

ACTS
AND
RESOLVES
PASSED BY THE
General Court of Massachusetts

IN THE YEAR

1934

TOGETHER WITH

TABLES SHOWING CHANGES IN THE STATUTES, ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH



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1934

ACTS AND RESOLVES

OF

MASSACHUSETTS

1934

☞ The General Court, which was chosen November 8, 1932, assembled on Wednesday, the third day of January, 1934, for its second annual session.

His Excellency JOSEPH B. ELY and His Honor GASPAR G. BACON continued to serve as Governor and Lieutenant Governor, respectively, for the political year of 1934.

ACTS.

AN ACT INCREASING THE PENALTY FOR THE CRIME OF KIDNAPPING COMMITTED WITH INTENT TO EXTORT. *Chap.* 1

Whereas, The deferred operation of this law would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health, safety and convenience. Emergency preamble.

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

Section twenty-six of chapter two hundred and sixty-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the thirteenth line, the words "not more than twenty-five years" and inserting in place thereof the words:— life or for any term of years,— so as to read as follows:— *Section 26.* Whoever, without lawful authority, forcibly or secretly confines or imprisons another person within this commonwealth against his will, or forcibly carries or sends such person out of this commonwealth, or forcibly seizes and confines or inveigles or kidnaps another person, with intent either to cause him to be secretly confined or imprisoned in this commonwealth against his will, or to cause him to be sent out of this commonwealth against his will or in any way held to service against his will, shall be punished by imprisonment in the state prison for not more than ten years or by a fine of not more than one thousand dollars and imprisonment in jail for not more than two years. Whoever commits any offence described in this section with the intent to extort money or other valuable thing thereby shall be punished by imprisonment in the state prison for life or for any term of years. G. L. (Ter. Ed.), 265, § 26, amended. Kidnapping, etc., penalty.

Approved January 23, 1934.

AN ACT RELATIVE TO THE ELIGIBILITY OF THE SECRETARY OF THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS TO SERVE ALSO AS THE REPRESENTATIVE OF THE COMMISSIONER OF INSURANCE ON SAID BOARD. *Chap.* 2

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc. as follows:

Chapter twenty-six of the General Laws is hereby amended by striking out section eight A, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the G. L. (Ter. Ed.), 26, § 8A, amended.

Board of appeal on motor vehicle liability policies and bonds.

following section:— *Section 8A.* There shall be a board of appeal on motor vehicle liability policies and bonds serving in the division of insurance and consisting of the commissioner of insurance or his representative, the registrar of motor vehicles or a representative, and an assistant attorney general to be designated from time to time by the attorney general. The commissioner of insurance may by a writing, in such form as he may prescribe, filed in his office, designate from time to time a representative to act in his place and the commissioner of public works may in like manner designate from time to time a representative to act in the place of said registrar. Any such designation may be revoked at any time and may run for such period as the designating officer may prescribe. The compensation of such a representative, if not an employee of the commonwealth, shall be fixed by the board, subject to the approval of the governor and council. The commissioner of insurance or his representative shall be the chairman of the board. With the approval of the governor and council, the board may appoint and remove a secretary and such clerical and other assistants as its work may require. The secretary so appointed shall be eligible to serve also as the representative of the commissioner of insurance, if designated as aforesaid. All expenditures incurred under this section shall be paid from the highway fund. The secretary shall keep a record of all proceedings before the board, and he and such clerical and other assistants shall perform such duties as the board may direct. Any member of the board shall have power to summon and compel the attendance and testimony of witnesses and the production of books, records and documents and may administer oaths. Sections nine and eleven of chapter two hundred and thirty-three shall apply to the board and witnesses summoned before it. The fees of witnesses before the board for attendance and travel shall be the same as for witnesses before a court in civil cases and need not be paid nor tendered to them prior to their attendance, and shall be paid by the commonwealth upon the certificate of the board or a member thereof filed with the comptroller. An office and a room for hearings shall be provided by the commonwealth, to be assigned by the governor and council. The board, with the approval of the governor and council, may make and amend reasonable rules and regulations to expedite and regulate hearings and the procedure before it.

Approved January 23, 1934.

Chap. 3 AN ACT FACILITATING THE OBTAINING OF FUNDS BY CERTAIN TRUST COMPANIES THROUGH THE ISSUANCE OF PREFERRED STOCK.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose to afford further relief to the depositors of banks, therefore this act is hereby declared to be an emer-

gency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twelve of the acts of nineteen hundred and thirty-three is hereby amended by striking out section six and inserting in place thereof the following: — *Section 6.* In case any trust company organized under general or special law is reorganizing under this act or resuming business under section twenty-three of chapter one hundred and sixty-seven of the General Laws or section eighty-eight of chapter one hundred and seventy-two of the General Laws, or in case, in the opinion of the commissioner, it is in the best interests of the depositors and other creditors of any trust company so organized, then such trust company, with the approval of the commissioner and if authorized by vote of stockholders owning a majority of the shares of stock thereof outstanding and entitled to vote, at a meeting duly called for the purpose, may issue participating certificates, and may also issue preferred stock of a par value of not less than ten dollars per share, in such amount or amounts and in such classes, for cash or such other good and valuable consideration and subject to such provisions, preferences, voting powers, restrictions or qualifications as shall be approved by the commissioner, and such a trust company may make such amendments in its agreement of association or articles of organization, if any, as may be necessary for any such purpose; but in the case of any newly organized trust company which has not yet issued capital stock, the requirement of vote of stockholders shall not apply but in such case a vote of a majority of the incorporators shall be required. Any or all classes of such preferred stock or certificates provided for herein may be set up upon the books of such trust company in such manner and in such amounts as the commissioner may approve. Notwithstanding the provisions of paragraph (a) of section seven, the capital stock of a trust company required by the first sentence of section eighteen of chapter one hundred and seventy-two of the General Laws or by special law, and the stock referred to in section fourteen of said chapter one hundred and seventy-two, may, with the approval of the commissioner, consist in part of such preferred stock.

1933, 112, § 6, amended.

Reorganized trust companies may issue preferred stock, etc.

SECTION 2. Section one of said chapter one hundred and twelve is hereby amended by inserting at the end the following new paragraph:—

1933, 112, § 1, amended.

The word “reorganization”, as used in this act, shall mean, without limiting the generality thereof, any merger or consolidation of a trust company with any other trust company or bank or any national banking association or a transfer of all or a substantial part of the assets of a trust company to any bank, national banking association, trust company or other corporation.

Word “reorganization” defined.

Approved January 25, 1934.

- Chap.* 4 AN ACT EMPOWERING THE HOME FOR JEWISH CHILDREN TO TRANSFER ITS PROPERTY TO THE JEWISH CHILD WELFARE ASSOCIATION.

Be it enacted, etc., as follows:

SECTION 1. The Home for Jewish Children, incorporated under general law, is hereby empowered to transfer, assign, set over, and convey all funds and property held by it to the Jewish Child Welfare Association, incorporated under general law, and the Jewish Child Welfare Association is hereby empowered to receive the same and to hold, manage and dispose of all such funds and property charged with any trust, upon the same trusts, uses and purposes as if the same had continued to be held by the said Home for Jewish Children for the fulfillment of the charitable purposes of said corporation.

SECTION 2. The power hereby granted shall be exercised only in conformity with such a decree, if any, of the supreme judicial court, sitting in equity for the county of Suffolk, as may be entered within one year after the passage of this act.

SECTION 3. This act shall not take effect until it shall have been accepted by the votes of the board of directors, or the officers having the powers of directors, of each of said corporations and copies of the respective votes of acceptance shall have been filed with the secretary of the commonwealth.

Approved January 25, 1934.

- Chap.* 5 AN ACT AUTHORIZING THE TOWN OF BOURNE TO APPROPRIATE MONEY FOR PUBLIC AMUSEMENTS.

Be it enacted, etc., as follows:

SECTION 1. The town of Bourne may, by a two thirds vote, appropriate each year a sum not exceeding twenty-five hundred dollars for providing amusements or entertainments of a public character. Money so appropriated shall be expended under the direction of the board of selectmen.

SECTION 2. Chapter six hundred and sixty-six of the acts of nineteen hundred and thirteen is hereby repealed.

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

Approved January 29, 1934.

- Chap.* 6 AN ACT ENABLING THE TOWN OF MILTON TO SELL A PORTION OF ITS PLAYGROUND ON BLUE HILL AVENUE.

Be it enacted, etc., as follows:

SECTION 1. The town of Milton may sell at public auction or private sale, and convey, the whole or any part of a certain parcel of real estate situated in that town, which has been held for playground purposes and is no longer needed for public use, and shall use the proceeds of such sale for the purposes stated in section sixty-three of chapter forty-four

of the General Laws. Said parcel of land is bounded and described as follows: Commencing at a point in the easterly side line of Blue Hill avenue at land now or formerly of Harriet M. Manning et al; thence running a little south of easterly along said land of Manning et al eighty-five feet to land of Nora B. Will; thence running southeasterly, in two courses, nineteen and fifty one hundredths feet and thirty-nine and seventy-five one hundredths feet along said land of Will to a point; thence running a little north of westerly one hundred thirty-six and ninety-five one hundredths feet to the easterly side line of Blue Hill avenue; thence running a little east of northerly along said easterly side line twenty-eight feet to the point of beginning; containing three thousand and thirty-three square feet, more or less.

SECTION 2. Action hereunder may be taken by the town at the annual meeting to be held in March in the current year, but not thereafter, except so far as is necessary to carry out the provisions of any vote passed at said meeting or to use as aforesaid the proceeds of said sale.

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

Approved January 29, 1934.

AN ACT PROVIDING FOR EXTENDING FURTHER THE TERRITORY OF THE DRACUT WATER SUPPLY DISTRICT. Chap. 7

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and thirty-three of the acts of nineteen hundred and five is hereby amended by striking out section one, as amended by section one of chapter one hundred and eighteen of the Special Acts of nineteen hundred and nineteen and as affected by section one of chapter one hundred and fifty-one of the acts of nineteen hundred and twenty-nine, and inserting in place thereof the following:—

Section 1. The inhabitants of the town of Dracut, liable to taxation in said town and residing within the territory inclosed by the following boundary lines, to wit:— Beginning at a point on the Lowell and Dracut line three hundred feet westerly of the middle line of Mammoth road; and thence running northerly by a line parallel with and three hundred feet westerly from the middle line of Mammoth road to a point one thousand feet northerly of the intersection of the middle line of Mammoth road with the middle line of Gerrish avenue; thence northeasterly by a line parallel with and one thousand feet northwesterly from the middle line of Gerrish avenue crossing Donahue road and running to a point three hundred feet northeasterly from the middle line of said Donahue road; thence running southeasterly by a line parallel with and three hundred feet northeasterly from the middle line of Donahue road to a point three hundred feet westerly from the middle line of Phineas street; thence in a northerly direction by a line parallel with and three hundred feet west of the middle line of Phineas street, to a point three hundred feet

west of the middle line of Lakeview avenue; thence northerly parallel with said middle line of Lakeview avenue to a point three hundred feet beyond the point of intersection of the middle line of Lakeview avenue with the middle line of the New Boston road, so-called; thence running westerly to the middle line of Mammoth road, at a point which is distant two thousand feet southerly from the intersection of the middle line of Mammoth road with the middle line of Lakeview avenue at Collinsville, and continuing in the same course to a point three hundred feet westerly of the middle line of Mammoth road; thence northwesterly to the middle line of Lakeview avenue at a point which is distant fourteen hundred feet westerly from said intersection of the middle line of Mammoth road with the middle line of Lakeview avenue, and continuing in the same course to a point three hundred feet northerly of the middle line of Lakeview avenue; thence easterly by a line parallel with and three hundred feet northerly from the middle line of Lakeview avenue to a point distant three hundred feet westerly of the middle line of Mammoth road; thence northerly by a line parallel with and three hundred feet westerly from the middle line of Mammoth road to a point distant fourteen hundred feet northerly from the middle line of Lakeview avenue; thence easterly across Mammoth road and across Beaver Brook to the middle line of Primrose Hill road, so-called, at a point which is distant seven hundred feet northerly from the middle line of Lakeview avenue and continuing in the same course to a point three hundred feet easterly of the middle line of Primrose Hill road; thence southerly by a line parallel with and three hundred feet easterly from the middle line of said Primrose Hill road to a point distant three hundred feet northerly from the middle line of Lakeview avenue; thence easterly and southeasterly by a line parallel with and three hundred feet northerly and northeasterly from the middle line of Lakeview avenue to a point distant three hundred feet northerly from the middle line of said New Boston road; thence easterly by a straight line to the boundary stone at the northwest corner of the lot of land on which the reservoir is now situated, thence along the north boundary line of said reservoir lot to the northeast bound; thence southerly along the easterly line of said reservoir lot to the southeast corner bound; thence in a straight line to a point two hundred feet from Fox avenue just east of and near the building formerly known as the Milton Fox residence; thence along a line two hundred feet from and parallel with the middle line of said Fox avenue to a point formed by the intersection of said line with a line parallel to and three hundred feet southeasterly from Broadway; thence southwesterly by a line parallel with and three hundred feet southeasterly from said Broadway to a point formed by the intersection of said line with a line parallel to and three hundred feet north of the middle line of Loon Hill road, so-called; thence easterly by said line three hundred feet north of and parallel with Loon Hill road, a distance of

fifteen hundred feet; thence parallel with and fifteen hundred feet southeasterly from said Broadway to a point formed by the intersection of said line parallel with Broadway and the Lowell and Dracut line; thence by the said Lowell and Dracut line to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the Dracut water supply district, for the purpose of supplying themselves with water for the extinguishment of fires and for domestic and other purposes, with power to establish fountains and hydrants 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, or acquire by lease, purchase or otherwise, and to 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. The said district 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 department of public utilities.

