans.

form, and when brought before the board of aldermen on recommendation of the mayor no item of the appropriation or loan in excess of the amount recommended by the mayor shall be passed except by the affirmative votes of two thirds of the members present and voting thereon.

Ordinances, etc., may be passed at one session unless objection is made, etc.

SECTION 16. Any ordinance, order or resolution of the board of aldermen may be passed through all its stages of legislation at one session by unanimous consent of the members of the board present. Should one member or more object action on the measure shall be postponed for at least one week; and if when it is next considered five or more members object to its passage a second postponement for at least one week shall take place.

Private sittings of board of aldermen.

SECTION 17. The board of aldermen may, by special vote, hold private sittings for the consideration of candidates for election, for the consideration of nominations by the mayor, and for executive business, but all other sittings shall be public and all votes on election of officers and on confirmation of appointments shall be taken in public.

Members of board of aldermen not to hold other city office, etc.

SECTION 18. No member of the board of aldermen shall during the term for which he is elected hold by appointment or by election of the board of aldermen any other office or position the salary or compensation for which is payable from the city treasury, nor shall he act as counsel or attorney before the board of aldermen or any committee thereof.

Not to take part in the employment of labor, etc.

SECTION 19. Neither the board of aldermen nor any committee or member thereof shall directly or indirectly take part in the employment of labor, the expenditure of public money, the making of contracts, the purchase of 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, except as herein required in providing for the appointment and removal of subordinate officers and assistants, and as may be necessary for defraying the contingent and incidental expenses of the board of aldermen.

Board of aldermen may make ordinances, affix penalties, etc.

SECTION 20. The board of aldermen shall have power within said city to make and establish ordinances and to affix thereto penalties for the violation thereof, as herein or by general law provided, without the sanction of any court or of any justice thereof. All ordinances so made

and established shall forthwith be published in one or more newspapers, to be designated by the mayor, and they shall, unless they contain an express provision for a later date, take effect at the time of their approval by the mayor, or if a penalty for their violation is provided, at the expiration of thirty days from the day of such approval.

SECTION 21. The board of aldermen shall, subject always to the approval of the mayor, have exclusive authority and power to order the laying out, locating anew and discontinuing of, and the making of specific repairs in, all streets and ways and all highways within the limits of the city; to assess the damages sustained thereby by any person, and, except as otherwise provided herein, to act in matters relating to such laying out, locating anew, altering, discontinuing or repairing. Any person aggrieved by the action of the board of aldermen hereunder shall have all the rights and privileges now by law in similar cases allowed in appeals from decisions of selectmen.

Laying out, etc., of streets, highways, etc.

SECTION 22. Except as otherwise provided herein the board of aldermen shall in general have and exercise the legislative powers of towns and of the inhabitants thereof, and shall have all the powers and authority given to city councils and boards of aldermen under the general laws of the Commonwealth, and shall be subject to the duties imposed on city councils and boards of aldermen; and shall have and exercise all the powers, other than executive, given to selectmen of towns, and to the selectmen of the town of Medford, or to the city council of the city of Medford, under any special laws heretofore passed with reference to said town or city of Medford not inconsistent herewith.

Powers and duties of board of aldermen.

SECTION 23. The mayor shall be elected from the qualified voters of the city, and shall hold office for the two municipal years next succeeding his election and until his successor is elected and qualified, except that when elected to fill a vacancy he shall hold office only for the unexpired term and until his successor is elected and qualified: *provided*, that the person holding the office of mayor at the time of the adoption of this charter shall continue to hold such office for the remainder of the term for which he was elected.

Mayor, election, term, etc.

Proviso.

SECTION 24. The mayor shall be the chief executive officer of the city, and the executive powers of the city

Powers and duties of mayor.

shall be vested in him and shall be exercised by him, either personally or through the several officers and boards in their respective departments under his general supervision and control.

Mayor to recommend certain measures, cause laws to be enforced, etc.

SECTION 25. 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 shall require; shall cause the laws, ordinances and orders for the government of the city to be enforced, and shall secure an honest, efficient and economical conduct of the executive and administrative business of the city, and the harmonious and concerted action of the different administrative and executive departments.

Who shall act in case of vacancy in office of mayor.

SECTION 26. In case of a vacancy in the office of mayor, or in case of his death, resignation or absence from the Commonwealth, or of his inability from other cause to perform the duties of his office, the president of the board of aldermen shall, under the style of acting mayor, exercise the powers and perform the duties of mayor, as by law provided in such cases, except that he shall not, unless such disability of the mayor has continued at least ten days, or unless the office of mayor has become vacant, have power to approve or disapprove any ordinance, order, resolution or vote of the board of aldermen; and he shall not have power to make appointments unless the office of mayor has become vacant.

Certain officers to be appointed by mayor, etc.

SECTION 27. The mayor shall appoint, subject to the confirmation or rejection of the board of aldermen, all the officers of the city, unless their election or appointment is herein or by statute law otherwise provided for. No such appointment made by the mayor shall be acted upon by the board of aldermen until the expiration of one week from the time when the appointment is transmitted to the board. Any officer, except assessors, so appointed may be removed by the mayor for such cause as he shall deem sufficient and shall assign in his order of removal, and the removal shall take effect upon the filing of the order therefor in the office of the city clerk and the service of a copy of such order upon the officer removed, either personally or at his last or usual place of residence. The city clerk shall keep such order on file and subject to public inspection.

Removals.

Record of official acts of mayor to be kept, etc.

SECTION 28. The mayor shall cause to be kept a record of all his official acts, and for that purpose and to

aid him in his official duties he may, without the confirmation of the board of aldermen, appoint one or more clerks, whose compensation shall be fixed by the board of aldermen.

SECTION 29. The mayor shall cause to be made to him in the month of January of each year by the heads of departments, and by all other officers and boards having authority to expend money, detailed estimates of the amounts deemed by them to be necessary for their respective departments for the financial year, which shall begin on the first Monday of January; and he shall, not later than the tenth day of February, transmit such estimates to the board of aldermen, recommending such appropriations for each department or purpose as he shall deem necessary therefor.

Estimates of expenses.

SECTION 30. No sum appropriated for a specific purpose shall be expended for any other purpose. No expenditure shall be made and no liability incurred by or in behalf of the city until the board of aldermen has duly voted an appropriation sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable therefrom, unless by authority of said board first obtained, except that, after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

Appropriations and expenditures.

SECTION 31. The mayor shall annually require all boards and officers intrusted with the receipt and expenditure of public money and with the care and custody of public property to make particular and detailed statements thereof, and shall cause such statements to be published for the information of the citizens.

Detailed statements of receipts and expenditures, etc., to be made and published.

SECTION 32. There shall be the following administrative officers, who shall perform the duties by law prescribed for them respectively, and such further duties not inconsistent with the nature of their respective offices and with general laws as the board of aldermen may prescribe: —

Administrative officers.

First. A city treasurer.

Second. A city collector.

Third. A city auditor.

Fourth. A city solicitor.

Administrative officers.

Fifth. A city engineer.

Sixth. A city physician.

Seventh. A board of assessors, consisting of three persons.

Eighth. A board of overseers of the poor, consisting of three persons.

Ninth. A board of health, consisting of four persons.

Tenth. A street commissioner, who shall have the powers of a surveyor of highways.

Eleventh. A board of water and sewer commissioners, consisting of three persons.

Twelfth. A board of trustees of cemeteries, consisting of three persons, which shall succeed to and have all the powers, duties and liabilities of the trustees of Oak Grove Cemetery; but no existing contracts, liabilities or suits shall be affected thereby.

Thirteenth. A board of trustees of the public library, consisting of three persons, which shall have the management and control of the public library of the city and the expenditure of all moneys which may be appropriated for said library, and of all moneys which may come into the possession of said city for the benefit of said library, and may employ such assistants as it shall deem necessary, and establish their compensation.

Additional boards and officers may be established, etc.

SECTION 33. The board of aldermen may from time to time, subject to the provisions of this act and in accordance with general laws, if they exist in any particular case, provide by ordinance for the establishment of additional boards and officers for the construction and care of the various public works and buildings, for the direction and custody of public parks, for the management and control of a public hospital, and for other municipal purposes; may determine the number and duties of the incumbents of such boards and offices, and for such purposes may delegate to such boards and offices the administrative powers given by general laws to city councils and boards of aldermen. The board of aldermen may likewise from time to time consolidate boards and offices, and may separate and divide the powers and duties of such as are or may be established, may increase the number of persons constituting any of the boards above specified, and when such increase has been made may subsequently diminish the number, may increase or diminish the number of persons who shall perform the duties of an office or board

hereafter established as above provided, and may abolish an office or board so hereafter established.

SECTION 34. It shall be the duty of the mayor to appoint all the officers above specified, and, unless otherwise provided, all those for whom provision shall hereafter be made as above, on or before the first Monday in February in the municipal year, and their terms of office shall begin on the first Monday in March and shall continue for one year or for such other period as the board of aldermen shall by ordinance in any case provide, except that the terms of office of all the officers so specified who shall first be appointed hereunder shall begin respectively upon their appointment and qualification. Every administrative officer shall, unless sooner removed, hold office until his successor is appointed and qualified.

Certain officers to be appointed by mayor, etc.

SECTION 35. The mayor shall on or before the first Monday in February after the acceptance of this act appoint the board of trustees of cemeteries, and the board of trustees of the public library, and the board of water and sewer commissioners, and shall appoint one member of each for three years, one of each for two years and one of each for one year; and thereafter the mayor shall annually appoint one member of each board, who shall hold office for the term of three years next ensuing and until another shall be appointed and confirmed in his stead.

Trustees of cemeteries, trustees of public library, water and sewer commissioners, appointment, terms, etc.

SECTION 36. All administrative officers shall be sworn to the faithful discharge of their respective duties, and certificates of their oaths shall be made and kept in the office of the city clerk; and all such boards and other officers shall keep a record of their official transactions, and such record shall be open to public inspection.

Administrative officers to be sworn, etc.

SECTION 37. The board of aldermen shall require the city treasurer, the city collector, the city auditor and such other officers as are intrusted with the receipt, care or disbursement of money, to give bonds, with such security as it shall deem proper, for the faithful discharge of their respective duties.

Certain officers to give bonds, etc.

SECTION 38. The administrative boards and officers specified in section thirty-two, and every administrative board and officer hereafter established by the board of aldermen and having the charge of a department shall have the power, except as otherwise provided herein, to appoint and employ and to discharge and remove all

Appointment, removal, etc., of subordinate officers, clerks, etc.

subordinate officers, clerks and assistants in their respective departments; and they shall keep a record, subject to public inspection, of all persons so appointed and employed and of all discharged and removed, and in case of discharge and removal, of the grounds therefor.

Employment of labor, making of contracts, etc.

SECTION 39. The several administrative boards and officers having charge of departments shall, within their respective departments, employ all labor, make and execute all necessary contracts, purchase all materials and supplies, have charge of the construction, alteration and repair of all public buildings and works, have the entire care, custody and management of all public works, institutions, buildings and other property, and shall in general have the immediate direction and control of all executive and administrative business; and they shall at all times be accountable for the proper discharge of their duties to the mayor as the chief executive officer of the city. All contracts made in behalf of the city in which the amount involved exceeds three hundred dollars shall, in order to be valid, require the signature of the mayor, and except as otherwise provided herein or by law required no expenditure shall be made or liability incurred for any purpose beyond the appropriations previously made therefor.

Police department.

SECTION 40. The board of aldermen may establish a police department, and may provide for the appointment of a chief of police and of other members of the police force by the mayor, or for the appointment of other members of the force by a chief of police to be appointed by the mayor.

Fire department.

SECTION 41. The board of aldermen may establish a fire department, and may provide for the appointment of a chief engineer and of other members of the department by the mayor, or for the appointment of other members of the department by a chief engineer to be appointed by the mayor.

Officers to give certain information upon request.

SECTION 42. Every administrative board, through its chairman, and every officer having charge of a department, shall, at the request of the board of aldermen, appear before it and give such information as it may require in relation to any matter, act or thing connected with the discharge of the duties of such board or office; and when requested to appear the officer who appears

shall have the right to speak upon all matters under consideration relating to his department.

SECTION 43. The board of aldermen shall establish by ordinance the salary or compensation of every administrative officer, but after the first municipal year no ordinance changing any such salary or compensation shall take effect until the municipal year succeeding that in which the ordinance is passed.

Salary or compensation of officers.

SECTION 44. The management and control of the schools of the city shall be vested in a school committee, consisting of the mayor as member ex officio, three members at large and seven members from wards, one from each ward; all of whom shall be inhabitants of the city. At the annual municipal election next succeeding the acceptance of this act there shall be elected by the voters of the whole city one member at large of the school committee to serve for the term of three years, one to serve for the term of two years and one to serve for the term of one year, beginning with the first Monday of January next ensuing; and at each annual municipal election thereafter one such member shall be elected to serve for the term of three years. At the first municipal election held under this revised charter seven members of the school committee, one being an inhabitant of each ward, shall be elected by the qualified voters of the whole city. Three such members shall serve for the term of three years, two for terms of two years and two for terms of one year, beginning with the first Monday in January next ensuing; and their respective terms shall be assigned to them by the mayor immediately after their election. Thereafter at each annual municipal election the qualified voters of the whole city shall elect members of the school committee from wards, as many in number as members from wards whose terms then expire, and inhabitants of the same wards from which the members whose terms of office then expire were elected, to serve for terms of three years as aforesaid.

School committee, election, terms, etc.

SECTION 45. In case of a vacancy in the office of a member of the school committee the mayor shall call a joint convention of the board of aldermen and of the school committee, at which the president of the board of aldermen shall preside, and such vacancy shall, by vote of a majority of all the members of the two bodies, be filled

Vacancy in school committee.

by the election of a member at large or of a member from a certain ward, according as the vacancy exists, to serve until the end of the municipal year in which the warrant or order for the next annual municipal election shall be issued; and at such election the further vacancy, if any, shall be filled for the remainder of the unexpired term in the manner in which the member whose office is vacant was elected.

Organization, to determine rules for its proceedings, etc.

SECTION 46. The school committee shall meet on the first Monday in January in each year and organize by the election by ballot of one of its members as chairman, and by the election of a clerk. The committee shall be the judge of the election and qualifications of its members and shall determine the rules for its proceedings. A majority of the whole number provided to be elected shall constitute a quorum for the transaction of business, but a smaller number may adjourn from time to time.

Quorum.

May elect a superintendent of schools, appoint subordinate officers, etc.

SECTION 47. The school committee may elect a superintendent of schools, and may appoint such other subordinate officers and assistants as it may deem necessary for the proper discharge of its duties and the conduct of its business; shall define their terms of service and duties and fix their compensation, and may remove and discharge them at pleasure.

To purchase lands for school purposes, determine plans of school buildings, etc.

SECTION 48. The school committee, in addition to the exercise of the powers and the discharge of the duties imposed by law upon school committees, shall, subject to the approval of the mayor and to the provisions of the following three sections, have full power and authority to select and purchase lands for school purposes, to determine the plans of all school buildings to be erected, to order all additions, alterations and repairs to school buildings, and to provide when necessary temporary accommodations for school purposes.

Estimates of expenses.

SECTION 49. The school committee shall in the month of January in each year submit to the mayor an estimate in detail of the amount deemed by it necessary to expend for its purposes during the succeeding financial year, and the mayor shall transmit the same, with the estimates of the departments, to the board of aldermen, and shall recommend such appropriations as he shall deem necessary.

No liability to be incurred, etc., beyond specific appropriation, except, etc.

SECTION 50. Unless thereto required by law the school committee shall cause no liability to be incurred and no expenditure to be made for any purpose beyond the spe-

cific appropriation which may be made therefor by the board of aldermen, except that after the expiration of the financial year and before the making of the regular annual appropriations, liabilities payable out of a regular appropriation may be incurred to an amount not exceeding one sixth of the total of the appropriation made for similar purposes in the preceding year.

SECTION 51. The removal of a member of the school committee from the ward for which he was elected to another ward of the city shall not disqualify him from discharging the duties of his office for the remainder of the term for which he was elected.

Members not disqualified by reason of removal from ward, etc.

SECTION 52. The general laws relating to the municipal indebtedness of cities, the general laws requiring the approval of the mayor to the doings of a city council or of either branch thereof, and relative to the exercise of the veto power by the mayor of a city, and the provisions of chapter nineteen of the Revised Laws, and of all acts in amendment thereof, shall have full force, application and effect in said city.

Certain provisions of law to apply, etc.

SECTION 53. All persons holding office in said city at the time when this act takes effect and becomes of force therein, as herein provided, shall continue to hold such offices until the organization of the city government as hereby authorized shall be effected and until their respective successors shall be chosen and qualified.

Certain persons to continue to hold office, etc.

SECTION 54. No suits, prosecutions or other legal proceedings in which said city is a party, pending at the time when this act takes effect in said city, and no rights then accrued, or penalties or forfeitures incurred under any such proceedings, shall be affected or impaired by this act; and all by-laws and ordinances of the town and city of Medford, not inconsistent with the terms of this act, shall continue in force until repealed or superseded by ordinance.

Certain legal proceedings, etc., not affected, etc.

SECTION 55. Trust funds now or hereafter given to or held by said city shall be received, held and administered by the board of aldermen, unless otherwise provided in the acceptance of the trust, and trust funds now or hereafter given to or held by other designated officials of the city shall be received, held and administered by such other officials.

Trust funds.

SECTION 56. All general laws in force in the city of Medford when this act is accepted as herein provided,

Certain laws to continue in force.

and all special laws heretofore passed with reference to the town or city of Medford, which shall have been duly accepted by said town or city, and which shall then be in force, shall, until altered, amended or repealed, continue in force in the city of Medford.

City to be divided into seven wards.

SECTION 57. Upon the taking effect of this act as herein provided the territory of the city shall be divided into seven wards, by a joint convention of the board of aldermen and the common council, to be called by the mayor, at which he shall preside as chairman and have the right to vote; the division shall be made so that the wards shall contain, as nearly as may be consistent with well defined limits to each, equal numbers of voters, and they shall designate the wards by numbers. The board of aldermen shall for the purpose of the first municipal election to be held hereunder, which shall take place on the second Tuesday in the December next succeeding such taking effect, provide suitable polling places in the seven wards, and shall give notice thereof. The mayor shall, at least thirty days previous to such second Tuesday in December, appoint all proper election officers for such election. The registrars of voters shall cause to be prepared and published, according to law, lists of the qualified voters in each of the wards so established.

First municipal election.

Question of acceptance to be submitted to voters at next annual state election, etc.

SECTION 58. The question of the acceptance of this act shall be submitted to the legal voters of the city of Medford 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 three, entitled "An Act to revise the charter of the city of Medford", 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 three, 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 four. 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 four, and this act shall take full effect on the first Monday of January next ensuing.

SECTION 59. So much of this act as authorizes its submission to the legal voters of the city shall take effect upon its passage, but it shall not take further effect unless accepted as herein prescribed.

When to take effect.

Approved May 15, 1903.

AN ACT TO INCORPORATE THE HUNTINGTON AND WESTFIELD RIVER RAILWAY COMPANY.

Chap. 346

Be it enacted, etc., as follows:

SECTION 1. William A. Whittlesey, Alexander Kennedy, Milton B. Warner, Leonard F. Hardy, Charles K. Brewster, Dwight I. Stanton, Darwin E. Lyman, Charles H. Ball, John B. Laidley, Edward W. Blakeslee, Alvan Barrus and Harry S. Packard, their associates and successors, are hereby made a corporation for the conveyance of passengers and property, by the name of the Huntington and Westfield River Railway Company; with all the powers and privileges and subject to all the liabilities set forth in all general laws now or hereafter in force relating to street railway companies, and with such other powers and privileges as are herein granted, and except as otherwise provided herein.

Huntington and Westfield River Railway Company incorporated.

SECTION 2. Said company may locate, construct, maintain and operate its railway with a single or double track, in the manner provided by law, upon highways and state highways, and in part upon private land, in the towns of Huntington, Chester, Chesterfield, Worthington, Cummington, Windsor, Savoy, Plainfield, Goshen, Ashfield and Conway.

May construct, etc., its railway in certain towns.

SECTION 3. Said company may operate its railway by electricity, or by any other motive power which shall be approved by the board of railroad commissioners, and in connection therewith may generate, manufacture, use and transmit electricity, may erect and maintain poles, trolley, feed and other wires, and other convenient devices and appliances for conducting electricity in, over and under any ways or bridges in any city or town

Motive power, etc.

wherein it may be authorized by the board of aldermen or selectmen, or other board exercising the authority of aldermen or selectmen, to construct and operate its railway, and upon and over any private land, with the consent of the owners thereof, and may sell electricity to or purchase electricity from any other street railway or electric light company.

May acquire certain real estate, etc.

SECTION 4. Said company may acquire, by purchase or lease, and may hold, all real estate and water powers necessary or convenient for operating its power stations by water power and for other uses incident to the proper maintenance and operation of its railway, and for the purpose of furnishing electricity as provided in the preceding sections: *provided, however*, that if, within one year from the first day of June in the year nineteen hundred and three, the city of Springfield is granted the right to take the water of the east branch of the Westfield river for water supply, then this act shall not authorize said company to acquire any water rights in or upon, or to construct a dam, power plant or other structure, with a view to the use of the water upon or divert any water from said east branch of the Westfield river at any point below the elevation of four hundred and fifty-two feet above mean sea level.

Proviso.

Capital stock.

SECTION 5. The capital stock of said company shall not exceed five hundred thousand dollars, but may be increased from time to time, 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 as required by law, issue from time to time by a majority in interest of its stockholders, coupon or registered bonds, and may secure the same by a mortgage or mortgages of the whole or parts of the franchise, railway and other property of the company.

Certain towns may hold shares of stock or bonds.

SECTION 7. Any town in which any part of said railway shall be located by the selectmen thereof, in accordance with law, may subscribe for, take and hold shares of stock or bonds of said company to the amount and in the manner prescribed by general laws in relation to railroads and railroad corporations; and for the purpose of this section said company shall be deemed to be a railroad corporation.

SECTION 8. The authority herein granted shall cease if ten miles of the proposed railway have not been built and put in operation at the end of three years from the passage of this act, and it shall cease as to all towns mentioned in section two in which the proposed railway has not been built and put in operation at the end of five years from the passage of this act.

Authority to cease unless certain provisions are complied with.

SECTION 9. This act shall take effect upon its passage.

Approved May 15, 1903.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF PLYMOUTH TO TAKE FOR THE WIDENING OF WEBSTER STREET IN THE TOWN OF ROCKLAND SO MUCH OF THE WEBSTER STREET CEMETERY AS MAY BE NECESSARY FOR THAT PURPOSE.

Chap. 347

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized to take, in the manner in which land may be taken for the laying out or widening of highways, so much of the land of the Webster Street cemetery in the town of Rockland as may be reasonably necessary for the widening of the highway known as Webster street in said town.

Land of Webster Street cemetery in Rockland may be taken for highway purposes.

SECTION 2. The said commissioners may remove the remains of the dead and the monuments erected to their memory from that part of said cemetery which may be taken under authority of this act for the widening of Webster street, to some other part of said cemetery. The commissioners shall fix a time for the removal of said remains and monuments and shall publish notice thereof once each week for three successive weeks in some newspaper published in said town of Rockland, the last publication to be at least seven days before the time fixed for such removal.

Removal of remains of dead, etc.

SECTION 3. Upon a request in writing by any relative or friend of a person whose remains are to be removed, said remains shall be interred, and the monument in memory thereof shall be erected, in any other cemetery which may be selected by such relative or friend, he or she first paying the cost of the removal and interment of the remains and of the removal and erection of the monument.

Removal of remains, etc., to other cemeteries.

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

Approved May 15, 1903.

Chap.348 AN ACT TO AUTHORIZE THE COMMISSIONERS ON FISHERIES AND GAME TO CALL OR ATTEND A CONVENTION OF COMMISSIONERS OF LOBSTER-PRODUCING STATES AND OF THE BRITISH PROVINCES.

Be it enacted, etc., as follows :

Commissioners on fisheries and game may call a convention of commissioners of lobster-producing states, etc.

SECTION 1. The commissioners on fisheries and game are hereby authorized to call a convention of the fish and game commissioners of the lobster-producing states and of the British provinces to meet at Boston during the year nineteen hundred and three, to determine on recommendations for uniform laws and regulations for the better preservation of the lobster, and for other like purposes. If such a convention is called elsewhere than at Boston the commissioners are authorized to attend the same, instead of calling a convention as provided in section one.

Certain sum may be expended.

SECTION 2. The said commissioners may expend a sum not exceeding two hundred dollars in carrying out the purposes of this act.

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

Approved May 15, 1903.

Chap.349 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO FRANCIS V. GRIGGS.

Be it enacted, etc., as follows :

City of Boston may pay a sum of money to widow of Edward W. Griggs.

SECTION 1. The city of Boston is hereby authorized to pay to Francis V. Griggs, widow of Edward W. Griggs late an employee in the sewer department of that city, a sum of money not exceeding one half of his annual salary : *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.

Proviso.

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

Approved May 15, 1903.

Chap.350 AN ACT TO AUTHORIZE THE HOLYOKE WATER POWER COMPANY TO MANUFACTURE, SELL AND DISTRIBUTE ELECTRICITY FOR POWER PURPOSES.

Be it enacted, etc., as follows :

The Holyoke Water Power Company may manufacture

SECTION 1. The Holyoke Water Power Company, incorporated by chapter six of the acts of the year eighteen

hundred and fifty-nine, is hereby authorized to manufacture electricity for power purposes, within the city of Holyoke and the town of South Hadley, and to sell and distribute the same in any of the cities and towns within the counties of Hampden or Hampshire, upon receiving the approval of the mayor and aldermen of any such city or of the selectmen of any such town: *provided, however*, that it shall not sell or deliver electricity to any one purchaser in a quantity less than one hundred horse power at any time, nor until it has made with such purchaser a written contract providing that such purchaser shall use such electricity in his own business only, and upon his own property, except that it may sell to any city or town within the counties of Hampden or Hampshire which has established or may hereafter establish a municipal lighting plant, and any such city or town may purchase of said company electricity in any quantity and for any purpose for which such city or town can legally use the same.

and sell electricity for power purposes.

Proviso.

SECTION 2. The supreme judicial court and the superior court shall have jurisdiction in equity upon application of the mayor of any city or the selectmen of any town in which electricity shall be sold as aforesaid by the Holyoke Water Power Company to enjoin the said company from violating any provision of section one of this act, or to enjoin a purchaser under such written contract from violating the terms of said contract.

Supreme judicial and superior courts to have jurisdiction in cases of violation of provisions or contracts.

SECTION 3. Said Holyoke Water Power Company may erect and maintain necessary poles for the support of wires and may string and maintain wires thereon, in, through or over any streets or highways, subject however to the provisions of sections one to five, inclusive, of chapter one hundred and twenty-two, and of sections twenty-six and twenty-seven of chapter one hundred and twenty-one of the Revised Laws, and of all other general laws now or hereafter applicable thereto. And said company may lay its wires or any part thereof underground, upon obtaining the same permissions which are required for overhead lines by the foregoing provisions of the Revised Laws. Said company shall in all respects, except as otherwise provided herein, be subject to all general laws now or hereafter in force applicable to corporations engaged in the manufacture or sale of electricity for power, except street railway companies.

Company may erect poles, string wires, etc.

To install plant and furnish electricity within three years.

SECTION 4. Unless said company shall install a plant and furnish electricity under the provisions of this act within three years after the passage of this act all rights granted herein shall cease.

Right to sell or distribute electricity to cease unless certain provisions are complied with.

SECTION 5. The right to sell or distribute electricity under the provisions of this act shall cease at the end of ten years after the passage of this act, in every city or town in which said company shall not have entered upon the supply and sale of electricity for power in accordance with the terms of section one hereof.

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

Approved May 15, 1903.

Chap. 351

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO ELLEN E. WELCH.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to mother of William J. Welch.

SECTION 1. The city of Boston is hereby authorized to pay to Ellen E. Welch, mother of William J. Welch who, while in the discharge of his duties as a member of the fire department of the city of Boston, sustained injuries causing his death, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Welch would have been entitled if he had lived and continued to serve as such member of the fire department 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 May 15, 1903.

Chap. 352

AN ACT TO AUTHORIZE THE CITY OF HOLYOKE TO INCUR INDEBTEDNESS FOR COMPLETING THE HIGH SERVICE RESERVOIR.

Be it enacted, etc., as follows:

Holyoke Reservoir Loan, Act of 1903.

SECTION 1. The city of Holyoke, for the purpose of completing its high service reservoir, so-called, is hereby authorized to issue from time to time notes, bonds or scrip, to an amount not exceeding fifty thousand dollars, to be denominated on the face thereof, Holyoke Reservoir Loan, Act of 1903, and bearing interest at a rate not exceeding four per cent per annum, payable semi-annually.

R. L. 27, etc., to apply, etc.

SECTION 2. Such notes, bonds or scrip shall be payable in periods not exceeding ten years from their dates

of issue, and, except as otherwise provided herein, 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 said city.

Not to be reckoned in determining debt limit.

SECTION 3. Said city shall provide at the time of contracting said loan for the establishing of a sinking fund, and shall annually contribute thereto 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.

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

Approved May 15, 1903.

AN ACT RELATIVE TO A BRIDGE ACROSS CHELSEA CREEK BETWEEN BOSTON AND CHELSEA.

Chap. 353

Be it enacted, etc., as follows:

SECTION 1. The cities of Boston and Chelsea, or either of them, subject to the provisions of chapter ninety-six of the Revised Laws, may build and maintain a highway drawbridge across Chelsea creek, from or near Orient Heights in the city of Boston to a point at or near Webster avenue in the city of Chelsea.

Bridge may be built across Chelsea creek between Boston and Chelsea.

SECTION 2. The bridge shall be built and paid for by one or both of said cities in such manner and upon such terms and conditions as the said cities, each acting by its board of aldermen with the approval of the mayor, shall agree upon.

Payment of expense.

SECTION 3. Chapter one hundred and sixty-five of the acts of the year eighteen hundred and ninety-four is hereby repealed.

Repeal.

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

Approved May 15, 1903.

AN ACT RELATIVE TO THE EXPENSE OF REMOVING PRISONERS.

Chap. 354

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and eight of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section*

R. L. 225, § 108, amended.

Payment of
expense of
removing
prisoners.

108. The expense of removing prisoners from one jail or house of correction to another shall be paid by the county from which the prisoner is removed. The expense of removing prisoners from jails and houses of correction to any of the state institutions, or from any of the state institutions to a jail or house of correction, shall be paid from the treasury of the Commonwealth after approval by the prison commissioners.

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

Approved May 15, 1903.

*Chap.*355

AN ACT RELATIVE TO THE REMOVAL OF STATE PAUPERS TO THE STATE HOSPITAL OR OTHER STATE INSTITUTIONS.

Be it enacted, etc., as follows :

R. L. 81, § 21,
amended.

SECTION 1. Section twenty-one of chapter eighty-one of the Revised Laws is hereby amended by adding at the end thereof the following : — If any such person refuses to submit to removal the state board of charity, or any of its officers or agents, may apply to the district, municipal or police court of the district where such person resides, or to any trial justice, for an order directing that such removal be made. Upon such application the court or magistrate shall forthwith cause a summons to be served upon the person so refusing, and, if he be a minor, upon his parent or guardian, requiring the attendance of the person so summoned at a time and place appointed therein for hearing ; and at such time and place shall hear and examine upon oath such person or persons, and shall hear such other evidence as may be material. If upon hearing it appears that the person sought to be removed is without a legal settlement in this Commonwealth and is unable to support himself, and that his necessities or the public interests require his removal, the court or magistrate shall issue an order in writing, directed to a duly constituted officer or agent of the state board of charity, reciting that such person appears to be a state pauper, and that his necessities or the public interests require his removal, and commanding such officer or agent to remove him to the state hospital or to any other state institution designated by the state board of charity, and such officer or agent shall thereupon make the removal as ordered. After the removal is made such officer or agent shall file such order, with his return thereon, with the clerk of the

court from which it was issued, or if issued by a trial justice it shall be filed with him. In every case where removal is ordered a detailed statement of the expense incurred by any city or town for the support of the person so removed while application for his removal was pending before the court, shall be rendered, and after approval by the state board shall be paid by the Commonwealth,—so as to read as follows:— *Section 21.* A city or town may furnish aid to poor persons found therein, having no lawful settlements within the Commonwealth, if the overseers of the poor consider it for the public interest; but, except in cases under the provisions of section fourteen of chapter eighty-five, not for a greater amount than two dollars a week for each family during the months of May to September, inclusive, or three dollars a week during the other months; and the overseers shall in every case give immediate notice in writing to the state board of charity, which shall examine the case and if it directs a discontinuance of such aid, shall remove such persons to the state hospital or to any state or place where they belong, if their necessities or the public interest requires it, and the superintendent of said hospital shall receive the persons removed thereto as if they were sent there in accordance with the provisions of section seven of chapter eighty-five. A detailed statement of expenses so incurred shall be rendered, and after approval by the state board, such expenses shall be paid by the Commonwealth. If any such person refuses to submit to removal the state board of charity, or any of its officers or agents, may apply to the district, municipal or police court of the district where such person resides, or to any trial justice, for an order directing that such removal be made. Upon such application the court or magistrate shall forthwith cause a summons to be served upon the person so refusing, and, if he be a minor, upon his parent or guardian, requiring the attendance of the person so summoned at a time and place appointed therein for hearing; and at such time and place shall hear and examine upon oath such person or persons, and shall hear such other evidence as may be material. If upon hearing it appears that the person sought to be removed is without a legal settlement in this Commonwealth and is unable to support himself, and that his necessities or the public interests require his removal, the court or magistrate shall

Cities and towns may furnish aid to certain state paupers, etc.

Removal to hospitals, etc.

issue an order in writing, directed to a duly constituted officer or agent of the state board of charity, reciting that such person appears to be a state pauper, and that his necessities or the public interests require his removal, and commanding such officer or agent to remove him to the state hospital or to any other state institution designated by the state board of charity, and such officer or agent shall thereupon make the removal as ordered. After the removal is made such officer or agent shall file such order, with his return thereon, with the clerk of the court from which it was issued, or if issued by a trial justice it shall be filed with him. In every case where removal is ordered a detailed statement of the expense incurred by any city or town for the support of the person so removed while application for his removal was pending before the court, shall be rendered, and after approval by the state board shall be paid by the Commonwealth.

When to take effect.

SECTION 2. This act shall take effect on the first day of July in the year nineteen hundred and three.

Approved May 15, 1903.

Chap. 356

AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION BY THE METROPOLITAN WATER AND SEWERAGE BOARD OF THE HIGH-LEVEL GRAVITY SEWER FOR THE RELIEF OF THE CHARLES AND NEPONSET RIVER VALLEYS.

Be it enacted, etc., as follows:

Treasurer and receiver general to issue scrip or certificates of debt, etc.

SECTION 1. The treasurer and receiver general of the Commonwealth, in order to meet additional expenses incurred under the provisions of chapter four hundred and twenty-four of the acts of the year eighteen hundred and ninety-nine, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding nine hundred and ninety-six thousand dollars, in addition to the amount authorized to be issued under the provisions of said chapter; and the provisions of said chapter and of acts in amendment thereof and in addition thereto shall apply to this additional loan.

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

Approved May 15, 1903.

AN ACT TO ESTABLISH THE OFFICE OF CHIEF CLERK IN THE DEPARTMENT OF THE ATTORNEY-GENERAL.

Chap.357

Be it enacted, etc., as follows :

SECTION 1. The office of chief clerk in the department of the attorney-general is hereby created.

Office of chief clerk in department of attorney-general established.
Appointment, etc.

SECTION 2. Said clerk shall be exempt from civil service examination and enrolment, and shall be appointed by the attorney-general, who shall, with the approval of the governor and council, fix his compensation.

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

Approved May 15, 1903.

AN ACT TO DIRECT THE STATE BOARD OF HEALTH TO INVESTIGATE THE DUMPING OF GARBAGE AND RUBBISH IN THE HARBORS AND ALONG THE SEACOAST OF MASSACHUSETTS BAY, AND TO REPORT AS TO THE SAME.

Chap.358

Be it enacted, etc., as follows :

SECTION 1. The state board of health is hereby directed to investigate the dumping of garbage and rubbish in the harbors and along the seacoast of Massachusetts Bay, and to report its findings to the general court, with such recommendations as it may deem expedient to provide for the inspection and regulation of such dumping, and to prevent the strewing of the shores with offensive material, whereby a nuisance is created.

Dumping of garbage, etc., in harbors and along seacoast of Massachusetts Bay to be investigated, etc.

SECTION 2. To carry out the purposes of this act the said board is hereby authorized to expend a sum not exceeding one thousand dollars.

Certain sum may be expended.

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

Approved May 15, 1903.

AN ACT TO INCREASE THE AMOUNT OF MONEY TO BE PLACED AT THE DISPOSAL OF THE METROPOLITAN PARK COMMISSION FOR BOULEVARD PURPOSES.

Chap.359

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

The metropolitan park commission may expend an additional sum.

hundred and ninety-four and of all acts in amendment thereof or in addition thereto may expend an additional sum of one hundred and ten thousand dollars.

Treasurer and receiver general to issue scrip or certificates of indebtedness, etc.

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 certificates of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the said amount of one hundred and ten thousand dollars, as an addition to the Metropolitan Parks Loan, Series Two, at such times and in such sums as the said commission shall certify to him to be necessary to meet 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 May 15, 1903.

Chap. 360 AN ACT RELATIVE TO THE DEPOSIT IN THE TREASURY BELONGING TO THE BOSTON, CAPE COD AND NEW YORK CANAL COMPANY.

Be it enacted, etc., as follows:

Deposit in treasury belonging to the Boston, Cape Cod and New York Canal Company may be invested, etc.

SECTION 1. The treasurer and receiver general is hereby authorized, in his discretion, to invest the two hundred thousand dollars in cash deposited by the Boston, Cape Cod and New York Canal Company in accordance with section twenty-three of chapter four hundred and forty-eight of the acts of the year eighteen hundred and ninety-nine, in Massachusetts bonds, bearing interest at a rate not less than three per cent per annum, said bonds to be registered in the name of the treasurer and receiver general in trust for the Boston, Cape Cod and New York Canal Company, and to be subject to all the provisions of said chapter four hundred and forty-eight, and also to the provisions of section six of chapter six of the Revised Laws. The interest on said bonds shall be paid semi-

annually to the Boston, Cape Cod and New York Canal Company.

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

Approved May 18, 1903.

AN ACT RELATIVE TO THE SALE OF RENOVATED BUTTER.

Chap. 361

Be it enacted, etc., as follows:

Section forty-eight of chapter fifty-six of the Revised Laws is hereby amended by striking out all after the word "type", in the twentieth line, and inserting in place thereof the words:—Whoever violates any provision of this section shall for a first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, for a second offence by a fine of not less than one hundred nor more than three hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not less than sixty nor more than ninety days,—so as to read as follows:—*Section 48.* Whoever, himself or by his agent, or as the servant or agent of another person, sells, exposes for sale or has in his custody or possession with intent to sell, any article or compound which is produced by taking original packing stock or other butter, or both, melting the same, so that the butter fat can be drawn off, mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and re-churning the said mixture, or by any similar process, and is commonly known as process butter, shall have the words "*renovated butter*" conspicuously stamped, labelled or marked, in a straight line in printed letters, not less than one half inch in length, of plain, uncondensed gothic type, so that said words cannot be easily defaced, upon the top, side and bottom of every tub, firkin, box or package containing said article or compound. The seller at retail of said article or compound, which is not in the original package, shall himself or by his agent, attach to each package so sold and deliver therewith to the purchaser a label or wrapper bearing in a conspicuous place upon the outside of the package the words "*renovated butter*" in printed letters not less than one half inch in length, in a straight line of plain, uncondensed gothic type. Whoever violates any provision of this section shall for a first offence be punished by a fine of not less than twenty-five nor more than one hundred dollars, for

R. L. 56, § 48,
amended.

Sale of re-
novated butter
regulated, etc.

Penalty.

a second offence by a fine of not less than one hundred nor more than three hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not less than sixty nor more than ninety days.

Approved May 18, 1903.

Chap.362 AN ACT TO AUTHORIZE THE CONVEYANCE TO THE TOWN OF FRAMINGHAM OF A CERTAIN PARCEL OF LAND BELONGING TO THE COMMONWEALTH.

Be it enacted, etc., as follows:

Certain parcel of land belonging to the Commonwealth may be conveyed to the town of Framingham.

SECTION 1. The governor and council are hereby authorized to convey to the town of Framingham the strip of land on Concord street in said town, extending the length of the state camp ground, between the town highway and the fence bounding on said camp ground. The said conveyance shall be made upon the condition that the said town will build and maintain a sidewalk not less than ten feet wide, with a granite curbing, extending throughout the said strip of land, and will remove all telephone and telegraph poles now standing on said parcel of land to a suitable position in the line of said curbing, and that the said work of constructing the sidewalk and curbing and of removing the poles shall be done subject to the approval of the adjutant general of the Commonwealth.

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

Approved May 18, 1903.

Chap.363 AN ACT TO CHANGE THE HARBOR LINES ON THE WESTERLY AND EASTERLY SIDES OF FISH ISLAND IN NEW BEDFORD HARBOR.

Be it enacted, etc., as follows:

Harbor lines at Fish island in New Bedford harbor changed.

SECTION 1. The lines hereinafter described at Fish island in New Bedford harbor shall be and the same are hereby established as harbor lines beyond which no wharf or pier shall be extended into or over the tide waters of the Commonwealth.

Line on westerly side of Fish island described.

SECTION 2. The line on the westerly side of Fish island begins at the southwesterly corner of the abutment of the New Bedford and Fairhaven bridge on the westerly side of Fish island at the level of the bridge seat and runs southeasterly at right angles to the line of said bridge

about one hundred two and five tenths feet to the present harbor line established by chapter two hundred and sixty-nine of the acts of the year eighteen hundred and forty-eight, along the face of the stone wharf of William F. Nye.

SECTION 3. The line on the easterly side of Fish island begins at a point in the northerly side line of the New Bedford and Fairhaven bridge, ten feet easterly from the face of the abutment of said bridge on the easterly side of Fish island at the level of the bridge seat and runs four hundred thirty-three and six tenths feet northerly, substantially parallel with the face of the present wharf, making an angle of eighty-four degrees, twenty-three minutes, with the line of said bridge; thence northwesterly about eleven and one tenth feet to the most westerly corner of the wharf of John Duff, a point in the present harbor line established by chapter two hundred and sixty-nine of the acts of the year eighteen hundred and forty-eight.

Line on easterly side of Fish island described.

SECTION 4. The harbor lines heretofore established upon any portion of the harbor frontage covered by the line established by this act are hereby superseded.

Certain harbor lines superseded.

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

Approved May 18, 1903.

AN ACT TO INCORPORATE THE SHELBURNE FALLS AND ASHFIELD STREET RAILWAY COMPANY.

Chap. 364

Be it enacted, etc., as follows:

SECTION 1. Frank H. Oakman, Juan C. Wood, George D. Crittenden, Albert J. Amstein, Ernest J. Halligan, James D. Avery, John E. Urquhart, Joseph W. Thurber, Charles W. Hawks, George W. Halligan, Wilfred E. Ball and Frederick W. Amstein, their associates and successors, are hereby made a corporation under the name of the Shelburne Falls and Ashfield 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, except as otherwise provided herein.

Shelburne Falls and Ashfield Street Railway Company incorporated.

SECTION 2. Said company may locate, construct, maintain and operate its railway with a single or double track, in the manner provided by law, upon the highways and state highways, and in part upon private land, in the towns of Ashfield, Buckland and Shelburne.

May construct, etc., its railway in certain towns.

Motive power,
etc.

SECTION 3. Said company may maintain and operate its railway by electricity or by any other motive power which shall be approved by the board of railroad commissioners, and in connection therewith may generate, manufacture, use and transmit electricity, may erect and maintain poles, trolley, feed and other wires, and other convenient devices and appliances for conducting electricity in, over and under any public ways or bridges in any city or town where it may be authorized by the board of aldermen or selectmen, or other board exercising the authority of aldermen or selectmen, to construct and operate its railway, and upon and over any private land, with the consent of the owners thereof, and may sell electricity to or purchase electricity from any other street railway or electric light company.

May acquire
certain real
estate, etc.

SECTION 4. Said company may acquire, by purchase or lease, and may hold, all real estate and water power necessary or convenient for operating its power stations by water power and for other uses incident to the proper maintenance and operation of its railway, and for the purpose of furnishing electricity as provided in the preceding sections.

Capital stock.

SECTION 5. The capital stock of said company shall not exceed five hundred thousand dollars, but may be increased from time to time, 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, as required by law, issue from time to time by vote of a majority in interest of its stockholders, coupon or registered bonds, and may secure the same by a mortgage or mortgages of the whole or parts of its franchise, railway and other property.

Certain towns
may hold
shares of
stock or bonds.

SECTION 7. Any town in which any part of said railway shall be located by the selectmen thereof in accordance with law may subscribe for, take and hold shares of stock or bonds of said company to the amount and in the manner prescribed by general laws in relation to railroads and railroad corporations; and for the purposes of this section said company shall be deemed to be a railroad corporation.

Authority to
cease unless
certain pro-

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 two years from the passage of this act. visions are complied with.

SECTION 9. This act shall take effect upon its passage.

Approved May 18, 1903.

AN ACT TO CONFER ADDITIONAL POWERS UPON THE MEMBERS OF THE FIRE MARSHAL'S DEPARTMENT OF THE DISTRICT POLICE.

Chap. 365

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and forty-two of the acts of the year nineteen hundred and two is hereby amended by inserting after the word "year", in the eighteenth line, the words:—The deputy chief, said chief aid and said additional aids shall each have the powers of district police officers and may be detailed for service in the detective department by the chief of the district police or by said deputy chief, — so as to read as follows:— *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 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 deputy chief, said chief aid and said additional aids shall each have the powers of district police officers and may be detailed for service in the detective department by the chief of the district police or by said deputy chief. 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

1902, 142, § 2, amended.

Fire marshal's department of district police created.

Officers, appointment, powers and duties.

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.

Deputy chief of detective department, appointment, etc.

SECTION 2. A deputy chief of the detective department of the district police shall be appointed by the governor from the members of the district police, who shall be paid an annual salary of twenty-four hundred dollars. The deputy chief of the fire marshal's department serving at the time of the approval of this act shall be preferred for such appointment, and if so appointed he shall, without additional compensation, also perform the duties of such deputy chief of the detective department.

To act as chief in case of disability, etc., of chief.

SECTION 3. The deputy chief of the detective department shall, in case of the absence or disability of the chief, act as chief of the district police.

Additional member of district police to be appointed.

SECTION 4. One additional member of the district police, to be assigned to the inspection department, shall be appointed by the governor.

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

Approved May 18, 1903.

Chap. 366 AN ACT TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO DREDGE THE NORTHERLY SHORE OF QUINCY BETWEEN WOLLASTON AND SQUANTUM.

Be it enacted, etc., as follows:

Northerly shore of Quincy between Wollaston and Squantum to be dredged.

SECTION 1. The board of harbor and land commissioners is hereby instructed to dredge off the northerly shore of Quincy, between Wollaston and Squantum, within and without the harbor lines, in its discretion, to a depth not exceeding three feet at mean low water and to a width not exceeding forty feet.

Certain sum may be expended.

SECTION 2. The board is hereby authorized to expend for the above purpose a sum not exceeding seven thousand five hundred dollars.

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

Approved May 18, 1903.

AN ACT RELATIVE TO THE SALE OF ADULTERATED ARTICLES BY
CLERKS AND OTHERS. *Chap.367*

Be it enacted, etc., as follows :

SECTION 1. Section sixteen of chapter seventy-five of the Revised Laws is hereby amended by adding at the end of said section the words:— but no employee, other than a manager or superintendent, shall be punished for a violation of this section unless such violation was intentional on the part of the said employee, — so as to read as follows:— *Section 16.* No person shall manufacture, offer for sale or sell, within this Commonwealth, any drug or article of food which is adulterated within the meaning of section eighteen; but no employee, other than a manager or superintendent, shall be punished for a violation of this section unless such violation was intentional on the part of the said employee.

R. L. 75, § 16,
amended.

Sale of adulterated food or drugs prohibited, etc.

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

Approved May 18, 1903.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A STATE BOARD
OF VOTING MACHINE EXAMINERS. *Chap.368*

Be it enacted, etc., as follows :

SECTION 1. There shall be a state board of voting machine examiners, consisting of three persons, of whom one shall be an expert in patent law, and two shall be mechanical experts. Said examiners shall be appointed by the governor within thirty days after the passage of this act. They shall hold office for the term of five years, subject, however, to removal at the pleasure of the governor; and any vacancy shall be filled by the governor for the remainder of the unexpired term. No person shall be eligible for appointment who has a pecuniary interest in any voting machine, ballot box or counting apparatus.

State board of voting machine examiners, appointment, etc.

SECTION 2. Said examiners of voting machines shall perform the duties relative to the examination of voting machines, ballot boxes and counting apparatus now imposed by law upon the secretary of the Commonwealth, the treasurer and receiver general and the auditor of accounts. Their compensation shall be paid by the persons submitting machines, boxes or counting apparatus

Duties.

Compensation.

for examination; and such compensation shall not exceed one hundred and fifty dollars to each examiner for the examination or re-examination of a machine, fifteen dollars for the examination or re-examination of a ballot box, and five dollars for the examination or re-examination of counting apparatus.

Persons of whom machines are purchased to give bond, etc.

SECTION 3. When voting machines are purchased by a city or town the persons of whom the purchase is made shall give to the city or town clerk a bond with sufficient sureties to keep such machines in working order for two years at their own expense. Section two hundred and seventy-two of chapter eleven of the Revised Laws is hereby repealed.

Repeal.

Machines to be inspected under direction of the secretary of the Commonwealth.

SECTION 4. No voting machine shall be used at an election or caucus until it has been inspected under the direction of the secretary of the Commonwealth, and found upon such inspection to conform to drawings and specifications to be filed in the office of the secretary by the board of examiners, with their report on the machine.

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

Approved May 19, 1903.

Chap.369 AN ACT RELATIVE TO THE MAINTENANCE OF PUBLIC WAYS IN OR BORDERING UPON LAND OCCUPIED BY THE STATE COLONY FOR THE INSANE.

Be it enacted, etc., as follows:

Maintenance of public ways in or bordering upon land of state colony for insane.

SECTION 1. The expense of the care and maintenance of the public ways in or bordering upon the land of the state colony for the insane in the towns of Westminster and Gardner shall be borne by the Commonwealth.

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

Approved May 19, 1903.

Chap.370 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO IMPROVE CERTAIN STREETS AND TO EXPEND CERTAIN SUMS OF MONEY THEREFOR.

Be it enacted, etc., as follows:

City of Boston may construct, etc., certain streets, etc.

SECTION 1. The city of Boston is hereby authorized to lay out, widen, construct and improve Hyde Park avenue, Brandon street and Belgrade avenue in the West Roxbury district of the city, and to expend therefor, outside of the legal limit of indebtedness of the city, a sum

not exceeding two hundred and twenty-five thousand dollars for said Hyde Park avenue, and a sum not exceeding one hundred thousand dollars for said Brandon street and Belgrade avenue.

SECTION 2. The city of Boston is hereby authorized to lay out, widen, construct and improve Dorchester street, in that part of Boston called South Boston, and to expend therefor, outside of the legal limit of indebtedness of the city, a sum not exceeding three hundred and seventy-five thousand dollars.

May improve, etc., Dorchester street, South Boston, etc.

SECTION 3. Said highways shall be laid out, widened and constructed, and the assessable cost incurred in carrying out the provisions of this act shall be assessed under the provisions, so far as they may be applicable, of chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-one and of acts in amendment thereof or in addition thereto.

Certain provisions of law to apply, etc.

SECTION 4. The treasurer of the city of Boston, with the approval of the mayor, for the purpose of carrying out the aforesaid provisions, shall issue and sell negotiable bonds or certificates of the city to an amount not exceeding the amount aforesaid. Such bonds or certificates shall be registered or with interest coupons attached, shall be issued for terms of not more than forty years from their dates, shall be sold or disposed of in such manner and at such times and prices and in such amounts and at such rates of interest, not exceeding four per cent per annum, as said treasurer, with the approval of the mayor, shall determine; and they shall not be reckoned in determining the legal limit of indebtedness of the city. Such amounts shall be raised annually by taxation as will, with the interest thereon, be sufficient to pay the interest on the said loan and the principal as it becomes due.

Bonds or certificates may be issued, etc.

Not to be reckoned in determining debt limit, etc.

SECTION 5. This act shall take effect upon its acceptance by the city council of the city of Boston.

When to take effect.

Approved May 20, 1903.

AN ACT DIRECTING THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO CONSTRUCT A NEW BRIDGE OVER THE DANVERS RIVER BETWEEN THE CITIES OF SALEM AND BEVERLY.

Chap. 371

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed to construct

Bridge to be constructed over Danvers

river between
Salem and
Beverly.

a highway bridge, with suitable approaches, over the tide water known as Danvers river, between the city of Salem and the city of Beverly, at such place or between such points as said commissioners may determine. Said bridge shall be constructed with a draw not less than forty feet wide in the open, and subject to the approval of the board of harbor and land commissioners.

Certain prop-
erty may be
taken, etc.

SECTION 2. The said county commissioners are hereby authorized to take, for the purpose of laying out and constructing said bridge and approaches, the property of any person or corporation, and shall, within ninety days after the taking of any property as aforesaid, file in the registry of deeds for the southern district of the county of Essex a description thereof sufficiently accurate for identification, with an appraisal of the damages, if any, by them awarded to the owner or owners of such property. Any person aggrieved by the award of said county commissioners may, within one year after the filing of the description aforesaid, apply for a jury in the superior court to appraise said damages, in the same manner and subject to the same provisions as are provided in the case of land taken for highways.

Persons
aggrieved may
apply for a
jury, etc.

Payment of
expense.

SECTION 3. The expense of the laying out and construction of said bridge and approaches shall, in the first instance, be borne by the county of Essex; and the commissioners of said county are hereby authorized and directed to borrow on the credit of said county such sums of money as may be necessary to comply with the provisions of this act. The cost of constructing the said bridge and the approaches thereto, including any sums paid as damages for the taking of land or otherwise, shall not exceed the sum of one hundred thousand dollars; and no money shall be expended until the plans and specifications for the bridge and its approaches have been approved by the board of harbor and land commissioners.

Plans, etc., to
be approved
by harbor and
land commis-
sioners.

Apportion-
ment of ex-
pense, etc.

SECTION 4. Upon the completion of said bridge and approaches said county commissioners shall file in the office of the clerk of courts for the county of Essex a detailed statement, certified under their hands, of the actual cost of the bridge and approaches, and, within three months after the filing of such statement, they shall, after such notice as they may deem proper and a hearing, apportion and assess upon said county such part, not exceeding sixty per cent, of the expense of constructing the bridge

and approaches as they may deem just and reasonable, and shall apportion and assess the remainder of said expense upon the cities, or cities and towns, determined by them to be specially benefited by said bridge, in such proportions as they may determine. Said commissioners shall file in the office of the clerk of courts of said county a report of such apportionment, and said clerk shall transmit a true and attested copy thereof to the mayor of the cities and the selectmen of the towns mentioned therein; and each of said cities and towns shall pay its proportion of said expense, determined by said commissioners as aforesaid, into the treasury of the county of Essex, in such manner and in such instalments as the county commissioners of said county may direct; and if any city or town shall neglect or refuse to pay its proportion required as aforesaid, the said commissioners shall, after notice to such city or town, issue a warrant against such city or town for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county, to be applied in payment of the expense aforesaid.

Apportionment of expense, etc.

SECTION 5. In case any street railway company is granted a location upon the said bridge it shall pay into the treasury of said county as its part of the expense of constructing the bridge and the approaches thereto, a sum not less than ten per cent of the said expense, and shall also pay to said county commissioners in each year after building its railway under such location a proportion of the total excise and franchise taxes payable by such corporation, equivalent to the proportion of its mileage located under this act to its total mileage, determined according to law, toward the expense of keeping said bridge in repair.

Street railway company granted location upon bridge to pay part of expense of construction, etc.

SECTION 6. If any location of a street railway company which has made a payment toward the cost of constructing said bridge and approaches under the provisions of this section shall at any time hereafter be so changed or revoked under authority of law, 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 upon said bridge and the approaches leading thereto, the amount assessed upon and actually paid by such company under the provisions of this act shall be ascertained by the board of

Amount assessed upon street railway company may be reimbursed under certain conditions.

railroad commissioners and certified to the treasurer of the county of Essex, who shall pay the same to the company from the treasury of said county.

Cost of maintenance, etc.

SECTION 7. The cost of the maintenance and operation of said bridge and approaches, after the completion of the same, except as hereinbefore provided, shall be borne and paid by said county, or by such cities, or cities and towns therein, as the county commissioners of said county may determine, after notice and hearing as herein provided.

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

Approved May 21, 1903.

*Chap.*372 AN ACT TO AUTHORIZE THE CITY OF CAMBRIDGE TO CONSTRUCT A BRIDGE ACROSS LECHMERE CANAL IN CONTINUATION OF COMMERCIAL AVENUE IN THAT CITY.

Be it enacted, etc., as follows:

City of Cambridge may construct a bridge across Lechmere canal, etc.

SECTION 1. The city of Cambridge is hereby authorized, within five years after the passage of this act, to construct a bridge, with a suitable draw, across Lechmere canal, in continuation of the lines of the highway previously laid out and established, known as Commercial avenue in said city. The location of the bridge shall be subject however to the approval of the board of harbor and land commissioners. Said bridge shall have a draw with a clear opening of forty feet for the passage of vessels, which shall be located according to plans to be approved by said commissioners. The bridge and draw shall be maintained and operated at the expense of said city, subject to the provisions of chapter ninety-six of the Revised Laws and all other laws now or hereafter in force relating to bridges over tide water and to draws therein; except that no compensation for displacement of tide water or for occupying any land or flats of the Commonwealth shall be required from said city.

City to excavate in canal, etc.

SECTION 2. Unless otherwise now or hereafter provided by law said city shall, at or before the time of the completion of said bridge, excavate in said canal to a depth of seven feet below mean low water, of such a width and from such a point above said bridge to Charles river, and in said river of such a width below said bridge, as the board of harbor and land commissioners may determine.

SECTION 3. For the purpose of paying, in whole or in part, the cost of said bridge and approaches, and all expenses and costs incident thereto, the city of Cambridge may from time to time issue scrip or bonds, in excess of the limit allowed by law, to an amount not exceeding fifty thousand dollars, and designated on the face thereof, Commercial Avenue Bridge Loan. Such scrip or bonds shall bear interest, payable semi-annually, at a rate not exceeding four per cent per annum, and shall be payable at such time, not less than ten nor more than forty years from their respective dates, as shall be determined by said city by vote of its city council and as shall be expressed upon the face of the scrip or bonds. The city may sell such scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the above purpose, but the same shall not be sold or pledged for less than the par value thereof. The provisions of the twelfth, thirteenth, fourteenth, fifteenth, sixteenth and seventeenth sections of chapter twenty-seven of the Revised Laws shall, so far as they may be applicable, apply to the loan herein authorized.

Commercial Avenue Bridge Loan.

Certain provisions of law to apply.

SECTION 4. Any person entitled by law to damages for the taking of or injury to his property under the authority of this act may have the same determined by a jury in the superior court for the county of Middlesex, on petition therefor filed within five years after the passage of this act, in the same manner, so far as practicable, as that in which damages are determined for the taking of land for highways in said city under the provisions of law authorizing the assessment of betterments.

Damages.

SECTION 5. Betterments may be assessed at any time within five years after the passage of this act for the laying out and construction of said bridge under the general laws authorizing the assessment of betterments, with like remedies to all parties interested.

Assessment of betterments.

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

Approved May 21, 1903.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF ANDOVER AND TEWKSBURY.

Chap. 373

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Andover

Boundary line between Andover and

Tewksbury
established.

and Tewksbury : — Beginning at the corner of Andover, Tewksbury and Wilmington, at a granite monument, marked A T W, standing in a pasture about five hundred and fifty feet southwesterly from the house of William A. Frost, in latitude forty-two degrees, thirty-five minutes, fifty-three and nine one hundredths seconds, and longitude seventy-one degrees, nine minutes, fifty-five and thirty-five one hundredths seconds ; thence north forty-nine degrees, fifty-seven minutes west, about five thousand four hundred and eighty-eight feet to a granite monument, lettered A T, standing in an open meadow about one thousand feet north of the house of Wallace Burt, in latitude forty-two degrees, thirty-six minutes, twenty-seven and ninety-seven one hundredths seconds, and longitude seventy-one degrees, ten minutes, fifty-one and fifty-two one hundredths seconds ; thence in the same direction to the middle of Shawsheen river ; thence down the middle line of Shawsheen river, about ten thousand feet, as the river runs, to a point south fifty-six degrees, fifty-six minutes east and about seven hundred and fifty feet from a granite monument, lettered A T, standing in woodland seventy-five feet south of Vale street, in latitude forty-two degrees, thirty-seven minutes, three and eighty-one one hundredths seconds, and longitude seventy-one degrees, ten minutes, twenty-eight and twenty-two one hundredths seconds ; thence north fifty-six degrees, fifty-six minutes west about twenty-six thousand six hundred and seventy-nine feet, passing through said monument seventy-five feet south of Vale street to a granite monument set flush with the ground on the south bank of the Merrimac river, in latitude forty-two degrees, thirty-nine minutes, twenty-three and forty-five one hundredths seconds, and longitude seventy-one degrees, fifteen minutes, nineteen and one one hundredths seconds ; thence in the same direction to the channel of Merrimac river at the corner of Andover, Dracut and Tewksbury.

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

Approved May 21, 1903.

AN ACT TO AUTHORIZE THE TOWN OF HUDSON TO ELECT A *Chap.374*
BOARD OF SEWER COMMISSIONERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Hudson at any special or annual town meeting may elect by official ballot a board of sewer commissioners, to consist of three persons, to hold office, one for one year, one for two years and one for three years, respectively, if elected at a special meeting, from the date of the annual meeting next following such special meeting, and, if elected at an annual meeting, from the date of such annual meeting, and in either case until their successors are elected and qualified; and thereafter at each annual town meeting as the term of one of said commissioners expires said town shall elect by official ballot one member of said board to serve for the term of three years or until his successor is elected and qualified. If a vacancy occurs in said board the same shall be filled by the selectmen and the remaining members of said board in the manner provided by section three hundred and sixty-one of chapter eleven of the Revised Laws. Said board of sewer commissioners shall have and exercise the powers and perform the duties of the board or agency mentioned in section one of chapter one hundred and twenty-eight of the acts of the year eighteen hundred and ninety-five, and, except as otherwise provided herein and in said chapter one hundred and twenty-eight, said board shall have and exercise all the powers and perform all the duties prescribed by general laws for sewer commissioners of towns.

Town of Hudson may elect a board of sewer commissioners.

Vacancy.

Powers and duties.

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

Approved May 21, 1903.

AN ACT RELATIVE TO THE TIME OF PAYMENT OF MUNICIPAL *Chap.375*
DEBTS INCURRED FOR PUBLIC PARKS.

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter twenty-seven of the Revised Laws is hereby amended by inserting after the word "playgrounds", in the second line, the words: —and parks, —so as to read as follows:— *Section 11.* Debts incurred for supplying the inhabitants with water, for acquiring land for public playgrounds and parks under

R. L. 27, § 11, amended.

Time of payment of municipal debts.

the provisions of chapter twenty-eight, for a municipal lighting plant under the provisions of chapter thirty-four, or in constructing sewers, shall be payable within thirty years; debts incurred in building school houses and other public buildings and in procuring land therefor, within twenty years; and all other debts mentioned in section eight, within ten years, or by the city of Boston, within twenty years.

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

Approved May 22, 1903.

Chap. 376 AN ACT TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO CONSTRUCT AN ENTRANCE TO EAST BAY AT OSTERVILLE IN THE TOWN OF BARNSTABLE.

Be it enacted, etc., as follows:

Entrance to East Bay in Barnstable may be constructed.

SECTION 1. The board of harbor and land commissioners may, if after an investigation it deems it advisable, cut a channel or opening from Nantucket Sound into East Bay at Osterville in the town of Barnstable, and construct jetties for the protection thereof.

Necessary land or materials may be taken, 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 the construction of said channel, and 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 all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the persons entitled thereto or their legal representatives.

Certain sum may be expended.

SECTION 3. The sum of six thousand five hundred dollars may be paid out of the treasury of the Commonwealth for the purposes of this act.

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

Approved May 23, 1903.

AN ACT RELATIVE TO THE NAVAL BRIGADE OF THE MILITIA.

Chap. 377

Be it enacted, etc., as follows:

Section thirty of chapter sixteen of the Revised Laws is hereby amended by striking out all down to and including the word "infantry", in the twenty-fifth line, and inserting in place thereof the following:—The officers of the naval brigade shall be one captain, who shall be chief of brigade, with the rank and pay of a colonel of infantry; two lieutenant commanders, who shall be chiefs of battalion, with the rank and pay of a major of infantry; a staff, consisting of a surgeon, a brigade adjutant, an ordnance officer, an equipment officer, a paymaster, who shall be the mustering officer for the brigade, an engineer, an assistant engineer, a signal officer and an assistant surgeon. The commander-in-chief may appoint and commission an assistant paymaster and two additional assistant surgeons. The surgeon shall be a lieutenant commander, with the rank and pay corresponding to that of a major of infantry. The other staff officers, except the signal officer and assistant engineer, shall have the rank of lieutenants, with the rank and pay corresponding to that of captains of infantry. The signal officer and assistant engineer shall have the rank of lieutenant, junior grade, with the rank and pay of first lieutenants of infantry. The following petty officers shall also be attached to the brigade staff:—One master-at-arms, who shall be the chief petty officer of the brigade, and who shall have the rank and pay of a sergeant major of infantry; one equipment yeoman, two paymaster's yeomen, one apothecary, one chief bugler and one drum major, all with the rank and pay of non-commissioned staff of infantry.

R. L. 16, § 30,
amended.Officers of
naval brigade
of the militia.*Approved May 23, 1903.*AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN
THE TOWNS OF BELMONT AND WATERTOWN.

Chap. 378

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be in part the boundary line between the towns of Belmont and Watertown:—Beginning at the intersection of the present boundary line between the city of Cambridge and the town of Belmont, produced southerly about thirteen and forty-one one hundredths feet, with the new

Part of bound-
ary line be-
tween Bel-
mont and
Watertown
established.

Part of bound-
ary line be-
tween Bel-
mont and
Watertown
established.

southerly line of Belmont street as relocated and established by the county commissioners of the county of Middlesex by their return and order made on the fourteenth day of June, eighteen hundred and ninety-eight, which point of intersection is marked by a stone monument on which are cut the letters B C W, and thence running westerly by said new southerly line of Belmont street to a stone bound at the junction of said new southerly line with the old southerly line of Belmont street, which monument is distant one hundred thirty-eight and fifty-five one hundredths feet south, seventeen degrees, forty minutes, thirty seconds west, magnetic, from a stone bound set in the southerly line of Trapelo road, formerly North street, near the junction of the southerly line of Trapelo road with Belmont street; and all that part of the town of Watertown lying between the said new southerly line of Belmont street and the existing boundary line between the towns of Watertown and Belmont is hereby annexed to the town of Belmont. Said new southerly line of Belmont street is shown on a plan on file in the office of the county commissioners of the county of Middlesex, entitled "Plan of Belmont Street, Belmont and Watertown, as ordered by the County Commissioners, 1898."

Town of
Watertown to
provide, etc.,
sewers or
drains.

SECTION 2. The town of Watertown shall at its expense provide and maintain sewers or drains for the disposal of surface water coming from the land lying south of said part of Belmont street, to the same extent as it would be liable to do if no change were made in the existing boundary line between the towns of Belmont and Watertown.

Sewer, water
and gas pipes
may be laid,
etc.

SECTION 3. The town of Watertown shall have the right in common with the town of Belmont, so far as may reasonably be necessary for the comfort, convenience or health of the inhabitants of the town of Watertown, to lay and maintain sewer, drain and water pipes in and along Belmont street, and to grant permission to lay and maintain gas pipes therein, and to place and maintain in said street poles and wires for electric lighting; but the street shall be restored by the town of Watertown, whenever disturbed by the town or by those acting by its permission for any of the purposes aforesaid, to a condition as good as that in which it was before being so disturbed, and such restoration shall be made to the reasonable satisfaction of the selectmen of the town of Belmont.

The town of Watertown shall be liable for any injury to persons or property resulting from its negligence or from the negligence of any person or corporation authorized by it to open or disturb any part of said street for any of the purposes aforesaid; and when the street is opened or dug up for any of the said purposes the work shall be done as expeditiously as practicable and with as little hindrance as practicable to public travel.

Town of Watertown to be liable for injuries in certain cases, etc.

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

Approved May 23, 1903.

AN ACT TO ESTABLISH A PART OF THE BOUNDARY LINE BETWEEN THE TOWNS OF CONCORD AND CARLISLE.

Chap. 379

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be a part of the boundary line between the towns of Concord and Carlisle:—Beginning at a point in the present boundary line between the towns of Concord and Carlisle, marked by a granite monument, lettered C C, standing on the easterly side of the Estabrook road in latitude forty-two degrees, thirty minutes, ten and seventy-one one hundredths seconds, and longitude seventy-one degrees, twenty-one minutes, fourteen and sixty one hundredths seconds; thence running south eighty-eight degrees, fifty-two minutes, thirty seconds east, true bearing, about nine thousand seven hundred feet to the centre of Concord river. All that part of the present territory of the town of Carlisle lying south of the above described line shall be a part of the town of Concord, and all that part of the present territory of the town of Concord lying north of the above described line shall be a part of the town of Carlisle.

Part of boundary line between Concord and Carlisle established.

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

Approved May 23, 1903.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWNS OF FOXBOROUGH AND WALPOLE, AND A PART OF THE LINE BETWEEN THE TOWNS OF FOXBOROUGH AND NORFOLK.

Chap. 380

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter be the boundary line between the towns of Foxborough and Walpole and a part of the boundary line between the towns of Foxborough and Norfolk:—Begin-

Boundary line between Foxborough and Walpole and part of boundary line

between Fox-
borough and
Norfolk estab-
lished.

ning at the corner of Foxborough, Sharon and Walpole, marked by a granite monument, lettered F S W, standing at a junction of walls east of Newell's hill, in latitude forty-two degrees, six minutes, fifteen and thirty-three one hundredths seconds, and longitude seventy-one degrees, fourteen minutes, twenty-one and seventy-one one hundredths seconds; thence south eighty-four degrees, twenty-four minutes west, true bearing, about eight thousand one hundred and twenty-one feet to a point in the present dividing line between Foxborough and Walpole, marked by a granite monument, lettered F W, standing at an angle in the wall on the southeasterly side of Summer street, about four hundred feet northeast of Winter street, in latitude forty-two degrees, six minutes, seven and forty-nine one hundredths seconds, and longitude seventy-one degrees, sixteen minutes, eight and ninety-two one hundredths seconds; thence south thirty-two degrees, thirty-four minutes west, true bearing, in line toward "Dedham rock", about five thousand eight hundred and fifty-three feet to the present boundary line between the towns of Norfolk and Walpole, in latitude forty-two degrees, five minutes, eighteen and seventy-six one hundredths seconds, and longitude seventy-one degrees, sixteen minutes, fifty and seventy-one one hundredths seconds; thence continuing in the same direction about two thousand one hundred and twenty-five feet to a point in the present boundary line between the towns of Foxborough and Norfolk, marked by a granite monument, lettered F N, standing on top of and near the southwest corner of a large boulder about twenty feet square and six feet high, known as Dedham rock, in latitude forty-two degrees, five minutes, one and seven one hundredths seconds, and longitude seventy-one degrees, seventeen minutes, five and eighty-eight one hundredths seconds.

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

Approved May 23, 1903.

Chap. 381 AN ACT RELATIVE TO THE LAYING OUT AND CONSTRUCTION OF NORTHERN AVENUE AND SLEEPER STREET IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

Laying out
and construc-
tion of North

SECTION 1. Northern avenue is hereby laid out in the city of Boston from Atlantic avenue near Oliver street

easterly to Fort Point channel, thence across said channel by a bridge, and thence across lands of the New England Railroad Company and its lessee, the New York, New Haven and Hartford Railroad Company, and lands of the Commonwealth: and Sleeper street is hereby laid out from Congress street in Boston, over the land now used for a private way known as Sleeper street, to the land of the New England Railroad Company and its lessee, the New York, New Haven and Hartford Railroad Company, forty feet wide, thence of a width of fifty feet over the land of said railroads to said Northern avenue, as shown on a plan in the office of the harbor and land commissioners, entitled, "Plan of the Location of Northern Avenue from Atlantic Avenue to and over the Lands and Flats of the Commonwealth at South Boston, and of Sleeper Street from Congress Street to Northern Avenue, March, 1903. Scale 1 in. = 50 ft. Frank W. Hodgdon, Chief Engineer. Woodward Emery, Charles C. Doten, George E. Smith, Harbor and Land Commissioners"; reserving however to said railroad companies, their successors and assigns, the right to lay and operate at grade two tracks along and others across the land owned by them and included within said Northern avenue, and two tracks diagonally across Sleeper street; substantially as shown on said plan; and reserving to the Commonwealth and its assigns similar rights of laying two tracks along and others across said avenue, in the lands owned by the Commonwealth and included within said avenue. Said avenue and street shall be highways: *provided, however,* that the manner of constructing and operating the railroad tracks in and across the same, and the highway traffic and travel upon and other uses of Northern avenue shall be regulated, and the location of the tracks along said avenue and street shall be determined by the board of railroad commissioners, who, having due regard to the intent and purpose hereof, shall in writing from time to time prescribe the regulations, and may change or modify the same.

ern avenue and Sleeper street in Boston.

Certain rights reserved, etc.

Proviso.

SECTION 2. The board of harbor and land commissioners shall forthwith file in the registry of deeds for the county of Suffolk a copy of the foregoing section, together with a duplicate of the plan described therein, signed by the commissioners; and any person whose property is taken for said avenue or street, and who is entitled to damages therefor, shall have such damages paid by the

Duplicate of plan, etc., to be filed in registry of deeds.

Damages.

Damages.

city as agreed upon by said person and the city engineer of said city, with the approval of the mayor; and if the parties cannot agree upon the damages the damages shall be determined by a jury of the superior court for the county of Suffolk, under the same rules of law, so far as they may be applicable, under which are determined damages sustained by the taking of land for the laying out of highways under chapter forty-eight of the Revised Laws and any amendments thereof, on petition therefor of such person or of the city engineer, filed in the clerk's office of said court within one year after the filing of the copy and duplicate as above provided; and judgment shall be entered, costs taxed, and execution issued as in civil cases; but no compensation for any lands or flats within said avenue or street of the Commonwealth, or of said city, or of the Boston Wharf Company, or of said railroads, except land of said railroads taken for Sleeper street where the same is fifty feet wide, shall be allowed or paid.

Certain lands to be released to city, etc.

SECTION 3. The railroad companies aforesaid shall, upon the filing of the copies aforesaid, forthwith release to said city without any compensation therefor, their lands included within said avenue and within said street where the same is forty feet wide as herein laid out, reserving the right to lay and operate their tracks at grade across and along said avenue and across said street, as provided in section one; and said Boston Wharf Company shall forthwith upon the filing of the copies aforesaid release to said city without any compensation its land included within said Sleeper street, and upon the giving of such several releases all obligations of said railroad companies and of said Boston Wharf Company severally to release or to convey lands to said city for avenues in South Boston shall thereby severally be fulfilled, and the city engineer, in the name and behalf of said city, shall forthwith thereafter construct said avenue from Atlantic avenue to the land of the Commonwealth, and said Sleeper street from said Congress street to said Northern avenue, and shall construct said bridge on masonry piers and abutments, with a superstructure of iron or steel, or both, having a draw with a passageway not less than sixty feet wide for vessels, and in accordance with such plans and specifications as shall be approved by the board of harbor and land commissioners; and said board, in the name and

Construction of bridge, etc.

behalf of the Commonwealth, shall from time to time, in a manner approved by said city engineer, construct the remainder of said avenue and any extensions thereof which may hereafter be made over the lands of the Commonwealth.

SECTION 4. The Commonwealth shall pay to said city from time to time, as the work progresses, upon the order of the board of harbor and land commissioners, the sum of two hundred and sixty thousand dollars out of the Commonwealth's Flats Improvement Fund, established by chapter two hundred and thirty-seven of the acts of the year eighteen hundred and seventy-eight, and said city shall use the money so paid to meet the expenses of taking lands and the expenses incurred by said city engineer under authority of this act; and the treasurer of said city, from time to time, on the request of the mayor, shall issue bonds of said city, outside of its legal debt limit, to the amount required, retain the proceeds thereof in its treasury, and pay therefrom the remainder of the expenses incurred by said city engineer in carrying out the work required of said city or of said engineer under authority of this act.

Payment of expenses.

SECTION 5. Chapter five hundred and seven of the acts of the year nineteen hundred and one is hereby repealed.

Repeal.

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

Approved May 25, 1903.

AN ACT TO CONFIRM THE PROCEEDINGS OF THE FIRST BAPTIST SOCIETY OF PEABODY.

Chap. 382

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the meetings of the First Baptist Society of Peabody, a corporation duly organized on the eighth day of August in the year eighteen hundred and forty-four, shall not be invalid because its records do not show that the clerks of said society were duly sworn as required by law, nor because the records do not show the consent in writing of persons admitted as members thereof.

Proceedings of First Baptist Society of Peabody confirmed.

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

Approved May 25, 1903.

*Chap.*383

AN ACT RELATIVE TO SEPARATE SYSTEMS OF DRAINAGE.

Be it enacted, etc., as follows :

Surface or storm water, etc., to be kept separate from sewage in certain cases.

SECTION 1. The owner of every estate abutting on a public way in which a drain, namely, a conduit for surface or storm water and such waters as shall be specified by the state board of health ; and a sewer, namely, a conduit for all other waters and for sewage, all such other waters to be considered sewage, shall have been provided by a city or town, and the owner of any other estate, using any such drain or sewer, shall make or change the plumbing of his estate so that the waters shall be kept separate from the sewage ; and shall, as directed by the officer having charge of the maintenance of sewers in such city or town, make connections for, and conduct, the waters into the drain and the sewage into the sewer.

Plumbing of certain estates to be so arranged as to keep waters separate from sewage, etc.

SECTION 2. The owner of every estate whose sewage is to be taken into any metropolitan sewer shall hereafter, in plumbing his estate, so arrange the plumbing as to keep the waters separate from the sewage, and shall, as directed by said officer, make connections for, and conduct, the waters into the drain and the sewage into the sewer ; but where only one conduit shall have been provided in the street by the city or town, such owner shall, as directed by said officer, construct said connections into the street and connect them with the conduit so provided, and the city or town shall provide the other conduit and all necessary connections with either conduit.

Branch intercepting sewers, etc., to be constructed in certain cities and towns.

SECTION 3. Any city or town using any metropolitan sewer may, in any year, and shall in any year specified by the officer or board having charge of said sewers, expend one twentieth of one per cent of its taxable valuation, to be met by loan outside the debt limit, in the construction, in connection with said sewers, of branch intercepting sewers, connections of existing sewers with intercepting sewers, branch drains, sewers or drains in any street where one thereof only shall have been built, and the necessary connections aforesaid.

Enforcement of provisions.

SECTION 4. The supreme judicial court and the superior court shall have jurisdiction in equity to enforce the provisions of this act.

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

Approved May 26, 1903.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF THE STATE HIGHWAY LAID OUT BY THE MASSACHUSETTS HIGHWAY COMMISSION BETWEEN THE SAUGUS RIVER AND COMMERCIAL STREET IN THE CITY OF LYNN, AND FOR THE IMPROVEMENT OF SEA STREET IN SAID CITY.

Chap. 384

Be it enacted, etc., as follows:

SECTION 1. The Massachusetts highway commission is hereby authorized and directed to construct, within three years after the passage of this act, so much of the state highway as is laid out between the bridge authorized by chapter five hundred and forty-seven of the acts of the year eighteen hundred and ninety-eight to be built from the Saugus river between the city of Lynn and the town of Revere, to Commercial street, so-called, in that part of the city of Lynn known as West Lynn, according to the plans made by said commission on file in the office of the city clerk of the city of Lynn, and dated April twenty-seven, eighteen hundred and ninety-nine, and August twenty-four, eighteen hundred and ninety-nine.

State highway to be constructed between Saugus river and Commercial street, Lynn.

SECTION 2. When the Massachusetts highway commission shall have entered upon the work of constructing a highway as provided in section one hereof the county of Essex and the city of Lynn are authorized and directed to widen, extend and construct, within three years after the passage of this act, Sea street from Broad street, in the city of Lynn, to the proposed extension of Commercial street, there connecting the same with that part of the state highway to be constructed under section one hereof. To meet that portion of the expenses incurred therefor which it may lawfully be required to pay the city of Lynn may raise money by loans outside its legal debt limit, and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within thirty years from the dates thereof, and shall bear interest at a rate not exceeding four per cent per annum; and the said county commissioners may borrow from time to time for the aforesaid purpose, upon the credit of the county, a sum not exceeding fifty thousand dollars.

Sea street, Lynn, to be improved.

City of Lynn may issue bonds, notes or scrip, etc.

County commissioners may borrow upon credit of county.

SECTION 3. All damages sustained by any person or corporation by the taking of land or any right therein, under this act, may be assessed by a jury of the superior court in the manner provided by law with respect to damages sustained by the laying out of ways.

Damages.

Massachusetts highway commission may expend a certain sum.

SECTION 4. The said highway commission is hereby authorized to expend a sum not exceeding one hundred thousand dollars in the construction of the aforesaid part of the said state highway, in accordance with the provisions of existing laws relative to the construction of state highways.

State Highway Loan.

SECTION 5. For the purpose of meeting the expenditure authorized by this act to be made by the Massachusetts highway commission, the treasurer and receiver general shall issue scrip or certificates of indebtedness, to an amount not exceeding one hundred thousand dollars, as an addition to all sums heretofore appropriated for the construction, repair and maintenance of state highways. 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. They shall be designated on the face thereof, State Highway Loan, 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 time specified therein in gold coin of the United States or its equivalent. Such scrip or certificates of indebtedness shall be sold or disposed of at public auction or in such other manner and 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 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, etc.

Assessment of betterments, etc.

SECTION 6. The Massachusetts highway commission may assess betterments for the benefit of the Commonwealth on account of the work done by it under the provisions of this act, and the county of Essex and the city of Lynn may, in like manner, assess betterments for the benefit of said county and said city respectively. The provisions of chapter fifty of the Revised Laws, so far as

they are applicable, shall apply to the assessing and collecting of such betterments.

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

Approved May 26, 1903.

AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO INCUR INDEBTEDNESS IN EXCESS OF THE DEBT LIMIT, FOR THE PURPOSE OF ERECTING A NEW HIGH SCHOOL BUILDING. Chap. 385

Be it enacted, etc., as follows:

SECTION 1. For the purpose of paying for the necessary land and for constructing thereon and equipping a new high school building the city of New Bedford may incur indebtedness in excess of the limit prescribed by law to an amount not exceeding five hundred and fifty thousand dollars; and for the purpose of paying for wharf property already acquired and improving the same it may incur an additional indebtedness not exceeding thirty thousand dollars.

City of New Bedford may incur indebtedness in excess of debt limit for certain purposes.

SECTION 2. Notes or bonds issued by the city of New Bedford under the authority of this act for the high school building shall be denominated on the face thereof, New Bedford High School Loan, Act of 1903, shall be made payable within twenty years from the dates of issue, and shall bear interest at a rate not exceeding three and one half per cent per annum. Notes or bonds issued for the payment of indebtedness incurred for wharf property shall be made payable in ten years from the dates of issue. The entire proceeds of all such notes or bonds shall be devoted to the purposes mentioned in section one of this act. The provisions of sections twelve to seventeen, inclusive, of chapter twenty-seven of the Revised Laws, shall apply to all notes or bonds issued under authority of this act.

New Bedford High School Loan, Act of 1903.

Certain provisions of law to apply.

SECTION 3. The notes or bonds authorized by this act for the high school building shall be issued from time to time to an amount not exceeding one hundred thousand dollars. After the first issue of such notes or bonds shall have been made no further issue shall be made until the entire proceeds of all preceding issues have been paid out for the purposes authorized.

Issue of notes or bonds.

SECTION 4. The cost of the land and of constructing and equipping such new high school building shall not

Cost of land, etc., not to exceed certain amount.

exceed the amount realized from the sale of the notes or bonds authorized by this act.

Notes or bonds to be issued by vote of city council.

SECTION 5. Notes or bonds authorized by this act shall be issued only by a vote of two thirds of the city council, as provided in section eight of chapter twenty-seven of the Revised Laws.

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

Approved May 26, 1903.

Chap.386

AN ACT TO PROHIBIT THE SALE OR DISTRIBUTION OF TRADING STAMPS, CHECKS, COUPONS OR SIMILAR DEVICES.

Be it enacted, etc., as follows:

Sale, etc., of trading stamps, etc., prohibited.

SECTION 1. No person, firm or corporation shall, in connection with the sale of any article or any merchandise whatsoever, sell, give or deliver any trading stamps, checks, coupons or similar devices to be exchanged for, or to be redeemed by the giving of, any indefinite or undescribed article, the nature and value of which are not stated, or to be exchanged for, or to be redeemed by the giving of, any article not distinctly bargained for at the time when such trading stamps or other devices as aforesaid were sold, given or delivered.

Penalty.

SECTION 2. Whoever violates any provision of this act shall for each offence pay a fine of not less than ten nor more than fifty dollars.

When to take effect.

SECTION 3. This act shall take effect on the first day of October in the year nineteen hundred and three.

Approved May 26, 1903.

Chap.387

AN ACT RELATIVE TO STATE AID.

Be it enacted, etc., as follows:

State aid may be granted to fathers and mothers of certain soldiers and sailors of Spanish war.

SECTION 1. The commissioner of state aid and pensions is hereby authorized to receive applications for state aid from fathers or mothers, the fathers being living, of soldiers or sailors who served in the war with Spain, in the manner and under the limitations described for the service of invalid pensioners, and who died in such service: *provided, however,* that no such application shall be received after the first day of January in the year nineteen hundred and four. No aid shall be granted to persons of this class unless in each case the mayor and aldermen, selectmen, or in Boston the soldiers' relief

Proviso, etc.

commissioner, are satisfied, on evidence first reported to the commissioner of state aid and pensions and satisfactory to him, that justice and necessity require such aid to prevent actual suffering.

SECTION 2. So much of section three of chapter seventy-nine of the Revised Laws as is inconsistent with this act is hereby repealed. Repeal.

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

Approved May 27, 1903.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF ESSEX TO CONSTRUCT A CAUSEWAY OVER WATERS RIVER IN THE TOWN OF DANVERS. Chap.388

Be it enacted, etc., as follows :

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed, if in their judgment public necessity and convenience so require, and subject to the provisions of chapter ninety-six of the Revised Laws, to widen, rebuild, relocate, alter or reconstruct the causeway or highway across Waters river in said Danvers at Hussey's Mill, so-called, and to construct suitable approaches thereto and proper railings, walls and abutments thereon, and to fill in the flats of said river, and to take such land as may be necessary for the above purposes : *provided*, that the total expenditure hereunder shall not exceed the sum of twenty-five thousand dollars. Causeway may be constructed over Waters river in Danvers, etc.

SECTION 2. The provisions of chapter forty-eight of the Revised Laws relative to land taken or to be taken for highways by county commissioners shall apply to any land taken for the purposes of this act. Proviso.
R. L. 48 to apply.

SECTION 3. The said county commissioners, after such rebuilding, relocating, widening or altering is completed, shall, after due notice to the persons interested, and after hearing such persons, proceed to determine, apportion and assess on said county, on the town of Danvers, the towns adjoining the town of Danvers, the city of Salem, and any street railway corporation owning a track or operating cars over a track located on said causeway, such part of the cost of the work done under the authority hereof, and in such proportions, as they may deem just. Apportionment of expense, etc.

SECTION 4. If any location of a street railway company which has been assessed under the provisions of the preceding section shall at any time hereafter be so changed Amount assessed upon street railway company may be reimbursed

under certain conditions.

or revoked under authority of law, 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 upon said causeway and the highway leading thereto, the amount assessed upon and actually paid by such company under the provisions of this act shall be ascertained by the board of railroad commissioners and certified to the treasurer of the county of Essex, who shall repay the same to the company from the treasury of said county; and the amount so paid to the company shall be levied upon the cities and towns of said county in such proportions as the county commissioners may determine.

The cost of laying, etc., its railway by a street railway company to be deemed a part of the value of its property, etc.

SECTION 5. Any street railway company now operating cars over said highway and causeway shall relay its present track or may construct, maintain and use a double track in such location thereon as said county commissioners shall indicate; and the amount of any assessment paid by said company under section three of this act, and the cost of any work in laying and changing its railway in conformity to the decree of said commissioners, shall be deemed, in all proceedings thereafter, as a part of the value of its property for street railway purposes; and the company may issue stock or bonds to meet the expenses incurred under this act to an amount approved by the board of railroad commissioners as reasonably necessary to provide for the payment thereof.

Part of existing causeway, etc., may be discontinued.

SECTION 6. Said county commissioners are hereby empowered, on the completion of the work herein authorized, to discontinue so much of the existing causeway or highway over said river as they shall deem not to be required by public necessity or convenience.

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

Approved May 27, 1903.

Chap. 389 AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWN OF MEDFIELD AND THE TOWNS OF DOVER, WALPOLE AND NORFOLK.

Be it enacted, etc., as follows:

Boundary line between Medfield and Dover, Walpole and Norfolk established.

SECTION 1. The following described line shall hereafter be the boundary line between the town of Medfield and the towns of Dover, Walpole and Norfolk: — Beginning at the corner of the towns of Dover, Medfield and

Sherborn at a point in the middle of Charles river, south eighty-nine degrees, thirty-one minutes west and seventy-five feet distant from a round top boulder lettered D M, standing seventy feet northwest of the northwesterly corner of the Medfield asylum pumping station and about thirty feet east of the easterly bank of the Charles river in latitude forty-two degrees, twelve minutes, fifty-five and two one hundredths seconds, and longitude seventy-one degrees, twenty minutes, nineteen and seven one hundredths seconds; thence north eighty-nine degrees, thirty minutes, fifty-eight seconds east, true bearing, eighteen thousand two hundred and fifty feet, passing through said round top boulder to a point about sixty-five feet south of the present northeasterly corner of Medfield in latitude forty-two degrees, twelve minutes, fifty-six and forty-seven one hundredths seconds, and longitude seventy-one degrees, sixteen minutes, seventeen and fifty-six one hundredths seconds; thence south twenty degrees, two minutes east, true bearing, two thousand three hundred and forty-eight feet to a point marked by a granite monument lettered D M, standing about four hundred feet south of the house of W. Condrick on Hartford street at what was formerly known as the "Wolf Pit", and in latitude forty-two degrees, twelve minutes, thirty-four and sixty-eight one hundredths seconds, and longitude seventy-one degrees, sixteen minutes, six and eighty-seven one hundredths seconds; thence south six degrees, fifty-five minutes west, true bearing, three thousand three hundred and thirty-seven feet to the corner of the towns of Dover, Medfield and Walpole, marked by a granite monument lettered D M, M, W and W D, standing on the southerly side of the highway known as County street in Dover and Main street in Medfield, at a point opposite the house of P. J. Connor, and in latitude forty-two degrees, twelve minutes, one and ninety-five one hundredths seconds, and longitude seventy-one degrees, sixteen minutes, twelve and twenty-one one hundredths seconds; thence south thirteen degrees, forty minutes west, true bearing, seven thousand and fifty-nine feet to a point marked by a granite monument lettered M and W, standing in woodland about one thousand four hundred feet south of the house of James W. Coltman, in latitude forty-two degrees, ten minutes, fifty-four and nineteen one hundredths seconds, and longitude seventy-

Boundary line
between Med-
field and
Dover, Wal-
pole and Nor-
folk estab-
lished.

Boundary line between Medfield and Dover, Walpole and Norfolk established.

one degrees, sixteen minutes, thirty-four and thirty-seven one hundredths seconds; thence south no degrees, fifty-four minutes east, true bearing, twelve thousand and forty-four feet to a point marked by a granite monument lettered M, W, W, standing at the present southeast corner of Medfield in latitude forty-two degrees, eight minutes, fifty-five and twenty-three one hundredths seconds, and longitude seventy-one degrees, sixteen minutes, thirty-one and eighty-four one hundredths seconds; thence north eighty-seven degrees, forty minutes west, true bearing, about seven thousand seven hundred and ninety-three feet to the middle of Stop river at the present corner of the towns of Norfolk, Medfield and Walpole, at a point about twenty feet north eighty-nine degrees, forty-five minutes east, true bearing, from a granite monument lettered M N W, standing in an open meadow on the westerly bank of the river in latitude forty-two degrees, eight minutes, fifty-eight and thirty-seven one hundredths seconds, and longitude seventy-one degrees, eighteen minutes, fifteen and forty-seven one hundredths seconds and about five hundred and twenty-five feet southeasterly from the culvert through which Stop river passes under South street in Medfield; thence south eighty-nine degrees, forty-five minutes west, true bearing, nine thousand seven hundred and fifty feet, passing through said monument on the westerly side of Stop river to the middle of Charles river, at the present corner of the towns of Medfield, Millis and Norfolk at a point south eighty-nine degrees, forty-four minutes west and thirty feet distant from a granite monument lettered M and N, standing in an open meadow on the easterly bank of Charles river, in latitude forty-two degrees, eight minutes, fifty-seven and ninety-four one hundredths seconds, and longitude seventy-one degrees, twenty minutes, twenty-four and twenty-six one hundredths seconds.

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

Approved May 27, 1903.

Chap. 390 AN ACT RELATIVE TO THE NUMBER OF COPIES TO BE PRINTED OF THE REPORT OF THE COMMISSIONERS OF SAVINGS BANKS.

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 the words "two thou-

sand", in the one hundred and fourteenth line, and inserting in place thereof the words :— seventeen hundred and fifty, — so that the paragraph hereby amended will read as follows :—

Of the board of commissioners of savings banks, on co-operative banks and loan companies, seventeen hundred and fifty copies, and one hundred additional copies of said report, exclusive of the abstract of annual reports.

Report of commissioners of savings banks.

Approved May 27, 1903.

AN ACT TO PROVIDE FOR THE CONSTRUCTION BY THE METROPOLITAN PARK COMMISSION OF A BRIDGE AND OTHER STRUCTURES OVER THE CHARLES RIVER BETWEEN THE CITY OF NEWTON AND THE TOWN OF WELLESLEY.

Chap. 391

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, is hereby authorized to remove the present bridges and culverts which form part of the highways at Newton Upper Falls, known as Boylston street in the city of Newton, and Worcester street in the town of Wellesley, and the dams and other structures in and over the Charles river adjacent to said highways and below Echo Bridge, so-called, and to build such new bridges, culverts, dams and other incidental structures as they may deem necessary to provide for said highways and for maintaining a proper water level in said river, and for regulating the flow and the use of the waters of the river and the use of the shores of the river as a part of the metropolitan park system : *provided, however,* that all plans for construction shall be approved by the board of aldermen of the city of Newton as to that part of the work lying within said city, and by the selectmen of the town of Wellesley as to that part of the work lying within said town.

Bridge, etc., to be constructed over Charles river between Newton and Wellesley.

Proviso.

SECTION 2. The cost of said bridge and other structures, to an amount not exceeding forty thousand dollars, shall be paid in the manner hereinafter provided by the metropolitan parks district, the counties of Middlesex and Norfolk, the city of Newton, the town of Wellesley, and the Boston and Worcester Street Railway Company.

Payment of cost.

SECTION 3. To meet expenditures made under authority of this act the treasurer and receiver general, with the

Treasurer and receiver general to issue

scrip or certificates of indebtedness, etc.

approval of the governor and council, shall issue scrip or certificates of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the amount of forty thousand dollars as an addition to the Metropolitan Parks Loan, at such times and in such sums as the metropolitan park commission shall certify to him to be necessary to meet the liabilities incurred by said commission under this act, 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 laws now or hereafter in force relating thereto.

Apportionment of expense.

SECTION 4. The expenses arising under the provisions of section one of this act shall be paid as follows: — If the expense is said sum of forty thousand dollars, twenty-four thousand dollars shall be paid by the metropolitan parks district, six thousand dollars by the city of Newton, two thousand dollars by the Boston and Worcester Street Railway Company, three thousand dollars by the town of Wellesley, two thousand five hundred dollars by the county of Norfolk, and two thousand five hundred dollars by the county of Middlesex; and if the expense is less than said sum of forty thousand dollars, the amount to be paid severally by the metropolitan parks district, city, town, street railway company and counties shall be in the same proportion. Said city, town, counties and street railway company shall pay one fifth of the respective sums so charged to it as aforesaid to the treasurer and receiver general, with interest at the current rate, in each of the five years following the completion of said structures, or the same may be included in the annual state tax of said cities and towns; and the sums so paid shall be credited to the sinking fund established by law for the payment of the loan authorized by this act.

Payment of sums charged.

Care and maintenance of structures.

SECTION 5. Upon the completion of said structures so much thereof as lies within the limits of the highways in the town of Wellesley and the city of Newton shall be maintained and cared for as a part thereof by said town and city respectively, and so much thereof as lies within the limits of the Hemlock Gorge and Charles river reservations of the metropolitan park system shall be maintained and cared for by the metropolitan park commission

out of the funds provided for the care of the metropolitan parks.

SECTION 6. Legal damages sustained by any person or corporation by the exercise of the powers herein contained shall be estimated and determined in accordance with the provisions of section seven of chapter four hundred and seven of the acts of the year eighteen hundred and ninety-three. Damages.

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

Approved May 27, 1903.

AN ACT RELATIVE TO THE PAYMENT OF DAMAGES CAUSED BY THE ABOLITION OF THE GRADE CROSSING OF DORCHESTER AVENUE AND THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD IN THE CITY OF BOSTON.

Chap.392

Be it enacted, etc., as follows :

SECTION 1. The city of Boston shall be liable to pay to any person owning land abutting on the line of the New York, New Haven and Hartford Railroad Company, as the same was located prior to the abolition of the grade crossing on Dorchester avenue, and having railroad connection with such railroad, and whose land, or any part thereof, has been taken by said city for the purpose of constructing a highway, such damages to property as he has suffered by reason of the removal of the railroad and of the loss of his railroad connection therewith. City of Boston to be liable for damages caused by abolition of certain grade crossing.

SECTION 2. Such damages may be recovered on a petition brought within three months after the acceptance of this act as hereinafter provided, in the manner provided by law for the recovery of damages for land taken for the laying out of highways in the city of Boston. How damages may be recovered.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Boston. When to take effect.

Approved May 27, 1903.

AN ACT RELATIVE TO A HIGH SCHOOL BUILDING IN THE CITY OF BROCKTON.

Chap.393

Be it enacted, etc., as follows :

SECTION 1. The high school building commission appointed by the mayor of the city of Brockton by virtue of an order of the city council of that city approved by City of Brockton may erect a high school building, etc.

the mayor on the twenty-seventh day of December in the year nineteen hundred and two, which appointment and order are hereby ratified and confirmed, is hereby authorized, in the name and behalf of the city, to erect within a reasonable time upon the land heretofore designated by the city for the purpose, a building for a high school for the city and for other purposes incidental thereto, all in accordance with said order; and said commission shall not expend or contract to expend more than the sum specified in said order, unless such excess of expenditure shall first be authorized by the city council of the city.

High school building commission, term of office, etc.

SECTION 2. The said commission shall remain in existence a sufficient time to accomplish the purposes of this act, and any vacancy therein shall be filled by appointment by the mayor and confirmation by the board of aldermen as provided for the original appointments. The commission shall annually, and whenever required by the mayor or by the city council, make and present in writing a report of all their acts and proceedings, and of the condition and progress of the work. They shall receive such compensation as the city council shall determine, and shall not be interested individually, either directly or indirectly, in the work hereby directed to be done.

Compensation, etc.

City treasurer may issue bonds, notes or scrip, etc.

SECTION 3. For the purpose of carrying out the work specified in said order and in this act the city treasurer of the said city is hereby authorized and directed, from time to time upon the request of the said commission, as hereinafter provided, to borrow the sum of one hundred and eighty thousand dollars, and to issue the bonds, notes or scrip of the city to that amount, at the times and in the manner following, to wit:—The indebtedness to be incurred hereunder during the year nineteen hundred and three shall not exceed the sum of one hundred thousand dollars; the bonds, notes or scrip issued therefor shall be dated May first, nineteen hundred and three, and shall be denominated on their face, Brockton High School Loan, 1903. The indebtedness to be incurred hereunder during the year nineteen hundred and four shall not exceed the sum of eighty thousand dollars, and the bonds, notes or scrip to be issued therefor shall be dated May first, nineteen hundred and four, and shall be denominated on their face, Brockton High School Loan, 1904. The

Brockton High School Loan, 1903.

Brockton High School Loan, 1904.

securities authorized to be issued hereunder shall be signed by the mayor and city treasurer, and shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually. The issue of the year nineteen hundred and three shall be paid in twenty annual proportionate payments of not more than five thousand dollars each, and the first of said payments shall be made on the first day of May in the year nineteen hundred and four. The issue of nineteen hundred and four shall be paid in twenty annual proportionate payments of not more than four thousand dollars each, and the first of said payments shall be made on the first day of May in the year nineteen hundred and five.

Payment of loans.

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

Approved May 27, 1903.

AN ACT TO PROVIDE FOR THE FURTHER IMPROVEMENT OF THE OUTLET FROM MENAMSHA POND INTO VINEYARD SOUND.

Chap.394

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 ten thousand dollars for further improving the outlet from Menamsha pond into Vineyard Sound, originally authorized by chapter three hundred and twenty-three of the acts of the year eighteen hundred and ninety-seven, by dredging the channel between the jetties and across the flats in a straight line to a point in the present channel near the old stone wharf, and by building such training walls, bulkheads and other structures as may be deemed necessary, the channel to be not less than three feet deep at mean low water and of such width as the board shall determine.

Outlet from Menamsha pond into Vineyard Sound to be further improved.

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

Approved May 27, 1903.

AN ACT TO ESTABLISH THE SALARIES OF THE DISTRICT ATTORNEY AND ASSISTANT DISTRICT ATTORNEY FOR THE NORTHERN DISTRICT.

Chap.395

Be it enacted, etc., as follows:

SECTION 1. The salary of the district attorney for the northern district shall be three thousand dollars a year;

Salaries of district attorney and assistant,

northern dis-
trict, estab-
lished.
Repeal.

and the salary of the assistant district attorney for the northern district shall be two thousand dollars a year.

SECTION 2. So much of section thirteen of chapter seven of the Revised Laws as is inconsistent herewith is hereby repealed.

When to take
effect.

SECTION 3. This act shall take effect on the first day of July in the year nineteen hundred and three.

Approved May 27, 1903.

Chap. 396

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF NEW BUILDINGS AT THE MASSACHUSETTS HOSPITAL FOR EPILEPTICS.

Be it enacted, etc., as follows:

New buildings,
etc., at Massa-
chusetts hos-
pital for
epileptics.

SECTION 1. The trustees of the Massachusetts hospital for epileptics are hereby authorized to expend a sum not exceeding fifty thousand dollars, for the following purposes: — For the purchase of land, including the buildings and chattels thereon, a sum not exceeding ten thousand dollars; for repairs of and alterations in old buildings and for furnishing the same, a sum not exceeding four thousand dollars; for buildings of wood for sixty patients, said buildings to include a kitchen and dining room, and for furnishing the same, a sum not exceeding thirty thousand dollars; and for necessary water supply, for sewage disposal and for electric lighting outside of the buildings, a sum not exceeding six thousand dollars.

Hospital for
Epileptics
Loan.

SECTION 2. To meet 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 fifty thousand dollars, for a term not exceeding thirty years. 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 May and November. They shall be designated on the 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 disposed of at public auction, or in such other mode, and at such times and prices, and in such amounts, as shall be deemed

best, but none of the same shall be sold at less than the par value thereof. 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.

Sinking fund.

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

Approved May 27, 1903.

AN ACT TO PROVIDE FOR THE CONSTRUCTION OF NEW BUILDINGS AND FOR CERTAIN ADDITIONS AT THE MEDFIELD INSANE ASYLUM.

Chap. 397

Be it enacted, etc., as follows:

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 one hundred and sixty-five thousand five hundred dollars, for the following purposes: — For a building of brick to accommodate seventy nurses, and for furnishing the same, a sum not exceeding fifty-five thousand dollars; for power and heating plant, with necessary changes in piping, and for extending a spur track, a sum not exceeding one hundred thousand dollars; for a building of wood to accommodate about forty tuberculous patients, and for furnishing the same, a sum not exceeding nine thousand five hundred dollars; and for improving the grounds of the asylum, a sum not exceeding one thousand dollars.

Additional accommodations to be provided at Medfield insane asylum.

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 one hundred and sixty-five thousand five 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

Treasurer and receiver general to issue scrip or certificates of indebtedness, etc.

at a rate not exceeding four per cent per annum, payable semi-annually on the first days of April and October, but none of the same shall be sold for less than the par value thereof.

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

Approved May 27, 1903.

Chap. 398 AN ACT TO ESTABLISH THE SALARY OF THE THIRD CLERK IN THE DEPARTMENT OF THE TREASURER AND RECEIVER GENERAL.

Be it enacted, etc., as follows:

Salary of third clerk in department of treasurer and receiver general established.
Repeat.

SECTION 1. The salary of the third or interest clerk employed in the department of the treasurer and receiver general shall be eighteen hundred dollars a year.

SECTION 2. So much of section four of chapter six of the Revised Laws as is inconsistent with this act is hereby repealed.

When to take effect.

SECTION 3. This act shall take effect on the first day of July in the year nineteen hundred and three.

Approved May 27, 1903.

Chap. 399 AN ACT TO PROVIDE FOR EXPENSES INCURRED IN THE CONSTRUCTION BY THE METROPOLITAN WATER AND SEWERAGE BOARD OF THE NORTH METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

Treasurer and receiver general to issue scrip or certificates of debt, etc.

SECTION 1. The treasurer and receiver general of the Commonwealth, in order to meet additional expenses incurred under the provisions of chapter four hundred and thirty-nine of the acts of the year eighteen hundred and eighty-nine, and of acts in amendment thereof and in addition thereto, shall, with the approval of the governor and council, issue from time to time scrip or certificates of debt in the name and behalf of the Commonwealth and under its seal, to an amount not exceeding two hundred and fifty thousand dollars, in addition to the amounts hitherto authorized to be issued under the provisions of said chapter and of acts in amendment thereof and in addition thereto, and the provisions of said chapter and of said acts shall apply to this additional loan.

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

Approved May 27, 1903.

AN ACT RELATIVE TO THE CARE OF THE INSANE.

Chap.400

Be it enacted, etc., as follows :

SECTION 1. The state board of insanity may, if said board considers it expedient so to do, by agreement with the proper authorities of any city or town, place insane persons of the chronic and quiet class in the almshouse of such city or town, under the care of the proper authorities of the city or town. The cost to the Commonwealth of the care and treatment of such insane persons in any such almshouse shall not exceed two dollars and eighty cents a week for each person.

Certain insane persons may be placed in city and town almshouses, etc.

SECTION 2. This act shall take effect on the first day of January in the year nineteen hundred and four.

When to take effect.

Approved May 29, 1903.

AN ACT TO AUTHORIZE THE TOWN OF SWAMPSCOTT TO MAKE AN ADDITIONAL SEWERAGE LOAN AND TO CONSTRUCT PARTICULAR SEWERS IN ANY PUBLIC STREET OR WAY.

Chap.401

Be it enacted, etc., as follows :

SECTION 1. The town of Swampscott, for the purpose of paying the necessary expenses and liabilities incurred under this act, and also for the purposes mentioned in chapter eighty-six of the acts of the year nineteen hundred and two, may incur indebtedness and may issue from time to time bonds, notes or scrip therefor, to an amount not exceeding fifty thousand dollars in addition to the two hundred thousand dollars authorized by said chapter eighty-six, and this additional amount shall not be reckoned in determining the legal limit of indebtedness of the town. 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 for in said chapter eighty-six.

Town of Swampscott may incur indebtedness, etc., for sewerage purposes, etc.

SECTION 2. The town of Swampscott, through its board of sewer commissioners, may lay in any way where main drains or common sewers are constructed, under the provisions of said chapter eighty-six or of this act, such connecting drains, under drains and sewers within the limits of said way as may be necessary to connect any estate which abuts upon such sewered way, and said board of sewer commissioners may make all necessary contracts in

Connecting drains, etc., may be laid, etc.

the name and behalf of the town for the purpose of connecting such estates with the main drain or sewer within the limits of such sewer way. The expense of such drain or sewer connections within the limits as aforesaid shall be paid out of the loan authorized by section one of this act.

Payment of
cost.

SECTION 3. The cost of constructing each particular drain or sewer connection shall be assessed by the board of sewer commissioners upon the estate benefited thereby, on the basis of the average cost, as determined by said sewer commissioners, of connecting estates in that particular section of the town, the territory to be embraced in each section to be determined by vote of the town before work hereunder is begun, and such cost shall be levied as an assessment or charge upon the owners of the estates or estate for which such connection is made. The sewer commissioners shall, after the determination of such cost, assess said cost upon the owners of such estates by filing a certificate with the collector of taxes of the town, designating the way or part thereof in which such sewer is constructed, and giving the names of the owners of the estate for which such connections have been laid, and the amount of the assessment for each connection to be paid by each owner, 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 sewer way, and the connecting drains, under drains or sewers for the cost of which such assessment is made. 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

Proviso.

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 remainder 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.

SECTION 4. The assessment or charge aforesaid shall constitute a lien upon the estate, which shall continue for 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, in case 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.

Assessment to constitute a lien upon estate, etc.

May be collected by an action of contract.

SECTION 5. Any person aggrieved by such assessment may at any time within three months after the service of the demand mentioned in section three of this act apply to the superior court for the county of Essex 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.

Persons aggrieved may apply for a jury, etc.

Town may determine that estates abutting on certain ways shall be connected with drain or sewer, etc.

SECTION 6. The town of Swampscott may, by vote in a town meeting duly warned for that purpose, determine that all or any ways through which a common drain or sewer has been built in connection with the sewerage system installed under said chapter eighty-six, or under this act, shall have all the estates abutting thereon connected with such main drain or sewer in said way between such sewer and the property line of said way; and upon such vote the sewer commissioners shall proceed to put in such connecting drains, under drains or sewers in accordance with the conditions and in the manner specified in this act, and the vote of said town to connect all such estates with the sewer in any way as hereinbefore provided shall constitute a lien upon all such estates connected, for any or all assessments which may accrue under this act.

When to take effect, etc.

SECTION 7. This act shall take effect upon its passage, but no expenditures shall be made or liabilities incurred hereunder until this act has been accepted by vote of the majority of the voters of said town voting at a legal meeting called for the purpose.

Approved May 29, 1903.

Chap. 402 AN ACT RELATIVE TO REPORTS OF CHARITABLE CORPORATIONS.

Be it enacted, etc., as follows:

R. L. 84, § 14, amended.

SECTION 1. Section fourteen of chapter eighty-four of the Revised Laws is hereby amended by striking out the word "the", in the fifth line, and inserting in place thereof the word:— its, — and by inserting before the word "receipts", in the same line, the word:— its, — so as to read as follows:— *Section 14.* A charitable corporation whose personal property is exempt from taxation under the provisions of clause three of section five of chapter twelve shall annually, on or before the first day of November, make to the state board of charity a written or printed report for its last financial year, showing its property, its receipts and expenditures, the whole number and the average number of its beneficiaries and such other information as the board may require.

Certain charitable corporations to report annually to state board of charity.

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

Approved May 29, 1903.

AN ACT TO AUTHORIZE THE CITY OF NEWBURYPORT TO INCUR INDEBTEDNESS BEYOND THE LIMIT FIXED BY LAW, FOR SCHOOL PURPOSES. Chap.403

Be it enacted, etc., as follows :

SECTION 1. The city of Newburyport, for the purpose of purchasing land and a building, or of purchasing land and erecting a building, for school purposes, as set forth in chapter two hundred and thirty-seven of the acts of the year nineteen hundred and two, is hereby authorized to expend an additional sum of fifteen thousand dollars beyond the limit of indebtedness fixed by law for that city, and may from time to time issue notes, bonds or scrip therefor, upon the same terms and conditions and with the same provisions for the payment of the same which are provided in said chapter two hundred and thirty-seven in respect to the securities authorized thereby.

City of Newburyport may issue notes, bonds or scrip, etc.

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

Approved May 29, 1903.

AN ACT TO AUTHORIZE THE TOWN OF NANTUCKET TO SUPPLY THE DISTRICT CALLED SIASCONSET WITH WATER. Chap.404

Be it enacted, etc., as follows :

SECTION 1. The town of Nantucket is hereby authorized to supply that part of the town known as Siasconset with water for extinguishing fires and for domestic purposes, and to obtain the said water by the construction and operation of artesian wells, or by such other means as the town may deem expedient: *provided*, that water for domestic purposes shall be taken only from such sources as shall be approved by the state board of health. The town may establish fountains and hydrants and may relocate or discontinue the same, and may regulate the use of the said water, and fix and collect rates to be paid therefor.

Town of Nantucket to supply Siasconset with water, etc.

Proviso, etc.

SECTION 2. The said town may for the above purposes take, by purchase or otherwise, and hold any waters, easements or lands necessary or convenient for the said purposes, and may store, purify and distribute the said water, and may construct, lay and maintain all necessary works, pipes and reservoirs for the said purpose, and may enter upon, obstruct or dig up any lands, ways, railroads

May take, etc., certain waters, lands, etc.

or railways, with as little hindrance to public travel as may be necessary.

Description of
lands, etc.,
to be recorded,
etc.

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 county of Nantucket 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; and upon such filing the property so described shall vest in the said town.

Damages.

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 thereof, may have the same assessed and determined in the manner provided by law in the case of land taken for highways, on making application at any time within the period of 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. 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 authority of this act.

Town may
tender any sum
for damages,
etc.

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 twenty-five thousand dollars. Such bonds, notes or scrip shall bear on their face the words, Nantucket 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, 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 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 a vote to that effect 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 in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws.

Nantucket
Water Loan.

Proviso.

Payment of
loan.

SECTION 7. The said town shall raise annually by taxation a sum which with the income derived from the water rates will be sufficient to pay the current annual expenses of maintaining and operating the said water works and the interest as it accrues on the bonds, notes or scrip issued as aforesaid, and such 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. Whoever uses any water taken under this act without the consent of said town, or wilfully or wantonly corrupts, pollutes or diverts any water 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 of this act, shall forfeit and pay to said town three times the amount of damages assessed therefor, to be re-

Penalty for
corruption of
water, etc.

covered 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.

Question of acceptance to be submitted to voters.

SECTION 9. This act shall be submitted to the voters of the said town at a special town meeting to be called for the purpose by the selectmen of the town, of which the voters shall be notified by the posting of written or printed notice thereof in not less than ten conspicuous places in the said town, not less than three days before the said meeting. If at such meeting this act shall be accepted by a majority of the voters voting thereon the voters shall then proceed to elect a board of three water commissioners who, subject to the direction of the town, shall carry out the provisions of this act, and shall have charge of the construction, maintenance and operation of the said water works. Of the said commissioners one shall be elected to serve for three years, one for two years and one for one year from the annual town meeting succeeding the meeting at which they are elected; and at every annual town meeting thereafter a commissioner, or commissioners, shall be elected to fill any vacancies then existing, and the commissioners so elected shall serve for the term of three years and until their successors are elected.

Water commissioners, election, terms, etc.

When to take effect.

SECTION 10. This act shall take effect upon its passage, so far as it respects its submission as aforesaid, and it shall take full effect upon its acceptance by a majority of the voters of the town as aforesaid.

Approved June 1, 1903.

Chap. 405 AN ACT TO AUTHORIZE THE TOWN OF READING TO ELECT A BOARD OF PUBLIC WORKS TO HAVE CONTROL OF ITS WATER WORKS, PUBLIC LIGHTING AND HIGHWAYS.

Be it enacted, etc., as follows:

Town of Reading may elect a board of public works, etc.

SECTION 1. The town of Reading may at a regular town meeting or at a special meeting called for that purpose elect a board of public works, to consist of three members, who shall hold office, one for one year, one for two years and one for three years, respectively, from the date of the meeting at which they are elected, if the same is an annual town meeting; and if they are elected at a special meeting they shall hold office until one, two

and three years, respectively, from the annual meeting next following their election, and in either case until their successors are elected; and at every annual town meeting thereafter when the term of any member of said board expires the town shall elect one member of said board to serve three years or until his successor is elected. If a vacancy occurs in the said board the town may at any meeting called for the purpose elect a person to fill the vacancy.

SECTION 2. The said board of public works shall have all the rights, powers and authority vested in the water commissioners of Reading, all the powers over public lighting now vested in the municipal light board of said town, and also all the rights, powers and authority over the public highways now vested in the selectmen; and upon the election of said board of public works the offices of water commissioners and municipal light board of said town shall be abolished.

SECTION 3. This act shall take effect upon its acceptance by the voters of the town of Reading within three years after the passage of this act, at any regular meeting or at any special meeting called for the purpose.

Approved June 1, 1903.

AN ACT RELATIVE TO ANNUAL RETURNS BY COMPANIES ENGAGED IN THE SALE OF GAS AND ELECTRICITY. Chap. 406

Be it enacted, etc., as follows:

SECTION 1. Section thirty-one of chapter one hundred and twenty-one of the Revised Laws is hereby amended by inserting after the word "June", in the fifth line, the word: — preceding, — by striking out the words "first day of January", in the seventh and eighth lines, and inserting in place thereof the words: — said thirtieth day of June, — and by striking out the word "the", in the eleventh line, and inserting in place thereof the word: — said, — so as to read as follows: — *Section 31.* Corporations and companies engaged in the manufacture and sale of gas or electricity for light or heat shall annually, on or before the second Wednesday of September, make to said board, in a form prescribed by it, a return for the year ending on the thirtieth day of June preceding, signed and sworn to by its president and treasurer and a majority of the directors, of the amount of its authorized capital,

Vacancy.

Rights, powers, etc.

When to take effect.

R. L. 121, § 31, amended.

Annual returns of companies engaged in the manufacture, etc., of gas and electricity.

its indebtedness and financial condition, on the said thirtieth day of June preceding, its income and expenses during the preceding year, its dividends paid out and declared, a list of the names of all its salaried officers, and the amount of the annual salary paid to each, and the balance sheet of its accounts as of said preceding thirtieth day of June. Every such corporation and company shall at all times, upon request, furnish any information required by the board relative, to its condition, management and operation, and shall comply with all lawful orders of said board.

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

Approved June 2, 1903.

Chap. 407 AN ACT RELATIVE TO RECOVERY FOR DAMAGES CAUSED BY WILD DEER.

Be it enacted, etc., as follows:

Payment of
damages
caused by
wild deer.

Whoever suffers loss by the eating, browsing or trampling of his fruit or ornamental trees, vegetables, produce or crops by wild deer may, if the damage is done in a city, inform the officer of police of said city who shall be designated to receive such information by the mayor, and if the damage is done in a town, may inform the chairman of the selectmen of the town wherein the damage was done, who shall proceed to the premises where the damage was done and determine whether the same was inflicted by deer, and if so, appraise the amount thereof if it does not exceed twenty dollars. If, in the opinion of said officer of police or chairman, the amount of said damage exceeds twenty dollars, he shall appoint two disinterested persons, who, with himself, shall appraise under oath the amount thereof. The said officer of police or chairman shall return a certificate of the damages found, except in the county of Suffolk, to the treasurer of the county in which the damage is done, within ten days after such appraisal is made. The treasurer shall thereupon submit the same to the county commissioners, who, within thirty days, shall examine all such bills, and if any doubt exists, may summon the appraisers and all parties interested and make such examination as they may think proper, and he shall transmit such bills, properly approved, to the auditor of accounts, and they shall be paid out of the treasury of the Commonwealth

in the same manner as other claims against the Commonwealth. In the county of Suffolk the certificate of damages shall be returned to the treasurer of the city or town in which the damage is done, who shall exercise and perform the rights and duties hereby conferred and imposed upon the county commissioners in other counties. The appraisers shall receive from the county, — or in the county of Suffolk, from the city or town treasurer, — one dollar each for every such examination made by them, and the officer or the chairman of selectmen acting in the case shall receive twenty cents a mile, one way, for his necessary travel.

Approved June 2, 1903.

AN ACT RELATIVE TO CRANBERRY BARRELS AND CRATES.

Chap. 408

Be it enacted, etc., as follows:

SECTION 1. The legal and standard barrel for cranberries shall measure not less than twenty-five and one fourth inches between the heads, inside; the diameter of the head shall be sixteen and one fourth inches, including the beveled edge; the outside bilge circumference shall measure not less than fifty-eight and one half inches; the thickness of the staves shall be four tenths of an inch. But any barrel of different form but of the same interior capacity shall be considered a legal and standard barrel. The legal and standard crate for cranberries shall measure seven and one half inches, by twelve inches by twenty-two inches, inside, exclusive of any interior partition or support. No barrel or crate intended for the sale or delivery of cranberries, except of the standard measure herein specified and plainly marked with the words "Massachusetts Standard Measure", shall be manufactured or sold. No person shall so mark any barrel or crate so used or intended to be used unless such barrel or crate exactly conforms to the measure herein specified.

Legal and standard barrel and crate for cranberries.

SECTION 2. Every barrel or crate used for the sale or delivery of cranberries shall be of the Massachusetts standard measure, and shall be marked as required by this act. No person shall use any barrel or crate for such sale or delivery the capacity of which is less than that of the standard barrel or crate herein provided for. Any person violating any of the provisions of this act shall be punished by a fine not exceeding one hundred dollars. The deputy sealers of weights and measures of the several

Penalty.

Enforcement of provisions.

cities and towns shall cause the provisions of this act to be enforced.

Repeal.

SECTION 3. Section twenty-four of chapter fifty-seven of the Revised Laws is hereby repealed.

When to take effect.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and four.

Approved June 3, 1903.

Chap. 409

AN ACT TO AUTHORIZE THE CONSOLIDATION OF THE AMESBURY AND HAMPTON STREET RAILWAY COMPANY, THE HAVERHILL AND PLAISTOW STREET RAILWAY COMPANY, THE HAVERHILL AND SOUTHERN NEW HAMPSHIRE STREET RAILWAY COMPANY, THE LAWRENCE AND METHUEN STREET RAILWAY COMPANY AND THE LOWELL AND PELHAM STREET RAILWAY COMPANY IN ONE CORPORATION, TO BE CALLED THE NORTHERN MASSACHUSETTS STREET RAILWAY COMPANY.

Be it enacted, etc., as follows:

Certain street railway companies may consolidate as the Northern Massachusetts Street Railway Company.

SECTION 1. The Amesbury and Hampton Street Railway Company, the Haverhill and Plaistow Street Railway Company, the Haverhill and Southern New Hampshire Street Railway Company, the Lawrence and Methuen Street Railway Company and the Lowell and Pelham Street Railway Company may consolidate and merge into one street railway company, to be called the Northern Massachusetts Street Railway Company: *provided*, that the facilities for travel on each of the railways of the said consolidating companies shall not thereby be diminished or the rates of fare increased, and that such consolidation and merger shall not be valid or binding until the terms thereof have been agreed to by a majority of the directors and approved at meetings called for the purpose by a vote of two thirds in interest of the stockholders of each of the consolidating companies, and have also been approved as lawful and consistent with the public interest by the board of railroad commissioners in the manner provided by law.

Proviso.

Powers, duties, etc.

SECTION 2. The Northern Massachusetts Street Railway Company shall have and enjoy the powers and privileges and shall be subject to the duties, liabilities and restrictions of the said consolidated companies.

Capital stock.

SECTION 3. The Northern Massachusetts Street Railway Company may, subject to all general laws relative to approval of issue of stock, issue its original capital

stock in exchange for and to an amount equal to the aggregate par value of the capital stock of the five consolidating companies.

SECTION 4. The Northern Massachusetts 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.

May lease its railway and property, etc.

SECTION 5. Such lease and consolidation shall be subject to the approval of the board of railroad commissioners and shall contain such provisions as the board shall deem necessary to protect the public interests.

Lease, etc., subject to approval of railroad commissioners.

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

Approved June 3, 1903.

AN ACT TO PROHIBIT THE FURNISHING OF INTOXICATING LIQUORS TO PATIENTS OF STATE HOSPITALS FOR INEBRIATES OR THE INSANE.

Chap.410

Be it enacted, etc., as follows :

Whoever gives, sells or delivers spirituous or intoxicating liquor to a patient of the Massachusetts hospital for dipsomaniaes and inebriates, or of any of the state hospitals for the insane, or to a patient under the control of any of said hospitals, except under the direction of a physician of the hospital, and whoever has in his possession within the precincts of any of said hospitals, any such liquor, with intent to convey or deliver it to any patient thereof, except under direction as aforesaid, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than two months.

Penalty for furnishing intoxicating liquors to patients of state hospitals for inebriates or the insane, etc.

Approved June 5, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO TAKE LANDS FOR SANITARY PURPOSES.

Chap.411

Be it enacted, etc., as follows :

SECTION 1. The board of street commissioners of the city of Boston, with the approval of the mayor, is hereby authorized to take by purchase or otherwise lands, flats and lands covered by tide water in the Dorchester district of that city for the uses of the sanitary division of the street department of the city.

City of Boston may take certain lands for sanitary purposes.

Damages.

SECTION 2. The city shall pay all damages caused by such taking, and the same shall be determined and paid in the same manner in which damages caused by the taking of lands for schoolhouses are determined and paid.

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

Approved June 5, 1903.

*Chap.*412

AN ACT TO ESTABLISH THE DISTRICT COURT OF EASTERN HAMPSHIRE.

Be it enacted, etc., as follows:

District Court of Eastern Hampshire established.

SECTION 1. The towns of Ware, Enfield, Greenwich and Prescott shall constitute a judicial district, under the jurisdiction of a court to be called the District Court of Eastern Hampshire. Said court shall be held in the town of Ware.

Justices and clerk, etc.

SECTION 2. There shall be one justice, two special justices and a clerk of said court. The justice shall receive an annual salary of eight hundred dollars, and the clerk an annual salary of four hundred dollars, to be paid by the county of Hampshire. All the provisions of law applicable to district courts shall apply to said court.

Sittings of court.

SECTION 3. Sittings of said court for criminal business shall be held at Ware daily, except on Sundays and legal holidays. Sittings of said court for the transaction of civil business shall be held at Ware as required by law, and on such other days as may be fixed by rule of court.

First session, etc.

SECTION 4. The first session of the court shall be held on the first day of July in the year nineteen hundred and three, but nothing in this act shall affect any suit or proceeding begun prior to said first day of July.

Repeal.

SECTION 5. So much of chapter one hundred and sixty of the Revised Laws as is inconsistent with this act is hereby repealed.

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

Approved June 5, 1903.

*Chap.*413

AN ACT TO ESTABLISH A BOARD OF COMMISSIONERS OF TRUST FUNDS IN THE CITY OF SALEM.

Be it enacted, etc., as follows:

A Board of Commissioners of Trust Funds may be established in

SECTION 1. Upon the passage of this act the mayor of the city of Salem shall appoint, subject to confirmation by the board of aldermen, four persons, inhabitants of

said city, to be members of a board of the city to be known as the Board of Commissioners of Trust Funds. One such commissioner shall be appointed to serve until the first day of April in the year nineteen hundred and six, one to serve until the first day of April in the year nineteen hundred and nine, one to serve until the first day of April in the year nineteen hundred and twelve and one to serve until the first day of April in the year nineteen hundred and fifteen; and at the expiration of the term of service of every such commissioner one person shall be appointed in the manner aforesaid to serve as such commissioner for the term of twelve years; and the persons so appointed, together with the mayor, ex officio, shall constitute the said board. The mayor shall be, ex officio, chairman of the board. In case a vacancy shall occur among the members of the board it shall be filled by appointment as aforesaid for the unexpired term. Any commissioner may be removed by a concurrent vote of both branches of the city council, approved by the mayor. The board shall serve without compensation.

Salem, appointment, etc.

Vacancy, etc.

SECTION 2. Said board of commissioners shall, so far as is consistent with the terms of the trusts under which trust funds are held by the city invest, manage, control and have the custody of all such funds, and, as a part of such management, shall distribute the income of said funds in accordance with the terms of the respective trusts. The board shall keep a record of its doings, and at the close of each financial year shall make a report thereof to the city council.

To manage and control, etc., certain trust funds.

SECTION 3. The said city, for the purpose of restoring any trust funds heretofore received and used by it, may from time to time issue bonds, notes or scrip to an amount not exceeding in the aggregate one hundred and five thousand dollars, payable at the expiration of periods not exceeding twenty years from the dates of issue, bearing interest, payable semi-annually, at a rate not exceeding four per cent per annum. Such bonds, notes or scrip shall be signed by the treasurer of the city and countersigned by the mayor; and the city may sell such securities at public or private sale for not less than the par value thereof. The proceeds of such sales shall be used only for the purpose of restoring and fully reinstating said trust funds, and the same shall be invested and held un-

City may issue bonds, notes or scrip, etc.

Payment of
loan.

impaired and intact in accordance with the terms of said trusts and as hereinbefore provided; and said city shall never borrow any part of said trust funds, or hold any relation thereto except that of trustee. Said city shall, at the time of providing for the loan authorized by this act, vote to make payment thereof by such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such provision has been made the amount required thereby shall without further vote be assessed by the assessors of said city in each year thereafter, in the same manner in which other taxes are assessed under the provisions of section thirty-seven of chapter twelve of the Revised Laws, until said debt is extinguished.

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

Approved June 5, 1903.

Chap. 414 AN ACT TO PROVIDE FOR IMPROVEMENTS AND ADDITIONS AT CERTAIN STATE INSTITUTIONS.

Be it enacted, etc., as follows:

Prison and
Hospital Loan.

SECTION 1. To provide funds for the construction or 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 seven hundred forty-six thousand six hundred and fifty dollars, for a term not exceeding thirty years. 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 May and November. They shall be designated on the face thereof as the Prison and Hospital 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 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 disposed of at public auction, or in such other manner, 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, but none of the same shall be sold at less than the par value thereof. 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,
etc.

SECTION 2. From the loan aforesaid expenditures may be made as follows:—By the trustees of the Danvers insane hospital, a sum not exceeding eighty thousand eight hundred dollars, for the following purposes:—For buildings for one hundred patients, and for a boiler house and heating plant, a sum not exceeding seventy-five thousand dollars; for completion of plumbing and repairs in front and rear centres, a sum not exceeding fifteen hundred dollars; for addition to the coal pocket, a sum not exceeding twelve hundred dollars; for a metallic drying room and washing machine for the laundry, a sum not exceeding sixteen hundred dollars; and for the purchase of land, a sum not exceeding fifteen hundred dollars. By the trustees of the Massachusetts School for the Feeble-minded, a sum not exceeding forty thousand dollars, for the following purposes:—For a group of farm buildings at the colony at Templeton of sufficient capacity to accommodate fifty inmates, a sum not exceeding twelve thousand dollars; for enlarging the bakery at Waltham, a sum not exceeding four thousand dollars; for a house at Waltham for the superintendent and his family, and for furnishing the same, a sum not exceeding eight thousand dollars; for a building at Waltham to be used for manual and industrial training, a sum not exceeding sixteen thousand dollars. By the trustees of the Northampton insane hospital, a sum not exceeding seventy-five thousand dollars, for the following purposes:—For an infirmary building of brick to hold one hundred patients, a sum not exceeding sixty-five thousand dollars; and for repairing and altering the heating plant, a sum not ex-

Expenditures.

Trustees of
Danvers in-
sane hospital.

Trustees of
Massachusetts
School for the
Feeble-
minded.

Trustees of
Northampton
insane hospi-
tal.

Trustees of
state farm.

ceeding ten thousand dollars. By the trustees of the state farm, a sum not exceeding one hundred thousand dollars; for the purpose of erecting and furnishing an asylum for insane criminals, to accommodate one hundred and sixty-five patients. By the trustees of the Taunton

Trustees of
Taunton in-
sane hospital.

insane hospital, a sum not exceeding eighty-one thousand three hundred dollars, for the following purposes: — For a building of brick to accommodate sixty-five nurses, and for furnishing the same, a sum not exceeding fifty-two thousand dollars; for a new building of brick at the Raynham colony, to contain rooms for patients and employees, including a dining room and kitchen, and for furnishing the same, a sum not exceeding nineteen thousand dollars; for enlarging the dining rooms, a sum not exceeding eight thousand dollars; for the purchase of a new heater, circulating tank and pump, a sum not exceeding two thousand dollars; for the purchase of land for a pasture adjacent to the Raynham colony, a sum not exceeding three hundred dollars. By the trustees of the

Trustees of
Worcester
insane asylum.

Worcester insane asylum, a sum not exceeding ninety thousand five hundred dollars, for the following purposes: — For repairs and alterations in the kitchen and laundry, and for equipping the same, a sum not exceeding twenty-seven thousand dollars; for repairing and furnishing farm houses for fifty patients, and for providing the necessary farm equipment, at the Grafton colony, a sum not exceeding thirteen thousand five hundred dollars; for the erection at the Grafton colony of a brick building to accommodate sixty patients, and for furnishing the same, a sum not exceeding forty thousand dollars; for necessary water and sewerage systems at the Grafton colony, a sum not exceeding ten thousand dollars. By the trustees of

Trustees of
Worcester
insane hospi-
tal.

the Worcester insane hospital, a sum not exceeding forty-eight thousand dollars, for the following purposes: — For completing the electric lighting plant, a sum not exceeding forty-five thousand dollars; and for an addition to the centre building to provide room for stenographers and typewriters, a sum not exceeding three thousand

Trustees of
Westborough
insane hospi-
tal.

dollars. By the trustees of the Westborough insane hospital, a sum not exceeding one hundred and five thousand three hundred dollars, for the following purposes: — For buildings for one hundred patients, and for furnishing the same, a sum not exceeding seventy-five thousand dollars; for buildings for fifty nurses, and for furnishing the same, a sum not exceeding twenty-five thousand dollars; for

improving the sewerage system and for extending it to the Stanley house and outlying buildings, a sum not exceeding two thousand three hundred dollars; and for farm machinery and for building roads and walks, a sum not exceeding three thousand dollars. By the trustees of the state colony for the insane, a sum not exceeding one hundred twenty-five thousand seven hundred and fifty dollars, for the following purposes: — For a building for one hundred patients, and for a sewing room and furnishings, a sum not exceeding sixty thousand dollars; for an administration building and furnishings, a sum not exceeding thirty-three thousand dollars; for a cottage for twenty-five patients, and for furnishing the same, and for two barns and silos, a sum not exceeding fifteen thousand dollars; for sewage disposal, water supply, stone crushing plant, and an additional boiler and dynamo, a sum not exceeding seventeen thousand dollars; and for the purchase of land, a sum not exceeding seven hundred and fifty dollars.

Trustees of state colony for the insane.

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

Approved June 5, 1903.

AN ACT TO PROHIBIT SALES OF MERCHANDISE IN BULK IN FRAUD OF CREDITORS. Chap. 415

Be it enacted, etc., as follows:

SECTION 1. The sale in bulk of any part or the whole of a stock of merchandise, otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business, shall be fraudulent and void as against the creditors of the seller, unless the seller and purchaser, at least five days before the sale, make a full, detailed inventory, showing the quantity and, so far as possible with exercise of reasonable diligence, the cost price to the seller of each article to be included in the sale; and unless the purchaser demands and receives from the seller a written list of names and addresses of creditors of the seller, with the amount of indebtedness due or owing to each and certified by the seller, under oath, to be, to the best of his knowledge and belief, a full, accurate and complete list of his creditors and of his indebtedness; and unless the purchaser shall, at least five days before taking possession of such merchandise, or paying therefor, notify personally, or by registered mail, every creditor whose name and address are stated in said list, of the

Sales of merchandise in bulk in fraud of creditors prohibited.

proposed sale and of the price, terms and conditions thereof.

Not to apply to certain sales, etc.

SECTION 2. Sellers and purchasers under this act shall include corporations, associations, co-partnerships and individuals, but nothing contained in this act shall apply to sales by executors, administrators, receivers, assignees under a voluntary assignment for the benefit of creditors, trustees in bankruptcy, or by any public officer under judicial process.

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

Approved June 8, 1903.

Chap.416 AN ACT TO AUTHORIZE THE OLD COLONY TRUST COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, etc., as follows :

The Old Colony Trust Company may increase its capital stock.

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

Provisos.

Certain investments authorized.

SECTION 2. Said corporation is hereby authorized to invest its capital and surplus to an amount not exceeding twenty-five per cent of such capital and surplus in real estate in the city of Boston suitable for the transaction of its business.

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

Approved June 8, 1903.

Chap.417 AN ACT TO PROVIDE FOR THE CONSOLIDATION OF CERTAIN GAS COMPANIES IN THE CITY OF BOSTON AND VICINITY.

Be it enacted, etc., as follows :

Certain gas companies in Boston and

SECTION 1. The Boston Gas Light Company, the Brookline Gas Light Company, the Bay State Gas Com-

pany, the Roxbury Gas Light Company, the South Boston Gas Light Company, the Dorchester Gas Light Company, the Jamaica Plain Gas Light Company and the Massachusetts Pipe Line Gas Company, all being corporations organized under the laws of this Commonwealth, may unite and consolidate in one company in the manner and upon the terms and conditions hereinafter set forth.

vicinity may consolidate.

SECTION 2. For the purpose of facilitating such union and consolidation, Robert Winsor, Samuel Carr, James L. Richards, S. Reed Anthony, Charles G. Smith, Robert E. Townsend, Henry B. Chapin, William S. Spaulding, Neal Rantoul and Charles Augustus Stone, their associates and successors, upon complying with the provisions of chapter one hundred and ten of the Revised Laws relating to the formation of corporations, so far as the same may be applicable and not inconsistent herewith, and upon their acceptance in and by their agreement of association, of the provisions of this act, shall be a corporation under the name of the Boston Consolidated Gas Company, for the purpose of making, selling and distributing gas for light or for heating, cooking, chemical and mechanical purposes, with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in this act, and, except as otherwise provided herein, in all general laws now or hereafter in force and applicable to such corporations, and, except as otherwise provided herein, in all special laws now governing the corporations mentioned in section one, so far as the same are applicable to said Boston Consolidated Gas Company and not inconsistent herewith.

Incorporation of the Boston Consolidated Gas Company.

SECTION 3. The corporations named in section one are hereby severally authorized, upon vote of two thirds in interest of their stockholders, respectively, at a meeting legally called for that purpose, to assign, transfer and convey their property, locations, rights, licenses, powers, privileges and franchises except as may otherwise be provided in this act, to the Boston Consolidated Gas Company, which is hereby authorized, when all the companies named in section one shall have so voted and that fact shall have duly been certified to the board of gas and electric light commissioners, upon vote of its incorporators or two thirds in interest of its shareholders at a meeting legally called for that purpose, to acquire the same as provided in

Certain property, etc., may be transferred to the Boston Consolidated Gas Company, etc.

Certain property, etc., may be transferred to the Boston Consolidated Gas Company, etc.

sections four and five of this act, and upon such assignment, transfer and conveyance by all the corporations mentioned in section one the said Boston Consolidated Gas Company shall succeed to and hold and enjoy the said property, locations, rights, licenses, powers, privileges and franchises of the several corporations named in section one, except as may otherwise be provided in this act; but the said Boston Consolidated Gas Company shall have no authority to manufacture or sell electricity for light, heat or power, or to construct lines or conduits for the distribution of the same, except in the town of Brookline, in that part of the city of Boston formerly called Brighton, and in so much of the city of Boston as was formerly a part of the town of Brookline, without first obtaining the consent of the board of gas and electric light commissioners therefor, so far as may be required by all general laws now or hereafter in force, and complying with all general laws applicable thereto.

Capital stock.

SECTION 4. Said Boston Consolidated Gas Company shall have authority, for the purpose of acquiring the property, locations, rights, licenses, powers, privileges and franchises of the several corporations mentioned in section one, to issue such an amount of capital stock as may be approved by the board of gas and electric light commissioners as being equal at par to the fair value of the plants and property of the several corporations, as the same shall be determined by said board, on application of the Boston Consolidated Gas Company, after notice and a public hearing. Such value shall be determined without enhancement on account of the value of franchises or earning capacity, or on account of exclusive privileges derived from rights in the public streets, or of good will, and there shall be deducted from the amounts of capital stock so to be issued such an amount as will equal at par any indebtedness of the corporations mentioned in section one which may be assumed by said Boston Consolidated Gas Company as hereinafter in this section provided.

Appeal may be made to supreme judicial court in certain cases, etc.

The attorney-general, if he deems that the public interest so requires, the mayor of the city of Boston, the selectmen of the town of Brookline, the Boston Consolidated Gas Company, and any one of the corporations mentioned in section one, if aggrieved by the determination of the board may, within fourteen days after notice of such determination, or after such further time as the

supreme judicial court may allow, appeal therefrom to the supreme judicial court, and upon the filing of such claim of appeal, together with a statement of objections to matters of fact or law, the supreme judicial court shall have jurisdiction in equity to hear and determine the same as upon the report of a master, and may enter such decrees or orders thereon as the case may require, and may recommit the matter to the board for further action by them in accordance with the requirements of such decree or order of recommitment.

Said Boston Consolidated Gas Company shall, so far as possible, acquire all the stock of the corporations whose properties are purchased as provided in section three, and the purchase price of the property of each corporation, whether paid in stock, or cash, or by the assumption of indebtedness, or part in each, shall be such amount as said board may approve as being the fair value of the plants and property of such corporation determined as hereinbefore provided.

The Boston Consolidated Gas Company to acquire stock of corporations whose properties are purchased.

Said Boston Consolidated Gas Company shall assume and pay all debts and liabilities of the corporations mentioned in section one, in so far as the same shall not be paid or provided for out of the purchase price paid to said corporations: *provided, however*, that the adjustment and satisfaction of all debts and liabilities of said corporations to one another shall be subject to the approval of the board of gas and electric light commissioners.

To assume certain liabilities, etc.

Proviso.

Said Boston Consolidated Gas Company may also, from time to time, for any lawful purpose but subject to the general laws applicable thereto, issue additional stock, and the limitation as to the amount of the capital stock of gas companies organized under chapter one hundred and ten of the Revised Laws shall not apply to said Boston Consolidated Gas Company.

May issue additional stock, etc.

SECTION 5. Any stockholder of any corporation selling under authority of section three who does not assent to the purchase authorized by this act may within thirty days after the day of the meeting of the selling corporation at which such sale is voted, file with the clerk of said corporation a writing declaring his dissent therefrom and stating the number of shares held by him and the number or numbers of the certificate or certificates evidencing the same. The shares of any stockholder dissenting, as above specified, may be valued as hereinafter provided, and the

Value of shares of dissenting stockholders, how determined, etc.

Value of shares of dissenting stockholders, how determined, etc.

value thereof shall in such case be paid, tendered or deposited to or for account of such stockholder in the manner following: — Within thirty days after the filing of any stockholder's dissent, as above provided, such stockholder may file a petition in the supreme judicial court sitting within and for the county of Suffolk, setting forth the material facts and praying that the value of his shares may be determined. Thereupon, and upon such notice to all parties concerned as it may deem proper, said court shall pass an order requiring such dissenting stockholder's certificate or certificates of stock, duly endorsed, to be deposited with the clerk of said court, and shall appoint three commissioners to ascertain and report the value of such dissenting stockholder's shares. Such report shall be made to the court as soon as practicable, and after due notice to the parties in interest, shall be confirmed by the court, unless some error of law be made to appear upon the face of the report, in which event it shall be recommitted to the commissioners with such order as the court may make, or unless either of the parties to said proceedings shall claim a trial by jury, in which latter event the court shall order the question of the value of the shares to be tried and determined by a jury in the same manner as other civil cases are tried in that court. Upon the payment, or tender, or deposit of the value of said shares, fixed as aforesaid, the shares of such dissenting stockholder and the certificate or certificates thereof shall be transferred to and become the property of the selling corporation, whose right and title thereto and possession thereof may be enforced by the court by any appropriate order or process. Exceptions may be taken to any ruling or order by said court, to be heard and determined by the full court as in other civil cases. The court may make all such orders for the enforcement of the rights of any party to the proceedings, for the consolidation of two or more petitions and their reference to the same commissioners, for the consolidation of claims for a trial by jury, for the deposit of money in court, and for the payment of interest upon the value of the stockholders' shares as determined, and the payment of costs by one party to the other, as justice and the speedy settlement of the matters in controversy may require.

Exceptions may be taken.

Contracts for purchase of gas to be approved by gas

SECTION 6. Said Boston Consolidated Gas Company shall not purchase any gas until the board of gas and

electric light commissioners have found after public hearing that the price to be paid for the gas to be purchased is less than it would cost said Boston Consolidated Gas Company to make its gas in gas works of standard type properly equipped, suitably situated and of sufficient capacity to make all the gas required by the whole district supplied by said company. Said board may from time to time determine the period or periods during which said company may so purchase its gas at the price aforesaid; and no contract for the purchase of gas for more than thirty days shall be made without the approval of said board. No contract which the Boston Consolidated Gas Company shall make for the purchase of any portion of its gas shall in any respect affect any authority conferred on said board by this act or by section thirty-four of chapter one hundred and twenty-one of the Revised Laws or by any general laws which may hereafter be in force to fix the price to be charged by said company for gas.

and electric light commissioners, etc.

SECTION 7. If in the conduct of its business said Boston Consolidated Gas Company shall deem it advisable to sell and convey any real estate conveyed to it for the purposes of this act, or if any part of such real estate shall hereafter be taken in the exercise of the right of eminent domain, the proceeds of such sale or sales or condemnation or taking shall be applied, with the approval of the board of gas and electric light commissioners, to the payment and cancellation of obligations of the company, or, with like approval, to any of the purposes for which said board might approve the issue of new capital stock, and, if not thereby exhausted, to the reduction of the capital stock of the company upon such terms as the board may approve.

Disposition of proceeds of sale, etc., of certain real estate.

SECTION 8. If in the judgment of the board of gas and electric light commissioners such action is demanded in the public interest, said board shall have authority to require said Boston Consolidated Gas Company to provide, either by the repair or reconstruction of existing works, or by the construction of new works, works for the manufacture of gas of such capacity as in the judgment of the board may be suited to the needs of the whole district supplied by said company.

Gas and electric light commissioners may require suitable works to be constructed, etc.

SECTION 9. Section five of chapter five hundred and thirty-seven of the acts of the year eighteen hundred and

1896, 537, § 5, amended.

ninety-six, entitled “ An Act to incorporate the Massachusetts Pipe Line Gas Company ”, is hereby amended by striking out the word “ shall ”, in the ninth and sixteenth lines, and inserting in place thereof, in each instance, the word : — may, — so as to read as follows : —

To petition for certain rights in cities and towns, etc.

Section 5. If the company shall desire for its pipe lines the right to construct, maintain and operate the same in the streets, lanes and highways of any city or town, it shall petition the aldermen or selectmen therefor, stating the termini of such pipe line in such city or town with as much particularity and certainty as practicable, and stating the streets, highways and lanes in which the company desires to locate such pipe line; and the aldermen or selectmen may grant that location, or such other location in such streets, lanes and highways as they shall deem proper. In the event that said aldermen or selectmen shall for a period of thirty days refuse or neglect to grant a location, or if the company is dissatisfied with the location granted, it may within sixty days thereafter appeal to the board, who, after such hearing and notice as they shall deem proper, may grant to the company reasonable locations between said termini for such pipe line in the streets, lanes and highways of said city or town. Upon the granting of such locations by said aldermen, selectmen or board, the company may lay, construct, maintain and operate such pipe line in the location granted. Similar rights as to additional pipe lines in the same city or town shall be obtained only by permission of the board. The company may, upon obtaining such locations, and subject to such regulations and restrictions in respect to the manner and time of conducting the work as said aldermen or selectmen shall prescribe, dig up and open the ground in any of the streets, lanes and highways of said city or town so far as is necessary to accomplish the object of the corporation; but such grant shall not affect the right or remedy to recover damages for an injury caused to persons or property by the doings of the company. It shall put all such streets, lanes and highways which are opened by it in as good repair as they were when opened, and to the satisfaction of the local authorities of the city or town in which such streets, lanes or highways are located, and upon failure so to do within a reasonable time shall be deemed guilty of a nuisance. In constructing, maintaining, repairing or

extending its distributing system in any city or town the company shall be subject to all the restrictions, regulations and liabilities set forth in section seventy-five of chapter one hundred and six of the Public Statutes, except as in this act provided; and in the construction, maintaining, repairing and extending of its pipe lines and distributing systems it shall in all cases be subject to the restrictions, regulations and liabilities set forth in sections seventy-six and seventy-seven of said chapter one hundred and six. If in making such excavations any water or gas pipes, sewers, drains, conduits or other subterranean works are disturbed or interfered with, the same shall, at the expense of the company, be restored to as good condition as they were in before such excavation. All locations granted under this section shall be subject to revocation by said aldermen or selectmen respectively, subject to the approval of said board.

Locations granted subject to revocation.

SECTION 10. Section six of said chapter five hundred and thirty-seven is hereby amended by inserting after the word "board", in the second line, the words: — and with the consent of the mayor and aldermen of any city or the selectmen of any town in which the works, distributing system and other property hereinafter mentioned are situated, — so as to read as follows: — *Section 6.* The company may, subject to approval of the board, and with the consent of the mayor and aldermen of any city or the selectmen of any town in which the works, distributing system and other property hereinafter mentioned are situated, and upon such terms and conditions as may be mutually agreed upon, and as may be approved by the board, purchase, lease or operate the works, distributing system and other property of any person, firm, corporation, town or city engaged in the business of selling or distributing gas, or any portion of such works, distributing system or other property in any city or town in which the company has laid a pipe line: *provided, however,* that nothing in this act shall authorize the company to issue new capital stock or bonds for the purpose of such purchase in excess of the amount issued by the corporation whose works are purchased; and such person, firm, corporation, town or city may sell or lease any of its works, distributing system or other property to the company as aforesaid. The company may thereupon use the said works, distributing system or other property for the pur-

1896, 537, § 6, amended.

May purchase, lease, etc., other systems.

Proviso.

Proviso.

pose of selling gas to the inhabitants of the town or city within which the same are situated; *provided, however*, that in case of any such purchase, lease or operating contract, the prices charged by the company to individual consumers or for public lights shall thereafter be subject to the jurisdiction of the board, as provided by section nine of chapter three hundred and fourteen of the acts of the year eighteen hundred and eighty-five, and shall not in any case exceed the prices ruling at the time of such purchase, lease or operating contract; nor shall the company discontinue any portion of the distributing system it may acquire by any such purchase, lease or operating contract, but shall be subject to the provisions of section five of chapter three hundred and forty-six of the acts of the year eighteen hundred and eighty-six.

Certain provisions of law not to apply to the Boston Consolidated Gas Company, etc.

SECTION 11. So much of section seven of said chapter five hundred and thirty-seven as fixes the price to be charged by the Massachusetts Pipe Line Gas Company for fuel or illuminating gas shall not apply to said Boston Consolidated Gas Company; but the final limitation of said section prohibiting the sale of gas to individual consumers, except as provided in section six of said chapter, shall apply to it except in any city or town or division or district thereof, if less than the whole, where individual consumers are now supplied by its constituent companies, and any contract for the sale of gas by said Boston Consolidated Gas Company to any other gas company, or to any city or town, shall be subject to the approval of the board of gas and electric light commissioners. Sections two and four of chapter forty-one of the acts of the year eighteen hundred and twenty-two, entitled "An Act to incorporate the Boston Gas Light Company", shall not apply to said Boston Consolidated Gas Company.

When amendments shall take effect.

SECTION 12. The amendments made by the three preceding sections shall not take effect until said Boston Consolidated Gas Company has acquired, as provided in section three, the property, locations, rights, licenses, powers, privileges and franchises of all the corporations mentioned in section one.

Certain stock to become the property of the Boston Consolidated Gas Company, etc.

SECTION 13. All stock of any corporation mentioned in section one received by said Boston Consolidated Gas Company as part of the transaction authorized by this act shall become the property of said company. Such stock shall not be sold, assigned, pledged, transferred or

conveyed in whole or in part, by the purchasing corporation, and shall be non-negotiable, and whenever all the property, locations, licenses, rights, powers, privileges and franchises of any of the corporations mentioned in section one shall have been transferred to and vested in said Boston Consolidated Gas Company, as aforesaid, and the indebtedness of said selling company paid, such selling company shall be dissolved in the manner provided by law upon its petition, upon the petition of the Boston Consolidated Gas Company, or upon the petition of the board of gas and electric light commissioners; and the supreme judicial court shall be authorized, upon the petition of the board of gas and electric light commissioners, to enforce any provision of this act.

Enforcement of provisions.

SECTION 14. Unless all the corporations named in section one shall within two years after the passage of this act convey their property to the said Boston Consolidated Gas Company, in accordance with the provisions of this act, or within such further time not exceeding three years as the board of gas and electric light commissioners may for good cause determine, the powers conferred by this act shall expire and terminate. Said Boston Consolidated Gas Company shall have no authority to make, purchase, sell or distribute gas or electricity until it shall, within the provisions of this act, have acquired all the property, locations, rights, licenses, powers, privileges and franchises of all the corporations mentioned in section one.

Act to terminate, etc., unless certain provisions are complied with.

SECTION 15. This act shall take effect upon its passage.

Approved June 10, 1903.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE TOWN OF MIDDLEFIELD AT THE ANNUAL TOWN MEETING IN THE YEAR NINETEEN HUNDRED AND THREE.

Chap. 418

Be it enacted, etc., as follows:

SECTION 1. The proceedings of the town of Middlefield at the annual town meeting in the year nineteen hundred and three in respect to raising and appropriating a sum of money for the construction of a telephone line in that town are hereby ratified and confirmed.

Certain proceedings of town of Middlefield confirmed.

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

Approved June 12, 1903.

*Chap.*419 AN ACT TO PROVIDE FOR THE PURCHASE OF LAND AND CONSTRUCTION OF PARKWAYS AND BOULEVARDS BY THE METROPOLITAN PARK COMMISSION.

Be it enacted, etc., as follows:

The metropolitan park commission may expend an additional amount.

SECTION 1. The metropolitan park commission, for the purpose of carrying out the provisions of chapter two hundred and eighty-eight of the acts of the year eighteen hundred and ninety-four and of all acts in addition thereto and in amendment thereof, is hereby authorized to expend the further sum of three hundred thousand dollars in each year for the ensuing five years, together with any balance remaining unexpended from the preceding year or years and in addition to all sums heretofore authorized. Any balance remaining unexpended at the expiration of five years may be expended in the same manner and to the same extent as other appropriations for metropolitan parkways and boulevards.

Treasurer and receiver general to issue scrip or certificates of indebtedness, etc.

SECTION 2. To meet expenditures made under authority of this act the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the amount of one million five hundred thousand dollars, as an addition to the Metropolitan Parks Loan, Series Two, of which three hundred thousand dollars of said bonds shall be issued in each year until the entire amount of said bonds is issued, 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 June 12, 1903.

AN ACT RELATIVE TO CLERICAL ASSISTANCE IN THE OFFICE OF THE COMMISSIONER OF STATE AID AND PENSIONS. *Chap.420*

Be it enacted, etc., as follows :

SECTION 1. Section four of chapter one hundred and ninety-two of the acts of the year nineteen hundred and two is hereby amended by striking out the words "one clerk", in the seventh line, and inserting in place thereof the words : — two clerks each, — and by striking out the word "three", in the eighth line, and inserting in place thereof the word : — two, — so as to read as follows : —

1902, 192, § 4, amended.

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; two clerks each at a salary of one thousand dollars a year; and two 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.

Clerical assistance, etc., in the office of the commissioner of state aid and pensions.

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

Approved June 12, 1903.

AN ACT RELATIVE TO FOREIGN INSURANCE COMPANIES.

Chap.421

Be it enacted, etc., as follows :

The first paragraph of section seven of chapter one hundred and eighteen of the Revised Laws is hereby amended by inserting after the word "law", in the third line, the words : — or with the provisions of its charter, or that its condition is such as to render its proceedings hazardous to the public or to its policy holders, — by inserting after the word "law", in the nineteenth line, the words : — or of its charter, or grounds for revocation, — by striking out the words "the", and "aforesaid", in the twentieth line, and by inserting after the word "committed", in the twenty-first line, the words : — or whether it is insolvent or in an unsound condition or has exceeded its powers or has failed to comply with any provisions of the law or of its charter, or that its condition

R. L. 118, § 7, paragraph 1, amended.

Suspension of authority of certain foreign insurance companies to do business in this Commonwealth.

is such as to render its further proceedings hazardous to the public or to its policy holders, — so that the said paragraph as amended will read as follows: — *Section 7.* If the commissioner is of opinion upon examination or other evidence that a foreign insurance company is in an unsound condition, that it has failed to comply with the law or with the provisions of its charter, or that its condition is such as to render its proceedings hazardous to the public or to its policy holders, or that its actual funds exclusive of its capital, if it is a life insurance company, are less than its liabilities, or if its officers or agents refuse to submit to examination or to perform any legal obligation relative thereto, he shall revoke or suspend all certificates of authority granted to said foreign insurance company, its officers or agents, and shall cause notices thereof to be published in the newspaper in which the general laws are published, and no new business shall thereafter be done by it or its agents in this Commonwealth while such default or disability continues, nor until its authority to do business is restored by the commissioner. Unless the ground for revocation or suspension relates only to the financial condition or soundness of the company, or to a deficiency in its assets, he shall, except as provided in section twenty, notify the company not less than ten days before revoking its authority to do business in this Commonwealth; and he shall specify in the notice the particulars of the alleged violation of law or of its charter, or grounds for revocation. The supreme judicial court upon petition of said company, brought within ten days, shall summarily hear and determine the question whether such violation has been committed, or whether it is insolvent or in an unsound condition or has exceeded its powers or has failed to comply with any provisions of the law or of its charter, or that its condition is such as to render its further proceedings hazardous to the public or to its policy holders, and shall make any appropriate order or decree therein. If the order or decree is adverse to the petitioning company, an appeal therefrom may be taken to the full court; and in case of such appeal the commissioner may revoke the right of said petitioning company to do business in this Commonwealth until the final determination of the question by the full court aforesaid.

Approved June 12, 1903.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO ALTER, RELOCATE, WIDEN AND CHANGE THE GRADE OF BELMONT AND SHREWSBURY STREETS OVER LAND OF THE COMMONWEALTH.

Chap. 422

Be it enacted, etc., as follows:

SECTION 1. The city council of the city of Worcester may alter, relocate, widen and change the grade of Belmont street from Lake Quinsigamond to Shrewsbury street, and of Shrewsbury street from Belmont street to Washington Square, to a width of not more than one hundred feet, over such land of the Worcester insane hospital and other land belonging to the Commonwealth as said city council may determine, notwithstanding the provisions of sections seventeen and nineteen of chapter fifty-three of the Revised Laws. Such alteration, relocation, widening and change of grade shall be as nearly as possible along the present line of said streets, and shall be subject to the approval of the governor and council. Claims for damages may be made as in cases of the laying out of highways over lands of individuals, and the same shall be settled in the manner now provided by law for such cases. All other provisions of law relative to the alteration, relocation, widening and change of grade of streets and highways in the city of Worcester shall apply to the proceedings hereby authorized.

City of Worcester may alter, relocate, etc., Belmont and Shrewsbury streets over land of the Commonwealth.

Certain provisions of law to apply.

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

Approved June 12, 1903.

AN ACT RELATIVE TO THE TRANSFER OF STOCK IN CORPORATIONS.

Chap. 423

Be it enacted, etc., as follows:

SECTION 1. The delivery of a certificate of stock by the person named as the stockholder in such certificate or by a person entrusted by him with its possession for any purpose to a bona fide purchaser or pledgee for value, with a written transfer thereof, or with a written power of attorney to sell, assign or transfer the same, signed by the person named as the stockholder in such certificate, shall be a sufficient delivery to transfer title as against all persons; but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or to treat the holder of record as the holder in fact until it has been recorded upon the books of the corporation, or

Transfer of stock in corporations.

Transfer of stock in corporations.

until a new certificate has been issued to the person to whom it has been so transferred. Such purchaser, upon delivery of the former certificate to the treasurer of the corporation, shall be entitled to receive a new certificate. Stock shall not be transferred upon the books of the corporation if any instalments thereon remain overdue and unpaid. A pledgee of stock transferred as collateral security shall be entitled to a new certificate if the instrument of transfer substantially describes the debt or duty which is intended to be secured thereby. Such new certificate shall express on its face that it is held as collateral security, and the name of the pledgor shall be stated thereon, who alone shall be liable as a stockholder, and entitled to vote thereon.

Repeal.

SECTION 2. Sections thirty-six, thirty-seven, thirty-eight and thirty-nine of chapter one hundred and nine, and, so far as they relate to the transfer of stock, section fifty-nine of chapter one hundred and eleven, section eighteen of chapter one hundred and twelve and section forty-two of chapter one hundred and twenty-three of the Revised Laws are hereby repealed.

When to take effect.

SECTION 3. This act shall take effect on the first day of August in the year nineteen hundred and three.

Approved June 12, 1903.

Chap. 424 AN ACT RELATIVE TO THE CERTIFICATES AND RETURNS DEPOSITED WITH THE SECRETARY OF THE COMMONWEALTH BY CERTAIN CORPORATIONS.

Be it enacted, etc., as follows:

R. L. 5, § 11, amended.

SECTION 1. Section eleven of chapter five of the Revised Laws is hereby amended by inserting after the word "certificates", in the third line, the words:—excepting those of foreign corporations, — and by striking out the words "chapter one hundred and ten", in the third and fourth lines, and inserting in place thereof the word:—law, — so as to read as follows:— *Section 11.* He shall annually prepare, cause to be printed and on the first Wednesday of January submit to the general court, a true abstract from the certificates, excepting those of foreign corporations, required by law to be deposited with him, a statement of the names of all corporations changed under the provisions of sections nine, ten and eleven of chapter

Secretary of the Commonwealth to prepare abstracts of certificates of corporations, etc.

one hundred and nine, and the names of all corporations dissolved.

SECTION 2. This act shall take effect on the first day of August in the year nineteen hundred and three.

When to take effect.

Approved June 12, 1903.

AN ACT TO PROVIDE FOR DIRECT NOMINATION OF CANDIDATES FOR COUNCILLOR IN DISTRICTS MADE UP ONLY OF SUFFOLK SENATORIAL DISTRICTS.

Chap. 425

Be it enacted, etc., as follows :

SECTION 1. Section one of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and two is hereby amended by inserting after the word " candidate ", in the second line, the words : — for the office of councillor in districts made up only of Suffolk senatorial districts, — so as to read as follows : — *Section 1.* Every nomination by a political party of a candidate for the office of councillor in districts made up only of Suffolk senatorial districts, 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.

1902, 537, § 1, amended.

Nominations for certain offices to be by direct plurality vote.

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

Approved June 12, 1903.

AN ACT RELATIVE TO THE NOMINATION AND ELECTION OF ALDERMEN IN THE CITY OF BOSTON.

Chap. 426

Be it enacted, etc., as follows :

SECTION 1. The aldermen of the city of Boston shall be thirteen in number, nominated and elected by and from the citizens at large.

Aldermen of city of Boston, election, etc.

SECTION 2. The nominations shall be made in caucuses throughout the city. Every political party making such nominations shall nominate eight candidates, and the eight candidates receiving the eight highest numbers of votes shall be the candidates of the party. Nomination papers for candidates at such caucuses shall be signed by not less than five voters from each ward, members of the political party holding the caucus, and each shall add to his signature the street and number, if any, of his resi-

Nomination of candidates.

dence. The provisions of chapter five hundred and thirty-seven of the acts of the year nineteen hundred and two shall, so far as they are applicable and not inconsistent herewith, apply to nominations under this act.

Who shall be deemed elected.

SECTION 3. The thirteen candidates receiving at the election the thirteen highest numbers of votes shall be elected.

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

Approved June 13, 1903.

*Chap.*427

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:—

Survey of Greylock state reservation.

For a survey of the Greylock state reservation, as authorized by chapter fifty-five of the resolves of the present year, a sum not exceeding two thousand dollars.

Dedication of monument at Vicksburg.

For expenses in connection with the dedication of the monument to Massachusetts soldiers erected in the national park near Vicksburg, as authorized by chapter sixty-five of the resolves of the present year, a sum not exceeding fifty-eight hundred dollars.

First regiment of heavy artillery.