SECTION 2. Said chapter four hundred and thirty-three is hereby further amended by adding at the end thereof the following new section: — *Section 15.* Upon a petition in writing addressed to said commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district be included within the limits thereof, and signed by the owners of such real estate, or a major portion thereof, said commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

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

Approved February 1, 1934.

AN ACT MAKING THE PROVISIONS OF THE CIVIL SERVICE LAWS *Chap. 8*
 APPLICABLE TO THE TOWN OF SWAMPSCOTT WITH RESPECT
 TO ITS HIGHWAY DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter thirty-one of the General Laws and the rules made thereunder, including those relative to the employment of laborers designated as the "labor service", shall be in force in the town of Swampscott

with respect to all appointive offices and positions in the highway department of said town.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the current year in the form of the following question, which shall be placed upon the official ballot to be used for the election of town officers at said meeting: — “Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled ‘An Act making the Provisions of the Civil Service Laws Applicable to the Town of Swampscott with Respect to its Highway Department’, be accepted?” If a majority of the votes in answer to said question are in the affirmative, then this act shall thereupon take effect, but not otherwise.

Approved February 1, 1934.

- Chap.* 9 AN ACT EXTENDING THE PERIOD OF OPERATION OF CERTAIN LAWS AUTHORIZING DOMESTIC CORPORATIONS TO CONTRIBUTE TO CERTAIN FUNDS FOR THE BETTERMENT OF SOCIAL AND ECONOMIC CONDITIONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

1933, 8, § 3,
amended.

Section three of chapter eight of the acts of nineteen hundred and thirty-three is hereby amended by striking out, in the second line, the words “one year” and inserting in place thereof the words: — two years, — so as to read as follows: — *Section 3.* This act shall become inoperative at the expiration of two years from its effective date.

Termination
of act.

Approved February 9, 1934.

- Chap.* 10 AN ACT EXTENDING THE TIME WITHIN WHICH THE TOWN OF WILMINGTON MAY BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter seventeen of the acts of nineteen hundred and twenty-nine is hereby amended by striking out, in the ninth line, the word “five” and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 1.* For the purpose of providing additional school accommodations in the town of Wilmington by the acquisition of land and/or the construction of a new school building or buildings, or by enlarging, remodelling and/or constructing additions to its present school buildings, including the original equipment and furnishing of such new buildings or of such additions as increase the floor space of said present buildings, said town may borrow from time to time, within a period of ten years from the passage of this act, such sums as may be necessary, not exceeding, in the

aggregate, fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Wilmington School Loan, Act of 1929. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be inside the statutory limit and shall, except as provided herein, be subject to chapter forty-four of the General Laws exclusive of the limitation contained in the first paragraph of section seven thereof, as revised by chapter three hundred and twenty-four of the acts of nineteen hundred and twenty-eight.

SECTION 2. This act shall take effect upon its passage.
Approved February 13, 1934.

AN ACT RELATIVE TO TEMPORARY LOANS BY CITIES, TOWNS AND CERTAIN DISTRICTS IN ANTICIPATION OF REVENUE. *Chap.* 11

Whereas, In order to enable cities, towns and districts to borrow on the most favorable terms, it is desirable to provide immediate assurance that municipal notes for temporary loans, heretofore or hereafter issued, constitute general obligations of the municipalities issuing the same, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter forty-four of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the fourth line, the words "and expressly made payable therefrom by such vote", — so as to read as follows: — *Section 4.* Cities, towns and fire, water, light and improvement districts may, by a majority vote, incur debt for temporary loans in anticipation of the revenue of the financial year in which the debt is incurred, and may issue notes therefor to an amount which for cities and towns shall not exceed in the aggregate the total tax levy of the preceding financial year, together with the bank, corporation, street railway and income tax received during the preceding financial year, exclusive of special or additional assessments or revenue from any other source except payments made by the commonwealth in lieu of taxes on account of property taken for institutions or for metropolitan district purposes. Such notes shall be payable, and shall be paid, not later than one year from their date, and shall not be renewed or paid by the issue of new notes, except as provided in section seventeen.

G. L. (Ter. Ed.), 44, § 4, amended.

Cities, towns and districts may borrow for one year in anticipation of revenue.

SECTION 2. Said section four of said chapter forty-four of the General Laws, as amended by section one of this act, shall apply to the city of Boston, and notes of said city issued

Act to apply to city of Boston.

thereunder may be renewed in the manner provided in section seventeen of said chapter forty-four.

Certain out-
standing notes
of city of
Boston
confirmed.

SECTION 3. Notes now outstanding issued pursuant to said section four by any city, town or district and notes now outstanding issued for temporary loans in anticipation of taxes by the city of Boston are hereby confirmed as and declared to be general obligations which the city, town or district issuing them is liable to pay to the holders thereof from all its available resources and not solely from the revenue of any particular year.

Approved February 13, 1934.

Chap. 12 AN ACT RELATIVE TO THE ANNUAL STATEMENT OF FIRE, MARINE, AND FIRE AND MARINE INSURANCE COMPANIES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 175,
§ 25, amended.

Section twenty-five of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out the last paragraph of Form A, to wit: — “The exhibit of risks and premiums shall show the gross amount of the risks in force on December thirty-first preceding, the amount of the risks written or renewed, the amount terminated, the amount reinsured and the amount in force on December thirty-first of the year covered by the statement, and the gross premiums on all of the risks mentioned herein”.

Annual state-
ment of certain
insurance
companies,
form of.

Approved February 13, 1934.

Chap. 13 AN ACT AUTHORIZING THE TOWN OF LONGMEADOW TO USE CERTAIN LAND IN SAID TOWN AS A PUBLIC PARK AND PUBLIC PLAYGROUND, AND TO ERECT AND MAINTAIN CERTAIN STRUCTURES ON SAID LAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Longmeadow is hereby authorized to use as a public park and public playground the land in said town heretofore acquired by it for water supply and water department purposes, and no longer needed for such purposes, except such portion thereof as lies within the present bounds of Laurel street, a public way, and such land and the structures thereon shall thereafter be under the same care and control as other land used by said town for park purposes. Said town is further authorized to erect and maintain on said land for recreation purposes such buildings and structures, whether or not exceeding six hundred square feet in area on the ground, as its board of park commis-

sioners may deem expedient, and to equip and maintain the same.

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

Approved February 13, 1934.

AN ACT AUTHORIZING THE COMMISSIONER OF INSURANCE TO PUBLISH CERTAIN INFORMATION RELATIVE TO UNLICENSED FOREIGN INSURANCE COMPANIES OR SOCIETIES.

Chap. 14

Whereas, There is immediate need of the protection to the people of the commonwealth which this act seeks to provide, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after section one hundred and sixty A, inserted therein by section one of chapter twenty-five of the acts of nineteen hundred and thirty-three, the following new section:—*Section 160B*. The commissioner may, if it appears to him that any foreign company or fraternal benefit society not duly licensed to transact business in this commonwealth is issuing policies of insurance, annuity or pure endowment contracts or benefit certificates to residents thereof, or is seeking to induce such residents by advertisements printed, published or distributed therein through the mails or otherwise, or by any other means, to take out its policies, contracts or certificates, or to solicit or act in the solicitation of applications for, or to negotiate, effect or procure, or act or aid in the negotiation, effecting or procurement of, such policies, contracts or certificates or to collect premiums thereon, cause notice to be published in such manner and form as he may deem proper, setting forth the name of the company or society, the location, if known, of its home or principal office, the fact that such company or society is not licensed to transact business in the commonwealth and is not amenable to suit in the courts of this commonwealth to enforce claims under its policies, contracts or certificates, together with any other pertinent facts of which he may be cognizant or information that he may possess relative to the financial standing or stability, business policies, methods, operations, management or reliability of the company or society.

G. L. (Ter. Ed.), 175, new section 160B, added.

Commissioner of insurance may publish certain information relative to unlicensed foreign insurance companies.

SECTION 2. Section five of chapter one hundred and seventy-six of the General Laws, as amended by section two of said chapter twenty-five, is hereby further amended by inserting after the words "sixty A" in the fourth line the words:—, one hundred and sixty B,—so as to read as follows:—*Section 5*. Societies shall be governed by this chapter, and shall be exempt from all other provisions of the insurance laws of the commonwealth except sections sixteen, one hundred and sixty A, one hundred and sixty B and one

G. L. (Ter. Ed.), 176, § 5, etc., amended.

Laws applicable to fraternal benefit societies.

hundred and seventy-eight to one hundred and eighty, inclusive, of chapter one hundred and seventy-five, not only in governmental relations with the commonwealth, but for every other purpose; and no law hereafter enacted shall apply to them unless they are expressly designated therein.

Approved February 13, 1934.

Chap. 15 AN ACT RELATIVE TO THE TRANSFER TO CERTAIN INSTITUTIONS OF INSANE PRISONERS IN THE STATE PRISON COLONY.

Emergency
preamble.

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 123,
§ 102,
amended.

Transfer of
certain insane
prisoners to
other institu-
tions.

Chapter one hundred and twenty-three of the General Laws is hereby amended by striking out section one hundred and two, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 102.* The department shall designate two persons, experts in insanity, to examine prisoners in the state prison, state prison colony, the Massachusetts reformatory, the prison camp and hospital or the reformatory for women, alleged to be insane. If any such prisoner appears to be insane or in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation pending the determination of his insanity, the warden or superintendent shall notify one or both of said experts, who shall, with the physician of such penal institution, examine the prisoner and report the result of their investigation to the superior court for the county where such penal institution is situated. For the purposes of this and the following section, "superior court" may, in respect to a prisoner in the state prison colony, include the district court of western Norfolk, in respect to a prisoner in the Massachusetts reformatory, the district court of central Middlesex, and in respect to a prisoner in the reformatory for women, the first district court of southern Middlesex.

Approved February 13, 1934.

Chap. 16 AN ACT RELATIVE TO THE AWARDING OF CERTAIN CONTRACTS BY THE CITY OF GARDNER.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-four of chapter one hundred and nineteen of the acts of nineteen hundred and twenty-one is hereby amended by striking out, in the fourth line, the word "two" and inserting in place thereof the word: — five, — so as to read as follows: — *Section 34.* No contract for construction work or for the purchase of apparatus, supplies or materials, whether the same shall be for repairs or original construction, the estimated cost of which amounts to or

exceeds five hundred dollars, except in cases of special emergency involving the health or safety of the people or their property, shall be awarded unless proposals for the same shall have been invited by advertisements in at least one newspaper published in the city once a week for at least two consecutive weeks, the last publication to be at least one week before the time specified for the opening of said proposals. Such advertisements shall state the time and place where plans and specifications of the proposed work or supplies may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the city the right to reject any or all of such proposals. All such proposals shall be opened in public. No bill or contract shall be split or divided for the purpose of evading any provision of this act.

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

Approved February 13, 1934.

AN ACT CORRECTING A CERTAIN COURSE OF CERTAIN HARBOR LINES ON THE SOUTHERLY SIDE OF THE CHARLES RIVER AT THE CHARLESTOWN BRIDGE IN THE CITY OF BOSTON. *Chap. 17*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and thirty-nine of the acts of nineteen hundred and thirty is hereby amended by striking out in the twenty-fourth line the words "south sixty degrees, forty-one minutes, eleven seconds east" and inserting in place thereof the following: — south twenty-nine degrees, eighteen minutes, forty-nine seconds east, — so as to read as follows: — *Section 1.* The harbor lines on the southerly side of a portion of the Charles river are hereby changed and established as follows: — The location of each of the angle points in the lines hereinafter described is fixed by a distance hereinafter called longitude, in feet, from a meridian passing through the center of the apex of the dome of the state house in Boston, and by a distance hereinafter called latitude, in feet, from a line at right angles to said meridian and passing through the said center of the apex of the state house dome, and the bearings refer to the true meridian passing through the center of said apex. Beginning at point G' as defined in chapter seventy of the acts of nineteen hundred and twenty-seven, in latitude three thousand six hundred eight feet north and longitude six hundred ninety-six feet east, thence north eighty-two degrees forty-one minutes four seconds east one hundred forty-nine and twenty-one hundredths feet to a point A' in latitude three thousand six hundred twenty-seven feet north and longitude eight hundred forty-four feet east; thence north sixty-two degrees forty-five seconds east three hundred ninety-six and thirty-five hundredths feet to point B' in latitude three thousand eight hundred thirteen feet north and longitude one thousand one hundred ninety-four

feet east; thence south twenty-nine degrees, eighteen minutes, forty-nine seconds east two hundred sixty-eight and fifty-nine hundredths feet to point X in latitude three thousand five hundred seventy-eight and eight tenths feet north and longitude one thousand three hundred twenty-five and five tenths feet east, said point X being the point X in the harbor line established by chapter one hundred and seventy of the acts of eighteen hundred and eighty.

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

Approved February 13, 1934.

AN ACT RELOCATING CERTAIN HARBOR LINES IN FAIRHAVEN HARBOR.