For the first regiment of heavy artillery, as authorized by chapter sixty-six of the resolves of the present year, a sum not exceeding four hundred dollars.

Trustees of Lowell Textile School.

For the Trustees of the Lowell Textile School, as authorized by chapter sixty-seven of the resolves of the present year, the sum of thirty thousand dollars.

The Bradford Durfee Textile School of Fall River.

For completing the equipment of a building for The Bradford Durfee Textile School of Fall River, as authorized by chapter sixty-eight of the resolves of the present year, the sum of twenty thousand dollars.

Survey and estimate as to improvement of Annisquam river in Gloucester.

For a survey and estimate by the board of harbor and land commissioners as to the improvement of Annisquam river in the city of Gloucester, as authorized by chapter seventy-one of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

For procuring a side track and coal pockets for the permanent use of the Massachusetts School for the Feeble-minded, as authorized by chapter seventy-two of the resolves of the present year, a sum not exceeding seventy-five hundred dollars.

Massachusetts School for the Feeble-minded.

For the purchase of land for the establishment of the Mount Tom state reservation in the county of Hampshire, as authorized by chapter two hundred and sixty-four of the acts of the present year, a sum not exceeding thirty-five thousand dollars.

Mount Tom state reservation.

For repairs of state highways, as authorized by chapter two hundred and eighty of the acts of the present year, a sum not exceeding forty thousand dollars.

Repairs of state highways.

For the salary of the postmaster of the legislature, as established by chapter three hundred and twenty-three of the acts of the present year, a sum not exceeding eight hundred dollars.

Postmaster of legislature.

For the salary of the cashier in the office of the sergeant-at-arms, as authorized by chapter three hundred and twenty-three of the acts of the present year, a sum not exceeding seventy-five dollars.

Cashier in office of sergeant-at-arms.

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

State board of bar examiners.

For authorized expenses of the committees of the present general court, to include clerical assistance to committees authorized to employ the same, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for that purpose.

Committees of the general court.

For travelling, clerical and other necessary expenses of the state board of publication, a sum not exceeding three hundred dollars.

State board of publication.

For expenses in connection with a convention of commissioners of lobster-producing states and of the British provinces, as authorized by chapter three hundred and forty-eight of the acts of the present year, a sum not exceeding two hundred dollars.

Convention of commissioners of lobster-producing states, etc.

For Mary W. Morrison, widow of Frank R. Morrison, as authorized by chapter seventy-three of the resolves of the present year, the sum of four hundred sixteen dollars and sixty-seven cents.

Mary W. Morrison.

For expenses of the commission to investigate the condition of the adult blind, as authorized by chapter seventy-four of the resolves of the present year, a sum not exceeding twenty-five hundred dollars.

Commission to investigate condition of adult blind.

State normal school at Bridgewater.

For certain improvements at the state normal school at Bridgewater, as authorized by chapter seventy-five of the resolves of the present year, a sum not exceeding fifty-eight thousand seven hundred dollars.

Fuel and lights at the state house.

For fuel and lights at the state house, including coal, water, gas, and the removal of ashes, a sum not exceeding nine thousand dollars, the same to be in addition to the thirty-five thousand dollars appropriated by chapter forty of the acts of the present year.

Extermination of contagious diseases among animals.

For the purpose of meeting expenses in connection with the extermination of contagious diseases among horses, cattle and other animals, a sum not exceeding fifteen thousand dollars, the same to be in addition to the fifty-eight thousand dollars appropriated by chapter eighty-one of the acts of the present year.

Committee to consider question of salaries of certain officials.

For expenses of the committee appointed to sit during the recess to consider the question of salaries of certain officials, the same to include clerical assistance, stenographers, and travelling expenses of said committee, a sum not exceeding ten thousand dollars.

Report of board of conciliation, etc.

For printing and binding the annual report of the board of conciliation and arbitration, the sum of one hundred sixty-four dollars and eighty cents, the same to be in addition to the four hundred dollars appropriated for that purpose by chapter eight of the acts of the present year.

Investigation of the dumping of garbage, etc., in Massachusetts Bay.

For expenses in connection with investigating the dumping of garbage and rubbish in the harbors and along the sea coast of Massachusetts Bay, as authorized by chapter three hundred and fifty-eight of the acts of the present year, a sum not exceeding one thousand dollars.

Additional member of district police.

For the salary and travelling expenses of an additional member of the district police, as authorized by chapter three hundred and sixty-five of the acts of the present year, a sum not exceeding twelve hundred thirty-seven dollars and fifty cents.

Dredging northerly shore of Quincy.

For dredging the northerly shore of Quincy, between Wollaston and Squantum, as authorized by chapter three hundred and sixty-six of the acts of the present year, a sum not exceeding seven thousand five hundred dollars.

State farm.

For certain improvements at the state farm, as authorized by chapter seventy-nine of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

Committee appointed to consider

For expenses of the committee appointed 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 six thousand two hundred dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

advisability of constructing a dam across the Charles river.

For printing and binding the annual report of the metropolitan park commission, the sum of one hundred sixty-five dollars and twenty-three cents, the same to be in addition to the twelve hundred dollars appropriated by chapter one hundred and twenty-three of the acts of the present year.

Report of metropolitan park commission.

For printing and binding the annual report of the gas and electric light commissioners, the sum of sixty-nine dollars and three cents, the same to be in addition to the fifteen hundred dollars appropriated by chapter one hundred and thirteen of the acts of the present year.

Report of gas and electric light commissioners.

For printing and binding the annual report of the board of commissioners on fisheries and game, the sum of eighty dollars and ninety cents, the same to be in addition to the three hundred and fifty dollars appropriated by chapter seventy-three of the acts of the present year.

Report of commissioners on fisheries and game.

For the reclamation of waste or unused land by the labor of prisoners, as authorized by chapter eighty-one of the resolves of the present year, a sum not exceeding twenty-five thousand dollars.

Reclamation of waste or unused land by labor of prisoners.

For the Commonwealth's proportion of the expenses of dredging the channel of Bass river in the city of Beverly, and for widening the draw of Bass River bridge in that city, as authorized by chapter three hundred and forty-one of the acts of the present year, a sum not exceeding twenty-five thousand dollars.

Dredging channel of Bass river in Beverly.

For the construction of an entrance to East Bay at Osterville in the town of Barnstable, as authorized by chapter three hundred and seventy-six of the acts of the present year, a sum not exceeding six thousand five hundred dollars.

Construction of an entrance to East Bay at Osterville.

For the protection of the town of Hatfield against the further encroachment of the Connecticut river, as authorized by chapter eighty-two of the resolves of the present year, a sum not exceeding seven thousand five hundred dollars.

Protection of town of Hatfield against encroachment of the Connecticut river.

For compensating owners of animals killed in exterminating the foot and mouth disease, as authorized by chap-

Compensating owners of animals killed

in exterminat-
ing the foot
and mouth
disease.

ter eighty-three of the resolves of the present year, a sum not exceeding forty thousand dollars.

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

Approved June 13, 1903.

Chap. 428

AN ACT RELATIVE TO GRANTING POLICE PENSIONS IN CITIES.

Be it enacted, etc., as follows:

R. L. 108, § 29,
amended.

SECTION 1. Section twenty-nine of chapter one hundred and eight of the Revised Laws is hereby amended by striking out the words "of any city", in the first line, and inserting in place thereof the words: — or the board of police of any city where such boards are established, — by striking out after the word "this", in the third line, the words "and the following section or has accepted the corresponding provisions of earlier laws and which contains not less than seventy-five thousand inhabitants according to the latest census, state or national, may", and inserting in place thereof the words: — act, shall, at his own request, or at the request of the chief or superintendent of police, if, in the judgment of said board, he is disabled for useful service in said department, — by striking out in the seventh, eighth, ninth and tenth lines, the words "sixty-five years of age or over who has performed faithful service in said department for not less than fifteen years, or any member of said department", and by striking out at the end of said section the words "if, in the judgment of said board, he is disabled for useful service in said department", and inserting in place thereof the words: — continuously, and every member so retired shall annually receive as a pension one half the amount of compensation received by him at the time of his retirement, such amount to be paid by the city, which shall appropriate money therefor, — so as to read as follows: — *Section 29.* The mayor and aldermen, or the board of police of any city where such boards are established, except Boston, which, by vote of its city council accepts the provisions of this act, shall, at his own request, or at the request of the chief or superintendent of police, if, in the judgment of said board, he is disabled for useful service in said department, retire from active service and place upon a pension roll any member of the police department of such city whom the city physician of such city certifies in writing to be permanently disabled,

Police pen-
sions in cities.

mentally or physically, by injuries sustained through no fault of his in the actual performance of duty, from further performing duty as such member, or any member of said department who has performed faithful service therein for not less than twenty years continuously, and every member so retired shall annually receive as a pension one half the amount of compensation received by him at the time of his retirement, such amount to be paid by the city, which shall appropriate money therefor.

SECTION 2. Section thirty of chapter one hundred and eight of the Revised Laws is hereby amended by striking out the whole section and inserting in place thereof the following new section:—*Section 30.* The city council of any city which has accepted chapter three hundred and seventy-eight of the acts of the year eighteen hundred and ninety-two, or the provisions of sections twenty-nine and thirty of chapter one hundred and eight of the Revised Laws, previous to the passage of this act, may continue to carry out the provisions of said laws or may accept the provisions of this act.

R. L. 108, § 30, amended.

Certain provisions of law to apply.

SECTION 3. The board of police, or the mayor in cities having no board of police, is hereby authorized in case of an emergency, to call upon any person so pensioned for such temporary service in the department as he may be fitted to perform, and during such service he shall be entitled to full pay.

Persons pensioned may be called upon for temporary service.

Approved June 16, 1903.

AN ACT TO PROVIDE FOR THE PURCHASE OF LAND AND CONSTRUCTION OF PARKS BY THE METROPOLITAN PARK COMMISSION.

Chap. 429

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 all acts in addition thereto and in amendment thereof, is hereby authorized to expend the further sum of three hundred thousand dollars in each year for the ensuing five years, together with any balance remaining unexpended from the preceding year or years, and in addition to all sums heretofore authorized. Any balance remaining unexpended at the expiration of five years may be expended in the same manner and to the same extent as other appropriations for metropolitan parks.

The metropolitan park commission may expend an additional sum, etc.

Treasurer and receiver general to issue scrip or certificates of indebtedness, etc.

SECTION 2. To meet expenditures made under authority of this act the treasurer and receiver general, with the approval of the governor and council, shall issue scrip or certificates of indebtedness, bearing interest at a rate not exceeding four per cent per annum, to the amount of one million five hundred thousand dollars as an addition to the Metropolitan Parks Loan, of which three hundred thousand dollars of said bonds shall be issued in each year until the entire amount of said bonds is issued, 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 nine, ten, eleven and twelve of said chapter four hundred and seven, 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 June 16, 1903.

Chap. 430 AN ACT TO LIMIT AND DEFINE THE TIME FOR ASSESSMENT OF POLLS AND ESTATES AFTER MAY FIRST.

Be it enacted, etc., as follows:

R. L. 11, § 19, paragraph 1, amended.

Assessment of polls and estates after May 1.

SECTION 1. The first paragraph of section nineteen of chapter eleven of the Revised Laws is hereby amended by inserting after the word "assessors", in the third line, the words:—before the close of registration,—so that said paragraph will read as follows:—*Section 19.* If a male person resident in a city or town on the first day of May was not assessed for a poll tax, he shall, in order to establish his right to assessment, present to the assessors before the close of registration a statement under oath that he was on said day a resident of such city or town and liable to pay a poll tax therein, and a list under oath of his polls and estate and shall also produce before the assessors two witnesses, who shall testify, under oath, that they are voters of the ward or town in which such person desires to be registered and that the statement of the applicant is true.

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

Approved June 16, 1903.

AN ACT TO AUTHORIZE THE CENTRAL VERMONT RAILWAY COMPANY TO TAKE DOWN THE JOINT RAILWAY AND HIGHWAY BRIDGE OVER THE CONNECTICUT RIVER ON THE LINE OF THE NEW LONDON NORTHERN RAILROAD IN THE TOWN OF NORTHFIELD, AND TO BUILD A STEEL BRIDGE FOR RAILROAD PURPOSES ONLY. Chap.431

Be it enacted, etc., as follows:

SECTION 1. The Central Vermont Railway Company, as lessee of the New London Northern Railroad, may take down and remove the joint railway and highway bridge extending across the Connecticut river in the town of Northfield upon the line of the New London Northern Railroad, as soon as the bridge now being constructed across said river in said town is completed and opened to travel; and in lieu of said bridge so to be taken down and removed, may build a steel bridge adapted to railroad purposes only, in accordance with a plan to be approved by the board of railroad commissioners: *provided, however,* that the entire cost of the work herein authorized shall be borne by the said Central Vermont Railway Company. The Central Vermont Railway Company may build a new bridge over the Connecticut river at Northfield.

Proviso.

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

Approved June 16, 1903.

AN ACT RELATIVE TO THE GRANTING OF HAWKERS' AND PEDLERS' LICENSES TO CERTAIN SOLDIERS AND SAILORS. Chap.432

Be it enacted, etc., as follows:

Section twenty-one of chapter sixty-five of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 21.* Special state or county licenses may be granted as aforesaid, without the payment of any fee therefor, to any person seventy years of age or upwards, or to any soldier or sailor resident in this Commonwealth who has served in the army or navy of the United States and who has received an honorable discharge from such service, upon satisfactory evidence of his identity, and, if the applicant did not serve in the war of the rebellion, of his total or partial disability by reason of wounds received or disease contracted in the service of the United States. R. L. 65, § 21, amended.
Hawkers' and pedlers' licenses may be granted to certain soldiers and sailors, etc.

Approved June 16, 1903.

*Chap.*433 AN ACT TO AUTHORIZE THE TOWN OF NANTUCKET TO TAKE CERTAIN LAND FOR A PUBLIC PARK.

Be it enacted, etc., as follows:

Town of Nantucket may take certain land for a public park.

SECTION 1. The town of Nantucket, by its board of selectmen, at any time within two years after the acceptance of this act as hereinafter provided, may take, by purchase or otherwise, and hold in fee, land not exceeding ten acres in extent, situate on or about the Cliffs Beach, so-called, in said town, and the land so taken shall thereafter be kept and maintained as a public park.

Description of land to be recorded, etc.

SECTION 2. Said town shall, within sixty days after the taking of said land otherwise than by purchase or gift, cause to be recorded in the registry of deeds for the county of Nantucket 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 board of selectmen, and the title of the land so taken shall thereupon vest in the town of Nantucket in fee.

Damages.

SECTION 3. Said town shall pay all damages to property sustained by any person by the taking of said land, and any such person who fails to agree with said town as to the amount of such damages may have them 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 one year from the taking of said land.

Assessment of betterments.

SECTION 4. At any time within two years after said park is completed, the selectmen of said town shall have the same authority to determine the value of and to assess upon real estate the amount of betterments accruing to said real estate by the construction of said park which is conferred by chapter fifty of the Revised Laws upon city or town officers authorized to lay out streets or ways, and the provisions of the first eight sections of said chapter shall apply to such assessments by said board of selectmen.

Certain amount may be advanced by the Commonwealth, etc.

SECTION 5. The treasurer and receiver general, upon due notice from said board of selectmen that the title to said land has vested in the town of Nantucket, together with evidence, satisfactory to him, of such transfer, shall pay out of the treasury of the Commonwealth to the treasurer of said town a sum not exceeding ten thousand dollars to meet the expenses incurred by said town under the

provisions of this act. Said town shall repay to the Commonwealth the amount so advanced in fifteen equal annual payments, with interest at the rate of four per cent per annum; and the said treasurer and receiver general shall, in each of said fifteen years, include the annual payment required of said town, with interest at the rate of four per cent per annum, in, and make the same a part of, the sum charged to said town as its state tax, and the same shall be paid by the town into the treasury of the Commonwealth at the time required for the payment and as a part of its state tax.

SECTION 6. This act shall be submitted to the said town, and shall take effect upon its acceptance by a majority of the legal voters of said town present and voting thereon at an annual town meeting or at a special meeting duly called for this purpose. *Approved June 16, 1903.*

When to take effect.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO THE WIDOW OF CORNELIUS F. QUINLAN.

Chap.434

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Mary E. Quinlan, widow of Cornelius F. Quinlan late a member of the fire department of said city, a sum of money not exceeding one half of his annual salary: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Quinlan would have been entitled if he had lived and continued to serve as a member of the fire department until the seventeenth day of November next succeeding the date of his death.

City of Boston may pay a sum of money to the widow of Cornelius F. Quinlan.

Proviso.

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

Approved June 16, 1903.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF HAMPSHIRE TO PAY A SUM OF MONEY TO THE WIDOW OF WILLIAM H. CLAPP.

Chap.435

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Hampshire are hereby authorized to appropriate from the county treasury and pay to the widow of William H. Clapp late clerk of courts for said county, a sum equivalent to his salary as such clerk from the twenty-ninth day of

County of Hampshire may pay a sum of money to widow of William H. Clapp.

May in the year nineteen hundred and three, the date of his death, to the end of the current year.

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

Approved June 16, 1903.

Chap. 436 AN ACT RELATIVE TO THE CONSTRUCTION AND EXTENSION OF
STREETS IN THE CITY OF CAMBRIDGE.

Be it enacted, etc., as follows:

Construction
and extension
of streets in
city of Cam-
bridge, plan to
be submitted,
etc.

SECTION 1. Any person contemplating the laying out or constructing of a new way, or desiring the extension of an existing way, in the city of Cambridge, may submit a plan thereof to the board of survey of the said city, made in accordance with such rules as the said board may prescribe, with a petition for the approval of the plan. Thereupon the said board shall give notice of a hearing upon the said plan and petition by publication once a week for two successive weeks in a newspaper published in said city, and seven days at least previous to the date of the hearing, by written notice thereof either left at the usual place of abode of every owner of land over which such new way or extension of any existing way is contemplated, or delivered to every such owner in person or to his tenant or authorized agent. Thirty days at least shall elapse between the first publication of the notice and the date of the hearing, during which time the board shall keep the plans open for public inspection. After the hearing, which shall be given at the date stated in the notice, and which may be adjourned if necessary, the board shall, if it deems that the interests of the city so require, approve the said plan, altering it, as to situation, width, grade or otherwise, as it may deem necessary. The plan shall then be signed by the board, marked as made under the provisions of this act, and filed in the office of the city engineer, who shall attest the date of the filing.

Board of sur-
vey to cause
plans of con-
templated new
ways, etc., to
be made, etc.

SECTION 2. From time to time and as they may deem that the present or future interests of the public require the said board may cause to be made plans of any territory in the city, clearly showing contemplated new ways or extensions of existing ways, including the width and grade thereof, whether or not such ways have already been marked out upon plans approved under the provisions of section one hereof. But such new ways shall be

planned as aforesaid only in parts of the city which the said board shall determine to be outlying or undeveloped for business or residential purposes ; and its determination on this point shall, for the purposes of this act, be final. The notice and hearing described in section one hereof shall be given in respect to plans made in accordance with this section, and upon their approval they shall be signed, filed and dated as above provided.

SECTION 3. After the passage of this act no new way shall be laid out or constructed as and for a public way, and no existing way shall be extended as and for a public way, in the city of Cambridge, except in accordance with plans approved as aforesaid, or made under the authority conferred by the following section.

New ways,
etc., to be laid
out, etc., in
accordance
with plans
approved.

SECTION 4. If the city council of the said city determines that public necessity or convenience requires any existing public way to be altered, widened, located anew or changed in grade, a plan showing the proposed alteration, widening, locating anew or change in grade, with any petition or other document relating thereto, shall be referred to the said board of survey, who shall give a hearing thereon, and notice of the same, in the manner specified in section one hereof. After such hearing the said board shall report to the city council its conclusions as to the said plan, with any recommendations or suggestions which it may deem expedient ; and after the receipt of the said report the city council may alter, widen, locate anew or change the grade of the said way in such manner as it may deem best.

Alteration,
etc., in existing
public ways.

SECTION 5. After the making and filing of any plan in accordance with section one or section two hereof, the marking out of any new way or the extension of any existing way on the said plan shall operate as a restriction on the land thus appropriated to such new or extended way ; and no building or other structure shall be placed thereon without the written consent of the board of survey or a majority thereof. Any person alleging damage to his property as resulting from the restriction created as aforesaid may, within two years after the filing of such plan, petition the city to estimate the same, and the city shall thereupon estimate the damages, if any, so sustained ; and if the petitioner is aggrieved in the estimation of his damages as aforesaid he may within said two years further petition the superior court for the county of Middlesex to

Marking out
of new ways,
etc., on plans
filed to operate
as a restriction
on land appro-
priated.

Damages.

have his damages determined by a jury in the manner and subject to the set-off of benefits, if any, provided for by law in the case of the laying out of highways. The approval of any plan by the board of survey shall not impose any obligation upon the city of Cambridge, except as provided in this section.

Right of petition and recovery to apply to certain claims for damages.

Proviso.

SECTION 6. The right of petition and recovery provided for in the preceding section shall apply to all claims for damages arising prior to the passage of this act under the provisions of chapter four hundred and five of the acts of the year nineteen hundred: *provided*, that proceedings are begun in such cases within one year after the passage of this act.

Certain powers not abridged.

SECTION 7. The powers of the city council of said city and of the two branches thereof shall not be abridged by this act, except as expressly provided herein.

Repeal.

SECTION 8. Sections two, three, four and five of chapter four hundred and five of the acts of the year nineteen hundred are hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Approved June 17, 1903.

Chap. 437

AN ACT RELATIVE TO BUSINESS CORPORATIONS.

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Be it enacted, etc., as follows:

GENERAL PROVISIONS.

Application of act.

SECTION 1. This act may be cited as THE BUSINESS CORPORATION LAW. It shall, except as herein otherwise provided, apply

(a) To all corporations having a capital stock and established for the purpose of carrying on business for profit heretofore or hereafter organized under general laws of the commonwealth.

(b) To all such corporations heretofore created under special laws of the commonwealth, except so far as its provisions are inconsistent with the provisions of any such special laws enacted before the eleventh day of March in the year eighteen hundred and thirty-one as are not subject to amendment, alteration or repeal by the general court.

(c) To all such corporations hereafter created under special laws of the commonwealth so far as its provisions are consistent with the provisions of said special laws.

Not to apply to certain corporations.

It shall not apply to corporations organized under general or special laws of this commonwealth for the purpose of carrying on within the commonwealth the business of a bank, savings bank, co-operative bank, trust company, surety or indemnity company, safe deposit company, insurance company, railroad or street railway company, telegraph or telephone company, gas or electric light, heat or power company, canal, aqueduct or water company, cemetery or crematory company, or to any other corporations which now have or may hereafter have the

right to take or condemn land or to exercise franchises in public ways granted by the commonwealth or by any county, city or town. But the provisions of this section shall not be construed to prohibit the organization of a corporation under the provisions of this act for the purpose of carrying on any lawful business outside of this commonwealth.

SECTION 2. Corporations organized under general laws shall be subject to the provisions of all laws hereafter enacted which may affect or alter their corporate rights or duties or which may dissolve them; but they shall, notwithstanding their dissolution, be subject to the provisions of sections fifty-two and fifty-three. Such amendment, alteration or dissolution shall not take away or impair any remedy which may exist by law, consistently with said sections, against such corporations, their stockholders or officers for a liability previously incurred. The charters of all corporations which are subject to the provisions of this act and which have been incorporated by special law since the eleventh day of March in the year eighteen hundred and thirty-one and of all such corporations as may be hereafter incorporated by special law shall be subject to amendment, alteration or repeal by the general court. Corporations of the kind which are subject to the provisions of this act, and which were incorporated by special law before such date, may, by amendment to their certificate of organization, adopted as provided in section forty, and filed as provided in section forty-one, reorganize under this act, and thereupon and thereafter, they shall be governed in all respects by its provisions.

Rights and liabilities of existing corporations.

SECTION 3. The commissioner of corporations shall examine the certificates and reports submitted to him under the provisions of this act, and make suitable indorsements upon such as conform to the requirements of law. He shall keep a record of the names of corporations which submit certificates to his inspection, of the date of inspection and of his certificates when given, and of the result in brief of his inspection. He shall report to the attorney-general instances of neglect or omission on the part of corporations to comply with the provisions of this act for the enforcement of the penalties therefor. If a vacancy exists or if the commissioner is absent from his office, the first clerk shall perform the duties of the commissioner, and legal process served upon said clerk

Duties of commissioner of corporations.

Vacancy.

shall have the same force and effect as if served upon the commissioner.

Powers and
privileges of
corporation.

SECTION 4. Every corporation which is subject to the provisions of this act shall have the following powers and privileges and shall be subject to the following liabilities :—

(a) To have perpetual succession in its corporate name, unless a period for its duration is limited by special law.

(b) To sue or be sued in its corporate name, and to prosecute or defend to final judgment and execution or decree in any court of law or equity.

(c) To have a capital stock to such an amount as may be fixed in its agreement of association or articles of organization or of amendment as hereinafter provided.

(d) To have a corporate seal, which it may alter at pleasure.

(e) To elect all necessary officers, fix their compensation and define their duties.

(f) To hold, purchase, convey, mortgage or lease within or without this commonwealth such real or personal property as the purposes of the corporation may require.

(g) To make contracts, incur liabilities and borrow money on its credit and for its use.

(h) To make by-laws not inconsistent with the laws of this commonwealth for regulating its government and for the administration of its affairs as hereinafter provided.

(i) To be dissolved or to have its affairs wound up in the manner hereinafter provided.

Corporate
name.

SECTION 5. A corporation which is organized under general laws may assume any name which shall indicate that it is a corporation as distinguished from a natural person or a partnership ; but it shall not assume the name of another domestic corporation, or of a foreign corporation, or of any partnership or association, carrying on business in this commonwealth at the time of such organization or within three years prior thereto, or a name so similar thereto as to be liable to be mistaken for it, except with the consent in writing of such existing corporation, association or partnership filed with the articles of organization. The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of any corporation, partnership, association or person interested or affected, to enjoin such corporation from doing business under a name assumed in violation of the provi-

sions of this section although its articles of organization may have been approved and a certificate of incorporation may have been issued to it.

ORGANIZATION OF CORPORATIONS.

SECTION 6. A corporation which is created by special charter shall, if no time is limited therein, be organized within two years after the passage of its act of incorporation. The persons named in said act and their associate subscribers to stock before the date of the act shall hold the franchise or privileges granted until the corporation is organized.

Organization under special charter.

SECTION 7. Three or more persons may associate themselves by a written agreement of association with the intention of forming a corporation under general laws for any lawful purpose which is not excluded by the provisions of section one except to buy and sell real estate or to distil or manufacture intoxicating liquors.

Organization under general laws.

SECTION 8. The agreement of association shall state : —

Agreement of association.

(a) That the subscribers thereto associate themselves with the intention of forming a corporation.

(b) The corporate name assumed.

(c) The location of the principal office of the corporation in the commonwealth, and elsewhere in the case of corporations organized to do business wholly outside the commonwealth.

(d) The purposes for which the corporation is formed and the nature of the business to be transacted.

(e) The total amount of the capital stock of the corporation, which shall not be less than one thousand dollars, to be authorized ; the par value of the shares, which shall not be less than five dollars ; the number of shares into which the capital stock is to be divided, and the restrictions, if any, imposed upon their transfer ; and, if there are to be two or more classes of stock, a description of the different classes and a statement of the terms on which they are to be created and of the method of voting thereon.

(f) Any other provisions not inconsistent with law for the conduct and regulation of the business of the corporation, for its voluntary dissolution, or for limiting, defining or regulating the powers of the corporation, or of its directors or stockholders, or any class of stockholders.

(g) The subscriber or subscribers by whom the first meeting of the incorporators shall be called.

(h) The names and residences of the incorporators and the amount of the stock subscribed for by each.

Calling of first meeting of incorporators.

SECTION 9. The first meeting of the incorporators of a corporation created by special law shall, unless such law otherwise provides, be called by a notice signed by a majority of the persons named in the act of incorporation; and the first meeting of the incorporators of a corporation organized under general laws shall be called by a notice signed either by such subscriber to the agreement of association as may be designated therein or by a majority of the subscribers to such agreement; and such notice shall state the time, place and purposes of the meeting. A copy of such notice shall, seven days at least before the day appointed for the meeting, be given to each incorporator or left at his residence or usual place of business, or deposited in the post office, postage prepaid, and addressed to him at his residence or usual place of business, and another copy thereof, and an affidavit of one of the signers that the notice has been duly served, shall be recorded with the records of the corporation. If all of the incorporators shall in writing, indorsed upon the agreement of association, or, in the case of a corporation created by special law, upon the charter or a certified copy thereof, waive such notice and fix the time and place of the meeting, no notice shall be required.

Notice may be waived by incorporators.

Organization, election of officers.

SECTION 10. At such first meeting, or at any adjournment thereof, the incorporators shall organize by the choice, by ballot, of a temporary clerk, who shall be sworn, by the adoption of by-laws and by the election in such manner as the by-laws may determine of directors, of a treasurer, of a clerk and of such other officers as the by-laws may prescribe. The temporary clerk shall make and attest a record of the proceedings until the clerk has been chosen and sworn, including a record of such choice and qualification.

Articles of organization.

SECTION 11. A majority of the directors who are elected at such first meeting shall forthwith make, sign and make oath to articles setting forth:—

(a) A true copy of the agreement of association and the names of the subscribers thereto, or of the act of incorporation, as the case may be.

(b) The date of the first meeting and of the successive adjournments thereof, if any. Articles of organization.

(c) The amount of capital stock then to be issued; the amount thereof to be paid for in full in cash; the amount thereof to be paid for in cash by instalments and the instalment to be paid before the corporation commences business; and the amount thereof to be paid for in property. If such property consists in any part of real estate, its location, area and the amount of stock to be issued therefor shall be stated; if any part of such property is personal, it shall be described in such detail as the commissioner of corporations may require, and the amount of stock to be issued therefor stated. If any part of the capital stock is issued for services or expenses, the nature of such services or expenses and the amount of stock which is issued therefor shall be clearly stated.

(d) The name, residence and post office address of each of the officers of the corporation.

The directors who sign such articles shall be jointly and severally liable to any stockholder of the corporation for actual damages caused by any statement therein which is false and which they know to be false. Liability for damages caused by false statement.

SECTION 12. The articles of organization and the record of the first meeting of the incorporators shall be submitted to the commissioner of corporations, who shall examine them and who may require such amendment thereof or such additional information as he may consider necessary. If he finds that the articles conform to the provisions of the preceding sections relative to the organization of the corporation, he shall so certify and indorse his approval thereon. Thereupon, the articles shall, upon payment of the fee hereinafter provided, be filed in the office of the secretary of the commonwealth, who shall cause them and the indorsement thereon to be recorded, and, except in the case of a corporation created by special law, shall thereupon issue a certificate of incorporation in the following form:— Articles of organization to be approved by commissioner of corporations.

Secretary of the commonwealth to issue certificate of incorporation.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas (the names of the subscribers to the agreement of association) have associated themselves with the intention of forming a corporation under the name of (the name of the corporation), for the purpose (the purpose declared in the agree- Form.

Form.

ment of association), with a capital stock of (the amount fixed in the agreement of association, with a statement of the several classes into which the stock is divided and their respective amounts, and of the method of paying for such stock, whether by cash in full, cash on instalments, property, or partly cash and partly property), and have complied with the provisions of the statutes of this commonwealth in such case made and provided, as appears from the articles of organization of said corporation, duly approved by the commissioner of corporations and recorded in this office: now, therefore, I (the name of the secretary), secretary of the commonwealth of Massachusetts, do hereby certify that said (the names of the subscribers to the agreement of association), their associates and successors, are legally organized and established as, and are hereby made, an existing corporation under the name of (name of the corporation), with the powers, rights and privileges, and subject to the limitations, duties and restrictions, which by law appertain thereto.

Witness my official signature hereunto subscribed, and the great seal of the commonwealth of Massachusetts hereunto affixed, this _____ day of _____ in the year _____ (the date of filing of the articles of organization).

Evidence of
existence of
certain corpo-
ration.

The secretary shall sign the certificate of incorporation and cause the great seal of the commonwealth to be thereto affixed, and such certificate shall have the force and effect of a special charter. The existence of every corporation which is not created by special law shall begin upon the filing of the articles of organization in the office of the secretary of the commonwealth. The secretary of the commonwealth shall also cause a record of the certificate of incorporation to be made, and such certificate, or such record, or a certified copy thereof, shall be conclusive evidence of the existence of such corporation.

By-laws.

SECTION 13. Every corporation may determine by its by-laws the time and place of holding and the manner of conducting its meetings, and, in accordance with the provisions of section eighteen, of electing its officers, the powers, duties and tenure of its officers, the number of its directors, the number of stockholders and of directors necessary to constitute a quorum, the manner of calling regular and special meetings of the directors, the expediency of providing for an executive committee, the number of members thereof, and the duties which may be delegated to it, the method of making demand for payment of subscriptions to its capital stock, the conditions under which a new certificate of stock may be issued in place of a certificate which is alleged to have been lost or destroyed, the method in general of transacting its busi-

ness and the manner by which the by-laws may be altered, amended or repealed.

SECTION 14. Capital stock may be issued for cash, Issue of stock. property, tangible or intangible, services or expenses. Stock which is issued for cash may be paid for in full before it is issued or by instalments. If it is paid for by instalments, the stock certificate shall be legibly stamped with the words “———per cent paid up, balance payable [stating manner and time of payment] ———and shares subject to forfeiture if unpaid”, the proportion and terms of payment being stated to agree with the facts; and, as each instalment is demanded and paid, the certificate shall be stamped accordingly. Stock may be issued subsequent to the issue of stock certified by the articles of organization if a certificate is prepared within thirty days after the date when the issue of such additional stock has been authorized, and is signed and sworn to by the president, treasurer and a majority of the directors setting forth:— (a) the total amount of capital stock authorized; (b) the amount of stock already issued for cash payable by instalments and the amount paid thereon; also the amount of full paid stock already issued for cash, property, services or expenses; (c) the amount of additional stock to be issued for cash, property, services or expenses respectively; (d) a description of said property, and a statement of the nature of said services or expenses, in the manner required by the provisions of section eleven. Such certificate shall be submitted to the commissioner of corporations, who shall examine it in the same manner as the original articles of organization. If he finds that it conforms to the requirements of law, he shall so certify and indorse his approval thereon, and it shall thereupon be filed in the office of the secretary of the commonwealth who, upon payment of the fee hereinafter provided, shall cause it and the indorsement thereon to be recorded. No issue of stock subsequent to the issue of stock certified by the articles of organization shall be lawful until said certificate shall have been filed in the office of the secretary of the commonwealth as aforesaid. No stock shall be at any time issued unless the cash, so far as due, or the property, services or expenses for which it was authorized to be issued has been actually received or incurred by, or conveyed or rendered to, the corporation; and the president, treasurer and directors shall be jointly

and severally liable to any stockholder of the corporation for actual damages caused to him by such issue.

Payment of subscriptions to stock.

SECTION 15. If, by the provisions of the articles of organization, capital stock which is issued for cash is to be paid for in full before it is issued, the directors may require payment of the subscriptions therefor in such proportions and at such times and places as they deem proper by making demand therefor according to the by-laws, or, in default of such by-law, by a notice mailed to each subscriber at least seven days before such subscription is payable. If the subscriber refuses or neglects to pay the amount so demanded for thirty days after the time limited in such notice for payment, his rights of subscription may be sold by public auction by the treasurer of the corporation who, out of the proceeds of such sale, shall pay to the corporation the amount then due from such subscriber with interest and incidental charges, first giving notice by mail to such subscriber, not less than ten days prior to such sale, of the time and place appointed therefor and of the amount due and payable by him. Upon the sale of such rights as aforesaid, the directors shall give to the purchaser a certificate thereof. If the rights of such subscriber do not sell for an amount sufficient to pay the amount due from him with interest and charges of sale, he shall be liable to the corporation in an action at law for the deficiency; if they sell for more, he shall be entitled to the surplus. At the expiration of thirty days after the time limited for payment as aforesaid, the directors may waive their right to offer such rights for sale, and may elect to proceed by an action at law against such delinquent subscriber to recover all amounts due and payable by him with interest. If said rights are not sold at said auction, or if a judgment rendered in an action against a subscriber remains unsatisfied for thirty days, all amounts previously paid by him shall be forfeited to the corporation.

Rights of certain subscribers may be sold by public auction, etc.

Payment of stock by instalments.

SECTION 16. If stock is issued payable by instalments, the directors may require the payment of subscriptions for stock in such proportions and at such times and places as they deem proper, by making demand therefor according to the by-laws and by a notice mailed to each stockholder at least two weeks before any instalment is payable. If a stockholder neglects to pay an instalment for thirty days after the time limited in such notice for payment,

Shares of certain stockholders may

the treasurer of the corporation may sell such stockholder's shares by public auction, and, out of the proceeds of such sale, shall pay to the corporation all instalments then due from such stockholder with interest and incidental charges. A notice stating the time and place of such sale and the amount of the instalment due and payable and also the number of the certificate and number of shares of stock thus offered for sale shall be sent by the treasurer by mail not less than ten days prior to such sale to such stockholder and also to the person who originally subscribed to the said delinquent stock. Upon the sale of such stock as aforesaid, the directors shall transfer the shares so sold to the purchaser, who shall be entitled to a certificate therefor; and thereupon, the outstanding certificate shall be void. The balance of the proceeds of such sale shall be held by the corporation for such stockholder, his representatives or assigns, and be paid to him or them at any time upon surrender and delivery to the corporation of his certificate. If no person offers an amount sufficient to pay all instalments due upon such stock with interest and incidental charges, it shall not be sold, but the delinquent stockholder shall be liable to the corporation in an action at law for such instalments, interest and incidental charges, and if a judgment rendered in such action remains unsatisfied for thirty days, the original subscriber shall be so liable. Instead of offering such stock for sale, the directors, at the expiration of the time limited in the notice for payment of such instalments, may proceed by an action at law against the delinquent stockholder, and, if a judgment rendered against him in such action remains unsatisfied for thirty days, against the original subscriber, for the recovery of such instalments, interest and incidental charges. The delinquent stockholder or the original subscriber, as the case may be, upon the payment of such instalments, interest and incidental charges, or of the judgment therefor, shall be entitled to a certificate of the stock, so stamped as to indicate the payments made, and, thereupon, the original certificate for such stock shall be void. If a judgment rendered in an action against the original subscriber remains unsatisfied for thirty days, said stock shall be forfeited to the corporation, an entry of transfer to it shall be made on its books, and, thereupon, the original certificate shall be void. While the stock remains the property of the cor-

be sold by public auction, etc.

Notice of sale, etc.

Delinquent stockholders to be liable for instalments, interest, etc., in certain cases, etc.

Stock to be forfeited to corporation in certain cases, etc.

poration, no dividends shall be declared nor instalments paid upon it; but it shall remain subject to the control of the corporation according to its by-laws.

OFFICERS.

Officers.

SECTION 17. The business of every corporation shall be managed and conducted by a president, a board of not less than three directors, a clerk, a treasurer and such other officers and such agents as the corporation by its by-laws shall authorize.

Election of officers, etc.

SECTION 18. The directors, the treasurer, the clerk and such other officers as the by-laws may prescribe shall be elected annually by the stockholders by ballot, and the president shall be elected annually by and from the board of directors. Every director, unless the by-laws otherwise provide, shall be a stockholder. The treasurer may be required to give a bond for the faithful performance of his duty in such sum and with such sureties as the by-laws may prescribe. The clerk, who shall be a resident of this commonwealth, shall be sworn and shall record all votes of the corporation in a book to be kept for that purpose. Every corporation may, by its articles of organization or by an amendment to such articles adopted as hereinafter provided, divide its directors into classes and prescribe the tenure of office of the several classes; but no class shall be elected for a shorter period than one year or for a longer period than five years, and the term of office of at least one class shall expire in each year. Except as herein otherwise provided, the officers of a corporation shall hold office for one year and until their successors are chosen and qualified. The manner of choosing or of appointing all other agents and officers and of filling all vacancies shall be prescribed by the by-laws, and, in default of such by-law, vacancies may be filled by the board of directors.

Powers of board of directors.

Executive committee.

SECTION 19. The board of directors may exercise all of the powers of the corporation, except such as are conferred by law, or by the by-laws of the corporation, upon the stockholders. A corporation may, by its by-laws, provide for an executive committee to be elected from and by its board of directors. To such committee may be delegated the management of the current and ordinary business of the corporation, and such other duties as the by-laws may prescribe.

MEETINGS.

SECTION 20. There shall be an annual meeting of the stockholders and the time and place of holding it, and the manner of conducting it, shall be fixed by the by-laws; but it shall be held within sixty days after the end of the fiscal year of the corporation. All meetings of stockholders shall be held in the commonwealth. A written or printed notice, stating the place, day and hour thereof, shall be given by the clerk, at least seven days before such meeting, to each stockholder by leaving such notice with him or at his residence or usual place of business, or by mailing it, postage prepaid, and addressed to each stockholder at his address as it appears upon the books of the corporation. Unless the by-laws otherwise provide, a majority in interest of all stock issued and outstanding and entitled to vote shall constitute a quorum. Notices of all meetings of stockholders shall state the purposes for which the meetings are called. No notice of the time, place or purpose of any regular or special meeting of the stockholders shall be required if every stockholder, or his attorney thereunto authorized, by a writing which is filed with the records of the meeting, waives such notice.

Meetings of stockholders.

Notice of meeting.

Quorum, etc.

SECTION 21. If, by reason of the death or absence of the officers of a corporation or other cause, there is no person duly authorized to call or preside at a legal meeting, or if the clerk or other officer refuses or neglects to call it, a justice of the peace may, upon written application of three or more of the stockholders, issue a warrant to any one of them, directing him to call a meeting by giving such notice as is required by law, and may, by the same warrant, direct him to preside at the meeting until a clerk is duly chosen and qualified, if no officer of the corporation is present who is legally authorized to preside.

Meeting may be called by a justice of the peace in certain cases.

SECTION 22. Special meetings of the stockholders may be called by the president or by a majority of the directors, and shall be called by the clerk upon written application of three or more stockholders who are entitled to vote and who hold at least one tenth part in interest of the capital stock, stating the time, place and purpose of the meeting.

Calling of special meetings.

SECTION 23. No corporation shall, directly or indirectly, vote upon any share of its own stock.

Voting rights of corporations.

Voting powers
of stock-
holders.

SECTION 24. Stockholders who are entitled to vote shall, except as provided in section ninety-three, have one vote for each share of stock owned by them. Capital stock shall not be voted upon if any instalment of the subscription therefor which has been duly demanded under the provisions of section sixteen is overdue and unpaid. Stockholders may vote either in person or by proxy. No proxy which is dated more than six months before the meeting named therein shall be accepted, and no such proxy shall be valid after the final adjournment of such meeting.

Proxies.

Meetings of
directors.

SECTION 25. Meetings of the board of directors may be held within or without the commonwealth. Any meeting of the board of directors shall be a legal meeting without notice if each director, by a writing which is filed with the records of the meeting, waives such notice.

STOCK.

Certificate of
stock, form,
etc.

SECTION 26. Each stockholder shall be entitled to a certificate, in form conformable to the provisions of section fourteen, which shall be signed by the president and by the treasurer of the corporation, shall be sealed with its seal and shall certify the number of shares owned by him in such corporation. Each certificate of stock which by the agreement of association or amended agreement of association or, in the case of a corporation created by special law, by its articles of organization is limited as to its voting rights, or which is preferred as to its dividend or as to its share of the principal upon dissolution, shall have a sufficient statement of such limitation or preference plainly written or stamped upon it, and each certificate subsequently issued of any class of stock in the corporation shall have printed or stamped thereon the clause of such agreement of association or amended agreement of association or articles of organization authorizing the issue of stock in any respect preferred or limited.

Two or more
classes of stock
may be
created, etc.

SECTION 27. Every corporation may create two or more classes of stock with such preferences, voting powers, restrictions and qualifications thereof as shall be fixed in the agreement of association or, in the case of a corporation created by special law, in the articles of organization, or in an amendment to said agreement or articles which may be adopted as hereinafter provided.

SECTION 28. The delivery of a certificate of stock by the person named as the stockholder in such certificate or by a person entrusted by him with its possession for any purpose to a bona fide purchaser or pledgee for value, with a written transfer thereof, or with a written power of attorney to sell, assign or transfer the same, signed by the person named as the stockholder in such certificate, shall be a sufficient delivery to transfer title as against all persons; but no such transfer shall affect the right of the corporation to pay any dividend due upon the stock, or to treat the holder of record as the holder in fact, until it has been recorded upon the books of the corporation, or until a new certificate has been issued to the person to whom it has been so transferred. Such purchaser, upon delivery of the former certificate to the treasurer of the corporation, shall be entitled to receive a new certificate. Stock shall not be transferred upon the books of the corporation, except as provided in section sixteen, if any instalments thereon remain overdue and unpaid. A pledgee of stock transferred as collateral security shall be entitled to a new certificate if the instrument of transfer substantially describes the debt or duty which is intended to be secured thereby. Such new certificate shall express on its face that it is held as collateral security, and the name of the pledgor shall be stated thereon, who alone shall be liable as a stockholder, and entitled to vote thereon.

Transfer of stock.

SECTION 29. Executors, administrators, guardians, trustees or persons in any other representative or fiduciary capacity may vote as stockholders upon stock held in such capacity.

Voting rights of fiduciary holders of stock.

SECTION 30. The agreement of association, an attested copy of the articles of organization or of articles in amendment of said agreement or of said articles and of the by-laws, with a reference on the margin of the copy of the by-laws to all amendments thereof, and a true record of all meetings of stockholders shall be kept by every corporation at its principal office in this commonwealth for the inspection of its stockholders. The stock and transfer books of every corporation, which shall contain a complete list of all stockholders, their residences and the amount of stock held by each, shall be kept at an office of the corporation in this commonwealth for the inspection of its stockholders. Said stock and transfer books

Records, stock and transfer books, etc., to be kept at office of corporation for inspection of stockholders.

To be competent evidence in court.
 Liability for damage caused by neglect or refusal to exhibit copies, books, etc.

and said attested copies and records shall be competent evidence in any court of this commonwealth. If any officer or agent of a corporation having charge of such copies, books or records refuses or neglects to exhibit them or to submit them to examination as aforesaid, he or the corporation shall be liable to any stockholder for all actual damages sustained by reason of such refusal or neglect, and the supreme judicial court or the superior court shall have jurisdiction in equity, upon petition of a stockholder, to order any or all of said copies, books or records to be exhibited to him and to such other stockholders as may become parties to said petition, at such a place and time as may be designated in the order.

Issue of new certificate in case of loss, etc.

SECTION 31. The directors of a corporation may, unless otherwise provided by the by-laws, determine the conditions upon which a new certificate of stock may be issued in place of any certificate which is alleged to have been lost or destroyed. They may, in their discretion, require the owner of a lost or destroyed certificate, or his legal representative, to give a bond with sufficient surety to the corporation in a sum not exceeding double the market value of the stock to indemnify the corporation against any loss or claim which may arise by reason of the issue of a certificate in place of such lost or destroyed stock certificate.

List of unclaimed dividends, etc., to be published.

SECTION 32. Every corporation shall, once in every five years, publish three times successively in a newspaper in the city of Boston, and also in a newspaper in the county in which the principal office of the corporation is located, a list of all dividends which have remained unclaimed for two years or more and the names of the persons to whose credit such dividends stand.

STOCKHOLDERS' AND DIRECTORS' LIABILITY.

Liability of stockholders.

SECTION 33. The stockholders of a corporation which reduces its capital stock contrary to the provisions of section forty-three shall be liable for the payment of the debts and contracts of the corporation existing at the time of such reduction to the extent of the amount withdrawn and paid to them respectively. The stockholders of a corporation shall also be liable for all money due to operatives for services rendered within six months before demand made upon the corporation and its neglect or refusal

to make such payment. A stockholder who pays on a judgment or otherwise more than his proportion of any such debt shall have a claim for contribution against the other stockholders.

SECTION 34. The president, treasurer and directors of every corporation shall be jointly and severally liable for all the debts and contracts of the corporation contracted or entered into while they are officers thereof if any stock is issued in violation of the provisions of section fourteen, or if any statement or report which is required by the provisions of this act is made by them which is false in any material representation and which they know to be false; but only the officers who sign such statement or report shall be so liable.

Liability of president, treasurer and directors.

SECTION 35. The directors of every corporation shall be jointly and severally liable for the debts and contracts of the corporation in the following cases:—

Liability of directors in certain cases.

First. For declaring or assenting to a dividend if the corporation is, or thereby is rendered, bankrupt or insolvent, to the extent of such dividend.

Second. For debts contracted between the time of making or assenting to a loan to a stockholder or director and the time of its repayment, to the extent of such loan.

Directors who vote against declaring said dividend or who vote against making said loan shall not be liable as aforesaid.

Certain directors not liable.

SECTION 36. A stockholder or officer in a corporation shall not be held liable for its debts or contracts unless it has been duly adjudicated bankrupt or unless a judgment has been recovered against it and it has neglected, for thirty days after demand made on execution, to pay the amount due, with the officer's fees, or to exhibit to the officer real or personal property belonging to it and subject to be taken on execution, sufficient to satisfy the same, and the execution has been returned unsatisfied.

Stockholders or officers not to be liable, unless, etc.

After such adjudication of bankruptcy or after the execution has been so returned, the clerk, or other officer who has charge of the records of such corporation, upon request of a creditor of the corporation or of his attorney, shall furnish to him a certified list of the names of all persons who were officers and stockholders in such corporation at the time when the liability to be enforced against them personally accrued. The supreme judicial court or the superior court shall have jurisdiction in equity

Enforcement of liability.

Enforcement
of liability.

to compel such list to be furnished. After an adjudication of bankruptcy or after the execution has been so returned, any creditor may file a bill in equity in the supreme judicial court or the superior court in behalf of himself and of all other creditors of the corporation, against it and all persons who are liable to the plaintiff as stockholders or officers for the recovery of the money due from the corporation to himself and to the other creditors for which the stockholders or officers may be personally liable by reason of any act or omission on the part of the corporation or any of the other defendants, setting forth the bankruptcy of the corporation, or the judgment and proceedings thereon, and the grounds upon which it is expected to charge the stockholders or officers personally.

Suit not to be
discontinued
except by
order of court,
etc.

SECTION 37. Such suit shall not be discontinued by the plaintiff except by order of the court after notice to other creditors. It shall not abate by reason of the nonjoinder of persons liable as defendants, unless the plaintiff, after notice by plea or answer of their existence, unreasonably neglects to make them parties; nor shall it abate by reason of the death of a defendant, but his estate shall be liable in the hands of his executor or administrator, who may voluntarily appear, or who may be summoned by the plaintiff, to defend the suit.

Apportion-
ment of assess-
ment.

SECTION 38. Such sums as may be decreed to be paid by the stockholders in such suit shall be assessed upon them in proportion to the amounts of stock held by them respectively at the time when their liability accrued; but a stockholder shall not be liable to pay a larger amount than the amount of stock held by him at that time at its par value as fixed at the time when the liability to be enforced against him personally accrued.

Defence of
actions by
stockholders.

SECTION 39. If, in an action against a corporation, it appears to the court that one of the purposes of the action is to obtain a judgment against the corporation in order to enforce an alleged liability of a person who has been or is a stockholder or officer thereof, such stockholder or officer may be permitted, on petition, to defend such action, and the court may require of him, or of a person in his behalf, a bond with sufficient surety or sureties conditioned to pay to the plaintiff all costs which may accrue and be taxed to him after the filing of said petition.

AMENDMENTS AFTER ORGANIZATION.

SECTION 40. Every corporation may, at a meeting duly called for the purpose, by the vote of a majority of all its stock, or, if two or more classes of stock have been issued, of a majority of each class outstanding and entitled to vote, authorize an increase or a reduction of its capital stock and determine the terms and manner of the disposition of such increased stock, may authorize a change of the location of its principal office or place of business in this commonwealth or a change of the par value of the shares of its capital stock, or may authorize proceedings for its dissolution under the provisions of section fifty-one.

Increase or reduction of capital stock may be authorized, etc.

It may, at a meeting duly called for the purpose, by the vote of two thirds of all its stock, or, if two or more classes of stock have been issued, of two thirds of each class of stock outstanding and entitled to vote, or by a larger vote if the agreement of association so requires, change its corporate name, the nature of its business, the classes of its capital stock subsequently to be issued and their voting power, or make any other lawful amendment or alteration in its agreement of association or articles of organization, or sell, lease or exchange all its property and assets, including its good will and its corporate franchise, upon such terms and conditions as it deems expedient.

Corporate name, nature of business, etc., may be changed, etc.

Property, etc., may be sold, leased or exchanged.

SECTION 41. Articles of amendment signed and sworn to by the president, treasurer and a majority of the directors shall, within thirty days after said meeting, be prepared, setting forth such amendment or alteration, and stating that it has been duly adopted by the stockholders. Such articles shall be submitted to the commissioner of corporations, who shall examine them in the same manner as the original articles of organization. If he finds that they conform to the requirements of law, he shall so certify and indorse his approval thereon, and they shall thereupon be filed in the office of the secretary of the commonwealth, who, upon payment of the fee herein-after provided, shall cause them, and the indorsement thereon, to be recorded. No amendment or alteration of the agreement of association or articles of organization shall take effect until said articles of amendment shall

Articles of amendment to be approved by commissioner of corporations, etc.

Not to take effect until filed in office of secretary of the commonwealth, etc.

have been filed in the office of the secretary of the commonwealth as aforesaid.

In case an increase of capital stock is authorized articles of amendment to set forth certain facts.

SECTION 42. If an increase in the total amount of the capital stock of any corporation shall have been authorized by vote of its stockholders in accordance with the provisions of section forty, the articles of amendment shall also set forth: (*a*) the total amount of capital stock already authorized; (*b*) the amount of stock already issued for cash payable by instalments and the amount paid thereon; and the amount of full paid stock already issued for cash, property, services or expenses; (*c*) the amount of additional stock authorized; (*d*) the amount of such stock to be issued for cash, property, services or expenses, respectively; (*e*) a description of said property and a statement of the nature of said services or expenses, in the manner required by the provisions of section eleven.

In case a reduction of capital stock is authorized articles of amendment to set forth certain facts.

SECTION 43. If a reduction of the capital stock of any corporation shall have been authorized by its stockholders in accordance with the provisions of section forty, the articles of amendment shall also set forth (*a*) the total amount of capital stock already authorized and issued; (*b*) the amount of the reduction and the manner in which it shall be effected; (*c*) a copy of the vote authorizing the reduction. No reduction of capital stock shall be lawful which renders the corporation bankrupt or insolvent, but the capital stock may be reduced by the surrender by every stockholder of his shares and the issue to him in lieu thereof of a proportional decreased number of shares, if the assets of such corporation are not reduced thereby, without creating any liability of the stockholders of such corporation in case of the subsequent bankruptcy of such corporation.

Certain stockholders may demand payment for stock.

SECTION 44. A stockholder in any corporation which shall have duly voted to sell, lease or exchange all its property and assets or to change the nature of its business in accordance with the provisions of section forty, who, at the meeting of stockholders, has voted against such action may, within thirty days after the date of said meeting, make a demand in writing upon the corporation for payment for his stock. If the corporation and the stockholder cannot agree upon the value of the stock at the date of such sale, lease, exchange or change, such value shall be ascertained by three disinterested persons, one of whom shall be named by the stockholder, another by the corporation and the third by the two thus chosen.

How value of stock shall be ascertained in case of disagreement.

LIABILITIES.

Capital stock, . . . . .	.	.	.	.	.	.	.	.
Accounts payable, . . . . .	.	.	.	.	.	.	.	.
Funded indebtedness, . . . . .	.	.	.	.	.	.	.	.
Floating indebtedness, . . . . .	.	.	.	.	.	.	.	.
Surplus, . . . . .	.	.	.	.	.	.	.	.
Profit and loss, . . . . .	.	.	.	.	.	.	.	.
<hr/>								
Total, . . . . .	.	.	.	.	.	.	.	.

Filing of annual report.

SECTION 46. Such report shall be submitted to the commissioner of corporations, who shall examine it and if he finds that it conforms to the requirements of this act, he shall indorse his approval thereon; and upon the payment of the fee hereinafter provided, it may be filed in the office of the secretary of the commonwealth, who shall receive and preserve it in book form convenient for reference and open to public inspection.

Auditor's statement to accompany report of certain corporation.

SECTION 47. Such report of a corporation which has a capital stock of one hundred thousand dollars or more shall be accompanied by a written statement under oath by an auditor to be employed for each ensuing fiscal year by a committee of three stockholders who are not directors which shall be selected at each annual meeting of the stockholders, or, if there are not three stockholders other than directors able and willing to serve on such committee, then to be employed by the directors, stating that such report represents the true condition of the affairs of said corporation as disclosed by its books at the time of making such audit. The statement of the auditor shall be filed by him with said report in the office of the secretary of the commonwealth and shall be attached to and form part of it. The auditor shall be sworn to the faithful performance of his duties by a justice of the peace or some other magistrate authorized to administer oaths or affirmations; and evidence of such appointment and qualification shall be filed in the office of the commissioner of corporations.

Auditor to be sworn, etc.

Annual return to be made to tax commissioner.

SECTION 48. Every corporation shall annually, between the first and tenth days of May, make a return to the tax commissioner, under the oath of its treasurer, stating the name of the corporation and setting forth as of the first day of May of the year in which the return is made: —

1. The total authorized amount of the capital stock of the corporation; the amount issued and outstanding and the amount then paid thereon; the classes, if any, into which it is divided; the par value and number of its shares; the market value of the shares of its stock, or of each class of its stock if there are two or more classes.

Annual return to be made to tax commissioner.

2. A statement in such detail as the tax commissioner may require of the real estate, machinery, merchandise and other assets belonging to the corporation within and without the commonwealth.

3. A complete list of the stockholders of the corporation, their residences and the amount and class of stock, if more than one, belonging to each. If stock is held as collateral security, the list shall state the name and residence of the pledgor and of the pledgee.

Such return shall be filed by the tax commissioner, and shall be open only to the inspection of the tax commissioner, his clerks and assistants, and such other officers of the commonwealth as may have occasion to inspect it for the purpose of assessing or of collecting taxes.

To be open only to the inspection of certain officers, etc.

SECTION 49. If a corporation fails to file its report of condition within thirty days after the date of its annual meeting or of a final adjournment thereof, or its tax return before the tenth day of May of each year, the commissioner of corporations or the tax commissioner, as the case may be, shall give notice by mail, postage prepaid, to such corporation of its default. If it omits to file such report or return within thirty days after such notice of default has been given, it shall forfeit to the commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of the said thirty days, and not less than ten nor more than two hundred dollars for each day thereafter during which such default continues. If a corporation fails for two successive years to file its annual report of condition, the supreme judicial court, upon application by the commissioner of corporations, after notice and a hearing, may decree a dissolution of the corporation.

Penalty for failure to file report of condition or tax return.

Decree of dissolution may issue in certain cases.

SECTION 50. Penalties or forfeitures incurred by any corporation which, being subject to the provisions of this act, omits to cause any certificate or return which may be required by the provisions of sections forty-five, forty-eight, sixty and sixty-six, to be duly filed may be recovered in an action brought in the county of Suffolk in the

Recovery of penalties or forfeitures.

name of the commonwealth, or they may be recovered by an information in equity in the name of the attorney-general at the relation of the tax commissioner or commissioner of corporations, as the case may be, brought in the supreme judicial court in the county of Suffolk. Upon such information, the court may issue an injunction restraining the further prosecution of the business of the corporation named therein until such penalties or forfeitures, with interest and costs, have been paid and until the returns and certificates required by this act have been filed.

Injunction may issue in certain cases.

DISSOLUTION OF CORPORATIONS.

Dissolution of corporations.

SECTION 51. A corporation which desires to close its affairs may, unless otherwise provided in the agreement of association, by the vote of a majority of all its stock, or, if two or more classes of stock have been issued, of a majority of each class outstanding and entitled to vote, authorize a petition for its dissolution to be filed in the supreme judicial court or in the superior court setting forth in substance the grounds of the application; and the court, after notice to parties interested and a hearing, may decree a dissolution of the corporation. A corporation so dissolved shall be held to be extinct in all respects as if its corporate existence had expired by the limitation of its charter.

Certain corporations to continue for three years to close affairs, etc.

SECTION 52. Every corporation whose charter expires by its own limitation or is annulled by forfeiture or otherwise, or whose corporate existence for other purposes is terminated in any other manner, shall nevertheless be continued as a body corporate for three years after the time when it would have been so dissolved, for the purpose of prosecuting and defending suits by or against it and of enabling it gradually to settle and close its affairs, to dispose of and convey its property and to divide its capital stock, but not for the purpose of continuing the business for which it was established.

Receivers may be appointed in certain cases.

SECTION 53. If the charter of a corporation expires or is annulled, or if the corporation is dissolved, or if a judgment has been recovered against it, and it has neglected, for thirty days after demand made on execution, to pay the amount due, with the officer's fees, or to exhibit to the officer real or personal property belonging to it and subject to be taken on execution, sufficient to satisfy the

same, and the execution has been returned unsatisfied, the supreme judicial court or the superior court shall have jurisdiction in equity upon application of a creditor or stockholder to appoint one or more receivers to take charge of its estate and effects and to collect the debts and property due and belonging to it; with power to prosecute and defend suits in its name or otherwise, to appoint agents under them and to do all other acts which might be done by such corporation, if in being, which may be necessary for the final settlement of its unfinished business. The powers of such receivers may be continued as long as the court finds necessary for said purposes.

Powers, etc.

SECTION 54. The receivers shall pay all debts due from the corporation if the funds in their hands are sufficient therefor; and if they are not, they shall distribute them ratably among the creditors who prove their debts in the manner directed by any decree of the court for that purpose. If there is a balance remaining after the payment of the debts, the receivers shall distribute and pay it to those who are justly entitled thereto as having been stockholders of the corporation, or their legal representatives.

Payment of debts and distribution of surplus.

SECTION 55. If a corporation is dissolved or annulled the clerk of the court in which the decree therefor has been entered shall forthwith make return thereof to the secretary of the commonwealth, giving the name of the corporation dissolved or annulled and the date upon which such decree was entered.

Return of dissolution, etc., to be made to the secretary of the commonwealth.

FOREIGN CORPORATIONS.

SECTION 56. The term "foreign corporation" as used in this act shall mean every corporation, association or organization which has been established, organized or chartered under laws other than those of the commonwealth for purposes for which domestic corporations may be organized under the provisions of section seven.

Term "foreign corporation" defined.

SECTION 57. No such foreign corporation shall engage or continue in any kind of business in this commonwealth the transaction of which by domestic corporations is not permitted by the laws of this commonwealth.

Limitation of business.

SECTION 58. Every such foreign corporation which has a usual place of business in this commonwealth, or which is engaged in this commonwealth, permanently or

Commissioner of corporations to be appointed attorney, etc.

Commissioner of corporations to be appointed attorney, etc.

temporarily, and with or without a usual place of business therein, in the construction, erection, alteration or repair of a building, bridge, railroad, railway or structure of any kind, shall, before doing business in this commonwealth, in writing appoint the commissioner of corporations and his successor in office to be its true and lawful attorney upon whom all lawful processes in any action or proceeding against it may be served, and in such writing shall agree that any lawful process against it which is served on said attorney shall be of the same legal force and validity as if served on it, and that the authority shall continue in force so long as any liability remains outstanding against it in this commonwealth. The power of attorney and a copy of the vote authorizing its execution, duly certified and authenticated, shall, upon payment of the fee hereinafter provided, be filed in the office of the commissioner, and copies certified by him shall be sufficient evidence thereof. Service of such process shall be made by leaving a copy of the process and a fee of two dollars in the hands or in the office of the commissioner, and such service shall be sufficient service upon the corporation.

Service of process.

Corporation to be notified of service of process, etc.

SECTION 59. When legal process against any such corporation has been served upon the commissioner, he shall immediately give notice to the corporation of such service by mail, postage prepaid, directed, in the case of a corporation established in a foreign country, to the resident manager, if any, in the United States; and shall, within two days after such service, in the same manner forward a copy of the process served upon him to such corporation or manager, or to any other person designated by the corporation by written notice filed in the office of the commissioner. The fee of two dollars paid by the plaintiff to the commissioner at the time of the service shall be taxed in his costs, if he prevails in the suit. The commissioner shall keep a record of the day and hour of the service of all such processes.

Foreign corporations to file copy of charter, by-laws, certificate, etc., with commissioner of corporations.

SECTION 60. Every foreign corporation, of the classes described in section fifty-eight, before transacting business in this commonwealth, shall, upon payment of the fee hereinafter provided, file with the commissioner of corporations a copy of its charter, articles or certificate of incorporation, certified under the seal of the state or country in which such corporation is incorporated by the secretary

of state thereof or by the officer having charge of the original record therein, a true copy of its by-laws, and a certificate in such form as the commissioner of corporations may require, setting forth (a) the name of the corporation; (b) the location of its principal office; (c) the names and the addresses of its president, treasurer, clerk or secretary and of the members of its board of directors; (d) the date of its annual meeting for the election of officers; (e) the amount of its capital stock, authorized and issued, the number and par value of its shares, the amount paid in thereon to its treasurer, and, if any part of such payment has been made otherwise than in money, of the details of such payment, so far as practicable, in accordance with the provisions of section eleven. Said certificate shall be subscribed and sworn to by its president, treasurer and by a majority of its directors or officers having the powers usually exercised by directors. The officers and directors of such corporation shall be subject to the same penalties and liabilities for false and fraudulent statements and returns as officers and directors of a domestic corporation subject to this act. Every officer of such a corporation which fails to comply with the requirements of this section and of sections fifty-eight and sixty-six, and every agent thereof who transacts business as such in this commonwealth shall, for such failure, be liable to a fine of not more than five hundred dollars. Such failure shall not affect the validity of any contract with such corporation, but no action shall be maintained or recovery had in any of the courts of this commonwealth by any such foreign corporation so long as it fails to comply with the requirements of said sections.

Foreign corporations to file copy of charter, by-laws, certificate, etc., with commissioner of corporations.

Penalties and liabilities, etc.

SECTION 61. The commissioner of corporations shall refuse to accept or file the charter, certificate or other papers of, or accept appointment as attorney for service for, any such corporation which does a business in this commonwealth the transaction of which by domestic corporations is not then permitted by the laws of this commonwealth.

Commissioner of corporations not to accept, etc., copy of charter, etc., of certain corporations.

SECTION 62. Foreign corporations which have property in this commonwealth shall be liable to be sued and to have their property attached in the same manner and to the same extent as natural persons who are residents of other states and who have property in this commonwealth. The service of the writ shall be made in the

Foreign corporations may be sued and their property attached.

Service of writ.

manner provided in chapters one hundred and sixty-seven and one hundred and seventy of the Revised Laws, with such further service as the court to which the writ is returnable may order.

Foreign corporations may hold real estate in this commonwealth.

SECTION 63. Foreign corporations organized for any purpose for which domestic corporations may be organized under the provisions of section seven, which have complied with the provisions of sections fifty-eight and sixty, may purchase and hold such real estate in this commonwealth as may be necessary for conducting their business.

Issue of stock of domestic franchises regulated.

SECTION 64. If a foreign corporation which owns or controls a majority of the capital stock of a domestic street railway, gas light or electric light corporation issues stock, bonds or other evidences of indebtedness based upon or secured by the property, franchise or stock of such domestic corporation, unless such issue is authorized by the laws of this commonwealth, the supreme judicial court shall have jurisdiction in equity in its discretion to dissolve such domestic corporation. If it appears to the attorney-general that such issue has been made, he shall institute proceedings for the dissolution of such corporation and for the proper disposition of its assets. The provisions of this section shall not affect the right of foreign corporations, their officers or agents to issue stock and bonds in fulfilment of contracts existing on the fourteenth day of July in the year eighteen hundred and ninety-four.

Certain rights not affected.

Certificate of increase or decrease of capital stock to be filed in office of secretary of the commonwealth.

SECTION 65. All foreign corporations of the classes described in section fifty-eight, and such foreign corporations as are engaged in the business of selling or negotiating bonds, mortgages, notes or other choses in action, shall, within thirty days after the payment in of an increase of capital stock, upon payment of the fee hereinafter provided, file in the office of the secretary of the commonwealth a certificate of the amount of such increase and the fact of such payment, signed and sworn to by its president, treasurer and a majority of its directors or officers having the powers usually exercised by directors. Within thirty days after the vote of such corporation authorizing a reduction of its capital stock, a copy of such vote, signed and sworn to by the clerk of the corporation, shall, upon payment of the fee hereinafter provided, be filed in the office of the secretary of the commonwealth.

SECTION 66. Every foreign corporation of the classes described in section fifty-eight shall annually, within thirty days after the date fixed for its annual meeting last preceding the date of such certificate, or within thirty days after the final adjournment of said meeting, but not more than three months after the date so fixed for said meeting, prepare and file in the office of the secretary of the commonwealth, upon payment of the fee hereinafter provided, a certificate signed and sworn to by its president, treasurer and by a majority of its board of directors showing the amount of its authorized capital stock, and its assets and liabilities as of a date not more than sixty days prior to said annual meeting, in such form as is required of domestic corporations under the provisions of section forty-five, and the change or changes, if any, in the other particulars included in the certificate required by section sixty made since the filing of said certificate or of the last annual report.

Certificate of condition to be filed in office of secretary of the commonwealth annually.

SECTION 67. A certificate which is required to be filed by the preceding section shall be accompanied by a written statement under oath by an auditor, as provided in section forty-seven, except that such auditor shall in all cases be chosen by the board of directors. Before it is filed, it shall be submitted to the commissioner of corporations together with the evidences of the payment of any taxes which may have been assessed upon the corporation by any city or town in the commonwealth for the year last preceding. The commissioner of corporations shall examine said certificate and said evidences and shall, as tax commissioner, assess upon the corporation an excise tax, if any is due, in accordance with the provisions of section seventy-five. If he finds that the certificate is in compliance with the requirements of the preceding section, he shall indorse his approval thereon; but no certificate shall be filed until he has indorsed his approval thereon and until the excise tax required by section seventy-five if any is due has been paid to the treasurer and receiver general.

Auditor's statement to accompany certificate of condition.

Certificate to be submitted to commissioner of corporations for approval, etc.

SECTION 68. A foreign corporation of the classes described in section fifty-eight, which omits to file the certificate required by section sixty-six, shall forfeit to the commonwealth not less than five nor more than ten dollars for each day for fifteen days after the expiration of the period therein named, and not less than ten nor more

Penalty for failure to file certificate of condition.

than two hundred dollars for each day thereafter, during which such omission continues, which shall be recovered as provided in section fifty.

Delinquent corporations to be notified.

SECTION 69. The commissioner of corporations, upon the failure of any such corporation to file the certificate required by section sixty-six, shall forthwith notify such corporation, and the notice shall contain a copy of this and the four preceding sections and of section fifty.

Liability of officers.

SECTION 70. The officers of foreign corporations of the classes described in section fifty-eight shall be jointly and severally liable for all the debts and contracts of the corporation contracted or entered into while they are officers thereof, if any statement or report which is required by the provisions of this act is made by them which is false in any material representation and which they know to be false; but only the officers who sign such statement or report shall be so liable. Such liability shall be enforced upon the conditions and in the manner prescribed by sections thirty-six, thirty-seven and thirty-nine.

Enforcement of liability.

TAXATION.

Corporations subject to taxation in cities and towns in which property is located.

SECTION 71. Every corporation which is organized or created under the laws of this commonwealth and which is subject to the provisions of this act shall be subject to taxation upon all real estate and machinery owned by it and situated in this commonwealth by the city or town in which said real estate or machinery is situated, and every foreign corporation which is subject to the provisions of this act shall be subject to taxation upon all real estate, machinery and merchandise owned by it and situated in this commonwealth by the city or town in which such property is situated. The taxes authorized by the provisions of this section shall be assessed, collected and paid in accordance with the provisions of chapters twelve and thirteen of the Revised Laws.

Assessment, etc., of taxes.

Tax commissioner to determine value of corporate property, etc.

SECTION 72. The tax commissioner shall annually ascertain from the returns required by the provisions of this act, or in any other manner, the market value of the shares of the capital stock of each domestic corporation which is subject to the provisions of this act, and shall estimate therefrom the fair cash value of all of the shares constituting its capital stock on the preceding first day of May, which shall, for the purposes of this act, be

taken as the value of its corporate franchise. From such value there shall be deducted the value as found by the tax commissioner of its real estate and machinery within the commonwealth subject to local taxation and of securities which, if owned by a natural person resident in this commonwealth, would not be liable to taxation; also the value as found by the tax commissioner of its property situated in another state or country and subject to taxation therein. From such value there shall not be deducted securities which, if owned by a natural person resident in this commonwealth, would be liable to taxation. For the purposes of this section, the tax commissioner may take the value at which such real estate and machinery is assessed in the city or town where it is situated as its true value, but such local assessment shall not be conclusive of its value.

Tax commissioner to determine value of corporate property, etc.

SECTION 73. The tax commissioner may require a corporation to prosecute an appeal from the valuation of its real estate or machinery 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.

Corporations may be required to appeal from local valuation, etc.

SECTION 74. Every domestic corporation which is subject to the provisions of this act shall in each year pay to the treasurer and receiver general a tax upon the value of its corporate franchise, after making the deductions provided for in section seventy-two, at a rate to be determined by an apportionment of the whole amount of money to be raised by taxation upon property in the commonwealth during the same year as returned by the assessors of the several cities and towns under the provisions of section ninety-three of chapter twelve of the Revised Laws, after deducting therefrom the amount of tax assessed upon polls for the preceding year, as certified to the secretary, upon the aggregate valuation of all cities and towns for the preceding year as returned under sections sixty and sixty-one of said chapter of the Revised Laws. But the said tax upon the value of the corporate franchise after making the deductions provided for in section seventy-two, shall not exceed a tax levied at the rate aforesaid upon an amount, less said deductions, twenty per cent in excess of the value, as found by the

Taxation of value of corporate franchise.

Tax not to exceed certain amount.

Tax not to be less than certain amount.

tax commissioner, of the real estate, machinery and merchandise, and of securities which if owned by a natural person resident in this commonwealth would not be liable to taxation; and the total amount of tax to be paid by such corporation in any year upon its property locally taxed in this commonwealth and upon the value of its corporate franchise shall amount to not less than one tenth of one per cent of the market value of its capital stock at the time of said assessment as found by the tax commissioner. If the return from any city or town is not received prior to the twentieth day of August, the amount raised by taxation in said city or town for the preceding year, as certified to the secretary of the commonwealth, may be adopted for the purpose of this determination.

Taxation of foreign corporations.

SECTION 75. Every foreign corporation of the classes described in section fifty-eight shall, in each year, at the time of filing its annual certificate of condition, pay to the treasurer and receiver general, for the use of the commonwealth, an excise tax to be assessed by the tax commissioner of one hundredth of one per cent of the par value of its authorized capital stock as stated in its annual certificate of condition; but it may deduct from such tax the amount of taxes upon property paid by it to any city or town in the commonwealth during the preceding year, and the amount of such excise tax shall not in any one year exceed the sum of two thousand dollars.

Remedy if assessors' valuation exceeds tax commissioner's.

SECTION 76. If the value of the real estate and machinery of a domestic corporation which is 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 city or town in which 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 of the Revised Laws, giving notice thereof to the tax commissioner, the valuation of said commissioner shall be conclusive upon said corporation.

Tax commissioner to notify corporations liable to a tax, etc.

SECTION 77. The tax commissioner shall, annually, as soon as may be after the first Monday of August, give notice to the treasurer of every domestic corporation

which is liable to a tax under the provisions of section seventy-four of the amount thereof, that it will be due and payable to the treasurer and receiver general within thirty days after the date of such notice, but not before the first day of November; and that, within ten days after the date of such notice, the corporation may apply for a correction of said tax and be heard thereon by the board of appeal authorized by the provisions of section sixty-five of chapter fourteen of the Revised Laws.

SECTION 78. Taxes which are assessed under the provisions of this act may be recovered by the treasurer and receiver general in an action of contract brought in the name of the commonwealth, or they may be collected by an information brought in the supreme judicial court by the attorney-general at the relation of the treasurer and receiver general. The court may issue an injunction upon such information restraining the further prosecution of the business of such corporation until such taxes with interest and costs thereon have been paid.

Recovery or collection of taxes.

Injunction may issue in certain cases.

SECTION 79. Corporations which neglect to pay the taxes assessed under the provisions of this act shall pay interest at the rate of six per cent per annum from the time when such taxes were payable until such payment is made, if such payment is made before the commencement of proceedings for the recovery thereof, and twelve per cent if made after the commencement thereof.

Interest on unpaid taxes.

SECTION 80. The lessee of the real estate or machinery of any corporation which is liable to taxation under the provisions of this act shall also be liable for the payment of the tax, and upon such payment may, in the absence of an agreement to the contrary, retain it out of the rent of the property or recover it in an action against the lessor.

Lessee to be liable for tax, etc.

SECTION 81. Every domestic corporation which is subject to taxation under the provisions of this act shall, when required, submit its books to the inspection of the tax commissioner and its treasurer and directors to examination on oath relative to all matters affecting the determinations which are to be made by said commissioner.

Submission of books to inspection.

SECTION 82. Any party who is aggrieved by a decision of the tax commissioner upon any question arising under the provisions of sections seventy-two, seventy-four and eighty-seven may, within ten days after notice of his decision, apply to the board of appeal authorized by sec-

Parties aggrieved by decision of tax commissioner may apply to board of appeal, etc.

tion sixty-five of chapter fourteen of the Revised Laws. Said board shall hear and decide the subject-matter of said appeal and give notice of its decision to the tax commissioner and to the appellant; and its decision shall be final and conclusive, although payments have been made as required by the decision appealed from. Any over-payment of tax determined by decision of said board of appeal shall be reimbursed from the treasury of the commonwealth.

Over-payment of tax to be reimbursed.

Warrant may issue for collection of unpaid taxes or excise.

SECTION 83. If a tax or excise of any kind remains due to or is claimed by the commonwealth from any domestic corporation which is subject to the provisions of this act for ten days after notice given through the mail by the treasurer and receiver general to its treasurer or other financial agent that such tax or excise is due and unpaid, the treasurer and receiver general, in addition to other methods of relief, may issue his warrant, directed to the sheriff or his deputies of the county in which the principal office of the corporation is located, commanding the collection of such tax or excise. Such warrant may be substantially in the form of and served in the same manner as those issued by assessors of towns. It shall not run against the body of any person, but no property of such delinquent corporation shall be exempt from seizure and sale thereon. The officer having such warrant shall collect such tax or excise and interest thereon at the rate of twelve per cent per annum from the time when such tax or excise became due, and may collect and receive for his fees the sum which an officer would be entitled by law to receive upon an execution for a like amount. He shall also collect one dollar for the warrant which shall be paid over to the treasurer and receiver general.

Form of warrant, etc.

Interest, fees, etc.

Corporation aggrieved by exaction of tax or excise may apply by petition to supreme judicial court.

SECTION 84. A corporation which is aggrieved by the exaction of such tax or excise, or of any portion thereof may, within six months after its payment, whether such payment be before or after the issue of the warrant mentioned in the preceding section, apply by petition to the supreme judicial court setting forth the amount of the tax or excise and costs thereon which have been paid, the general legal grounds and the specific grounds in fact, if any, upon which it alleges that such tax or excise should not have been exacted. Said petition shall be the exclusive remedy and shall be entered and determined in the county of Suffolk. A copy of the petition shall be served upon the

Petition to be the exclusive remedy, etc. Proceedings.

treasurer and receiver general and upon the attorney-general, and the proceedings thereon shall conform as nearly as may be to proceedings in equity, and an abatement shall be made of such portion of the tax or excise as was assessed without authority of law.

SECTION 85. If the court, upon a hearing, adjudges that such tax or excise and the costs thereon have been illegally exacted, a copy of the judgment or decree shall be transmitted by the clerk of the court to the auditor of the commonwealth, who shall thereupon audit and certify the amount adjudged to have been illegally exacted, with interest, and with costs to be taxed by the clerk of the court in the same manner as other claims against the commonwealth, and the treasurer and receiver general shall pay the same without any further act or resolve making appropriation therefor. So much thereof as may have been paid from the treasury of the commonwealth to any city or town may be deducted from and set off against any sum afterward payable to such city or town.

Tax or excise illegally exacted to be reimbursed.

SECTION 86. No taxes shall be assessed in a city or town for state, county or town purposes upon the shares in the capital stock of domestic corporations for any year for which they pay to the treasurer and receiver general a tax on the value of their corporate franchises. Such proportion of the tax collected of each of said corporations as corresponds to the proportion of its stock owned by persons residing in this commonwealth shall be distributed, credited and paid to the several cities and towns in which, from the returns or other evidence, it appears that such persons resided on the preceding first day of May, according to the number of shares so held in such cities and towns respectively. If stock is held by co-partners, guardians, executors, administrators or trustees, the proportion of tax corresponding to the amount of stock so held shall be credited and paid to the cities and towns where the stock would have been taxed under the provisions of clauses four, five, six and seven of section twenty-three and section twenty-seven of chapter twelve of the Revised Laws.

Distribution of tax.

SECTION 87. The tax commissioner shall, subject to appeal to the board of appeal authorized by section sixty-five of chapter fourteen of the Revised Laws, ascertain and determine the amount due to each city and town under the provisions of the preceding section, notify the

Determination and payment of tax.

treasurer of each city and town thereof, and certify the amount as finally determined to the treasurer and receiver general, who shall thereupon pay over the same.

ORGANIZATION AND FILING FEES.

Fee for filing, etc., articles of organization.

SECTION 88. The fee for filing and recording the articles of organization required by section eleven, including the issuing by the secretary of the commonwealth of the certificate of incorporation, shall be one fortieth of one per cent of the total amount of the authorized capital stock as fixed by the articles of organization; but not in any case less than ten dollars.

Fee for filing, etc., certificate of increase of capital.

SECTION 89. The fee for filing and recording the certificate required by section forty-two providing for an increase of capital stock shall be one fortieth of one per cent of the amount by which the capital is increased.

Fees for filing other certificates.

SECTION 90. The fees for filing all other certificates, statements or reports required by law shall be five dollars for each certificate, statement or report, but no fee shall be paid for filing the annual tax return required by section forty-eight.

Fees for official copies of records.

Fees for official copies of any of the records referred to in this act shall be at the rates now fixed by chapter two hundred and four of the Revised Laws for copies of similar records furnished by the secretary of the commonwealth.

Fees to be paid by foreign corporations.