Chap. 18 *Be it enacted, etc., as follows:*

SECTION 1. Chapter eighty of the acts of nineteen hundred and twenty-nine is hereby amended by striking out a portion of the second paragraph of section one, beginning with the words "Beginning at point A" and continuing to the words "said point D being located", in the thirty-second line of said second paragraph, and inserting in place thereof the following:— Beginning at a point A in latitude six hundred fifty-one and seventy-one hundredths feet north and longitude eight hundred sixty and thirty-seven hundredths feet west, said point A being north fifty-two degrees, fifty-one minutes, twenty-five seconds west, true bearing, one thousand seventy-nine and thirty-three hundredths feet from above described mark 1; thence north one degree, fifty minutes, seven seconds west, true bearing, one thousand, eight hundred twenty feet to point B in latitude, two thousand, four hundred seventy and seventy-seven hundredths feet north and longitude nine hundred eighteen and sixty-five hundredths feet west, said point B being located north twenty-two degrees, thirty-four minutes, thirty seconds west, true bearing, six hundred and fifty-one hundredths feet from mark 2 on the southwesterly corner of Atlas Tack Company's wharf in Fairhaven; thence north thirty-six degrees, forty-four minutes, nineteen seconds west, true bearing, one thousand four hundred forty-four and ninety-three hundredths feet to point C₁, in latitude three thousand, six hundred twenty-eight and seven tenths feet north and longitude one thousand, seven hundred eighty-two and ninety-six hundredths feet west, said point C₁, being located north forty-nine degrees, fifty-four minutes, twelve seconds west, true bearing, three hundred seventy-two and eleven hundredths feet from mark 3 on the northwesterly corner of Central Wharf in Fairhaven; thence north three degrees, fifty-three seconds west, true bearing, six hundred thirty feet to point D in latitude four thousand, two hundred fifty-seven and eighty-three hundredths feet north and longitude one thousand eight hundred sixteen and one tenth feet west.

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

Approved February 13, 1934.

AN ACT RELATIVE TO THE MAILING OF NOTICES OF THE EXPIRATION OF COMMISSIONS OF JUSTICES OF THE PEACE AND NOTARIES PUBLIC. Chap. 19

Whereas, The taking effect of this act upon passage will result in substantial saving of state funds, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section fifteen of chapter nine of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after the word "registered" in the first line the words: — or insured, — so as to read as follows: — *Section 15.* The secretary shall send by registered or insured mail to every justice of the peace or notary public a notice of the time of expiration of his commission, not more than thirty nor less than fourteen days before such expiration.

G. L. (Ter. Ed.), 9, § 15, amended.

Notice of expiration of commissions of notary public, etc.

Approved February 13, 1934.

AN ACT AUTHORIZING THE SALE OF CERTAIN LAND HELD BY THE CITY OF NEWTON FOR PARK PURPOSES. Chap. 20

Be it enacted, etc., as follows:

SECTION 1. The city of Newton may, by a majority vote of its board of aldermen, approved by the mayor, sell and convey, upon such terms and conditions as it may deem expedient, the following described parcel of land, or any part thereof, situated in said city, now held by it for park purposes:—Beginning at a point in the northeasterly line of East Side Parkway at land of Joseph A. Callahan & Julia R. Callahan, distant 6.48 feet northerly from the southerly tangent point of a curve of 62.59 feet radius at the junction of said northeasterly line of East Side Parkway with the southeasterly line of Newtonville Avenue; thence by a curve to the left in a southerly and southeasterly direction of 694.41 feet radius, 179.18 feet by said land of Joseph A. Callahan et al. and by lands of Arthur B. Nash & Catherine A. Nash and Frank E. H. Johnson; thence southeasterly 47.00 feet by said land of Frank E. H. Johnson and by land of Edmund Miller & Mary G. Miller; thence by a curve to the right of 2562.17 feet radius, 219.87 feet by said land of Edmund Miller et al. and by lands of Katheryn T. Scott, Langdon Coffin and John T. Burns & Sons Inc., the last three described lines being by the southeasterly line of land of the city of Newton, Cabot Park, to a point in said southeasterly line of East Side Parkway at the northwesterly tangent point of a curve of 706.85 feet radius in said southeasterly line of East Side Parkway; thence by a curve to the left in a northerly and northwesterly direction of 502.58 feet radius, 129.28 feet; thence northwesterly 102.42 feet; thence by a curve to the right of 268.95 feet radius, 221.56 feet; thence by a curve

to the right of 62.59 feet radius, 6.48 feet to the point of beginning, the last four described lines being by said south-easterly line of East Side Parkway.

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

Approved February 13, 1934.

Chap. 21 AN ACT RELATIVE TO THE SECURING OF THE BENEFITS OF THE NATIONAL INDUSTRIAL RECOVERY ACT BY CITIES AND TOWNS AND FIRE, WATER, LIGHT AND IMPROVEMENT DISTRICTS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose to alleviate promptly conditions of widespread unemployment, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

1933, 366,
Part 1, § 2,
amended.

Cities and
towns may
engage in
program of
public works,
etc.

SECTION 1. Chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three is hereby amended by striking out section two of Part one, and inserting in place thereof the following: — *Section 2.* Any city or town, including Boston and Worcester, if authorized by a two thirds vote as defined in section one of chapter forty-four of the General Laws, with the approval of the mayor of such a city, may engage in any public works project included in any “comprehensive program of public works” prepared under section two hundred and two of Title II of the National Industrial Recovery Act, but only in case such project is approved, as hereinafter provided, by the board and by the governor and in case the proper federal authorities have approved a grant therefor of federal money under section two hundred and three of said Title II. Such projects, so approved, shall be carried out in all respects subject to the provisions of said Title II and to such terms, conditions, rules and regulations, not inconsistent with applicable federal laws and regulations, as the board may establish, with the approval of the governor, to ensure the proper execution of such projects. Any such city or town may accept and use for carrying out any project so approved any grant, or any grant and loan, of federal funds under section two hundred and three of said Title II; and, for the purpose only of carrying out such project, may borrow from the United States of America or other sources, or both, such sums as may be fixed by the board as hereinafter provided, and may issue bonds, notes or other forms of written acknowledgment of debt for such terms and carrying interest at rates not exceeding such rates as may be fixed by the board as hereinafter provided. Any city or town may borrow hereunder for projects for which borrowings are authorized by section seven of said chapter forty-four and for other projects for which borrowings are not authorized by section eight of said chapter, amounts not exceeding in the aggregate one per cent of the

May borrow
money.

average of the assessors' valuation of its taxable property for the three preceding years, reduced and otherwise determined as provided in section ten of said chapter, without affecting its future borrowing capacity, and in addition, after such limit of one per cent is reached, may so borrow therefor so much as may be required of any amount within its debt limit, as determined in accordance with said section ten, not then borrowed or authorized by such city or town to be borrowed; and any city or town may borrow hereunder for projects of any class for which borrowings are authorized by section eight of said chapter, water projects being treated as a single class for the purposes hereof, amounts not exceeding in the aggregate one per cent of the last preceding assessed valuation of such city or town, without affecting its future borrowing capacity, and in addition, after such limit of one per cent is reached, may so borrow therefor so much as may be required of any amount authorized by said section eight for such class of projects not then borrowed or authorized by such city or town to be borrowed, and no borrowing hereunder for any project for which borrowings are authorized by said section eight shall be reckoned in determining the borrowing capacity of such city or town under said section ten. For the purposes of the foregoing sentence, the limit of indebtedness of the city of Boston shall be computed in accordance with the provisions of section ten of said chapter forty-four as provided in section two of chapter two hundred and twenty-five of the acts of nineteen hundred and thirty-one. In fixing the amounts that may be borrowed hereunder for projects for which borrowings are not authorized by said chapter forty-four, the board shall be guided by the above limitations as applied to the provisions of said chapter applicable to like projects. The board shall fix the terms of and maximum rates of interest on the bonds, notes or other forms of written acknowledgment of debt issued hereunder; which terms and rates of interest, in case of obligations to be issued to the United States of America, shall be fixed in accordance with the applicable federal laws and regulations and subject to the approval of the proper federal authorities. All the provisions of said chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof, that no loan shall be authorized unless a sum equal to twenty-five cents on each one thousand dollars of the assessed valuation of the city or town has been appropriated or voted to be raised by taxation, shall apply to any borrowing hereunder by any city or town, including Boston and Worcester, except as hereinbefore provided and, in respect of any borrowing from the United States of America, except in so far as such provisions of law may be in conflict with applicable federal laws and regulations. Each city or town seeking the approval of any projects by the board shall submit to it all information required with respect to the financial condition of such city or town, its outstanding indebtedness within and without its limit of indebtedness, the

estimated cost of the project, the alleged necessity thereof, and the proposed method of financing the same. In granting or withholding its approval, the board shall take into consideration, among other things, the necessity of the proposed project, the ability of such city or town to finance the same, the extent to which the carrying out of the project will tend to relieve unemployment and the extent to which the maintenance of the project when completed will tend to increase or decrease the annual expenditures of such city or town and to increase or decrease the tax burden upon its inhabitants.

Certain bonds, etc., made valid obligations.

SECTION 2. All bonds, notes or other forms of written acknowledgment of debt authorized and issued at any time after July twenty-second, nineteen hundred and thirty-three in accordance with the provisions of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as hereby amended, shall be legal, valid and binding obligations and shall have the same effect on the future borrowing capacity of the city or town issuing them as if they had been issued under said chapter as hereby amended.

Approved February 13, 1934.

Chap. 22 AN ACT REPEALING OBSOLETE PROVISIONS OF LAW RELATIVE TO DOMESTIC MUTUAL MARINE AND FIRE AND MARINE INSURANCE COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 87, repealed.

Section eighty-seven of chapter one hundred and seventy-five of the General Laws is hereby repealed.

Approved February 13, 1934.

Chap. 23 AN ACT AUTHORIZING THE APPOINTMENT AS SPECIAL POLICE OFFICERS OF AGENTS OF THE LOWELL HUMANE SOCIETY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 147, § 10, amended.

Section ten of chapter one hundred and forty-seven of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the third line, the word "or" and inserting in place thereof a comma, and by inserting after the word "Association" in the fourth line the words:— or The Lowell Humane Society,— so as to read as follows:— *Section 10.* The commissioner may appoint, at the request of the Massachusetts Society for the Prevention of Cruelty to Animals, the Animal Rescue League of Boston, the Boston Work Horse Relief Association or The Lowell Humane Society, duly accredited agents of the corporation so requesting as special police officers to serve for one year, subject to removal by the commissioner. Such special police officers shall report to him as to their official acts at such times and in such manner as he may require. They shall serve without pay, except their regular compensation as agents of said corporation. They shall re-

Agents of certain corporations appointed special police officers.

ceive no fees for services or return of any criminal process and shall have throughout the commonwealth the powers of constables and police officers to arrest and detain any person violating any law for the prevention of cruelty to animals.

Approved February 13, 1934.

AN ACT FURTHER REGULATING THE STATUTORY COURT SESSIONS OF THE PROBATE COURT FOR HAMPDEN COUNTY.

Chap. 24

Be it enacted, etc., as follows:

Section sixty-two of chapter two hundred and fifteen of the General Laws, as most recently amended by chapter two hundred and seventy-four of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the paragraph contained in the twenty-ninth to the thirty-third lines, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 215, § 62, etc., amended.

Hampden, at Springfield, each Tuesday of every month except the first, second, fourth and fifth Tuesdays of August and each Friday of every month except August.

Sessions of probate court in Hampden county.

Approved February 13, 1934.

AN ACT RELATIVE TO THE DATE AS OF WHICH THE DECENNIAL SPECIAL ENUMERATION OF LEGAL VOTERS AND STATE CENSUS SHALL BE TAKEN.

Chap. 25

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter nine of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the sixth line, the words "March thirty-first" and inserting in place thereof the words:— January first, — so as to read as follows:— *Section 6.* In nineteen hundred and twenty-five and every tenth year thereafter, the registrars of voters, election commissioners or other officials having charge of the registers of voters in each city and town shall certify under oath to the secretary on or before June thirtieth the number of registered voters in their respective cities and towns on the preceding January first, specifying in the case of cities the number of registered voters in each ward. The secretary may in his discretion verify any such information in such manner as he deems advisable, and for this purpose may inspect the records of said officials and call upon them for such further information as he desires. From the returns so made, with such amendments as the secretary finds necessary to correct any errors or omissions therein, he shall compile the special enumeration of legal voters required by Articles XXI and XXII of the amendments to the constitution, and shall submit the result thereof to the general court by filing the same with the clerk of the house of representatives as soon as possible thereafter.

G. L. (Ter. Ed.), 9, § 6, amended.

Decennial certification of number of registered voters.

SECTION 2. Section seven of said chapter nine is hereby

G. L. (Ter. Ed.), 9, § 7, amended.

Decennial
census.
Verification;
compilation.

amended by striking out, in the fourth line, the words "March thirty-first" and inserting in place thereof the words: — January first, — so as to read as follows: — *Section 7.* In nineteen hundred and twenty-five and every tenth year thereafter, the mayor of every city and the selectmen of every town shall cause a census to be made of the inhabitants of their respective cities and towns residing therein on January first, on forms provided by the secretary, and in accordance with his instructions, and shall return the same under oath to the office of the secretary on or before June thirtieth following, together with a sworn statement of the total of such census. In making such census the services and facilities of the assessors and police of a city or town shall be available to the mayor of such city or the selectmen of such town. The secretary may in his discretion verify any such census in such manner as he deems advisable, and for this purpose may inspect the records of any city or town and call upon the mayor or selectmen for such further information as he desires. From the returns so made, with such amendments as the secretary may find necessary to correct any errors or omissions therein, he shall compile the census of inhabitants of each city and town required by Articles XXI and XXII of the amendments to the constitution, and may publish the results thereof in such form as he may determine.

Approved February 13, 1934.

Chap. 26 AN ACT AUTHORIZING THE TOWN OF DANVERS TO ESTABLISH A BOARD OF PUBLIC WORKS EXERCISING THE POWERS OF CERTAIN OTHER BOARDS, DEPARTMENTS AND TOWN OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Danvers a board of public works, hereinafter called the board, to consist of five members. The initial members thereof shall be elected one to serve for one year, two for two years, and two for three years, from the date of the annual meeting at which they are elected, and thereafter when the term of any member expires, his successor shall be elected to serve for three years. In all cases the members shall serve until their successors are elected and qualified. The members of the board shall, after each election, elect one of their members to act as chairman for the ensuing year. If a vacancy occurs therein, the remaining members, if they constitute a quorum, may fill such vacancy until the next annual town meeting, when a new member shall be elected to fill the unexpired term. No person shall serve on the board who holds another elective or appointive office in the town.

SECTION 2. Upon the election and qualification of the members of the board, the board shall have all the powers and duties now or from time to time vested by general law or special act in the following boards, departments, and

officers in said town, to wit: — board of survey, road commissioners, surveyors of highways, water commissioners, sewer commissioners or sewer committee, park commissioners, tree warden, moth department, forestry department and highway or street department, and such boards, departments, and offices shall thereupon be abolished. No contracts or liabilities then in force shall be affected by such abolition, but the board of public works shall in all respects be the lawful successor of the boards, departments, officers and committee so abolished. Separate books for the water department shall be kept at all times so that the cost to the commonwealth for supplying water to the state hospital in said town may be computed in accordance with chapter three hundred and ninety-four of the acts of nineteen hundred and twenty.

SECTION 3. The board shall appoint and fix the compensation of a superintendent of public works, who shall exercise and perform, under the supervision and direction of the board, such of the powers, rights and duties transferred to it under section two as it may from time to time designate. He shall be responsible for the efficient exercise and performance of such powers, rights and duties and shall hold office subject to the will of the board. He shall be specially fitted by education, training and experience to perform the duties of said office, and may or may not be a resident of the town. During his tenure he shall hold no elective or other appointive office, nor shall he be engaged in any other business or occupation. He shall give to the town a bond with a surety company authorized to transact business in the commonwealth as surety, for the faithful performance of his duties, in such sum and upon such conditions as the board may require, and shall, subject to the approval of the board, appoint such assistants, agents and employees as the exercise and performance of his powers, rights and duties may require. He shall keep full and complete records of the doings of his office and render to the board as often as it may require a full report of all operations under his control during the period reported upon; and annually, and from time to time as required by the board, he shall make a synopsis of such reports for publication. He shall keep the board fully advised as to the needs of the town within the scope of his duties and shall furnish to the board on or before December tenth in each year, a carefully prepared and detailed estimate in writing of the appropriations required during the next succeeding fiscal year for the proper exercise and performance of all said powers, rights and duties.

SECTION 4. The town may rescind all action taken by it in pursuance of this act if the town so votes by a majority vote of the legal voters present and voting thereon by ballot in their respective precincts at any meeting held after three years following the annual election at which this act becomes fully effective and at least thirty days before the annual town election next to be held after such meeting, and there-

upon said town shall, at the next annual meeting, nominate and elect such officers as are necessary to carry out the duties transferred to the board under section two.

SECTION 5. This act shall be submitted for acceptance to the legal voters of said town, present and voting thereon by ballot in their respective precincts at the annual town election in the year nineteen hundred and thirty-four, in the form of the following question which shall be placed on the official ballot to be used for the election of town officers at said election: — “Shall an act passed by the general court in the year nineteen hundred and thirty-four entitled ‘An Act authorizing the Town of Danvers to establish a Board of Public Works exercising the Powers of Certain Other Boards, Departments, and Town Officers’, be accepted?” If a majority of the votes cast in answer to such question are in the affirmative, this act shall become fully effective beginning with, and for the purposes of, the annual town election in the year nineteen hundred and thirty-five; but if the result of such vote is otherwise this act shall be void.

Approved February 13, 1934.

Chap. 27 AN ACT AUTHORIZING THE CITY OF WORCESTER TO USE A PART OF ELM PARK IN SAID CITY FOR STREET PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of widening Pleasant street in the city of Worcester, the said city is hereby authorized to use a parcel of land adjacent to Pleasant street, not exceeding twenty-five feet in width, now included in Elm Park.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

Approved February 13, 1934.

Chap. 28 AN ACT SUBJECTING THE OFFICE OF INSPECTOR OF WIRES OF THE CITY OF QUINCY TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of inspector of wires of the city of Quincy shall, upon the date of acceptance of this act, become subject to the civil service laws and rules and regulations, and the term of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations, but the person holding said office on said date may continue therein without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Quincy at the biennial state election to be held in the current year, in the form of the following question, which shall be printed on the official ballot to be used in said city at said election: — “Shall an act passed by the general court in the year nineteen hundred

and thirty-four, entitled 'An Act subjecting the Office of Inspector of Wires of the City of Quincy to the Civil Service Laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, section one of this act shall thereupon take effect, but not otherwise.

Approved February 13, 1934.

AN ACT RELATIVE TO THE PAYMENT OF THE COST OF CONSTRUCTION OF PARTICULAR SEWERS AND CONNECTING DRAINS IN THE TOWN OF NEEDHAM.

Chap. 29

Be it enacted, etc., as follows:

SECTION 1. The town of Needham, through its board of selectmen, acting as the board of public works of said town, as provided in chapter one hundred and eighty-nine of the acts of nineteen hundred and thirty-two, may, upon the application of the owner of any estate abutting on any way where a main drain or common sewer is constructed, lay in such sewer way and in the private land of such owner such particular sewer or connecting drain as may be necessary to connect any building on such estate with such main drain or sewer, and said board may make all necessary contracts in the name and behalf of the town for such purpose. The expenses thereof shall be paid out of any appropriation that may be made by the town therefor.

SECTION 2. The cost of constructing each particular sewer or connecting drain shall be assessed by the board upon the estate benefited thereby. Such assessment shall be made by filing with the collector of taxes of the town a certificate, designating the way and the private land in which such particular sewer or connecting drain has been constructed, and giving the name or names of the owners of the estate for which such connection has been made and the amount of the assessment to be paid by such owner or owners. A copy or duplicate of this certificate shall, within ten days after the filing of the same with the collector of taxes, be recorded in the registry of deeds for the county of Norfolk or, in the case of registered land, filed in the office of the assistant recorder for Norfolk county registry district. The collector of taxes 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.

SECTION 3. Except as herein provided, the provisions of general law relative to the assessment, apportionment, division, re-assessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon shall apply to assessments made under this act. In applying said

provisions to assessments made under this act, the notice referred to therein shall be deemed to be the demand of the tax collector required by section two hereof. The lien for any assessment made under this act shall attach upon the recording or filing for registration of the copy or duplicate of the certificate of assessment. In the apportionment of assessments made under this act, no instalment shall be less than ten dollars.

SECTION 4. This act shall take effect upon its acceptance by the town of Needham acting through its representative town meeting.

Approved February 13, 1934.

Chap. 30 AN ACT RELATIVE TO THE CONTENTS OF NOTICES OR WARRANTS FOR ALL ELECTIONS IN CITIES HAVING STANDARD FORM CHARTERS, SO-CALLED, AND TO POLLING HOURS AT SUCH ELECTIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 43, § 44A, etc., amended.

Section forty-four A of chapter forty-three of the General Laws, as amended by section eight of chapter three hundred and thirteen of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the last two sentences and also by adding at the end thereof the following new paragraph: —

Warrants, etc., for certain city elections, contents of.

Notices or warrants for regular, preliminary and special elections shall specify by name all the offices to be voted for and state, in the form in which it will appear upon the ballot, any question submitted to the voters. They shall specify the time when the polls will be opened and when the polls will be closed. The polls at such elections shall be open during such hours as the city council may prescribe; provided, that they shall be opened not earlier than fifteen minutes before six o'clock in the forenoon nor later than ten o'clock in the forenoon and shall be kept open at least six hours, but in no event later than eight o'clock in the evening. The ballots to be used at such elections shall be governed by the provisions of section forty-nine.

Approved February 13, 1934.

Chap. 31 AN ACT AMENDING THE CHARTER OF THE MASSACHUSETTS CONGREGATIONAL CONFERENCE AND MISSIONARY SOCIETY.

Be it enacted, etc., as follows:

SECTION 1. Section three of an act passed February ninth, eighteen hundred and eight, and entitled "An act to incorporate a society by the name of The Massachusetts Missionary Society", as most recently amended by section one of chapter one hundred and fifty-two of the acts of nineteen hundred and twenty-eight, is hereby further amended by striking out, in the fourteenth line, the word "Congregational", — so as to read as follows: — *Section 3.*

Be it further enacted: That the said corporation may choose by ballot at their annual meetings a president, secretary, treasurer, and such number of trustees as they may think proper, and such other officers as they shall judge necessary. Persons chosen as trustees, other than those persons, if any, whom the said corporation may by their by-laws designate as trustees ex officio, shall hold office for such time, not exceeding five years, as the corporation by their by-laws may from time to time provide and all other officers shall hold office for one year. The said corporation may by their by-laws provide that their meetings shall be presided over by a moderator, to be chosen in such manner as they may from time to time determine, and may further provide by their by-laws that the ministers of churches in the commonwealth and delegates appointed by such churches and other religious organizations may be members of the said corporation for the time being upon such conditions and subject to such regulations as the said corporation may establish. All of the officers of the said corporation, when chosen, may hold their offices until others are chosen in their stead. Any vacancy in such offices shall be filled in such manner as the corporation may by their by-laws determine.

SECTION 2. This act shall take effect upon its acceptance by the said corporation at an annual meeting or at a special meeting duly called for the purpose; provided, that such acceptance occurs not later than December thirty-first in the current year.

Approved February 13, 1934.

AN ACT MAKING CERTAIN CORRECTIONS IN THE LAWS RELATIVE TO PRIMARIES. *Chap. 32*

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter fifty-three of the General Laws, as amended by section four of chapter three hundred and ten of the acts of nineteen hundred and thirty-two, is hereby amended by striking out the last sentence and inserting in place thereof the following: — No candidate shall be nominated, or political committee or convention delegate elected, in any other manner than is provided in this chapter.

G. L. (Ter. Ed.), 53, § 2, etc., amended.

Nomination of candidates regulated.

SECTION 2. Section twenty-eight of said chapter fifty-three, as most recently amended by section five of chapter three hundred and thirteen of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "April" in the eighth line the words: — preceding biennial state elections, — so as to read as follows: — *Section 28.* State primaries shall be held on the seventh Tuesday preceding biennial state elections, city primaries on the third Tuesday preceding regular city elections, town primaries on the second Tuesday preceding town elections, primaries before all special elections on the second Tuesday preceding such elections, and party primaries on the last

G. L. (Ter. Ed.), 53, § 28, etc., amended.

Primaries, days and places of holding.

Tuesday in April preceding biennial state elections; except that city primaries or preliminary elections held under general or special law before regular city elections in cities which accept section one hundred and three A of chapter fifty-four shall be held on the fourth Tuesday preceding such city elections.

Except in Boston, primaries shall be held wholly or partly by wards, precincts or towns, as the aldermen or selectmen may designate.

Approved February 13, 1934.

Chap. 33 AN ACT PROVIDING FOR SUSPENSION OF THE OPERATION OF CERTAIN FISHING LAWS WITH RESPECT TO THE WATERS OF PUBLIC FISHING GROUNDS IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 131, § 25 amended.

Section twenty-five of chapter one hundred and thirty-one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding at the end thereof the following new paragraph: —

Public fishing grounds, suspension of laws relative to.

If the director is of the opinion that the presence in waters acquired hereunder for public fishing grounds of any species of fish having destructive proclivities toward trout constitutes a hindrance or detriment to the promotion and development of trout fishing therein, he may, by order, suspend, with respect to such waters, the operation of any or all provisions of law establishing close seasons on such species and regulating the number and length of fish of such species that may be lawfully taken or had in possession. Any such suspension shall become effective upon the filing of the order of suspension in the office of the director, but no such suspension shall be terminated until after notice of such termination has been conspicuously posted on the shores of such waters and filed with the town clerk of each town bordering thereon.

Approved February 13, 1934.

Chap. 34 AN ACT RELATIVE TO THE LEGAL EFFECT OF CERTAIN METHODS OF SERVING NOTICE OF CANCELLATION OF CERTAIN POLICIES OF INSURANCE BY INSURANCE COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, § 187C, amended.

Section one hundred and eighty-seven C of chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after the word "prepaid" in the tenth line the words: — , and a notice left or forwarded, as aforesaid, shall be deemed a sufficient notice, — so that the first paragraph thereof shall read as follows:— A company issuing any policy of insurance which is subject to cancellation by the company shall effect cancellation by serving the notice thereof provided by the policy and by paying or tendering, except as provided in this and the following section, the full return premium due thereunder in accordance

Cancellation of motor vehicle liability policies, legal effect of notice.

with its terms without any deductions. Such notice and return premium, if any, shall be delivered in hand to the insured, or be left at his last address as shown by the company's records or, if its records contain no such address, at his last business, residence or other address known to the company, or be forwarded to said address by registered mail, postage prepaid, and a notice left or forwarded, as aforesaid, shall be deemed a sufficient notice. A check of the company or its duly authorized agent shall be deemed a sufficient tender. The affidavit of any officer, agent or employee of the company, duly authorized for that purpose, that such notice has been served and such return premium, if any, has been paid or tendered, as provided in this section, shall be prima facie evidence that cancellation has been duly effected.

Approved February 13, 1934.