SECTION 91. Every foreign corporation which is subject to the provisions of this act shall pay to the officers hereinafter designated the following fees: for filing a copy of its charter, by-laws and the certificate required by section sixty, twenty-five dollars to the treasurer and receiver general.

For filing all other certificates and statements, including the annual certificate of condition required by section sixty-six, five dollars to the secretary of the commonwealth.

MISCELLANEOUS PROVISIONS.

Corporations organized for fishing purposes to file copy of certificate of authority with secretary of the commonwealth.

SECTION 92. A corporation which is organized for the purpose of opening outlets, canals, sluiceways or ditches for the introduction and propagation of herrings and alewives, before making any purchase of real estate or doing any acts in pursuance of its organization, shall obtain the

authority in writing of the mayor and aldermen of the city or of the selectmen of the town within which its works are to be located, and, within thirty days after obtaining such authority, shall file a copy thereof, certified by the city or town clerk, in the office of the secretary of the commonwealth.

SECTION 93. A corporation which is organized for the purpose of co-operation in carrying on any business and of co-operative trade shall distribute its earnings or profits among its workmen, purchasers and stockholders at such times and in such manner as its by-laws shall prescribe, but as often at least as once in twelve months. No distribution shall be made unless at least ten per cent of the net profits have been appropriated for a contingent or sinking fund until an amount has accumulated equal to thirty per cent of its capital stock. No person shall hold shares in any such corporation to an amount exceeding one thousand dollars at their par value, nor shall a stockholder be entitled to more than one vote upon any subject.

Distribution of profits of corporation organized for co-operative purposes, etc.

SECTION 94. A manufacturing corporation may, by the vote of a majority of all its stock, or if two or more classes of stock have been issued, of a majority of each class outstanding and entitled to vote, appropriate not more than five thousand dollars, or an annual sum of not more than five hundred dollars, for the support of free beds in one or more hospitals in this commonwealth for the use of its employees.

Support of free beds in hospitals.

REPEAL.

SECTION 95. Sections forty-nine, fifty, fifty-one, fifty-two and sixty-nine of chapter fourteen of the Revised Laws are hereby repealed. Sections thirty-seven, thirty-eight, thirty-nine, forty, forty-two, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-six, sixty-seven and sixty-eight of chapter fourteen, and chapters one hundred and nine, one hundred and ten and one hundred and twenty-six except section eight of the Revised Laws, and chapter four hundred and forty-one of the acts of the year nineteen hundred and two and all other acts and parts of acts inconsistent herewith, so far as they apply to corporations which are subject to the provisions of this act, are hereby repealed.

Repeal.

Certain provisions to be construed as a continuation of existing statutes, etc.

SECTION 96. The provisions of this act so far as they are the same as those of existing statutes shall be construed as a continuation thereof, and not as new enactments, and a reference in a statute which has not been repealed to provisions of law which have been revised and re-enacted herein shall be construed as applying to such provisions as so incorporated in this act. The repeal of a law by this act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action, suit or proceeding commenced under any of the laws repealed before the repeal took effect, but the proceedings in such case shall, when necessary, conform to the provisions of this act.

When to take effect.

SECTION 97. This act shall take effect on the first day of August in the year nineteen hundred and three.

Approved June 17, 1903.

Chap. 438 AN ACT TO RELEASE CERTAIN LANDS IN THE CITY OF BOSTON TO THE MASSACHUSETTS INSTITUTE OF TECHNOLOGY.

Be it enacted, etc., as follows:

Certain lands in Boston released to Massachusetts Institute of Technology, etc.

SECTION 1. All the proprietary right, title and interest by way of reversion, right of re-entry or otherwise, remaining to the Commonwealth in that tract of land, being the westerly two thirds of the square between Newbury, Boylston, Berkeley and Clarendon streets on the Back Bay in the city of Boston, which the Massachusetts Institute of Technology is authorized by chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one to hold and improve, is hereby released to the said Massachusetts Institute of Technology, its successors and assigns.

Buildings may be erected, etc.

SECTION 2. Subject to the rights, if any, of other parties and to the restrictions hereinafter set forth, the Massachusetts Institute of Technology, or its grantees, may erect upon all or any part of said premises, buildings conforming to the building laws of the city of Boston; but no building erected on the above described premises shall be used for a stable or for any mechanical or manufacturing purposes. The front wall thereof on Boylston street shall be set back twenty-two feet from said street; and the front wall on Newbury street shall be set back twenty-two feet from said street; but steps, windows, porticos and other usual projections of such front walls

may be erected in said reserved space, subject to the following limitations, namely: (1) that no projection of any kind other than doorsteps and balustrades connected therewith and also cornices at the roof of the building shall extend more than five feet from said front walls into said space; and (2) that no projection in the nature of a bay window, circular front or octagon front, with the foundation walls sustaining the same, such foundation wall being a projection of the front wall, shall be erected unless any horizontal section of such projection would fall within the external lines of a trapezoid, whose base upon the rear line of the aforesaid space does not exceed eighteen feet, and whose side lines make an angle of forty-five degrees with the base; and the total of the base lines of all such bay windows on any street front shall not exceed seven tenths of the total length of said street front.

Buildings may be erected, etc.

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

Approved June 18, 1903.

AN ACT TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO DREDGE THE EASTERLY SHORE OF THE DORCHESTER DISTRICT OF THE CITY OF BOSTON.

Chap. 439

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby instructed to dredge the channel off the easterly shore of the Dorchester district of the city of Boston within and without the harbor lines, in its discretion, to a depth not exceeding twelve feet at mean low water.

Channel off easterly shore of Dorchester district to be dredged.

SECTION 2. The said board is hereby authorized to expend for the purposes of this act a sum not exceeding twenty-five thousand dollars.

Certain sum may be expended.

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

Approved June 19, 1903.

AN ACT TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO IMPROVE THE CHANNEL OF WEYMOUTH FORE RIVER.

Chap. 440

Be it enacted, etc., as follows:

SECTION 1. The board of harbor and land commissioners is hereby instructed to dredge the Weymouth Fore river, within and without the harbor lines in its discretion, to a depth not exceeding twenty-four feet at mean low water. Any damages caused thereby may be recovered

Weymouth Fore river to be dredged.

from the Commonwealth by the owner or owners of the land so dredged in an action of contract.

Certain sum
may be
expended.

SECTION 2. The said board is hereby authorized to expend, for the purposes of this act, a sum not exceeding twenty-five thousand dollars.

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

Approved June 19, 1903.

Chap. 441 AN ACT RELATIVE TO THE BRIDGE OVER NORTH RIVER BETWEEN
THE TOWNS OF HANOVER AND PEMBROKE.

Be it enacted, etc., as follows:

Bridge to be
built over
North river
between
Hanover and
Pembroke.

SECTION 1. The county commissioners of the county of Plymouth are hereby authorized and directed to build a bridge with necessary retaining walls and approaches in place of the present structure over the North river between the towns of Hanover and Pembroke, which was damaged by the storm of November twenty-sixth and twenty-seventh in the year eighteen hundred and ninety-eight.

Certain pro-
visions of law
to apply.

SECTION 2. The provisions of chapter ninety-six of the Revised Laws, so far as they may be applicable, shall apply to any work done under the provisions of this act.

Payment of
expense.

SECTION 3. The expense incurred under this act shall not exceed twenty thousand dollars, and shall be paid in the first instance from the treasury of the county of Plymouth; but so much of said expense as shall not be paid by the Commonwealth, as hereinafter provided, shall, after due notice and hearing, be assessed by said commissioners upon said county and such towns as shall especially be benefited, in such proportions as said commissioners shall deem proper, and said towns shall pay into the treasury of the county the amounts so assessed. If the expense incurred under this act shall not exceed fifteen thousand dollars, thirty-three per cent thereof shall be paid from the treasury of the Commonwealth to the treasurer of said county; but if the expense incurred under this act shall exceed the sum of fifteen thousand dollars, there shall be paid from the treasury of the Commonwealth to the treasurer of said county, in lieu of said thirty-three per cent, the sum of five thousand dollars upon vouchers to be approved by the governor and council, in the same manner in which other claims against the Commonwealth are approved.

SECTION 4. The county commissioners of said county are hereby authorized to borrow on the credit of said county such sums as may be required under this act, not exceeding twenty thousand dollars.

County commissioners may borrow on the credit of the county.

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

Approved June 19, 1903.

AN ACT RELATIVE TO THE SUPPORT OF LAW LIBRARIES IN THE COUNTY OF BRISTOL.

Chap.442

Be it enacted, etc., as follows :

SECTION 1. All sums received by the treasurer of the county of Bristol from the clerks of courts in that county as naturalization fees shall be disposed of by said treasurer as follows :— One third of said fees shall be paid over to the treasurer of the county law library, and one third thereof shall be added to each of the sums which may be expended annually under existing laws for the law libraries in the cities of New Bedford and Fall River.

Disposition of fees received for naturalization in Bristol county.

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

Approved June 19, 1903.

AN ACT TO AUTHORIZE THE CITY OF MARLBOROUGH TO INCUR INDEBTEDNESS FOR SEWERAGE PURPOSES.

Chap.443

Be it enacted, etc., as follows :

SECTION 1. The city of Marlborough, for the purpose of constructing sewers and of extending and improving its system of sewerage and sewage disposal, may incur indebtedness to the amount of twenty-five thousand dollars beyond its debt limit as fixed by law, and in addition to the amount heretofore authorized by law for sewerage purposes ; and may issue bonds, notes or scrip therefor. Such bonds, notes or scrip shall be payable within such periods, not exceeding thirty years from the dates thereof, and shall bear such rate of interest not exceeding four per cent per annum, as the city council shall determine. Except as otherwise provided herein the provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof and in addition thereto shall, so far as they may be applicable, apply to the indebtedness hereby authorized, and to the securities issued therefor.

City of Marlborough may issue bonds, notes or scrip, etc.

R. L. 27, etc., to apply.

SECTION 2. The city of Marlborough for the better protection from pollution of the metropolitan water sup-

Additional main sewer to be constructed, etc.

ply, shall, within six months after the passage of this act, construct an additional main sewer in accordance with plans satisfactory to the metropolitan water and sewerage board, from a point near the junction of Maple street and Mill street in said city, to the sewerage disposal area of the city. The Commonwealth shall repay to the said city the reasonable cost of constructing such additional main sewer, and for that purpose the treasurer of the Commonwealth shall, within sixty days after the date of the completion of said sewer, upon the certificate of the metropolitan water and sewerage board, pay to the city of Marlborough said cost of construction from the funds of the Metropolitan Water Loan.

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

Approved June 19, 1903.

Chap.444 AN ACT TO AMEND AN ACT RELATIVE TO THE CONSTRUCTION AND REPAIR OF STATE HIGHWAYS BY THE MASSACHUSETTS HIGHWAY COMMISSION.

Be it enacted, etc., as follows :

1903, 280, § 3,
amended.

SECTION 1. Section three of chapter two hundred and eighty of the acts of the year nineteen hundred and three is hereby amended by striking out after the words "State Highway Loan", in said section, the figures "1903".

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

Approved June 19, 1903.

Chap.445 AN ACT TO PROVIDE FOR ADDITIONAL ACCOMMODATIONS FOR CONSUMPTIVES AT THE MASSACHUSETTS STATE SANATORIUM.

Be it enacted, etc., as follows :

Additional
accommoda-
tions to be
provided at
state
sanatorium.

SECTION 1. To provide for the construction and equipment of four brick cottages two stories in height, of simple design and plain construction, and with accommodations for not more than thirty-five consumptive patients each, the trustees of the state sanatorium are authorized to expend a sum not exceeding one hundred and fifty thousand dollars.

Treasurer and
receiver gen-
eral to issue
scrip or
certificates of
indebtedness.

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 one hundred and fifty thousand dollars, for a term not exceeding thirty

years, as an addition to the Massachusetts Hospital for Consumptives 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 May and November.

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

Approved June 19, 1903.

AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION *Chap.446*
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, twenty-two hundred dollars.
- Acton, fifteen hundred and fifty dollars.
- Acushnet, five hundred and seventy-five dollars.
- Adams, forty-four hundred and fifty dollars.
- Agawam, twelve hundred and seventy-five dollars.
- Alford, one hundred and fifty dollars.
- Amesbury, forty-six hundred and seventy-five dollars.
- Amherst, twenty-eight hundred dollars.
- Andover, forty-five hundred and fifty dollars.
- Arlington, seventy-four hundred dollars.
- Ashburnham, eight hundred and twenty-five dollars.
- Ashby, five hundred and fifty dollars.
- Ashfield, four hundred and seventy-five dollars.
- Ashland, nine hundred dollars.
- Athol, thirty-seven hundred dollars.
- Attleborough, six thousand and fifty dollars.
- Auburn, five hundred and seventy-five dollars.
- Avon, seven hundred and fifty dollars.
- Ayer, thirteenth hundred and fifty dollars.
- Barnstable, thirty-seven hundred dollars.
- Barre, thirteen hundred dollars.
- Becket, four hundred and fifty dollars.
- Bedford, nine hundred and twenty-five dollars.
- Belchertown, eight hundred dollars.
- Bellingham, six hundred and fifty dollars.
- Belmont, forty-five hundred and fifty dollars.
- Berkley, three hundred and seventy-five dollars.
- Berlin, four hundred and fifty dollars.
- Bernardston, three hundred and seventy-five dollars.

State tax
apportioned
and assessed.

- Beverly, thirteen thousand seven hundred and seventy-five dollars.
- Billerica, nineteen hundred and seventy-five dollars.
- Blackstone, twenty-three hundred and fifty dollars.
- Blandford, four hundred dollars.
- Bolton, four hundred and twenty-five dollars.
- Boston, nine hundred three thousand two hundred dollars.
- Bourne, nineteen hundred dollars.
- Boxborough, two hundred dollars.
- Boxford, six hundred and fifty dollars.
- Boylston, four hundred and twenty-five dollars.
- Braintree, forty-one hundred dollars.
- Brewster, five hundred dollars.
- Bridgewater, twenty-three hundred and twenty-five dollars.
- Brimfield, three hundred and seventy-five dollars.
- Brockton, twenty-four thousand dollars.
- Brookfield, twelve hundred and seventy-five dollars.
- Brookline, sixty-eight thousand and twenty-five dollars.
- Buckland, five hundred and twenty-five dollars.
- Burlington, four hundred and seventy-five dollars.
- Cambridge, seventy-nine thousand seven hundred dollars.
- Canton, thirty-six hundred and seventy-five dollars.
- Carlisle, three hundred and twenty-five dollars.
- Carver, seven hundred and seventy-five dollars.
- Charlemont, three hundred and twenty-five dollars.
- Charlton, eight hundred and fifty dollars.
- Chatham, eight hundred and twenty-five dollars.
- Chelmsford, twenty-one hundred and fifty dollars.
- Chelsea, twenty thousand and fifty dollars.
- Cheshire, six hundred dollars.
- Chester, six hundred and seventy-five dollars.
- Chesterfield, two hundred and fifty dollars.
- Chicopee, eighty-three hundred and fifty dollars.
- Chilmark, two hundred dollars.
- Clarksburg, two hundred and fifty dollars.
- Clinton, sixty-six hundred and twenty-five dollars.
- Cohasset, forty-eight hundred and fifty dollars.
- Colrain, five hundred and seventy-five dollars.
- Concord, forty-two hundred and seventy-five dollars.
- Conway, six hundred dollars.
- Cottage City, thirteen hundred dollars.
- Cummington, two hundred and seventy-five dollars.
- Dalton, twenty-four hundred and fifty dollars.
- Dana, three hundred and twenty-five dollars.
- Danvers, forty-five hundred and twenty-five dollars.
- Dartmouth, twenty-three hundred and seventy-five dollars.
- Dedham, seventy-four hundred and fifty dollars.
- Deerfield, eleven hundred and seventy-five dollars.
- Dennis, ten hundred and fifty dollars.
- Dighton, seven hundred and twenty-five dollars.

State tax
apportioned
and assessed.

Douglas, nine hundred and twenty-five dollars.
 Dover, eight hundred dollars.
 Dracut, seventeen hundred dollars.
 Dudley, ten hundred and fifty dollars.
 Dunstable, two hundred and seventy-five dollars.
 Duxbury, fourteen hundred and twenty-five dollars.
 East Bridgewater, fourteen hundred and fifty dollars.
 East Longmeadow, four hundred and fifty dollars.
 Eastham, two hundred and seventy-five dollars.
 Easthampton, twenty-six hundred dollars.
 Easton, forty-four hundred and twenty-five dollars.
 Edgartown, six hundred and seventy-five dollars.
 Egremont, four hundred dollars.
 Enfield, seven hundred and twenty-five dollars.
 Erving, three hundred and seventy-five dollars.
 Essex, nine hundred and twenty-five dollars.
 Everett, fifteen thousand four hundred and twenty-five dollars.
 Fairhaven, twenty-one hundred dollars.
 Fall River, sixty-two thousand three hundred and fifty dollars.
 Falmouth, sixty-three hundred dollars.
 Fitchburg, twenty thousand seven hundred and seventy-five dollars.
 Florida, one hundred and fifty dollars.
 Foxborough, seventeen hundred and seventy-five dollars.
 Framingham, eighty-three hundred and twenty-five dollars.
 Franklin, twenty-eight hundred and fifty dollars.
 Freetown, seven hundred and seventy-five dollars.
 Gardner, forty-eight hundred and seventy-five dollars.
 Gay Head, twenty-five dollars.
 Georgetown, nine hundred dollars.
 Gill, four hundred and twenty-five dollars.
 Gloucester, fourteen thousand one hundred and seventy-five dollars.
 Goshen, one hundred and twenty-five dollars.
 Gosnold, one hundred and seventy-five dollars.
 Grafton, twenty-two hundred dollars.
 Granby, four hundred dollars.
 Granville, three hundred and twenty-five dollars.
 Great Barrington, thirty-six hundred and twenty-five dollars.
 Greenfield, fifty-five hundred and fifty dollars.
 Greenwich, two hundred and twenty-five dollars.
 Groton, twenty-five hundred dollars.
 Groveland, nine hundred dollars.
 Hadley, nine hundred dollars.
 Halifax, two hundred and fifty dollars.
 Hamilton, two thousand and fifty dollars.
 Hampden, three hundred and fifty dollars.
 Hancock, two hundred and fifty dollars.
 Hanover, eleven hundred and fifty dollars.
 Hanson, six hundred and twenty-five dollars.

State tax
apportioned
and assessed.

Hardwick, thirteen hundred and seventy-five dollars.
 Harvard, nine hundred dollars.
 Harwich, ten hundred and seventy-five dollars.
 Hatfield, nine hundred and seventy-five dollars.
 Haverhill, twenty-two thousand eight hundred and seventy-five dollars.
 Hawley, one hundred and fifty dollars.
 Heath, one hundred and fifty dollars.
 Hingham, thirty-eight hundred and twenty-five dollars.
 Hinsdale, five hundred and seventy-five dollars.
 Holbrook, twelve hundred dollars.
 Holden, eleven hundred and twenty-five dollars.
 Holland, seventy-five dollars.
 Holliston, thirteen hundred and twenty-five dollars.
 Holyoke, thirty-three thousand eight hundred and seventy-five dollars.
 Hopedale, thirty-seven hundred and seventy-five dollars.
 Hopkinton, fifteen hundred and twenty-five dollars.
 Hubbardston, five hundred and seventy-five dollars.
 Hudson, twenty-eight hundred and fifty dollars.
 Hull, three thousand dollars.
 Huntington, four hundred and seventy-five dollars.
 Hyde Park, eighty-seven hundred and seventy-five dollars.
 Ipswich, twenty-seven hundred and fifty dollars.
 Kingston, thirteen hundred and seventy-five dollars.
 Lakeville, five hundred dollars.
 Lancaster, twenty-six hundred and fifty dollars.
 Lanesborough, four hundred dollars.
 Lawrence, thirty-four thousand and seventy-five dollars.
 Lee, sixteen hundred and twenty-five dollars.
 Leicester, twenty-four hundred dollars.
 Lenox, twenty-nine hundred and seventy-five dollars.
 Leominster, sixty-five hundred and fifty dollars.
 Leverett, two hundred and fifty dollars.
 Lexington, forty-five hundred dollars.
 Leyden, one hundred and seventy-five dollars.
 Lincoln, nineteen hundred and sixty dollars.
 Littleton, eight hundred dollars.
 Longmeadow, eight hundred and twenty-five dollars.
 Lowell, sixty-two thousand six hundred dollars.
 Ludlow, thirteen hundred and seventy-five dollars.
 Lunenburg, seven hundred and seventy-five dollars.
 Lynn, forty-three thousand nine hundred and twenty-five dollars.
 Lynnfield, five hundred and seventy-five dollars.
 Malden, twenty-five thousand six hundred and fifty dollars.
 Manchester, seventy-eight hundred and fifty dollars.
 Mansfield, seventeen hundred and fifty dollars.
 Marblehead, fifty-five hundred and seventy-five dollars.
 Marion, eleven hundred and twenty-five dollars.

- Marlborough, seventy-nine hundred and fifty dollars.
 Marshfield, eleven hundred and seventy-five dollars.
 Mashpee, one hundred and fifty dollars.
 Mattapoisett, thirteen hundred and fifty dollars.
 Maynard, seventeen hundred and seventy-five dollars.
 Medfield, thirteen hundred and twenty-five dollars.
 Medford, sixteen thousand six hundred and seventy-five dol-
 lars.
 Medway, twelve hundred and twenty-five dollars.
 Melrose, ten thousand six hundred and twenty-five dollars.
 Mendon, four hundred and seventy-five dollars.
 Merrimac, eleven hundred and fifty dollars.
 Methuen, forty-one hundred and seventy-five dollars.
 Middleborough, thirty-six hundred and sixty-five dollars.
 Middlefield, one hundred and seventy-five dollars.
 Middleton, four hundred and seventy-five dollars.
 Milford, fifty-one hundred and seventy-five dollars.
 Millbury, nineteen hundred and fifty dollars.
 Millis, five hundred and seventy-five dollars.
 Milton, eighteen thousand five hundred and twenty-five dol-
 lars.
 Monroe, one hundred and twenty-five dollars.
 Monson, seventeen hundred and twenty-five dollars.
 Montague, thirty-one hundred and fifty dollars.
 Monterey, two hundred dollars.
 Montgomery, one hundred and twenty-five dollars.
 Mount Washington, seventy-five dollars.
 Nahant, fifty-three hundred and seventy-five dollars.
 Nantucket, twenty-seven hundred and fifty dollars.
 Natick, fifty-four hundred dollars.
 Needham, twenty-nine hundred and twenty-five dollars.
 New Ashford, fifty dollars.
 New Bedford, forty-nine thousand five hundred and fifty dol-
 lars.
 New Braintree, three hundred and seventy-five dollars.
 New Marlborough, five hundred dollars.
 New Salem, two hundred and seventy-five dollars.
 Newbury, nine hundred and seventy-five dollars.
 Newburyport, ninety-one hundred and seventy-five dollars.
 Newton, forty-nine thousand six hundred dollars.
 Norfolk, five hundred dollars.
 North Adams, eleven thousand six hundred and seventy-five
 dollars.
 North Andover, thirty-nine hundred and fifty dollars.
 North Attleborough, thirty-four hundred and seventy-five
 dollars.
 North Brookfield, eighteen hundred dollars.
 North Reading, four hundred and seventy-five dollars.
 Northampton, ten thousand four hundred and fifty dollars.
 Northborough, eleven hundred and fifty dollars.

State tax
 apportioned
 and assessed.

State tax
apportioned
and assessed.

Northbridge, thirty-eight hundred and fifty dollars.
Northfield, eight hundred and seventy-five dollars.
Norton, eight hundred dollars.
Norwell, eight hundred and fifty dollars.
Norwood, thirty-eight hundred dollars.
Oakham, two hundred and seventy-five dollars.
Orange, twenty-nine hundred dollars.
Orleans, five hundred and fifty dollars.
Otis, two hundred dollars.
Oxford, thirteen hundred and twenty-five dollars.
Palmer, twenty-six hundred and twenty-five dollars.
Paxton, two hundred and fifty dollars.
Peabody, seventy-one hundred dollars.
Pelham, one hundred and seventy-five dollars.
Pembroke, five hundred and fifty dollars.
Pepperell, two thousand and fifty dollars.
Peru, one hundred dollars.
Petersham, five hundred and twenty-five dollars.
Phillipston, two hundred and fifty dollars.
Pittsfield, thirteen thousand three hundred and seventy-five dollars.
Plainfield, one hundred and fifty dollars.
Plymouth, sixty-seven hundred and fifty dollars.
Plympton, two hundred and seventy-five dollars.
Prescott, one hundred and fifty dollars.
Princeton, seven hundred and twenty-five dollars.
Provincetown, sixteen hundred and seventy-five dollars.
Quincy, sixteen thousand nine hundred and twenty-five dollars.
Randolph, nineteen hundred and fifty dollars.
Raynham, seven hundred and twenty-five dollars.
Reading, thirty-eight hundred dollars.
Rehoboth, six hundred and seventy-five dollars.
Revere, eighty-three hundred dollars.
Richmond, three hundred dollars.
Rochester, four hundred and fifty dollars.
Rockland, twenty-eight hundred and twenty-five dollars.
Rockport, twenty-four hundred dollars.
Rowe, two hundred and twenty-five dollars.
Rowley, six hundred and twenty-five dollars.
Royalston, four hundred and seventy-five dollars.
Russell, four hundred dollars.
Rutland, five hundred dollars.
Salem, twenty-four thousand five hundred and fifty dollars.
Salisbury, six hundred and twenty-five dollars.
Sandisfield, two hundred and seventy-five dollars.
Sandwich, eight hundred and fifty dollars.
Saugus, three thousand and fifty dollars.
Savoy, one hundred and fifty dollars.
Seituate, twenty-one hundred and fifty dollars.

State tax
apportioned
and assessed.

Seekonk, eight hundred and twenty-five dollars.
 Sharon, fifteen hundred and fifty dollars.
 Sheffield, seven hundred and seventy-five dollars.
 Shelburne, eight hundred dollars.
 Sherborn, seven hundred dollars.
 Shirley, seven hundred and fifty dollars.
 Shrewsbury, ten hundred and fifty dollars.
 Shutesbury, one hundred and fifty dollars.
 Somerset, nine hundred and fifty dollars.
 Somerville, forty-three thousand seven hundred and fifty dol-
 lars.
 South Hadley, twenty-three hundred and fifty dollars.
 Southampton, four hundred and twenty-five dollars.
 Southborough, fourteen hundred and fifty dollars.
 Southbridge, four thousand dollars.
 Southwick, four hundred and fifty dollars.
 Spencer, thirty-three hundred and seventy-five dollars.
 Springfield, sixty-one thousand nine hundred and fifty dollars.
 Sterling, seven hundred and seventy-five dollars.
 Stockbridge, twenty-nine hundred dollars.
 Stoneham, forty-three hundred and twenty-five dollars.
 Stoughton, twenty-seven hundred dollars.
 Stow, six hundred and seventy-five dollars.
 Sturbridge, eight hundred and twenty-five dollars.
 Sudbury, ten hundred and fifty dollars.
 Sunderland, four hundred dollars.
 Sutton, ten hundred and fifty dollars.
 Swampscott, five thousand and twenty-five dollars.
 Swansea, eight hundred and seventy-five dollars.
 Taunton, nineteen thousand dollars.
 Templeton, thirteen hundred dollars.
 Tewksbury, sixteen hundred and twenty-five dollars.
 Tisbury, eight hundred and twenty-five dollars.
 Tolland, one hundred and twenty-five dollars.
 Topsfield, seven hundred and seventy-five dollars.
 Townsend, ten hundred and twenty-five dollars.
 Truro, three hundred and twenty-five dollars.
 Tyngsborough, four hundred and twenty-five dollars.
 Tyringham, two hundred dollars.
 Upton, eleven hundred and twenty-five dollars.
 Uxbridge, nineteen hundred and seventy-five dollars.
 Wakefield, sixty-five hundred dollars.
 Wales, two hundred and fifty dollars.
 Walpole, twenty-two hundred and twenty-five dollars.
 Waltham, seventeen thousand two hundred and twenty-five
 dollars.
 Ware, thirty-eight hundred dollars.
 Wareham, twenty-two hundred dollars.
 Warren, seventeen hundred and twenty-five dollars.
 Warwick, three hundred dollars.

State tax
apportioned
and assessed.

Washington, two hundred dollars.
Watertown, ninety-two hundred dollars.
Wayland, fifteen hundred dollars.
Webster, forty-nine hundred and twenty-five dollars.
Wellesley, seventy-six hundred and twenty-five dollars.
Wellfleet, six hundred and seventy-five dollars.
Wendell, two hundred dollars.
Wenham, eight hundred and seventy-five dollars.
West Boylston, eight hundred and fifty dollars.
West Bridgewater, ten hundred and fifty dollars.
West Brookfield, seven hundred dollars.
West Newbury, eight hundred dollars.
West Springfield, forty-four hundred dollars.
West Stockbridge, four hundred and fifty dollars.
West Tisbury, three hundred and fifty dollars.
Westborough, twenty-six hundred dollars.
Westfield, seventy-two hundred and seventy-five dollars.
Westford, twelve hundred and seventy-five dollars.
Westhampton, two hundred dollars.
Westminster, six hundred and seventy-five dollars.
Weston, forty-two hundred and fifty dollars.
Westport, fourteen hundred dollars.
Westwood, ten hundred and fifty dollars.
Weymouth, fifty-eight hundred and twenty-five dollars.
Whately, four hundred dollars.
Whitman, thirty-two hundred dollars.
Wilbraham, seven hundred dollars.
Williamsburg, eight hundred dollars.
Williamstown, twenty-two hundred and fifty dollars.
Wilmington, nine hundred dollars.
Winchendon, twenty-three hundred and twenty-five dollars.
Winchester, seventy-three hundred and fifty dollars.
Windsor, one hundred and seventy-five dollars.
Winthrop, fifty-five hundred and fifty dollars.
Woburn, eighty-nine hundred and seventy-five dollars.
Worcester, ninety-eight thousand five hundred and seventy-five dollars.
Worthington, two hundred and fifty dollars.
Wrentham, thirteen hundred and twenty-five dollars.
Yarmouth, sixteen hundred 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.

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 three, 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 three.

Payment of assessments.

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 three; and if the same remains unpaid after the first day of January in the year nineteen hundred and four, 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 19, 1903.

AN ACT TO CHANGE THE NAME OF THE COPLEY SQUARE TRUST COMPANY TO COPLEY TRUST COMPANY, AND TO AUTHORIZE IT TO CARRY ON ITS BUSINESS AT ANY PLACE WITHIN THE CITY OF BOSTON.

Chap. 447

Be it enacted, etc., as follows:

SECTION 1. The Copley Square Trust Company, located in Boston, shall hereafter be called the Copley Trust Company.

Name changed.

May carry on its business at any place in Boston.

SECTION 2. The limit of the territory in the city of Boston within which said trust company was authorized to establish and maintain a safe deposit and trust company by section two of chapter twenty-seven of the acts of the year nineteen hundred and one, is hereby abolished, and said trust company shall hereafter have authority to establish and maintain a safe deposit and trust company at any place within 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.

When to take effect.

SECTION 3. This act shall take effect when accepted by the stockholders of the company at a meeting called and held for the purpose. *Approved June 19, 1903.*

Chap. 448 AN ACT TO AUTHORIZE THE CITY OF BROCKTON TO LIGHT ITS CITY STABLES FROM ITS ELECTRIC LIGHTING PLANT IN CITY HALL.

Be it enacted, etc., as follows:

City of Brockton may extend electric wires to city stables.

SECTION 1. The city of Brockton is hereby authorized to extend electric wires over, under and across the streets and ways therein from its electric lighting plant in its city hall building to its city stables for the electric lighting of the same.

SECTION 2. This act shall take effect upon its passage. *Approved June 19, 1903.*

Chap. 449 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO MAKE PAYMENTS TO THE WIDOWS OR NEXT OF KIN OF ITS DECEASED EMPLOYEES.

Be it enacted, etc., as follows:

City of Boston may make payments to widows or next of kin of deceased employees.

SECTION 1. The city of Boston may, when authorized so to do by a two thirds vote of each branch of its city council, taken by call of the yeas and nays and approved by the mayor, pay a sum of money not exceeding two hundred and fifty dollars to the widow of an employee who shall die hereafter in the service of the city after not less than five years of continuous service therein, and in case there is no widow such sum may be paid to the next of kin: *provided*, that such next of kin were at the time of the death of such employee dependent upon his wages for support.

Proviso.

SECTION 2. This act shall take effect only upon its acceptance by a majority vote of each branch of the city council taken by call of the yeas and nays and approved by the mayor.

When to take effect.

Approved June 22, 1903.

AN ACT TO PROVIDE FOR DIRECT NOMINATION OF CANDIDATES FOR REPRESENTATIVES IN CONGRESS IN THE NINTH, TENTH AND ELEVENTH DISTRICTS.

Chap.450

Be it enacted, etc., as follows:

SECTION 1. Every nomination by a political party of a candidate for representative in congress in the ninth, tenth and eleventh congressional districts shall be made in caucuses by direct plurality vote.

Nomination of candidates for representatives in congress, 9th, 10th and 11th districts.

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 the several cities and towns comprising said districts are returned, and the election commissioners of Boston and the clerks of the other cities and towns in each of said districts shall constitute a canvassing board for that district, to meet in the same manner and to perform the same duties as canvassing boards provided for in section one hundred and thirty-eight of chapter eleven of the Revised Laws.

Ballots and returns.

SECTION 3. All provisions of law relative to the preparation of nomination papers and ballots, to caucuses and elections, to ballots cast at caucuses and elections, to recounts of such ballots, and to certificates of nomination of candidates, shall, so far as they are applicable and not inconsistent with the provisions of the two preceding sections, apply to the caucuses therein named, the ballots cast thereat, the returns relative to such ballots, the recounts of such ballots, and the certificates of nomination made as aforesaid.

Certain provisions of law to apply.

Approved June 22, 1903.

AN ACT TO AUTHORIZE THE TOWN OF NORTHBOROUGH TO ACQUIRE AND LAY OUT CERTAIN LANDS FOR A PUBLIC PARK.

Chap.451

Be it enacted, etc., as follows:

SECTION 1. The town of Northborough, by its board of selectmen, may at any time within three years after the passage of this act take, by gift upon such conditions as said board may deem advisable, or by purchase or

Town of Northborough may take certain land, etc., for park purposes, etc.

Town of North-
borough may
take certain
land, etc., for
park purposes,
etc.

otherwise, and hold in fee, or otherwise, and maintain, for the purpose of a public park, a certain parcel of land, with such buildings as may be thereon, or any part thereof, not exceeding one hundred and fifty acres in area, situated in said town, and bordering on either side of Cold Harbor brook, so-called, together with said brook and all the waters of the same not previously granted to said town for other purposes, beginning at the highway at and next above the bridge over said brook on Whitney street, and extending up said brook to a point between the lands of G. H. Talbot and lands now or formerly of Mrs. Alice H. Fisher, and to such distance from either side of said brook, as would be overflowed with water if the water in said brook were raised to a level one foot above the stoning on the westerly side of said bridge, and to such other distance and boundary within said town as the town may elect, with any rights of flowage affecting the same.

May construct
a dam, change
highways,
etc.

SECTION 2. The town of Northborough may construct upon said brook at such suitable place as shall be fixed by the committee or commissioners of the town having the matter in charge, such a good, safe and sufficient dam as may raise the water within said brook and upon such land to a level one foot above the stoning of the Whitney Street bridge, on the westerly side thereof, or to any lesser height, said stoning meaning the stones above the covering stone of said bridge, being the same that now support the railing of said bridge. The said town may make all changes in the highways rendered necessary or desirable by the raising of said dam, and the flowage of said lands, and may discontinue any highways, which for such flowage shall be of no further use, and may build such new highways as may be necessary within the limits of or adjacent to the lands taken by said town. The said town may, through its committee or commissioners, lay out and develop so much of the lands hereinbefore described as shall be taken under this act, and as shall not be submerged by the flowage consequent upon the construction of the dam as aforesaid, as a public park for the use of the citizens of the town and others, under such rules and regulations as the town may adopt for its control and management. The town may build bath houses and may designate such parts of the lake raised by said dam as may be deemed advisable for bathing purposes. The said town may build such other buildings as may be

May build
bath houses,
pavilions, etc.

necessary for the safety and comfort of persons using the park, and may build other buildings, such as pavilions, boat houses, waiting and lunch rooms, the cost of which shall be raised by private subscription, and such buildings when completed shall be the property of the town and shall be under the control of park commissioners chosen by the town, and shall be subject to such rules and regulations as shall be made by said commissioners and approved by the board of selectmen of said town. The said town may lease the use of said park or any part thereof, or any of the buildings thereon for temporary or daily use, to persons not citizens of the town for such money consideration as may be determined by the park commissioners, and approved by the board of selectmen. The said town may lease for the term of one year or less any boat house which it shall build, to be used for conducting a business of leasing or letting of boats, the fees for the use of which shall be determined by the park commissioners, or the town may employ an agent to conduct such business and to have charge of said boat houses, to rent berths or lockers wherein citizens of the town may keep and store boats for their own use upon said lake, the park commissioners establishing the fee for the use of such berths or lockers. The said town may lease any building into the possession of which it may come, as a restaurant or lunch room, for a term of one year or less, to a suitable or proper person, who shall conduct a restaurant business for such period as shall be required by the park commissioners, and at such prices as shall be satisfactory to said park commissioners. The said town may strip, excavate and use in the construction of the said park and dam, any land acquired under this act, and, in case the waters of the lake raised by said dam are used for domestic purposes in the lower service supply, the same shall, while so used, be in charge and under the supervision of the water commissioners of the town, and said water commissioners shall have all the powers to prevent the pollution of the waters of said lake which are now vested in them in respect to the town water supply. And said commissioners may sell such water by meter rates, or collect such rents as they are now permitted to collect by the act of the legislature establishing a water supply for the town of Northborough. The said town may stock the lake raised by the construction of the aforesaid dam with such

May lease use
of park, etc.

May strip,
excavate, etc.,
certain land,
etc.

Powers and
duties of
water com-
missioners.

Lake may be
stocked with
food fishes,
etc.

Waters of lake
may be used
for water
supply, etc.

food fishes as may be selected by the aforesaid park commissioners, and said commissioners may make such necessary rules and regulations for the taking of such fish as they may deem advisable. The said town may use the waters of the lake formed by the construction of the dam as aforesaid in case of a failure of the town's regular water supply, for the domestic use of the lower service of the town, in the villages of Woodside and Chapinville, so-called, and may lay all necessary pipes and connections for the use of said water for such purposes. The said town may sell any surplus water that there may be at the aforesaid dam, at any season of the year, for business or manufacturing purposes, and may lay such pipes and make such connections for so doing as the town shall direct under any article in the warrant for so doing at any town meeting. In the construction of said dam and the raising of said lake the town may be required by the abutters on said lake having a water frontage near their residences to build such sea walls as shall retain the water to a reasonable distance from such residences, and to fill and grade behind such sea walls in a proper and satisfactory manner, and all abutters upon the lake shall have the right to maintain boats upon the lake for their own private use.

Sea walls may
be built, etc.

Description of
lands, etc., to
be recorded.

SECTION 3. Said town shall, within sixty days after the taking of any lands, water rights or other property as aforesaid, otherwise than by purchase or gift, 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 of the purposes for which the same were taken, which statement shall be signed by the chairman of the board of selectmen, and the title of all lands and water rights so taken shall vest in the town of Northborough in fee.

Damages.

SECTION 4. Said town shall pay all damages to property sustained by any person or corporation by the taking of any lands or other property or rights 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 the 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 the laying out of highways, on application at any time within the period of two years after the taking of such land or other

rights or property or the doing of such other injury under the authority of this act.

SECTION 5. Said town may receive by gift or bequest any sums of money to be used for the purchase of such lands or the laying out and construction and maintenance of said park, or the retaining dam, or any buildings in said park, in accordance with the wishes of the donors of the same, if in compliance with the provisions of this act.

Gifts, bequests, etc.

SECTION 6. Said town may borrow from time to time such sums of money as may be needed to carry out the provisions of this act, and may appropriate money to be expended for park purposes to an amount not exceeding fifteen thousand dollars, and may issue notes or scrip for the same, and shall assess, raise and pay annually such relatively equal part of such loan as shall liquidate the same at maturity.

Town may borrow money, issue notes or scrip, etc.

SECTION 7. At any time within two years after the work of laying out and constructing said park is completed, the selectmen shall have the same authority to determine the value of and to assess upon real estate, the amount of betterments accruing to said real estate by the taking of land and locating, laying out and construction of a park under this act, that is conferred by chapter fifty of the Revised Laws upon the boards of city or town officers authorized to lay out streets or ways, and the provisions of said chapter shall apply to such assessments by said selectmen so far as the same are not inconsistent herewith. But if the owners of any estate upon which betterments shall be assessed shall have given land for said park the value of such land shall be deducted from the amount of said betterments.

Assessment of betterments, etc.

SECTION 8. This act, except as provided in the following section, shall not take effect unless accepted by a majority of the voters of the town of Northborough voting thereon at any annual town meeting authorized by warrant to vote upon its acceptance.

Subject to acceptance by a majority vote.

SECTION 9. So much of this act as authorizes its submission to the town shall take effect upon its passage, and if duly accepted it shall take full effect on the date of such acceptance.

When to take effect.

Approved June 22, 1903.

Chap. 452 AN ACT RELATIVE TO PRISONERS RELEASED ON PROBATION OR ON PERMIT.

Be it enacted, etc., as follows:

R. L. 225, § 129,
amended.

Certain pris-
oners released
on probation
or permit may
be arrested,
etc.

SECTION 1. Section one hundred and twenty-nine of chapter two hundred and twenty-five of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following:—
Section 129. The prison commissioners, the state board of charity, the county commissioners, the directors of a workhouse, or, in the county of Suffolk, the penal institutions commissioner of the city of Boston, if a permit to be at liberty issued by them, respectively, to a prisoner under the provisions of sections one hundred and thirteen to one hundred and fifteen, inclusive, and one hundred and seventeen to one hundred and twenty, inclusive, has become void or has been revoked, or if a prisoner on probation under section one hundred and twenty-one has been ordered to return to the prison from which he was released, may issue an order authorizing the arrest of the holder of such permit or of such prisoner on probation, by any officer qualified to serve civil or criminal process in any county, and the return of such holder, or of such prisoner on probation, to the prison from which he was released. The governor, if a permit to be at liberty issued to an habitual criminal under the provisions of section one hundred and sixteen has become void or has been revoked, shall issue his warrant authorizing the arrest of the holder thereof by any officer qualified to serve criminal process, and his return to state prison. A prisoner who has been so returned to his place of confinement shall be detained therein according to the terms of his original sentence. In computing the period of his confinement the time between his release upon a permit, or on probation, and his return to prison, shall not be considered as any part of the term of his original sentence. If at the time of the order to return to prison or of the revocation of his permit he is confined in any prison, service of such order shall not be made until his release therefrom.

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

Approved June 22, 1903.

AN ACT RELATIVE TO RETURNS OF CAUCUSES AT WHICH ARE MADE *Chap.453*
 DIRECT NOMINATIONS OF CANDIDATES FOR CERTAIN ELECTIVE
 OFFICES.

Be it enacted, etc., as follows :

SECTION 1. Returns of all caucuses of political parties at which are made any direct nominations for a district comprising more than one ward or town shall be made according to the provisions of section one hundred and twenty-four of chapter eleven of the Revised Laws. In Boston the election commissioners and in other cities and in towns the registrars of voters shall canvass said returns and determine the results thereof. Recounts of ballots shall be made as provided in section one hundred and twenty-six of said chapter. In the case of candidates for a state office in a district comprising more than one ward and wholly within any one city, the city clerk, or in Boston the election commissioners, shall file in the office of the secretary of the Commonwealth the certificate of nomination required by law. In the case of such candidates for a district not wholly within any one city or town, each city and town clerk in such district, or in Boston the election commissioners, shall file in the office of the secretary of the Commonwealth, in the manner and within the time required by law for filing certificates of nomination, copies of the record of votes for such candidates, and the secretary shall canvass them and determine the results thereof.

Canvass, etc., of returns of caucuses at which direct nominations are made, etc.

SECTION 2. In the event of a tie vote for any candidate of a political party nominated directly for any office, there shall be deemed to be a vacancy, to be filled by a regularly elected general or executive committee representing the election district in which such vote has been cast, or, if no such committee exists, by the members of the ward and town committees in the wards and towns comprising such district, but the vacancy shall be filled only by the choice of one of the candidates receiving such tie vote.

Filling of vacancies caused by tie vote.

Approved June 22, 1903.

Chap. 454 AN ACT TO PROVIDE FOR JOINT CAUCUSES OR PRIMARIES OF ALL
POLITICAL AND MUNICIPAL PARTIES.

Be it enacted, etc., as follows:

Certain terms defined.

SECTION 1. For the purposes of this act the term "election law" shall apply to chapter eleven of the Revised Laws. The term "primary" shall apply to any meeting held in accordance with the provisions of this act. The term "municipal party" shall apply to a party other than a political party which at the preceding city or town election polled for mayor or a selectman at least three per cent of the entire vote cast in the city or town for that office; this term shall be used only with reference to caucuses for the nomination of city or town officers.

Certain caucuses to be held at the same time and place as primaries, etc.

SECTION 2. All caucuses of political and municipal parties in cities, and in towns using official ballots, which towns at an annual meeting vote that primaries shall be held therein, except caucuses to elect delegates to conventions held for the election of delegates to national conventions, and for the choice of ward committees after the change of ward lines, shall be held at the same time and place as primaries, and shall be conducted in general accordance with the provisions of law concerning the conduct of elections and the manner of voting thereat, except as otherwise provided herein.

Towns may revoke action.

Towns voting that primaries shall be held therein may, at a legal meeting called for the purpose, not less than one year after the date of the first primary held therein, revoke such action.

Secretary of the Commonwealth to be notified.

Clerks of towns which vote to hold primaries or to rescind such action shall forthwith notify the secretary of the Commonwealth of such vote.

Notices of caucuses in Boston.

Filing of nomination papers, etc.

SECTION 3. Notices of caucuses in the city of Boston shall be issued not less than twenty-two days prior to the day on which the caucuses are to be held. In Boston nomination papers shall be sealed up and filed in the office of the secretary of the city committee of the party making the nominations not less than fourteen week days prior to the day upon which the caucus is to be held for which the nominations are made; and the secretary of each city committee in the city of Boston shall deliver to the election commissioners, not less than ten week days

before the day upon which the caucuses are to be held and before five o'clock in the afternoon of the last day, the nomination papers filed with him.

SECTION 4. Primaries shall be held on the sixth Tuesday preceding state elections, on the third Tuesday preceding city elections, except in Boston, where they shall be held on the fourth Thursday preceding the city election, and on the second Tuesday preceding town elections, or any special election.

Primaries to be held on certain days.

In Boston they shall be held by precincts as established for elections; elsewhere, wholly or partly by wards, precincts or towns, as the board of aldermen or selectmen may from time to time determine.

To be held by precincts in certain places.

SECTION 5. Nominations shall be made in accordance with the provisions of sections one hundred and seven to one hundred and sixteen, inclusive, of the election law, except that in the case of an election district not wholly within one ward or town the signers of nomination papers for that district may reside anywhere within the district.

Nominations.

SECTION 6. Ballots for each political and municipal party, ballot boxes, voting lists, specimen ballots, blank forms and apparatus, seals and record books, shall be provided and treated in accordance with the provisions of sections one hundred and seventeen to one hundred and twenty, inclusive, of the election law, except that the number of ballots shall be determined by the election commissioners in Boston, by the city clerk in any other city, and by the town clerk in towns, and shall not for any ward or town exceed one ballot of each party for each voter therein; and the ballots for each party shall be printed on paper of a different color from that on which the ballots for any other party are printed.

Ballots, ballot boxes, etc.

SECTION 7. The provisions of the election law relating to election officers, voting places for elections, election apparatus and blanks, calling and conduct of elections, manner of voting at elections, counting and recounting of votes at elections, corrupt practices and penalties, shall apply to primaries, except as otherwise provided herein.

Certain provisions of law to apply.

SECTION 8. In wards or towns where at elections voting is by precincts, but at primaries by wards or towns, the city or town clerk shall designate which of the election officers shall serve as primary officers.

City and town clerks to designate officers to serve in certain primaries.

Certain persons not ineligible as primary officers.

R. L. II amended.

Except in Boston no person shall be ineligible to serve as a primary officer because he is a candidate for or member of a ward or town committee.

SECTION 9. The following sections of the election law relating to election officers are hereby amended as follows:—

Section 171.

Section one hundred and seventy-one, by striking out the word "September", in the first and second lines, and inserting in place thereof the word:— August, — .

Section 172.

Section one hundred and seventy-two, by striking out the word "October", in the second and third lines, and inserting in place thereof the word:— August, — .

Section 173.

Section one hundred and seventy-three, by striking out the word "November", in the tenth line, and inserting in place thereof the word:— September, — .

Section 175.

Section one hundred and seventy-five, by striking out the words "first day of November", in the second line and also in the sixth line, and inserting in place thereof the words:— twentieth day of September, — .

Polls to be open during certain hours.

SECTION 10. The polls at every primary shall be open during such hours, not less than nine in cities or four in towns, as may be designated by the board of election commissioners in Boston, the aldermen of other cities, and the selectmen of towns.

Enrolment of voters, etc.

SECTION 11. When in a primary the voter seeks to pass the guard-rail, he shall be asked by one of the ballot clerks which party ballot he desires, and the ballot clerk upon reply shall distinctly announce the same and give him such party ballot. The voter's selection shall be checked on the voting list used by the ballot clerks, and said list shall be returned to the election commissioners in Boston, or to the city clerk in any other city, or to the town clerk in towns, for preservation during the succeeding calendar year. A copy of the party entries on such list shall be used at subsequent primaries for determining with what party the voter has been enrolled.

Enrolment may be changed, etc.

No voter enrolled under the provisions of this act shall be allowed to receive the ballot of any political party except that with which he is so enrolled, but he may change his enrolment by appearing in person before the election commissioners in Boston, the city clerk in any other city, or the town clerk in towns, and requesting in writing to have his enrolment changed to another party; but such change shall not take effect until the expiration of ninety

days after the voter so appears; but the political party enrolment of a voter shall not preclude him from receiving at a primary the ballot of any municipal party, though in no one primary shall he receive more than one party ballot.

Any voter who denies the accuracy of his enrolment as found on the voting list may deposit his ballot with the endorsement required by section two hundred and thirty-five of the election law; but said ballot shall not be counted on a recount if it appears that the party enrolment of such voter was correct.

Persons denying accuracy of enrolment may deposit ballot with endorsement, etc.

SECTION 12. In the counting of votes when the ballots are removed from the ballot box, they shall first be sorted into piles, one for each party, and each pile shall be counted and sealed separately. Votes shall be counted only for nominations of the party on whose ballot they appear.

Counting of votes.

SECTION 13. The election commissioners in Boston, the city clerks in other cities, and town clerks in towns, shall canvass the returns of votes for delegates to conventions and for members of ward and town committees, determine the result, issue proper certificates thereof to the successful candidates, and notify the chairmen of the city or town committees of the respective parties as to the persons who have been elected.

Canvass of returns of votes, etc.

SECTION 14. If a majority of a delegation or of a ward or town committee is not elected, or if there is a tie vote for candidates for an elective office, there shall be deemed to be a vacancy to be filled according to the provisions of section one hundred and fifty-two of the election law.

Filling of vacancies.

SECTION 15. In Boston petitions for recounts after primaries shall be filed before five o'clock in the afternoon of the second day thereafter.

Petitions for recounts in Boston.

SECTION 16. In Boston conventions to nominate candidates for school committee shall be called for and held on the seventh day after the primaries before the city election. Certificates of nomination shall be filed before five o'clock in the afternoon of the ninth day after said primaries; objections thereto, withdrawals therefrom, and all nomination papers, shall be filed before five o'clock in the afternoon of the eleventh day after said primaries; certificates of nomination to fill vacancies caused by withdrawals shall be filed before five o'clock in the afternoon of the twelfth day after said primaries.

Nomination of candidates for school committee in Boston.

Repeal, etc.

SECTION 17. This act shall be deemed to be in amendment of the election law, and so much of said law as is inconsistent with the provisions of this act is hereby repealed.

When to take effect.

SECTION 18. This act shall take effect in Boston upon its passage. In other cities and in towns using official ballots the question of its acceptance shall be submitted to the voters at the next annual state election and the act shall take effect as soon after its acceptance by a majority of the voters voting thereon as the provisions of law relative to nominations can be complied with.

Approved June 22, 1903.

Chap.455

AN ACT TO ESTABLISH THE COMPENSATION OF THE WATCHMEN AND ASSISTANT WATCHMEN AT THE STATE HOUSE.

Be it enacted, etc., as follows :

R. L. 10, § 10, amended.

SECTION 1. Section ten of chapter ten of the Revised Laws is hereby amended by adding at the end thereof the words :—The compensation of the watchmen at the state house shall be twelve hundred dollars a year, and that of the assistant watchmen at the state house shall be eleven hundred dollars a year, — so as to read as follows :— *Section 10.* The annual salary of the sergeant-at-arms shall be thirty-five hundred dollars ; of his first clerk, twenty-two hundred dollars ; of each of his messengers, eleven hundred dollars ; of the messenger to the treasurer and receiver general, sixteen hundred dollars. The compensation of the watchmen at the state house shall be twelve hundred dollars a year, and that of the assistant watchmen at the state house shall be eleven hundred dollars a year.

Salary of sergeant-at-arms, etc.

Watchmen, etc.

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

Approved June 22, 1903.

Chap.456

AN ACT RELATIVE TO THE MASSACHUSETTS SCHOOL FUND.

Be it enacted, etc., as follows :

Apportionment, etc., of income of Massachusetts School Fund, etc.

SECTION 1. The annual income of the Massachusetts School Fund shall, without specific appropriation, be apportioned and distributed for the support of the public schools in the following manner :— Every town which complies with all laws relative to the distribution of said income and whose valuation of real and personal property,

as shown by the last preceding assessors' valuation thereof, does not exceed one half million dollars, shall annually receive five hundred dollars; but if its rate of taxation for any year shall be eighteen dollars or more on a thousand dollars it shall receive seventy-five dollars additional; every such town whose valuation is more than one half million dollars and does not exceed one million dollars shall receive three hundred dollars; and every such town whose valuation is more than one million dollars and does not exceed two million dollars shall receive one hundred and fifty dollars; and every town whose valuation is more than two million dollars and does not exceed two and one half million dollars shall receive seventy-five dollars. The remainder of said income shall be distributed to towns whose valuation does not exceed two and one half million dollars, and whose annual tax for the support of public schools is not less than one sixth of their whole tax for the year, as follows:— Every town whose school tax is not less than one third of its whole tax shall receive a proportion of said remainder expressed by one third; every town whose school tax is not less than one fourth of its whole tax shall receive a proportion expressed by one fourth; every town whose school tax is not less than one fifth of its whole tax shall receive a proportion expressed by one fifth; and every town whose school tax is not less than one sixth of its whole tax shall receive a proportion expressed by one sixth. All money appropriated for other educational purposes, unless otherwise provided for, shall be paid from the treasury of the Commonwealth.

Apportionment, etc., of income of Massachusetts School Fund, etc.

SECTION 2. The income of said fund which has accrued on the thirty-first day of December in each year shall be apportioned by the commissioners of the Massachusetts School Fund in the manner provided for by section one of this act, and shall be paid to the several towns on the twenty-fifth day of January thereafter.

To be apportioned and paid annually.

SECTION 3. The sums received by any town under the provisions of this act shall be held by the town treasurer and shall be expended only for expenses in maintenance of the public schools authorized by the school committee, in accordance with existing laws; and it shall be the duty of the treasurer to keep a separate account of all sums so received and expended, and the school committee shall make an annual report to the state board

Receipts and expenditures.

of education, in such form as may be prescribed by said board, of the amount received during each year, the amount expended from such receipts, the purpose for which such expenditures have been made, in detail, and the balance, if any, remaining unexpended. And whenever it appears that, in the opinion of the state board of education, the sums paid to any town have not been used in whole or in part in accordance with the provisions of this section, or that they have not been held and accounted for separately, or that the report thereof herein required has not been made, the commissioners of the school fund are hereby authorized to withhold, as they may deem advisable, the whole or any part of the future allowances otherwise falling to such town under the provisions of this act.

Allowances may be withheld in certain cases.

Repeal.

SECTION 4. Sections four and five of chapter forty-one and section thirty of chapter forty-two of the Revised Laws, and so much of section three of chapter thirty-nine and of sections two and six of chapter forty of the Revised Laws as provides for paying certain expenses out of the income of the Massachusetts School Fund, and all other acts and parts of acts inconsistent with this act, are hereby repealed.

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

Approved June 23, 1903.

Chap. 457 AN ACT TO PROVIDE FOR REIMBURSING CERTAIN CITIES AND TOWNS FOR EXPENSES INCURRED IN MAINTAINING ARMORIES.

Be it enacted, etc., as follows:

Report of expenses incurred in maintaining armories to be made by certain cities and towns.

SECTION 1. The mayor and aldermen of a city and the selectmen of a town which maintains an armory not erected or maintained under the provisions of sections one hundred and six to one hundred and twelve, inclusive, of chapter sixteen of the Revised Laws, shall on the first day of January in the year nineteen hundred and six, and annually on the first day of January thereafter make a return to the adjutant general stating the name of each militia organization or headquarters for which such city or town provides an armory, the amount paid or charged for the rent thereof, and the expense incurred for the services of janitors, and for lighting and heating such armory, during the preceding year. The return shall state that such rent is fair and reasonable according to the value of real estate in such city or town, and shall be sworn to by

at least two members of the board of aldermen in a city, and in a town by at least two of the selectmen.

SECTION 2. The adjutant general shall examine every such return, and after proper investigation or inquiry shall, under the direction of the commander-in-chief, allow or disallow it in whole or in part. He shall, not later than March first of each year, file with the auditor his certificate, stating the sum allowed, the name of the command for the use of which an armory is provided, and the city or town providing it, and shall thereupon notify the mayor and aldermen or the selectmen of the sum allowed, which shall be paid to such city or town: *provided, however,* that no return received by the adjutant general after the first day of February shall be allowed.

Certain cities and towns to be reimbursed, etc.

Proviso.

SECTION 3. So much of sections one hundred and eighteen and one hundred and nineteen of chapter sixteen of the Revised Laws as is inconsistent with this act is hereby repealed.

Repeal.

SECTION 4. This act shall take effect on the first day of January in the year nineteen hundred and five.

When to take effect.

Approved June 23, 1903.

AN ACT TO AUTHORIZE THE TOWN OF FRANKLIN TO ISSUE AN ADDITIONAL WATER LOAN. Chap. 458

Be it enacted, etc., as follows:

SECTION 1. Section ten of chapter one hundred and eighty-two of the acts of the year eighteen hundred and eighty-three is hereby amended by striking out the word "seventy-five", in the sixth line, and inserting in place thereof the words: — one hundred and fifty, — so as to read as follows: — *Section 10.* The said town may, for the purpose of paying the cost of said franchise and corporate property, and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds, notes or scrip, to an amount not exceeding in the aggregate one hundred and fifty thousand dollars; such bonds, notes and scrip shall bear on their face the words "Franklin Water Loan"; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually, at a rate not exceeding six per centum per annum, and shall be signed by the treasurer of the town, and countersigned by the water commissioners hereinafter

1883, 182, § 10, amended.

Franklin Water Loan.

Sinking fund.

provided for. The said town may sell such securities at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said town shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate, and pledged to the payment of said loan, and shall be used for no other purpose.

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

Approved June 23, 1903.

Chap. 459 AN ACT TO AUTHORIZE THE LAYING OF PIPES AND CONDUITS FOR THE CONVEYANCE OF WATER IN CITIES AND TOWNS.

Be it enacted, etc., as follows:

Cities and towns may authorize the laying of water pipes, etc.

Proviso.

SECTION 1. The mayor and aldermen of a city and the selectmen of a town may, upon terms and conditions prescribed by them, authorize persons and corporations to lay pipes and conduits for the conveyance of water under any public way in such city or town: *provided, however,* that nothing in this act shall authorize persons or corporations to supply water to persons or corporations other than themselves, in any city or town in which a municipal water plant is established, except with the consent of the board or authority having charge of such water plant in such city or town.

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

Approved June 23, 1903.

Chap. 460 AN ACT RELATIVE TO THE SALE OF CIDER AND WINE.

Be it enacted, etc., as follows:

R. L. 100, § 1, amended.

SECTION 1. Section one of chapter one hundred of the Revised Laws is hereby amended by striking out all of said section after the word "property", in the fifth line, and inserting in place thereof the following:— or to sales of cider at wholesale by the original makers thereof, or by farmers who sell cider, not to be drunk on the premises, in quantities not exceeding in the aggregate the product of apples raised by them in the season of, or next preceding such sales, or to sales in any quantity by such farmers not to be drunk on the premises if the cider

does not contain more than three per cent of alcohol by weight at sixty degrees Fahrenheit; nor shall the provisions of this chapter apply to sales of cider by the original makers thereof other than such makers and farmers selling not to be drunk on the premises as aforesaid, if the cider does not contain more than three per cent of alcohol as aforesaid, not to be drunk on the premises; nor shall the provisions of this chapter apply to sales of wine at wholesale by the original makers thereof at the place of manufacture and not to be drunk on the premises, — so as to read as follows: — *Section 1.* No person shall sell, or expose or keep for sale, spirituous or intoxicating liquor, except as authorized in this chapter; but the provisions of this chapter shall not apply to sales made by a person under a provision of law which requires him to sell personal property, or to sales of cider at wholesale by the original makers thereof, or by farmers who sell cider, not to be drunk on the premises, in quantities not exceeding in the aggregate the product of apples raised by them in the season of, or next preceding, such sales, or to sales in any quantity by such farmers not to be drunk on the premises if the cider does not contain more than three per cent of alcohol by weight at sixty degrees Fahrenheit; nor shall the provisions of this chapter apply to sales of cider by the original makers thereof other than such makers and farmers selling not to be drunk on the premises as aforesaid, if the cider does not contain more than three per cent of alcohol as aforesaid, not to be drunk on the premises; nor shall the provisions of this chapter apply to sales of wine at wholesale by the original makers thereof at the place of manufacture and not to be drunk on the premises.

Sale of spirituous and intoxicating liquor regulated.

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

Approved June 23, 1903.

AN ACT RELATIVE TO THE IMPORTATION OF INTOXICATING LIQUORS *Chap. 461*
IN ORIGINAL PACKAGES.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter one hundred of the Revised Laws, relative to the sale in original packages of imported intoxicating liquors, is hereby repealed.

R. L. 100, § 33, repealed.

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

Approved June 24, 1903.

*Chap.*462 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A BRIDGE OVER
TAUNTON GREAT RIVER BETWEEN THE CITY OF FALL RIVER AND
THE TOWN OF SOMERSET.

Be it enacted, etc., as follows:

New bridge to
be constructed
over Taunton
Great river
between Fall
River and
Somerset.

SECTION 1. The board of railroad commissioners, the board of harbor and land commissioners and the county commissioners of the county of Bristol, who are constituted a joint board to act by a majority vote of all the members, are hereby authorized and directed to locate and construct a new drawbridge between the city of Fall River and the town of Somerset, over Taunton Great river, with the necessary approaches and ways thereto, which approaches and ways shall be of such width as the board may determine to be needful to accommodate public travel, at a cost not to exceed the sum of one million dollars, except that, if the damages for property taken for the approaches and ways leading to said bridge shall exceed the sum of fifteen thousand dollars, the county commissioners of Bristol county are hereby authorized and directed to raise and expend such additional sums of money as shall be necessary for the payment of said damages; and when so built said bridge shall be a public highway: *provided, however*, that if said joint board after notice and hearings shall determine that it is expedient that said bridge shall be adapted for the purposes of railroads, street railways and ordinary public travel, the board shall make a decree to that effect, which shall be recorded in the registry of deeds in Fall River and also in the clerk's office of the superior court for the county of Bristol.

Proviso.

Certain prop-
erty, etc., may
be taken, etc.

SECTION 2. The said joint board is hereby authorized to take by purchase or otherwise, in fee simple, or in such form of right, easement or privilege as it may deem expedient, such property, lands, rights or easements, including any locations or ways now used or occupied by any steam railroad company, as may be necessary to carry out the purposes of this act; and to take otherwise than by purchase it shall first record in the registry of deeds in the Fall River district in said county of Bristol a statement containing a description of the land, property and rights taken, with the joint board's appraisal of the dam-

ages by it awarded to the owner or owners of said property ; and shall at the same time file a plan of the same in said registry, and such recording and filing shall constitute the taking of such lands, rights and property.

Any person or corporation aggrieved by the award of said board may, within one year from the filing of the description aforesaid, apply to have his or its damages assessed by a jury in the same manner as in the case of lands or rights taken for a highway ; but in no case shall interest on such sums as may be recovered against said county exceed four per cent per annum ; and in case the verdict in the superior court shall not exceed the amount of the award of the board the petitioners shall not recover any interest after the date of the award.

Persons, etc.,
aggrieved may
apply for a
jury, etc.

SECTION 3. The costs and expenses of constructing said bridge and of acquiring and constructing the necessary approaches and ways as aforesaid shall be borne by the county of Bristol, in the first instance ; and said county commissioners are hereby authorized and directed to raise such sum or sums of money or any part thereof on the credit of the county as may be from time to time required for the expenses incurred under the authority of this act ; but the interest on such sums of money as said commissioners may borrow shall be raised by taxation and shall be in addition to the cost of said bridge as herein provided. The money so borrowed shall be deposited in the county treasury, and the county treasurer shall pay out the same as ordered by the joint board ; and said treasurer shall keep a separate and an accurate account of said sums borrowed and expended under the provisions of this act, including interest paid on any money borrowed.

Payment of
expenses, etc.

SECTION 4. The said joint board, before proceeding with the construction of said works, may grant hearings, employ clerks and stenographers and experts as may be necessary, and shall cause such surveys and plans to be made and specifications prepared as it may deem necessary, the expenses of which shall constitute a part of the expenses of constructing the works herein authorized ; and after said plans and specifications have been prepared said joint board shall duly advertise for bids for the construction of said bridge, approaches and ways and shall award the contracts for building the same. No contracts

Hearings may
be granted,
clerks
employed, etc.

shall be made and no liability shall be incurred under authority of this act which might involve the expenditure of any greater sum than is provided herein to be expended.

Certified statement of cost of bridge, etc., to be filed, etc.

SECTION 5. When said bridge, approaches and ways are completed said joint board shall file in the office of the clerk of the superior court for the county of Bristol a certified statement, in detail, of the cost of said bridge, approaches and ways, and of the amount of interest paid on the money borrowed under the provisions of this act, with a decree and statement appointing one or more of the parties using said bridge, or the representatives of said parties, to have the care and control thereof, and shall thereupon turn over and yield the control thereof to the party or parties so appointed, who shall thereupon assume said care and control thereof. After said statement has been filed said county commissioners, any city or town in said county, or any of said corporations, may petition the superior court for the appointment of three special commissioners, and said court after such notice as may be deemed proper shall appoint said special commissioners. They shall be duly sworn, and after due notice to all parties interested and after hearings thereon, shall determine, name and report the towns and cities in said county which are or will be specially benefited by the aforesaid bridge, approaches and ways, as well as railroad and street railway corporations which should contribute to the cost and maintenance thereof, and shall determine the proportion of the expense of the construction of the same that shall be paid by the cities and towns, by said county of Bristol, and by said corporations. The said special commissioners shall also determine and name the cities and towns and the railroad and street railway corporations which shall pay the expenses of the care, maintenance and repairs of said bridge, draw, approaches, ways, abutments and piers, or any portion thereof, and also the proportion of said expenses which shall be paid by each of said cities, towns and corporations therefor. Said special commissioners shall make report thereof in writing and shall file the same in the office of the clerk of the superior court for the county of Bristol; and said clerk shall transmit forthwith certified copies of the same to said county commissioners and to the several cities, towns and corporations aforesaid named in said report; and said court

Special commissioners may be appointed, etc.

Apportionment of expense, etc.

Report to be made, etc.

may, unless cause is shown to the contrary, confirm said decree and enter judgment or decree thereon, and the same shall then be binding upon all the parties named therein.

SECTION 6. Within twenty days after the entry of a decree or judgment confirming said report by said court the said clerk shall transmit a true and attested copy of said judgment or decree to said county commissioners, and also a copy to each of the cities, towns and railroad and street railway corporations affected by said report; and within ninety days thereafter each of said cities, towns, railroad and street railway corporations liable under said report and decree to contribute to the payment of the construction of said bridge, approaches and ways, and to the payment of damages for acquiring the same, shall pay their proportion of said expenses into the treasury of said county of Bristol. After the entry of said judgment or decree by said court said county commissioners shall cause notice thereof to be served upon the cities and towns in said county of Bristol, and said railroad and street railway corporations; and said notice, with the return of service thereon, shall be filed in the superior court in said county of Bristol; and thereafterwards the care, maintenance and costs of repairs of said bridge, approaches and ways, abutments and piers shall be transferred to and devolve upon said cities, towns, railroad and street railway corporations respectively charged therewith by said judgment or decree. If any city, town or corporation neglects or refuses to pay its proportionate part of said expenses as required by said judgment or decree, said county commissioners shall, after due notice, issue a warrant against said city, town or corporation for the sum it was ordered to pay, with interest and costs, the same to be collected and paid into the county treasury to be applied in payment of expenses as aforesaid. The members of the board of railroad commissioners, the board of harbor and land commissioners and the special commission appointed under this act shall receive such compensation as the governor and council shall approve, the same to be paid by the county of Bristol. The superior court shall have jurisdiction in equity to carry out the provisions of this act.

Payment of assessments, etc.

Care, maintenance, etc., of bridge, etc.

Compensation of commissioners, etc.

SECTION 7. In the exercise of the powers conferred by this act said joint board shall be subject to the provi-

Joint board to be subject to certain provisions of law.

sions of chapter ninety-six of the Revised Laws and of all other general laws applicable thereto.

Members of joint board not disqualified by reason of residence.

SECTION 8. No member of the joint board shall be disqualified from serving under this act by reason of residing in any city or town within which any part of said bridge or its approaches or ways may lie, any provisions of section twenty of chapter twenty of the Revised Laws to the contrary notwithstanding.

Certain loans, etc., not to be included in debt limit.

SECTION 9. Any debt incurred or loan issued by any city or town to defray the expenses or obligations of said city or town under this act shall not be included within the limit of indebtedness fixed by any statute of this Commonwealth; but shall be subject to the provisions of section twelve of chapter twenty-seven of the Revised Laws: *provided, however*, that said railroad and street railway corporations may be authorized by the board of railroad commissioners to raise the money needed to pay their proportionate part of the cost of said bridge by the issue of stock or bonds as said board of railroad commissioners shall direct.

Proviso.

SECTION 10. This act shall take effect upon its passage.

Approved June 24, 1903.

Chap. 463 AN ACT TO CONFIRM THE INCORPORATION OF THE LADIES' UNION CHARITABLE SOCIETY.

Be it enacted, etc., as follows:

Incorporation of the Ladies' Union Charitable Society confirmed, etc.

SECTION 1. The action of the persons who, under the names of Mrs. A. P. Clark, Mrs. N. G. White, Mrs. H. F. Dunning, Mrs. A. C. Clarke, Mrs. W. A. Russell, Mrs. S. W. Wilder, Mrs. M. A. Morrison, Mrs. Wm. Shackford and Mrs. Geo. D. Armstrong, by an agreement dated the twenty-eighth day of December, eighteen hundred and seventy-five and recorded in the registry of deeds for the northern district of Essex county, associated themselves to form a corporation, called the Ladies' Union Charitable Society, for the purpose of receiving and caring for infant children and for general hospital work, located in Lawrence, in this Commonwealth, is hereby confirmed, notwithstanding the failure of said associates to observe certain of the provisions of law then in force relative to the formation of corporations. The said associates and their successors now acting under the said agreement are and shall be a corporation in the city of Lawrence under

the name and for the purposes above mentioned, with all the powers and obligations of corporations organized under chapter one hundred and twenty-five of the Revised Laws, and subject to all general laws now or hereafter in force relating to such corporations.

SECTION 2. All grants, gifts, devises and bequests to said Ladies' Union Charitable Society, and all acts done by said Ladies' Union Charitable Society are hereby confirmed and made as effectual as they would have been if said Ladies' Union Charitable Society had been duly incorporated according to law on the twenty-eighth day of December, eighteen hundred and seventy-five.

Grants,
bequests, etc.

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

Approved June 24, 1903.

AN ACT RELATIVE TO THE INSPECTION AND QUALITY OF ILLUMINATING GAS.

Chap. 464

Be it enacted, etc., as follows:

SECTION 1. Section fourteen of chapter fifty-eight of the Revised Laws is hereby amended by striking out the words "and once additionally for every six million cubic feet of gas supplied by each company; but not oftener than once a week", in the fourth, fifth and sixth lines, and inserting in place thereof the words:—and as much oftener as the board of gas and electric light commissioners may determine. The gas of every company supplying not more than three hundred million cubic feet annually shall be inspected at least once for every six million cubic feet supplied, and the gas of every company supplying more than three hundred million cubic feet annually shall be inspected at least once a week,—by inserting after the word "inspections", in the thirteenth line, the words:—or on three inspections made within a period of thirty consecutive days,—and by adding at the end of said section, the words:—Upon such complaint and after such notice and hearing as are provided for in section thirty-four of chapter one hundred and twenty-one of the Revised Laws the board of gas and electric light commissioners may require a company to supply such a gas as will give, when tested in the manner prescribed in this section, a light equivalent to such number of standard English candles, not less than sixteen, as said board may determine,—so as to read as follows:—*Sec-*

R. L. 58, § 14,
amended.

Inspection and
test of illumi-
nating gas.

tion 14. The gas of every company which supplies more than fifty consumers, except gas made and used exclusively for heating, cooking, chemical and mechanical purposes, shall be inspected at least twice a year, and as much oftener as the board of gas and electric light commissioners may determine. The gas of every company supplying not more than three hundred million cubic feet annually shall be inspected at least once for every six million cubic feet supplied, and the gas of every company supplying more than three hundred million cubic feet annually shall be inspected at least once a week. All such inspections shall be made by the inspector or one of his assistants, and one fourth at least of all such inspections shall be made by the inspector. The gas shall be tested for illuminating power by means of a disc photometer and, during such test, shall be burned from the burner best adapted to it, which is at the same time suitable for domestic use, and at as near the rate of five feet an hour as is practicable. If the gas of any company is found on three consecutive inspections, or on three inspections made within a period of thirty consecutive days, to give less light than sixteen standard English candles, or to contain more than twenty grains of sulphur or ten grains of ammonia per hundred cubic feet of gas, or any sulphuretted hydrogen, a fine of one hundred dollars shall be paid by such company to each city or town supplied by it. If during the test the consumption of gas varies from five feet an hour, or the candle from one hundred and twenty grains an hour, a proportionate correction shall be made for the candle power. Upon such complaint and after such notice and hearing as are provided for in section thirty-four of chapter one hundred and twenty-one of the Revised Laws the board of gas and electric light commissioners may require a company to supply such a gas as will give, when tested in the manner prescribed in this section, a light equivalent to such number of standard English candles, not less than sixteen, as said board may determine.

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

Approved June 24, 1903.

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A DAM ACROSS THE CHARLES RIVER BETWEEN THE CITIES OF BOSTON AND CAMBRIDGE.

*Chap.*465

Be it enacted, etc., as follows :

SECTION 1. The governor of the Commonwealth, with the advice and consent of the council, shall appoint three commissioners, residents of the metropolitan parks district, who shall constitute the Charles river basin commission, hereinafter called the commission, and who shall be sworn before entering upon the duties of their office. One commissioner shall be designated by the governor as chairman, and two commissioners shall constitute a quorum. The term of office shall be three years, and all vacancies shall be filled by the governor, with the advice and consent of the council. Any commissioner may be removed by the governor, with the advice and consent of the council, for such cause as he shall deem sufficient and shall assign in the order of removal. Each commissioner shall receive an annual salary of such amount as the governor and council shall determine.

Charles river basin commission, appointment, term, etc.

Compensation.

SECTION 2. The commission may appoint a secretary, engineers and assistants, shall keep accurate accounts of its expenditures, and shall make an annual report of its doings, including an abstract of its accounts, to the governor and council. The commission whenever the Commonwealth has been authorized by the United States to build a dam and lock under the provisions of this act, shall proceed to do the work herein required of it, and shall in the mean time make examinations and plans therefor.

Powers and duties.

SECTION 3. The commission shall construct across Charles river between the cities of Boston and Cambridge, a dam, at least sufficiently high to hold back all tides and to maintain in the basin above the dam a substantially permanent water level not less than eight feet above Boston base. The dam shall occupy substantially the site of the present Craigie bridge, which shall be removed by the commission. The dam shall be not less than one hundred feet in width at said water level and a part thereof shall be a highway and the remainder shall be a highway, or a park or parkway, as the commission shall determine. The dam shall be furnished with a lock not

Dam to be constructed across Charles river, etc.

less than three hundred and fifty feet in length between the gates, forty feet in width and thirteen feet in depth below Boston base, and shall be built with a suitable drawbridge or drawbridges, wasteways and other appliances. The part of the dam used as a highway shall be maintained and operated in the same manner as the Cambridge bridge, and under the laws now or hereafter in force relating to said bridge.

Navigable channels to be dredged.

SECTION 4. The commission shall dredge navigable channels in the basin from the lock to the wharves between the dam and Cambridge bridge, to Broad canal and to Lechmere canal, the channel to be not less than one hundred feet in width and eighteen feet in depth; shall dredge Broad canal to such depths as will afford to and at the wharves thereon not less than seventeen feet of water up to the Third Street draw, not less than thirteen feet of water from the Third Street draw to the Sixth Street draw, and not less than eleven feet of water from the Sixth Street draw to the railroad draw, and not less than nine feet of water for one hundred and twenty-five feet above the railroad draw; shall dredge Lechmere canal to such depths as will afford to and at the wharves thereon not less than seventeen feet of water up to and including Sawyer's lumber wharf, and not less than thirteen feet of water from said wharf up to the head of the canal at Bent street; all depths aforesaid to be measured from the water level to be maintained in the basin.

Manner of dredging, etc.

The commission shall do all such dredging and all strengthening of the walls of the canals and of the basin where dredging is done by the driving of prime oak piles two feet on centres along the front of said wharves or walls, and all removing and relocating of pipes and conduits made necessary by such dredging, so that vessels requiring a depth of water not exceeding the respective depths above prescribed can lie alongside of, and in contact with, the wharves; and this work shall be done in such manner as to cause the least possible inconvenience to abutters, and shall be finished on or before the completion of the dam; and after the walls or wharves have been so strengthened, all repairs on or rebuilding of the walls and wharves shall be done by the abutters.

Certain other dredging to be done, etc.

The commission shall do such dredging in the basin outside of the channels aforesaid as may be necessary for the removal of sewage, sludge or any offensive deposit;

shall do such other dredging as it shall deem proper, and shall take all proper measures for the destruction of malarial mosquitoes in the basin and its vicinity.

SECTION 5. The commission, before the completion of the dam, shall construct marginal conduits on the north side of the basin from the outlet of the overflow channel in Binney street to a point below the dam, and on the south side of the basin from the present outlet of the Back Bay Fens to a point below the dam, and may construct an extension thereof toward, or to, St. Mary street, the conduits to be used to receive and conduct below the dam the overflow from sewers and the surface drainage and other refuse matter which would otherwise pass into the basin.

Marginal conduits to be constructed, etc.

SECTION 6. The commission, for the purpose of carrying out the provisions of the preceding sections, may from time to time take in fee or otherwise, by purchase or otherwise, for the Commonwealth, or the city of Boston or the city of Cambridge, as the commission shall determine, lands, flats and lands covered by tide-water on Charles river, by filing in the registry of deeds for the county and district in which the lands or flats are situated a description thereof, sufficiently accurate for identification, signed by a majority of the commissioners; and any person whose property is so taken may have compensation therefor as determined by agreement with the commission, and if they cannot agree the compensation may be determined by a jury in the superior court for the county where the property is situated under the same provisions of law, so far as they are applicable, which apply in determining the value of lands taken for highways under chapter forty-eight of the Revised Laws, upon petition therefor by the commission, or by such person, filed in the clerk's office of said court against the Commonwealth or the city for which the lands or flats are taken within one year after the taking, and costs shall be taxed and execution issued as in civil cases.

Certain lands, etc., may be taken, etc.

SECTION 7. The metropolitan park commission, when the work provided for in the preceding sections is finished, shall, subject to the powers vested by law in the state board of health, have exclusive control of the dam and lock and of the basin and river between the dam and the city of Waltham, as a part of the metropolitan parks system, and of all poles, wires and other structures placed

The metropolitan park commission to have exclusive control of dam, etc.

or to be placed on, across, over or in any part of said basin, dam or lock, and of the placing thereof, except the part of the dam used as a highway and the bridges and other structures erected by any city or town within its limits and upon its own lands; may make reasonable rules and regulations, not impairing freight traffic, for the care, maintenance, protection and policing of the basin; and throughout the year shall operate the lock without charge, maintain the lock, channels and canals aforesaid at the depths aforesaid, and clear of obstructions caused by natural shoaling or incident to the building of the dam, and maintain the water in the basin at such level and the lock, channels and canals sufficiently clear of obstructions by ice so that any vessel ready to pass through the lock, and requiring no more depth of water than aforesaid, can pass through to the wharves aforesaid. In the event of an emergency, requiring the temporary reduction of such level, notice thereof shall be given to the occupants of said wharves, and such reduction shall not be lower nor continue longer than the emergency requires. Said metropolitan park commission may order the removal of all direct sewage or factory waste as a common nuisance from the river and its tributaries below the city of Waltham; and no sewer, drain, overflow or other outlet for factory or house drainage shall hereafter be connected with the basin below said city without the approval of the metropolitan park commission.

SECTION 8. The Commonwealth shall in the first instance pay all expenses incurred in carrying out the provisions of the preceding sections, and the same shall, except as provided in the following section, constitute part of the cost of construction and maintenance of the metropolitan parks system; and in addition to the amounts heretofore authorized for such construction the treasurer and receiver general shall, from time to time, as authorized by the governor and council, issue notes, bonds or scrip, in the name and behalf of the Commonwealth, entitled Charles River Basin Loan, to the amount which the commission may deem necessary for the expenses incurred under the first six sections of this act; and all acts and parts of acts relative to loans for such construction and providing for their payment shall, so far as they may be applicable and not inconsistent herewith, apply to such notes, bonds and scrip and to their payment.