AN ACT RELATIVE TO THE SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL OF THE TOWN OF NATICK. *Chap. 35*

Be it enacted, etc., as follows:

Chapter four hundred and fifty-nine of the acts of eighteen hundred and ninety-four is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* The town of Natick, acting by such board or other agency as it may determine, may lay out, construct and maintain a system of sewerage and sewage disposal for said town, and, so acting, may take, by purchase or otherwise, any lands, water rights, rights of way or easements in the town deemed by said board or agency necessary for the establishment of such system of sewerage and sewage disposal and for connections therewith, except such as may be owned or used by any other municipality for any municipal purpose. The town, acting as aforesaid, may take, by purchase or otherwise, such easements or rights of way within the limits of the town of Framingham as are necessary for constructing in connection with such system an effluent pipe line, substantially as appearing on the plan of F. A. Barbour, engineer, dated July, 1933, entitled "Plan showing location of existing and proposed sewage treatment plants and downstream topography of Sudbury river valley" and filed in the office of the town clerk of the town of Natick.

Approved February 13, 1934.

AN ACT INCREASING THE MEMBERSHIP OF THE SCHOOL COMMITTEE OF THE TOWN OF MANSFIELD. *Chap. 36*

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and eighty-six of the acts of nineteen hundred and twenty is hereby amended by striking out section eight and inserting in place thereof the following: — *Section 8.* Commencing with the annual town election in the year nineteen hundred and thirty-five, the

school committee shall consist of five members. At said annual town election there shall be elected two members of said committee to serve for terms of three years each and one to serve for the term of one year, and at each annual election thereafter the town shall elect a successor of each member of said committee whose term is then expiring, to serve for the term of three years; and, in every case, until the qualification of his successor.

A vacancy in the school committee shall be filled in the manner provided in sections ten and eleven of chapter forty-one of the General Laws, for filling vacancies in a board consisting of two or more members.

SECTION 2. Nothing in this act shall be deemed to affect the tenure or the powers and duties of the members of the school committee of the town of Mansfield elected prior to its annual town election in the year nineteen hundred and thirty-five, and said members shall continue to serve as such until the qualification of their respective successors as hereinbefore provided.

Approved February 13, 1934.

Chap. 37 AN ACT DISPENSING WITH CERTAIN RETURNS AS TO LIQUOR LICENSES IN THE ANNUAL REPORT OF THE STATE SECRETARY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 9, § 17, amended.

Annual report of state secretary, contents of.

Section seventeen of chapter nine of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out all after the word "year" in the seventh line down to and including the word "same" in the eleventh line, — so as to read as follows: — *Section 17.* He shall, in addition to the special reports required by law, make an annual report showing the transactions of his department for the preceding fiscal year. He shall include therein a report showing the aggregate vote, both affirmative and negative, on every act or part of an act which shall have been referred by the general court for acceptance or rejection to the voters of any political subdivision of the commonwealth or to the city council of any city during the year; the returns by the sheriffs of the several counties of money received by them and the number of days they have attended upon a court of record and upon the county commissioners, and the abstracts and tabular statements of facts and statistics relative to the trial of cases in the superior court for the several counties prepared from the returns furnished to him as required by section twenty-four of chapter two hundred and twenty-one. He shall also include in such report a record of the work of his department in respect to public records under chapter sixty-six, with recommendations and suggestions relative thereto.

Approved February 13, 1934.

AN ACT ESTABLISHING THE FINANCIAL YEAR OF THE CITY OF WALTHAM. *Chap. 38*

Be it enacted, etc., as follows:

SECTION 1. The financial year of the city of Waltham in nineteen hundred and thirty-four shall begin February first and end December thirty-first. In nineteen hundred and thirty-five and in each year thereafter, the financial year of said city shall begin January first and end December thirty-first.

SECTION 2. This act shall take effect upon its acceptance by the city council of said city, with the approval of the mayor, not later than May first of the current year.

Approved February 13, 1934.

AN ACT MAKING CERTAIN PROVISIONS OF THE ELECTION LAWS CONFORM TO RECENT CHANGES IN THE LIQUOR LAWS. *Chap. 39*

Be it enacted, etc., as follows:

SECTION 1. Section nineteen of chapter thirty-nine of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby repealed.

G. L. (Ter. Ed.), 39, § 19, repealed.

SECTION 2. Section twenty of said chapter thirty-nine, as so appearing, is hereby amended by striking out all after the word "thereat" in the third line down to and including the word "thirty-eight" in the fifth line, and by striking out all after the word "officers" in the twelfth line down to and including the word "eight" in the fifteenth line, — so as to read as follows:— *Section 20.* Towns divided into voting precincts may, for their annual town election, establish precinct voting for all town officers to be chosen thereat, by accepting this section at a meeting held fourteen days at least before the annual town meeting. The acceptance of this section or corresponding provisions of earlier laws may be revoked by the town at a meeting held thirty days at least before the annual town meeting; and if so revoked this section shall cease to be in force therein. In towns in which this section or corresponding provisions of earlier laws are in force, all matters to be considered at the annual town meeting, other than the election of town officers, shall be in order only at a town meeting held within thirty days after the date of the annual election, and not later than April thirtieth. The time and place of holding such subsequent meeting shall be stated in the warrant for the annual election, and said election, subsequent meeting and its adjournments shall be regarded as parts of the annual town meeting. The election of a moderator, except in towns where moderators are elected for the term of one year, shall be the first business in order at said subsequent meeting. Towns by vote or by-law may authorize voting by precincts at special elections of town officers.

G. L. (Ter. Ed.), 39, § 20, amended.

Precinct voting in towns.

G. L. (Ter. Ed.), 39, § 23, amended.

Election of town officers.

SECTION 3. Section twenty-three of said chapter thirty-nine, as so appearing, is hereby amended by striking out all after the word "officers" in the third line down to and including the word "thirty-eight," in the fifth line, — so as to read as follows: — *Section 23.* A town which accepts this section or has accepted corresponding provisions of earlier laws may provide that the election of town officers shall take place at any time within seven days before or after the annual meeting held for the transaction of other business. The time and place of holding such election and vote shall be stated in the warrant for the annual town meeting and such election and vote shall be deemed parts of the annual town meeting.

G. L. (Ter. Ed.), 41, § 5, amended.

Voting lists, use of.

SECTION 4. Section five of chapter forty-one of the General Laws, as so appearing, is hereby amended by striking out all after the word "ballot" in the third line down to and including the word "eight" in the sixth line, — so as to read as follows: — *Section 5.* The voting list shall be used and the name of every person voting shall be checked thereon, in the election of all town officers whose election is by law required to be by ballot; but in the election of other town officers, the meeting shall determine whether the voting list shall be used.

G. L. (Ter. Ed.), 54, § 64, amended.

Town elections, time of keeping polls open.

SECTION 5. Section sixty-four of chapter fifty-four of the General Laws, as so appearing, is hereby amended by striking out all after the word "direct" in the seventeenth line down to and including the word "eight" in the twenty-first line, — so that the last paragraph will read as follows: —

In towns, at the election of state and town officers, the polls may be opened as early as fifteen minutes before six o'clock in the forenoon, and shall be opened as early as twelve o'clock, noon, and shall be kept open at least four hours, and until the time specified in the warrant when they may or will be closed; and in towns not voting by precincts they may be kept open for such longer time as the meeting shall direct. After an announcement has been made by the presiding officer of a time so fixed for closing the polls they shall not be closed at an earlier hour.

G. L. (Ter. Ed.), 54, § 104, amended.

State secretary to furnish blank forms, etc., for use at elections.

SECTION 6. Section one hundred and four of said chapter fifty-four, as so appearing, is hereby amended by striking out all after the word "petition" in the seventh line down to and including the word "thirty-eight" in the ninth line, — so as to read as follows: — *Section 104.* The blank forms and apparatus provided by the state secretary shall be used in ascertaining the result of the election or vote in state elections in cities and towns, in city elections, in elections of town officers in towns where official ballots are used, and also in taking the vote upon any proposed amendment to the constitution, upon any law or proposed law submitted to the voters by referendum or initiative petition, and upon any other question submitted by statute to the voters of any senatorial or representative district, or of any city or town in which official ballots are used. If it is impossible to use such

blank forms or apparatus, the canvass of the votes shall be made as the presiding officer shall direct; and the clerk shall record the facts relating to the failure to use such blank forms or apparatus, and shall enclose an attested copy of such record in the envelope with the ballots cast.

Approved February 15, 1934.

AN ACT RELATIVE TO THE TAKING OR POSSESSION OF GREAT NORTHERN PIKE OR MUSCALLONGE. Chap. 40

Be it enacted, etc., as follows:

Section sixty-six of chapter one hundred and thirty-one of the General Laws is hereby amended by striking out, in the fifth line, the word "twenty" and inserting in place thereof the word:— fifteen, — so as to read as follows:— *Section 66.* No person shall, between February first and May first following, take from the waters of the commonwealth, or have in possession, a great northern pike or muscallonge; nor shall any person at any time take or have in possession a great northern pike or muscallonge less than fifteen inches in length so taken unless taken by a person lawfully fishing and immediately returned alive to the water whence it was taken.

G. L. (Ter. Ed.), 131, § 66, amended.

Close season on great northern pike, etc.

Approved February 15, 1934.

AN ACT RELATIVE TO THE SECURING BY THE COMMONWEALTH OF CERTAIN BENEFITS PROVIDED BY THE NATIONAL INDUSTRIAL RECOVERY ACT. Chap. 41

Whereas, The deferred operation of this act would tend to defeat its purpose to alleviate promptly conditions of widespread unemployment, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three is hereby amended by striking out section two and inserting in place thereof the following:— *Section 2.* The commonwealth may engage in any public works project included in any "comprehensive program of public works" prepared under section two hundred and two of Title II of the National Industrial Recovery Act, but only in case such project is approved, as hereinafter provided, by the commission and by the governor and in case the proper federal authorities have approved a grant therefor of federal money under section two hundred and three of said Title II; provided, that such approval by the commission or by the governor shall not be granted for any project which will cause the aggregate expenditures hereunder, exclusive of expenditures for repurchase of obligations under section two A, to be in excess of twenty-two million

1933, 365, § 2, amended.

Commonwealth may engage in public works projects under National Industrial Recovery Act.

dollars, and provided further that out of such sum not more than ten million dollars shall be expended for the construction, reconstruction and resurfacing of roads and for projects similar to those enumerated in section two hundred and four of said Title II. All projects for the construction, reconstruction or resurfacing of roads and the construction of sewers shall be done by human labor, except so far as machinery is, in the opinion of the state or federal officer or department having charge of the project, reasonably necessary, and the wages for such labor shall not be less than the prevailing rate of wages as established by the federal government. Nothing contained in this act shall be construed to prevent the commonwealth from engaging hereunder in any project for which funds have already been appropriated in whole or in part, if such project shall be approved as herein required. Such projects, so approved, shall be carried out in all respects subject to the provisions of said Title II and to such terms, conditions, rules and regulations, not inconsistent with the applicable federal laws and regulations, as the commission may establish, with the approval of the governor, to ensure the proper execution of such projects. The commonwealth may accept and use for carrying out any projects so approved any grant, or any grant and loan, of federal funds under section two hundred and three of said Title II, and, for the purpose only of carrying out such projects except as provided in section two A, may from time to time borrow from the United States of America or other sources, or both, on the credit of the commonwealth such sums, not exceeding in the aggregate seventeen million dollars, exclusive of amounts borrowed for repurchase of obligations under section two A, as may be required, and may issue bonds, notes or other forms of written acknowledgment of debt, referred to in this act as obligations.

In anticipation of the sale of obligations issued under this section, the state treasurer may from time to time, with the approval of the governor, pay from the Highway Fund, without appropriation, any of the expenses of carrying out any projects authorized by this act; but all money so paid from said fund shall be repaid to such fund out of the proceeds of obligations issued and sold under this section or under section two A.

SECTION 2. Said chapter three hundred and sixty-five is hereby further amended by inserting after section two the two following new sections: — *Section 2A.* The state treasurer is hereby authorized, with the approval of the governor, to repurchase at any time or from time to time any or all obligations issued under section two and sold to the United States of America. The purchase price shall not exceed the principal amount of the obligations so repurchased, and accrued interest thereon. All obligations so repurchased shall forthwith be cancelled and shall not be reissued; but, in lieu of the obligations so repurchased, the state treasurer, with the approval of the governor, may from time to time issue and

1933, 365,
new sections
2A and 2B
added.

Repurchase
of bonds
authorized.

sell to any purchaser or purchasers obligations of the commonwealth of an aggregate principal amount not exceeding the aggregate principal amount of the obligations so repurchased. The obligations authorized by this section shall be in addition to the obligations authorized by section two.

The state treasurer may in his discretion use for the repurchase from the United States of America of obligations issued under section two any unexpended proceeds of the obligations so repurchased, or the proceeds of any other obligations issued under this act, or both. The state treasurer may also, with the approval of the governor, use for such repurchase money from the Highway Fund, without appropriation. The state treasurer shall, however, pay out of the Highway Fund, without appropriation, all accrued interest on obligations so repurchased, except so far as money received as accrued interest on the sale of the obligations repurchased is actually available for the payment of accrued interest on the obligations repurchased. All money drawn from the Highway Fund for such repurchases, except for payment of accrued interest, shall be repaid to such fund out of the proceeds of obligations issued under this act.