May make rules and regulations, etc.

Notice to be given in case of emergency requiring temporary reduction of level, etc.

Removal of direct sewage or factory waste may be ordered, etc.

Payment of expenses.

Charles River Basin Loan.

SECTION 9. The commissioners next appointed under the provisions of chapter four hundred and nineteen of the acts of the year eighteen hundred and ninety-nine, and amendments thereof, in apportioning the expenses of maintaining the metropolitan parks system shall include as part thereof the expense of maintenance incurred under the preceding sections of this act; shall also determine, as they shall deem just and equitable, what portion of the total amount expended for construction under sections three, four, five and six of this act shall be apportioned to the cities of Boston and Cambridge as the cost of the removal of Craigie bridge and the construction of a suitable bridge in place thereof, and the remainder shall be considered and treated as part of the cost of construction of the metropolitan park system. The treasurer and receiver general shall determine the payments to be made each year by said cities, one half by each, to meet the interest and sinking fund requirements for the amounts apportioned to them as the cost of such bridge, and the same shall be paid by each city into the treasury of the Commonwealth as part of its state tax.

Apportionment of expenses, etc.

SECTION 10. The city of Boston, by such officer or officers as the mayor may designate, shall forthwith after the passage of this act, do such dredging in the Back Bay Fens as the board of health of said city may require, shall construct a conduit between Huntington avenue and Charles river, to form an outlet into Charles river for the commissioners' channel of Stony brook, shall reconstruct the present connections between the river and the Fens so as to allow free access of water from the river into the streams and ponds in the Fens and thence into the river, and shall construct a sewer in the rear of the houses on the north side of Beacon street between Otter and Herford streets. Such officer or officers may construct a conduit between Green street and Forest Hills and may construct or rebuild within five years one or more conduits for Stony brook between the westerly side of Elmwood street and the Fens: *provided, however*, that the expense of such conduits between Green street and Forest Hills and between Elmwood street and the Fens shall be paid for out of the annual appropriation for sewer construction under the provisions of chapter four hundred and twenty-six of the acts of the year eighteen hundred

City of Boston to do certain dredging, construct conduits, sewer, etc.

Proviso.

and ninety-seven and acts in amendment thereof or in addition thereto.

Wall or embankment may be built on Boston side of Charles river.

SECTION 11. The board of park commissioners of Boston may, with the approval of the mayor, build a wall or embankment on the Boston side of Charles river beginning at a point in the southwest corner of the stone wall of the Charlesbank, thence running southerly by a straight or curved line to a point in Charles river not more than three hundred feet distant westerly from the harbor commissioners' line, measuring on a line perpendicular to the said commissioners' line at its intersection with the southerly line of Mount Vernon street, but in no place more than three hundred feet westerly from said commissioners' line; thence continuing southerly and westerly by a curved line to a point one hundred feet or less from the wall in the rear of Beacon street; thence by a line substantially parallel with said wall to the easterly line of the Back Bay Fens, extended to intersect said parallel line.

Certain lands, flats, etc., may be taken for a public park.

SECTION 12. The board of park commissioners of said city may take, in fee or otherwise, by purchase or otherwise, for said city, for the purpose of a public park such lands, flats and lands covered by tide-water between Charles, Brimmer and Back streets and the line of the wall or embankment aforesaid, as the mayor shall approve, by filing in the registry of deeds for the county of Suffolk a description thereof sufficiently accurate for identification, signed by a majority of the commissioners, and shall construct a public park on the lands so taken; and any person whose property is so taken may have compensation therefor as determined by agreement with the board, and if they cannot agree the amount thereof may be determined by a jury in the superior court for the county of Suffolk, under the same provisions of law, so far as they may be applicable, which apply in determining the value of lands taken for highways under chapter forty-eight of the Revised Laws, upon petition therefor by the board, or by such person, filed in the clerk's office of said court against said city within one year after the taking, and costs shall be taxed and execution issued as in civil cases.

City of Boston to pay certain expenses, etc.

SECTION 13. The city of Boston shall pay the expenses incurred under sections ten, eleven and twelve of this act, except as otherwise provided in section ten of

this act; and to meet said expenses the city treasurer of the city shall, from time to time, on the request of the mayor, issue and sell bonds of the city to an amount not exceeding eight hundred thousand dollars, and the bonds so issued shall not be reckoned in determining the legal limit of indebtedness of the city.

City treasurer to issue bonds, etc.

SECTION 14. The lock shall be built above the lower line of the dam, and the Boston and Maine Railroad shall, before the dam is completed, remove its bridge, piles and any other structures in Charles river which are southerly or westerly of a line defined in red on a plan filed in the office of the board of harbor and land commissioners marked "Plan showing line from above or southwest of which the Boston & Maine Railroad shall remove all of its structures in Charles River and between the harbor lines, May 25, 1903. Woodward Emery, Chairman of Harbor and Land Commissioners"; and may rebuild the same northerly and easterly of the line so defined. The draw in the new bridge shall not be easterly of nor more than fifty feet westerly from the location of the present draw, and shall be so located as to be directly opposite the lock. Within the limits herein prescribed the commission shall determine the position of the lock and draw.

The Boston and Maine Railroad to remove certain structures, etc.

SECTION 15. The supreme judicial court and the superior court shall, upon application of any party in interest, including any owner or occupant of property abutting on the basin or on Broad canal or Lechmere canal, have jurisdiction to enforce, or prevent violation of, any provision of this act and any order, rule or regulation made under authority thereof.

Enforcement of provisions of act, etc.

SECTION 16. Chapter three hundred and forty-four of the acts of the year eighteen hundred and ninety-one, as amended by section one of chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-three, and chapter five hundred and thirty-one of the acts of the year eighteen hundred and ninety-eight are hereby repealed.

Repeal.

SECTION 17. This act shall take effect on the first day of July in the year nineteen hundred and three.

When to take effect.

Approved June 24, 1903.

Chap. 466 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A NEW BRIDGE
OVER THE MERRIMAC RIVER IN THE CITY OF HAVERHILL.

Be it enacted, etc., as follows :

New bridge to
be constructed
over the
Merrimac river
in Haverhill.

SECTION 1. The county commissioners of the county of Essex are hereby authorized and directed, within two years after the first day of January in the year nineteen hundred and four, and subject to the provisions of chapter ninety-six of the Revised Laws, of all amendments thereof, and of all other general laws which may be applicable, to construct a new bridge with suitable approaches over the Merrimac river in the city of Haverhill at a point to be selected by said commissioners, which point however shall be west of the present railroad bridge. Such bridge shall be of such width, grade, material and construction as said county commissioners, with the approval of the board of harbor and land commissioners, shall deem reasonably necessary and proper.

Payment of
cost, etc.

SECTION 2. The cost and expenses incurred hereunder shall in the first instance be paid by the county of Essex : *provided*, that the same do not exceed the sum of two hundred thousand dollars ; and the county commissioners of said county are hereby authorized and directed to borrow on the credit of the county such sums of money as may from time to time be required for such cost and expenses. All moneys so borrowed shall be deposited in the county treasury, and the treasurer of the county shall pay out the same as ordered by said county commissioners, and shall keep a separate and accurate account of all sums borrowed and expended, including interest.

Proviso.
County com-
missioners
may borrow
on credit of
county, etc.

Apportion-
ment of
expense.

SECTION 3. Upon the completion of said bridge and approaches said county commissioners shall file in the office of the clerk of courts for the county of Essex a detailed statement, certified under their hands, of the actual cost of said bridge and approaches ; and, within three months after the filing of such statement, they shall, after such notice as they may deem proper, and a hearing, assess and apportion upon said county such part of the expense of constructing said bridge and approaches as they may deem just, and shall assess and apportion the remainder of said expense upon the cities, or cities and towns, determined by them to be specially benefited by said bridge, in such proportions as they may determine : *provided*,

Proviso.

however, that not more than forty per cent of the said expense shall be assessed upon the county of Essex. Said commissioners shall make and file in the office of the clerk of courts of said county a report of such apportionment, and the clerk shall transmit a true and attested copy thereof to the mayor of the cities and the selectmen of the towns mentioned therein; and each of said cities and towns shall pay its proportion of said expense, determined as aforesaid, into the treasury of the county of Essex, in such manner and in such instalments as the said commissioners may direct; and if any city or town shall neglect or refuse to pay its proportion required as aforesaid the said commissioners shall, after notice to such city or town, issue a warrant against the city or town for its proportion, determined as aforesaid, with interest and the costs of the notice and warrant, and the same shall be collected and paid into the treasury of said county to be applied in payment of the expense aforesaid.

Payment of assessments.

SECTION 4. The said county commissioners are authorized to take or purchase the lands, rights or easements which may be required to carry out the purposes of this act; but in order to take otherwise than by purchase they shall first record in the registry of deeds for the southern district of the county of Essex a statement containing a description of the lands or rights taken, and shall file a plan of the same in said registry. They shall award such damages to persons interested in the premises or rights taken as are assessed in the case of lands taken for highways; and any person aggrieved thereby may proceed in the same manner as in the case of land taken for highway purposes, within one year after the filing of said statement; but in no event shall interest be recovered against the county for more than four per cent per annum.

Certain lands, etc., may be taken, etc.

Damages.

SECTION 5. The cost of the maintenance and operation of said bridge and approaches, after the completion of the same, shall be borne and paid by said county, and by such city, or by such cities and towns therein, as the county commissioners of said county may determine, after notice and hearing as herein provided.

Cost of maintenance and operation of bridge.

SECTION 6. In case any street railway is granted a location upon the said bridge, it shall pay into the treasury of said county, as its part of the expense of constructing the bridge and the approaches thereto, a sum amounting to not less than ten per cent of the said expense, and shall

Street railway granted location to pay certain sum, etc.

also enter into an agreement with the county commissioners of said county to keep that part of the roadway on said bridge lying between the tracks of the company and eighteen inches outside thereof on both sides of the track, in repair and safe for public travel; and no location shall be granted upon said bridge except upon the foregoing conditions.

County commissioner not disqualified by reason of residence.

SECTION 7. No member of the board of county commissioners shall be disqualified from serving under this act by reason of his residence in any city within the limits of which any part of said bridge or its approaches may lie, any provision of section twenty of chapter twenty of the Revised Laws to the contrary notwithstanding.

When to take effect.

SECTION 8. This act shall take effect upon its acceptance by the city of Haverhill by a concurrent vote of its city council approved by the mayor.

Approved June 24, 1903.

Chap. 467 AN ACT TO PROVIDE FURTHER FOR THE ENFORCEMENT BY THE STATE BOARD OF HEALTH OF THE LAWS RELATING TO THE INSPECTION OF FOOD AND DRUGS.

Be it enacted, etc., as follows:

R. L. 75, § 6, amended.

State board of health may expend a certain sum annually.

Section six of chapter seventy-five of the Revised Laws is hereby amended by striking out in the second line, the word "eleven", and inserting in place thereof the word: — twelve, — so as to read as follows: — *Section 6.* The state board of health may annually expend not more than twelve thousand five hundred dollars for the enforcement of the provisions of sections sixteen to twenty-seven, inclusive; but not less than three fifths of said amount shall be annually expended for the enforcement of the laws against the adulteration of milk and milk products.

Approved June 24, 1903.

Chap. 468 AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A CERTAIN SUM OF MONEY TO THE WIDOW OF RODNEY F. SUMINSBY.

Be it enacted, etc., as follows:

City of Boston may pay a sum of money to the widow of Rodney F. Suminsby.

SECTION 1. The city of Boston is hereby authorized to pay to Georgia H. Suminsby, widow of Rodney F. Suminsby late inspector in the water department of said city, a sum of money not exceeding two hundred and

fifty dollars: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said Rodney F. Suminsby would have been entitled if he had lived and continued to serve as inspector in the water department until the seventeenth day of November next succeeding the date of his death. Proviso.

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

Approved June 24, 1903.

AN ACT TO AUTHORIZE THE TOWN OF MANSFIELD TO BORROW MONEY FOR SCHOOL PURPOSES, OUTSIDE OF THE DEBT LIMIT. Chap.469

Be it enacted, etc., as follows:

SECTION 1. The town of Mansfield is hereby authorized to expend for the purchase of land for school buildings, and for the construction and furnishing of school buildings, a sum not exceeding thirty thousand dollars; and for the said purposes the town may borrow a sum not exceeding the said amount, and may issue from time to time bonds therefor. Town of Mansfield may incur indebtedness for school purposes.

SECTION 2. Such bonds shall be denominated on the face thereof, Mansfield School Loan, 1903; shall be signed by the treasurer of the town and countersigned by the selectmen; shall bear interest at a rate not exceeding four per cent per annum, payable semi-annually, and shall be payable within such periods, not exceeding twenty years from the dates of issue, as the town shall determine. The provisions of chapter twenty-seven of the Revised Laws and of acts in amendment thereof shall apply to the loan hereby authorized and to the securities issued therefor, but the said amount shall not be reckoned in estimating the legal limit of indebtedness of the town. Mansfield School Loan, 1903.

R. L. 27, etc., to apply.

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

Approved June 24, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO MARY A. BUCKLEY. Chap.470

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to Mary A. Buckley, widow of John H. Buckley late an employee in the paving department of the city of Boston, a sum of money not exceeding two hundred and fifty dollars: *provided*, that the sum hereby authorized to City of Boston may pay a sum of money to the widow of John H. Buckley.

Proviso.

be paid shall not exceed the amount to which the said John H. Buckley would have been entitled if he had lived and continued to serve as an employee in the paving department until the first day of February next succeeding the date of his death.

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

Approved June 24, 1903.

Chap. 471 AN ACT TO PROVIDE FOR THE DISPOSITION OF CERTAIN CLAIMS AGAINST THE UNITED STATES GOVERNMENT.

Be it enacted, etc., as follows:

Disposition of certain money received from the United States government.

SECTION 1. Any money received from the United States government in reimbursement of interest or other claims against the government for expenses in connection with the civil war, shall be paid into the treasury of the Commonwealth and transferred to and become a part of such sinking funds held by the Commonwealth for the reduction of the public debt as the treasurer and receiver general, with the approval of the governor and council, shall deem best for the interests of the Commonwealth.

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 June 24, 1903.

Chap. 472 AN ACT TO PROVIDE FOR SEVEN JURY SESSIONS OF THE SUPERIOR COURT IN THE COUNTY OF SUFFOLK FOR THE TRIAL OF CIVIL CAUSES AND TO INCREASE THE NUMBER OF ASSOCIATE JUSTICES OF THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Sessions of superior court in county of Suffolk.

SECTION 1. The superior court shall hold in the county of Suffolk each month, except in the months of July, August and September, seven jury sessions for the trial of civil causes.

Number of associate justices increased.

SECTION 2. The number of associate justices of the superior court shall be twenty-two instead of twenty, as now provided by law.

Two assistant clerks may be appointed, etc.

SECTION 3. The justices of the superior court, or a majority of them, may appoint, for a term of three years from the date of their appointments, two assistant clerks of said court for civil business in the county of Suffolk,

in addition to the number now provided for by law, whose annual salary shall be twenty-five hundred dollars each.

SECTION 4. This act shall take effect on the first day of September in the year nineteen hundred and three.

When to take effect.

Approved June 26, 1903.

AN ACT TO PROVIDE FOR REGISTERING AUTOMOBILES AND MOTOR CYCLES, AND FOR LICENSING OPERATORS THEREOF. Chap. 473

Be it enacted, etc., as follows:

SECTION 1. All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Application for such registration may be made, by mail or otherwise, to the Massachusetts highway commission or any agent thereof designated for this purpose, upon blanks prepared under its authority. The application shall, in addition to such other particulars as may be required by said commission, contain a statement of the name, place of residence and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power, and the amount of such motor power stated in figures of horse power; and with such application shall be deposited a registration fee of two dollars. The said commission or its duly authorized agent shall then register, in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such automobile or motor cycle a distinguishing number or other mark, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the registered number or mark, shall prescribe the manner in which said registered number or mark shall be inscribed or displayed upon the automobile or motor cycle, and shall be in such form and contain such further provisions as the commission may determine. A proper record of all applications and of all certificates issued shall be kept by the commission at its main office, and shall be open to the inspection of any person during reasonable business hours. The certificate of registration shall always be carried in some easily accessible place in the automobile or motor cycle

Registration of automobiles and motor cycles.

Fee, etc.

Certificate of registration.

Record of applications and certificates to be kept, etc.

Certificate to be returned in certain cases.

described therein. Upon the sale of any automobile or motor cycle its registration shall expire, and the vendor shall immediately return the certificate of registration to the highway commission, with notice of the sale, and of the name, place of residence and address of the vendee.

Distinguishing numbers or marks may be issued to manufacturers and dealers, etc.

SECTION 2. Every manufacturer of or dealer in automobiles or motor cycles may, instead of registering each automobile or motor cycle owned or controlled by him, make application upon a blank provided by said commission for a general distinguishing number or mark, and said commission may, if satisfied of the facts stated in said application, grant said application, and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant, and the general distinguishing number or mark assigned to him, and made in such form and containing such further provisions as said commission may determine; and all automobiles and motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire or loaned for a period of more than five successive days, be regarded as registered under such general distinguishing number or mark. The fee for every such license shall be ten dollars.

Fee.

Operating of unregistered automobiles or motor cycles on public highways, etc., after Sept. 1, 1903, prohibited, except, etc.

SECTION 3. Except as otherwise provided herein, no automobile or motor cycle shall, after the first day of September in the year nineteen hundred and three, be operated upon any public highway or private way laid out under authority of statute unless registered as above provided, and the registered number or mark of every automobile and motor cycle operated as aforesaid shall at all times plainly be displayed thereon in Arabic numerals not less than four inches long, and conforming in this and other details to the requirements prescribed by the highway commission in its certificate of registration.

Licenses to be issued by the Massachusetts highway commission, etc.

SECTION 4. Licenses for operating automobiles and motor cycles shall be issued by the Massachusetts highway commission or duly authorized agents thereof. Application shall be made upon blanks prepared by the commission for this purpose, and the licenses issued shall be in such form and shall contain such provisions as said commission may determine. To each licensee shall be assigned some distinguishing number or mark, and a proper record of all applications for license and of all licenses issued shall be kept by the commission at its

main office, and shall be open to the inspection of any person during reasonable business hours. Each license shall state the name, place of residence and address of the licensee and the distinguishing number or mark assigned to him. Special licenses for operating automobiles or motor cycles for hire shall be issued by the commission, but no such license shall be issued until the commission or its authorized agent shall have satisfied itself or himself that the applicant is a proper person to receive it. Such licenses shall be granted for one year only. The fee for each license to operate shall be two dollars. All fees shall be deposited at the time of making the application. The commission may at any time suspend or revoke any license for any misconduct of the licensee. Before a license to operate is granted, the applicant shall pass such examination as to his qualifications as may be required by the state highway commission.

Form of license.

Special licenses.

Term, fee, etc.

Licenses may be revoked, etc.

Applicant to be examined.

SECTION 5. Except as hereinafter provided, no person shall, on or after the first day of September in the year nineteen hundred and three, operate an automobile or motor cycle upon any public highway or private way laid out under authority of statute unless licensed so to do under the provisions of this act. No person shall operate an automobile or motor cycle for hire, unless specially licensed by the commission so to do. No person shall employ for hire as chauffeur or operator of an automobile or motor cycle any person not specially licensed as aforesaid, and every chauffeur or operator for hire shall, while so acting, display the distinguishing number or mark assigned to him, in such manner as may be prescribed by the commission.

Operating of unlicensed automobiles or motor cycles on public ways, etc., on or after Sept. 1, 1903, prohibited, except, etc.

Employing, etc., of unlicensed chauffeurs or operators, prohibited, etc.

SECTION 6. Automobiles or motor cycles owned by non-residents of this state and driven by a person residing and licensed in some other state may be operated on the roads and highways of this state, subject, however, to the speed limitations contained in section eight, and to any local regulations permitted under section fourteen, and to such further regulations as the highway commission may make. The provisions of this section shall not prevent the operating of automobiles by unlicensed persons if riding with or accompanied by a licensed chauffeur or operator.

Conditions under which automobiles and motor cycles of non-residents may be operated, etc.

SECTION 7. Every person having control or charge of an automobile or motor cycle shall, whenever upon

Persons having charge of automobiles

or motor cycles
to use certain
precaution.

any public street or way and approaching any vehicle drawn by a horse or horses, or approaching any horse upon which any person is riding, operate, manage and control such automobile or motor cycle in such manner as to exercise every reasonable precaution to prevent the frightening of 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 to be frightened, the person in control of such automobile or motor cycle shall reduce its speed, and if requested by signal or otherwise by the rider or 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, and in case of extreme fright shall reduce the motive power to a full stop.

Speed limit.

SECTION 8. No automobile or motor cycle shall be run on any public way or private way laid out under the authority of statute outside the limits of a city or the thickly settled or business part of a town or fire district at a speed exceeding fifteen miles an hour, or within a city or the thickly settled or business part of a town or fire district at a speed exceeding ten miles an hour. Upon approaching a crossing of intersecting ways, also in traversing a crossing or intersection, and in going around a corner, or a curve in the highway every person operating an automobile or motor cycle shall run it at a rate of speed less than that hereinbefore specified and at no time greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public, and in no event exceeding eight miles an hour.

Penalties.

SECTION 9. The commission may, after due hearing, suspend or revoke a certificate issued under section one of this act, or the license issued to any person under section four of this act, for any cause which it may deem sufficient; and any person convicted of violating any provision of this act shall be punished by a fine not exceeding twenty-five dollars for a first offence, and not exceeding fifty dollars for second and subsequent offences. Any person convicted of operating, or causing or permitting any other person to operate, an automobile or motor cycle after a revocation or suspension of the certificate or

license granted under this act for such vehicle shall be punished by a fine not exceeding one hundred dollars, or by imprisonment for a term of ten days, or by both such fine and imprisonment.

SECTION 10. Every automobile or motor cycle operated in this Commonwealth shall be provided with an adequate brake, with a muffler, and with a suitable bell, horn or other means of signalling, and shall, during the period from one hour after sunset to one hour before sunrise, display lights, with the registered number or mark thereon, of such size as may be prescribed by the highway commission.

To be provided with brake, bell, light, etc.

SECTION 11. Every automobile or motor cycle shall be provided with a lock, key or other device to prevent said vehicle from being set in motion, and no person shall allow any such vehicle operated by him to stand or remain unattended in any street, avenue, road, alley, highway, park, parkway or other public place without first locking or making fast the vehicle as above provided.

To be provided with lock, etc.

SECTION 12. The fees received under the provisions of this act shall be paid monthly by the secretary of the highway commission into the treasury of the Commonwealth; and such expenses as may be necessary in carrying out the provisions of this act shall be paid out of the treasury of the Commonwealth.

Fees to be paid into treasury monthly.

SECTION 13. The terms "automobile" and "motor cycle" as used in this act shall include all vehicles propelled by power other than muscular power, excepting railroad and railway cars and motor vehicles running only upon rails or tracks, and steam road rollers.

Terms defined.

SECTION 14. Nothing herein contained shall be so construed as to affect the rights of boards of park commissioners as authorized by law. Boards of aldermen of cities and the selectmen of towns may make special regulations as to the speed of automobiles and motor cycles, and as to the use of such vehicles upon particular roads or ways, including the right to exclude them altogether therefrom. Such exclusion, however, shall be subject to an appeal to the Massachusetts highway commission, whose decision in the case shall be final. No such special regulation shall be effective unless notice of the same is posted conspicuously at the points where any road affected thereby joins other roads.

Certain rights of park commissioners and cities and towns not affected.

Notice of special regulations to be posted.

Repeal.

SECTION 15. Chapter three hundred and fifteen of the acts of the year nineteen hundred and two is hereby repealed.

When to take effect.

SECTION 16. Except as otherwise provided herein this act shall take effect upon its passage.

Approved June 26, 1903.

Chap. 474

AN ACT TO CORRECT THE LAWS RELATIVE TO ELECTIONS.

Be it enacted, etc., as follows :

R. L. 11, § 46, amended.

SECTION 1. Section forty-six of chapter eleven of the Revised Laws is hereby amended by striking out the whole of said section and inserting in place thereof the following: — *Section 46.* Every male applicant for registration whose name has not been transmitted to the registrars as provided in section sixteen shall present a tax bill or notice from the collector of taxes, or a certificate from the assessors showing that he was assessed as a resident of the city or town on the preceding first day of May, or a certificate that he became a resident therein at least six months preceding the election at which he claims the right to vote, and the same shall be prima facie evidence of his residence. In Boston every such applicant whose name has not been transmitted to the election commissioners as provided by law shall present a certificate from the board of police as provided by law, and the same shall be prima facie evidence of his residence.

Applicants for registration to prove assessment or residence.

In Boston, to present certificate from board of police.

R. L. 11, § 47, amended.

SECTION 2. Section forty-seven of said chapter is hereby amended by striking out at the beginning thereof the words “ If the qualifications of an applicant have not been determined by the registrars within the four years preceding his application, the registrar shall examine him under oath relative thereto ”, and inserting in place thereof the words: — The registrars shall examine under oath an applicant for registration relative to his qualifications as a voter, — so as to read as follows: — *Section 47.* The registrars shall examine under oath an applicant for registration relative to his qualifications as a voter, and shall, unless he is prevented by physical disability, or unless he had the right to vote on the first day of May in the year eighteen hundred and fifty-seven, require him to write his name in the general register and to read in such manner as to show that he is neither prompted nor reciting from memory. Registrars shall be provided by the secretary

Examination of applicant for registration.

of the Commonwealth with a copy of the constitution of the Commonwealth printed on uniform pasteboard slips, each containing five lines of said constitution printed in double small pica type. The registrars shall place said slips in the box provided by the secretary of the Commonwealth, which shall be so constructed as to conceal them from view. Each applicant shall be required to draw one of said slips from the box and read aloud the five lines printed thereon, in full view and hearing of the registrars. Each slip shall be returned to the box immediately after the test is finished, and the contents of the box shall be shaken up by a registrar before another drawing is made. No person failing to read the constitution as printed on the slip thus drawn shall be registered as a voter. The registrars shall keep said slips in said box at all times. The secretary of the Commonwealth shall upon request provide new slips to replace those worn out or lost.

Registrars to be provided with copy of constitution printed on slips, etc.

SECTION 3. Section fifty-one of said chapter is hereby amended by striking out all after the word "not", in the eighth line, and inserting in place thereof the words: — change the place of residence as given thereon, nor, unless the voter has deceased, strike such name therefrom, until they have sent him a notice of their intention so to do and that he may be heard on a certain day named therein, — so as to read as follows: — *Section 51.* The registrars shall, from time to time, revise and correct the general register and the current annual register in accordance with any facts which may be presented to them. They shall strike therefrom the name of every deceased person which has been transmitted to them by the city or town clerk or the registrar of deaths in accordance with section twenty-three; but after the name of a voter has been placed upon the current annual register, they shall not change the place of residence as given thereon, nor, unless the voter has deceased, strike such name therefrom, until they have sent him a notice of their intention so to do and that he may be heard on a certain day named therein.

R. L. 11, § 51, amended.

Revision and correction of registers, etc.

SECTION 4. Section fifty-two of said chapter is hereby amended by striking out all after the word "summons", in the thirteenth line, and inserting in place thereof the words: — Service of the summons shall be made by an officer qualified to serve civil or criminal process, not more than fourteen nor less than two days before the day named for appearance, by delivering in hand a copy of the sum-

R. L. 11, § 52, amended.

mons to the person therein summoned, or by leaving it at the place of alleged illegal or incorrect registration, if no later residence of such person appears on the register, and in that event at such later residence if the officer finds that such person resides at such place or later residence, as the case may be, or if he was formerly there and has changed his residence, then by leaving it at the place to which he has moved, if it is within the officer's jurisdiction and can be ascertained by inquiry at such place or later residence; but if the officer cannot make personal service, and cannot ascertain the residence of the person complained of, the copy of the summons shall be left at such person's last residence, if any, known to the officer within his jurisdiction; and the officer shall return the summons to the registrars or election commissioners before the day named for appearance, with the certificate of his doings indorsed thereon, — so as to read as follows: —

Illegal or
incorrect
registration.

Section 52. If a registered voter complains to the registrars or election commissioners, in writing under oath in a city fourteen days at least, or in a town four days at least, before an election or town meeting, that the complainant has reason to believe and does believe that a certain person by him therein named has been illegally or incorrectly registered, and setting forth the reasons for such belief, the registrars or election commissioners shall examine into such complaint, and if satisfied that there is sufficient ground therefor, they shall summon the person complained of to appear before them at a certain place and time before the next election or town meeting to answer to the matters set forth in the complaint, and the substance of the complaint and a copy of this and the following section shall be set forth in the summons. Service of the

Service of
summons, etc.

summons shall be made by an officer qualified to serve civil or criminal process, not more than fourteen nor less than two days before the day named for appearance, by delivering in hand a copy of the summons to the person therein summoned, or by leaving it at the place of alleged illegal or incorrect registration, if no later residence of such person appears on the register, and in that event at such later residence if the officer finds that such person resides at such place or later residence, as the case may be, or if he was formerly there and has changed his residence, then by leaving it at the place to which he has moved, if it is within the officer's jurisdiction and can be

ascertained by inquiry at such place or later residence ; but if the officer cannot make personal service, and cannot ascertain the residence of the person complained of, the copy of the summons shall be left at such person's last residence, if any, known to the officer within his jurisdiction ; and the officer shall return the summons to the registrars or election commissioners before the day named for appearance, with the certificate of his doings indorsed thereon.

SECTION 5. Section fifty-three of said chapter is hereby amended by inserting after the word "register", in the ninth line, the words : — If they are satisfied that, although he is a qualified voter in the city or town, he is illegally or incorrectly registered in a ward or voting precinct other than the ward or voting precinct in which he is required to be registered as provided in section fourteen, and are satisfied as to which ward or voting precinct he is so required to be registered in, and as to his place of residence in such ward or voting precinct, they shall change his place of residence as given on the register accordingly, — so as to read as follows : — *Section 53.* If a person summoned before the registrars of voters to answer to such complaint appears before them, they shall examine him under oath, and shall receive other evidence which may be offered in regard to the matters set forth in the complaint, and if satisfied that he is properly registered as a qualified voter they shall enter in the register a statement of their determination upon the facts required for registration. If the registrars are satisfied that he is not a qualified voter in the city or town, they shall strike his name from the register. If they are satisfied that, although he is a qualified voter in the city or town, he is illegally or incorrectly registered in a ward or voting precinct other than the ward or voting precinct in which he is required to be registered as provided in section fourteen, and are satisfied as to which ward or voting precinct he is so required to be registered in, and as to his place of residence in such ward or voting precinct, they shall change his place of residence as given on the register accordingly. If a person duly summoned as aforesaid does not appear as directed in the summons, the complainant shall produce sufficient testimony to make out a prima facie case, and if this is done the name of the person complained of shall be stricken from the regis-

R. L. 11, § 53,
amended.

Examination
of persons, etc.

ter ; but if such person appears before the registrars before the election or town meeting next ensuing and shows sufficient cause for his failure earlier to appear, the hearing shall be reopened and the matter decided on its merits, as determined from the evidence presented on both sides. The complainant and the person complained of may be represented by counsel, and all witnesses may be cross-examined.

R. L. 11, § 90,
amended.

SECTION 6. Section ninety of said chapter is hereby amended by adding at the end thereof the words :— It shall be the duty of the presiding officer at a caucus to open such caucus at the hour appointed therefor in the notice thereof, —so as to read as follows :— *Section 90.* Every caucus of a political party shall be called by a written or printed notice. No caucus or meeting of a political party not so called shall be recognized as valid under this title. It shall be the duty of the presiding officer at a caucus to open such caucus at the hour appointed therefor in the notice thereof.

Calling of
caucuses.

R. L. 11, § 108,
amended.

SECTION 7. Section one hundred and eight of said chapter is hereby amended by inserting after the word “residences”, in the fourteenth line, the words :— Such papers for a district composed of more than one ward or town shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward or town in said district, —and by striking out the words “No nomination paper offered for filing shall be received or be valid unless the written acceptance of every candidate thereby nominated shall be filed therewith”, in the sixteenth, seventeenth and eighteenth lines, and inserting in place thereof the words :— No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon, —so as to read as follows :— *Section 108.* Nominations of candidates for elective offices, for delegates to a convention, for caucus officers, and for a ward or town committee to be voted for at a caucus, shall be made by nomination papers, as herein-after provided. Such nominations shall be made on the blank nomination papers prepared and delivered in accordance with the preceding section ; and no nomination paper offered for filing shall be received or shall be valid to which is attached any card, paper or other device containing the name of a candidate, his written acceptance, or the signature of any voter required by this section.

Nominations
to be made by
nomination
papers.

Such papers shall be signed in person by at least five voters of the ward or town in which the caucus is to be held, who shall be members of the political party holding the caucus, and who shall add to their signatures the street and number, if any, of their residences. Such papers for a district composed of more than one ward or town shall be signed by a number of voters equal in the aggregate to not less than five voters for each ward or town in said district. Nomination papers shall not contain a larger number of names of candidates than there are persons to be elected. No nomination paper shall be valid in respect to any candidate whose written acceptance is not thereon. No vacancy caused by the death, withdrawal or ineligibility of any of the above candidates shall be filled in the manner provided by law, unless the person entitled to fill such vacancy files the written acceptance of the candidate who is nominated to fill the vacancy.

Signatures, etc.

Acceptances of candidates to be in writing.

SECTION 8. Section one hundred and thirty-seven of said chapter is hereby amended by striking out lines one to seven, inclusive, and inserting in place thereof the words: — *Section 137.* Candidates for senator and member of the state committee for each of the Suffolk senatorial districts to be nominated or elected by a political party shall be nominated or, — so as to read as follows: — *Section 137.* Candidates for senator and member of the state committee for each of the Suffolk senatorial districts to be nominated or elected by a political party shall be nominated or elected by direct plurality vote in caucuses of the party held in every such ward and town, and the person who in the aggregate of all the ballots cast at all such caucuses in each district for such candidate for senator shall receive the highest number of such votes shall be the candidate nominated, and the person who in the aggregate of all the ballots cast at all such caucuses in each district for such member shall receive the highest number of such votes shall be the member elected. The nomination paper of a candidate for member of a state committee shall state the street and number, if any, of his residence, and against the name of such candidate shall be printed on the ballot the street and number, if any, of his residence.

R. L. 11, § 137, amended.

Nomination of candidates for senator and election of members of state committee in Suffolk senatorial districts.

SECTION 9. Section two hundred and thirty-one of said chapter is hereby amended by striking out all after

R. L. 11, § 231, amended.

the word “be”, in the third line, and inserting in place thereof the words:—marked by an election officer “Spoiled”,—so as to read as follows:—*Section 231*. If a voter spoils a ballot, he may obtain two others, one at a time, upon returning each spoiled one, and all ballots so returned shall immediately be marked by an election officer “Spoiled”.

Additional ballots, how obtained.

R. L. 11, § 233, amended.

SECTION 10. Section two hundred and thirty-three of said chapter is hereby amended by striking out the words “the presiding officer”, in the second line, and inserting in place thereof the words:—one of the officers in charge of the ballot box,—so as to read as follows:—*Section 233*. A voter after marking his ballot shall give his name and, if requested, his residence, to one of the officers in charge of the ballot box, who shall distinctly announce the same. If the name is found upon the voting list by the election officer, he shall distinctly repeat the name and check it upon the voting list; and the voter may then deposit his ballot in the ballot box with the official indorsement uppermost and in sight. No ballot without the official indorsement, except as provided in section two hundred and ten, shall be deposited in the ballot box. No person shall vote if his name is not on the voting list, nor until the election officer shall check his name thereon, unless he presents a certificate from the registrars of voters as provided by section sixty-four.

Deposit of ballot.

Voter's name to be checked, etc.

R. L. 11, § 241, amended.

SECTION 11. Section two hundred and forty-one of said chapter is hereby amended by striking out all after the word “the”, in the ninth line, and inserting in place thereof the words:—ballots marked “Spoiled”, without examining them or permitting them to be examined, and may make such disposition of the undistributed ballots as they may deem proper,—so as to read as follows:—*Section 241*. City and town clerks shall retain in their custody the envelope containing the ballots cast, without examining them or permitting them to be examined by any person except as required by law, and upon the expiration of the period fixed for their preservation shall cause such ballots to be destroyed.

Ballots cast, custody, destruction.

Voting lists and ballots not cast, custody, disposition.

City and town clerks shall retain in their custody the voting lists and ballots not cast as long as they retain the ballots cast. They shall then transmit such voting lists to the registrars of voters for future reference, and shall destroy the ballots marked “Spoiled”, without examin-

ing them or permitting them to be examined, and may make such disposition of the undistributed ballots as they may deem proper.

SECTION 12. Section two hundred and sixty-seven of said chapter is hereby amended by striking out the words "swear to and file", in the fifth line, and inserting in place thereof the words: —and cause to be filed, —and by inserting after the word "statement", in the sixth line, the words: —sworn to by one of the subscribers, —so that the first paragraph of said section shall read as follows: — *Section 267.* If, on or before five o'clock on the third day next succeeding the day of an election in a ward of a city or in a town, ten or more voters of such ward or town shall sign, adding thereto their respective residences on the first day of May of that year, and cause to be filed with the city or town clerk, or in Boston with the election commissioners, a statement sworn to by one of the subscribers that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelopes containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, open the envelopes, recount the ballots and determine the questions raised; but upon a recount of votes for town officers in a town in which the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

R. L. 11, § 267,
amended.

Recount of
ballots.

SECTION 13. Section ten of chapter two hundred and seventy-nine of the acts of the year nineteen hundred and three is hereby repealed.

Repeal.

SECTION 14. This act shall take effect upon its passage.

Approved June 26, 1903.

Chap. 475 AN ACT TO REQUIRE THE USE OF FANS OR BLOWERS IN ALL PLACES WHERE EMERY OR BUFFING WHEELS OR BELTS ARE USED.

Be it enacted, etc., as follows :

Fans or blowers to be used in certain factories, etc.

SECTION 1. Any person, firm or corporation operating a factory or workshop in which emery wheels or belts or buffing wheels or belts injurious to the health of employees are used shall, within three months after this act takes effect, provide such wheels and belts with a hood or hopper connected with suction pipes, and with fans or blowers, in accordance with the provisions hereinafter contained, which apparatus shall be placed and operated in such a manner as to protect any person or persons using any such wheel or belt from the particles or dust produced by the operation thereof, and to convey the said particles or dust either outside of the building or to some receptacle so placed as to receive and confine the said particles or dust.

Certain wheels to be fitted with iron hoods or hoppers, etc.

SECTION 2. Every such wheel shall be fitted with a sheet iron or cast iron hood or hopper of such form and so placed that the particles or dust produced by the operation of the wheel or of any belt connected therewith shall fall or will be thrown into such hood or hopper by centrifugal force ; and the fans or blowers aforesaid shall be of such size and shall be run at such speed as will produce a volume and velocity of air in the suction and discharge pipes sufficient effectually to convey all particles or dust from the hood or hopper through the suction pipes and so outside of the building or to a receptacle as aforesaid.

Suction pipes, etc., to be approved by district police.

SECTION 3. The suction pipes and connections shall be suitable and efficacious, and such as shall be approved by the district police.

Not to apply to certain grinding machines or emery wheels.

SECTION 4. This act shall not apply to grinding machines upon which water is used at the point of grinding contact, nor to solid emery wheels used in saw mills or in planing mills or in other wood-working establishments, nor to any emery wheel six inches and under in diameter used in establishments where the principal business is not emery wheel grinding.

Powers and duties of district police and factory inspectors.

SECTION 5. It shall be the duty of the district police and of factory inspectors, upon receiving notice in writing, signed by any person having knowledge of the facts, that any factory or workshop as aforesaid is not provided

with the apparatus herein prescribed, to visit such factory or workshop and inspect the same, and for that purpose they are hereby authorized to enter any such factory or workshop during working hours; and if they ascertain, in the foregoing or in any other manner, that the owner, proprietor or manager of any such factory or workshop has failed to comply with the provisions of this act, they shall make complaint of the same in writing, before a court or judge having jurisdiction, and cause such owner, proprietor or manager to be proceeded against for violation of this act; and it is made the duty of the district attorney to prosecute all cases arising under this act.

District attorney to prosecute.

SECTION 6. Any person failing to comply with any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and in case of a second offence he shall be punished by the aforesaid fine, or by imprisonment in the county jail for a term not exceeding sixty days, or by both such fine and imprisonment.

Penalty.

Approved June 26, 1903.

AN ACT TO AUTHORIZE ALDERMEN AND SELECTMEN TO EMPOWER STREET RAILWAY COMPANIES TO TAKE LAND FOR CERTAIN PURPOSES, WITH THE APPROVAL OF THE RAILROAD COMMISSIONERS.

Chap. 476

Be it enacted, etc., as follows:

SECTION 1. Any street railway company, organized under the laws of the Commonwealth, may apply to the board of aldermen of any city or to the selectmen of any town in which it desires to take land, for an adjudication that public necessity and convenience require that certain land or interests in land, as described in its petition and for the specific purpose therein stated, be taken by such company, to enable it, in constructing its street railway or a branch or extension thereof, to avoid dangerous curves or grades existing in the highways, or for other similar purposes incident to and not inconsistent with its corporate franchise of operating a railway to accommodate public travel in public ways. If the board to which such application is made finds in favor of the petitioner, after such public notice and hearing as are required by law in the case of the grant of locations for street railways in public ways, the company may, upon complying with the

Cities and towns may empower street railway companies to take land for certain purposes, etc.

Cities and towns may empower street railway companies to take land for certain purposes, etc.

provisions of section thirty-nine of chapter one hundred and eleven of the Revised Laws, apply to the board of railroad commissioners for a certificate that public necessity and convenience require the construction of the proposed railway between the termini and substantially in the route fixed by the agreement of association in case of a company organized under the general laws and by the charter of a company created by special statute, or of the proposed branch or extension substantially on the locations already duly granted therefor, and for approval of the adjudication of the aldermen or selectmen as to the necessity and reasons for taking land or rights in land in every city or town in which such adjudication has been made. If said commissioners, after public notice and a hearing, at which all persons or corporations alleging that they would be injured by the construction of the proposed railway shall be deemed to be interested parties and entitled to be heard, grant the certificate as prayed for, the petitioner may take in any city or town, in the manner hereinafter provided, any land or rights in land the taking of which has so been approved by said commissioners.

Certain provisions of law to apply.

SECTION 2. A street railway company acting under authority of this act, shall be subject to all the provisions of sections eighty-eight, ninety-one, ninety-eight to one hundred and sixteen, inclusive, one hundred and eighteen to one hundred and twenty, inclusive, and one hundred and twenty-three of chapter one hundred and eleven of the Revised Laws, and, if its railway crosses a public way or another street railway, except where its railway is constructed within the limits of another public way crossing such way or street railway, it shall also be subject to all the provisions of sections one hundred and twenty-four to one hundred and twenty-nine, inclusive, and of sections one hundred and ninety to one hundred and ninety-five, inclusive, of said chapter: *provided, however*, that wherever by said sections any jurisdiction is conferred upon a board of county commissioners, the same shall in the case of a street railway be exercised by the board of aldermen of the city or by the selectmen of the town in which the land or other property proposed to be taken is situated.

Proviso.

In proceedings for the abolition of grade crossings certain street

SECTION 3. A street railway company authorized to construct its railway at grade across a public way in any place where such crossing is not a part of the crossing of

such way by another public way, and incident to the construction of the street railway longitudinally within the limits of such other public way, shall, in any proceedings hereafter begun for the abolition of such grade crossing be considered as a railroad corporation under the provisions of sections one hundred and forty-nine to one hundred and sixty of chapter one hundred and eleven of the Revised Laws and of all acts in amendment thereof or in addition thereto, if such company has taken any land or other property under authority of this act; and it may bring a petition, or be made a respondent to any petition brought by any of the other parties named in said acts, in the same way and be subject to the same liabilities as if it were a railroad corporation.

railway companies to be considered as railroad corporations, etc.

SECTION 4. This act shall take effect upon its passage, but it shall not enlarge the extent or purposes for which a street railway may be constructed or operated outside the limits of public ways as defined and limited in sections nine and twenty-nine of chapter one hundred and twelve of the Revised Laws. *Approved June 26, 1903.*

When to take effect.

AN ACT TO INCORPORATE THE SANDWICH, HYANNIS AND CHATHAM STREET RAILWAY COMPANY.

Chap. 477

Be it enacted, etc., as follows:

SECTION 1. Fletcher Clarke, Edward L. Chase, Henry H. Fiske, William L. Nickerson, Llewellyn M. Aldrich, Horace B. Parker and Augustus M. Bearse, their associates and successors, being the persons heretofore associated by articles in writing, are hereby made a corporation under the name of the Sandwich, Hyannis and Chatham Street Railway Company, with all the rights, powers and privileges and subject to all the duties, obligations and restrictions set forth in all general laws now or hereafter in force relating to street railway companies, except as hereinafter provided.

Sandwich, Hyannis and Chatham Street Railway Company incorporated.

SECTION 2. All rights, privileges and locations, heretofore lawfully granted to said incorporators or any of them, as such associates, under the general laws of the Commonwealth, by the selectmen of the towns of Sandwich, Mashpee, Barnstable, Yarmouth, Dennis, Harwich and Chatham, respectively, and subject to all the terms, conditions, obligations and restrictions in said locations imposed, and all acts lawfully done by said incorporators

Certain rights, locations, etc., confirmed.

are hereby ratified and confirmed to the company hereby incorporated, which shall have the same right to hold and enjoy the same as if they had originally been granted to it by said selectmen, provided the same are approved by the board of railroad commissioners and the Massachusetts highway commission; and said company may construct, equip, maintain and operate a railway with single or double tracks and with convenient turn-outs and switches, upon such locations, in accordance with the terms of the grants thereof and upon and over such streets and highways in said towns as have been designated as aforesaid.

May construct, etc., a railway in certain towns.

May build and maintain bridges, etc.

SECTION 3. Said company may build and maintain bridges and connect its railway therewith and operate it thereon over Bass river between the towns of Yarmouth and Dennis, and over Herring river in the town of Harwich, and other small tidal streams and ways, and may construct such wharves, dock and other structures connected therewith as may by it be deemed necessary for the transaction of its business, subject to the provisions of chapter ninety-six of the Revised Laws, and all other general laws applicable thereto.

Capital stock.

SECTION 4. The capital stock of said company shall not exceed the sum of five hundred thousand dollars, but may be increased from time to time under the provisions of the general laws applicable to street railway companies.

To be put in operation within five years.

SECTION 5. The authority herein granted shall expire if said railway has not been built and put in operation in said towns within five years from the passage of this act.

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

Approved June 26, 1903.

Chap. 478 AN ACT RELATIVE TO FILING PETITIONS FOR DAMAGES CAUSED BY THE ABOLITION OF GRADE CROSSINGS.

Be it enacted, etc., as follows:

R. L. 111, § 153, amended.

SECTION 1. Section one hundred and fifty-three of chapter one hundred and eleven of the Revised Laws is hereby amended by striking out the words "the date of the decree of the court confirming the decision of said commission", in the sixteenth and seventeenth lines, and inserting in place thereof the words: — the time the property is entered upon and work actually commenced thereon, — so as to read as follows: — *Section 153.* All damages which may be sustained by any person in his

Payment of damages caused by the

property by the taking of land for, or by the alterations of the grade of, a public way, or by an abutter thereon, by the discontinuance of such public way, to the same extent as damages are recoverable by abutters on ways discontinued by towns, shall primarily be paid by the city or town; and all damages which may be caused by the taking of land for the railroad or by the change or discontinuance of a private way in connection with the abolition of a grade crossing shall primarily be paid by the railroad corporation; and all damages which may be sustained by any person by the abolition of private ways, except as hereinbefore provided, shall be entirely paid by the railroad corporation. If the parties interested cannot agree upon said damages, any party may have the damages determined by a jury in the superior court for the county in which the property and crossing are situated, on petition, brought within one year after the time the property is entered upon and work actually commenced thereon, in the same manner as damages may be determined which are caused by the taking of land for the locating of railroads and the laying out or discontinuance of public ways, respectively, in such city or town; but all expense which results from the necessary relocating or changing of streams and water courses forming the natural drainage channels of the territory in which alterations of grades are authorized and of sewers, drains and pipes therein owned and operated by municipal corporations shall be primarily paid by said city or town, and shall be a part of the actual cost of the alterations mentioned in section one hundred and fifty-one. Parties who recover damages in such proceedings shall also recover costs as in other civil cases, and the court may in its discretion allow, as a part of such costs, the reasonable expenses incurred for surveys and plans.

abolition of grade crossings, alterations in highways, etc.

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

Approved June 26, 1903.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO PAY A SUM OF MONEY TO THE SON AND DAUGHTER OF WILLIAM E. ENDICOTT.

Chap. 479

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to pay to John Endicott and Louisa Endicott, son and daughter respectively of William E. Endicott late principal of the Christopher Gibson School in said city, a sum

City of Boston may pay a sum of money to the son and daughter of William E. Endicott.

Proviso.

not exceeding two hundred and fifty dollars: *provided*, that the sum hereby authorized to be paid shall not exceed the amount to which the said William E. Endicott would have been entitled if he had lived and continued to serve as such principal during the months of June, July and August of the current year.

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

Approved June 26, 1903.

Chap. 480

AN ACT RELATIVE TO THE PRODUCTION AND DISTRIBUTION OF ANTITOXIN AND VACCINE LYMPH.

Be it enacted, etc., as follows:

R. L. 75, § 4,
amended.

Powers and
duties of state
board of
health.

SECTION 1. Section four of chapter seventy-five of the Revised Laws is hereby amended by inserting after the word "institutions", in the eleventh line, the words:— and may, for the use of the people of the Commonwealth, produce and distribute antitoxin and vaccine lymph, — so as to read as follows:— *Section 4.* Said board shall take cognizance of the interests of health and life among the citizens of the Commonwealth, make sanitary investigations and inquiries relative to the causes of disease, and especially of epidemics, the sources of mortality and the effects of localities, employments, conditions and circumstances on the public health, and relative to the sale of drugs and food and the adulterations thereof; and shall gather such information relative thereto as it considers proper for diffusion among the people. It shall advise the government relative to the location and other sanitary conditions of any public institutions; and shall have oversight of inland waters, sources of water supply and vaccine institutions, and may, for the use of the people of the Commonwealth, produce and distribute antitoxin and vaccine lymph. It shall annually examine all main outlets of sewers and drainage of cities and towns of the Commonwealth, and the effect of sewage disposal, and shall annually report thereon to the general court, with such recommendations for the protection of the interests of persons and property and for the prevention of offensive odors and objectionable conditions as it considers expedient.

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

Approved June 26, 1903.

AN ACT RELATIVE TO THE ORGANIZATION OF THE MILITIA.

Chap.481

Be it enacted, etc., as follows :

SECTION 1. The governor as commander-in-chief is hereby authorized and empowered to organize the militia of the Commonwealth in conformity with the provisions of chapter one hundred and ninety-six of volume thirty-two of the United States Statutes at Large, approved January twenty-first, nineteen hundred and three, and upon such organization he shall make due proclamation thereof.

Organization of the militia.

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

Approved June 26, 1903.

AN ACT TO INCORPORATE THE BAY STATE ACCIDENT ASSOCIATION.

Chap.482

Be it enacted, etc., as follows :

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 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.

By-laws, etc., to be approved by the insurance commissioner, etc.

SECTION 3. Chapter three hundred and ninety-four of

Repeal.

the acts of the year nineteen hundred and two is hereby repealed.

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

Approved June 26, 1903.

Chap. 483 AN ACT TO PROVIDE FOR THE TRANSPORTATION TO AND FROM SCHOOL OF CHILDREN LIVING UPON ISLANDS WHICH ARE NOT PROVIDED WITH SCHOOLS.

Be it enacted, etc., as follows :

Transportation to be provided for certain school children.

SECTION 1. The state board of education is hereby authorized to furnish or provide transportation to and from school for such children of school age as may be living upon islands within the Commonwealth which are not provided with schools, in cases where the city or town within the limits of which such islands are situated is not required by law to provide such transportation.

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

Approved June 26, 1903.

Chap. 484 AN ACT TO PROVIDE FOR LICENSING DEALERS IN COAL AND COKE.

Be it enacted, etc., as follows :

Dealers in coal and coke to be licensed.

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in or carry on the business of selling coal or coke, as principal or agent, in any city or town, at wholesale or retail, either by maintaining a place of business or by peddling the same from house to house, or otherwise, without first obtaining a license so to do from the secretary of the Commonwealth.

Licenses to be issued by the secretary of the Commonwealth, etc.

SECTION 2. Such licenses shall be granted by the secretary of the Commonwealth for such periods and upon the payment of such fees, not exceeding five dollars, and upon such conditions and terms as may be prescribed in cities by ordinance and in towns by by-laws.

Licenses may be suspended or revoked.

SECTION 3. The said licenses may be suspended or revoked at any time by the secretary of the Commonwealth, after a fair hearing given to the licensee, for using false weights or measures, for charging extortionate prices, for conspiring, combining unlawfully with other persons, or unlawfully discriminating in the conduct of said business, or for any other just and sufficient reason.

Licenses aggrieved may appeal to a justice of superior court, etc.

SECTION 4. Any licensee aggrieved by the suspension or revocation of his license may appeal to any justice of the superior court who shall hear the parties as soon as

may be, and whose decision sustaining, modifying or annulling the action of the licensing authority shall be final and binding upon all parties. Pending such appeal and a decision thereon the license shall continue in force.

SECTION 5. It shall be the duty of any licensee as aforesaid to give public notice that he holds the license by displaying the word "Licensed", and the number of his license at his place of business and on all vehicles employed by him in his business and in such other manner as the licensing authority may direct. It shall be unlawful for any such persons, firms or corporations not so licensed to designate themselves as licensed or to use the word "licensed" upon any vehicle or in any place.

Licensees to give public notice, etc.

SECTION 6. Whoever violates any provision of this act shall be punished by fine of not more than fifty dollars or by imprisonment for a term not exceeding six months, or by both such fine and imprisonment.

Penalty.

Approved June 26, 1903.

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. 485

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 expenses in connection with the official recognition of the services of the members of the first regiment of Massachusetts volunteer militia who in April, eighteen hundred and sixty-one, responded to the call of the president of the United States for troops to suppress the rebellion, as authorized by chapter thirty-three of the resolves of the present year, a sum not exceeding one thousand dollars.

Recognition of services of first regiment of militia.

For certain improvements at the Massachusetts hospital for dipsomaniacs and inebriates, as authorized by chapter eighty-four of the resolves of the present year, a sum not exceeding seven thousand eight hundred dollars.

Massachusetts hospital for dipsomaniacs and inebriates.

For printing reports of capital trials under the direction of the attorney-general, a sum not exceeding fifteen hundred dollars.

Printing reports of capital trials.

Compensation of inspectors of animals.

For the compensation of inspectors of animals, a sum not exceeding five hundred dollars, the same to be in addition to the seven thousand dollars appropriated by chapter twenty-nine of the acts of the present year.

State industrial school for girls.

For certain improvements at the state industrial school for girls, as authorized by chapter eighty-five of the resolves of the present year, a sum not exceeding twenty-one thousand eight hundred and three dollars.

Committee on public improvements.

For the expenses of a committee to consider the matter of making public improvements under a more extensive exercise of the right of eminent domain, as authorized by chapter eighty-six of the resolves of the present year, a sum not exceeding one thousand dollars.

Committee on laws concerning relations between employers and employees.

For the expenses of a committee to consider and report on the laws concerning the legal relations between employers and employees, as authorized by chapter eighty-seven of the resolves of the present year, a sum not exceeding five thousand dollars.

Printing and binding series of public documents.

For printing and binding the series of public documents, a sum not exceeding five thousand dollars, the same to be in addition to the nine thousand dollars appropriated by chapter fifty-five of the acts of the present year.

Improvement of outlet from Menamsha pond.

For the further improvement of the outlet from Menamsha pond into Vineyard Sound, as authorized by chapter three hundred and ninety-four of the acts of the present year, a sum not exceeding ten thousand dollars.

Salary of district attorney, northern district.

For the salary of the district attorney for the northern district, as authorized by chapter three hundred and ninety-five of the acts of the present year, the sum of three hundred dollars, the same to be in addition to the twenty-four hundred dollars appropriated by chapter thirty-three of the acts of the present year.

Salary of assistant district attorney, northern district.

For the salary of the assistant district attorney for the northern district, as authorized by chapter three hundred and ninety-five of the acts of the present year, the sum of two hundred and fifty dollars, the same to be in addition to the fifteen hundred dollars appropriated by chapter thirty-three of the acts of the present year.

Salary of third clerk, treasurer's department.

For the salary of the third clerk in the department of the treasurer and receiver general, as authorized by chapter three hundred and ninety-eight of the acts of the present year, the sum of one hundred dollars, the same to be in addition to the sixteen hundred dollars appro-

priated by chapter thirty-five of the acts of the present year.

For the payment of damages caused by wild deer, as authorized by chapter four hundred and seven of the acts of the present year, a sum not exceeding twenty-five hundred dollars.

Payment of damages caused by wild deer.

For travelling, incidental and contingent expenses of the state board of conciliation and arbitration, a sum not exceeding six thousand dollars, which shall include the compensation of expert assistants, the same to be in addition to any amount heretofore appropriated for the same purpose.

State board of conciliation, etc.

For current expenses of the Massachusetts nautical training school, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Massachusetts nautical training school.

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.

Expenses in connection with smallpox, etc.

For printing the annual report of the surgeon general, a sum not exceeding one hundred dollars.

Report of surgeon general.

For expenses of summoning witnesses before committees and for fees of such witnesses, a sum not exceeding fifty dollars, the same to be in addition to any amount heretofore appropriated for the same purpose.

Expenses of summoning witnesses, etc.

For clerical assistance, salaries and expenses of agents, and for other expenses of the commissioner of state aid and pensions, as authorized by chapter four hundred and twenty of the acts of the present year, a sum not exceeding one hundred dollars, the same to be in addition to the amount appropriated by chapter forty-one of the acts of the present year for the same purpose.

Clerical assistance, etc.

For Clara I. Cottle, widow of Edmund C. Cottle, as authorized by chapter eighty-eight of the resolves of the present year, the sum of seven hundred and fifty dollars.

Clara I. Cottle.

For Jessie D. Ruston, widow of William H. Ruston, as authorized by chapter eighty-nine of the resolves of the present year, the sum of seven hundred and fifty dollars.

Jessie D. Ruston.

For the purchase of equipment for the first regiment of heavy artillery, as authorized by chapter ninety-two of the resolves of the present year, a sum not exceeding fifteen hundred dollars.

First regiment, heavy artillery.

Lyman school
for boys.

To provide for certain improvements at the Lyman school for boys, as authorized by chapter ninety-three of the resolves of the present year, a sum not exceeding eleven thousand five hundred dollars.

Nancy
Nightingale.

For Nancy Nightingale, widow of John Nightingale, as authorized by chapter ninety-four of the resolves of the present year, the sum of seven hundred and fifty dollars.

Public park at
Nantucket.

To enable the treasurer and receiver general to carry out the provisions of chapter four hundred and thirty-three of the acts of the present year, being "An Act to authorize the town of Nantucket to take certain lands for a public park", a sum not exceeding ten thousand dollars.

Bulletin of
committee
hearings.

For the publication of the bulletin of committee hearings, as authorized by chapter one of the resolves of the present year, a sum not exceeding six hundred and fifty dollars, the same to be in addition to the thirty-six hundred dollars appropriated by chapter two hundred and four of the acts of the present year.

Report of
state board of
agriculture.

For printing and binding the annual report of the state board of agriculture, a sum not exceeding eight hundred dollars, the same to be in addition to the fifty-two hundred dollars appropriated by chapter eighty-nine of the acts of the present year.

Investigation
as to number,
etc., of crippled
and deformed
persons.

For expenses of an investigation as to the number and condition of crippled and deformed persons in the Commonwealth, as authorized by chapter ninety-six of the resolves of the present year, a sum not exceeding five hundred dollars.

Massachusetts
state sana-
torium.

For certain improvements and expenses at the Massachusetts state sanatorium, as authorized by chapter ninety-seven of the resolves of the present year, a sum not exceeding four thousand two hundred and fifty dollars.

Town of
Northfield
reimbursed for
aid to Dwight
Cook.

For reimbursing the town of Northfield for aiding Dwight Cook and family, as authorized by chapter ninety-eight of the resolves of the present year, the sum of nineteen hundred and eighteen dollars and six cents.

Timothy F.
Buckley.

For Timothy F. Buckley, as authorized by chapter ninety-nine of the resolves of the present year, the sum of five hundred and seventy-five dollars.

Dredging
easterly shore
of Dorchester
district.

For expenses in connection with dredging the easterly shore of the Dorchester district of the city of Boston, as authorized by chapter four hundred and thirty-nine of the acts of the present year, a sum not exceeding twenty-five thousand dollars.

For the improvement of the channel of Weymouth Fore river, as authorized by chapter four hundred and forty of the acts of the present year, a sum not exceeding twenty-five thousand dollars.

Improving channel of Weymouth Fore river.

For the Commonwealth's contribution to the bridge to be built over North river between the towns of Hanover and Pembroke, as authorized by chapter four hundred and forty-one of the acts of the present year, the sum of five thousand dollars.

Bridge over North river.

For the income of the Technical Educational Fund, United States Grant, as authorized by chapter one hundred and nine of the acts of the present year, a sum not exceeding eighteen hundred and twenty-five dollars, the same to be in addition to the thirty-eight hundred and seventy-one dollars appropriated by chapter two hundred and four of the acts of the present year.

Technical Educational Fund, United States Grant.

So much of chapter ninety-four of the acts of the present year as provides for the payment of the salary and expenses of the secretary of the state board of education, for the support of state normal schools, for the support of the state normal art school, for expenses of teachers' institutes, for the Massachusetts Teachers' Association, and for the expenses of county teachers' associations, out of the moiety of the income of the Massachusetts School Fund applicable to educational expenses, is hereby repealed. Chapter four hundred and fifty-six of the acts of the present year, being "An Act relative to the Massachusetts School Fund", provides for the payment of these expenses out of the treasury of the Commonwealth.

Massachusetts School Fund, etc.

For the reimbursement of towns having a valuation of less than three hundred and fifty thousand dollars for salaries of teachers, as authorized by section thirty of chapter forty-two of the Revised Laws, a sum not exceeding fifteen thousand dollars.

Salaries of teachers in certain towns.

For the compensation of the watchmen and assistant watchmen at the state house, as authorized by chapter four hundred and fifty-five of the acts of the present year, a sum not exceeding fourteen hundred dollars, the same to be in addition to the eleven thousand one hundred dollars appropriated by chapter forty of the acts of the present year.

Watchmen, etc., at state house.

For printing and binding ordered by the senate and house of representatives, or by concurrent order of the

Printing and binding, senate and house.

two branches, a sum not exceeding two thousand dollars, the same to be in addition to the twenty-eight thousand dollars appropriated by chapter one of the acts of the present year.

Tax commis-
sioner.

To carry out the provisions of chapter four hundred and thirty-seven of the acts of the present year, being "An Act relative to business corporations", a sum not exceeding one thousand dollars, the same to be in addition to the thirty-nine hundred dollars appropriated for incidental and contingent expenses of the tax commissioner and commissioner of corporations in chapter fifteen of the acts of the present year.

Inspection of
milk, food and
drugs.

For salaries and expenses in connection with the inspection of milk, food and drugs, as authorized by chapter four hundred and sixty-seven of the acts of the present year, a sum not exceeding one thousand dollars, the same to be in addition to the eleven thousand five hundred dollars appropriated by chapter sixty-eight of the acts of the present year.

Bounties to
veterans of the
civil war.

For expenses in connection with ascertaining the names and residences of veterans who are now living in the Commonwealth who served in the army or navy to the credit of Massachusetts during the civil war, and who have not received a bounty from any city or town or from the state for such service, as authorized by chapter one hundred of the resolves of the present year, a sum not exceeding two thousand dollars.

Charles N.
Harris.
Grosvenor
Calkins.

For Charles N. Harris, the sum of three hundred and fifty dollars, and for Grosvenor Calkins, the sum of six hundred and fifty dollars, as authorized by chapter one hundred and one of the resolves of the present year.

Alexander R.
McCartney.

For Alexander R. McCartney, father of Frederic O. MacCartney, as authorized by chapter one hundred and two of the resolves of the present year, the sum of seven hundred and fifty dollars.

Manual of the
state board of
health.

For the publication by the state board of health of a manual of laws relating to public health, as authorized by chapter one hundred and three of the resolves of the present year, a sum not exceeding two hundred and fifty dollars, being in addition to any amount heretofore appropriated for the same purpose.

Samuel T.
Coffin.

For Samuel T. Coffin, as authorized by chapter one hundred and four of the resolves of the present year, the sum of one hundred and fifty dollars.

For salaries and travelling expenses of two additional associate justices of the superior court, as provided for by chapter four hundred and seventy-two of the acts of the present year, a sum not exceeding forty-seven hundred dollars, the same to be in addition to the one hundred and forty thousand dollars appropriated by chapter thirty-three of the acts of the present year.

Associate
justices of the
superior court.

To carry out the provisions of chapter four hundred and seventy-three of the acts of the present year, being "An Act to provide for registering automobiles and motor cycles, and for licensing operators thereof", a sum not exceeding ten thousand dollars.

Registering
automobiles
and motor
cycles, etc.

For expenses in connection with the production and distribution of antitoxin and vaccine lymph, as authorized by chapter four hundred and eighty of the acts of the present year, a sum not exceeding five thousand dollars.

Antitoxin and
vaccine lymph.

For expenses in connection with carrying out the provisions of the act to provide for licensing dealers in coal and coke, as provided for by chapter four hundred and eighty-four of the acts of the present year, a sum not exceeding three thousand dollars.

Licensing
dealers in coal
and coke.

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

Approved June 26, 1903.

RESOLVES.

- Chap.* 1 RESOLVE RELATIVE TO THE PUBLICATION OF THE BULLETIN OF COMMITTEE HEARINGS.

Bulletin of committee hearings.

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 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 January 26, 1903.

- Chap.* 2 RESOLVE TO AUTHORIZE THE TREASURER AND RECEIVER GENERAL TO BORROW MONEY IN ANTICIPATION OF REVENUE.

Treasurer may borrow money in anticipation of revenue.

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.

Approved February 6, 1903.

- Chap.* 3 RESOLVE TO PROVIDE ADDITIONAL CLERICAL ASSISTANCE IN THE OFFICE OF THE CLERK OF THE HOUSE OF REPRESENTATIVES.

Additional clerical assistance to clerk of the house.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred dollars, the same to be in addition to the amount now

authorized by law for the purpose of providing additional clerical assistance in the office of the clerk of the house of representatives. *Approved February 6, 1903.*

RESOLVE RELATIVE TO THE SITE OF THE STATUE OF THE LATE *Chap. 4*
MAJOR GENERAL WILLIAM F. BARTLETT.

Resolved, That the statue of the late Major General William Francis Bartlett, provided for by chapter fifty-five of the resolves of the year nineteen hundred and one, and now in course of construction, may be placed either within the state house or in the state house grounds, as the governor and council shall decide, and at a point which shall be designated by the governor and council.

Major General
William
Francis
Bartlett, site
of statue of.

Approved February 6, 1903.

RESOLVE TO CONFIRM THE ACTS OF WILLIAM J. MILLER AS A *Chap. 5*
JUSTICE OF THE PEACE.

Resolved, That the acts of William J. Miller of Boston as a justice of the peace, between the first day of November in the year nineteen hundred and one and the seventh day of January in the year nineteen hundred and three, 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 February 17, 1903.*

William J.
Miller, justice
of the peace,
acts confirmed.

RESOLVE TO CONFIRM THE ACTS OF A. LAWRENCE LOWELL AS A *Chap. 6*
JUSTICE OF THE PEACE.

Resolved, That the acts of A. Lawrence Lowell of Boston as a justice of the peace, between the sixteenth day of August in the year nineteen hundred and one and the seventh day of January in the year nineteen hundred and three, 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.

A. Lawrence
Lowell, justice
of the peace,
acts confirmed.

Approved February 25, 1903.

RESOLVE IN FAVOR OF THE MASSACHUSETTS AGRICULTURAL COL- *Chap. 7*
LEGE.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding

Massachusetts
Agricultural
College.

Massachusetts
Agricultural
College.

twenty thousand eight hundred and twenty dollars, to be expended at the Massachusetts Agricultural College under the direction of the board of trustees, for the following purposes, to wit:— Three thousand three hundred dollars, being the amount of a deficit incurred in equipping the new dining hall; one thousand eight hundred dollars for finishing the attic of the new dining hall; eleven thousand five hundred and five dollars, being the amount of a deficit incurred in the construction of the heating and lighting plant; one thousand one hundred and fifteen dollars to make good the deficit in income from the Technical Educational Fund, United States Grant; one thousand six hundred dollars for fitting up and equipping rooms for agricultural study; five hundred dollars for laying out necessary walks; five hundred dollars annually for the maintenance of the heating and lighting plant; and five hundred dollars annually for the maintenance of the dining hall.

Approved February 28, 1903.

Chap. 8 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT SALEM.

Normal school
at Salem.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the state board of education, a sum not exceeding seven thousand dollars, for painting the interior walls and providing for other needed repairs and improvements in the building of the state normal school at Salem, and to provide additional storage room for coal.

Approved February 28, 1903.

Chap. 9 RESOLVE TO PROVIDE FOR REPAYMENT FROM THE TREASURY OF THE COMMONWEALTH TO THE EXECUTORS OF THE WILL OF ALBERT CURTIS OF A SUM OF MONEY PAID BY THEM INTO THE TREASURY.

Executors of
the will of
Albert Curtis,
repayment of
money to.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Elijah B. Stoddard, James Logan and Charles F. Rugg, all of the city of Worcester, as executors of the will of Albert Curtis, late of Worcester, deceased, the sum of thirteen hundred and fifty-eight dollars, that sum having been paid by mistake into the treasury on account of the collateral inheritance tax.

Approved February 28, 1903.

RESOLVE IN FAVOR OF ELLEN M. GILL.

Chap. 10

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Ellen M. Gill of Medford the sum of fifty dollars, as compensation for damage done to her property by a wild deer on the twenty-fifth day of January of the present year.

Ellen M. Gill.

Approved February 28, 1903.

RESOLVE IN FAVOR OF LEMUEL D. AND ANNA BURR.

Chap. 11

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 February 28, 1903.*

Lemuel D. and
Anna Burr.RESOLVE TO PROVIDE FOR THE PRESERVATION OF THE WAR RECORDS
IN THE OFFICE OF THE ADJUTANT GENERAL.

Chap. 12

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 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 thirty-one of the resolves of the year nineteen hundred and two.

Preservation
of war records.

Approved February 28, 1903.

RESOLVE TO AUTHORIZE THE PAYMENT OF AN ANNUITY FROM THE
TREASURY OF THE COMMONWEALTH TO PATRICK BUCKLEY.

Chap. 13

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Patrick Buckley of North Adams an annuity of three hundred and sixty dollars for life, in consideration of injuries sustained by him in the Hoosac tunnel while in the employment of the Commonwealth; said annuity to be payable in equal quarterly instalments. Chapter eight of the resolves of the year eighteen hundred and ninety-six is hereby repealed.

Annuity to
Patrick
Buckley.

Approved March 2, 1903.

Chap. 14 RESOLVE TO PROVIDE FOR GIVING INSTRUCTION IN RIDING TO THE MOUNTED MILITIA.

Instruction in riding to 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 March 2, 1903.

Chap. 15 RESOLVE RELATIVE TO THE SECURITIES FOR THE MASSACHUSETTS SCHOOL FUND.

Securities for Massachusetts School Fund.

Resolved, That the commissioners on the Massachusetts School Fund may expend during the present year a sum not exceeding fifty thousand dollars, for the purpose of paying such premiums as may be necessary on any securities purchased for that fund, this amount to be in addition to the amount authorized and appropriated by chapter two of the acts of the present year. *Approved March 3, 1903.*

Chap. 16 RESOLVE TO CONFIRM CERTAIN ACTS OF OSCAR STORER AS A JUSTICE OF THE PEACE.

Oscar Storer, justice of the peace, acts confirmed.

Resolved, That the acts of Oscar Storer of Newton as a justice of the peace, between the twenty-fourth day of October and the tenth day of December 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 March 5, 1903.

RESOLVE TO CONFIRM CERTAIN ACTS OF FREDERICK L. GREENE AS
A JUSTICE OF THE PEACE. *Chap. 17*

Resolved, That the acts of Frederick L. Greene as a justice of the peace, between the seventh day of November in the year nineteen hundred and one and the twenty-fourth day of January in the year nineteen hundred and three, 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.

Frederick L. Greene, justice of the peace, acts confirmed.

Approved March 7, 1903.

RESOLVE TO ESTABLISH THE RANK OF JAMES P. CLARE AND JOHN
H. DUNN IN THE MASSACHUSETTS VOLUNTEER MILITIA. *Chap. 18*

Resolved, That the rank and grade of James P. Clare in the Massachusetts volunteer militia are hereby established from the date of a commission issued to him on the twentieth day of June in the year eighteen hundred and ninety-seven, and that he shall be entitled to all rights and privileges under chapter sixteen of the Revised Laws, to the same extent as though his term of service in the militia had been continuous from the date aforesaid; also that the rank and grade of John H. Dunn in the Massachusetts volunteer militia are hereby established from the date of a commission issued to him on the eleventh day of May in the year eighteen hundred and ninety-six, and that he shall be entitled to all rights and privileges under chapter sixteen of the Revised Laws, to the same extent as though his term of service in the militia had been continuous from the date aforesaid.

Rank of certain persons in the militia established.

Approved March 10, 1903.

RESOLVE IN FAVOR OF THE NEW BEDFORD TEXTILE SCHOOL. *Chap. 19*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of twenty 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 of the Commonwealth that an additional sum of eight thousand dollars has been paid to the said trustees by the city of New Bedford, or received by them from

New Bedford Textile School.

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 eight thousand dollars, as may be necessary to obtain the amount provided for by this resolve. *Approved March 16, 1903.*

Chap. 20 RESOLVE IN FAVOR OF THE BRADFORD DURFEE TEXTILE SCHOOL OF FALL RIVER.

The Bradford Durfee Textile School.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to The Bradford Durfee Textile School of Fall River the sum of eighteen 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 seven thousand dollars has been paid to said Bradford Durfee Textile School by the city of Fall River, or received by it from other sources. The city of Fall River is hereby authorized to raise by taxation and pay to said Bradford Durfee Textile School such sum of money, not exceeding seven thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved March 16, 1903.

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 16, 1903.

RESOLVE RELATIVE TO THE STATE NORMAL SCHOOL AT WORCESTER. *Chap. 22*

Resolved, That the state board of education be allowed to use the unexpended balance of the appropriation authorized by chapter seventy-four of the resolves of the year nineteen hundred and two for the purpose of making necessary repairs on the buildings and on the walls surrounding the grounds of the state normal school at Worcester.

Normal school
at Worcester.

Approved March 16, 1903.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT NORTH ADAMS. *Chap. 23*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding thirteen thousand dollars, to be expended at the state normal school at North Adams, under the direction of the trustees thereof, in furnishing the new dormitory, in grading and concreting the grounds and walks about the same, in repair of other buildings, and in rearranging the heating plant.

Normal school
at North
Adams.

Approved March 16, 1903.

RESOLVE IN FAVOR OF THOMAS J. TUCKER. *Chap. 24*

Resolved, That Thomas J. Tucker, doorkeeper of the house of representatives, who is incapacitated by illness from attending to his duties, shall be relieved from the duties of said office, and that the remainder of the salary to which he would have been entitled had he continued to serve as doorkeeper until the end of the present year shall be paid to him monthly from the treasury of the Commonwealth.

Thomas J.
Tucker.

Approved March 16, 1903.

RESOLVE TO PROVIDE FOR A SURVEY AND ESTIMATE BY THE BOARD OF HARBOR AND LAND COMMISSIONERS FOR A HARBOR OF REFUGE AT QUICKS HOLE IN THE TOWN OF GOSNOLD. *Chap. 25*

Resolved, That the board of harbor and land commissioners is hereby directed, if in its opinion after a preliminary examination it is expedient so to do, to make or cause to be made a survey and estimate as to the cost and advisability of making a harbor of refuge for fishing boats and small yachts on the westerly side of Quicks Hole, in the town of Gosnold, by excavating a channel into the

Estimate of
cost, etc., of
making a
harbor of
refuge in the
town of
Gosnold.

Estimate of cost, etc., of making a harbor of refuge in the town of Gosnold.

pond at the northeasterly end of Nashawena island, or in such other way as the board may deem best, and to report thereon to the next general court. The board may expend for the purposes of this resolve a sum not exceeding five hundred dollars out of the annual harbor and river improvement and contingency appropriation; and the board and its employees may enter upon land within the Commonwealth whenever 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 of any damages sustained by reason of any act done under authority of this resolve.

Approved March 19, 1903.

Chap. 26 RESOLVE TO PROVIDE FOR PUBLISHING THE TENTH VOLUME OF THE RECORDS OF MASSACHUSETTS TROOPS WHO SERVED IN THE REVOLUTIONARY WAR.

Revolutionary war records, publication of tenth volume.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of three thousand dollars and forty-five cents, being the amount of the bill rendered by the Wright and Potter Printing Company for publishing volume ten of the records of the Massachusetts soldiers and sailors who served in the army and navy during the revolutionary war.

Approved March 19, 1903.

Chap. 27 RESOLVE TO PROVIDE FOR THE FURTHER DISSEMINATION OF USEFUL INFORMATION IN AGRICULTURE.

Dissemination of information in agriculture.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of five hundred dollars annually, to be expended for the dissemination of useful information in agriculture; this sum to be in addition to any amount heretofore authorized for the same purpose.

Approved March 23, 1903.

Chap. 28 RESOLVE RELATIVE TO THE MEETING OF THE NATIONAL EDUCATIONAL ASSOCIATION IN THE CITY OF BOSTON IN THE CURRENT YEAR.

National Educational Association.

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 state board of

education for the preparation of charts and pamphlets descriptive of the school system of the Commonwealth, and for other expenses connected with the meeting of the National Educational Association at Boston in July of the current year.

Approved March 26, 1903.

RESOLVE TO PROVIDE FOR COMPLETING AND FURNISHING THE NEW DORMITORY AT THE STATE NORMAL SCHOOL AT WESTFIELD.

Chap. 29

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seventeen thousand dollars, to be expended under the direction of the state board of education for completing and furnishing the new dormitory building at the state normal school at Westfield. So much of chapter ninety-five of the resolves of the year nineteen hundred and one as provides that the proceeds of the sale of the old building and the site thereof shall be placed at the disposal of the state board of education for the purposes named in the said resolve is hereby repealed.

Normal school at Westfield.

Approved March 26, 1903.

RESOLVE TO PROVIDE FOR THE PAYMENT OF A SUM OF MONEY FROM THE TREASURY OF THE COMMONWEALTH TO THE NEW ENGLAND INDUSTRIAL SCHOOL FOR DEAF MUTES.

Chap. 30

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 twenty-five hundred dollars, to be expended under the direction of the trustees thereof for the educational purposes of the school for the year nineteen hundred and three. Said trustees shall report to the state board of education the expenditures made under authority of this resolve.

New England Industrial School for Deaf Mutes.

Approved March 26, 1903.

RESOLVE RELATIVE TO COMPENSATING THE COMMISSIONERS ON UNPAID BOUNTY CLAIMS.

Chap. 31

Resolved, That the governor and council are hereby authorized to determine what compensation if any should be paid to the commissioners on unpaid bounty claims, constituted by chapter one hundred and seventy-nine of the acts of the year eighteen hundred and ninety-seven and acts in amendment thereof; and such sum, if any, as may be found due shall be paid out of the treasury of the Commonwealth.

Compensation of commissioners on unpaid bounty claims.

Approved March 26, 1903.

Chap. 32 RESOLVE TO PROVIDE FOR A TEAM OF THE MILITIA TO ATTEND THE INTERNATIONAL RIFLE MATCH AT SEA GIRT, NEW JERSEY.

Team of the militia to take part in 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, in paying the expenses of a rifle team, which shall be composed of members of the militia who have made the best scores in open competition, to take part in the international rifle match at Sea Girt, New Jersey.

Approved March 28, 1903.

Chap. 33 RESOLVE IN FAVOR OF THE MEMBERS OF THE FIRST REGIMENT OF THE MASSACHUSETTS VOLUNTEER MILITIA WHO, IN APRIL, EIGHTEEN HUNDRED AND SIXTY-ONE, RESPONDED TO THE CALL OF THE PRESIDENT OF THE UNITED STATES FOR TROOPS.

Recognition of services of the first regiment of the militia.

Resolved, That such official recognition as may seem advisable to the governor and council shall be made of the services of the members of the first regiment of the Massachusetts volunteer militia who, in April, eighteen hundred and sixty-one, responded to the call of the president of the United States for troops to suppress the rebellion.

Approved April 6, 1903.

Chap. 34 RESOLVE IN FAVOR OF THE STATE NORMAL SCHOOL AT FITCHBURG.

Normal school at Fitchburg.

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 under the direction of the state board of education in completing and furnishing the dormitory connected with the state normal school at Fitchburg, and in making necessary alterations, repairs and improvements in or upon the present buildings and grounds.

Approved April 8, 1903.

Chap. 35 RESOLVE RELATIVE TO COMPILING, INDEXING AND PUBLISHING THE RECORDS OF MASSACHUSETTS TROOPS WHO SERVED IN THE REVOLUTIONARY WAR.

Revolutionary war records.

Resolved, That the secretary of the Commonwealth is hereby authorized and directed to continue the preparation

and publication of an indexed compilation of the records of the Massachusetts soldiers and sailors who served in the army and navy during the revolutionary war, as shown by the archives in the office of the secretary of the Commonwealth, and that he may expend therefor a sum not exceeding six thousand dollars. *Approved April 8, 1903.*

RESOLVE TO AUTHORIZE CERTAIN PAYMENTS TO THE COMMISSIONED OFFICERS OF COMPANY F OF THE SIXTH REGIMENT OF THE MILITIA. *Chap. 36*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to each of the three commissioned officers of company F of the sixth regiment of the Massachusetts volunteer militia, a sum not exceeding seventy-five dollars, to be used by them in procuring new uniforms and equipment to take the place of the uniforms and equipment destroyed by fire on the twenty-fifth day of December in the year nineteen hundred and two.

Sixth regiment
of the militia.

Approved April 8, 1903.

RESOLVE IN FAVOR OF THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS. *Chap. 37*

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 thousand dollars, for the maintenance of a home for deserving veteran soldiers and sailors. *Approved April 8, 1903.*

Trustees of
Soldiers'
Home.

RESOLVE IN FAVOR OF CHARLES F. SARGENT. *Chap. 38*

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of two hundred twenty-two dollars and fifty cents to Charles F. Sargent of Lawrence, in full compensation for the loss sustained by him by the death of a horse and by the expense of treatment of said horse by a veterinary surgeon; said horse having been hired by said Sargent as captain of Battery C, Massachusetts volunteer militia, for the use of the Commonwealth in the militia service, and having died at the South Framingham camp ground in June in the year nineteen hundred and two.

Charles F.
Sargent.

Approved April 8, 1903.

Chap. 39 RESOLVE RELATIVE TO THE ERECTION OF MEMORIALS OF JOHN ADAMS AND JOHN QUINCY ADAMS.

Memorials of
John Adams
and John
Quincy
Adams.

Resolved, That the state house commission is hereby directed to consider the matter of erecting a public memorial or memorials of John Adams, the second president of the United States, and of John Quincy Adams, the sixth president of the United States, and to recommend to the next general court such legislation as it may deem proper concerning the location, character and cost of such memorial or memorials. *Approved April 8, 1903.*

Chap. 40 RESOLVE TO PLACE IN THE CUSTODY OF THE LEXINGTON HISTORICAL SOCIETY A CERTAIN DRUM NOW IN THE OFFICE OF THE ADJUTANT GENERAL.

Custody of a
drum beaten
at the battle of
Lexington.

Resolved, That a certain drum beaten at the battle of Lexington on the nineteenth day of April in the year seventeen hundred and seventy-five, by one William Dimon, and now in the office of the adjutant general, be placed in the custody of the Lexington Historical Society of Lexington, Massachusetts. *Approved April 8, 1903.*

Chap. 41 RESOLVE TO EXTEND THE TIME WITHIN WHICH THE METROPOLITAN WATER AND SEWERAGE BOARD MAY REPORT CONCERNING THE QUANTITY OF WATER SUPPLIED IN THE METROPOLITAN DISTRICT.

Time for
making a
certain report
extended.

Resolved, That the time within which the metropolitan water and sewerage board is required by chapter three hundred and ninety-one of the acts of the year nineteen hundred and two to report concerning the quantity of water supplied to cities and towns in the metropolitan water district is hereby extended to the first day of February in the year nineteen hundred and four.

Approved April 8, 1903.

Chap. 42 RESOLVE RELATIVE TO THE LOUISIANA PURCHASE EXPOSITION.

Louisiana
purchase
exposition.

Resolved, That for the purpose of providing at the Louisiana purchase exposition, to be held in Saint Louis in the state of Missouri in the year nineteen hundred and four, a suitable representation of the resources, products

and progress of the Commonwealth, a board of Louisiana Purchase Exposition Managers for Massachusetts, consisting of five residents of the Commonwealth, of whom three shall be men and two women, shall be appointed by the governor, with the advice and consent of the council. Said managers shall not receive any compensation for their services. They shall have charge of the interests of the Commonwealth and of its citizens in the preparation and exhibition at said exposition of the natural and industrial products of the Commonwealth and of objects illustrating its history, progress and moral and material welfare and development. They shall communicate with the officers of the exposition and they shall obtain and shall disseminate throughout the Commonwealth all necessary information regarding it, and in general shall have and exercise full authority in relation to the participation of the Commonwealth and its citizens in the exposition. In carrying out the provisions of this resolve a sum not exceeding one hundred thousand dollars may be expended under the direction of the governor and council.

Louisiana
purchase
exposition.

Approved April 9, 1903.

RESOLVE IN FAVOR OF THE MASSACHUSETTS CHARITABLE EYE AND
EAR INFIRMARY.

Chap. 43

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 thirty 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 three.

Massachusetts
Charitable
Eye and Ear
Infirmary.

Approved April 9, 1903.

RESOLVE RELATIVE TO THE DEDICATION OF THE STATUE OF MAJOR
GENERAL JOSEPH HOOKER.

Chap. 44

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the governor and council, a sum not exceeding twenty-three thousand dollars, for paying the expenses connected with the dedication of the statue of Major General Joseph Hooker which is to be placed in the state house grounds.

Statue of Major
General Joseph
Hooker.

Approved April 9, 1903.

- Chap. 45* RESOLVE TO AUTHORIZE THE AFFIXING OF CERTAIN BRONZE TABLETS TO THE MONUMENT ERECTED ON ACTON GREEN IN THE TOWN OF ACTON.

Tablets to monument on Acton Green.

Resolved, That there may be affixed to the monument erected on Acton Green in the town of Acton, to the memory of Davis, Hayward and Hosmer, two bronze tablets, suitably inscribed with the names of the minute men who were members of the company of captain Isaac Davis, and with historical facts pertaining to the record of lieutenant John Hayward, who took command of said company after the death of said Davis at Concord bridge on the nineteenth day of April in the year seventeen hundred and seventy-five: *provided*, that the tablets shall be so affixed under the direction of the selectmen of said town and after a vote of the town at an annual meeting authorizing the affixing of the tablets to the monument.

Approved April 13, 1903.

- Chap. 46* RESOLVE TO DIRECT THE BOARD OF HARBOR AND LAND COMMISSIONERS TO COMPLETE THE IMPROVEMENT OF THE CHANNEL OF BASS RIVER.

Improvement of channel of Bass river.

Resolved, That the board of harbor and land commissioners is hereby directed to do the work necessary to complete the improvement of the channel of Bass river, and to connect said channel with the deep water of Nantucket Sound. For the purposes of this resolve the said board shall have all the powers conferred upon it by chapter one hundred and thirteen of the resolves of the year nineteen hundred and one, and the proceedings of said board hereunder, including the determination and payment of damages, shall be in accordance with the provisions of said chapter one hundred and thirteen. A sum not exceeding fifteen thousand dollars may be expended in carrying out the provisions of this resolve.

Approved April 14, 1903.

- Chap. 47* RESOLVE TO AUTHORIZE THE BOARD OF HARBOR AND LAND COMMISSIONERS TO BUILD CERTAIN STRUCTURES IN THE VICINITY OF STAGE HARBOR IN THE TOWN OF CHATHAM.

Protection of Stage harbor in the town of Chatham.

Resolved, That the board of harbor and land commissioners is hereby authorized to build such structures at or

in the vicinity of the breach at the eastern end of Stage harbor in the town of Chatham as it may deem necessary for the protection of the said harbor from encroachments or damage by the sea. Said board may take by purchase or otherwise, in the name and behalf of the Commonwealth, any land or materials necessary for building such structures, and the manner of such taking and of determining the damages caused thereby, or by any doings of said board under the provisions of this resolve, 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 resolve, have all the powers conferred upon the metropolitan park commission by said sections. The damages when finally determined shall be paid from the treasury of the Commonwealth to the person or persons entitled thereto. A sum not exceeding five thousand dollars may be expended in carrying out the provisions of this resolve.

Protection of
Stage harbor
in the town of
Chatham.

Approved April 14, 1903.

RESOLVE TO PROVIDE FOR THE PURCHASE OF DOMESTIC ANIMALS
FOR THE MASSACHUSETTS REFORMATORY.

Chap. 48

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding five thousand dollars, to be expended at the Massachusetts reformatory under the direction of the prison commissioners for the purchase of cows and pigs to take the place of the stock killed there in December last on account of the foot and mouth disease.

Massachusetts
reformatory.

Approved April 17, 1903.

RESOLVE TO PROVIDE FOR ADDITIONAL SHOP ROOM AT THE STATE
PRISON.

Chap. 49

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding three thousand dollars, to be expended at the state prison under the direction of the prison commissioners for providing additional shop room in which to carry on the work of making goods by hand and foot power for public use.

State prison.

Approved April 17, 1903.

Chap. 50 RESOLVE TO CONFIRM THE ACTS OF FREDERICK H. POLLARD AS A
NOTARY PUBLIC.

Frederick H.
Pollard, notary
public, acts
confirmed.

Resolved, That all the acts of Frederick H. Pollard of Boston as a notary public, between the fifth day of June and the fourth day of December 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 April 17, 1903.

Chap. 51 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BARN-
STABLE.

County tax,
Barnstable.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Barnstable for the year nineteen hundred and three:—

For interest on county debt, a sum not exceeding three 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 five 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 six 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 two 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. County tax, Barnstable.

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 five hundred dollars.

For truant schools, a sum not exceeding one hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six 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 twenty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 17, 1903.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF BERKSHIRE. *Chap. 52*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Berkshire for the year nineteen hundred and three: — 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 five hundred 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.

County tax,
Berkshire.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding five thousand dollars.

For transportation expenses of county and associate commissioners, a sum not exceeding two hundred dollars.

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 seven 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 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 two hundred thirty-eight dollars and thirteen cents.

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 and three 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 17, 1903.

Chap. 53

Albert B.
Leighton.

RESOLVE IN FAVOR OF ALBERT B. LEIGHTON.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Albert B. Leighton of Everett the sum of three hundred dollars, in full compensation for injuries accidentally received by him while acting under military orders as a member of troop D, first battalion of cavalry, second brigade, Massachusetts volunteer militia, on the twenty-fifth day of June in the year nineteen hundred and two. *Approved April 17, 1903.*

RESOLVE IN FAVOR OF NAPOLEON BIRD.

Chap. 54

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Napoleon Bird of Southbridge, a corporal in company K, sixth regiment, Massachusetts volunteer militia, the sum of one hundred and seventy-nine dollars, in full compensation for injuries received by him while in the discharge of his duties in camp at Lakeville on the nineteenth day of July in the year nineteen hundred and two.

Napoleon
Bird.*Approved April 17, 1903.*RESOLVE TO PROVIDE FOR A SURVEY OF THE GREYLOCK STATE
RESERVATION.

Chap. 55

Resolved, That the Greylock reservation commission is hereby authorized to cause a detailed survey to be made of all lands heretofore given to or purchased for the Greylock state reservation. For the purposes of this resolve a sum not exceeding two thousand dollars shall be allowed and paid out of the treasury of the Commonwealth.

Greylock state
reservation.*Approved April 22, 1903.*RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF DUKES
COUNTY.

Chap. 56

Resolved, That the following sums are hereby appropriated for the expenses of the county of Dukes County for the year nineteen hundred and three: —

County tax,
Dukes County.

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 three hundred 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 and fifty dollars.

For civil expenses in the supreme judicial and superior

County tax,
Dukes County.

courts, a sum not exceeding eight hundred and fifty 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.

For auditors, masters and referees, a sum not exceeding one hundred and fifty dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding one 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 hundred dollars.

For highways, bridges and land damages, a sum not exceeding one thousand eight hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand one 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 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 25, 1903.

Chap. 57

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 three:—

For interest on county debt, a sum not exceeding twenty-one thousand five hundred dollars.

For reduction of county debt, a sum not exceeding thirty thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding twenty-nine thousand dollars.

For clerical assistance in county offices, a sum not exceeding fourteen 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 support of prisoners in jails and houses of correction, a sum not exceeding fifty-eight thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty thousand dollars. County tax, Essex.

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 eleven thousand dollars.

For auditors, masters and referees, a sum not exceeding thirteen 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 fifteen 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 nine thousand five hundred 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 thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 25, 1903.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF FRANKLIN.

Chap. 58

Resolved, That the following sums are hereby appropriated for the expenses of the county of Franklin for the year nineteen hundred and three:— County tax, Franklin.

For interest on county debt, a sum not exceeding one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding six thousand five hundred dollars.

County tax,
Franklin.

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 three hundred 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 three 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 three thousand dollars.

For highways, bridges and land damages, a sum not exceeding eleven 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 four hundred eighty-two dollars and ninety-seven 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 fifty-two 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 25, 1903.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPDEN. *Chap. 59*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampden for the year nineteen hundred and three: — County tax,
Hampden.

For interest on county debt, a sum not exceeding nine 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 fourteen thousand dollars.

For clerical assistance in county offices, a sum not exceeding twelve thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-three 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 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 six 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 ten thousand dollars.

For law libraries, a sum not exceeding two thousand five hundred dollars.

For truant schools, a sum not exceeding seven thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand eight hundred eighty dollars and sixty-six cents.

County tax,
Hampden.

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 25, 1903.

Chap. 60 RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF HAMPSHIRE.

County tax,
Hampshire.

Resolved, That the following sums are hereby appropriated for the expenses of the county of Hampshire for the year nineteen hundred and three:—

For interest on county debt, a sum not exceeding one thousand five hundred 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 five hundred 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 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 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 thirteen 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 twelve thousand dollars. County tax, Hampshire.

For law libraries, a sum not exceeding one 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 two thousand five hundred seventeen dollars and seventeen 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 sixty-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 25, 1903.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF MIDDLESEX. *Chap. 61*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Middlesex for the year nineteen hundred and three : — County tax, Middlesex.

For interest on county debt, a sum not exceeding forty-seven thousand dollars.

For reduction of county debt, a sum not exceeding sixty-one thousand dollars.

For salaries of county officers and assistants, fixed by law, a sum not exceeding thirty-five thousand two 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-five 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-seven thousand dollars.

For criminal costs in the superior court, a sum not exceeding thirty-seven thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding sixty-four thousand dollars.

For trial justices, a sum not exceeding three thousand dollars.

County tax,
Middlesex.

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 thirteen thousand dollars.

For auditors, masters and referees, a sum not exceeding eight thousand dollars.

For repairing, furnishing and improving county buildings, a sum not exceeding twenty-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 fifty thousand dollars.

For highways, including state highways, bridges and land damages, a sum not exceeding forty-eight thousand five hundred dollars.

For law libraries, a sum not exceeding two thousand dollars.

For truant schools, a sum not exceeding twenty-four thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand nine hundred ninety-nine dollars and ninety-two 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 five hundred and eighty-three thousand seven hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 25, 1903.

Chap. 62 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 three:—

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 sixteen thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-seven thousand five hundred dollars. County tax,
Norfolk.

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 seventeen thousand dollars.

For civil expenses in the supreme judicial and superior courts, a sum not exceeding twenty 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 dollars.

For auditors, masters and referees, a sum not exceeding three thousand 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 ten thousand five hundred dollars.

For highways, bridges and land damages, a sum not exceeding thirty thousand dollars.

For truant schools, a sum not exceeding five thousand dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand three hundred eighty-two dollars and seventy-nine 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-eight 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 25, 1903.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF PLYMOUTH.

Chap. 63

Resolved, That the following sums are hereby appropriated for the expenses of the county of Plymouth for the year nineteen hundred and three:—

County tax,
Plymouth.

For interest on county debt, a sum not exceeding three thousand dollars.

County tax,
Plymouth.

For reduction of county debt, a sum not exceeding twenty-one thousand twenty-three dollars and sixty-eight cents.

For salaries of county officers and assistants, fixed by law, a sum not exceeding ten thousand five 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 sixteen thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixteen thousand five hundred 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 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 buildings, 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 seven thousand four hundred and twenty-six 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 and twenty thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 25, 1903.

RESOLVE GRANTING A COUNTY TAX FOR THE COUNTY OF WORCESTER. *Chap. 64*

Resolved, That the following sums are hereby appropriated for the expenses of the county of Worcester for the year nineteen hundred and three:—

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.

For trial justices, a sum not exceeding three 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 ten 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-five thousand dollars.

For truant schools, a sum not exceeding nine thousand five hundred dollars.

For miscellaneous and contingent expenses of the current year, a sum not exceeding eleven thousand seven hundred dollars.

County tax,
Worcester.

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 thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved April 25, 1903.

Chap. 65 RESOLVE RELATIVE TO THE DEDICATION OF THE MONUMENT TO MASSACHUSETTS SOLDIERS ERECTED IN THE NATIONAL PARK NEAR VICKSBURG.

Dedication of
monument to
Massachusetts
soldiers, in
national park
near Vicks-
burg.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-eight hundred dollars, to be expended under the direction of the governor and council, for a proper representation of the Commonwealth at the dedication of the monument erected under the provisions of chapter twenty-six of the resolves of the year nineteen hundred and two, at Vicksburg, Mississippi, on grounds of the national park near that city, by the following officials:— His excellency the governor, or his honor the lieutenant governor, two members of the governor's staff, two members of the executive council, the secretary of the Commonwealth, the president of the senate, the speaker of the house of representatives, a special committee consisting of two members of the senate and four members of the house of representatives, to be appointed by the presiding officers of the two branches, respectively, the members of the commission appointed under authority of said chapter twenty-six, two members of each of the Massachusetts regiments that took part in the siege of Vicksburg, to wit:— the twenty-ninth, thirty-fifth and thirty-sixth, to be appointed by the governor, the department commander for the Commonwealth of Massachusetts of the grand army of the republic, the sculptress of the monument and one member of her family, and the joint committee on military affairs.

Approved April 30, 1903.

Chap. 66 RESOLVE IN FAVOR OF THE FIRST REGIMENT OF HEAVY ARTILLERY.

First regiment
of heavy
artillery.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, upon vouchers presented through the quartermaster general, a sum not exceeding

four hundred dollars, to reimburse extraordinary expenses incurred by the first regiment of heavy artillery, Massachusetts volunteer militia, by reason of its ordered participation in the United States army and navy manœuvres of the year nineteen hundred and two.

Approved April 30, 1903.

RESOLVE TO AUTHORIZE THE PAYMENT OF A SUM OF MONEY FROM THE TREASURY OF THE COMMONWEALTH TO THE TRUSTEES OF THE LOWELL TEXTILE SCHOOL.

Chap. 67

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 thirty thousand dollars, for the purpose of completing and equipping buildings at the said school and of building walls to protect such buildings: *provided, however*, that no part of this sum shall be paid until satisfactory evidence is furnished to the auditor of accounts that the sum of twenty-three thousand dollars has been paid or machinery and equipment of equivalent value have been transferred by the city of Lowell, or by private parties, to the Lowell textile school for the same purpose. The city of Lowell is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding twenty-three thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for in this resolve.

Lowell textile school.

Proviso.

Approved April 30, 1903.

RESOLVE TO PROVIDE FOR COMPLETING THE EQUIPMENT OF A BUILDING FOR THE BRADFORD DURFEE TEXTILE SCHOOL OF FALL RIVER.

Chap. 68

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the trustees of The Bradford Durfee Textile School of Fall River the sum of twenty thousand dollars, to be expended under the direction of the said trustees in completing the equipment of a building for the use of that 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 equivalent sum has been paid or machinery and equipment of an equivalent value have been transferred to said Bradford Durfee Textile School for the same

Bradford Durfee Textile School of Fall River.

Proviso.

purpose. The city of Fall River is hereby authorized to raise by taxation and pay to said trustees such sum of money, not exceeding twenty thousand dollars, as may be necessary together with that received from other sources to obtain the amount provided for by this resolve.

Approved April 30, 1903.

Chap. 69 RESOLVE TO EXTEND THE TIME WITHIN WHICH REPORT SHALL BE MADE BY THE COMMISSION APPOINTED TO REVISE THE LAWS RELATING TO TRUST COMPANIES.

Report of commission to revise laws relating to trust companies, etc.

Resolved, That the time within which the commission appointed to revise the laws relating to trust companies, which was constituted by chapter one hundred and two of the resolves of the year nineteen hundred and two, is required to report to the general court is hereby extended until the first day of February in the year nineteen hundred and four; and the governor, with the advice and consent of the council, is hereby authorized to fill any vacancies which may occur in said commission.

Approved May 4, 1903.

Chap. 70 RESOLVE TO DIRECT THE BUREAU OF STATISTICS OF LABOR TO CONSIDER THE EXPEDIENCY OF ESTABLISHING FREE EMPLOYMENT OFFICES.

Free employment offices.

Resolved, That the bureau of statistics of labor is hereby directed to consider the matter of establishing in this Commonwealth free employment offices, and to report to the next general court, not later than the fifteenth day of January in the year nineteen hundred and four, such information as it can obtain in respect to the establishment and working of such employment offices in other states and countries, and such recommendations as it may deem proper in respect to the establishment of such offices in this Commonwealth.

Approved May 4, 1903.

Chap. 71 RESOLVE TO PROVIDE FOR A SURVEY AND ESTIMATE BY THE BOARD OF HARBOR AND LAND COMMISSIONERS AS TO THE IMPROVEMENT OF ANNISQUAM RIVER IN THE CITY OF GLOUCESTER.

Survey and estimate as to improvement of Annisquam river.

Resolved, That the board of harbor and land commissioners is hereby directed to examine and, in its discretion, make or cause to be made a survey and estimate as to the cost, best method and advisability of improving

Annisquam river in the city of Gloucester, and to report thereon to the general court not later than January fifteenth, nineteen hundred and four. Said board may expend for the purposes of this resolve a sum not exceeding fifteen hundred dollars.

Approved May 5, 1903.

RESOLVE TO PROVIDE FOR PROCURING A SIDE TRACK AND COAL POCKETS FOR THE PERMANENT USE OF THE MASSACHUSETTS SCHOOL FOR THE FEEBLE-MINDED. *Chap. 72*

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 under the direction of the trustees of the Massachusetts School for the Feeble-minded, for procuring a side track and coal pockets on the Boston and Maine railroad at Clematis brook for the permanent use of said school: *provided, however,* that the amount herein stated shall not become available until the owners of the land to be occupied shall convey to the Commonwealth the right to construct, maintain and use tracks, coal pockets and trestles thereon and a right of way from the public streets thereto, all such rights to continue for the benefit of the Commonwealth for so long a time as the premises shall be used as aforesaid.

Massachusetts
School for the
Feeble-minded.

Approved May 5, 1903.

RESOLVE IN FAVOR OF THE WIDOW OF FRANK R. MORRISON.

Chap. 73

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Mary W. Morrison, widow of Frank R. Morrison late an aid in the fire marshal's department of the district police, who died on the thirty-first day of July in the year nineteen hundred and two, the sum of four hundred sixteen dollars and sixty-seven 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
Frank R.
Morrison.

Approved May 9, 1903.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO INVESTIGATE THE CONDITION OF THE ADULT BLIND. *Chap. 74*

Resolved, That the governor, with the advice of the council, is hereby authorized and requested to appoint a commission consisting of three persons, one of whom he

Investigation
of the condi-
tion of the
adult blind.

Investigation
of the condi-
tion of the
adult blind.

shall designate as chairman, which commission shall investigate the condition of the adult blind within this Commonwealth, shall inquire into means and methods whereby their condition may be ameliorated, shall consider the expediency of the establishment by the Commonwealth of an industrial training school or other institution for the adult blind, and may recommend legislation. The commission shall serve without compensation, but may employ such assistance as may be necessary, and its necessary expenses including travelling expenses, so far as the same are approved by the governor and council, shall be paid from time to time from the treasury of the Commonwealth. The commission shall report the result of its investigations to the general court on or before the fifteenth day of January in the year nineteen hundred and four. If the commission shall recommend legislation it shall accompany its report with drafts of such bills as may be necessary to carry its recommendations into effect.

Approved May 9, 1903.

Chap. 75 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE NORMAL SCHOOL AT BRIDGEWATER.

Normal school
at Bridge-
water.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding fifty-eight thousand seven hundred dollars, to be expended under the direction of the state board of education in making the following improvements at the state normal school at Bridgewater: — For building and equipping a gymnasium and for grading the grounds around it, a sum not exceeding fifty-five thousand dollars; for the purchase of land and the construction thereon of a building for the storage of coal, a sum not exceeding one thousand two hundred dollars; and for the installation of an electric plant for the purpose of lighting all the school buildings, a sum not exceeding two thousand five hundred dollars.

Of the total sum aforesaid one half may be expended during the current year and the remainder during the following year.

Approved May 12, 1903.

Chap. 76 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 three: —

For interest on county debt, a sum not exceeding forty-five thousand dollars. County tax, Bristol.

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-two thousand dollars.

For clerical assistance in county offices, a sum not exceeding ten thousand dollars.

For salaries and expenses of district and police courts, a sum not exceeding twenty-six thousand dollars.

For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty 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.

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 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 twenty-three 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 two hundred and ninety-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes.

Approved May 15, 1903.

Chap. 77 RESOLVE RELATIVE TO PAYMENTS OF STATE AID BY THE TOWN OF DOVER.

Payment of state aid by the town of Dover.

Resolved, That the town of Dover, having neglected to make the return required by law as to the payment of state aid during the years nineteen hundred and one and nineteen hundred and two, is hereby authorized to make said returns in proper form within sixty days after the passage of this resolve; and the commissioner of state aid and pensions is hereby authorized and directed to receive the returns so made, and to examine and approve or disallow the payments made by said town in the aforesaid years, in the same manner and under the same regulations and restrictions, and to the same effect, as he would have done if said returns had lawfully been made. Any sum so approved and allowed by the commissioner shall be repaid to said town from the treasury of the Commonwealth, on or before the first day of December in the year nineteen hundred and four.

Approved May 15, 1903.

Chap. 78 RESOLVE TO AUTHORIZE THE TRUSTEES OF THE STATE COLONY FOR THE INSANE TO CONVEY CERTAIN LAND TO THE BOSTON AND MAINE RAILROAD OR TO THE FITCHBURG RAILROAD COMPANY.

State colony for the insane may convey certain land.

Resolved, That the trustees of the state colony for the insane are authorized to convey to the Boston and Maine Railroad or to the Fitchburg Railroad Company, a strip of land situated in Gardner, belonging to the Commonwealth and purchased for the use of the state colony for the insane under authority of section three of chapter four hundred and fifty-one of the acts of the year nineteen hundred; said strip being situated on the easterly side of the location of the Fitchburg division of the Boston and Maine Railroad and north of Beech street, and being more particularly described in a plan thereof dated May one, nineteen hundred and two, and made by H. Bissell, chief engineer of the Boston and Maine Railroad, to be recorded with the deed of conveyance. The said deed shall reserve to the Commonwealth all standing timber, and a right to maintain on said land, and to remove therefrom if desired, suitable storé-houses, and said deed shall also contain a provision that in case the side-tracks and station constructed or to be constructed

thereon are discontinued and abandoned by said railroad, the land shall revert to the Commonwealth. The chairman of said board of trustees is hereby authorized and empowered in behalf of the Commonwealth to execute and deliver a deed of said premises in conformity with this resolve.

Approved May 18, 1903.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE FARM. Chap. 79

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 at the state farm under the direction of the trustees and superintendent thereof for the following purposes: — For a bakery and storage building and for roofing the hospital, a sum not exceeding eight thousand six hundred dollars; for boiler and laundry machinery, a sum not exceeding seven thousand four hundred dollars; for a coal storage dump or trestle, a sum not exceeding two thousand dollars; and for a high stone wall between the institution and a new highway, a sum not exceeding seven thousand dollars.

Approved May 18, 1903.

RESOLVE RELATIVE TO THE ERECTION IN THE STATE HOUSE OF A STATUE OF JOHN HANCOCK. Chap. 80

Resolved, That the state house commission is hereby authorized and requested to consider the matter of erecting a marble statue of John Hancock, and to recommend to the next general court such legislation as it may deem proper concerning the erection and location thereof.

Approved May 19, 1903.

RESOLVE RELATIVE TO THE RECLAMATION OF WASTE OR UNUSED LAND BY THE LABOR OF PRISONERS. Chap. 81

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-five thousand dollars, to carry out the provisions of sections sixty-three to sixty-seven, inclusive, of chapter two hundred and twenty-five of the Revised Laws, providing for the reclamation of waste or unused land by the labor of prisoners.

Approved May 21, 1903.

Chap. 82 RESOLVE TO PROVIDE FOR THE PROTECTION OF THE TOWN OF HATFIELD AGAINST THE FURTHER ENCROACHMENT OF THE CONNECTICUT RIVER.

Protection of the town of Hatfield against encroachment of the Connecticut river.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the board of harbor and land commissioners, according to the provisions of chapter ninety-six of the Revised Laws, the sum of seven thousand five hundred dollars, for such surveys and examinations and for such protective works as may be necessary and practicable to protect the westerly bank of the Connecticut river in the town of Hatfield from the further encroachment of the said river.

Approved May 23, 1903.

Chap. 83 RESOLVE TO PROVIDE FOR COMPENSATING OWNERS OF ANIMALS KILLED IN EXTERMINATING THE FOOT AND MOUTH DISEASE.

Compensation for animals killed in exterminating the foot and mouth disease.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, under the direction of the chief of the cattle bureau of the state board of agriculture, to the owners of animals in this Commonwealth that were slaughtered previous to April eleven, in the current year, by order of the state authority, for the purpose of exterminating the disease known as the foot and mouth disease, in addition to the amount paid by the United States, a sum equal to the difference between the amount already paid and the value of such cattle, as appraised by the agents of the United States. For this purpose there may be expended from the treasury of the Commonwealth a sum not exceeding forty thousand dollars.

Approved May 26, 1903.

Chap. 84 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE MASSACHUSETTS HOSPITAL FOR DIPSO MANIACS AND INEBRIATES.

Massachusetts hospital for dipsomaniacs, etc.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding seven thousand eight hundred dollars, to be expended at the Massachusetts hospital for dipsomaniacs and inebriates under the direction of the board of trustees for the following purposes: — For providing a new recreation court, a sum not exceeding one thousand dollars; for the erection of a shed for sheltering farm machines and imple-

ments and for other purposes, a sum not exceeding thirteen hundred dollars; and for an electric generator of fifty kilowatt capacity, and an electric motor of thirty horse power, a sum not exceeding fifty-five hundred dollars.

Approved May 29, 1903.

RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE STATE INDUSTRIAL SCHOOL FOR GIRLS.

Chap. 85

Resolved, That there be allowed and paid out of the treasury of the Commonwealth a sum not exceeding twenty-one thousand eight hundred and three dollars, to be expended at the state industrial school for girls under the direction of the trustees thereof for the following purposes:—For repairing and improving the superintendent's house, for sanitary improvements in the family houses and for improving the water supply, a sum not exceeding three thousand nine hundred dollars; for sewage disposal at Bolton, a sum not exceeding three thousand dollars; for engineering fees in connection with sewerage and water supply, and for legal expenses in connection with the purchase of the Bolton property, a sum not exceeding five hundred and three dollars; for a cattle barn, a sum not exceeding five thousand four hundred dollars; and for the erection of a hospital, a sum not exceeding nine thousand dollars.

State industrial school for girls.

Approved June 3, 1903.

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO CONSIDER THE MATTER OF MAKING PUBLIC IMPROVEMENTS UNDER A MORE EXTENSIVE EXERCISE OF THE RIGHT OF EMINENT DOMAIN THAN IS NOW AUTHORIZED BY THE CONSTITUTION AND STATUTES.

Chap. 86

Resolved, That the governor, with the advice and consent of the council, be authorized and requested to appoint, not later than the thirtieth day of June in the year nineteen hundred and three, a committee to consist of three or more suitable persons, one of whom he shall designate as chairman, to investigate and report upon the legislation needed to enable the general court, by special acts, subject to other provisions of the constitution, to authorize any city, town or state commission to take in fee, to purchase, or otherwise to acquire for public purposes and in connection with any given public work, all or any part

Committee to consider the matter of making public improvements, etc.

Committee to consider the matter of making public improvements, etc.

of the land within certain defined limits, and after appropriating for such public work so much of the land so taken as is needed therefor to sell or lease the remainder. The committee may employ such assistance as may be necessary, shall give a hearing to all persons desiring to be heard upon the subject, and shall make a report of their doings, with such recommendations as they may deem proper, to the next general court. The committee may expend in the performance of its duties such sum for clerk hire, printing and postage, not exceeding one thousand dollars, as the governor and council may determine, to be paid out of the treasury of the Commonwealth. The powers of the committee shall terminate on the making of their report, and they shall annex to their report the draft of a bill in accordance with such recommendations, if any, as they may make. *Approved June 5, 1903.*

Chap. 87

RESOLVE TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO CONSIDER AND REPORT ON THE LAWS CONCERNING THE LEGAL RELATIONS BETWEEN EMPLOYERS AND EMPLOYEES.

Committee to consider, etc., laws concerning relations between employers and employees.

Resolved, That the governor of the Commonwealth, with the advice and consent of the council, shall, within thirty days after the passage of this resolve, appoint a committee of five persons, citizens of the Commonwealth, one of whom he shall designate as chairman, to be known as the committee on the relations between employer and employee. Of the said committee one member shall be an employer of labor in the Commonwealth and one shall be a representative of the employees. The said committee shall examine and consider the laws of the Commonwealth and any proposed laws or amendments concerning the legal relations of employer and employee, and especially concerning the liability of the employer for injuries received by the employee in the course of his employment, the conduct of strikes and lockouts, the authority of the courts to issue injunctions in cases of strikes and to punish for contempt of court, the matter of blacklisting, the creation of a disability or pension fund by joint contributions of employers and employees, schemes of industrial partnership for the purpose of regulating wages, and schemes of industrial courts; and other like matters. Said committee shall consider the matters involved in all petitions, bills and resolves now pending in the general

court concerning any of the subjects above referred to. 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 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. The said committee shall report to the general court on or before the second Wednesday of January in the year nineteen hundred and four, with such recommendations for legislation as it may deem expedient. The powers of the committee shall terminate on the said second Wednesday of January. The total expense to be incurred under the provisions of this resolve shall not exceed the sum of five thousand dollars.

Committee to consider, etc., laws concerning relations between employers and employes.

Approved June 5, 1903.

RESOLVE IN FAVOR OF THE WIDOW OF EDMUND C. COTTLE.

Chap. 88

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Clara I. Cottle, widow of Edmund C. Cottle late a member of the house of representatives from the twenty-eighth Middlesex representative district, the salary to which he would have been entitled had he lived until the end of the present session.

Widow of Edmund C. Cottle.

Approved June 12, 1903.

RESOLVE IN FAVOR OF THE WIDOW OF WILLIAM H. RUSTON.

Chap. 89

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Jessie D. Ruston, widow of William H. Ruston late a member of the house of representatives from the eleventh Middlesex representative district, the salary to which he would have been entitled had he lived until the end of the present session.

Widow of William H. Ruston.

Approved June 12, 1903.

Chap. 90 RESOLVE TO CONFIRM THE ACTS OF JESSE P. COLBY AS A NOTARY PUBLIC.

Jesse P. Colby,
notary public,
acts confirmed.

Resolved, That the acts of Jesse P. Colby of Boston as a notary public, between the twenty-fifth day of January in the year nineteen hundred and one and the seventeenth day of October 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 12, 1903.

Chap. 91 RESOLVE TO CONFIRM CERTAIN ACTS OF DEWITT C. PACKARD AS A JUSTICE OF THE PEACE.

DeWitt C.
Packard,
justice of the
peace, acts
confirmed.

Resolved, That the acts of DeWitt C. Packard as a justice of the peace, between the sixth and fifteenth days of May in the year nineteen hundred and three, 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 12, 1903.

Chap. 92 RESOLVE TO PROVIDE FOR THE PURCHASE OF EQUIPMENT FOR THE FIRST REGIMENT OF HEAVY ARTILLERY.

Equipment for
first regiment
of heavy
artillery.

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, range finding and signal apparatus, and other artillery material, together with such armory fixtures as may be required for the safe keeping and preservation of the equipment thus provided.

Approved June 15, 1903.

Chap. 93 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AT THE LYMAN SCHOOL FOR BOYS.

Lyman school
for boys.

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 improvements: — For the erection of a hospital, a sum not exceeding ten thou-

sand dollars; for a private office for the superintendent and for porches for the schoolhouse, a sum not exceeding fifteen hundred dollars. *Approved June 16, 1903.*

RESOLVE IN FAVOR OF THE WIDOW OF JOHN NIGHTINGALE.

Chap. 94

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Nancy Nightingale, widow of John Nightingale late a member of the house of representatives from the ninth Bristol representative district, the salary to which he would have been entitled had he lived until the end of the present session.

Widow of John Nightingale.

Approved June 16, 1903.

RESOLVE IN FAVOR OF THE WIDOW OF JOHN W. PETTENGILL.

Chap. 95

Resolved, That there be allowed and paid out of the treasury of the county of Middlesex to the widow of John W. Pettengill late the justice of the first district court of eastern Middlesex, who died on the twenty-second day of May in the year nineteen hundred and three, the sum of fifteen hundred twenty dollars and eighty-three 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 three.

Widow of John W. Pettengill.

Approved June 18, 1903.

RESOLVE TO PROVIDE FOR AN INVESTIGATION AS TO THE NUMBER AND CONDITION OF CRIPPLED AND DEFORMED PERSONS IN THE COMMONWEALTH.

Chap. 96

Resolved, That the state board of charity is hereby authorized and directed to make as practical an investigation as possible as to the number of crippled and deformed persons in the Commonwealth under twenty-one years of age who are not able to attend the public schools by reason of their physical deformity. The said board in making the investigation aforesaid may expend a sum of money not exceeding five hundred dollars, and shall report to the next general court.

Investigation as to the number of crippled and deformed persons.

Approved June 19, 1903.

Chap. 97 RESOLVE TO PROVIDE FOR CERTAIN IMPROVEMENTS AND EXPENSES
AT THE MASSACHUSETTS STATE SANATORIUM.

Massachusetts
state sana-
torium.

Resolved, That the following sums be allowed and paid out of the treasury of the Commonwealth from the ordinary revenue, for improvements and expenses at the Massachusetts state sanatorium, to be expended under the direction of the trustees thereof, namely: — A sum not exceeding twelve hundred and fifty dollars to provide fire stops for old buildings; a sum not exceeding five hundred dollars to provide two sanitary rooms for the proper care of cuspidors; a sum not exceeding one thousand dollars for erecting a suitable small building for the cremation of paper cuspidors and for providing the building with a cement floor, a brick furnace, and other necessary articles; a sum not exceeding one thousand dollars for providing screens for old buildings and furnishings which may be necessary for said buildings, and a sterilizer; and a sum not exceeding five hundred dollars for work on the grounds of the sanatorium. *Approved June 19, 1903.*

Chap. 98 RESOLVE TO PROVIDE FOR REIMBURSING THE TOWN OF NORTH-
FIELD FOR AIDING DWIGHT COOK AND FAMILY.

Reimbursing
the town of
Northfield for
aiding Dwight
Cook and
family.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to the town of Northfield the sum of nineteen hundred and eighteen dollars and six cents, said sum being the amount which said town has paid since eighteen hundred and eighty-four as aid to Dwight Cook and family, they having no known settlement in said town, but paid by the town under a misapprehension of facts. *Approved June 19, 1903.*

Chap. 99 RESOLVE IN FAVOR OF TIMOTHY F. BUCKLEY.

Timothy F.
Buckley.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Timothy F. Buckley the sum of five hundred and seventy-five dollars, this amount being one fourth part of a liquor license fee of twenty-three hundred dollars paid by said Buckley to the city of Boston, for which no license was ever issued, which one fourth part was paid to the Commonwealth by the city of Boston as provided by law.

Approved June 19, 1903.

RESOLVE RELATIVE TO VETERANS OF THE CIVIL WAR WHO NEVER
HAVE RECEIVED BOUNTIES.

Chap.100

Resolved, That the adjutant general is hereby authorized to give public notice by advertisement or otherwise, not later than thirty days after the passage of this resolve, that he will receive and record the names and residences of veterans who are now living in the Commonwealth, who served in the army or navy to the credit of Massachusetts during the civil war, and who have not received a bounty from any city or town or from the state for such service; and the adjutant general shall report to the next general court, not later than the third Wednesday of January, the names and residences of all such veterans, however ascertained, specifying in each case whether the veteran served in the army or in the navy.

Bounties to
veterans of the
civil war.

(*The foregoing Resolve was laid before the Governor on the sixteenth day of June, 1903, and after five days it had the force of a law, as prescribed by the Constitution, as it was not returned by him with his objections thereto within that time.*)

RESOLVE TO PROVIDE FOR CERTAIN EXPENSES INCURRED BY THE
JOINT COMMITTEE ON THE REVISION OF THE CORPORATION LAWS.

Chap.101

Resolved, That there be allowed and paid out of the treasury of the Commonwealth the sum of one thousand dollars, being for professional services rendered to the joint committee on the revision of the corporation laws, the same to be paid as follows: — To Charles N. Harris, the sum of three hundred and fifty dollars; and to Grosvenor Calkins, the sum of six hundred and fifty dollars, the same to be paid on properly approved vouchers filed with the auditor of accounts. *Approved June 23, 1903.*

Committee on
revision of
corporation
laws, expenses
of.

RESOLVE IN FAVOR OF THE FATHER OF FREDERIC O. MACCARTNEY.

Chap.102

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Alexander R. McCartney, father of Frederic O. MacCartney late a member of the house of representatives from the fourth Plymouth representative district, the salary to which he would have been entitled had he lived until the end of the present session. *Approved June 24, 1903.*

Father of
Frederic O.
MacCartney.

*Chap.*103 RESOLVE TO PROVIDE FURTHER FOR THE PUBLICATION BY THE STATE BOARD OF HEALTH OF A MANUAL OF LAWS RELATING TO PUBLIC HEALTH.

Publication of manual of state board of health.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth, to be expended under the direction of the state board of health, a sum not exceeding two hundred and fifty dollars, in addition to the sum specified in chapter two hundred and thirty of the acts of the year nineteen hundred and two, for the purpose of printing the first edition of the manual of laws relating to public health.

Approved June 24, 1903.

*Chap.*104 RESOLVE IN FAVOR OF SAMUEL F. COFFIN.

Samuel F. Coffin.

Resolved, That there be allowed and paid out of the treasury of the Commonwealth to Samuel F. Coffin of West Newbury the sum of one hundred and fifty dollars, in repayment of the expenses incurred by him in the proceedings to determine whether the said Coffin or Richard Newell was duly elected representative from the second Essex representative district, the said Coffin having taken his seat as such representative, and the house having subsequently decided that the said Newell was entitled to the seat.

Approved June 24, 1903.

*Chap.*105 RESOLVE RELATIVE TO AN INVESTIGATION OF THE IMPROVEMENT OF SPOT POND BROOK BY THE METROPOLITAN WATER AND SEWERAGE BOARD.

Improvement of Spot Pond brook.

Resolved, That the metropolitan water and sewerage board is hereby authorized and requested, in conjunction with the cities of Malden and Melrose, to re-examine the subject of the condition of Spot Pond brook and report to the next general court, not later than the fifteenth day of January in the year nineteen hundred and four, what modifications, if any, can be made in the plan submitted by said board to the general court of the year nineteen hundred and three, with a view to lessening the expense of said improvement, and what limitations shall be made as to the amount of said expense to be assessed on said cities of Malden and Melrose.

Approved June 24, 1903.

PROPOSED AMENDMENT TO THE CONSTITUTION.

The following proposed article of amendment to the Constitution has been officially certified and deposited in the office of the secretary of the Commonwealth, as required by section 20 of chapter 3 of the Revised Laws, and if agreed to by the general court next to be chosen, in the manner provided by the Constitution, must be submitted to the people for their ratification or rejection: —

RESOLVE TO PROVIDE FOR AN AMENDMENT OF THE CONSTITUTION REQUIRING THE SUBMISSION TO THE VOTERS OF THE COMMONWEALTH IN CERTAIN CASES OF SPECIFIC AMENDMENTS OF THE CONSTITUTION.

Resolved, That it is expedient to alter the constitution of the Commonwealth by the adoption of the subjoined article of amendment; and that the said article, being agreed to by a majority of the senators and two thirds of the members of the house of representatives present and voting thereon, be entered on the journals of both houses, with the yeas and nays taken thereon, and referred to the general court next to be chosen; and that the said article be published, to the end that, if agreed to in the manner provided in the constitution, by the general court next to be chosen, it may be submitted to the people for their approval and ratification, in order that it may become a part of the constitution of the Commonwealth.

Proposed article of amendment to the Constitution.

ARTICLE OF AMENDMENT.

If in any one year fifty thousand qualified voters, certified to be such by the registrars of voters or officers exercising like powers of the cities or towns of which they are residents, of whom not more than twenty-five thousand shall be from any one county, shall petition the general court for any specific and particular amendment of the constitution, then it shall be the duty of the general court, if fifteen of the members of the senate present and voting thereon, and a majority of the members of the house of representatives present and voting thereon, by a yea and nay vote, shall decide in the affirmative, to reduce

Fifty thousand voters may petition for certain amendments, etc.

such proposed amendment to proper form, with a view to avoiding repetitions and securing accuracy in the text and consistency with the language of the existing provisions of the constitution, and with any other amendment thereof to be proposed in the same year, and the secretary of the Commonwealth shall submit said proposed amendment as thus amended to the people at the next state election; and if it shall be approved by a majority of the qualified voters voting thereon at such election, then it shall be the duty of the secretary of the Commonwealth to submit it to the people at the following state election; and if it shall be approved and ratified by two thirds of the qualified voters voting thereon at such election, it shall become a part of the constitution of this Commonwealth: *provided, however*, that any proposed amendment which has been once rejected by the people under the provisions hereof shall not be again so submitted to the people within three years from the date of said rejection.

Proviso.

HOUSE OF REPRESENTATIVES, June 3, 1903.

The foregoing article of amendment has been agreed to, two thirds of the members of the house of representatives present and voting thereon having voted in the affirmative; and the same is referred to the general court next to be chosen.

JAMES J. MYERS, *Speaker*.

SENATE, June 5, 1903.

The foregoing article of amendment has been agreed to, a majority of the senators present and voting thereon having voted in the affirmative; and the same is referred in concurrence to the general court next to be chosen.

GEORGE R. JONES, *President*.

RESOLUTIONS.

RESOLUTIONS ON THE DEATH OF EDMUND C. COTTLE.

Whereas, Edmund C. Cottle of Woburn, member of the house of representatives from the twenty-eighth Middlesex representative district, died on the thirteenth day of January in the year 1903;

On the death
of Edmund C.
Cottle.

Resolved, That the house hereby records its expression of regret of this loss to the Commonwealth of one who brought to its service the energy and industry of a vigorous manhood and the disciplined and ripened judgment of a successful business life.

Mr. Cottle was born in Tisbury, Massachusetts, in 1842, enlisted in Co. G, 5th regiment, Massachusetts infantry, in 1862, and served until November, 1864. From this date until 1900, when he retired, he was engaged in the business of manufacturing. His efficient and conscientious discharge of the duties of numerous official positions, town, municipal and corporate, commanded to an unusual degree the confidence and esteem of his fellow citizens.

Independent in thought and action, yet considerate of those who differed from him, of tireless energy and industry, he fully exemplified in his life the injunction "Whatsoever thy hands find to do, do it with all thy heart; with all thy mind and with all thy strength."

Resolved, That the house of representatives tenders its sympathy to the family of the 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, January 21, 1903.

RESOLUTIONS RELATIVE TO THE PRESERVATION OF CASTLE ISLAND AS A PART OF THE PARK SYSTEM OF THE CITY OF BOSTON.

Whereas, The preservation of Castle island as a part of the Boston park system is of great importance to the

Preservation
of Castle
island as a

part of the
park system
of the city of
Boston.

health and pleasure of the citizens of Boston and of the vicinity, and said island is an object of interest to visitors from all parts of the Commonwealth; and

Whereas, It is purposed to place upon this island a depot for the lighthouse service, which will greatly interfere with the enjoyment of the island by the public; therefore, be it

Resolved, By the senate and house of representatives of the Commonwealth of Massachusetts, in general court assembled, that the establishment of such a depot on Castle island would be an injury to the people of this Commonwealth, and that our senators and representatives in congress are requested to use every honorable means to preserve Castle island for the enjoyment of the public, and to see that the lighthouse depot is placed elsewhere in Boston Harbor; and

Resolved, That a copy of these resolutions be sent to each of the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted, January 28, 1903.

In Senate, adopted in concurrence, February 3, 1903.

RESOLUTIONS IN SUPPORT OF A BILL PENDING IN THE CONGRESS
OF THE UNITED STATES PROVIDING FOR PENSIONS IN THE LIFE-
SAVING SERVICE.

Pensions in
the life-saving
service.

Whereas, There is pending in congress a bill granting pensions to certain officers and enlisted men in the life-saving service, and to their widows and minor children; and

Whereas, This bill was recommended by the secretary of the treasury in his last report, and by a majority of the house committee on interstate and foreign commerce; therefore be it

Resolved, That the general court favors the above mentioned bill, and requests the senators and representatives in congress from Massachusetts to vote for the measure.

Resolved, That a copy of these resolutions be sent to each member of congress from the Commonwealth of Massachusetts.

In House of Representatives, adopted, February 5, 1903.

In Senate, adopted in concurrence, February 10, 1903.

RESOLUTIONS RELATIVE TO THE ESTABLISHMENT OF AN INTERNATIONAL CONGRESS.

Resolved, That the congress of the United States be requested to authorize the President of the United States to invite the governments of the world to join in establishing, in whatever way they may judge expedient, an international congress, to meet at stated periods, to deliberate upon questions of common interest to the nations and to make recommendations thereon to the governments.

Establishment of an international congress.

Resolved, That a copy of these resolutions be sent to the senior senator and the senior representative of Massachusetts in congress to be presented in the senate and in the house of representatives.

In House of Representatives, adopted, February 19, 1903.

In Senate, adopted in concurrence, February 25, 1903.

RESOLUTIONS RELATIVE TO A BILL PENDING IN THE CONGRESS OF THE UNITED STATES TO ESTABLISH A LIBRARY POST.

Whereas, A bill has been introduced in congress by the Honorable Henry Cabot Lodge and the Honorable George P. Lawrence, which provides that books sent to or from libraries supported in whole or in part by taxation or exempt from taxation, may pass through the mails at the rate of one cent a pound, which is the rate now established in the case of newspapers and magazines, and,

Establishment of a library post.

Whereas, The said bill has the approval and support of many library, educational and other bodies and persons in Massachusetts and throughout the United States, and is believed to be important and necessary for effective, economic and progressive library administration,

Resolved, That the general court hereby commends the said bill to the earnest and immediate support of the senators and representatives in congress from this Commonwealth.

In House of Representatives, adopted, February 26, 1903.

In Senate, adopted in concurrence, March 3, 1903.

RESOLUTIONS ON THE DEATH OF HENRY L. DAWES.

On the death
of Henry L.
Dawes.

Resolved, That the senate and house of representatives join with the citizens of Massachusetts in paying their tribute of respect to the memory of Henry L. Dawes.

Entering public life in early manhood, he continued for nearly fifty years to occupy high official positions. For thirty-six years he was a member of congress from this Commonwealth, and for the last half of that period he was a senator. His name will always be associated with the important legislation providing for the education and welfare of the Indians, and his efforts in their behalf ceased only with his life.

On the expiration of his third term as United States senator, while in the full vigor of his powers, he declined longer to occupy that high office and voluntarily retired to private life, but not to obscurity; for he carried with him into retirement the gratitude and esteem of his fellow citizens.

His spotless private life, no less than his long and distinguished public service, made him a worthy representative of the Commonwealth.

Resolved, That these resolutions be entered in the journals of the senate and house, and that an engrossed copy be sent to the family of the deceased.

In Senate, adopted, April 2, 1903.

In House of Representatives, adopted in concurrence, April 14, 1903.

RESOLUTIONS RELATIVE TO GOVERNMENT CONTROL OR OWNERSHIP OF ANTHRACITE MINES.

Government
control, etc.,
of anthracite
mines.

Whereas, The anthracite mines of the United States are few in number and are situated in a comparatively small district; and

Whereas, The experience of the past winter has shown that, under these conditions, there is no guaranty against a total suspension of anthracite mining and consequent deprivation, suffering, sickness, and even death among millions of people who depend upon the anthracite mines for their fuel; and

Whereas, At all times the community has no protection against the charging of excessive prices for hard coal; therefore, be it

Resolved, That the congress of the United States is urged to take such measures as will place the anthracite mining industry under government supervision.

Resolved, That the secretary of the Commonwealth is directed to send a copy of these resolutions to the presiding officer of each branch of congress, and to each of the senators and representatives from Massachusetts.

In House of Representatives, adopted, April 23, 1903.

In Senate, adopted in concurrence, April 30, 1903.

RESOLUTIONS ON THE DEATH OF WILLIAM H. RUSTON, MEMBER OF THE HOUSE OF REPRESENTATIVES FROM THE ELEVENTH MIDDLESEX REPRESENTATIVE DISTRICT.

Whereas, William H. Ruston of Malden, member of the house of representatives from the eleventh Middlesex representative district, died on the sixth day of March in the year nineteen hundred and three ;

On the death
of William H.
Ruston.

Resolved, That the Commonwealth of Massachusetts is made poorer by the death of one who brought to its service a singleness of purpose, an unselfish devotion to the public weal, and a high-minded desire to exemplify the noblest ideals in civic life.

In his home municipality he was a leader in religious and educational efforts, commanding the love and the respect of his fellow citizens.

Modest and unassuming, he brought to the discharge of every duty a fidelity and ability that crowned the most common service with noble endeavor. With him, to act meant the directing power of what he felt to be right. He would go far to do a kindness, but underneath all ran the smooth yet powerful current of right. To him a true man was a man, no matter what his station in life might be.

His brief service in the house was sufficiently long to prove his unflagging industry and indomitable will. Battling with what he knew to be an incurable disease, he took up the exacting work of two important committees with a zeal and energy that seemed to put far off the inevitable surrender and hid the enemy from all but himself. Had it indeed

“ Been left us then
To mark whose lamp was dim,
Would ye have singled him ” ?

We appreciated him living, and we honor his memory. Like the man of old, so also could he say: "I have walked in mine integrity".

Resolved, That the house of representatives tenders its sympathy to the family of the 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, May 14, 1903.

RESOLUTIONS ON THE DEATH OF FREDERIC O. MACCARTNEY, REPRESENTATIVE FROM THE FOURTH PLYMOUTH REPRESENTATIVE DISTRICT.

On the death
of Frederic O.
MacCartney.

Whereas, Frederic O. MacCartney, a member of the house of representatives from the fourth Plymouth representative district, died at his home in Rockland on the twenty-fifth day of May in the year nineteen hundred and three; be it

Resolved, That the house of representatives hereby expresses its deep sense of loss and profound sorrow at the death of one of its most earnest and prominent members. Born in Prairie du Chien, Wisconsin, November 2, 1864, and educated in the public schools of Storm Lake, Iowa, at Iowa College, Grinnell, Iowa, and at the Andover Theological Seminary, Mr. MacCartney was ordained first as a Congregational minister, and then as a Unitarian minister. In the latter capacity he was an assistant pastor of the Second Unitarian Church of Boston, and, later, minister of the Unitarian Church of Rockland. After a five years' pastorate in the latter place Mr. MacCartney decided to enter politics, as affording him a broader field for the accomplishment of his life purpose, — the uplifting and advancement of the laboring classes. In a normally Republican district he was elected four times successively to the house of representatives, first as a Democratic Socialist, and then as a Socialist. He at once arose to eminence in the house, not only by the radical character of his opinions, but by the uncompromising intrepidity with which he championed them. Believing, as he did, that the present organization of society is wrong, that it lavishes privileges upon the rich and denies justice to the poor, he made ceaseless warfare upon it, and forebore no

opportunity to denounce it in scathing terms. Rightly or wrongly he was convinced that inequalities in the distribution of wealth sprang from legislation, and could be cured by legislation. With his whole heart he gave himself to the propagation of this faith, and fell battling in its service at the very threshold of his powers. For his sincerity, his courage, his ability, his eloquence, his love of his fellowmen, and his loyalty to the truth, as he saw it, he commanded, as he deserved, the respect of his associates of the house of representatives, and of all men everywhere.

“Content thee, howsoe'er, whose days are done;
There lies not any troublous thing before,
Nor sight nor sound to war against thee more,
For whom all winds are quiet as the sun,
All waters as the shore.”

Resolved, That the sympathy of the house of representatives be extended to the family of the deceased in this their hour of bereavement.

Resolved, That an engrossed copy of these resolutions be sent to the family of the deceased, and that they be entered on the journal of the house.

In House of Representatives, adopted, June 11, 1903.

RESOLUTIONS ON THE DEATH OF JOHN NIGHTINGALE, REPRESENTATIVE FROM THE NINTH BRISTOL REPRESENTATIVE DISTRICT.

Whereas, John Nightingale of Fall River, member of the house of representatives from the ninth Bristol representative district, died on the twenty-ninth day of May in the year nineteen hundred and three; be it

On the death
of John
Nightingale.

Resolved, That the Commonwealth of Massachusetts has suffered a great loss by the death of one who brought to its service such unselfish devotion to the public welfare as was exhibited by him in every word and deed. In his home municipality he has left a void that time alone can fill, always a leader, and at all times commanding the love and respect of his fellow citizens. His long service in the house, coupled with his extended knowledge in the conduct of public affairs, and his unflagging industry, eminently fitted him for the exacting work of the two important committees of which he was a member. Liv-

ing we appreciated him, and his memory we honor; and when we pause to think how suddenly he was called upon to lay down the cares and duties of life, well may it be said that in the midst of life there is death.

Resolved, That the house of representatives tenders its sympathy to the family of the 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, June 11, 1903.

RESOLUTIONS IN FAVOR OF LEGISLATION BY THE CONGRESS OF THE UNITED STATES TO PROTECT THE FORESTS OF THE WHITE MOUNTAINS BY INCLUDING THEM IN A NATIONAL PARK.

Protection
of White
Mountains of
New Hamp-
shire.

Resolved, That the preservation and protection of the water supply which is fed by the streams flowing from the White Mountains of New Hampshire require the establishment of a national park which shall protect the forests of the White Mountains.

Resolved, That his excellency the governor is hereby requested to communicate with the national government and to urge such measures as will provide at as early a date as possible for establishing a national reservation which shall include the White Mountains.

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 establishing of such a reservation.

Resolved, That properly attested copies of these resolutions be sent to each of the senators and representatives from Massachusetts in congress.

In Senate, adopted, June 10, 1903.

In House of Representatives, adopted in concurrence, June 15, 1903.

The general court of 1903, during its annual session, passed 482 acts and 104 resolves which received the approval of his excellency the governor. In addition to these, three acts and one resolve, entitled, respectively, "An Act to authorize the town of Charlemont to incur indebtedness for school purposes, beyond the limit fixed by law" (chapter 103); "An Act relative to the examining board of the militia" (chapter 151); "An Act relative to the payment of jurors" (chapter 256); and "A Resolve relative to veterans of the civil war who never have received bounties" (chapter 100), were laid before the governor and failed to receive his approval, but as they were not returned by him, with his objections thereto, within five days after receiving the same, the general court not having adjourned in the meantime, said acts and said resolves have the force of a law, under the provisions of the Constitution governing such cases, and have been so certified.

Fourteen acts, entitled, respectively, "An Act to authorize the town of Wilmington to incur indebtedness for a new town hall, beyond the limit fixed by law", "An Act to legalize and confirm certain proceedings of a special town meeting of the town of Winchester", "An Act to authorize the Fitchburg and Leominster Street Railway Company to act as a common carrier between the town of Lunenburg and the city of Fitchburg", "An Act relative to the duties and salary of the messenger of the justices of the superior court for the county of Suffolk", "An Act relative to the retirement of commissioned officers of the militia", "An Act to establish a board of commissioners of trust funds in the city of Salem", "An Act to incorporate the South Shore Street Railway Company", "An Act relative to pensioners of the city of Boston", "An Act to regulate the hours of labor for members of the fire departments in cities of more than forty thousand inhabitants", "An Act relative to offices occupied by certain savings banks", "An Act to incorporate the Commercial Trust Company", "An Act relative to the right of search by the commissioners on fisheries and game, their deputies and other officers", "An Act to constitute eight hours a maximum day's work for public employees", and "An Act to authorize the metropolitan water and sewerage board to take by purchase or otherwise the trunk line sewer in the town of Wakefield", were passed and laid before the governor for his approval, and were returned by him with his objections thereto to the branch in which they respectively originated; were reconsidered, and the vote being taken on passing the same, the objections of the governor thereto notwithstanding, they were rejected, two thirds of the members present and voting thereon not having voted in the affirmative.

The general court was prorogued on Friday, June 26, at 8.45 P.M., the session having occupied 171 days.

INAUGURAL ADDRESS

OF

HIS EXCELLENCY JOHN L. BATES.

At twelve o'clock on Thursday, the eighth 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:

Let me pause a moment while I acknowledge my indebtedness to the example of my immediate predecessors in office, to the inspiration received from being closely associated in the public service with Roger Wolcott, unhappily for our people now no more, and with Winthrop Murray Crane, whom the gratitude of the state for his distinguished services follows to his home in the Berkshire hills, as to-day he again takes his place in the ranks as a private citizen. They have been worthy successors of illustrious men.

In assuming the duties of the first executive office of the Commonwealth I am not unmindful of the magnitude of the honor or the greatness of the responsibility. To serve Massachusetts with all the powers of which I am possessed is an ambition which I deeply cherish. Yet I am conscious that whatever may be the character of my service it can but poorly express the indebtedness I feel toward my fellow-citizens for the trust they have reposed in me. To them I look for that continued expression of good will that shall encourage to highest effort, and indul-

gently recognize the purity of the intent and the worthiness of the motive behind the effort, however it may result.

To you, representatives in this ancient and honored body, I turn for assistance, that the year in which the people have entrusted so much of power and responsibility to us jointly may be marked by progress in all that pertains to their welfare.

It is pleasing to note at the beginning of our term of office that the condition of the people of the Commonwealth is in the main satisfactory. The bureau of labor statistics reports that labor is fully employed, and that the amount disbursed in wages is greater than ever before. The savings banks commissioners report that on October 31 last our savings banks held to the credit of depositors \$586,937,084.30, represented by 1,660,814 accounts, with an average deposit to the credit of each account of \$353.40 ; or an average of more than one account for every two persons in the Commonwealth, and an amount in the aggregate equal to more than \$200 apiece for every man, woman and child within our borders. The prison commissioners report that our prisons and reformatory institutions are not crowded, as they are when the times are adverse, and the board of health reports the health of the people as unusually good. It is probably within reason to say that, notwithstanding the unfortunate incidents connected with the coal famine, there never was a people at any time, or in any place, who, as a whole, were better supplied with healthful employment, or who received better wages, or to whom the necessities and comforts of life were less rare, or whose environment was more encouraging, or whose opportunities for recreation and education were superior, or whose outlook was more hopeful, than that of the people of Massachusetts.

Our predecessors for many years have been constructing an enlightened book of legislation. The work which they have wrought should not be lightly amended. Changes in the law upon slight excuse are evils to be earnestly avoided. General courts may be held in higher esteem for what they do not do than for what they do. Ignorance of the law excuses no one ; therefore, statutes should not be multiplied until it becomes impossible for the people to familiarize themselves with them.

Time will not permit me to give in detail a general review of the state departments or of the activities in

which they are engaged. I shall only bring those facts to your attention which are particularly worthy of note, as indicating what has been accomplished, or as suggesting further legislation.

In general the departments of the state are well administered. I have but one or two suggestions to make in regard to their management. First, I would impress upon all associated with me in the administration of the affairs of the state, although I know but few need the suggestion, the importance not only of faithful but of courteous service. There have been complaints, sometimes well grounded, against certain appointed officials and employees because of their apparent indifference to and their unconcern for that portion of the public having business or seeking information at their offices. I am confident that this is a matter that needs but to be mentioned to be remedied.

AWARD OF CONTRACTS.

It should be the constant effort of all to seek the best results and at the least expense. While keeping this principle in mind departments having under their charge the construction of great public works should nevertheless remember that the expense of such construction is ultimately borne by our tax payers, and that their ability to do so is dependent upon the prosperity of our industries. Boards and commissions should make certain, when work is awarded by them to contractors outside the state, because their bids are less than the bids of those within, that the saving to the Commonwealth is sufficiently great not only to pay the extra cost of inspection of the product thus manufactured at a distance, but also adequately to compensate the Commonwealth for its indirect loss through the loss to its own wage earners by reason of the work being done elsewhere. It is not illiberal or clannish to favor home industries, and to give Massachusetts work to Massachusetts mechanics. Other things being equal it is simply good business judgment. Moreover, there is undoubtedly ground for complaint, when, as has been done in some instances, contracts are awarded because of an insignificant saving, to concerns outside of the state known to be running their works ten hours, while the laws of our state require that nine hours shall

constitute a day's work for all laborers, workmen and mechanics employed on Commonwealth work. In other words it is unjust to our own manufacturers to require them, while conforming to the laws of our Commonwealth in regard to the employment of labor, to compete with outside manufacturers who do not conform to such laws, and who, for that reason alone, are able to underbid our own manufacturers in the competition.

There are two matters out of the usual course of events to which I wish to direct your attention.

HOOKER STATUE.

It is confidently expected that the equestrian statue of General Joseph Hooker, the erection of which was provided for by chapter 43 of the resolves of the year 1896, will be in its place on the state house grounds by the first of next June. Its dedication should be one befitting the brilliant record of this distinguished son of the Commonwealth, and complimentary to the survivors of the great struggle which the statue is also to commemorate. Through the semi-official invitation extended by my predecessor in office our own veterans are to be joined by the survivors of the army of the Potomac from all parts of the Union, who will gather here for the double purpose of holding their annual meeting and of being present at the dedication ceremonies.

I suggest therefore that such provision be made for these ceremonies as shall be creditable to the state, and indicate to the surviving veterans of the Union armies the regard in which they are held by the present generation.

LOUISIANA PURCHASE EXPOSITION.

An exposition is to be held in the city of St. Louis next year to commemorate the acquisition by the United States of the Louisiana Territory. The national government has appropriated \$5,000,000 to this exposition, upon the condition that the city provide \$10,000,000 for the same purpose, — a condition which has been complied with. The national government has also provided for the erection of a government building and for a government exhibit. Acting under the authority of congress the president of the United States has extended formal invitations to all

foreign countries to participate. The republics of France and Mexico and the empire of Germany have accepted and selected sites for buildings. England, Japan, China, Canada, Siam, Persia, Ceylon, and most if not all of the Central and South American republics have also informed the state department at Washington of their intention to take part in the exposition. To ensure its suitable representation the state of Missouri has provided \$1,000,000, Illinois \$250,000, Iowa \$125,000, Kansas \$75,000, New York \$100,000, and seventeen other states have made preliminary appropriations. The part which Massachusetts has taken in other expositions of a similar character has been most creditable to her. Through her exhibits have been revealed the education, industry and progress of her people, and the perfection of their products. In the activities of the state represented at the exposition at Paris we took high rank in competition with all the nations of the world, and obtained a far larger percentage of awards than did any other state except Germany. I need not emphasize the value of the western market to the industries of our state. An investigation recently made showed that the business houses of St. Louis bought during the year 1902, from Massachusetts factories direct, or through their New York buyers, \$26,000,000 worth of dry goods, cottons and woollens, boots and shoes, hardware, hats and drugs. Our goods come more and more in competition with the products of the new manufacturing industries of the great west. Our enterprising citizens who are contemplating the exhibition of their wares at this exposition have a right to expect the co-operation and assistance of the state.

The occasion does not call for an extravagant appropriation, but for one that shall be sufficient for a modest and dignified representation of the Commonwealth, one that shall be in the interest of our industries, one that shall be indicative of our appreciation of the enterprise of the people of the Louisiana Territory, and one that shall give expression of our good will towards our sister states.

EDUCATION.

The state is interested in the legal and wise use of what it contributes, either from the school fund or from other sources towards the support of public schools. In

some of its policies, as in what it does for the salaries of teachers in small towns and for high school instruction in towns of less than five hundred families, the state sufficiently guards its interest. It is worthy of inquiry however whether, in granting school aid of any kind to towns or to districts, or for any educational purpose, the state should not reserve enough of definite authority to insure compliance with the law granting such aid.

The Massachusetts School Fund now amounts to \$4,570,548.14, which it is provided shall be increased by \$100,000 per annum, until it shall amount to \$5,000,000. Securities in this fund are gradually maturing and being paid. No part of the income of the fund can be used to pay any premium on securities that may be desirable for reinvestment purposes; thus the investments are greatly restricted, and as a result a considerable portion of the fund is at present earning only two per cent, being the rate on cash balances in the depositories of the Commonwealth. Legislation is necessary to remedy this condition.

TEXTILE SCHOOLS.

The action of the general court in encouraging the establishment of textile schools by the passage of chapter 475 of the acts of the year 1895 has been fully justified. The three schools established as the result of this act are doing excellent work in aiding the development of manufacture, and especially in the training of men and women for higher positions, and in giving them greater skill in the production of the finer grades of goods and more elaborate fabrics, which have hitherto been imported, and the manufacture of which is taking the place of the coarser goods now being made in the southern states. This result is of incalculable benefit to the textile manufacturers in the Commonwealth and to the operators in the mills.

The Lowell textile school began its fall term with 521 registered pupils, 111 being day and 410 night pupils.

The Fall River textile school is established in a city that has changed the character of its manufactures during the last few years, extending its work very considerably in the direction of silk textiles and of colored and fancy cloths, and it is demanded that the school emphasize instruction on these lines. The trustees are making the

attempt to perfect, more completely than is done anywhere in the country, except possibly in Philadelphia, the art side of fabric construction.

Aided by the special appropriation made by the last general court the trustees of the New Bedford school have been enabled to erect an annex, in which instruction will be given in chemistry, dyeing, and the manufacture of knit goods. This department constitutes the first school in the United States fully equipped for instruction in the manufacture of hosiery, underwear, and knit goods of all descriptions, the only other school approaching it in completeness of equipment and thoroughness of instruction being in Germany.

MILITIA.

The condition of the militia of the state is such as to give much satisfaction to our people. It is composed of young, active men, interested in their duties and jealous of the honor of the uniform they wear. No other consideration than the patriotic desire to fit themselves for the defence of their country has actuated them in their enlistment, and they are to-day a most efficient and well-disciplined part of the National Guard.

THE FOOT AND MOUTH DISEASE.

About the middle of last November the attention of the cattle bureau of the state board of agriculture was called to the probable existence of a highly contagious disease, known as the foot and mouth disease, among the cattle in Rhode Island and also in this state. It had been supposed that this disease did not exist in the United States, but prompt investigation was made, with the result that the existence of the disease was quickly revealed, and on the 19th day of November the governor and council approved the order of the chief of the cattle bureau, forbidding transportation companies to receive any neat cattle, sheep or swine from the state of Rhode Island. This order was followed on the 26th day of November by one closing the public market at Brighton and making further provision to prevent the spread of the disease. On the 27th day of November the United States department of agriculture issued an order quarantining cattle in this and other New England states, and also for-

bidding the exportation of cattle, sheep or other ruminants or swine from the port of Boston. This was followed by an order issued by the English government forbidding the importation of cattle, sheep or swine from Boston or Portland. The loss of freight and commerce to the port of Boston as the result of this condition of affairs would alone be sufficient to justify the most drastic measures for the extermination of the disease. State and national authorities have been working in harmony to this end. Arrangements have been made for the agents of the United States bureau of animal industry to kill all animals infected with the disease, where it seems to them necessary, they being authorized so to do by the authorities of our state, with the understanding that the United States shall reimburse the owners to the extent of seventy per cent of the appraised value in health of the animals killed. It has not been possible to determine the exact origin of the disease in this country but it has appeared in many of our towns and cities, and in the efforts to stamp it out there have been to January first of the present year 4,496 animals quarantined and 1,848 animals killed. As a result of the stringent measures adopted it is hoped that the disease will be entirely eradicated; but the cordial co-operation of the public with the state and national officers is necessary if this hope is soon to be realized.

INSTITUTIONS FOR THE INSANE.

The most urgent need of the state institutions for the insane is relief from overcrowding. On October 1 last there were in these institutions 3,998 men and 4,273 women, making a total of 8,271, an increase for the year of 465. The average annual increase for the last five years has been 420. Provision must be made therefore for an annual increase of about 500 patients; and something must be done to relieve the present overcrowded condition, which compels the use of about 1,800 beds in halls and corridors not designed for that purpose. In addition, on the first day of January, 1904, the state care act becomes operative, and under it about 900 insane patients now outside of hospitals and asylums must be removed to state institutions, unless some suitable provision can be made for their care elsewhere. The situation is such as to demand your early attention.

PRISONS.

On September 30 last there were in the prisons of the state 6,336 prisoners, being 105 less than at the same date in the preceding year.

In 1898 an act was passed to authorize the governor and council to take waste or unused land for the purpose of reclaiming and improving it by the labor of prisoners. It was proposed that the land so reclaimed or improved should be sold to private citizens, or devoted to the use of the Commonwealth. Moreover it was urged that the plan might be made of value in any general scheme of forest restoration. In 1899 a small appropriation was made to carry this act into effect, but no action was taken, and the appropriation has now lapsed.

This act, which is now embodied in the Revised Laws, was designed to authorize an experiment in the employment of county prisoners in a manner that could not be regarded as injurious to free labor. If this experiment were made in the limited way contemplated by the law it might develop an industry that would supply steady and laborious occupation for able-bodied prisoners who cannot otherwise be given suitable work. Furthermore, any work accomplished in this direction would contribute to the welfare of the state by bringing into use tracts of land that are now waste and idle. I therefore recommend that a small appropriation be granted for the purpose of testing this plan.

The law providing for indeterminate sentences at the Massachusetts reformatory has been beneficial in its results. The great advantage of this system is that it encourages prisoners to make an effort to attain to that reform which the institution seeks to accomplish. This system should be tried at the reformatory prison for women, at Sherborn, where similar good results might confidently be expected; and, in addition, there would result a more even dispensation of justice, because prisoners would not then as now be sentenced for unequal terms when convicted of similar offences, but the length of imprisonment, within certain limitations, would be determined by their conduct in the institution.

HARBOR AND LAND COMMISSION.

Improvements in the smaller harbors of the Commonwealth have been made under the authorization of special acts of the legislature. The board of harbor and land commissioners has expressed the opinion that further large appropriations for this class of work should be made with great caution, as the attempt to build permanent harbors on a sandy coast is attended with more or less doubtful results in our present stage of knowledge and experience. In this opinion I heartily concur.

BOSTON HARBOR.

The Commonwealth at the present time is engaged in improving the anchorage ground in Boston harbor between the crest of Bird Island shoal and the channel, under an appropriation made at the session of the legislature in 1901 of \$1,000,000, to be expended within four years. When completed there will have been dredged a basin a mile long, 1,400 feet wide and 30 feet deep. The last session of the legislature appropriated \$100,000 for improving the anchorage at South Boston. Contracts for this work have been entered into and the work begun.

The Commonwealth pier at South Boston has been brought into use for the benefit of steamers bringing coal to this port and unable to find berths elsewhere. It will not however make a return commensurate with its cost, or to any extent yield the public benefits anticipated when it was projected, until there is a proper avenue of approach, such as is provided for by chapter 507 of the acts of the year 1901, which act awaits acceptance by the city council of Boston. If continued neglect to act renders this statute unavailable further legislation will be necessary.

Last summer six lots of the land owned by the Commonwealth at South Boston adjacent to the yards of the New York, New Haven and Hartford railroad were sold for \$1,000,000. The sale was advantageous to the Commonwealth, in that it enriched the fund for dredging the anchorage basins, and also enlarged the area of railroad yards for distribution of freight and produce within a mile and a half of the market centre of Boston.

The improvements in South Bay are affording more wharf room and an increased depth and area of water.

In addition to the work being carried on by the Commonwealth work of great importance is being done by the United States government.

In 1868, when the systematic improvement of Boston harbor by the United States substantially commenced, the channel through "The Narrows" was only 150 feet wide, with a depth of 23 feet. The dredging has been completed, so as to deepen it to 27 feet and to widen it to 1,000 feet; but certain ledges, the removal of which is now in progress, reduce the width at the narrowest point to 580 feet, and a few shoals, remaining to be dredged, reduce the available depth to 26 feet.

In 1868 the channel between President Roads and Boston was 100 feet wide and 18 feet deep. It has been dredged to a depth of 27 feet and a width of 1,000 feet; but a mass of rocks uncovered in the dredging remains to be removed, and reduces the width at the narrowest point to 500 feet.

The act of March 3, 1899, authorized a channel to be obtained through Broad Sound to the sea, 1,200 feet wide and 30 feet deep at mean low water. It is now 1,000 feet wide and 30 feet deep, except for a few small shoal areas.

By the act of June 13, 1902, congress authorized, at an estimated expense of nearly \$8,000,000, a channel to be obtained, with a depth of 35 feet, from the Charles river and the Chelsea bridges and the Navy Yard to President Roads, and thence through Broad Sound to the sea, with a width of 1,200 feet between President Roads and the sea. The act appropriated \$600,000, and authorized contracts to the extent of \$3,600,000. Proposals for dredging under this appropriation have been received by the United States authorities, and it is expected that work will soon be begun.

LABOR.

This is pre-eminently an industrial Commonwealth, and upon the character and intelligence of those who are employed in our factories and workshops, as well as upon their standard of living, the welfare of the entire community largely depends. Our legislation, intended to protect the workman in his employment, to safeguard his

wages, and to open the widest social opportunities, serves as a model for other Commonwealths. With due regard for all the interests involved there should be no lowering of this standard.

FEEES.

The tendency of legislation in recent years has been to provide that where officers are paid salaries all fees provided for by statute and received by them in the discharge of their duties shall be turned into the treasury of the state, county or municipality, as the case may be. This policy has met with approval and should be made more complete. If there are officials receiving fees at the present time who are not sufficiently compensated by their salaries, that condition is one within your power to correct. In general the public understands that the salary that is paid to an official is his entire compensation from the public for his duties, and the facts should be made to conform to this understanding.

STREET RAILWAYS.

Several collisions during the past year between electric cars and vehicles using the highways have directed the attention of the public to the speed at which cars are operated in different portions of the state. It appears that there is no state board having jurisdiction in this matter, but that the right to fix and limit the speed at which a car may be operated is in the local authorities. In some instances where these local authorities have taken action their action has not been such as to satisfy the demands of the public, and in many localities no action whatever has been taken. I do not question the wisdom of leaving the authority vested in the local officers, whose acquaintance with local conditions must be of assistance in determining what is a reasonable and safe rate of speed on their own highways, but I suggest in the interests of all that both the public and the railway companies should have a right of appeal to the railroad commissioners, and that the latter should be given authority to act where the local board neglects to do so.

CAUCUS LAWS.

There seems at the present time to be no law holding a warden accountable for his refusal to open a caucus at the time appointed, nor is there any law under which he can be held accountable for his refusal to put to vote the election of additional officers to serve in a caucus in case of temporary vacancies under section 129 of chapter 11 of the Revised Laws.

CAUCUS ENROLMENT.

Our state recognizes in its caucus and election legislation not only the existence of parties but also their necessity and utility ; yet no provision has been made which sufficiently provides for the designation of those who are entitled to vote in party caucuses. In many election districts the choice of the primaries determines the choice on election day, because the district is so largely composed of voters of one political party as to render the election of the nominee of that party a certainty. This fact has resulted in the frequent invasion of caucuses by men of other political faiths, who have no moral or legal right to vote therein, and whom it is practically impossible to exclude because of the lack of means for determining with certainty those who have not such right. This subject has given rise to much discussion and to many attempts at legislation in the past. In the meantime the evil has grown, and is a serious one, for the rights of the voter in the primaries of his party should be as inviolate as his rights on election day. It would seem to be just to provide by legislation for an enrolment of the voters on party lines, such enrolment to be made by the public authorities, and sufficiently far in advance of a caucus as to be made under normal conditions, with such provisions for a change in party enrolment as may be necessary to prevent errors and to permit the voter to fully exercise his free will. Such legislation will not only tend to the purity of the ballot at the primaries but will also tend to fix party responsibility, which is of the greatest importance. No party can be held responsible for the candidates of its caucuses if the choice of those candidates was rendered possible by the vote of those who were not

members of the party, but who, nevertheless, under the prevailing system, were enabled to participate in its caucus and dictate its choice.

REFERENDUM.

Our fathers established here a representative form of government. In most matters that come before the general court its members must take the responsibility and decide for the people. But it is not an attempt to shift the burden of responsibility for a legislature elected to make laws for a single year, to refer to the people of a special locality for their direct decision such matters as the granting of franchises where the people of that locality alone are to be affected, where their interests only are to be subserved, and where, as the result of such action, their welfare is concerned, not for one, but for many years. I am in entire accord with the views of those who believe that legislation in such cases should be referred for the approval or rejection of the voters of the community most interested.

LOCAL HOME RULE.

In this same connection I may record my opposition to special legislation, and particularly to that which interferes with the complete management of its own affairs by a municipality. The Commonwealth has the right to interfere whenever a community fails to conduct its affairs in such a manner as to be for the benefit of all, and whenever it fails to enforce respect for the laws. But, in general, every municipality should be left such freedom of action as to cause it to recognize its own responsibility for the efficiency and integrity of its local government.

COMPENSATION FOR PUBLIC FRANCHISES.

The rights granted to public service corporations are often to be exercised in the highways which belong to the public, hence these rights are for the most part exclusive. Legislation should make certain that the service rendered by such corporations to the public is adequate, and furnished at reasonable rates; and that, in addition, there is paid into the public treasury compensation for the fran-

chise proportionate to its value to the corporation. It is claimed by those who oppose direct payment for franchises that it is better to exact no payment, but to require in place thereof that the money thus saved to the corporation be used in furnishing better facilities to the public, and that, in fact, it is so used. But I am of opinion that the result has been rather to cause, either directly or indirectly, the capitalization of the value of the franchise in the interests of the stockholders, and to the loss of the public. To require direct payment into the public treasury for the exercise of these rights would reduce the rates of taxation and give municipalities funds for the carrying on of needed public improvements. It seems to me that no franchise should hereafter be granted to such corporations except upon conditions, not restrictive or burdensome, yet such as would insure just direct compensation to the public for the privileges enjoyed.

CORPORATE POLITICAL INFLUENCE.

Public service corporations, rightfully managed, are of great benefit to the people; but the interests of stockholders sometimes conflict with those of the public. It is important therefore that those representing the people should avoid placing themselves under obligations to such corporations. For years there has been a growing tendency on the part of certain public officials in state and city governments to request employment for their constituents from such corporations. It is not to be presumed that, in the majority of cases, this has been done with any expectation on the part of the official that, in seeking such favors, he was placing himself under any obligation such as would result in his either consciously or unconsciously regarding requests for legislation, or other public concessions, in a more favorable manner than he otherwise would. Nor is it to be assumed that corporations have granted such requests, in the majority of cases, with any expectation of thereby placing public officials under obligation to them. But that the custom has resulted, and necessarily must result, in giving a hold upon men which is inconsistent with the entire freedom of their action when weighing conflicting interests, must be admitted. It is time for legislation that will prevent such

use of labor patronage by making it an offence for any official to make, or any corporation to grant, directly or indirectly, such a request.