Section 2B. The obligations authorized by this act may be issued in one or more series. Each series shall carry such rates of interest as the state treasurer may fix with the approval of the governor and, in respect of obligations to be issued to the United States of America, with the approval of the proper federal authorities. Each series shall be payable serially in such amounts and at such times as the state treasurer may determine with the approval of the governor, and, in respect of obligations to be issued to the United States of America, with the approval of the proper federal authorities; provided, that the principal payments of each series of obligations issued otherwise than to the United States of America shall be made annually in amounts as nearly equal as may be.

Serial issues
authorized.

The obligation last payable of any series issued to the United States of America under section two shall be payable within a maximum period of thirty years, but any series of such obligations may be made payable within any shorter period, with the approval of the proper federal authorities.

The obligation last payable of any series issued under section two, otherwise than to the United States of America, for the purpose of carrying out any highway or bridge project, or both, shall become due not later than five years from the date of the obligations of such series, or, if issued for any other purpose, shall become due not later than ten years from the date of the obligations of such series.

The obligation last payable of any series, issued under section two A, in lieu of obligations issued to the United States of America for the purpose of carrying out any highway or bridge project, or both, and repurchased, shall become due not later than five years from the date of obligations of such series; or, if issued in lieu of obligations issued

to the United States of America for any other purpose or purposes and repurchased, shall become due not later than ten years from the date of the obligations of such series.

All obligations issued under this act shall be signed by the state treasurer and approved by the governor. Facsimiles of the signature of the governor imprinted thereon shall have the same effect as his written signature. Coupons for interest on such obligations shall bear the facsimile signature of the state treasurer.

All obligations issued under this act shall be payable, as to both principal and interest, in such funds as are, on the respective dates of payment of such principal and interest, legal tender for the payment of debts due the United States of America.

Until other provision is made by the general court all interest payments and all payments on account of principal on obligations issued under this act shall be paid from the Highway Fund, without appropriation.

Effect of
act.

SECTION 3. The maximum amount of expenditures for any project engaged in under the provisions of said chapter three hundred and sixty-five, as originally enacted or as amended hereby, shall not be limited by the provisions of any other act.

Act not to
impair certain
contracts.

SECTION 4. Nothing herein contained shall affect, modify or impair in any way any contract or contracts heretofore entered into between the commonwealth and the United States of America under chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, or any bonds, notes or other forms of written acknowledgment of debt which have been or may hereafter be issued to the United States of America pursuant to any such contract or contracts.

Approved February 16, 1934.

Chap. 42 AN ACT RELATIVE TO IMPROVEMENT OF BROOKS, STREAMS AND WATER COURSES IN THE TOWN OF WAYLAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Wayland, for drainage purposes and for the purpose of protecting the public health, or either of said purposes, may, by its selectmen, from time to time improve brooks, streams and water courses, or any part thereof, within the limits of the town, by widening the same, removing obstructions in or over them, diverting the water, altering the courses or deepening the channels thereof, and may conduct any surface or ground water into the same, and may cover or pave any such channel or water course, or any part thereof, and may build retaining walls to support the banks of any such stream or water course, or any part thereof, within said town.

SECTION 2. For either or both of the purposes aforesaid, said town may take by eminent domain under chapter

seventy-nine of the General Laws, or acquire by purchase or otherwise, lands, easements, rights of way, water rights and other property, on one or both sides of any such brook, stream or water course, or may in like manner take or otherwise acquire lands, easements, rights of way, water rights and other property to form new channels into which said water or any surface or ground water may be diverted, within the limits of said town, and may enter into and upon any land or way, and may do thereon work necessary for any such improvement, and may construct upon any land taken or otherwise acquired under authority of this act such walks or ways as the town may determine that the public convenience and necessity require; and any person who is injured in his property by any act of said town under the provisions of this act may recover from said town damages therefor under said chapter seventy-nine.

SECTION 3. If any limited and determinable area within said town receives benefit other than the general advantage to the community from any improvement made under authority of this act, under an order declaring the same to be done under the provisions of law authorizing the assessment of betterments, the selectmen shall, within two years after the completion of such improvement, determine the value of such benefit or advantage to the lands within such area, and assess upon each parcel thereof a proportionate share of the cost of such improvement, including therein all costs for the purchase and all damages for the taking of lands, easements, rights of way, water rights and other property in order to carry out such improvement, and all other sums expended under authority of this act, but not exceeding one half of such adjudged benefit or advantage. The provisions of chapter eighty of the General Laws shall apply to such assessments and the collection thereof, except as otherwise herein provided.

SECTION 4. No person shall destroy or injure any drainage or sewerage work of said town, or without lawful authority pollute any natural water course in said town, or put or maintain any obstruction therein. Whoever violates any provision of this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than three months, or both.

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

Approved February 16, 1934.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A FUND FOR THE INSURANCE OF DEPOSITS IN CERTAIN SAVINGS BANKS.

Chap. 43

Whereas, The deferred operation of this act would tend to defeat its purpose as a temporary measure to promote financial recovery, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Insurance of
deposits in
savings
banks.

SECTION 1. The Mutual Savings Central Fund, Inc., established by chapter forty-four of the acts of nineteen hundred and thirty-two, hereinafter referred to as the corporation, shall in the manner herein provided establish a fund for the insurance of deposits in all savings banks established under the laws of the commonwealth, and certified by the commissioner of banks, hereinafter referred to as the commissioner, under rules and regulations adopted by the directors of the corporation and approved by the commissioner, to be in a sound and safe condition to transact and to continue to transact the business for which they are organized, hereinafter referred to as member banks. For such purpose the directors may, by assessments made from time to time upon the member banks in the same proportion for each, require each member bank to pay over in cash to the corporation a total of not more than one per cent of the deposits of such member bank, exclusive of its club deposits, as shown by its last annual report to the commissioner, such assessments to be in addition to all other payments to the corporation required under said chapter forty-four. An assessment under this section of one quarter of one per cent of such deposits shall be made within ten days after the effective date of this act. Other assessments not exceeding such authorized total shall be made from time to time thereafter at the direction of the commissioner. The provisions of section five of said chapter forty-four shall apply to the assessments authorized by this section. Such assessments shall be held as a fund, to be known as the Deposit Insurance Fund. Said fund shall be invested separately from the other funds of the corporation and shall not be liable for the obligations of the corporation other than those created by or under this act. Assets of the corporation not held in the Deposit Insurance Fund shall not be liable for any obligations created hereby or hereunder. The cost of administering the Deposit Insurance Fund as determined by the directors shall be paid therefrom.

Deposit
Insurance
Fund.

SECTION 2. All assessments paid into the Deposit Insurance Fund by a member bank under section one may be carried by it as an asset to the extent authorized by the commissioner.

Payment of
dividends.

SECTION 3. The corporation may pay dividends to member banks upon the amounts paid in by them to the Deposit Insurance Fund or upon the unexpended portion thereof at such rate and at such times as the directors of the corporation may determine. Said fund may be invested by the corporation only as provided in subsections *a*, *b*, *c* and *e* of section seven of said chapter forty-four. The corporation may by vote of its directors borrow money for the purposes of the Deposit Insurance Fund and pledge any assets in which such fund is invested as security for such loans. In case of the liquidation of any member bank under section fifty-five of chapter one hundred and sixty-eight of the General Laws,

the corporation shall return the unexpended portion, as determined by its directors, of all assessments paid by such bank into said fund; provided, that the directors are satisfied that such bank has paid or will be able to pay its depositors in full. In case of the merger or consolidation of two or more member banks under said section fifty-five, the unexpended portion as aforesaid of the assessments paid by such banks into said fund shall be readjusted on the basis of the assessment liability of the continuing bank and the excess, if any, shall be repaid to it.

SECTION 4. Whenever it shall appear to the commissioner that any member bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue to transact such business, he may so certify to the corporation, and upon receipt of such certificate the corporation shall, by notice in writing to the commissioner and to the bank, take possession and control forthwith of the property and business of such bank and shall operate such bank, subject to such rules and regulations as the commissioner may prescribe, until the bank shall resume business or until its affairs shall finally be liquidated. The corporation may, while thus carrying on such business, pay to such bank out of the Deposit Insurance Fund such sums as the corporation's directors deem necessary for the protection of the bank's depositors, and may order the same to be repaid when no longer required for that purpose, or may purchase assets from said bank to effect the purposes of this act on such terms and conditions and at such valuations as the directors, with the approval of the commissioner, may determine.

Taking possession of unsound banks, authorized.

SECTION 5. At any time after the corporation has taken over the control, possession and operation of any member bank as provided in section four, it may with the approval of the commissioner turn back the control, possession and operation thereof to such member bank which may resume business free from any control by the corporation acquired under section four, subject to such conditions as the commissioner may approve. The corporation shall not thus turn back the control, possession and operation of any bank until there has been repaid into the Deposit Insurance Fund all sums paid out by the corporation from such fund to such bank or its depositors or until it has received security for such repayment satisfactory to the directors.

Control of banks in possession.

SECTION 6. The corporation, with the approval of the commissioner, may, and at the request of the commissioner shall, at any time after it has taken over the control, possession and operation of any member bank under section four, discontinue the business of such bank and proceed to liquidate its affairs. The corporation shall in such event pay to the depositors of such bank the full amount of their deposits at the date of the discontinuance of the business of the bank with interest from the last dividend date to the date of discontinuance at such rate not exceeding three per cent per

Liquidation of banks.

annum as the directors shall determine, such payments to be made within three years from such discontinuance and at such times and in such instalments as the directors with the approval of the commissioner shall determine. For such purpose the corporation shall use, in addition to the assets of the bank, such sums as may be required from the Deposit Insurance Fund. In case of liquidation the corporation shall be subject to such orders, rules and regulations as may be prescribed from time to time by the commissioner. The corporation shall collect all debts due and claims belonging to such bank and with the approval of the commissioner may sell or compound all bad or doubtful debts and with like approval may sell all or any part of the real or personal property of the bank on such terms as the commissioner may approve. To execute and perform the powers and duties conferred upon the corporation, it may in the name of any such bank prosecute and defend all suits and other legal proceedings and may in the name of the bank execute, acknowledge and deliver all deeds, assignments, leases and other instruments necessary and proper to effectuate any sale of real or personal property or any compromise approved by the commissioner and any deed or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes to the same extent as though executed by the officers of the bank by authority of its board of trustees. The compensation of employees, counsel, and other assistants, and all expenses incurred in connection with the liquidation of any such bank shall be fixed, subject to the approval of the commissioner, by the directors. The officers of the corporation and any other persons employed by the directors to liquidate the affairs of any member bank under this section shall give bond to the directors for the faithful performance of their duties in relation to such liquidation in such amount and with such surety or sureties as the commissioner may approve. The persons appointed for the purpose of liquidating the affairs of any such bank shall be subject to all the penalties to which agents appointed by the commissioner for the purpose of liquidating the affairs of a bank are now or may hereafter be subject. All accounts for which no claimant can be found after four years following the discontinuance of the business of any such bank shall, if no other provisions to care for said claim have been made, be turned over to the state treasurer and be held by him subject to be reclaimed as provided in section forty-three of chapter one hundred and sixty-eight of the General Laws.

SECTION 7. For the purpose of carrying out the provisions of this act the corporation may exercise all the powers, rights and franchises of any bank the control, possession and operation of which has been taken over by it under this act.

SECTION 8. So much of the deposits in member banks as are paid over to the corporation under the provisions of this act shall be exempt from taxation under section eleven of chapter sixty-three of the General Laws.

Certain
authority
vested in
corporation.

Exemption
from taxation
of certain
deposits.

SECTION 9. The directors of the corporation may make such rules and regulations, subject to the approval of the commissioner, as they may deem necessary in order to carry out the provisions of this act, and for such purposes the commissioner may confer and advise with the directors and furnish them such information as they request.

Rules and regulations.

SECTION 10. Upon the enactment of any legislation by the general court authorizing savings banks to join in any federal plan of guaranty of deposits the corporation may, at special county or district meetings held in accordance with section two of said chapter forty-four and called for this special purpose, by four fifths vote of all member banks, dissolve and liquidate the Deposit Insurance Fund prior to the termination of the life of the corporation. It may also in the same manner and by a similar vote dissolve and liquidate such fund prior to such termination whenever it shall determine that the fund is no longer needed for the protection of deposits in savings banks. Upon any such dissolution and liquidation and upon the termination of the life of the corporation, the corporation shall proceed to distribute the proceeds of the fund, after the payment of all expenses and obligations of the fund, to the member banks in proportion to the assessments paid by them thereinto.

Liquidation of Deposit Insurance Fund.

SECTION 11. During such time as the Deposit Insurance Fund is insuring the deposits in any member bank under the provisions of this act, sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven of the General Laws shall not, except as herein provided, apply to such member bank.

Certain provisions of law not to apply, when.

Approved February 21, 1934.

AN ACT AUTHORIZING THE TOWN OF RUTLAND TO ERECT A BUILDING FOR MUNICIPAL PURPOSES ON CERTAIN PARK LAND IN SAID TOWN.

Chap. 44

Be it enacted, etc., as follows:

SECTION 1. The town of Rutland is hereby authorized to use so much of Bartlett Park, so called, located therein as the town by vote may determine, for town hall, school and library purposes, or any of said purposes.

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

Approved February 21, 1934.

AN ACT RELATIVE TO NOTICE TO THE DEPARTMENT OF PUBLIC WELFARE OF TEMPORARY AID FURNISHED TO CERTAIN POOR PERSONS.

Chap. 45

Be it enacted, etc., as follows:

Section eighteen of chapter one hundred and seventeen of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the fourth line, the word "five" and inserting in place thereof the word:

G. L. (Ter. Ed.), 117, § 18, amended.

Cities and towns may furnish aid to certain state charges. Removal.

— ten,— so as to read as follows:— *Section 18.* A town may furnish temporary aid to poor persons found therein, having no lawful settlements within the commonwealth, if the board of public welfare consider it for the public interest; and the board of public welfare shall in every case give written notice within ten days to the department of public welfare, which shall examine the case and order such aid as it deems expedient. If it directs a discontinuance of such aid, it shall remove such persons to the state infirmary or to any state or place where they belong, if their necessities or the public interests require it, and the superintendent of said infirmary shall receive the persons removed thereto as if they were sent there in accordance with section seven of chapter one hundred and twenty-two. A detailed statement of expenses so incurred shall be rendered, and after approval by the department such expenses shall be paid by the commonwealth. If any such person refuses to submit to removal, the department or any of its officers or agents may apply to the district court of the district where such person resides, for an order directing that such removal be made. Upon such application the court 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 shall issue an order in writing, directed to a duly constituted officer or agent of the department, reciting that such person appears to be a state charge, and that his necessities or the public interests require his removal, and commanding such officer or agent to remove him to the state infirmary or to any other state institution designated by the department, 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. In every case where a removal is ordered a detailed statement of the expense incurred by any 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 department shall be paid by the commonwealth. Reimbursement by the commonwealth under the provisions hereof shall be subject to the provisions of section forty-two of chapter one hundred and twenty-one.

Approved February 21, 1934.

AN ACT PROVIDING FOR NOTIFICATION OF THE APPELLEE IN THE CASE OF APPEALS FROM CERTAIN ORDERS OF THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS. *Chap.* 46

Be it enacted, etc., as follows:

The sixth paragraph of section one hundred and thirteen D of chapter one hundred and seventy-five of the General Laws, as appearing in section two of chapter one hundred and forty-six of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "registrar" in the eighteenth line the words:— and to the appellee,— so as to read as follows:—

Any person or company aggrieved by any finding or order of the board, other than a finding that the complainant is or is not a suitable and proper person to whom to issue such a policy or on behalf of whom to execute such a bond as surety, may, within ten days after the filing of the memorandum thereof in the office of the commissioner, unless the policy or bond has expired or will expire prior to the expiration of said period, and any person or company aggrieved by any finding of the board that a complainant is or is not a suitable and proper person as aforesaid may, in any case, within said period, appeal therefrom to the superior court or any justice thereof, in any county. The appellant shall file with his appeal a duly certified copy of the complaint and of the finding and order thereon, and, if the appeal is taken from a finding and order of the board in respect to a cancellation, the clerk of the court shall forthwith upon the filing of such an appeal, give written notice of the filing thereof to said registrar and to the appellee. The court or justice shall, after such notice to the parties as it or he deems reasonable, give a summary hearing on such appeal and shall have jurisdiction in equity to review all questions of fact and law, and to affirm or reverse such finding or order and may make any appropriate decree. The court or justice may allow such complaint, finding or order to be amended. The decision of the court or justice shall be final. If the court or justice finds in favor of the company in the case of such a cancellation, the decree shall, unless the policy or bond has expired, affirm the cancellation and specify a date not earlier than five days from the entry thereof, on which the cancellation shall become effective; but, if the policy or bond will expire on or before the termination of a period of five days from such entry, the decree shall specify a date prior to such expiration, or the court or justice may dispense with such a specification. The clerk shall, within two days after the entry thereof, send an attested copy of the decree to each of the parties and the commissioner and, in the case of a decree rendered upon an appeal in respect to the cancellation of such a policy or bond, to said registrar, or his office. The court or justice may make such order as to costs as it or he deems equitable. The su-

G. L. (Ter. Ed.), 175, § 113D, amended.

Compulsory motor vehicle liability policies. Appeals from decisions of board of appeal in certain cases.

perior court may make reasonable rules to secure prompt hearings on such appeals and a speedy disposition thereof.

Approved February 21, 1934.

Chap. 47 AN ACT AUTHORIZING THE TOWN OF WEYMOUTH TO CONSTRUCT AND OPERATE A SYSTEM OF SEWERS.

Be it enacted, etc., as follows:

SECTION 1. The town of Weymouth may lay out, construct, maintain and operate a system or systems of main drains and common sewers for a part or the whole of its territory, with such connections and other works as may be required for a system of sewage disposal, and may construct such sewers or drains over and under land or tide water in said town as may be necessary to conduct the sewage to the south metropolitan sewerage system, and, for the purpose of providing better surface or other drainage, may make, lay and maintain such drains as it deems best. And for the purposes aforesaid, the town may, within its limits, make and maintain sub-drains, and, with the approval of the department of public health, discharge the water from such sub-drains into any brook, stream or water course within the town.

SECTION 2. The town may make and maintain in any way therein where main drains or common sewers are constructed, such connecting drains, under-drains and sewers within the limits of such way as may be necessary to connect any estate which abuts upon the way.

SECTION 3. The board of sewer commissioners, acting for and on behalf of said town, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any lands, water rights, rights of way or easements, public or private, in said town, necessary for accomplishing any purpose mentioned in this act, and may construct such main drains and sewers, sub-drains and under-drains under or over any bridge, railroad, railway, boulevard or other public way, or within the location of any railroad, and may enter upon and dig up any private land, public land or railroad location, for the purpose of laying such drains and sewers and of maintaining and repairing the same, and may do any other thing proper or necessary for the purposes of this act; provided, that they shall not take in fee any land of a railroad corporation, and that they shall not enter upon or construct any drain or sewer within the location of any railroad corporation except at such time and in such manner as they may agree upon with such corporation, or, in case of failure to agree, as may be approved by the department of public utilities.

SECTION 4. Any person injured in his property by any action of said board of sewer commissioners under this act may recover damages from said town under said chapter seventy-nine.

SECTION 5. The town shall, by vote, determine what proportion of the cost of said system or systems of sewerage and sewage disposal the town shall pay; provided, that it shall pay not less than one fourth nor more than two thirds of the whole cost. In providing for the payment of the remaining portion of the cost of said system or systems or for the use of said system or systems, the town may avail itself of any or all of the methods permitted by general laws, and the provisions of said general laws relative to the assessment, apportionment, division, reassessment, abatement and collection of sewer assessments, to liens therefor and to interest thereon, shall apply to assessments made under this act. At the same meeting at which it determines the proportion of the cost which is to be borne by the town, it may by vote determine by which of such methods the remaining portion of said cost shall be provided for. The collector of taxes of said town shall certify the payment or payments of such assessments or apportionments thereof to the said board who shall preserve a record thereof.

SECTION 6. For the purpose of paying the necessary expenses and liabilities incurred under this act, other than expenses of maintenance and operation, the town may borrow such sums as may be necessary, not exceeding, in the aggregate, five hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face, the words, Weymouth Sewerage Loan, Act of 1934. Each authorized issue shall constitute a separate loan. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws.

SECTION 7. The receipts from sewer assessments and from payments made in lieu thereof shall be appropriated for and applied to the payment of charges and expenses incident to the maintenance and operation of said system of sewerage and sewage disposal or to the extension thereof, to the payment of interest upon bonds or notes issued for sewer purposes or to the payment or redemption of such bonds or notes.

SECTION 8. The board of sewer commissioners may annually appoint a clerk and may appoint a superintendent of sewers who shall not be a member of the board. It may remove the clerk or superintendent at its pleasure and shall define their duties. Said board may, at its discretion, prescribe for the users of said sewer system or systems such annual rentals or charges based upon the benefits derived therefrom as it may deem proper, subject, however, to such rules and regulations as may be fixed by vote of the town.

SECTION 9. All contracts made by the board of sewer commissioners shall be made in the name of the town and shall be signed by the board, but no contract shall be made or obligation incurred by said board for any purpose in excess of the amount of money appropriated by the town therefor.

SECTION 10. Said board may, from time to time, prescribe rules and regulations for the connection of estates and build-

ings with main drains and sewers, and for the inspection of materials, the construction, alteration and use of all connections and drains entering into such main drains or sewers, and may prescribe penalties, not exceeding twenty dollars, for each violation of any such rule or regulation. Such rules and regulations shall be published at least once a week for three successive weeks in some newspaper published in the town of Weymouth, if any there be, and if not, then in some newspaper published in the county of Norfolk, and shall not take effect until such publications have been made.

SECTION 11. No act shall be done under authority of the preceding sections, except in the making of surveys and other preliminary investigations, until the plans of said system of sewerage and sewage disposal have been approved by the department of public health. Upon application to said department for its approval, it shall give a hearing, after due notice to the public. At such hearing, plans showing in detail all the work to be done in the construction of said system of sewerage and sewage disposal shall be submitted for approval by said department.

SECTION 12. This act shall be submitted to the legal voters of said town, at an annual town election held within five years after its passage, in the form of the following question which shall be placed upon the official ballot used for the election of town officers: — “Shall an act passed by the general court in the year nineteen hundred and thirty-four entitled ‘An Act authorizing the Town of Weymouth to construct and operate a system of sewers’, be accepted?” If a majority of the votes cast on said question are in the affirmative this act shall thereupon take full effect, but not otherwise. No expenditure shall be made and no liability incurred hereunder until such acceptance.

Approved February 21, 1934.

Chap. 48 AN ACT RELATIVE TO THE TIME FOR ADDING SUBSEQUENT TAXES TO TAX TITLE ACCOUNTS FOR TAX TITLES HELD BY CITIES AND TOWNS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which in part is to enable cities and towns to raise sufficient money by borrowing on tax titles prior to September first, nineteen hundred and thirty-three, to pay obligations maturing prior to said date, now, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section sixty-one of chapter sixty of the General Laws, as most recently amended by section nine of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the eighteenth line, the word “on” and inserting in place thereof the words: — not later than, — so as to read as

G. L. (Ter.
Ed.), 60, § 61,
etc., amended.

follows:— *Section 61.* Whenever a town shall have purchased or taken real estate for payment of taxes the lien of the town on such real estate for all taxes assessed subsequently to the assessment for payment of which the estate was purchased or taken shall continue, and it shall be unnecessary for the town to take or sell said real estate for non-payment of said subsequent taxes, costs and interest; and on redemption from such taking or purchase, said subsequent taxes, costs and interest shall be paid to the town, and the payment shall be made a part of the terms of redemption, except that if any of the said subsequent taxes have not been certified by the collector to the treasurer to be added to the tax title account, then redemption may be made by payment only of the amount of the tax for which the estate was purchased or taken and of such subsequent taxes as shall have been so certified, together with costs and interest. The collector shall certify to the treasurer not later than September first of the year following that of their assessment all subsequent taxes which become part of the terms of redemption and the treasurer shall give him a certificate stating that the amount or amounts have been added to the tax title account or accounts and the collector shall be credited as if the tax had been paid in money.

Lien for subsequent taxes to continue after sale or taking.

Approved February 23, 1934.

AN ACT AUTHORIZING THE TOWN OF WAYLAND TO USE CERTAIN
PARK LAND FOR SCHOOL PURPOSES.

Chap. 49

Be it enacted, etc., as follows:

SECTION 1. The town of Wayland is hereby authorized to use for school and school yard purposes a portion of the town playground, so-called, located in the centre of said town and adjacent to the present high school property and bounded and described as follows:— Beginning at the intersection of the line of upland and the parsonage lot, so-called; thence southerly by said parsonage lot and land of Holt to the northwesterly corner of land of Lewis; thence turning at an angle of one hundred and two degrees and running westerly four hundred feet to a corner; thence turning at an angle of one hundred and thirty-five degrees and running northwesterly to the line of upland; thence turning and running by said line of upland to the point of beginning together with a right of way to the present high school lot, and a right of way to Cochituate road substantially along the northerly boundary of said parsonage lot; all as shown on a plan entitled "Plan of Land in Wayland Centre belonging to Jonatham M. Parmenter, W. A. Mason & Son, Surveyors, May, 1910" and recorded with Middlesex South District Registry of Deeds, Book of Plans No. 215, Plan 50. The land so used shall be under the same care and control as other school property.

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

Approved February 23, 1934.

Chap. 50 AN ACT AUTHORIZING THE CITY OF CHICOPEE TO CONVEY A PORTION OF LAND HELD BY IT FOR THE PURPOSE OF A PUBLIC PARK.

Be it enacted, etc., as follows:

SECTION 1. The city of Chicopee, by its treasurer, may convey to the Roman Catholic Bishop of Springfield, a corporation sole, a portion of the real estate situated in said city and held by it as a public park by virtue of the conveyance to it by the Atwater Real Estate Trust recorded with Hampden County Registry of Deeds, Book 1428, Page 17, the said portion to be conveyed being described as follows: —

Beginning at the southwesterly corner of Springfield street and Hampden street and running thence northwesterly on Hampden street seventy-nine and thirty-eight hundredths feet; thence westerly making an interior angle of one hundred and nineteen degrees twenty minutes with the westerly line of Hampden street one hundred ten and thirty hundredths feet, to the northwesterly corner of land of one Powers which is the starting point of the lot herein described; thence south five degrees forty-eight minutes west twenty-one and nineteen hundredths feet by land of said Powers; thence south eighty-eight degrees thirty-one minutes west fourteen hundred ninety-one and nine tenths feet to land of the Roman Catholic Bishop of Springfield at a point ninety-eight and nineteen hundredths feet south from the northwest corner of the lot now being described; thence north two degrees fifty-eight minutes west by land of the said Roman Catholic Bishop of Springfield ninety-eight and nineteen hundredths feet to said last named corner; thence south eighty-five degrees fifty-six minutes east by land of the said Roman Catholic Bishop of Springfield eight hundred forty-six and twenty-five hundredths feet; thence south eighty-five degrees twenty minutes east along said last named land six hundred fifty-six and seventy-one hundredths feet to the said corner of land of Powers, and the point of beginning of this lot.