UNIFORMITY IN MUNICIPAL ACCOUNTS.

Uniformity in city government is to be desired. General laws based on the experience of municipalities in the past would be of benefit to all. There should be provision by which each municipality could profit from the experience of the others. It has recently been brought forcibly to the public attention that there is no uniform system of municipal accounting in this Commonwealth, such as would permit the contrasting of the expenses of one municipality for a given purpose with those of another for the same purpose, thereby revealing extravagance, if such existed, and tending to encourage more economical administration.

A law which would provide for such uniformity in the keeping of the accounts as would render possible such comparison would be of great benefit. Through the publicity which such a system would make possible, not only would greater economy be effected, but also useful knowledge would be obtained bearing upon the problems of municipal industries such as furnish water, gas and electricity. I may also add that the adoption of such a system would tend to the advantage of the municipalities in the matter of their credit, which would appear in the reduced rates at which bonds might be issued.

Good results have been derived from the laws in this state providing for a uniform system of accounting under which reports are made to the controller of county accounts. Uniform municipal accounting is but another step in the same direction. I trust you may find it possible to take favorable action along this line. This need not result in the establishment of a new department, but should properly be made a part of the work of the state auditor's department.

CONTROLLER OF COUNTY ACCOUNTS.

In conformity with this suggestion I recommend that legislation should also be enacted consolidating the department of the controller of county accounts with the auditor's department.

ADMINISTRATION OF JUSTICE.

The courts of the Commonwealth command the universal approval of our people. Equal and impartial justice is administered to all. But the Constitution demands and the welfare of the public requires that justice shall not only be assured, but that it shall be administered "promptly and without delay;" that men accused of offences against the law shall not be kept an unreasonable length of time in confinement awaiting trial; and that litigants shall not be obliged to wait many months for a decision as to their rights. Delay is denial of justice. In certain of the counties, notably in Middlesex, men under arrest may have to wait months for a trial. Three sessions of the superior criminal court are held each year under the law at Cambridge. The law should be changed so as to provide for four sessions.

The increase in civil business in the superior court is constant, and, notwithstanding the addition of three judges under legislation of the past year, it is still evident that something further must be done. The condition in Suffolk county particularly demands relief. More and more the law business of the state is centering in the city of Boston. Cases have so accumulated that if all were tried they would consume the entire time of the court for several years. Each year shows a net increase of hundreds in the cases awaiting trial. In suits of magnitude the parties must wait many months. The court cannot be held responsible for this condition of affairs. It has done everything within its power to remedy it. But the situation is serious and any suggestion that will tend to relieve it should be given thoughtful consideration. It is not merely annoyance that results, it is financial loss. Parties unable to wait are often compelled, to their disadvantage, to settle their cases out of court.

There are pending a large number of land damage cases against the city of Boston. The city admits its liability, and is waiting for the court to fix the amount. When the juries finally decide these cases there must be added six per cent interest for all the time that the cases have been pending. This interest charge alone means a loss to the city of Boston of tens of thousands of dollars an-

nally, which might be saved were prompt trials possible. This is but one instance of many that might be cited.

Much of the time is taken up in hearing appeals from the lower courts. It has become a practice on the part of some attorneys to bring their cases in the lower courts in order that they may discover the evidence of their opponent, and then appeal. The judges of these lower courts are men of experience and ability. In case of an appeal the finding of these judges upon a hearing should be by law given the effect of an auditor's report. This could result in no injustice to any one, but would make the number of appeals much smaller and thereby diminish pressure upon the over-burdened higher court.

Another plan of relief that has been suggested is to give probate courts jurisdiction of divorce proceedings. Legislation to this end would not only relieve the superior court materially but would also place the divorce proceedings where they seem to belong.

INSURANCE.

The tendency of the times towards the control, through easily acquired corporate franchises, of vast accumulations of capital for promoting and financing all kinds of enterprises, suggests the expediency of investigating the question of the need of legislation the more fully to protect the policy holders of such legal reserve life insurance companies authorized to transact business in Massachusetts as are conducted on the stock plan. A study of the situation, together with a knowledge of what was recently contemplated by a certain company of this class, makes it evident that, if some mercenary corporation or syndicate should secure a majority of the stock of the life insurance companies which are controlled by a stock vote, such combination would be in a position to manage these great accumulations of assets in a way to conserve the interests of the manipulators rather than the security of the policy holders for whom and from whom they were collected.

As opposed to this the Massachusetts idea, from the very infancy of the life insurance business in this Commonwealth, has been that these accumulations, at the outset small but now of vast magnitude, are, like the deposits of savings banks, trust funds, to be held and

guarded for the widow and the orphan with the most jealous care. No agency however subtle or powerful should now be permitted to render less secure these accumulations, which are as necessary to the fulfilment of the contracts which they represent as are the deposits in the savings banks to liquidate the claims of depositors. These funds to the credit of stock companies alone, now transacting business in this Commonwealth, amount to upwards of six hundred millions of dollars, and the temptation and opportunity to control them by any corporate combination or otherwise should be removed by appropriate legislation.

CORPORATION LAWS.

There is a wide distinction between public service corporations, that enjoy valuable and necessarily exclusive rights, and private business corporations. The former, both in their organization and in many of the details of their management, are properly, under the strictest supervision, regulated by law, and the policy of this Commonwealth in safe-guarding the interests of the public as to them cannot be too highly commended. There is a conviction however that our existing statutes relating to the organization and conduct of private business corporations are not adapted to modern business conditions. Most of these statutes were enacted many years ago, when business operations were upon a very small scale, and when the state undertook to exercise strict control over the corporations which it chartered. This resulted in the imposition of many restrictions which have become burdensome. That this is so is evidenced by the fact that it is becoming more and more common for our citizens to incorporate under foreign charters for the purpose of carrying on their business enterprises, while our domestic corporations, as they extend their operations, often feel compelled to surrender their charters and reincorporate under the laws of some other jurisdiction. This is cause for regret. If it was ever the purpose of this Commonwealth to guarantee the value of the shares of stock in its corporations that purpose has never been accomplished. The public has learned to discriminate and to judge for itself in regard to these values, as it has in regard to any other kind of property. The corporate form to-day is essential in conducting large business enterprises, and our laws

should be such that Massachusetts citizens can employ Massachusetts capital under a Massachusetts charter in any legitimate business, whether it be conducted within or without the borders of our state; and the taxation incident upon such incorporation should flow into our treasury rather than into the treasuries of other states. The legislature recognized the need when, at its last session, it provided by statute for the appointment of a committee to consider the laws of the Commonwealth in relation to the formation, taxation and conduct of business corporations, and their effect upon trade, commerce and manufacture, and to consider and determine what legislation, if any, is necessary to make the relations existing between the Commonwealth and such corporations more advantageous to the Commonwealth and to the public interests.

One of the members of the committee appointed under this statute was Hosea M. Knowlton, whose recent death was a cause of universal regret and mourning to the people of the state. He served the Commonwealth for many years as attorney-general, with rugged purpose, completely realized, to guard her every interest, and subsequently, as a member of this committee, gave of the best of his time, strength and ability in an effort to solve these great problems in such a way as to produce the best results for the state. At the time of his death the report of the committee was practically completed, and will soon be submitted to you. I recommend the appointment of a special committee to consider what action shall be taken upon this report. I doubt if any more important matter comes before you during the present session, and I earnestly hope that your prompt consideration of it may result in early legislation of far-reaching advantage to the Commonwealth.

STATE HIGHWAYS.

I believe that the time has come when more attention should be paid to the beautifying of the highways of the state, and particularly to the matter of planting trees and shrubbery. At slight additional expense that assistance can be given to nature that will result in highways famed not merely for the utility of their construction but also for their beauty. Increased value of adjoining lands and the increased comfort of the traveller would also result from this improvement.

It is apparent that the main work of the commission — the construction of highways — is one that cannot be completed for many years, if ever. The public appear to approve of what has been done, and I think desire a continuance of the policy; but the increasing debt for this purpose and the increasing cost of the maintenance of these roads suggest caution, and that the time has come when we should look ahead, and should decide what bounds shall be fixed to this expenditure. If the expenditure is to continue the annual expense for a series of years should be fixed, the amount thereof being determined by a careful consideration of the conditions of the state treasury and particularly as to the total outstanding indebtedness for this purpose and the sinking funds applicable to the payment thereof.

Under the present law less than one half of the expense for the care of these roads, after they are constructed, is paid by the localities directly benefited. I believe that these localities should bear a greater proportion, if not the entire amount, of the annual expense necessary to keep these roads in repair.

CONTINGENT DEBT.

The contingent debt of the state is the debt incurred largely for the benefit of cities and towns, chiefly within the metropolitan district, and which is to be paid by such cities and towns. The gross contingent debt amounted on the first day of January to \$56,855,412, the sinking fund amounted to \$4,364,034.35, leaving a net contingent debt of \$52,491,377.65. There is already authorized, but not yet issued, bonds to the amount of \$5,500,000 for the purpose of completing the metropolitan water system; for the completion of the sewerage system \$736,000; and as these two systems must be completed it is apparent that, without any further improvements being entered upon or expenditures made, the gross contingent debt upon the completion of these works will amount to at least \$63,091,412. For this debt you are not responsible, and it must be admitted also that it has been incurred without extravagance and for such improvements as have universally commended themselves to the municipalities interested. It is also to be recognized that \$40,000,000, or a large part of this gross contingent debt, will have

been expended for a water supply of unrivalled quantity and quality, and will not be a burden upon the tax payer, but be paid for from the income received from the system, and the system eventually become an asset yielding large revenue to the district.

In addition to the indebtedness at present incurred or necessary to be incurred in order to complete the water and sewerage systems, and that already incurred for the park and boulevard systems, there must be added also the amount necessary for the completion of the latter, as contemplated by the original act and its subsequent amendments. Where a link is necessary to render the whole or a large part of the system available to a community that is otherwise deprived of its use such link should be provided for; but propositions for expensive additions, not in the original plan, should not under present conditions receive encouragement.

It may be advisable to pass legislation such as will place at the disposal of the metropolitan park commission for the completion of the system a certain amount each year, leaving the amount to be expended in such a manner as in the judgment of the commission will be of greatest benefit to the public.

STATE DEBT.

The total gross debt of the state incurred for state purposes on the first day of January was \$27,413,323.30; the sinking fund applicable to the payment of this debt on said date was \$13,940,695.21, leaving the net debt of the state incurred for state purposes on said date \$13,472,628.09.

The net actual state debt for five years is as follows:—

Jan. 1, 1899,	\$14,698,964 24
Jan. 1, 1900,	16,869,171 04
Jan. 1, 1901,	11,704,166 45
Jan. 1, 1902,	12,459,253 61
Jan. 1, 1903,	13,472,628 09

Under the provisions of legislation enacted by your predecessors the net debt of the state will be increased by large sums to be devoted to the abolition of grade crossings and to the improvement of Boston harbor. There must be added also such sums as you may author-

ize for the construction of state highways, and whatever may be necessary to provide accommodations for the normal increase of the insane population of the state. The statement of this situation shows the need for the most careful scrutiny of every measure involving expenditure, the practice of every economy consistent with the welfare and progress of the Commonwealth, and the wisdom of directing efforts to the best method of augmenting the revenues rather than to the discovery of new means for their disbursement.

FINANCIAL POLICY.

The treasurer and receiver general has directed my attention to a most important matter that will be more fully treated in his annual report. It relates to our financial policy. In general it may be said that there are two approved methods of providing for the payment of bonded indebtedness, — one by the establishment of sinking funds, and the other by serial payments. The first system has prevailed in our state from the beginning. It has given to the state high financial standing, and there should be no departure from it without strong reasons appearing therefor, as the result of a thorough investigation. The evils of the sinking fund system were not serious when the bonded indebtedness of the state was small, but that there are some evils is apparent to-day when our bonded indebtedness, including the contingent indebtedness for the metropolitan district, is over \$84,000,000, and the sinking funds are piled up in our vaults to the extent of nearly \$19,000,000, and are rapidly increasing. These funds have been managed with absolute fidelity to the people's interest; but the responsibility for their investment is great and the risk to the state is large.

Under the sinking fund plan large accumulations of funds and securities are piled up in the treasury. Under the serial payment plan the funds are paid out to reduce the state's indebtedness. Other things being equal it must be admitted that the plan which does not heap up the sinking funds but immediately reduces the debt is the better.

The most important question in this connection is the one as to which policy is the more economical. To determine this one must consider the difference, if any, in the amount that will be derived by the Commonwealth

from the original sale of the bonds, the difference, if any, in the rate of interest at which the bonds can be issued, and the total amount required for principal and interest to pay the debt at maturity. I am informed that computations most carefully made indicate that there would be an immense saving under the serial payment plan. If this fact can be established legislation should follow that will in the end relieve the state from the unnecessary burden of the present system.

Senators and Representatives :— It has been given to but few men to write their names prominently in our history. There were Carver and Bradford from Plymouth Rock ; Endicott and Winthrop from Massachusetts Bay ; there was Otis, who, from the peaceful forum of the Old South meeting house, hurled his firebrands of revolution ; there was Warren, whose blood helped to make our Bunker Hill ; there was Lincoln, the trusted major general of the great Washington ; there were Phillips and Garrison, who awakened a nation's conscience into life ; there was Webster, who wrote his name across the Constitution, and Sumner, who wrote his across the human heart ; there were Banks and Bartlett and Hooker, who commanded great hosts ; there was Mann, who consecrated his life to the cause of education, and Howe, who opened the book of the world to the blind ; there were Shaw the jurist and Franklin the philosopher and Agassiz the naturalist ; there was Morton, who banished pain, and Morse, who banished space ; there were Bancroft and Prescott, who wrote the records of men ; there was Emerson, who thought, and Whittier and Holmes and Bryant and Longfellow, who sang ; and there were Edwards and Channing and Brooks, who preached. But these were not Massachusetts. She is more than these ; she is a living force : a vital factor in the affairs of men, because she has stood for ideals, and ventured all for principles. Would we serve her ? It is not necessary to write our names in her hall of fame. We have but to be true to her ideals ; to be faithful to the people's interests ; to be watchful to protect them from insidious attacks ; to recognize the rights of men ; to " call no man master, but to be slaves to principles ever." With such our purpose we will look confidently toward the future, praying that, as with our fathers, so with us may be the God of Commonwealths.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR TO THE LEGISLATURE
DURING THE ANNUAL SESSION.

[To the honorable senate and house of representatives, January 8, 1903.]

I have the honor to transmit herewith a report of the pardons granted in 1902, left with me by my predecessor in office.

JOHN L. BATES.

JANUARY 7, 1903.

I have the honor to present herewith, in compliance with chapter 50 of the resolves of 1860, a report of the twenty-five pardons issued by the governor, with the advice of the council, during the year of my administration just closing. Of the number thus released, seven were in the state prison, seven in the Massachusetts reformatory, four in the reformatory prison for women, six in houses of correction and one in the Suffolk county jail. Sickness was the controlling reason for the discharge of nine, seven of whom have since died.

W. MURRAY CRANE.

No. 1. MARY SCANLAN. Convicted of being a common drunkard, Municipal Court, South Boston, July 8, 1901. Sentenced to the reformatory prison for women for one year. Pardoned Jan. 15, upon the recommendation of the prison commissioners. The prison physician reported that the prisoner, who was married, would be confined about the first of February. The husband, who made the complaint, a respectable and

industrious man, strongly urged the pardon. Under the circumstances this seemed to be a case worthy of clemency.

No. 2. RICHARD McDONOUGH. Convicted of breaking and entering and larceny, Superior Court, Suffolk county, Oct. 16, 1901. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Jan. 29. McDonough was suffering with pulmonary tuberculosis with no possible hope of recovery. He was removed to the Cullis Home for Consumptives.

No. 3. JOSEPH F. SIMONS. Convicted of larceny, Superior Court, Middlesex county, Feb. 25, 1901. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned Feb. 12, upon the recommendation of the prison commissioners. Previous to this offence Simons had always borne a good character, his father was very seriously ill and not expected to live. Owing to his father's condition and in view of the prisoner's perfect conduct during his imprisonment the pardon was granted.

No. 4. JOHN HAYWOOD. Convicted of having charge and custody of a horse unfit for labor, Municipal Court, Boston, Feb. 4, 1902. Sentenced to pay a fine of one hundred dollars. Committed to jail in default of the payment of fine. Pardoned February 19, upon the recommendation of the justice who imposed the sentence and the complainant, on the ground that he had been sufficiently punished by the imprisonment he had already suffered. He was unable to pay the fine, and his employer, whose horse he was driving, refused to pay it for him.

No. 5. CHARLES S. STILES. Convicted of being a common and notorious thief, Superior Court, Suffolk county, March 8, 1901. Sentenced to the house of correction for two years. Pardoned March 5, upon the recommendation of the district attorney, the chairman of the prison commissioners, and the complainants. While the evidence presented to the jury warranted the verdict rendered by them facts have since been brought to light that show that Stiles was a victim of circumstances. In

view of his previous unblemished reputation and the probability of his innocence the pardon committee unanimously recommended the pardon.

No. 6. THOMAS RYAN. Convicted of breaking and entering, Superior Court, Worcester county, Feb. 6, 1896. Sentenced to the state prison for from twelve to eighteen years. Pardoned March 14, upon the recommendation of the prison physician. Ryan was dangerously ill with a complication of diseases, with no hope of recovery unless pardoned. He died in Brooklyn, New York, March 30.

No. 7. HARRY S. RICHMOND. Convicted of forgery, Superior Court, Suffolk county, Feb. 15, 1897. Sentenced to from six to ten years in state prison. Pardoned March 26, upon the ground that he had been sufficiently punished. The pardon was recommended by the district attorney, the chairman of the prison commissioners, and many of the best citizens of Brockton.

No. 8. ROBERT F. O'BRIEN. Convicted of breaking and entering, Superior Court, Suffolk county, Sept. 9, 1901. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned April 2. O'Brien was weak rather than vicious. His offence was due to the excessive use of intoxicating liquor. His conduct in the reformatory had been perfect. He was released upon the recommendation of the district attorney and the prison commissioners, to enable him to go immediately to Mexico, where employment awaited him.

No. 9. GEORGE E. MORIN. Convicted of assault, Police Court, Lee, Oct. 8, 1901. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned April 2. In view of the fact that there seemed to be some question of Morin's guilt of the serious crime charged a pardon was recommended by the prison commissioners, the complainant, and many of the leading citizens of Lee, where the crime was committed.

No. 10. OVILA SEVIGNAC. Convicted of breaking and entering and larceny, Superior Court, Middlesex county, June 11, 1901. Sentenced to the Massachusetts

reformatory on an indeterminate sentence. Pardoned April 2. This prisoner was suffering from acute heart disease resulting from rheumatic fever, with very little hope of recovery. He died shortly after his release.

No. 11. FRANK LAFRANCE. Convicted of assault, Superior Court, Essex county, Jan. 25, 1901. Sentenced to the state prison for from two and one half to three and one half years. Pardoned May 7, upon the recommendation of the complainant, city marshal O'Sullivan of Lawrence, and the prison physician. The prisoner was in the last stages of pulmonary tuberculosis, with no possibility of recovery. He died May 21.

No. 12. MILISSIA J. FITZSIMMONS. Convicted of being a common drunkard, Municipal Court, Dorchester, Oct. 23, 1901. Sentenced to the reformatory prison for women for one year. Pardoned May 14, upon the recommendation of the complainant, the arresting officer and others, on the ground that she had been sufficiently punished. She had never before been arrested.

No. 13. STEPHEN CARROLL. Convicted of larceny, Central District Court, Middlesex county, Nov. 23, 1900. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned May 14. Carroll was in the last stages of pulmonary tuberculosis, with no hope of recovery. He died May 17.

No. 14. JAMES HAGGERTY. Convicted of assault, Superior Court, Bristol county, June 10, 1901. Sentenced to eighteen months in the house of correction. Pardoned May 28, upon the recommendation of the mayor and many of the leading citizens of Fall River, on the ground that he had been sufficiently punished. The offence was a slight one. If he had been defended by council at the trial he undoubtedly would have received a much lighter sentence.

No. 15. FREDERICK F. McDONALD. Convicted of breaking and entering, Superior Court, Suffolk county, Feb. 13, 1900. Sentenced to the house of correction for four years. Pardoned May 28. McDonald was suffering from lung tuberculosis and dangerously ill in the last

stages of the disease. He died two days after his release.

No. 16. WILLIAM N. COLE. Convicted of robbery, Superior Court, Suffolk county, Nov. 14, 1900. Sentenced to the Massachusetts reformatory on an indeterminate sentence. Pardoned July 9, upon the recommendation of the prison commissioners, to be taken by his mother to her home in Kansas. He was but fifteen years old when arrested. The offence was not of a serious nature.

No. 17. JAMES SULLIVAN. Convicted of breaking and entering, Superior Court, Hampden county, Dec. 29, 1899. Sentenced to the house of correction for three years. Pardoned July 9, upon the recommendation of the district attorney and the prison physician. He was seriously and hopelessly ill with general tuberculosis. He died December 8.

No. 18. THOMAS J. CALLAHAN. Convicted of larceny, Superior Court, Suffolk county, June 11, 1902. Sentenced to the house of correction for one year. Pardoned September 5, upon the recommendation of the prison physician, who reported that the prisoner was failing rapidly with phthisis pulmonalis. He died two days after his release.

No. 19. JAMES W. WILSON. Convicted of rape, Superior Court, Franklin county, Nov. 20, 1901. Sentenced to the house of correction for three years. Pardoned September 10, upon the recommendation of the district attorney and the prison physician, for the purpose of being removed to a hospital in New York city for the removal of a dangerous tumor. From evidence submitted it was evident that he should have been convicted of adultery rather than rape.

No. 20. ANNIE F. BARROWS. Convicted of abortion, Superior Court, Suffolk county, May 22, 1900. Sentenced to the reformatory prison for women for five years. Pardoned November 12, upon the recommendation of the justice who imposed the sentence, the district attorney, and the prison commissioners, upon the ground that she

had been sufficiently punished. The husband of the prisoner was sentenced to the state prison for not less than seven years. The justice and the district attorney both certified that the wife was influenced by her husband in committing the offence, and was not to blame to the extent that he was, and that if a smaller sentence could have been imposed upon her it would have been.

No. 21. GEORGE RUNGE. Convicted of robbery, Superior Court, Suffolk county, Oct. 15, 1897. Sentenced to the state prison for from six to nine years. Pardoned November 12, upon the recommendation of the warden of the state prison and the chairman of the prison commissioners. Runge gave ready assistance to an officer in the prison when he was assaulted in one of the shops. For that reason eleven months was remitted from his sentence.

Nos. 22 and 23. WILLIAM COLE, *alias* WILLIAM CARROLL, and JAMES, *alias* THOMAS MCQUAID. Convicted of breaking and entering and robbery, Superior Court, Worcester county, May 22, 1896. Sentenced to the state prison for from twenty-two to thirty years each. Pardoned Nov. 14, upon the recommendation of the attorney-general and the district attorney of Worcester county.

The prisoners, Cole and McQuaid, were tried jointly with other defendants upon indictments, in the county of Worcester, charging them with highway robbery and breaking and entering, in the town of Athol. No testimony was offered in behalf of these two prisoners. Verdicts of guilty were returned, and sentences were imposed, and the defendants duly committed to the state prison thereon.

After these convictions it was asserted by Cole and McQuaid that they were not guilty, because of an alibi, evidence of which they could have offered, but withheld because its presentation would necessarily have shown them to be guilty of breaking and entering at Northborough, in the same county of Worcester, and on the same night when the offences for which they were charged, and upon which they were convicted, were committed in the town of Athol.

Investigation of the claim made by these prisoners was prosecuted by officers of the Commonwealth, and it has now become evident that the contention of fact made by

Cole and McQuaid is well founded, and that, in truth, they were engaged in the offence of breaking and entering in Northborough at the time when they were accused of having committed the offences in Athol.

Had this evidence been presented to the court, it would doubtless have resulted in their acquittal upon the Athol offence, and would likewise have resulted in their conviction for the offence committed at Northborough. It appears clear, and the prosecuting officers are now satisfied, that they were not guilty upon the indictments upon which convictions were had. Indictments charging them with the commission of the offence at Northborough have been returned by the grand jury in Worcester county, upon which the two prisoners have pleaded guilty. The district attorney of that county, in view of the fact that the prisoners have already served a long term of imprisonment upon their erroneous convictions, was satisfied that justice would be done without the imposition of any sentence upon the Northborough offences, since the confinement which they have suffered upon the other convictions seems an adequate punishment for the offence actually committed, and accordingly, upon their plea of guilty, put them on probation, which probation is now outstanding and to which they are now subject.

In view of all these facts, and in consideration of the prisoners continuing upon probation, pardons were granted.

No. 24. JOSEPHINE NEEDHAM. Convicted of larceny, before trial justice H. C. Bascom, Worcester county, June 11, 1902. Sentenced to the reformatory prison for women for one year. Pardoned December 3, upon the recommendation of trial justice Bascom and the prison commissioners. The prisoner was a married woman and was soon to be confined. This was her only court record. Her conduct in prison had been good.

No. 25. JOHN F. DEVER. Convicted of robbery, Superior Court, Suffolk county, Feb. 28, 1898. Sentenced to the state prison for from twelve to fifteen years. Pardoned December 24, upon the recommendation of the chairman of the prison commissioners and the prison physician. Dever was fatally ill with pulmonary tuberculosis, with no possible hope of recovery.

[To the honorable senate and house of representatives, January 26, 1903.]

I have the honor to transmit herewith for your consideration a communication from the department of the interior at Washington, requesting the enactment of legislation providing for better facilities for the carrying on of the scientific and engineering work of the geological survey in this Commonwealth.

[To the honorable senate and house of representatives, January 30, 1903.]

I have the honor to transmit for the consideration of your honorable bodies a communication addressed to me by the Boston transit commission relative to the construction of a tunnel or tunnels from a point on or near Hanover street in the city of Boston to a point at or near Maverick square in that part of Boston called East Boston, as provided for by chapter five hundred of the acts of the year 1897.

[To the honorable senate and house of representatives, February 5, 1903.]

It is with deep regret that I announce to you the death on this day at his home in the city of Pittsfield of Henry Laurens Dawes.

A large part of his life was devoted to the state and the nation. His public service began in the lower house of the general court in 1848, of which he was a member for two terms. Later he served in the state senate. For four years he was district attorney for the Western district, and in 1857, was elected to the national house of representatives, where for eighteen years, covering a most momentous period in the country's history, he maintained the traditions and advanced the hopes of Massachusetts. In 1875 he was elected to the United States senate, and continued to represent the state in that body for eighteen years.

As the name of his great predecessor, Charles Sumner, will ever be associated with the cause of the negro, so will the name of Henry Laurens Dawes be ever linked with that of the Indian. The establishment of the present system for the education of the red men and the introduction of many reforms in the management of their affairs by the nation were due largely to his efforts.

Throughout his half century of public service he exhibited that devotion to the welfare of humanity and that

persistency in championing the cause of the weak that illustrates the true spirit of Massachusetts. Departed in the fullness of years well spent, the people of the Commonwealth mourn for him, but will ever find pleasure and profit in contemplating the record of his life.

I recommend that you take such action upon his death as may seem to you a fitting recognition of his conspicuous services.

[The honorable senate and house of representatives, February 24, 1903.]

I return herewith "An Act to authorize the town of Wilmington to incur indebtedness for a new town hall, beyond the limit fixed by law," with my objections thereto in writing.

This act provides that the town of Wilmington may borrow on a thirty year loan thirty thousand dollars outside the debt limit to build a town hall.

It has long been the law of this Commonwealth, as provided in section 11 of chapter 27 of the Revised Laws, that debts incurred by towns in erecting public buildings and in procuring lands therefor shall be payable within twenty years. This limit recognizes that the value of a building is chiefly in the first twenty years of its existence, and that those who have the use of it during that period should pay the debt incurred in its construction. To extend the limit to thirty years would, in general, result in imposing an obligation upon the tax payers of the third decade to pay for a building that, by the time the payments were completed, would be old, substantially out of date and ill-adapted to the uses of the time. No reason has been advanced for making this exception in the case of the town of Wilmington, except that the annual payments to the sinking fund would be smaller on a thirty year loan, and therefore easier for the town to meet. But this would be true in every case, and if allowed in one must be allowed in all, and the general law repealed.

The provisions of section 4, of chapter 27 of the Revised Laws, to the effect that a town shall not become indebted in an amount exceeding three per cent of the last preceding valuation of the taxable property in the town, have also been the law of this Commonwealth for

many years. The limit was adopted not merely to impose a restraint upon municipalities, but that their bonds might have a better standing in financial markets. This result has been attained. The bill herewith returned permits a town for the construction of a single public building to contract a loan outside the debt limit equal to very nearly three per cent of the town's valuation, and therefore practically raises the limit of indebtedness of Wilmington to six per cent of its valuation, instead of three.

It will be agreed that an exception to the general rule should not be made except where there is urgent need. There does not appear to be such urgent need in this case. The valuation of the town gives it a borrowing capacity under the general law of \$34,375. The only permanent loan outstanding is one of \$4,375, so that there is practically \$30,000 that can be borrowed within the debt limit by the town this year as soon as its temporary loan made in anticipation of the receipt of taxes is provided for. Moreover, an examination of the town's finances shows that there are taxes and accounts receivable sufficient to offset all the town's indebtedness at the present time, including both the permanent and temporary loans above referred to. Without, therefore, considering the merits of the expenditure of \$30,000 upon a town hall, — an expenditure that is equal to approximately \$18.75 for every inhabitant of the town, and to \$27.00 for every \$1,000 of its valuation, — it is apparent that there is no necessity for the passage of this act, as the borrowing capacity of the municipality within the debt limit is amply sufficient to provide for such a building if the voters of the town so decide.

For these reasons I respectfully return the act without my approval.

[The honorable senate and house of representatives, February 25, 1903.]

I have the honor to transmit herewith for the consideration of your honorable bodies a communication addressed to me by the Massachusetts Vicksburg commission, relative to the completion and dedication of a memorial to Massachusetts soldiers who took part in the siege of Vicksburg.

[The honorable senate and house of representatives, February 26, 1903.]

I return herewith "An Act to legalize and confirm certain proceedings of a special town meeting of the town of Winchester," with my objections thereto in writing.

This act provides that bonds of the town of Winchester may be issued and made payable as specified by vote of the town at a special town meeting held on the 9th day of June, 1902, and further, that it shall not be necessary to establish a sinking fund for the payment of said bonds. It is apparent that the full significance of this act cannot be ascertained without consulting the records of the vote at the town meeting referred to. That vote was as follows:—

"That the town treasurer be and hereby is authorized and instructed, under the direction of the selectmen, to issue and sell, as provided by chapter 426 of the acts of the legislature for the year 1902, one hundred and ten (110) coupon bonds of the town in sums of one thousand dollars (\$1,000) each, payable as follows: \$10,000 July 1, 1923; \$10,000 July 1, 1924; \$14,000 July 1, 1926; \$14,000 July 1, 1927; \$14,000 July 1, 1928; \$14,000 July 1, 1929; \$14,000 July 1, 1930; \$10,000 July 1, 1931; \$10,000 July 1, 1932; said bonds shall be denominated on their face, Town of Winchester School Loan, and shall be signed by the town treasurer and countersigned by the selectmen, shall have the impress of the town seal thereon and bear interest at the rate of three and one half per cent per annum, payable semi-annually in each year upon the presentation of the coupons attached to said bonds and payable to the bearer.

"Any premium or accrued interest on said bonds when sold, except so much thereof as may be required to pay the expense of engraving, issuing and selling such bonds, shall be credited to 'interest account.'

"The proceeds of said bonds to the amount of one hundred and ten thousand dollars are hereby appropriated to be expended under the direction of a committee of seven to be appointed by the moderator, for the building and furnishing of a high school building."

The question involved is not one of borrowing outside of the debt limit, nor of borrowing for a period of thirty years,—for both of these rights were given to the town by a special act of last year, but the question is as to whether or not suitable and usual provision shall be made for the payment of the debt.

Chapter 27 of the Revised Laws requires that whenever a debt is incurred by a municipality provision shall be made for its payment either by the establishment of a sinking fund with annual contributions thereto, or by annual proportionate payments of the principal. The act herewith returned exempts the town from establishing a sinking fund, and not only does not compel it to make proportionate annual payments on the debt, but, by confirming the said vote, sanctions the making of no annual payments whatever for twenty years and the placing of the whole expense upon the people who will be the tax payers of the town in the ten years from 1923 to 1933.

It is evident that the most valuable use of a school building is obtained in the first twenty years of its existence, and if a debt must be incurred for its construction those who incur the debt and who have the use of the structure during the first twenty years ought to pay their proportionate share of its cost.

To permit the tax payers of the present to exempt themselves from paying any portion of the debts they incur and to place the whole expense on the tax payers of substantially the next generation would be an extraordinary departure, not only from the law and practice of this Commonwealth but also from sound financial methods, and would in the end result in encouraging extravagance in the present and in placing a grievous burden on the future.

For these reasons I return the act without my approval.

[The honorable senate and house of representatives, March 6, 1903.]

I return herewith an act entitled "An Act to authorize the Fitchburg and Leominster Street Railway Company to act as a common carrier between the town of Lunenburg and the city of Fitchburg", with my objections thereto in writing.

I do not object to street railways acting as common carriers of parcels, baggage, and certain classes of freight, whenever the public convenience may be promoted thereby, but I am opposed to the unnecessary multiplication of special acts granting special privileges, and call to your attention the fact that nine special bills of this character were enacted last year, that since the year 1890 seventy such bills have become law, and that many peti-

tions for similar special legislation are pending at the present time. This indicates not the necessity for further special acts but for a general law that shall cover all such cases and render special acts unnecessary.

Recognizing that the local authorities are best qualified to determine whether or not the conditions in their respective communities require the granting of such privileges, and also that outside of the local considerations involved there are involved the rights of the general public, I suggest that a general law giving street railway corporations the rights in question whenever they have obtained the consent of the local authorities, together with the approval of the board of railroad commissioners, after a public notice and hearing, would provide for all cases of this kind, and in such a manner as to do equal justice and protect all interests.

I further desire to direct your attention to the fact that my suggestion is in entire harmony with House Rule No. 30, Senate Rule No. 16, and Joint Rule No. 7, all of which make it the duty of a committee, whenever the object of an application can be secured without detriment to the public interests by a general law, to report such general law instead of a special law.

For the above reasons I return this bill without my approval.

[The honorable senate and house of representatives, March 16, 1903.]

I have the honor to transmit herewith a communication addressed to me by the commission appointed under the provisions of chapter 68, of the resolves of the year 1902, to prepare a testimonial for the soldiers and sailors who served in the war with Spain.

[The honorable senate and house of representatives, March 27, 1903.]

I return herewith an act entitled "An Act relative to the duties and salary of the messenger of the justices of the superior court for the county of Suffolk," with my objections thereto in writing.

This act provides that the messenger of the superior court for the county of Suffolk shall also act as clerical assistant of the justices of said court, and shall receive a salary of \$2,500 per year. I find that no actual increase of the duties of the messenger is anticipated; that, like

many messengers, he has performed such clerical work as required of him by the justices of the court, and that for many years such work has been considered a part of his regular duties. This legislation, therefore, must be considered as legislation to increase a salary from \$1,700 to \$2,500, or nearly fifty per cent. I am informed that the present messenger discharges his duties with commendable ability and fidelity, but the advisability of the passage of this act must be determined not from a consideration of the individual, but from a consideration of what the public should reasonably pay for such services as are required of one holding the position.

Public employ insures, as a rule, longer vacations, less hours of daily labor, better and more certain compensation than can be obtained in private employ. The salaries paid are such as to make the situations eagerly sought and by men well qualified to fill them. They should not be increased except where manifestly inadequate.

This does not appear to be such a case. If the salary already paid is contrasted with the compensation received by men employed in private business enterprises where a similar degree of ability is necessary, it will appear to be liberal. The usual compensation of competent bookkeepers, clerks, stenographers and messengers is much less than the present salary of the messenger. Moreover, if \$2,500 is to be considered proper compensation for this official, even though he render some clerical service, there are a multitude of cases where consistency will require increases of salary that in the aggregate will amount to a large sum, as there are many officers in the public employ whose duties are more exacting and whose responsibilities are far greater, but whose compensation is no more or not equal to that provided by this bill. The offices of the deputy secretary of the Commonwealth, and of the first clerk in the state auditor's department, positions where high ability is required, receive only \$2,500 each; the controller of county accounts, having charge of an important state department, receives only \$2,500; two of the highway commissioners, required to give all their time to the Commonwealth, and responsible for the proper expenditure of hundreds of thousands of dollars annually, receive only \$2,500 each; the first clerk of the commissioners of savings banks and the first clerk of the bureau of statistics of labor, both

of them occupying places of great importance, receive only \$2,000 each, and the messenger of the supreme judicial court, doing similar duties to the messenger in question, receives only \$1,700. The salary lists of the various departments of the state, those of the teachers in the public schools and those of the officers in the police and fire departments, will reveal many other cases of smaller amounts paid to men who have had to devote years of preparation to qualify them to hold the positions they are occupying.

Believing, therefore, that the nature of the duties required in the position affected by this bill does not justify this increase, and that the salary proposed when contrasted with salaries paid in other positions of the public service is out of proportion therewith, and that it is larger than what similar services could command in private business undertakings, and that its establishment at the sum specified would tend to increase the inequalities in the salaries paid to public officials, thereby producing dissatisfaction, and rendering necessary a re-adjustment to such an extent as largely to increase the burden upon the public treasury, I return this bill without my approval.

[The honorable senate and house of representatives, March 31, 1903.]

I have the honor to transmit herewith for your consideration a communication received by me from the board of harbor and land commissioners, together with one received by them from W. S. Stanton, lieutenant-colonel of engineers, U. S. A., and engineer of the second light-house district, relative to the conveyance by this Commonwealth to the United States of an area mostly under water, known as "The Graves," at the mouth of Boston harbor, for the purpose of erecting a light and fog signal station to guide the approach to the new Broad sound channel thirty feet deep recently excavated by the federal government, and now about to be buoyed and opened for the passage of vessels.

[To the honorable senate and house of representatives, April 11, 1903.]

I return herewith an act entitled "An Act to establish a board of commissioners of trust funds in the city of Salem," with my objections thereto in writing.

Section 2 of this bill divides the responsibility for the care, custody and investment of trust funds between the board of commissioners authorized by this act, the city council, and the city treasurer, so that in case of any misuse or default it would be difficult to fix the liability therefor.

Section 4 authorizes the issuing of bonds, notes or scrip to the amount of \$105,000, to be used for the purpose of refunding notes given by the city to itself as trustee, and apparently held as the security representing the trust funds in whole or in part, or for the purpose of restoring trust funds received and used for the city. While probably not so intended this section in effect ratifies such investments of the city's trust funds as have been made, condones any technical or actual breach of trust heretofore committed, recognizes and approves the mingling of trust funds with the moneys of the city council, and the diversion of such funds to the uses and purposes of the city.

Without passing upon the question as to whether or not the circumstances justify the issuing of bonds to the extent of \$105,000 outside the debt limit, I call to your attention the fact that the provision for the payment of such bonds is not in accordance with the provisions of the Revised Laws.

I therefore return the act without my approval.

[To the honorable senate and house of representatives, April 11, 1903.]

I return herewith an act entitled "An Act relative to the retirement of commissioned officers of the militia," with my objections thereto in writing.

The last session of the congress of the United States passed a law entitled "An Act to promote the efficiency of the militia and for other purposes." If the state is to avail itself of the special benefits of this national act, it will be necessary for a reorganization of the militia to take place in conformity therewith. Pending such action it does not seem to me wise to enact further laws relating to the militia, as such laws may have only a temporary effect in the event of such reorganization being authorized.

In addition to this general objection, there are special objections to section 3 of the bill herewith returned. It provides as follows: "All officers now upon the retired list who have been retired with increased rank, and all

officers who may hereafter be retired with increased rank, shall be duly commissioned and qualified in such rank, and their commissions shall take effect from the date of retirement. The required oaths may be taken before any civil or military officer authorized by law to administer oaths."

I can find no precedent for such legislation. The fundamental reason for issuing commissions is for the performance of duty, and not for retirement from duty. This act requires the commissioning of an officer when there is no place for him as such. It cannot increase the efficiency of the service, but tends to lower its dignity, and there is serious objection to it upon constitutional grounds, because it provides for the granting of commissions without the conditions precedent prescribed by the constitution.

I therefore return the bill without my approval.

[The honorable senate and house of representatives, April 22, 1903.]

I transmit herewith for your information the report of the investigation of the strikes or lockouts now existing in the textile industry in the city of Lowell, this day presented to me by the state board of conciliation and arbitration. This investigation has been conducted by the state board under and in accordance with the duties imposed upon it by law as provided in section 2 of chapter 106 of the Revised Laws as amended by chapter 446 of the acts of the year 1902.

I am informed that your honorable bodies on the sixth day of April adopted an order directing the state board of conciliation and arbitration to make an investigation in this matter and to report to you. Recognizing that the general court is aware of the fact that the state board of conciliation and arbitration is a part of the executive department of the government, and therefore neither directly nor indirectly under the authority of the legislature, I must construe the order as only a request for information in regard to the subject thereof, and, in accordance with such construction, I take pleasure in transmitting the report of the board to you.

[The honorable senate and house of representatives, May 4, 1903.]

I return herewith, with my objections thereto in writing, an act entitled "An Act to incorporate the South Shore Street Railway Company."

If the terms of this act are to be construed as taking away from people owning real estate abutting on the roads through which locations may be granted their right of appeal to the board of railroad commissioners, then is the bill objectionable, because it takes away existing rights which ought to be safeguarded.

If the bill be not so construed, I cannot see that the incorporators under it will obtain any essential advantage which they cannot obtain by incorporating under the general law. Therefore, the bill is either objectionable as relieving the incorporators of their obligations under the general law, or it is objectionable as being entirely unnecessary because permitting of nothing except what can be obtained under existing statutes.

For these reasons I am unable to give my approval to the bill.

[The honorable senate and house of representatives, May 4, 1903.]

I return herewith, without my approval, an act entitled "An Act relative to pensioners of the city of Boston."

I know of no circumstances that call for the passage of this measure. By its provisions a person in the receipt of a pension from the city of Boston must forfeit that pension if, in his endeavor to support himself or his family, he succeeds in obtaining any compensation whatever from the national, state, county or municipal authority. It further makes it unlawful for any officer or agent of the city of Boston to make any purchase for the city from or through a pensioner, or to make any contract with him. Pensioners are supposed to be such because of some service that they have rendered. To pass such an act as this seems to me to be a reflection upon those whom the laws of the state and of the city have considered specially worthy.

If the bill is meritorious there is no reason why it should not be made generally applicable, and not localized particularly in the city of Boston. The provision for forfeiture is so broad that it might take effect in consequence of the receipt by the pensioner of any compensation for most temporary and insignificant service rendered to any national, state, county or municipal authority. The provision that a payment of the pension by the city, or any officer thereof, shall be unlawful when the same was in fact forfeited by the terms of the act, is a harsh and un-

reasonable requirement, since such payment might be made in entire good faith, the facts not being within the knowledge of such officer.

[The honorable senate and house of representatives, May 19, 1903.]

I return herewith, with my objections thereto in writing, an act entitled "An Act to regulate the hours of labor for members of the fire department in cities of more than forty thousand inhabitants."

This bill seems to be entirely unnecessary. Every municipality has at the present time the right to fix the hours of service of its firemen. When the public sentiment of any community demands that the firemen be employed only twelve hours in twenty-four the public officers, who are the servants of that community, will readily grant the demand. No legislation is necessary for this purpose.

The legislature having given the right through city charters to the local authorities to fix the hours of service of the firemen, as well as to determine other matters of detail in the conduct of the city departments, it follows that this act is a needless interference by the legislature with the authorities that it has constituted to attend to such matters, and would establish a precedent for all manner of legislative interference in the mere details of municipal management.

The fact that the referendum is attached to this bill does not relieve the legislature or the executive of responsibility. If it did, every petitioner for legislation, no matter how unreasonable the legislation might appear to be, would argue that the legislature need take no responsibility itself, but should submit his matter to the people for their determination. The referendum is still a new principle, so far as its application to our form of government is concerned. If it is to be of any value it must not be used carelessly. The people, in order to be relieved of just such questions as the one involved in this bill, have established a representative form of government, and they expect their representatives in state and city not to shift the burden of responsibility back upon them, but to determine these questions after most careful study, and after due consideration of the welfare of the entire community.

Not only does the application of the principle of the referendum seem questionable in this case, but the par-

ticular form of referendum provided for in this bill is specially objectionable. Under this form, if the people of a city vote to accept this act they must forever afterwards, even though the change results in detriment to their city, continue to operate the department in accordance with the provisions of this bill, for they are given no power to change back again to their former system. For example, the mayor of one of our cities has stated that if this bill is adopted, his city will have to give up its permanent fire department and go back to the call system, because the expense of a permanent department under this bill would be prohibitive.

If such were the result we can readily understand that a city having accepted this bill, but subsequently finding that it was impracticable, would very much desire to return to the old system, but it could not do so unless, indeed, the legislature should again interfere and pass another act relieving it of the consequences of this one. On the other hand, if a city does not vote to accept the act, a small percentage of the voters may demand that the matter be submitted again at the next city election, and so on year after year until accepted, and then there can be no reversal of their judgment. Such a referendum is therefore unjust to the municipalities interested.

Turning now from the form of the bill to the merits of the question, the mayors of nearly all the cities affected by this bill have appeared before me to protest against its becoming a law, but they all unite in a tribute to the bravery and the manhood of the fire fighters of their respective cities. They are brave men, and have taken up a calling full of dangers and one where of necessity they must submit to many privations that are not incidental to other forms of employment. That being the case it is the duty of all persons having official relations with them to study their needs and requirements, to the end that every privilege and opportunity may be granted them that is consistent with the efficiency of the force and the business administration of the department. But my inquiries have not revealed any such condition of affairs as justifies the passage of this bill. The permanent firemen in this Commonwealth are permitted to meet their families three times a day at meal hours, and on the average have nearly sixty days each year at their own disposal. When firemen have been placed on a permanent basis in the

Boston department, they receive twelve hundred dollars a year for compensation. Their pay is sure, and there is no deduction for stormy weather. Contrast the pay which they receive with that of skilled mechanics, from whose ranks firemen are often recruited, and it will be found that their compensation is larger, and larger also than the average compensation paid to employees in the mercantile world. In every city there are numbers of men who are anxious to enter the fire department, and the men rarely leave it. The mayor of one city informs me that there has been no voluntary retirement from the fire department in his city during the last ten years. Men are constantly changing their other occupations because they are unsatisfactory, and the fact that men do not leave the fire departments, must be taken as, in a measure, indicating that the conditions of life in the departments are attractive. It is true that on the days when firemen are on duty they are expected to spend twenty-one hours at the fire house, and that the number of hours is much larger than that required of policemen or other city employees, but the policemen who patrol the streets eight hours, or other employees of the city who work constantly during the hours of their service, are paid for that work, while the firemen are paid not so much for their work as for their time. Having contracted therefore to give their time to the city, and sought the opportunity to do so, it seems unreasonable to expect that their hours of service shall at one stroke be diminished by one half.

It has been urged that this is a question of morality and humanity but I cannot agree with this, nor do I think that your honorable bodies will so claim, because, if it were, the bill should have been applied to all the cities of the Commonwealth, and not merely to those of over forty thousand inhabitants, for questions of morality and humanity must equally concern the smaller cities.

No one would derive more satisfaction than myself from seeing the firemen placed upon a twelve hour basis if that could be done without impairing the efficiency of the fire department and without adding an unreasonable burden to the municipalities.

As to whether or not the change would lead to a deterioration in the efficiency of the departments, I believe the fire commissioners of the several cities are best qual-

ified to judge. They all agree that it would. Division of the responsibility as to the care of the houses and of the costly apparatus, and division of responsibility in the fighting of fires would lead to confusion and at times possibly to demoralization; but whether this be admitted or not, it is certain that there would be an impairment of the efficiency from the fact that the cities would find it impossible to keep the same number of men on duty because of the additional expense required.

But the most important reason of all for objecting to this bill is the expense that it involves to the cities. The city of Boston already spends a million and a quarter each year for its fire department. The expense per capita is greater than that of any city in the country, and yet this bill would add to the expenses of that department, if the same number of men were to be kept on duty as now, \$893,000 per year. I know the advocates of this bill claim that the expense would be less than this, but I believe that fire commissioner Russell is the one best qualified to advise in regard to this matter, and these are his figures. The city of Boston's financial condition will not permit of this additional expense for its fire department. What is true of Boston is true of the other cities affected by this bill, for I am informed by the authorities that the additional expense to the various cities, if the efficiency of the departments is not to be impaired, would be as follows:—To Worcester, \$155,000; to Lowell, \$85,000; to Lynn, \$62,000; to Somerville, \$50,000; to Fall River, \$119,000; and in every instance the authorities tell me that the expense is one which cannot be incurred except by taking from other departments of the city the money which they greatly need, or by increasing the tax rate so as to make it burdensome upon the tax payers. It is further urged upon me that the tax rate of several of these municipalities is so high as to discourage new enterprises. When we fail to guard the interests of capital and enterprise in this Commonwealth we fail to guard the interests of the entire people, for the prosperity of all is dependent upon them.

[The honorable senate and house of representatives, June 8, 1903.]

Sales of imported liquors in a no-license community in apparent defiance of the intent of the license laws of this

Commonwealth have been called to my attention by a large number of our citizens. I find that these sales are made under the shelter of section 33 of chapter 100 of the Revised Laws, which reads as follows:—

“Importers of liquor of foreign production which is imported under authority of the laws of the United States may own, possess, keep or sell such liquor in the original casks or packages in which it was imported and in quantities not less than those in which the laws of the United States require such liquor to be imported, and, when sold, it shall be as pure and unadulterated as when imported.”

The provisions of this section have long been a part of our law and were enacted not to favor importations, or the sale of them, but to prevent conflict with the laws of the United States. In 1890, however, congress passed an act that contained the following provision:—

“That all fermented, distilled, or other intoxicating liquors or liquids, transported into any state or territory or remaining therein for use, consumption, sale or storage therein, shall upon arrival in such state or territory be subject to the operation and effect of the laws of such state or territory enacted in the exercise of its police powers to the same extent and in the same manner as though such liquids or liquors had been produced in such state or territory and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise.”

Since the passage of this act there has been no occasion for any state to exempt imported liquors from the operation of its license laws. This fact seems not to have been given careful consideration until the sales above referred to.

No good is accomplished by the continuance of said section 33 as a part of our law. On the other hand it tends to bring the law into disrepute, because it is inconsistent with the general policy of the Commonwealth.

I therefore recommend its immediate repeal. To permit it longer to remain as a part of the law is to ignore the expressed sentiment of our people that has placed and keeps upon the statute books our local option laws, is to favor foreign producers as against home producers, and is to protect those who seek to evade the intent of our

laws to the prejudice of those who have sought to comply therewith.

I transmit herewith the opinion of the attorney-general relating to this matter.

[The honorable senate and house of representatives, June 13, 1903.]

I return herewith an act entitled "An Act relative to offices occupied by certain savings banks," with my objections thereto in writing.

Chapter 169 of the acts of last year provided among other things that no savings bank shall after the first day of July, 1904, "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."

This provision was neither hasty nor ill-considered legislation, but was the result of a demand that had been growing for years for a complete separation of banking institutions.

The board of savings banks commissioners had voiced this demand from time to time in their annual reports, and recommended such a law. As early as 1888, commenting upon a serious trouble in one of the savings banks, the board said that it was firmly of the opinion that savings banks and institutions for savings should be separated entirely from national banks. Again in 1896 it stated that it was a well established opinion among business men generally that no two monied institutions should conduct their business in the same room. In 1897 it reiterated former recommendations in this matter, and again in 1898 the board called attention to new evils which had resulted from the opportunities for the commission of criminal acts and the covering of them when committed, arising from too close association of savings banks and national banks, and stated, that in its opinion the act of 1898 which had been passed to remedy the evil was not sufficient.

My esteemed predecessor in office, in his inaugural address last year, referring to this matter, recommended the enactment of such legislation as will require the dis-

solution within a reasonable time of any such existing connections.

This law then was placed upon the statute books after long agitation, and after it had been recommended for over a period of fifteen years by the savings banks commissioners and its necessity demonstrated by experience. Its sole object was to make more secure the deposits of the savings of the people.

The act which I return herewith permits the savings banks commissioners to exempt banks under certain conditions from the operation of those provisions above quoted of the law of last year. The chief reason urged for this exemption is that to conform to the law will work a hardship, but I cannot admit that this is a sufficient reason. It was recognized last year that inconvenience would result, and the governor in his recommendation stated "that he realized that the change would work hardship, but that no reform in the interest of the whole people could be secured without temporary loss or inconvenience to a small minority."

If the law of last year was based on a wrong principle it should be repealed as a whole, and no institutions obliged to comply with it. But if, as I believe, it was based on a sound business principle, and was dictated by the evils which had resulted from a contrary policy, and tends to the security of all banking institutions, then all should be required to comply and this act should not become a law.

[The honorable senate and house of representatives, June 16, 1903.]

I return herewith, with my objections thereto in writing, an act entitled "An Act relative to the right of search by the commissioners on fisheries and game, their deputies and other officers."

This act would repeal section 91 of chapter 91 of the Revised Laws, a section which gives to certain officers the right to search for lobsters unlawfully taken, held or offered for sale. This section has been on the statute books since 1885, and the right given by it has been exercised with such good judgment that there has been no hardship and no cause of complaint.

The bill herewith returned would make it impossible for an officer to search any boat, car, box, locker or crate

where he had reason to suppose that lobsters were being kept in violation of the law, without first procuring in each instance a warrant from a court of justice. The delay incident to procuring such a warrant would, in most cases, prevent the officer from securing any evidence. The result would be that the detection of offenders would become so nearly impossible as to render inoperative the laws upon our statute books for the protection of lobsters, and in this opinion the commissioners on fisheries and game advise me that they most heartily concur.

Believing therefore that the proposed legislation would tie the hands of the commissioners, prevent officers from obtaining the evidence necessary to convict offenders, and make possible the constant infraction with impunity of salutary laws, I withhold my approval.

[The honorable senate and house of representatives, June 16, 1903.]

I return herewith an act entitled "An Act to incorporate the Commercial Trust Company," with my objections thereto in writing.

Special legislation is objectionable, so objectionable, indeed, that in some states it is forbidden by constitutional provisions. This bill represents an increasing class of special legislation in this state.

In the year 1899 there was one petition before the legislature for the incorporation of a trust company; in the year 1900, there were two petitions; in the year 1901, six petitions; in the year 1902, eleven petitions, and in the current year, sixteen petitions. This rapid and steady increase clearly indicates that the time has come when there should be placed upon the statute books a general law under which trust companies can be formed without application to the legislature.

I am aware that a commission was constituted last year to consider this matter, but it was also given a much larger field of investigation, and was instructed to consider the expediency of amending or revising all the laws relating to trust companies. This commission has made no report, and its time has been extended by the present legislature. Its existence does not seem to me a sufficient reason for the legislature to delay action on a general bill when there are so many special trust company bills before it, nor will such action in anywise interfere with the work of the commission.

To enact such a general law would be in line with the policy that has gradually been developed in this Commonwealth. It was formerly impossible to obtain a charter for any corporation except by application to the legislature. But as the benefits of incorporation for the transaction of business became apparent, and as experience showed the lines upon which it was safe to provide for incorporation under general laws, such laws were passed, until at the present time there are very few kinds of corporations that have not thus been provided for. There is nothing so peculiar, complex or involved in the matter of a general law for trust companies as to make it either impracticable for the legislature to draft, or unreasonable for the public to expect.

The province of the legislature is to lay down the broad principles of legislation which define the conditions under which charters may be granted, but the granting of the charters themselves is properly an executive function.

Keeping in mind the fact therefore that trust companies are chartered primarily for the benefit of the public, and not for the benefit of those who obtain the charters, and that the public interests are best served by making certain that only such companies shall be authorized as are reasonably necessary for the business of a community, I suggest that a general law be placed upon the statute books prescribing the conditions of such incorporation, and leaving the decision, when the conditions have been complied with, to the savings banks commissioners. It should further be provided that no charter shall be granted until the commissioners are satisfied that the ability and character of the applicants reasonably assure a conservative and successful company, and that the public convenience and advantage will be promoted thereby.

The passage of such general law will relieve the general court of charges of favoritism, and will save much time of subsequent legislatures. It will place the responsibility upon a board whose experience and knowledge of financial institutions make them experts as to banking matters in general, and best qualified to judge without prejudice, as to the needs of any community. Such legislation will give satisfaction to the general public, and cannot be opposed by any petitioners unless their confidence in their own cause is so weak as to make them unwilling to submit to the decision of an impartial and expert tribunal.

[The honorable senate and house of representatives, June 17, 1903.]

I return herewith, with my objections thereto in writing, an act entitled "An Act to constitute eight hours a maximum day's work for public employees."

This bill provides that eight hours shall constitute a day's work for all laborers, workmen and mechanics employed by or on behalf of the Commonwealth or any county; that every contract to which the Commonwealth or a county is a party shall contain a stipulation that no such employee shall be required or permitted to work more than eight hours in any one day; that the wages to be paid shall not be less than the prevailing rate in the same trade or occupation in the locality where such work is to be done; that the act shall also apply to any city or town which has accepted the provisions of the Revised Laws, chapter 106, section 20, whether such employees are employed by the public authority or by a contractor, or by any other private person.

There are also provisions fixing penalties for violation of the act and providing that the act shall not apply to contracts made prior to its passage. At present our statutes provide that nine hours shall constitute a day's work for laborers employed by or on behalf of the Commonwealth or of any county, or eight hours in the case of any city or town which has accepted the section of the Revised Laws above referred to. There is also a provision that contracts made by or on behalf of the Commonwealth shall provide that persons employed in manual labor shall not be required to work more than nine hours in each day. The intent of the bill herewith returned is to make eight hours a day's labor so far as possible in all cases.

In view of the increasing expenses of the Commonwealth and of counties and of municipalities, and in view of the increasing tax rate, and of the state tax which I am informed has been authorized by your honorable bodies this year, it is questionable whether or not it is wise at the present time to add to the people's burden by the passage of an act which may add greatly to the expense of construction of public works. It is doubtful, indeed, whether or not this bill might not defeat its own purpose by making in some instances public works so costly that they would not be entered upon and the opportunities for the favorable employment of labor would therefore be lessened. It is also worthy of consideration whether or

not the communities that are taxed to pay for public works are not entitled to have such works constructed under the same conditions of economy as they could themselves conduct their own enterprises through the employment of labor during as many hours in the day and at as reasonable wages as the law of supply and demand and the conditions of business might permit. Further, if this bill provides for the payment of an excess wage over what would be paid if it did not become a law, such excess being paid without discrimination as to the character or excellence of the work, does it not, in principle, exact a donation from tax payers and bestow it upon those laborers who are fortunate enough to be employed in the public service? Moreover, if the act is a wise one, should it not apply equally to employees in the charitable institutions of the state which are specifically by the terms of the act excluded from its benefits? Is there sound reason for a distinction between those in the service of the correctional and reformatory institutions and those in the service of the charitable institutions?

In 1901 the legislature submitted to the then attorney-general the question as to whether or not an act involving similar, although not the same provisions, with the one now under consideration, was constitutional. The attorney-general in an opinion to be found on page 977 of the journal of the house of that year, stated that the act was clearly unconstitutional as prohibiting municipalities from exercising that freedom of contract which is enjoyed by other corporations and individuals. The present attorney-general advises me that this proposed legislation, in so far as it applies to cities and towns which have accepted section 20 of chapter 106 of the Revised Laws, is plainly unconstitutional, and for the reasons expressed in the opinion of the attorney-general sent to the house in 1901, and above referred to.

Permit me also to direct your attention to a recent decision to be found in volume 175 of the New York reports at page 84, where, in an opinion delivered as late as April of the current year, the court declares that a statute in some respects differing from this, but in others similar, is unconstitutional since the act had no relation to the public health, morals or order, and was not a constitutional exercise of the police power vested in the legislature, and was not only in violation of the state

constitution but also of the fourteenth amendment of the federal constitution forbidding any state to deny to any person within its jurisdiction the equal protection of its laws.

Without discussing further, therefore, the wisdom or the policy of this bill, I return it without my approval, because I believe it to be clearly an unconstitutional act.

[The honorable senate and house of representatives, June 26, 1903.]

I return herewith, with my objections thereto in writing, an act entitled "An Act to authorize the metropolitan water and sewerage board to take by purchase or otherwise the trunk line sewer in the town of Wakefield."

The title of this act is misleading. It does not authorize but compels the metropolitan water and sewerage board to take from and pay the town of Wakefield for a trunk sewer. The sewer in question was constructed by the town entirely within its own borders, and solely for its own use in order that it might connect with the metropolitan sewer at the town line. Its cost was about one hundred and eighty thousand dollars.

With the exception of a small portion thereof the town of Wakefield was not included in the beginning as a part of the metropolitan sewerage district, nor did it become a part of it until the year 1900, when, at its own request, and with the approval of the metropolitan water and sewerage board, chapter 172, of the acts of the year 1900, was enacted, which provided for the addition of Wakefield. This act was in the nature of a contract between the metropolitan district and that town. The burden to be added to the metropolitan district by the addition of Wakefield was limited to the expense of the construction of a trunk sewer to the Wakefield town line there to connect with such sewer as the town of Wakefield should construct for its own use. The last section of the act provided that it should take effect "upon its acceptance by vote of a majority of the legal voters of said town," and not otherwise, so that it was left entirely optional with the voters of the town to come into the district or not, as they pleased, on the terms stated in the act. If the town was not willing to construct all the connections that were necessary as far as its own town line, it should not have accepted the act. It did vote, however, to accept the act, never suggested that the terms were not fair, and

entirely on its own responsibility constructed the sewer which it now asks the district to pay for. The metropolitan district had a right to assume when it agreed to that act, that the extent of its liability under it was therein stated. If Wakefield desired a sewer constructed by the district within the Wakefield lines, and to cost one hundred and eighty thousand dollars, and had so stated at the time, it is more than probable that the district would have been unwilling to have agreed to its admittance. It is not surprising, therefore, that eight towns and cities within the district have protested to me in writing, through their selectmen and mayors, against the passage of this bill, as placing an unjust burden upon them. I believe their protests should be heeded.

Further, it is well known that several towns have had to construct trunk sewers in order to connect with metropolitan sewers. The expense to which these towns have been put may not be so extreme as in the case of Wakefield, but their cases are similar. The board informs me that in their judgment there are at least two million dollars' worth of sewers at the present time constructed in and paid for by the various municipalities which the district should pay for if the principle of the bill under consideration is to be followed. I am not willing against the protest of the board, and of so many towns and cities directly interested to commit the district to such a policy without knowing more fully than is possible without an investigation by a board of experts the results that would follow.

I am aware that it is claimed by those who favor this bill that the case of Wakefield is exceptional; that the expense has been very heavy, and that the sewer, for which it desires compensation, is similarly situated to some that have been paid for in portions of the original district; but the board which has given this matter great study, deny this, and assert that the district has never paid for any sewers constructed under such conditions as the Wakefield sewer.

For the reason, therefore, that the precedent of this bill would, as I believe, if followed, entail in the end an expense of millions upon the metropolitan district, not hitherto contemplated, and for the reason that it is contrary to the understanding that the town had with the district, as expressed in the law under which the town was admitted, I am compelled to withhold my approval.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

In compliance with the requirement of the Revised Laws, Chap. 154, Sect. 14, 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.
1902.			
March 11,	Marion Estelle Hollis,* . . .	Marion Hollis Crowell, . . .	Harwich.
Aug. 12,	Marion G. Shephard,* . . .	Gertrude Emery, . . .	Dennis.
12,	Eva Gardner,* . . .	Eva Emma Rogers, . . .	Harwich.
Sept. 9,	Edith Agnes Jones,* . . .	Edith Agnes DeWolf, . . .	Nova Scotia.
Dec. 9,	Murray Baker, . . .	John Murray Baker, . . .	Barnstable.

BERKSHIRE COUNTY.

March 5,	Estella Nadeau,* . . .	Estella Blanchard, . . .	Adams.
21,	Young Stafford, . . .	William Y. Stafford, . . .	Pittsfield.
April 1,	Orren Arthur Bowers,* . . .	Arthur Harry Capen, . . .	Washington.
May 17,	Elmer Elsworth Farmer, . . .	Elmer Elsworth Farmer Creigh- ton, . . .	Pittsfield.
Aug. 23,	Helen Howard,* . . .	Sabra Pettinger Bowen, . . .	Cheshire.
Sept. 3,	Fritz Heigle,* . . .	Frederick Hyde, . . .	New Marlboro'.

BRISTOL COUNTY.

Jan. 3,	May Eveline Howard,* . . .	May Eveline Sadler, . . .	Taunton.
Feb. 7,	Margaret M. Parkinson,* . . .	Margaret Smith, . . .	New Bedford.
7,	Mary L. Parkinson,* . . .	Mary Smith, . . .	New Bedford.
7,	Nancy E. Parkinson,* . . .	Nancy Smith, . . .	New Bedford.
7,	John Louis Charpiot, . . .	John Watson Boynton, . . .	New Bedford.
14,	Mary Rose Sarafin,* . . .	Mary Louisa Lawrence, . . .	Taunton.
March 7,	Mary Bridge,* . . .	Marion Elizabeth Alsoj), . . .	Fall River.
May 16,	Agnes Johnson,* . . .	Agnes Alice Walsh, . . .	Fall River.
June 20,	Thelma May Howk,* . . .	Thelma May Wood, . . .	New Bedford.
July 5,	William Mason Forrow, . . .	William Mason Elsbree, . . .	Attleborough.
5,	Susie Andrews Forrow, . . .	Susie Andrews Elsbree, . . .	Attleborough.
5,	Mary Casey,* . . .	Marion King, . . .	Fall River.
Aug. 1,	Marjorie May Miller,* . . .	Marjorie May Syiley, . . .	Raynham.
Sept. 5,	Frank L. Moon,* . . .	Frank L. Balshaw, . . .	Attleborough.
5,	Leo Moon,* . . .	Ruth R. Balshaw, . . .	Attleborough.
5,	Mary McKinnon,* . . .	Maizie D. Dolliver, . . .	Taunton.
12,	George Brady,* . . .	George Letenville, . . .	Fall River.
19,	Bessie L. Russell, . . .	Elizabeth L. Russell, . . .	New Bedford.
19,	Huldah Dixon Cobb,* . . .	Huldah Dixon Wellington, . . .	Mansfield.
Oct. 17,	Mabel F. Simmons,* . . .	Mabel A. Kent, . . .	New Bedford.
Nov. 7,	Joseph McDonald,* . . .	William H. Cruser, . . .	Mansfield.
7,	Mary E. Patnaude,* . . .	Annie Dennis, . . .	New Bedford.
7,	Margaret Bates,* . . .	Hazel Marjorie Randall, . . .	Easton.

* Changed by reason of adoption.

BRISTOL COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
Nov. 7,	Josephine Winder,*	Josephine Elizabeth Webb,	New Bedford.
21,	Florence Brown,*	Florence Clarke,	Fall River.
21,	Lucy C. Brown,*	Lucy A. Clarke,	Fall River.
Dec. 5,	William Wladimirsky,	William N. Walden,	New Bedford.
5,	Ida Belle Nichols,	Ida Belle Howarth,	Fall River.
5,	Maud Jacobs Cowie,*	Hazel May Chase,	Taunton.
19,	Laura Phillips,*	Mary Ella Berry,	Fall River.

COUNTY OF DUKES COUNTY.

July 21,	Joseph Little,*	Charles Henry Norton,	Edgartown.
Sept. 2,	James Wilhelm Kruse,*	James Wilhelm Eldridge,	Edgartown.
Dec. 2,	Dorothy Thurston Purinton,	Dorothy Harley Purinton,	Chilmark.
2,	Manuel M. Silvia,	Manuel Silvia Brown,	Cottage City.

ESSEX COUNTY.

Jan. 6,	Maude L. Frost,*	Maude La Von Dow,	Haverhill.
13,	Hugh E. McLellan,*	Sydney Alfred Rundlett,	Lynn.
27,	Herbert B. Field,*	Herbert Bruce Phelps,	Salem.
Feb. 3,	Roy Hayes,*	George Campbell,	Andover.
3,	Gilbert Ferguson,*	Wallace Palmer Edgecomb,	Danvers.
10,	Lena Landry,*	Lena Landry Berube,	Lynn.
17,	Marion Hutchinson,*	Marion Hutchinson Vittum,	Peabody.
March 10,	Abbie A. Paul,	Abbie Ann Morrill,	Amesbury.
17,	Parker K. Hills,	John Parker Mills,	Ipswich.
17,	Hattie Benton,*	Mildred Pearl Brown,	North Adams.
April 7,	Chester Guppy,*	Chester Guppy Brown,	Salem.
7,	Myrtle E. Hobbs,*	Myrtle Elma Cole,	Topsfield.
7,	Cora E. Crooker,*	Cora Elmira Hurd,	Lynn.
21,	Matthew Trevnor,	James Rasmussen Hamilton,	Manchester.
21,	Ruth E. Maxfield,*	Ruth Estelle Perry,	Lowell.
May 5,	Mary C. Hayden,	Mary Celestia Carpenter,	Salisbury.
12,	Kenneth Kennedy,*	Kenneth Rinaldo Von Balson,	Lynn.
June 16,	Ralph S. Walker,*	Ralph Sinclair Reed,	Lynn.
23,	James W. Blythe,	James William Cowperthwaite,	Lawrence.
July 7,	Henry L. Downing,	Henry Pomroy Downing,	Salem.
7,	Helen E. Foote,*	Helen Edith Crockett,	Haverhill.
7,	Harvey H. McLaren,*	Sammel Harvey Corson,	Franklin.
7,	Edward E. Hayden,	Edward Everett Chapel,	Newburyport.
14,	— Kent,*	Olive Myrtle Davis,	Milford, N. H.
14,	Ralph O. Crosman,*	James Hailey,	Lynn.
21,	Sarah I. Connors,*	Sarah Irene Kilcourse,	Lawrence.
28,	Bertha Black,*	Bertha May Hayes,	Lawrence.
28,	Gertrude Ferris,*	Gertrude Elias,	Lawrence.
Sept. 2,	Clarence M. Ripley,*	Clarence Ripley Gray,	Haverhill.
2,	Samuel M. Leary,*	Samuel Axel Anderson,	Salem.
2,	Daniel Lynch,*	Daniel Little,	Saugus.
15,	Everett W. Hall,*	Everett Wilbur Patterson,	Beverly.
Oct. 6,	Clarence F. Ide,*	Clarence Franklin Pyrah,	Providence, R. I.
13,	Royal Cochran,*	Royal McAllister,	Lynn.
20,	Chester A. Varney,*	Chester Arthur Varney Gauthier,	Salem.
Nov. 3,	Nina J. Arnold,*	Ruth Arnold Hallerson,	Boston.
3,	Bernice I. Faneuf,*	Bernice Irene Moriarty,	Haverhill.
17,	David S. Gorman,	David Sherman Merchant,	Gloucester.
17,	Alice Desjardins,*	Alice Thibault,	Salem.
24,	Edwin F. Cutter,*	Edwin Freeman Newcomb,	Lynn.
Dec. 1,	Lizzie H. Kilham,	Elizabeth Helen Kilham,	Beverly.
15,	Lottie Gately,*	Gladys Vera Noyes,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
Jan. 7,	Beatrice Allen,*	Alice Andrews Hough,	Erving.
April 1,	Henry L. Newton,*	Henry Newton Woodard,	Greenfield.
15,	Perley Leroy Buckley,*	Perley Leroy Gray,	Orange.
Aug. 5,	Calvin Paige,*	Adelbert Calvin Paige Merchant,	Wendell.
Nov. 18,	Effie Fairbanks,*	Effie Clara Smith,	Deerfield.
18,	Hattie May Miller,*	Hattie May Pike,	Sunderland.
Dec. 2,	Leslie Forbes Dawson,*	Leslie Forbes Vincent,	Charlemont.

HAMPTDEN COUNTY.

Jan. 1,	Lila Emma Avery,*	Lila Emma Bishop,	Westfield.
1,	Albin Christen Svenson,	Albin Svenson Merrill,	Wilbraham.
22,	Carl Maynard Goodnow,*	Charles Alfred Sterling,	Holyoke.
Feb. 5,	Rose Heiler,*	Edith Mabel Lloyd,	Blandford.
5,	Ethel Lucas Dodge,	Ethel Lucas Whitmarsh,	Springfield.
March 5,	Sydney Bradley,*	Sidney Bradley Tarbox,	Agawam.
April 2,	Leila May Branning,	Florence May Branuing,	Springfield.
4,	Wilfred Miller,*	George Beardsworth,	New York, N. Y.
May 7,	Grace Johnson,*	Grace May Smith,	Marlboro', N. H.
June 4,	Dorothy Barbour Hawley,*	Dorothy Barbour Parker,	Springfield.
25,	Abbie Shea,*	Abbie Pearl Barton,	Palmer.
July 2,	William Bernard O'Brien,*	Pietro Ferrantino,	Springfield.
2,	Lauretta Vesey,*	Helen Louise McCauley,	Rochester, N. H.
9,	Dorothy Chamberlain,*	Dorothy Herbert,	Westfield.
Sept. 3,	Fayette Wilson Wheeler,*	Wilson Warren Still,	Springfield.
3,	Dorothy Theodora Jackson,*	Lillian May Weldon,	Springfield.
3,	Edna Brown,*	Alline Chaffee Young,	Longmeadow.
10,	Harry Brownveber,	Harry Herman Brown,	Springfield.
Oct. 1,	Maria Concetta Cianflone,*	Maria Concetta Cianflone Fazio,	Springfield.
15,	Howard Edwin West,*	Harolde Stacy Butcher,	Holyoke.
29,	_____*	Gertrude Marion Stone,	So. Manchester, Ct.
Nov. 5,	Raymond Francis Malone,*	Raymond Francis Frawley,	Springfield.
3,	Ellen Urgo,*	Mary Specos,	West Springfield.
Dec. 3,	William Ensign Gaylord,	William Ensign Cashing,	Springfield.
17,	Edward Murphy,	Edward Russell,	Holyoke.
17,	Hans Henry Peterson,	Henry Hans Peterson,	Holyoke.

HAMPSHIRE COUNTY.

March 4,	Henry R. Emmerson,*	Harvey Ralph Pittsinger,	Northampton.
May 13,	Mildred A. Upham,*	Mildred Ella Morse,	Belchertown.
20,	Hazel Morrison,*	Hazel Alberta Korn,	Worthington.
Aug. 5,	Rita May Vinean,*	Hazel Amelia Merchant,	Middlefield.
12,	Andrew McCauley,*	Andrew Sheehan,	Williamsburg.
Nov. 5,	August Mischiehousky,	August Misky,	South Hadley.
5,	Georgie Geraldine Brookings,*	Margaret Fish,	Amherst.

MIDDLESEX COUNTY.

Jan. 7,	Grace A. Lufkin,*	Grace Nutter,	Boston.
7,	Maurice Breen,*	Maurice Francis Cullen,	Somerville.
14,	Ella B. Osborne,	Ella B. Crawford,	Lowell.
14,	Albert E. Gustin,*	Albert Edward Collins,	Boston.
14,	Harry Cathan Whittemore,*	Harry Cathan Packard,	Cambridge.
28,	Flora B. Butler,*	Flora Belle Cambridge,	Boston.

* Changed by reason of adoption.

MIDDLESEX COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
Jan. 28,	Robert Cann,*	Robert J. Crowley,	Lowell.
Feb. 7,	Mildred Irene Emery,*	Mildred Irene Keyes,	Marlborough.
11,	Eta Bird,*	Ethel May Lovell,	Woburn.
18,	Laura Laurette Boulé,*	Laura Laurette Brodeur,	Lowell.
20,	Charles Francis Patch,*	Frank Patch Garfield,	Weston.
25,	George Dana Read,*	George Dana Starr,	Watertown.
25,	Clara Kelley,*	Clara Florence Harkness,	Boston.
March 4,	Norman Frederick Robbins,*	Norman Frederick Lamb,	Cambridge.
4,	Grace Inez Kimball,*	Grace Inez Whitaker,	Cambridge.
4,	Ann Elizabeth Swanson,*	Esther Elizabeth Coolidge,	Boston.
8,	Dorothy A. Finnerty,*	Dorothy Alberta Myles,	Somerville.
18,	Florence Josephine Watters,*	Florence Josephine Cole,	Everett.
20,	Carl Henry Denner,	Carl Hiram Sands,	Melrose.
25,	Cora Belle Laverenz,	Cora Belle Lawrence,	Cambridge.
April 15,	Irene Roseanna Boulé,*	Irene Roseanna Daigneault,	Lowell.
17,	Hope Hathaway,*	Hope Stearns,	Watertown.
21,	Alice Marion Findlater,*	Marian Evelyn Williams,	Boston.
May 2,	Grace A. Moran,	Grace Webb,	Natick.
5,	Victoria Alice Woodward,	Renah Trafton Woodward,	Somerville.
6,	Raymond Earl Garland,*	Raymond Garland Paltz,	Framingham.
6,	Annie May Le Cain,*	Eloise Treadwell Wood,	Boston.
12,	Francis Orlando Fernald,*	Francis Orlando Cntler,	Woburn.
13,	Charles Adamson,*	Charles Higgins,	Boston.
14,	Eva Logan,	Eva Jennie Westlund,	Boston.
June 3,	Rosilah J. Knowlton,*	Rosilah J. Nourse,	Hudson.
3,	Jennie A. Shannon,*	Jennie A. Kingston,	Florenceville, N.B.
3,	Elizabeth Randall Hall,*	Thelma Townley Webber,	Boston.
6,	Luzetta Augusta Newell,	Zetta Augusta Newell,	Medford.
25,	Edith Marjorie Staples,*	Marjorie Sweetser,	Malden.
28,	Michael Simkovitz,	Michael S. Quint,	Cambridge.
July 1,	Priscilla Edwards,*	Priscilla Letitia Macurda,	Boston.
1,	Edith Mildred Maxim,*	Edith Mildred Walker,	Wareham.
3,	Willie Arthur Prescott,	William Arthur Prescott,	Carlisle.
8,	Edith Parker Caluan,*	Amelia Jennie Foster,	Boston.
15,	John Tetlow,*	John Duckworth,	Lowell.
16,	Mildred Esther Rowell,	Lulu Lincoln Mildred Kately,	Barre.
19,	Arthur Austin O'Brien,*	Arthur Austin Cameron,	Framingham.
19,	Henrietta Jean O'Brien,*	Henrietta Jean Cameron,	Framingham.
22,	Frank Sherman Oliver,	Frank Eaton Oliver,	Reading.
29,	Edna Francis MacPherson,*	Marion Evelyn Gordon,	Boston.
Sept. 2,	Edward McCabe,*	Edward Shields,	Lowell.
3,	Oliver William Lathe,*	Oliver William Fiske,	Chelmsford.
10,	Fannie Keegan,*	Hattie Alice Ivans,	Somerville.
10,	Reginald Smith,*	Harold Royal Metcalf,	Boston.
10,	Beatrice De Veau,*	Beatrice Elizabeth Brown,	Salem.
10,	Horace William Wales,*	Horace William Prime,	Quincy.
16,	Ada S. Griffin,*	Ada Griffin Atkinson,	Lowell.
16,	Elizabeth Ellen Maloney,*	Elizabeth Ellen Callahan,	Lowell.
18,	Mary Van Patten,*	Alta Bernice Rock,	Lowell.
23,	Catherine McAleer,*	Catherine Gillen,	Cambridge.
29,	Marshall Webster Stimson,	Marshall Stimson,	Newton.
30,	Rhobe W. Bowman,	Rhobe Warner Hutchason,	Malden.
Oct. 6,	Benjamin Franklin Monroe,	Benjamin Franklin Glidden,	Natick.
7,	Edna May Roth,*	Helen Keller,	Malden.
7,	Mary Alice Green,*	Mary Crawford Crutchfield,	Melrose.
14,	Alice Mabel Potter,*	Alice Mabel Potter Newcomb,	Holliston.
15,	Annie Scully,*	Annie Farrell,	Boston.
20,	Etna E. Slatyer,*	Etna E. Smith,	Malden.
21,	Fleur Ange Barras,*	Fleur Ange Gignac,	Lowell.
21,	Clifford C. Luscomb,*	Clifford C. Hildreth,	Lowell.
21,	Mary L. Lyon,*	Esther Corcoran,	Boston.
22,	Nona Fay Fielding,*	Nona Mildred Morse,	Barre.
28,	Frances Isabelle Lamasslaude,*	Frances Isabelle Upham,	Newton.
28,	Paul Dudley,*	Paul Dudley Hill,	Arlington.
28,	Bessie Rose,	Bessie Hovey,	Cambridge.
Nov. 3,	Margaret McDonough,*	Urmah Mildred Dolloff,	Tewksbury.
3,	Ruth Munn,*	Barbara Mansfield,	Boston.
5,	Maud V. Rodenhiser,	Maud Violet Rhodes,	Everett.
6,	Elizabeth Magnus,*	Alice Elizabeth Williamson,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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MIDDLESEX COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
Nov. 6,	Georgianna Alice Lucas,* . . .	Georgianna Alice Fouquet, . . .	Fairhaven.
11,	Nellie Pierce Warren, . . .	Helen Pierce Warren, . . .	Newton.
14,	Elizabeth O'Rourke,* . . .	Elizabeth Searis, . . .	Medford.
18,	Hiram Willwerth,* . . .	Hiram Fish, . . .	Lowell.
18,	Alice E. Rogers,* . . .	Alice Rogers Leith, . . .	Lowell.
21,	Louise McDougall,* . . .	Louise Beatrice Gore, . . .	Malden.
25,	Gertrude Frances Gray,* . . .	Gertrude Frances Fairbanks, . . .	Hopkinton.
Dec. 1,	Ruth Estella Perry,* . . .	Ruth Estella Perry Maxfield, . . .	Lowell.
2,	Mildred Johnson,* . . .	Ethelwyn Mildred Winn, . . .	Worcester.
9,	Marion Brewster,* . . .	Freda Appleby Smith, . . .	Everett.
9,	Harriet Lillian Fortune,* . . .	Dorothy Fremont Sanders, . . .	Newton.
9,	Beatrice Renaud,* . . .	Georgia Ruby Jaquith, . . .	Revere.
11,	Nellie Adams Whitman, . . .	Frances Nellie Adams Whitman, . . .	Newton.
12,	Rena May Wilson,* . . .	Rena Margaret Ward, . . .	Lynn.
17,	Ida May Minard,* . . .	Dorothy May Hanson, . . .	Cambridge.
18,	Eunice Jane Williams,* . . .	Eunice Jane Weston, . . .	Wakefield.

NORFOLK COUNTY.

'1901.			
Dec. 26,	Edward Rand,* . . .	Edward Murphy, . . .	Boston.
1902.			
Jan. 1,	Grace Flynn,* . . .	Grace Stevens, . . .	Wellesley.
Feb. 5,	Willard C. Leonard,* . . .	Willard Francis Smith, . . .	Dover.
12,	Paul Ambrose Sulis,* . . .	Paul Ambrose Fiske, . . .	St. John, N. B.
March 5,	Samuel Watkins,* . . .	Samuel Watkins Holmes, . . .	New Marlbor'gh.
5,	Harry Oliver McIntyre,* . . .	Harry Oliver McIntyre Farwell, . . .	Walpole.
May 7,	Emma Louise Filene Heilbrun, . . .	Emma Filene Hilburn, . . .	Brookline.
7,	Edna Muriel Heilbrun, . . .	Edna Muriel Hilburn, . . .	Brookline.
7,	Victor Russell,* . . .	Victor Allen Thorne, . . .	Brookline.
June 25,	Hilda May Cummings,* . . .	Effie May Johnson, . . .	Quincy.
Sept. 10,	Eleanor Lowell,* . . .	Gladys Irene Boyle, . . .	Newburyport.
17,	John Melonson,* . . .	Clarence Bernard scrivens, . . .	Gloucester.
17,	Henry Pilster* . . .	(called Henry Pilster Goodrich,) . . .	Henry Pilster Damrell, . . .
18,	Gladys Aline Perkins,* . . .	Gladys Lenora Rollock, . . .	Westwood.
Oct. 8,	Warren E. Rowell,* . . .	Warren E. Miller, . . .	Hyde Park.
15,	Thomas Richard McNamara,* . . .	Thomas Richard McMahon, . . .	Braintree.
Nov. 5,	William Henry,* . . .	William Henry Moss, . . .	Brookline.
5,	Ida Henry,* . . .	Mary Ida Moss, . . .	Springfield.
12,	Martha Crowley,* . . .	Martha Josephine Lynch, . . .	Boston.
12,	Gertrude Cotler,* . . .	Gertrude Ann Kemp, . . .	Quincy.
12,	Mary E. Watson,* . . .	Faith Trenholm Fernald, . . .	Quincy.
Dec. 3,	Ruth Mabel Draper, . . .	Ruth McKendry Draper, . . .	Canton.
3,	Edwin Clark,* . . .	Edwin Luna, . . .	Boston.
3,	Willard J. Clark,* . . .	Willard J. Luna, . . .	Boston.
17,	Florence E. Curran,* . . .	Florence Grant, . . .	Boston.
24,	John Taylor, . . .	John Bellamy Taylor, . . .	Cambridge.
24,	Bessie Strother,* . . .	Virginia Washburn, . . .	Brookline.
			Daytona, Florida.

PLYMOUTH COUNTY.

Jan. 27,	Cyrus Henry Bushway, . . .	Cyrus Henry Battles, . . .	Brockton.
Feb. 24,	Louis C. Powers,* . . .	Louis Charles Littlejohn, . . .	Middleborough.
April 14,	Laura Georgia Leaming,* . . .	Laura Georgia Finney, . . .	Carver.
28,	Helen Amanda Tyler, . . .	Helen Amanda Packard, . . .	Brockton.
May 26,	Ella Bolvin,* . . .	Louisa Frances Burns, . . .	E. Bridgewater.
June 9,	Ida Almedia Collins,* . . .	Ida May Perry, . . .	E. Bridgewater.
July 14,	Frank McAusland,* . . .	Carlton Star Perkins, . . .	Plymouth.
Aug. 25,	Alberta Louise Glover,* . . .	Alberta Louise Ford, . . .	Abington.
25,	Elsie Kelley,* . . .	Myrtle Cobbett, . . .	W. Bridgewater.
Sept. 22,	Chelsey Austin Newman, . . .	Chelsey Austin Cleveland, . . .	Brockton.
22,	Helen Frances Howard,* . . .	Helen Frances Jones, . . .	Brockton.

* Changed by reason of adoption.

PLYMOUTH COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
Oct. 13,	Lena May Purcell,*	Beulah May Broulett,	Bridgewater.
Nov. 10,	Sarah Isabella McIntosh,*	Isabella Frances Atwood,	Middleborough.
10,	Cecil Graeme,*	Cecil Malcolm Knights,	Abington.
10,	Samuel Blake,*	Eugene Sherman Williams,	Middleborough.
10,	Susan Beal,*	Marion Elvira Adams,	Brockton.
24,	William Zuchero,*	William Lambert,	Brockton.
24,	Julius Walongiewicz,	Julius Wolens,	Brockton.
Dec. 8,	Bramo Ambo,*	Bramo Botti,	Middleborough.

SUFFOLK COUNTY.

Jan. 2,	John Kjellman,	John Chellman,	Boston.
2,	Florence Palladino,*	Florence Palladino Bisesti,	Boston.
16,	Edwin L. Foote,*	Edwin Allan Blish,	Boston.
23,	Elizabeth Lyons,*	Elizabeth O'Connell,	Boston.
23,	Joel K. Fleming,*	Raymond Forrest,	Boston.
25,	Catherine Maguire,*	Catherine Reardian,	Boston.
30,	David Meklesansky,	David Freedman,	Boston.
30,	Waldo Herbert Jones,	Waldo Herbert Moreau,	Boston.
30,	Dorothy Wilson,*	Florence Monisa French,	Boston.
Feb. 13,	Philip Mankowicz,	Philip Mann,	Boston.
13,	Ellen Dunn,*	Ellen Kennedy,	Boston.
13,	Charles Metzger,*	Charles Hicks,	Boston.
13,	Grace Elizabeth Williams,*	Grace Elizabeth Ringer,	Boston.
20,	Maggie F. C. A. McDonakl,*	Annie T. Landry,	Boston.
20,	Virginia L. Harris,*	Virginia Harris Tillinghast,	Boston.
27,	Jesse Franklin Welles,	Franklin Welles,	Boston.
27,	Harry Frechtman,	Harry Freeman,	Boston.
27,	Moses Goldstein,	Maurice Gould,	Boston.
March 6,	Lena Dietz,*	Lena Langhans,	Boston.
6,	Doris Crooker,*	Doris Anna Osman,	Boston.
10,	Edward Maaney,*	Edward Ritchie Duncan,	Revere.
13,	Michael J. Naughton,*	James H. Moran,	Boston.
13,	Joseph Strogoff,	Joseph Goff,	Boston.
20,	Aaron Cohen,	Aaron Kaan,	Boston.
20,	Walter Frederick Bosworth,	Walter Frederick Ellsworth,	Boston.
27,	Jacob Coyne,	Jacob Cohen,	Boston.
27,	Max A. Danelovich,	Max A. Daniel,	Boston.
27,	Harris Rosenberg,	Harris Bayard,	Chelsea.
27,	Jacob Meretsky,	Jacob Miller,	Boston.
27,	Sarah Meretsky,	Sarah Miller,	Boston.
27,	Edith May Kennedy,*	Edith Katharine Burke,	Boston.
27,	Barne Yzacovich,	Barne Covich,	Boston.
April 3,	Lipman Levy,	Lipman Keene,	Boston.
3,	Edward James O'Keefe,	Edward James Ryan,	Boston.
3,	Frederick Dancink,*	Frederick Soule,	Boston.
3,	Lizzie Dancink,*	Lizzie Soule,	Boston.
10,	Samuel Billings,*	William Lewis Davis,	Boston.
10,	Samuel Wilchinsky,	Samuel Willis,	Boston.
10,	Thressa Toole,	Thressa Boyd,	Boston.
10,	Ben Wilchinsky,	Ben Willis,	Boston.
17,	Alex Zytnewsky,	Alex Francke,	Boston.
May 1,	Adolph Edelston,	Adolph Edson,	Boston.
1,	Kate Buckley,*	Alice Cox,	Boston.
1,	Lucy Sophronia Priscilla Pin-son,*	Alice Bogert,	Boston.
1,	Forrest D. Gaudreau,*	Forrest D. Evans,	Lexington.
5,	Mary Eliza Archibald,	Mary Eliza Parker,	Chelsea.
8,	Gertrude May Cota,*	Gertrude Almira McIntire,	Boston.
8,	Vera Louise Whiting,*	Carlotta Vera Clavel,	Boston.
8,	Milford Wertheimer,	Milford Wortham,	Boston.
8,	Mabel Maud Wright,	Mabel Maud Stratton,	Boston.
15,	Alice Skelley,*	Alison Winslow,	Boston.
15,	Louis Charles Booker,*	Charles Francis McMann,	Buckland.
22,	Robert Warsafsky,	Robert Warsowe,	Boston.

* Changed by reason of adoption.

CHANGE OF NAMES.

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SUFFOLK COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
May 22,	Grace Foster Blackman,*	Eleanor Foster Byrnes,	Boston.
22,	John Elliott,*	John Oyston Watson,	New York.
29,	Charles Eklof Johnson,	Carl E. Eklof,	Boston.
29,	Marie Grunby,*	Virginia Warren,	Boston.
June 5,	Florence Burke alias Pinner,*	Florence Elizabeth Vaughn,	Boston.
5,	Samuel L. Danishevsky,	Samuel L. Dana,	Boston.
5,	Rebecca H. Danishevsky,	Rebecca H. Dana,	Boston.
5,	Ella M. Paine,	Ella M. Haskell,	Boston.
5,	George W. Davis,*	George W. Strickland,	Chelsea.
12,	Mary Christina Stanton,*	Mary Christina McGillivray,	Boston.
26,	John J. McLucas,*	John J. Lucas,	Boston.
26,	Matilda Cohen,*	Matilda Asch,	Boston.
26,	Ivns Glenwood Harrington Kersey,*	Arthur Glenwood Gillespie,	Randolph, Me.
July 26,	Edith Long,*	Ruth Walker,	Boston.
3,	Flora Brigham,*	Ruth Dorothy May Allen,	Holden.
3,	Margaret May Burekard,*	Lillian Annie Woodman,	Holyoke.
3,	Ruth Corlors Studley,*	Ruth Naomi Rupert,	Orleans.
10,	Herman Robbinsky,	Herman Robbins,	Boston.
17,	Michael Henry Keating,	Henry Keating,	Boston.
17,	Murray Albert Barrabee,	Albert Morris Barnes,	Boston.
17,	Edith Christian,*	Edith Cousins,	Boston.
17,	Helen Josephine Coughlin,*	Helen Josephine Campbell McGuines,	Boston.
17,	Theresa E. McGeough,*	Theresa E. Clark,	Boston.
17,	Ephraim Coulton Savoy,*	Anthony Travers,	Boston.
17,	Iza Mary Symington,*	Iza Mary Mohr,	Boston.
24,	Jessie Kippen,	Jessie Potter,	Boston.
31,	William Henry Doran,	William H. Shaw,	Boston.
31,	Hugo John Doran,	Ingo John Shaw,	Boston.
31,	Mary A. Bullard,	Mary A. Mowatt,	Chelsea.
31,	Wendell Baxter Faunce,	Wendell Winslow Faunce,	Boston.
Aug. 21,	Arthur Kusminsky,	Arthur O. Kumins,	Boston.
21,	David Cohen,	David Cobb,	Boston.
21,	Barnet Swirsky,	Barnet S. Sawyer,	Boston.
21,	Stella M. Murray,	Stella Murray Stanton,	Boston.
21,	Stuart S. Connaeh,*	Harold E. Sayre,	Boston.
Sept. 21,	Gertrude M. Enwright,*	Gertrude M. Connell,	Boston.
4,	Harry Golinsky,	Harry Gale,	Boston.
4,	Annie Yanovsky,	Annie Young,	Boston.
4,	Isaac Yanovsky,	Isaac Young,	Boston.
4,	William Henry Frawley,*	Edward Harry Tappan,	Boston.
11,	Mabel Ballard,*	Mary M. T. Donahoe,	Boston.
11,	Lizzie Kennedy,*	Cicilia Simeone,	Boston.
11,	Girolamo Pettiti,	Jerome Arthur Petitti,	Boston.
18,	John Joseph Smith,	Joseph Smith Whitehead,	Boston.
18,	Maurice Julius Sittle,	Julius Maurice Zittel,	Boston.
18,	Alice Connelly,*	Henrietta Lilian Tucker,	Boston.
25,	Harris Gittleson,	Harris Gittleson Sampson,	Boston.
Oct. 25,	Marion Louise Reid,*	Dorothy Beatrice Hoyt,	Boston.
9,	Max Berlinski,	Max Berlin,	Boston.
9,	Dorothy Shea,*	Dorothy Shea Casserly,	Boston.
16,	Frank Howard Riley,	Frank Howard Dunbar,	Boston.
23,	Althea Briggs,*	Katherine McKenzie,	Boston.
23,	Leticia J. Cromwell,*	Martha Ann Coleman,	Boston.
23,	Arolue L. Randall,	Annie Irene Fourtin,	South Easton.
23,	Daniel McBrearty,*	Daniel Ifilly,	Winthrop.
23,	Geo. Francis Gallagher,*	George Francis O'Brien,	Boston.
23,	Harland E. Sanderson,*	Harland E. Hall,	Boston.
23,	Martha Bergland,	Marion Martha Woods,	Boston.
30,	Sarah Dennis Smith,*	Sarah Dennis Hall,	Boston.
30,	James Green,*	Harold Athelstone St. Clair Stewart,	Cambridge.
30,	Hazel F. Hearn,*	Hazel F. Foulds,	Boston.
30,	Lillian D. Lynde,*	Eleanor Frances Macomber,	Salem.
30,	Helen G. Eaton,*	Helen Grace Long,	Lynn.
30,	Irene Ancoin,*	Esther Svenson,	Newton.
Nov. 6,	Flora Louise Sargent,*	Flora Louise Knight,	Melrose.

* Changed by reason of adoption.

SUFFOLK COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1902.			
Nov. 6,	Marguerite Connor,*	Marguerite White,	Boston.
13,	Moses Wilshinsky,	Morris M. Williams,	Boston.
13,	Francis A. Duto,*	Francis A. Beaumette,	Boston.
20,	Ella May Hall,*	Dorris Louise Remington,	Brockton.
20,	Sylvester Harvey,*	Chester Harvey Clerk,	Boston.
29,	Edna Chamberlin,*	Edna Hersey,	Boston.
Dec. 4,	Lillian L. Wallace,	Lillian Leona Jordan,	Boston.
11,	John A. Homans,	John Homans,	Boston.
11,	Emily Edna Rawding,*	Edna Hazel Lincoln,	Boston.
18,	John J. Slutsky,	John Slutsky Slater,	Boston.
18,	Sewell Van Ness Mansur,	Henry Sewell Mansur,	Boston.
18,	Dolly Hall,*	Dorothy Katherine Hubbell,	Boston.

WORCESTER COUNTY.

Jan. 17,	Goldie E. Smith,*	Elizabeth Emmons Van Winkle,	Worcester.
17,	Gertrude Frances Smith,*	Gertrude Frances Van Winkle,	Worcester.
27,	Anna Hogan,*	Anna Conley,	Providence, R. I.
Feb. 4,	Eliza Barnard,	Eliza Lovell Barnard,	Worcester.
March 4,	Elizabeth Ellis,*	Christie Elizabeth Sawyer,	Harvard.
11,	Louis Feingold,	Louis Fielding,	Worcester.
11,	Leah Rose Feingold,	Leah Rose Fielding,	Worcester.
19,	Pearl A. Cohen,*	Pearl Antoinette Noyes,	Rutland.
27,	Walter Baker,*	Walter Frederic Sampson,	West Brookfield.
April 7,	Agnes Logan Allison,	Agnes Allison Logan,	Worcester.
7,	Harris W. Durfee,*	Harris W. Angier,	Southborough.
May 19,	Albert Davis,*	Edgar Jack Dunican,	Athol.
20,	Ralph Walker,*	Harry Francis Walkley,	Worcester.
23,	Eliza Clark,*	Edna Mildred Morter,	Worcester.
June 3,	Isaac E. Sedersky,	Isadore E. Seder,	Worcester.
3,	Rosa Sedersky,	Rose Seder,	Worcester.
3,	Leon T. Sedersky,	Leon T. Seder,	Worcester.
3,	Arthur Sedersky,	Arthur Seder,	Worcester.
3,	Raymond Sedersky,	Raymond Seder,	Worcester.
3,	Dorothy Sedersky,	Dorothy Seder,	Worcester.
3,	Francis Sedersky,	Francis Seder,	Worcester.
20,	Dorothy Foley,*	Dorothy Carr,	Worcester.
20,	Ruth Foley,*	Ruth Carr,	Worcester.
July 15,	Maria Spadaforo,*	Maria Leonora Mascianguoli,	West Boylston.
18,	Elsa Olga Schremser,*	Elsa Olga Piehl,	Southbridge.
22,	Arthur Daniel Chase,*	Arthur Chandler Murdock,	Worcester.
22,	Israel Godinsky,	Israel Goodwin,	Southbridge.
22,	Gustaf E. Johansson,	Gustaf E. Rudin,	Worcester.
Aug. 25,	Emma Elizabeth Olsen,*	Mabel Leona Barr,	Worcester.
Sept. 2,	Beatrice Cecilia,*	Beatrice Cecilia Arseneault,	Worcester.
2,	Florence Linnea Horn,*	Florence Linnea Lundqvist,	Worcester.
2,	Frederick W. Hovey,*	Frederic W. Duke,	Leominster.
2,	George Washington Wood,*	George Henry Taylor, Jr.,	Worcester.
8,	Francis Edwards Kelley,*	Francis Edward Jenkins,	Worcester.
16,	Mary Elizabeth Riley,*	Mary McNaught Curley,	Mendon.
23,	Josephine Dunlop,*	Beatrice Mildred Reed,	Leominster.
23,	Florence D. Ingraham,	Florence D. Boyden,	Worcester.
30,	Luella G. Monroe,*	Luella Peterson,	Worcester.
Oct. 3,	Herbert Everett Bercune,	Herbert Everett Case,	Worcester.
3,	Francis I. Chickering,*	Lora Frances Vigneaux,	Warren.
21,	Robert L. White,*	Robert Wesley Williams,	Warren.
Nov. 3,	Laura F. Stickle,	Laura Frances Record,	Lancaster.
11,	August Peterson,	August Peterson Hedberg,	Worcester.
14,	Helen A. Blood,*	Helen Augusta Brigham,	Westborough.
18,	Robertta Welling,*	Edith Sophia Southworth,	North Brookfield.
24,	Beatrice Amour,*	Dorothy Claudelle Cook,	Worcester.
24,	Elvira Helena Rosen,*	Elvira Helena Svenson,	Worcester.
25,	Bertha M. Kimball,*	Bertha Earl,	Milford.
25,	George William Mazuzan,	George William Thompson,	Winchendon.
Dec. 16,	Michael J. Mullaney,	Robert Emmett Mullaney,	Worcester.
16,	Millie Ellen Tallman,*	Mildred Ellen Eaton,	Worcester.
31,	Gerald Wheeler Casey,	Gerald Wheeler,	Berlin.

* Changed by reason of adoption.

THE
CIVIL GOVERNMENT

OF
The Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH FOR
THE POLITICAL YEAR

1903.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
JOHN L. BATES,
GOVERNOR.

FRANCIS HURTUBIS, Jr. *Private Secretary.*
EDWARD F. HAMLIN *Executive Secretary.*

HIS HONOR
CURTIS GUILD, JR.,
LIEUTENANT GOVERNOR.

COUNCIL—(By Districts).

I.—DAVID F. SLADE Fall River.
II.—ARTHUR A. MAXWELL Boston.
III.—EDWIN R. HOAG Chelsea.
IV.—JEREMIAH J. McNAMARA Boston.
V.—DAVID I. ROBINSON Gloucester.
VI.—WALTER SCOTT WATSON Lowell.
VII.—ARTHUR H. LOWE Fitchburg.
VIII.—RICHARD W. IRWIN Northampton.

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.

RALPH A. STEWART, ROBERT G. DODGE,
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—GEORGE R. JONES.

District.	Name of Senator.	Residence.
First Suffolk, . . .	A. Dudley Bagley, . . .	Boston.
Second “ . . .	Arthur Harrington, . . .	Boston.
Third “ . . .	Henry S. Fitzgerald, . . .	Boston.
Fourth “ . . .	William T. A. Fitzgerald, . . .	Boston.
Fifth “ . . .	Charles S. Clerke, . . .	Boston.
Sixth “ . . .	Michael J. Sullivan, . . .	Boston.
Seventh “ . . .	Frederick S. Gore, . . .	Boston.
Eighth “ . . .	Edward Seaver, . . .	Boston.
Ninth “ . . .	Perlie A. Dyar, . . .	Boston.
First Essex, . . .	Thomas F. Porter, . . .	Lynn.
Second “ . . .	Samuel Cole, . . .	Beverly.
Third “ . . .	Harry C. Foster, . . .	Gloucester.
Fourth “ . . .	Carleton F. How, . . .	Haverhill.
Fifth “ . . .	Archie N. Frost, . . .	Lawrence.
First Middlesex, . . .	Henry R. Skinner, . . .	Watertown.
Second “ . . .	Albert S. Apsey, . . .	Cambridge.
Third “ . . .	Leonard B. Chandler, . . .	Somerville.
Fourth “ . . .	George R. Jones, . . .	Melrose.

District.	Name of Senator.	Residence.
Fifth Middlesex,	Otis M. Gove,	Waltham.
Sixth "	Herbert E. Fletcher,	Westford.
Seventh "	James H. McKinley,	Lowell.
Middlesex and Essex,	Francis H. Appleton,	Peabody.
First Worcester,	Frank M. Heath,	Worcester.
Second "	John P. Munroe,	Worcester.
Third "	George R. Wallace,	Fitchburg.
Fourth "	George K. Tufts,	New Braintree.
Fifth "	Edward L. Osgood,	Hopedale.
First Hampden,	Henry F. Sampson,	Springfield.
Second "	Thomas J. Dillon,	Holyoke.
Franklin and Hampshire,	Herbert Newell,	Shelburne.
Berkshire,	William H. MacInnis,	Pittsfield.
Berkshire and Hampshire,	Henry E. Gaylord,	South Hadley.
First Norfolk,	Albert A. Brackett,	Milton.
Second "	Albion F. Bemis,	Foxborough.
First Plymouth,	Elisha T. Harvell,	Rockland.
Second "	David G. Pratt,	Middleborough.
First Bristol,	George N. Goff,	Rehoboth.
Second "	Benjamin F. Nickerson,	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, . . .	{ George H. Battis, . . . William B. Jackson, . . .	Boston. Boston.
2d,	Boston, Ward 2, . . .	{ Manassah E. Bradley, . . . William C. S. Healey, . . .	Boston. Boston.
3d,	Boston, Ward 3, . . .	{ William H. Hayes, . . . James J. Mellen, . . .	Boston. Boston.
4th,	Boston, Ward 4, . . .	{ Thomas A. Kelley, . . . John H. Quinlan, . . .	Boston. Boston.
5th,	Boston, Ward 5, . . .	{ James A. McDonald, Jr., . . . Maurice J. Power, . . .	Boston. Boston.
6th,	Boston, Ward 6, . . .	{ Andrew A. Badaracco, . . . Thomas J. Grady, . . .	Boston. Boston.
7th,	Boston, Ward 7, . . .	{ Daniel J. Donnelly, . . . John Quinn, Jr., . . .	Boston. Boston.
8th,	Boston, Ward 8, . . .	{ Michael F. Hart, . . . Daniel J. Kiley, . . .	Boston. Boston.
9th,	Boston, Ward 9, . . .	{ John J. Gartland, Jr., . . . Charles H. Reinhart, . . .	Boston. Boston.
10th,	Boston, Ward 10, . . .	{ Guy W. Cox, . . . Walter E. Nichols, . . .	Boston. Boston.

COUNTY OF SUFFOLK — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, .	{ Louis A. Frothingham, . Robert Homans, .	. Boston. . Boston.
12th,	Boston, Ward 12, .	{ Frank E. Gaylord, . David D. Leahy, .	. Boston. . Boston.
13th,	Boston, Ward 13, .	{ Frank J. Linehan, . Andrew L. O'Toole, .	. Boston. . Boston.
14th,	Boston, Ward 14, .	{ Michael F. Curran, . J. Frank O'Hare, .	. Boston. . Boston.
15th,	Boston, Ward 15, .	{ David W. Creed, . James M. Lane, .	. Boston. . Boston.
16th,	Boston, Ward 16, .	{ Michael J. Collins, . Arthur L. Gavin, .	. Boston. . Boston.
17th,	Boston, Ward 17, .	{ James M. Curley, . Jeremiah J. Good, .	. Boston. . Boston.
18th,	Boston, Ward 18, .	{ Edwin A. Harney, . Thomas E. Raftery, .	. Boston. . Boston.
19th,	Boston, Ward 19, .	{ James P. Lennon, . James McInerney, .	. Boston. . Boston.
20th,	Boston, Ward 20, .	{ Guy Andrews Ham, . Thomas M. Vinson, .	. Boston. . Boston.
21st,	Boston, Ward 21, .	{ Fred A. Emery, . Frederick W. Klemm, .	. Boston. . Boston.
22d,	Boston, Ward 22, .	{ John Duff, . Frank Seiberlich, .	. Boston. . Boston.
23d,	Boston, Ward 23, .	{ Lewis S. Breed, . John A. Coulthurst, .	. Boston. . Boston.
24th,	Boston, Ward 24, .	{ Edward B. Callender, . William E. Hannan, .	. Boston. . Boston.
25th,	Boston, Ward 25, .	{ Arthur B. Gillpatrick, . Frank H. Howe, .	. 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, }	Alfred S. Hall,	Revere.

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, .	Mellen A. Pingree,	Haverhill.
4th,	Haverhill, Wds 1, 2, 3, .	J. Franklin Batchelder,	Haverhill.
5th,	Haverhill, Ward 5, . . .	James F. Carey,	Haverhill.
6th,	{ Lawrence, Wards 1, 2, . . . } { Methuen, }	Edwin J. Castle, John H. Spinlow,	Methuen. Lawrence.
7th,	{ Lawrence, Wards 3, 4, . . . } { 5, 6, }	Dennis H. Finn, Simon B. Ryan, Frank J. Stanley,	Lawrence. Lawrence. Lawrence.
8th,	{ Andover, } { Middleton, } { North Andover, }	John N. Cole,	Andover.
9th,	{ Boxford, } { Georgetown, } { Groveland, } { Haverhill, Ward 7, }	William H. Poole,	Georgetown.
10th,	{ Danvers, } { Peabody, } { Topsfield, }	Thomas E. Dougherty, Charles N. Perley,	Danvers. Danvers.
11th,	{ Lynn, Ward 3, } { Swampscott, }	William F. Craig, George H. Jackson,	Lynn. Lynn.

* Seated by a Resolve passed March 2; in place of Samuel F. Coffin who was originally certified to be duly elected to the General Court from the second Essex representative district.

COUNTY OF ESSEX — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
12th,	{ Lynn, Wards 1, 5, 7, . } { Lynnfield, }	John W. Blaney, . . William B. Phinney, .	Lynn. Lynn.
13th,	{ Lynn, Wards 2, 4, . } { Nahant, }	Francis S. Newhall, . Charles H. Tucker, .	Lynn. Lynn.
14th,	{ Lynn, Ward 6, . . } { Saugus, }	Frank P. Bennett, . . William A. Kelley, .	Saugus. Lynn.
15th,	Marblehead, . . .	George H. Thorburn, .	Marblehead.
16th,	Salem, Wards 1, 2, .	Thomas L. Davis, . .	Salem.
17th,	Salem, Wards 3, 5, .	William H. Gove, . .	Salem.
18th,	Salem, Wards 4, 6, .	Joseph F. Pitman, . .	Salem.
19th,	{ Beverly, } { Essex, } { Gloucester, Ward 8, . } { Hamilton, } { Manchester, } { Wenham, }	William R. Brooks, . . Winthrop E. Perry, .	Beverly. Beverly.
20th,	{ Gloucester, Wards 1, 3, } { 4, 5, 6, }	John J. Cunningham, . Augustus Hubbard, .	Gloucester. Gloucester.
21st,	{ Gloucester, Wards 2, 7, } { Rockport, }	Frank Robinson, . . .	Gloucester.
22d,	{ Ipswich, } { Newbury, } { Newburyport, Wards 1, } { 2, 3, 4, 5, } { Rowley, }	Moody Kimball, . . . George A. Schofield, .	Newburyport. Ipswich.

COUNTY OF MIDDLESEX.

1st,	Cambridge, Wards 8, 9,	James J. Myers, . . .	Cambridge.
2d,	{ Cambridge, Wards 3, 4, } { 5, }	James F. Aylward, . . Jeremiah F. Donovan, .	Cambridge. Cambridge.
3d,	Cambridge, Wards 1, 2,	Henry F. Lehan, . . .	Cambridge.

COUNTY OF MIDDLESEX—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	Cambridge, Wards 6, 7, {	Eben H. Googins, . . . William J. Rounds, . . .	Cambridge. Cambridge.
5th,	Cambridge, W'ds 10, 11,	Frederick S. Deitrick, . . .	Cambridge.
6th,	Somerville, Ward 1, . . .	Charles F. Wildes, . . .	Somerville.
7th,	{ Somerville, Wards 2, 3, { 6, 7, }	Robert Luce, . . . Isaac M. Story, . . . Arthur P. Vinal, . . .	Somerville. Somerville. Somerville.
8th,	Somerville, Wards 4, 5,	Charles L. Underhill, . . .	Somerville.
9th,	Medford, W'ds 1, 2, 4, 5,	James C. D. Clark, . . .	Medford.
10th,	Everett, {	Arthur W. Hatch, . . . H. Huestis Newton, . . .	Everett. Everett.
11th,	Malden, {	Aaron C. Dowse, . . . William H. Ruston,* . . . Everett J. Stevens, . . .	Malden. Malden. Malden.
12th,	{ Medford, Wards 3, 6, . . } { Winchester, }	Lombard Williams, . . .	Medford.
13th,	{ Arlington, } { Lexington, }	Edward C. Stone, . . .	Lexington.
14th,	{ Belmont, } { Watertown, }	Henry W. Seward, . . .	Watertown.
15th,	Waltham, {	George H. Doty, . . . Edward A. Walker, . . .	Waltham. Waltham.
16th,	Newton, {	William F. Dana, . . . Edgar W. Warren, . . .	Newton. Newton.
17th,	{ Bedford, } { Concord, } { Lincoln, } { Weston, }	Abram English Brown, . . .	Bedford.
18th,	Natick,	Arthur P. Sleeper, . . .	Natick.

* Died March 6.

COUNTY OF MIDDLESEX — CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
19th,	{ Ashland, . . . } { Holliston, . . . } { Hopkinton, . . . } { Sherborn, . . . }	George E. Thayer, . . .	Ashland.
20th,	Framingham, . . .	James R. Entwistle, . . .	Framingham.
21st,	{ Marlborough, . . . } { Sudbury, . . . } { Wayland, . . . }	William M. Brigham, . . . John J. Mitchell, . . .	Marlborough. Marlborough.
22d,	{ Boxborough, . . . } { Hudson, . . . } { Maynard, . . . } { Stow, . . . }	Fred O. Welsh, . . .	Hudson.
23d,	{ Acton, . . . } { Ayer, . . . } { Littleton, . . . } { Shirley, . . . } { Westford, . . . }	John M. Maloney, . . .	Ayer.
24th,	{ Ashby, . . . } { Groton, . . . } { Pepperell, . . . } { Townsend, . . . }	Frank J. Knight, . . .	Townsend.
25th,	{ Chelmsford, . . . } { Dunstable, . . . } { Lowell, Wards 4, 7, 8, } { Tyngsborough, . . . }	William H. I. Hayes, . . . Royal S. Ripley, . . . Caleb L. Smith, . . .	Lowell. Chelmsford. Lowell.
26th,	Lowell, W'ds 1, 2, 3, 6, {	William H. Brown, . . . Thomas J. Kennedy, . . . Michael J. Mahoney, . . .	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, .	Woburn.
		Charles H. Nowell,* .	Woburn.
29th.	Wakefield, . . .	Charles A. Dean, . .	Wakefield.
30th.	Stoneham, . . .	Sidney A. Hill, . . .	Stoneham.
31st.	Melrose, . . .	John G. Robinson, . .	Melrose.

COUNTY OF WORCESTER.

1st.	{ Athol, . . . } { Phillipston, . . . } { Royalston, . . . }	Edmund C. Shepardson, .	Athol.
		Guy W. Garland, . . .	Gardner.
		Elliot S. Tucker, . . .	Winchendon.
2d.	{ Ashburnham, . . . } { Gardner, . . . } { Templeton, . . . } { Winchendon, . . . }	Frank W. Fenno, . . .	Westminster.
		Francis Batcheller, . . .	No. Brookfield.
		George S. Ladd, . . .	Sturbridge.
		Richard Olney, 2d, . . .	Leicester.
3d.	{ Barre, . . . } { Dana, . . . } { Hardwick, . . . } { Hubbardston, . . . } { Petersham, . . . } { Westminster, . . . }		
4th.	{ Holden, . . . } { New Braintree, . . . } { North Brookfield, . . . } { Oakham, . . . } { Princeton, . . . } { Rutland, . . . }		
5th.	{ Brookfield, . . . } { Sturbridge, . . . } { Warren, . . . } { West Brookfield, . . . }		
6th.	{ Leicester, . . . } { Paxton, . . . } { Spencer, . . . }		

* Elected March 3; qualified March 11; in place of Edmund C. Cottle, who died January 13.

COUNTY OF WORCESTER—CONTINUED.

District.	Town or Ward.	Name of Representative.	Residence.
7th,	{ Charlton, Dudley, Oxford, Southbridge, Webster, }	Thomas F. Hederman, . Francois Xavier Tetrault.	Dudley. Southbridge.
8th,	{ Auburn, Douglas, Millbury, Sutton, }	Daniel J. Dempsey, .	Millbury.
9th,	{ Blackstone, Grafton, Northbridge, Shrewsbury, Uxbridge, }	James Crichton, . . Michael Fitzgerald, .	Northbridge. Blackstone.
10th,	{ Hopedale, Mendon, Milford, Upton, Westborough, }	Lowell E. Fales, . . John S. Nason, . .	Milford. Westborough.
11th,	{ Berlin, Boylston, Clinton, Northborough, Southborough, Sterling, West Boylston, }	Henry A. McMasters, . Samuel W. Tyler, . .	Southborough. Clinton.
12th,	{ Bolton, Fitchburg, Ward 6, Harvard, Lancaster, Lunenburg, }	James Barr,	Fitchburg.
13th,	{ Fitchburg, Wards 1, 2, } 3, 4, 5, }	Peter F. Ward, . . . Charles H. Winslow, .	Fitchburg. Fitchburg.
14th,	Leominster,	Wooster F. Dodge, . .	Leominster.
15th,	Worcester, Ward 1, .	Warren C. Jewett, . .	Worcester.
16th,	Worcester, Ward 2, .	George C. Hunt, . . .	Worcester.

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, .	Hugh H. O'Rourke, . .	Worcester.
20th.	Worcester, Ward 6, .	Julius Garst, . . .	Worcester.
21st.	Worcester, Ward 7, .	Arthur M. Taft, . . .	Worcester.
22d.	Worcester, Ward 8, .	Elmer C. Potter, . . .	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 E. Stanton, . .	Huntington.
3d,	{ Amherst, Granby, Pelham, South Hadley, }	James B. Paige, . .	Amherst.
4th,	{ Belchertown, Enfield, Greenwich, Prescott, Ware, }	William H. Walker, . .	Greenwich.

COUNTY OF HAMPDEN.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Brimfield, . . . } { Holland, . . . } { Monson, . . . } { Palmer, . . . } { Wales, . . . }	James A. Hawkes, . . .	Palmer.
2d,	{ Agawan, . . . } { East Longmeadow, . } { Granville, . . . } { Hampden, . . . } { Longmeadow, . . . } { Ludlow, . . . } { Southwick, . . . } { Tolland, . . . } { Wilbraham, . . . }	Oliver E. Slocum, . . .	Tolland.
3d,	{ Springfield, Wards 1, } { 2, 8, . . . }	Henry A. Booth, . . . Elisha H. Brewster, . . .	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, . . . }	Chester H. Abbe, . . . Harold P. Moseley, . . .	Westfield. 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, . . . }	Ernest C. Field, . . .	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, . . . }	John D. Gardner, . . .	Hancock.

COUNTY OF BERKSHIRE — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
3d,	{ Adams, . . . } Cheshire, . . . } Florida, . . . } Savoy, . . . } Windsor, . . . }	Alvin A. Shaw, . . .	Windsor.
4th,	{ Pittsfield, . . . }	William A. Burns, . . . William A. Fahey, . . .	Pittsfield. Pittsfield.
5th,	{ Becket, . . . } Hinsdale, . . . } Lenox, . . . } Peru, . . . } Richmond, . . . } Washington, . . . } West Stockbridge, . . . }	John M. Johnson, . . .	Lenox.
6th,	{ Lee, . . . } New Marlborough, . . . } Otis, . . . } Sandisfield, . . . } Stockbridge, . . . } Tyringham, . . . }	Charles A. Clafin, . . .	Sandisfield.
7th,	{ Alford, . . . } Egremont, . . . } Great Barrington, . . . } Monterey, . . . } Mount Washington, . . . } Sheffield, . . . }	Charles Giddings, . . .	Gt. Barrington.

COUNTY OF NORFOLK.

1st,	{ Dedham, . . . } Norwood, . . . } Westwood, . . . }	Henry E. Weatherbee, . . .	Westwood.
2d,	Brookline, . . .	Benjamin C. Dean, . . .	Brookline.
3d,	Hyde Park, . . .	Edward Q. Dyer, . . .	Hyde Park.
4th,	{ Canton, . . . } Milton, . . . }	William W. Brooks, . . .	Canton.

COUNTY OF NORFOLK — CONCLUDED.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	Quincy, . . . }	Peter D. Fallon, . . . Richard R. Freeman, . . .	Quincy. Quincy.
6th,	{ Braintree, . . . } { Weymouth, . . . }	Horace R. Drinkwater, . . . Gordon Willis, . . .	Braintree. Weymouth.
7th,	{ Avon, . . . } { Holbrook, . . . } { Randolph, . . . }	Fred M. French, . . .	Randolph.
8th,	{ Sharon, . . . } { Stoughton, . . . } { Walpole, . . . }	Gardon Southworth, . . .	Stoughton.
9th,	{ Dover, . . . } { Medfield, . . . } { Millis, . . . } { Needham, . . . } { Wellesley, . . . }	Thomas Sutton, . . .	Needham.
10th,	{ Bellingham, . . . } { Foxborough, . . . } { Franklin, . . . } { Medway, . . . } { Norfolk, . . . } { Wrentham, . . . }	Franklin Brown, . . . Herbert W. Thayer, . . .	Wrentham. Franklin.

COUNTY OF PLYMOUTH.

1st,	{ Kingston, . . . } { Plymouth, . . . }	Henry O. Whiting, . . .	Plymouth.
2d,	{ Duxbury, . . . } { Marshfield, . . . } { Norwell, . . . } { Pembroke, . . . } { Scituate, . . . }	Ernest L. Bonney, . . .	Scituate.
3d,	{ Cohasset, . . . } { Hingham, . . . } { Hull, . . . }	Thomas H. Buttimer, . . .	Hingham.
4th,	{ Hanover, . . . } { Hanson, . . . } { Rockland, . . . }	Frederic O. MacCartney,*	Rockland.

* Died May 25.

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, . . . }	George A. Turner, . . .	Bridgewater.
9th,	Brockton, Wards 3, 4, .	Wallace C. Ransden, .	Brockton.
10th,	Brockton, W'ds 1, 2, 5, }	James Sidney Allen, . George H. Garfield, .	Brockton. Brockton.
11th,	Brockton, Wards 6, 7, .	William S. Bamford, .	Brockton.

COUNTY OF BRISTOL.

1st,	{ Attleborough, . . . } { North Attleborough, . . . } { Norton, . . . } { Rehoboth, . . . } { Seekonk, . . . }	Adin B. Horton, . . . Thomas W. Williams, .	Rehoboth. Attleborough.
2d,	{ Easton, . . . } { Mansfield, . . . } { Raynham, . . . }	Robert Rogerson, . . .	Mansfield.
3d,	Taunton, Wards 5, 7, 8,	John L. Rankin, . . .	Taunton.
4th,	Taunton, Wards 2, 3, 4,	William J. Davison, . . .	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, . . . }	Gilbert M. Nichols, . . .	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, . . . }	Thomas Pattison, . . .	Barnstable.
2d,	{ Chatham, . . . } { Dennis, . . . } { Harwich, . . . } { Yarmouth, . . . }	Heman A. Harding, . . .	Chatham.
3d,	{ Brewster, . . . } { Eastham, . . . } { Orleans, . . . } { Provincetown, . . . } { Truro, . . . } { Wellfleet, . . . }	Isaiah H. Horton, . . .	Eastham.

* Died May 29.

COUNTY OF DUKES COUNTY.

District.	Town or Ward.	Name of Representative.	Residence.
1st,	{ Chilmark, . . . Cottage City, . . . Edgartown, . . . Gay Head, . . . Gosnold, . . . Tisbury, . . . West Tisbury, . . . }	Herbert N. Hinckley, . . .	Tisbury.

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.

MARCUS P. KNOWLTON, *of Springfield.*

ASSOCIATE JUSTICES.

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.*
 HENRY K. BRALEY, *of Fall River.*

SUPERIOR COURT.

CHIEF JUSTICE.

ALBERT MASON, *of Brookline.*

ASSOCIATE JUSTICES.

EDGAR J. SHERMAN, *of Lawrence.*
 ROBERT R. BISHOP, *of Newton.*
 DANIEL W. BOND, *of Waltham.*
 ELISHA BURR MAYNARD, *of Springfield.*
 FRANKLIN G. FESSENDEN, *of Greenfield.*
 JAMES B. RICHARDSON, *of Boston.*
 HENRY N. SHELDON, *of Boston.*
 FRANCIS A. GASKILL, *of Worcester.*
 JOHN H. HARDY, *of Arlington.*
 WILLIAM B. STEVENS, *of Stoncham.*
 CHARLES U. BELL, *of Andover.*
 JOHN A. AIKEN, *of Greenfield.*
 FREDERICK LAWTON, *of Lowell.*
 EDWARD P. PIERCE, *of Fitchburg.*
 JABEZ FOX, *of Cambridge.*

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>
WILLIAM SCHOFIELD,	<i>of Malden.</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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JUDGES OF PROBATE AND INSOLVENCY.

JOHN W. McKIM, Boston,	SUFFOLK.
ROBERT GRANT, Boston,	SUFFOLK.
ROLLIN E. HARMON, Lynn,	ESSEX.
CHARLES J. McINTIRE, Cambridge,	MIDDLESEX.
GEORGE FIELD LAWTON, Lowell,	MIDDLESEX.
WILLIAM T. FORBES, Westborough,	WORCESTER.
WILLIAM G. BASSETT, Northampton,	HAMPSHIRE.
CHARLES L. LONG, Springfield,	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	FRANKLIN.
EDWARD T. SLOCUM, Pittsfield,	BERKSHIRE.
JAMES H. FLINT, Weymouth,	NORFOLK.
BENJAMIN W. HARRIS, East Bridgewater,	PLYMOUTH.
WILLIAM E. FULLER, Taunton,	BRISTOL.
FREEMAN H. LOTHROP, Barnstable,	BARNSTABLE.
CHARLES G. M. DUNHAM, Edgartown,	DUKES.
THADDEUS C. DEFRIEZ, Nantucket,	NANTUCKET.

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* Appointed by the supreme judicial court, in place of William H. Clapp, deceased.

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[Congressional Districts established by Chap. 511, Acts of 1901.]

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 XII.—SAMUEL L. POWERS, of Newton.
 XIII.—WILLIAM C. LOVERING, of Taunton.
 XIV.—WILLIAM S. GREENE, of Fall River.

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. And the "Graves."
St. 1903, 258 § 1.

SECT. 9 extended to geological survey. St. 1903, 150 § 1.

SECTS. 10–12. See St. 1903, 150 § 2.

Chapter 2.—Of the Arms and the Great Seal of the Commonwealth.

Use of representations, for advertising or commercial purposes, forbidden
after April 6, 1904. St. 1903, 195.

Chapter 3.—Of the General Court.

SECT. 12. See Res. 1903, ch. 3.

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; 1903, 368 §§ 2, 4;
484 §§ 2, 3.

SECT. 6. See St. 1902, 438.

SECT. 11 amended. St. 1903, 424 § 1.

Chapter 6. — Of the Treasurer and Receiver General, the Auditor of Accounts and Matters of Finance.

SECT. 1 *et seq.* See St. 1903, 251, 368 § 2.

SECT. 4. Salary changed: third clerk. St. 1903, 398.

SECT. 7. See St. 1903, 109.

SECT. 14. Allowance for additional assistance increased. St. 1902, 177; 1903, 120.

SECT. 15 *et seq.* See St. 1903, 368 § 2.

SECTS. 46, 48 amended. St. 1903, 283 §§ 1, 2.

SECT. 59. Certain checks excepted. St. 1902, 55.

SECTS. 65, 79. See St. 1903, 471.

SECT. 69. See St. 1903, 109.

SECT. 71 *et seq.* Treasurer may issue bonds or scrip on serial plan, instead of a sinking fund. St. 1903, 226.

Chapter 7. — Of the Attorney-General and the District Attorneys.

SECT. 9. Office of chief clerk established. St. 1903, 357 §§ 1, 2.

SECT. 13. Salaries changed: district attorney, northern district. St. 1903, 395 § 1. Assistant, eastern district. St. 1902, 530. Assistant, northern district. St. 1903, 395 § 1. 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. As to report on commissioners on fisheries and game. St. 1903, 291. As to savings bank commissioners' report. St. 1903, 390.

Certain printed town records added. St. 1902, 470 § 2.

Chapter 10. — Of the State House, the Sergeant-at-Arms and the State Library.

SECT. 10 amended. Compensation of watchmen fixed. St. 1903, 455 § 1.

SECT. 11. Sergeant may employ a cashier who shall be a stenographer. St. 1903, 323 § 1. Postmaster's salary changed. St. 1903, 323 § 1.

Chapter 11. — Of Elections.

Name of "democratic 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.
- SECTS. 15-23. Lists in Boston to be made by police department. St. 1903, 279.
- SECT. 15 limited and in part repealed. St. 1903, 279 §§ 16, 18, 20.
- SECT. 16 amended. St. 1903, 279 § 17.
- SECT. 17 limited. St. 1903, 279 § 16.
- SECT. 19 amended. St. 1903, 430 § 1.
- SECT. 20 amended. St. 1902, 90. Limited. St. 1903, 279 § 16.
- SECT. 46 revised. St. 1903, 474 § 1. (See 1903, 279 § 19.)
- SECT. 47 amended. St. 1903, 474 § 2.
- SECTS. 51-53 amended. St. 1903, 474 §§ 3-5. (See 1903, 279 § 7.)
- SECT. 54 limited. St. 1903, 279 § 19.
- SECT. 60. Provision as to Suffolk senatorial districts. St. 1902, 348, 512, 537; 1903, 425.
- SECT. 84 amended. Provision for announcement of number of the committee. St. 1902, 225, 492.
- SECTS. 85-135. Provision for joint caucuses or primaries of all political and municipal parties. St. 1903, 454.
- SECT. 90 amended. St. 1903, 474 § 6.
- SECT. 93. See St. 1903, 453 § 2.
- SECT. 96 amended. St. 1902, 506.
- SECTS. 97, 98, 108. Provision for direct nomination of candidates for congress in the 9th, 10th and 11th districts. St. 1903, 450 § 1.
- SECT. 108 amended. St. 1903, 474 § 7. (See 1902, 537 § 3.)
- SECT. 124. See St. 1902, 537 § 2; 1903, 453 § 1.
- SECTS. 136-149. Provision for direct nomination in cities of candidates for certain offices. St. 1902, 537; 1903, 425 § 1; 426, 450.
- SECT. 137 amended. St. 1903, 474 § 8.
- SECT. 152. See St. 1903, 454 § 14.
- SECT. 171 amended. St. 1902, 157; 1903, 454 § 9.
- SECTS. 172, 173 amended. St. 1903, 454 § 9.
- SECT. 231 amended. St. 1903, 474 § 9.
- SECT. 233 amended. St. 1903, 474 § 10.
- SECT. 235. See St. 1903, 454 § 11.
- SECT. 241 amended. St. 1903, 474 § 11.
- SECT. 267 amended. St. 1903, 474 § 12.
- SECTS. 270-273. State board of voting machine examiners provided for. St. 1903, 368 §§ 1, 2.
- SECT. 272 repealed. St. 1903, 368 § 3.
- SECT. 273. See St. 1903, 368 § 2.
- 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. 388 amended. St. 1903, 279 § 14.
- SECT. 389 amended. St. 1903, 279 § 15. (See 1903, 279 § 4.)
- SECT. 421. Disposal of cases restricted. St. 1903, 318 § 1.
- SECT. 422. Districts for election of representative to fill a vacancy. St. 1902, 518. Nominations in 9th, 10th and 11th districts to be made in caucuses by direct plurality vote. St. 1903, 450 § 1. (See 1903, 454.)

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.
 SECTS. 10, 11. See St. 1903, 161.
 SECT. 12 amended. St. 1903, 161 § 1.
 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. 41 revised. St. 1903, 157 § 1.
 SECT. 49 repealed. St. 1902, 111.
 SECTS. 78, 79. See St. 1903, 161 § 1.
 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.

- SECT. 24 amended. Returns to include new policies. St. 1903, 307 § 1.
 SECTS. 37-40, 42, 54-63, 66-68, in part repealed. St. 1903, 437 § 95. (See 1903, 342 §§ 2-5.)
 SECTS. 49, 50, 51, 52, 69 repealed. St. 1903, 437 § 95.

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; 1903, 276. Treasurer may settle certain cases. St. 1903, 251.
 SECT. 17. Jurisdiction of probate courts extended. St. 1903, 248.

Chapter 16. — Of the Militia.

- The governor is authorized to organize the militia in conformity with ch. 196, Vol. 32, U. S. Stats. at Large. St. 1903, 481.
 SECT. 14. Allowance for additional clerks, etc., increased. St. 1902, 336.
 SECT. 24. See St. 1903, 481.
 SECT. 30 amended. St. 1903, 377.
 SECT. 59. Examinations regulated. St. 1903, 151 § 1.
 SECT. 82 amended. St. 1902, 158.
 SECTS. 106-112. See St. 1903, 457 § 1.

SECTS. 118, 119 in part repealed. St. 1903, 457 § 3.

SECT. 139 amended. St. 1903, 247.

SECT. 180 revised. St. 1902, 493.

Chapter 18.—General Provisions relative to State Officers.

SECT. 13 revised. St. 1903, 229 § 1.

SECT. 14 repealed. St. 1903, 229 § 2.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320.

Chapter 19.—Of the Civil Service.

Provisions of this chapter shall apply to certain offices in town of Milton if accepted by town. St. 1903, 102.

No public officer or body, or member thereof, shall interfere with employment in public service corporations. St. 1903, 320.

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. Provision for bounty for killing a wildcat or Canada lynx. St. 1903, 344 § 1. Damages caused by wild deer. St. 1903, 407.

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.

SECT. 24. See St. 1902, 226; 1903, 245, 344.

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. For monuments to soldiers and sailors of the revolution. St. 1903, 116. Towns may regulate and

license junk collectors. St. 1902, 187. May regulate speed of automobiles and motor cycles, and the use thereof in certain ways. St. 1903, 473 § 14. They may provide for care of neglected burial grounds. St. 1902, 389. Selectmen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. Towns having no electric light may contract therefor with street railway companies. St. 1902, 499. Bounty to be paid for killing a wild cat, Canada lynx or loupeervier. St. 1903, 344 § 1. As to damages caused by wild deer, see St. 1903, 407.

SECT. 14 amended. St. 1902, 544 § 6.

SECT. 15. Paragraph 4. See St. 1903, 400. Paragraph 15. See St. 1903, 483.

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. Paragraph 7. See St. 1903, 383 § 3.

SECT. 24. See St. 1903, 475 § 14.

SECT. 31 *et seq.* Towns and cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.

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 in the war of the revolution. St. 1903, 116. And for care of neglected burial grounds. St. 1902, 389. May regulate and license junk collectors. St. 1902, 187. May regulate speed of automobiles and motor cycles, and the use thereof in certain ways. St. 1903, 473 § 14. Aldermen may authorize street railway companies to take land for certain purposes. St. 1903, 476 § 1. City officers may enter private land to exterminate certain insect pests. St. 1902, 57. Cities may authorize laying of pipes and conduits for conveyance of water. St. 1903, 459.

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. (See 1903, 312.)

SECT. 28. See St. 1903, 457.

Chapter 27. — Of Municipal Indebtedness.

SECT. 3. See St. 1902, 325.

SECT. 11 amended. "Parks" added. St. 1903, 375.

SECTS. 13, 14, 15. See St. 1902, 325.

SECT. 19. See St. 1903, 226.

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. 18 amended. St. 1903, 305 § 1.

SECT. 22 amended. St. 1902, 544 § 8.

Chapter 30.—Of Workhouses and Almshouses.

SECT. 1. See St. 1903, 400.

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; 1903, 365.

SECT. 37. See St. 1889, 57.

SECTS. 71, 72. Amount increased St. 1902, 108.

SECT. 73 revised. St. 1903, 253 § 1.

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.

SECT. 10 amended. St. 1903, 255 § 1.

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.

SECT. 5. See St. 1903, 177.

SECTS. 12, 14. As to custody of records deposited elsewhere than where they originally belonged, see St. 1902, 311 §§ 2, 3.

SECT. 17. See St. 1903, 177.

SECT. 23 amended. St. 1903, 177 § 1.

Chapter 38.—Of Libraries.

SECT. 4. See St. 1903, 442.

SECT. 11 *et seq.* See St. 1902, 470 § 1.

Chapter 39.—Of the Board of Education.

Board may provide transportation for children in certain cases. St. 1903, 483. They may form or adjust unions of towns for employment of superintendents. St. 1903, 299.

SECT. 3 in part repealed. St. 1903, 456 § 4.

Chapter 40.—Of Teachers' Institutes and Associations.

SECTS. 2, 6 in part repealed. St. 1903, 456 § 4.

Chapter 41.—Of the School Funds.

SECTS. 4, 5 repealed and new provisions made for distribution of the school fund. St. 1903, 456.

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; 1903, 170.

SECT. 3 amended as to amounts to be furnished by the Commonwealth. St. 1902, 433.

SECT. 30 repealed. St. 1903, 456 § 4.

SECTS. 43-48. Board of education may form or adjust unions of towns. St. 1903, 299.

Chapter 44.—Of School Attendance.

SECT. 4 *et seq.* See St. 1903, 483.

Chapter 45.—Of the Nautical Training School.

SECT. 5 amended relative to annual expenditure. St. 1903, 171 § 1.

Chapter 46.—Of Truants and Truant Schools.

SECT. 1 amended. Franklin and Hampshire excepted. St. 1902, 256.

SECTS. 3, 4, 5 revised. St. 1903, 330 §§ 1, 2, 3.

SECT. 9 amended. Jurisdiction transferred to board of trustees or county commissioners. St. 1903, 308 § 1.

SECT. 10 amended. St. 1903, 330 § 4.

SECT. 11. See St. 1903, 334 §§ 1-3.

Chapter 47.—Of State Highways.

Provision for expenses. St. 1902, 246; 1903, 280.

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; 1903, 158, 290, 429.

All automobiles and motor cycles shall be registered and operators licensed by the Massachusetts highway commission. St. 1903, 473 §§ 1-4, 9. (See 1902, 315.)

An act to fix the time when property shall be deemed to be taken for metropolitan sewerage works. St. 1902, 101.

SECT. 52 amended. Towns may be required to pay. St. 1903, 243.

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. (See 1903, 331 § 2.)

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; 1903, 161, 242.

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; 1903, 268.

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

SECT. 30. See St. 1903, 383 § 1.

Chapter 50. — Of Betterments and Other Assessments on Account of the Cost of Public Improvements.

As to assessments in Boston, see St. 1902, 521 § 1, 527; 1903, 235.

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.

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3-11. (See 1902, 315.)

SECT. 5. See St. 1902, 205.

Chapter 56. — Of the Regulation of Trade and the Inspection and Sale of Food.

Baking powders to be labelled with names of ingredients. St. 1902, 540.

Misrepresentations as to merchandise for sale are made punishable. St. 1902, 397. (See 1903, 415.)

SECTS. 3, 4 repealed. Office of inspector general of fish abolished, and powers and duties transferred to commissioners on fisheries and game. St. 1902, 138.

SECT. 5 repealed. St. 1903, 196 § 1.

SECT. 48 amended. Penalty changed. St. 1903, 361.

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.

SECTS. 18, 19. Regulations for sale of concentrated feed stuffs. St. 1903, 122 §§ 1-10.

SECT. 20 superseded. St. 1903, 122 § 11.

SECT. 24 repealed and revised after Dec. 31, 1903. St. 1903, 408 §§ 1-3.

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, 228 § 1.

SECTS. 1, 2, 3, 4, 5, 6, 7 repealed. St. 1902, 228 § 8.

SECT. 14 amended. St. 1903, 464 § 1. (See 1902, 228 § 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.

SECTS. 2, 3. See St. 1903, 408 § 1.

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.

SECT. 21. See St. 1903, 408 § 2.

Chapter 65.—Of Itinerant Vendors, Hawkers and Pedlers.

SECT. 9 amended. St. 1902, 544 § 9.

SECT. 17 amended. Boot blacks added, and provision for licenses in Boston. St. 1902, 531.

SECT. 21 revised. St. 1903, 432.

Chapter 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. (See 1903, 465.) Chelsea, 1887, 344. Gloucester, 1882, 103; 1883, 109; 1885, 315; 1895, 106. Haverhill, 1883, 104; 1902, 313. New Bedford, 1901, 243; 1903, 363.

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.

Baking powders must be labelled with names of ingredients. St. 1902, 540.

SECTS. 7, 8. See St. 1902, 430; 1903, 275.

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; 1903, 161, 242. Board of health shall publish in report and may publish in newspapers analyses and information as to adulterations. St. 1902, 272. (See 1902, 230.)

Provision for separate systems of drainage for sewage and other waters. St. 1903, 383.

SECT. 4 amended by an act relative to the production and distribution of antitoxin and vaccine lymph. St. 1903, 480.

SECTS. 4, 5. Powers and duties of inspector and assayer of liquors transferred to board of health. St. 1902, 110. (See 1902, 541.)

SECT. 6 amended. Amount increased. St. 1903, 467.

SECT. 16 amended. St. 1903, 367 § 1.

SECT. 19. Baking powders to be labelled. St. 1902, 540 § 1.

SECTS. 25, 26. Innocent employees not to be punished for sales. St. 1903, 367 § 1.

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.

SECT. 79. See St. 1903, 383.

SECT. 90 amended. Expense of purifying, and value of articles destroyed may be charged to city or town. St. 1903, 306 § 1.

SECTS. 103, 104 repealed. St. 1902, 312 § 1. Two new sections, 103, 104, added, relative to marking carcasses and inspection of domestic animals. St. 1903, 220 § 1.

SECT. 105 amended. St. 1902, 312 § 2; 1903, 220 § 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.

Provision for registration of veterinary practitioners and board of registration established. St. 1903, 249.

Salaries of members and secretaries of the several boards and allowance for travel fixed. St. 1902, 505; 1903, 228, 249 § 1.

SECTS. 4, 12, 27 repealed. St. 1902, 505 § 6.

SECT. 9. See St. 1903, 249 § 9.

SECT. 17 amended. Board may reconsider its action in certain cases. St. 1902, 321.

SECT. 23 added to. St. 1902, 327.
 SECTS. 24-28 limited. St. 1903, 219.
 SECT. 29 amended. St. 1903, 219.

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.

SECTS. 1, 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; 1903, 420. (See 1902, 216.)

SECT. 3 amended. St. 1902, 251. (See 1902, 55.) Modified as to class four. St. 1903, 387.

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. 21 amended to provide for case of refusal to submit to removal. St. 1903, 355 § 1. (See 1903, 233.)

SECT. 25. See St. 1902, 206, 213.

Chapter 83.—Of the Protection of Infants and the Care of Pauper Children.

SECT. 29. See St. 1903, 333.

SECT. 37 revised. St. 1903, 334 §§ 1-5, 7.

SECT. 38 revised. St. 1903, 334 §§ 6, 7.

Chapter 84.—Of the State Board of Charity.

SECT. 11 amended. St. 1903, 231 § 1. (See 1903, 233.)

SECT. 14 amended. St. 1903, 402 § 1.

Chapter 85.—Of the State Hospital and the State Farm.

SECT. 10 amended. St. 1903, 233.

SECT. 33 amended. St. 1903, 188.

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.

State board may agree with a city or town for care of chronic and quiet insane persons. St. 1903, 400 § 1.

SECT. 6. See St. 1903, 400.

SECT. 22. Number of trustees increased. St. 1902, 542.

SECTS. 49, 50. See St. 1903, 321.

SECT. 87. See St. 1903, 400.

SECT. 102. See St. 1903, 400.

SECT. 109. See St. 1903, 400.

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.

SECT 4 *et seq.* See St. 1903, 220 § 1.

SECT. 31. Tuberculin tests to be without charge to citizens. St. 1903, 322.

Chapter 91. — Of Fisheries.

Powers and duties of inspector general of fish transferred to the commissioners on fisheries and game. St. 1902, 138. Commissioners may investigate questions relating to fish and game. St. 1902, 178. (See 1903, 291.)

Fishing regulated in various places: Barnstable County; St. 1884, 264; 1887, 120; 1892, 196; 1901, 184; 1903, 298. Bass river; 1894, 134. Berkshire; 1888, 276; 1890, 193; 1895, 199; 1902, 137, 544 § 11. 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; 1903, 216. 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; 1902, 94. Marshfield; 1889, 292; 1890, 336. Mashpee; 1884, 264; 1892, 196; 1903, 298. 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. Scituate; 1889, 292; 1890, 336. Tisbury; 1902, 188; 1903, 201. 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. 19 amended. Ponds may be restocked and time extended. St. 1903, 274.

SECT. 26 revised. Trawls defined and prohibited. St. 1903, 294.

SECT. 63 amended. St. 1902, 137.

SECT. 63 *et seq.* An act to prohibit for three years sale of all trout except those artificially reared. St. 1903, 205. (See 1902, 544 § 11.)

SECT. 64 amended. St. 1902, 544 § 11.

SECT. 85 limited. St. 1903, 216 § 6.

SECT. 133 revised. St. 1903, 246.

Chapter 92.—Of the Preservation of Certain Birds and Animals.

Act to prevent holding in captivity insectivorous and song birds. St. 1902, 127. (See 1903, 287.)

SECT. 2 amended. St. 1903, 206.

SECT. 3 amended. Quail protected in Nantucket. St. 1902, 85. And in Bristol. St. 1902, 165. (See 1893, 49; 1894, 102.)

SECT. 5 amended. Close time extended. St. 1903, 162. Herons and bitterns protected. 1903, 244 § 1. (See 1903, 329.)

SECT. 7 amended. St. 1903, 287.

SECT. 8 amended. St. 1903, 329 § 1.

SECT. 17 revised. Time extended. St. 1903, 245.

SECT. 18 revised. St. 1902, 154.

SECT. 22 revised. St. 1902, 236.

SECT. 23. Provision for bounties for killing a wild cat or Canada lynx. St. 1903, 344 § 1. And to pay damages caused by wild deer. St. 1903, 407.

Chapter 96.—Of the Board of Harbor and Land Commissioners.

An act relative to Boston bridges. St. 1902, 224.

SECT. 9. See St. 1903, 150 § 1.

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. 1 amended as to sale of cider and wine. St. 1903, 460.

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. 33 repealed. St. 1903, 461 § 1.

SECT. 62. Gift or sale to a patient in dipsomaniac hospital is punishable. St. 1903, 410.

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.

Provision for licensing operators of automobiles and motor cycles. St. 1903, 473. And dealers in coal and coke. St. 1903, 484.

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. 151 amended. Person damaged and officer each to appoint one appraiser. St. 1903, 100.

SECT. 186 amended. "Junk collectors" added. St. 1902, 187 § 4.

Chapter 104.—Of the Inspection of Buildings.

Building laws for Boston. St. 1892, 419; 1893, 170, 293, 297, 464; 1894, 257, 443; 1895, 97, 239, 280, 314; 1896, 416, 520; 1897, 175, 219, 265, 300, 310, 413; 1898, 209, 228, 308, 452; 1899, 161, 185, 222; 1900, 271, 321, 335 § 2; 1901, 474; 1902, 400; 1903, 301 § 1.

Gas fitters in Boston must be licensed. St. 1897, 265.

SECTS. 27, 28. An act relative to the operation and custody of elevators. St. 1902, 350.

Chapter 106.—Of the Employment of Labor.

No public service corporation shall appoint or discharge any person at request of any public officer or member of public body. St. 1903, 320.

SECT. 2 amended. St. 1902, 446.

SECT. 19 *et seq.* See St. 1902, 494.

SECT. 24 amended. St. 1902, 435.

SECT. 35 amended. St. 1902, 183.

SECT. 43. An act relative to operation and custody of elevators. St. 1902, 350.

SECTS. 47-55. Pure drinking water must be supplied in manufacturing establishments during working hours. St. 1902, 322. Fans or blowers required in all places where emery or buffing wheels or belts are used. St. 1903, 475.

SECT. 62 amended. Employee who leaves is to be paid on next pay day. St. 1902, 450.

Chapter 107.—Of the Bureau of Statistics of Labor and the Board of Supervisors of Statistics.

SECTS. 10, 11 repealed. St. 1902, 438 § 7.

Chapter 108.—Of District and Other Police Officers.

A fire marshal's department created and duties and powers of state fire marshal transferred to it. St. 1902, 142; 1903, 365.

Board of police for Boston. St. 1885, 323; 1889, 419; 1894, 266; 1897, 320. (See 1900, 306; 1903, 312, 428 § 3.)

SECT. 1. See St. 1903, 333.

SECTS. 1, 8. See St. 1903, 333, 365 §§ 2, 4.

SECTS. 7, 8. See St. 1903, 475 §§ 3, 5.

SECT. 10 amended. Error corrected. St. 1902, 544 § 12.

SECT. 29 amended. St. 1903, 428 § 1.

SECT. 30 revised. St. 1903, 428 § 2.

Chapter 109.—Of Certain Powers, Duties and Liabilities of Corporations.

This chapter is repealed so far as inconsistent with St. 1903, 437, "relative to business corporations." St. 1903, 437 § 95. (See 1902, 370, 441; 1903, 423.)

Chapter 110.—Of Manufacturing and Other Corporations.

This chapter is repealed so far as inconsistent with St. 1903, 437, "relative to business corporations." St. 1903, 437 § 95. (See 1902, 441.)

Chapter 111.—Of Railroad Corporations and Railroads.

SECT. 9. Salaries of inspectors changed. St. 1902, 402.

SECT. 10 amended. St. 1902, 432 § 2.

SECT. 11 *et seq.* Powers of commissioners enlarged. St. 1902, 432 § 1, 449 § 3; 1903, 173 § 1, 202 § 1. (See 1902, 440 §§ 6, 7; 483 § 2.)

SECT. 39. See St. 1903, 476 § 1.

SECT. 59 repealed, so far as relates to transfer of stock. St. 1903, 423 § 2.

SECTS. 63-70, 74. See St. 1902, 370.

- SECT. 84 repealed. St. 1903, 126 § 1.
- SECTS. 88, 91, 98-116, 118-120, 123, 124-129, 190-195. See St. 1903, 476, § 2.
- SECTS. 134, 136, 137 amended. Street railway companies added. St. 1902, 533.
- SECT. 149 amended. St. 1902, 370.
- SECTS. 149-160. See St. 1902, 440 § 5, 507; 1903, 476 § 3.
- SECTS. 150, 151. Cost of service, publication, entry of petition, costs of hearing, and of plans, may be taxed and apportioned. St. 1902, 298.
- SECTS. 151, 152, 155 amended. St. 1902, 440 §§ 2, 3, 4.
- SECT. 153 amended. Time for filing petition extended. St. 1903, 478, § 1.
- SECT. 158. See St. 1902, 507.
- SECT. 159 revised. St. 1902, 440 § 6.
- SECTS. 170-176. As to bridges in Boston. See St. 1889, 246; 1890, 118; 1893, 357; 1902, 224.
- SECT. 237 amended. Error corrected. St. 1902, 544 § 13.
- SECT. 263 amended. Street railways added. St. 1903, 297.

Chapter 112. — Of Street Railway Corporations.

- Provision for elevated railway and subways in Boston. St. 1894, 548, 550; 1895, 440; 1896, 492; 1897, 500; 1902, 114, 534. (See 1887, 413 § 4; 1890, 368, 454 § 12.)
- Provision for authority to take land to avoid dangerous curves, or grades, or for other similar purposes. St. 1903, 476.
- SECTS. 7-11. Locations, extensions and alterations must be approved by board of railroad commissioners and the thirty days for acceptance by the company run from date of issue of notice by the commissioners. St. 1902, 399. Grants of location void if company fails to organize. St. 1902, 396. If location is revoked or void sects. 7 and 11 apply to new petitions. St. 1902, 395.
- SECTS. 9, 29. See St. 1903, 476 § 4.
- SECT. 18 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.
- 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; 1903, 437 §§ 14-16.)
- SECTS. 30-32. As to locations and alterations, see St. 1902, 399.
- SECT. 40 amended. St. 1903, 143.
- SECT. 44. Street railway companies required to pay part of cost of building and repairing bridges on highways over which they have a location. St. 1902, 533.
- SECT. 52 amended. Brakes and emergency tools may be required. St. 1903, 134 § 1.
- SECT. 55 amended. St. 1902, 288. Provision for carriage of baggage or freight. St. 1903, 202 § 1.
- SECT. 62 *et seq.* See St. 1902, 440.
- SECT. 76 amended. Last sentence stricken out. St. 1902, 370 § 2.
- SECTS. 93-98. Companies must report fatal accidents. St. 1903, 297.
- SECT. 95 repealed. St. 1903, 328 § 1.

Chapter 113.—Of Savings Banks and Institutions for Savings.

SECT. 2 amended. Additional clerk authorized. St. 1902, 490.

SECT. 3 *et seq.* Powers of commissioners extended. St. 1902, 355 § 2, 463, 483 §§ 1, 3.

SECTS 14, 15. After July 1, 1904, no president, vice-president or treasurer shall hold similar office in a bank or trust company. St. 1902, 169 § 4.

SECT. 16 amended. Names of corporators to be published. St. 1902, 169 § 1.

SECT. 21 *et seq.* Offices not to be same as or connected with offices of a bank or trust company, after July 1, 1904. St. 1902, 169 § 3.

SECT. 26. Additional securities. St. 1902, 483 § 1.

SECT. 47. Names of corporators to be reported. St. 1902, 169 § 2.

Chapter 114.—Of Co-operative Banks.

SECT. 4 amended. St. 1903, 147 § 1.

SECTS. 9, 10 amended. St. 1903, 95 §§ 1, 2.

SECT. 24 revised. St. 1903, 203 § 1.

SECT. 31 (new section) added relative to increase in limit of capital. St. 1903, 147 § 2.

Chapter 115.—Of Banks and Banking.

After July 1, 1904, officers and offices must not be same as or connected with those of a savings bank. St. 1902, 169 § 3.

Chapter 116.—Of Trust Companies.

Officers and offices not to be same as or connected with those of a savings bank after July 1, 1904. St. 1902, 169 § 3. An act relative to maintenance of branch offices. St. 1902, 355.

Chapter 118.—Of Insurance.

SECT. 7 amended. St. 1903, 421.

SECT. 11. Cl. 4 amended. St. 1903, 223 § 1.

SECT. 15 amended. St. 1902, 106.

SECT. 29. Companies may do business under clauses 3 and 11. St. 1902, 340 §§ 1, 3.

SECT. 43 amended. St. 1903, 174 § 1.

SECT. 77. See St. 1902, 340 § 2.

Chapter 119.—Of Fraternal Beneficiary Corporations.

SECTS. 1, 2. See St. 1903, 332 § 1.

SECT. 12 amended. St. 1903, 332 § 1.

SECT. 17. See St. 1903, 332 § 1.

Chapter 120.—Of Assessment Insurance.

SECT. 13 amended. St. 1903, 227.

Chapter 121.—Of Gas and Electric Light Companies.

SECTS. 1-4. Powers and duties of inspector of gas meters transferred to board of gas and electric light commissioners. St. 1902, 228. (See 1903, 464.)

SECT. 31 amended. St. 1903, 406 § 1.

SECT. 33 amended. St. 1903, 164.

SECT. 34. See St. 1903, 464.

Chapter 122.—Of Companies for the Transmission of Electricity.

SECT. 2 revised. St. 1903, 237.

Chapter 123.—Of Proprietors of Wharves, Real Estate Lying in Common, General Fields, and Aqueduct Corporations.

SECT. 42 repealed so far as relates to transfer of stock. St. 1903, 423 § 2.

Chapter 125.—Of Corporations for Charitable and Other Purposes.

SECT. 2. Charter may be revoked in certain cases. St. 1902, 524.

SECT. 13. See St. 1902, 430; 1903, 275.

Chapter 126.—Of Foreign Corporations.

This chapter, except section 8, is repealed so far as inconsistent with new "business corporations act." St. 1903, 437 §§ 56-70, 95.

Chapter 127.—Of the Alienation of Land.

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.

As to payment of collateral legacy tax on estates where there is an intervening estate for life or a term of years, see St. 1902, 473.

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.

SECT. 12 amended. St. 1902, 160.

Chapter 138. — Of Public Administrators.

SECTS. 10, 11. Public administrators may be authorized by probate courts to have charge of and to lease or sell real estate. St. 1903, 260 §§ 1, 2.

Chapter 144. — Of the Settlement of Estates of Absentees.

SECT. 1 revised. St. 1903, 241 § 1. (See 1902, 544 § 14.)

SECTS. 3-5, 7, 8. See St. 1902, 544 §§ 15-19; 1903, 241 § 3.

SECT. 11 revised. St. 1903, 241 § 2.

SECT. 12 amended. St. 1902, 544 § 20.

Chapter 145. — Of Guardianship.

SECT. 4 amended. Parents or surviving parent to have custody of minor, if competent. St. 1902, 474. (See 1902, 324.)

SECT. 40 amended. Husband or wife to be notified of proceeding in case of a married person. St. 1903, 96 § 1.

Chapter 148. — Provisions relative to Sales, Mortgages, etc., by Executors, etc.

Public administrators may be licensed to lease or sell real estate. St. 1903, 260.

SECTS. 14-18. Probate court to have jurisdiction. St. 1903, 222 § 1.

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 156. — Of the Supreme Judicial Court.

SECTS. 15, 16. Plymouth law questions to be heard in Suffolk. St. 1903, 54 §§ 1, 2.

Chapter 157. — Of the Superior Court.

SECT. 1. Number of associate justices increased to twenty-two. St. 1903, 472 § 2. (See 1902, 383.)

SECTS. 2, 3. See St. 1903, 383 § 4.

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. Middlesex criminal, St. 1903, 97 § 1. Suffolk, St. 1902, 456 § 1; 1903, 472 § 1. Plymouth, St. 1903, 54 §§ 3-5.

Chapter 159. — Of the Equity Jurisdiction and Procedure of the Supreme Judicial Court and the Superior Court.

SECTS. 1, 2. See St. 1903, 383 § 4.

SECT. 3. Cl. 7 amended. Error corrected. St. 1902, 544 § 23.

Chapter 160. — Of Police, District and Municipal Courts.

SECT. 2. New courts established: Fourth Bristol; St. 1903, 214. Eastern Hampshire; St. 1903, 412. 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. 24 *et seq.* See St. 1903, 209, 334 §§ 1-3.

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. Salaries established: justice and clerk; fourth Bristol, St. 1903, 214 § 2; eastern Hampshire, 1903, 412 § 2; western

Worcester, 1902, 416 § 3. Allowance for clerical assistance; East Boston, 1903, 179.

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.

SECT. 30 *et seq.* See St. 1903, 209 § 1.

Chapter 162. — Of Probate Courts.

SECT. 3. Jurisdiction extended. St. 1902, 371; 1903, 222, 248, 260.

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.

SECT. 136. Sale of merchandise in bulk is restricted. St. 1903, 415.

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.

SECT. 5. A fourth assistant in Middlesex. St. 1903, 137 § 1.

SECT. 6. Two additional assistant clerks. St. 1903, 472 § 3.

SECT. 34. Salaries changed: clerk, Plymouth, St. 1902, 462.

SECT. 35. Salaries changed: third assistant, Middlesex. St. 1902, 358. Fourth assistant, Middlesex. 1903, 137 § 1. Second assistant, Suffolk, superior, 1902, 513. Suffolk, superior, assistant acting in cases from other counties, 1902, 499. Additional assistants. St. 1903, 472 § 3.

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.

SECT. 17 amended, relative to payment of jurors. St. 1903, 256 § 1.

Chapter 207. — Of Crimes against the Person.

Speed and operation of automobiles and motor vehicles on highways regulated. St. 1903, 473 §§ 3, 4-11. (See 1902, 315.)

Chapter 208. — Of Crimes against Property.

Sale or distribution of trading stamps or similar devices is prohibited. St. 1903, 386.

Sale of merchandise in bulk is restricted. St. 1903, 415.

SECT. 26. Misrepresentations as to articles for sale made punishable. St. 1902, 397.

SECT. 40 repealed. St. 1902, 544 § 28.

SECT. 51. See 1903, 415 § 1.

SECT. 60. Unauthorized wearing of *insignia* of a labor union is punishable. St. 1902, 430. (See 1903, 275.)

SECT. 61 amended. Error corrected. St. 1902, 544 § 29.

SECT. 73. See St. 1903, 415.

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.

SECT. 115 extended. St. 1903, 158.

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.

SECT. 46. See St. 1903, 209.

Chapter 214. — Of Crimes Against Public Policy.

Sale or distribution of trading stamps, or similar devices, is prohibited. St. 1903, 386.

SECT. 29 extended. St. 1902, 397.

Chapter 217. — Of Search Warrants.

SECT. 35. See St. 1903, 236.

SECT. 79 amended. St. 1903, 236 § 1.

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.

SECTS. 15, 16. Sentences to reformatory prison for women regulated. St. 1903, 209 §§ 1-3.

Chapter 222. — Of the Board of Prison Commissioners.

SECT. 3. See St. 1902, 196; 1903, 209 §§ 4, 5, 212, 452.

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.

SECT. 28. Sentences regulated. St. 1903, 209.

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. 28 amended. St. 1903, 207 § 1.

SECT. 51 amended. St. 1903, 213 § 1.

SECT. 108 revised. St. 1903, 354 § 1.

SECT. 121 amended. St. 1902, 227. (See 1902, 196.)

SECT. 129 revised. St. 1903, 452 § 1. (See 1903, 209 § 5.)

SECT. 136 amended. St. 1903, 212 § 1.

II.

CHANGES IN THE GENERAL LAWS

PASSED SINCE THE ENACTMENT OF THE "REVISED LAWS."

Statutes of 1902.

- Chap.
- 90 In part superseded, 1903, 279 §§ 5, 16. R. L. 11.
- 108 See 1903, 253. R. L. 32.
- 114 See 1902, 534. R. L. 112.
- 142 § 2 amended, 1903, 365 § 1. R. L. 32, 108.
- 157 § 1 amended, 1903, 454 § 9. R. L. 11.
- 177 Amount for clerical assistance increased, 1903, 120. R. L. 6.
- 190 § 2 superseded, 1902, 544 §§ 10, 35. R. L. 75.
- 192 § 4 amended, 1903, 420 § 1. R. L. 79.
- 206 See 1902, 213. R. L. 75.
- 211 Repealed, 1903, 279 § 18. R. L. 11.
- 225 Superseded, 1902, 492. R. L. 11.
- 228 See St. 1903, 464. R. L. 58.
- 246 Superseded, 1903, 280. R. L. 47.
- 250 See 1902, 292. R. L. 79.
- 312 § 2 amended, 1903, 220 § 2. R. L. 75.
- 315 Repealed, 1903, 473 § 15. R. L. 48, 52, 102.
- 324 See 1902, 474. R. L. 145, 151, 152.
- 342 §§ 2, 3, 4, 5, in part repealed, 1903, 437 § 95. R. L. 14.
- 348 § 1 superseded, 1902, 512. R. L. 11.
- 370 See 1902, 441; 1903, 437 §§ 14-16, 27. R. L. 112.
- 383 § 1 superseded, 1903, 472 § 2. R. L. 157.
- 411 Repealed, 1902, 544 §§ 4, 35. R. L. 20.
- 430 Affected, 1903, 275. R. L. 72, 208.
- 440 § 5. See 1902, 507. R. L. 111.
- 441 In part repealed, 1903, 437 §§ 27, 95. R. L. 109.
- 473 § 1 amended, 1903, 276. R. L. 15.
- 505 § 3 amended, 1903, 228. (See 1903, 249 § 1.) R. L. 76.
- 537 Extended, 1903, 426, 450, 453. § 1 amended, 1903, 425 § 1.
(See 1903, 474.) R. L. 11.
- 544 § 11 affected, 1903, 205. R. L. 91. § 14 superseded and §§ 15-19 repealed, 1903, 241. R. L. 144. § 34. See 1903, 209 § 1.
R. L. 220.

Statutes of 1903.

Chap.

- 109 See 1903, 456. R. L. 41.
 162 See 1903, 244. R. L. 92.
 209 § 5. See 1903, 452. R. L. 225.
 279 § 7. See 1903, 474 § 3. § 10 repealed, 1903, 474 § 13. § 19
 affected, 1903, 474 § 1. R. L. 11.
 423 § 1 superseded, 1903, 437 §§ 28, 95. R. L. 109.
 450 § 1. See 1903, 454. R. L. 11. § 2. See 1903, 453. R. L. 11.
 454 §§ 2-4. See 1903, 474 § 6. R. L. 11.

Commonwealth of Massachusetts.

OFFICE OF THE SECRETARY, BOSTON, September 3, 1903.

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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