In return therefor the said city of Chicopee shall receive from the said Roman Catholic Bishop of Springfield and it shall convey to said city, the following described real estate situated in said city, to wit: — Beginning at a point ninety-eight and nineteen hundredths feet southerly from a point in land of the Roman Catholic Bishop of Springfield distant westerly fifteen hundred two and ninety-six hundredths feet from the northwest corner of land of one Powers, the interior angle between these two courses being eighty-two degrees fifty-eight minutes and running thence south eighty-eight degrees thirty-one minutes west five hundred eighty-four and thirty-eight hundredths feet; thence south twelve degrees fifty-nine minutes west one hundred thirty-four and ninety-six hundredths feet; thence south eighty-seven degrees twelve minutes east one hundred ninety-four and

twenty-one hundredths feet; thence south seventy-nine degrees twenty-four minutes east one hundred twenty-five and thirty-nine hundredths feet; thence south eighty-five degrees ten minutes east three hundred seven and forty hundredths feet; thence north two degrees fifty-eight minutes west one hundred seventy-four and twenty-one hundredths feet to the place of beginning.

The said land so conveyed to the said city shall be held by it for the same purposes, in the same manner and upon the same conditions and restrictions as are contained in the above mentioned deed of the Atwater Real Estate Trust to the said city.

SECTION 2. Chapter one hundred and fifty-eight of the acts of nineteen hundred and thirty-one is hereby repealed.
Approved February 23, 1934.

AN ACT PROHIBITING THE SALE OF BLACK BASS WHEREVER TAKEN. Chap. 51

Be it enacted, etc., as follows:

Section fifty-six of chapter one hundred and thirty-one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the second line, the words "black bass,"—and by inserting after the word "commonwealth" in the fifth line the words:—, or any black bass taken from waters within or outside the limits of this commonwealth,— so as to read as follows:—
Section 56. No person shall buy, sell, offer or expose for sale, or have in possession for the purpose of sale, any trout, horned pout, yellow perch, pickerel, white perch, great northern pike or muscallonge, or wall-eyed pike or pike perch, taken from the waters of this commonwealth, or any black bass taken from waters within or outside the limits of this commonwealth. Nothing in this section shall be construed to prohibit the sale of white perch taken from the coastal waters of the commonwealth or from the waters of Dukes or Nantucket counties, or from waters now or hereafter held under lease from the department. Nothing in this section shall be deemed to prohibit the director from issuing permits as to black bass under section fifty-one, or to penalize any person acting under authority of any license so issued.

Approved February 23, 1934.

G. L. (Ter. Ed.), 131, § 56, amended.

Black bass, sale of prohibited.

AN ACT TO AUTHORIZE THE JONES LIBRARY, INCORPORATED, TO RECEIVE AND ADMINISTER PROPERTY FROM ANY SOURCE. Chap. 52

Be it enacted, etc., as follows:

Section one of chapter ninety-six of the Special Acts of nineteen hundred and nineteen is hereby amended by adding at the end thereof the following new paragraph:—

The corporation is further authorized to receive from any source, by gift, bequest, devise or otherwise, real and personal

property to be devoted by it to said purposes, and to hold in trust or otherwise, and to use and administer, property so received.

Approved February 23, 1934.

Chap. 53 AN ACT AUTHORIZING THE CHESHIRE WATER COMPANY TO ACQUIRE, HOLD AND PROTECT FURTHER SOURCES OF WATER SUPPLY IN THE TOWN OF CHESHIRE.

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-one of the acts of eighteen hundred and seventy-five is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* Richard A. Burget, Felix F. Petitelier and George Martin, their associates and successors, are hereby made a corporation under the name of the Cheshire Water Company, for the purposes of supplying the inhabitants of the town of Cheshire, or any part thereof, with water for domestic, manufacturing and other purposes, including the extinguishment of fires, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws now or hereafter in force applicable to such corporations. Said corporation, for the purposes aforesaid, may lease, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold and convey, the waters, or so much thereof as may be necessary, of any ponds, brooks, springs or streams, or of any underground sources of supply by means of wells which may be constructed or sunk at any suitable place, within the limits of said town, and also all lands, rights of way and easements necessary for holding and preserving the quality of such waters and for conveying the same to any part of said town; provided, that no source of water supply for domestic purposes or lands necessary for preserving the quality of such water shall be acquired under this act without the approval of the department of public health and that the location of all dams, reservoirs, wells or other works for collecting or storing water authorized by this act shall be subject to the approval of said department.

SECTION 2. Said chapter forty-one is hereby further amended by striking out section three and inserting in place thereof the following:— *Section 3.* Said corporation may distribute the water throughout said town of Cheshire, and may from time to time fix and establish the rent therefor; and may construct on the lands acquired and held under this act proper dams, reservoirs, standpipes, tanks, buildings, fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct wells and reservoirs and establish pumping works, and 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 such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said corporation shall not enter upon, construct or lay any conduit, pipe 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 to so agree, as may be approved by the department of public utilities.

Approved February 23, 1934.

AN ACT ABOLISHING SESSIONS OF THE PROBATE COURT FOR HAMPSHIRE COUNTY AT AMHERST.

Chap. 54

Be it enacted, etc., as follows:

Section sixty-two of chapter two hundred and fifteen of the General Laws, as most recently amended by chapter twenty-four of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the thirty-fifth and thirty-sixth lines as appearing in the Tercentenary Edition of the General Laws, the words "at Amherst, the third Tuesdays of January, March and November";—so that the paragraph contained in lines thirty-four to thirty-seven, inclusive, as so appearing, will read as follows:—Hampshire, at Northampton, the first Tuesday of each month and the third Tuesdays of February, April, May, October and December; and at Ware, the third Tuesdays of June and September.

G. L. (Ter. Ed.), 215, § 62, etc., amended.

Probate court, sessions of in Hampshire county.

Approved February 23, 1934.

AN ACT AUTHORIZING TRAP, SKEET AND TARGET SHOOTING ON THE LORD'S DAY IN CERTAIN CITIES AND TOWNS.

Chap. 55

Be it enacted, etc., as follows:

Section seventeen of chapter one hundred and thirty-six of the General Laws, as most recently amended by section four of chapter one hundred and fifty of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end thereof the following:—, nor shall it apply to the discharge of firearms in trap, skeet or target shooting if carried on at such places within the limits of any city or town and during such hours as the city council or selectmen approve and in accordance with regulations which they are hereby authorized to establish, — so as to read as follows:— *Section 17.* Whoever on the Lord's day discharges any firearm for sport or in the pursuit of game, or attempts

G. L. (Ter. Ed.), 136, § 17, etc., amended.

Trap, skeet and target shooting on

the Lord's
day permitted.

to take or catch any fish by using any net or spear, or attempts to take or catch any fish for commercial purposes by using a hook and line, shall be punished by a fine of not more than ten dollars. Prosecutions hereunder shall be commenced within thirty days after the offence was committed. This section shall not apply to the discharge of firearms in any shooting gallery licensed under section four A, and subject to the restrictions therein imposed, nor shall it apply to the discharge of firearms in trap, skeet or target shooting if carried on at such places within the limits of any city or town and during such hours as the city council or selectmen approve and in accordance with regulations which they are hereby authorized to establish.

Approved February 23, 1934.

Chap. 56 AN ACT PROHIBITING THE USE OF FLAGS OF THE UNITED STATES OR OF THE COMMONWEALTH AS RECEPTACLES FOR DEPOSITING OR COLLECTING MONEY.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 264, § 5,
etc., amended.

Section five of chapter two hundred and sixty-four of the General Laws, as most recently amended by section three of chapter one hundred and fifty-three of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting before the word "or" in the seventh line the words: — or whoever causes or permits such flag to be used in a parade as a receptacle for depositing or collecting money or any other article or thing, — so as to read as follows: —

Use of flags
of the United
States and of
the common-
wealth regu-
lated.

Section 5. Whoever publicly mutilates, tramples upon, defaces or treats contemptuously the flag of the United States or of Massachusetts, whether such flag is public or private property, or whoever displays such flag or any representation thereof upon which are words, figures, advertisements or designs, or whoever causes or permits such flag to be used in a parade as a receptacle for depositing or collecting money or any other article or thing, or whoever exposes to public view, manufactures, sells, exposes for sale, gives away or has in possession for sale or to give away or for use for any purpose, any article or substance, being an article of merchandise or a receptacle of merchandise or articles upon which is attached, through a wrapping or otherwise, engraved or printed in any manner, a representation of the United States flag, or whoever uses any representation of the arms or the great seal of the commonwealth for any advertising or commercial purpose, shall be punished by a fine of not less than ten nor more than one hundred dollars or by imprisonment for not more than one year, or both; but a flag belonging to an organization of veterans of the civil war, to a camp of the United Spanish War Veterans, to a post or department of The American Legion, or to a post or department of the Veterans of Foreign Wars of the United States, or to a post or department of the Jewish War Veterans of the United States, or belonging to or used in the service of

the United States or the commonwealth, may have the names of battles and the name and number of the organization to which such flag belongs inscribed thereon. Words, figures, advertisements or designs attached to, or directly or indirectly connected with, the flag or any representation thereof in such manner that the flag or its representation is used to attract attention to or advertise such words, figures, advertisements or designs, shall for the purposes of this section be deemed to be upon the flag. For the purposes of this section, a flag shall be deemed to continue to belong to any organization of veterans hereinbefore specified, although such organization has ceased to exist, during such time as it remains in the lawful ownership or custody of any other of the aforesaid organizations or of the commonwealth or of any political subdivision thereof, or of any patriotic or historical society incorporated under the laws of the commonwealth or determined by the adjutant general to be a proper custodian thereof.

Approved February 23, 1934.

AN ACT AUTHORIZING THE TAKING BY EMINENT DOMAIN OF LAND WITHIN THE LIMITS OF FOSTER STREET IN THE TOWN OF SAUGUS AS A SITE FOR A FIRE AND POLICE STATION BUILDING.

Chap. 57

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Saugus may take on behalf of said town by eminent domain under chapter seventy-nine of the General Laws and under authority of a vote passed on December eighteenth, nineteen hundred and thirty-three, at a special town meeting of said town, for the purpose of a site for a fire and police station building, the land included within the limits of such portion of the way in said town known as Foster street as lies between Taylor street and Woodbury avenue.

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

Approved March 2, 1934.

AN ACT MAKING LEGAL CERTAIN ACTS DONE IN CONNECTION WITH THE CONSTRUCTION OF SEWERS IN THE TOWN OF NAHANT.

Chap. 58

Be it enacted, etc., as follows:

SECTION 1. All acts of the town of Nahant, or any officer or board thereof, during the calendar years of nineteen hundred and twenty-eight to nineteen hundred and thirty-two, inclusive, in laying out or constructing in said town a system or systems of main drains and common sewers, in so far as such acts may be illegal by reason of failure of compliance with any requirement of section fifteen of chapter two hundred and forty-one of the Special Acts of nineteen hundred and seventeen, are hereby made legal for the purposes of assessments under said chapter and its amendments

and for all other purposes; but nothing herein shall preclude the department of public health from hereafter taking any action authorized by law in relation to any such system.

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

Approved March 2, 1934.

Chap. 59 AN ACT ELIMINATING DELAY IN THE ADOPTION OF ORDERS AND RESOLUTIONS RELATING TO CIVIL AND PUBLIC WORKS ADMINISTRATION PROJECTS IN CITIES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Any order or resolution heretofore or hereafter pending before the city council of a city relating to civil works administration projects or public works administration projects, which contains a preamble declaring such order or resolution to be an emergency measure and definitely setting forth the emergency necessitating immediate action thereon or stating that public necessity or convenience requires such action, may, notwithstanding the provisions of the charter of such city, be passed through all its stages of legislation at one session of the city council, if no member objects thereto, and in the event that such order or resolution is so passed, any provisions of the charter thereof requiring publication and/or providing for a referendum shall not apply thereto.

Approved March 2, 1934.

Chap. 60 AN ACT INCREASING THE NUMBER OF SIGNATURES REQUIRED TO NOMINATE CANDIDATES FOR CERTAIN OFFICES IN THE CITY OF CHELSEA.

Be it enacted, etc., as follows:

Section fourteen of Part II of chapter six hundred and eighty of the acts of nineteen hundred and eleven is hereby amended by striking out lines twenty-nine to thirty-two, inclusive, and inserting in place thereof the following:— and at the same time shall file therewith a petition signed by voters of the city qualified to vote for a candidate for the said office to the number of at least three hundred for the office of mayor, one hundred for the office of alderman at large and fifty for the office of ward alderman or member of the school committee. The petition shall be in substantially the following form:—

Approved March 2, 1934.

AN ACT PROHIBITING CERTAIN DISCRIMINATION IN THE
ISSUANCE OR EXECUTION OF MOTOR VEHICLE LIABILITY
POLICIES AND BONDS. Chap. 61

Be it enacted, etc., as follows:

Chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after section one hundred and thirteen D, as appearing in the Tercentenary Edition thereof, the following new section:— *Section 113E*. No insurance company, and no officer or agent thereof on its behalf, shall refuse to issue or execute as surety a motor vehicle liability policy or bond, both as defined in section thirty-four A of chapter ninety, because of the race or color of the applicant therefor. *Approved March 2, 1934.*

G. L. (Ter. Ed.), 175, new section 113E, added.

Discrimination in the issuance of motor vehicle liability policies, etc., prohibited.

AN ACT RELATIVE TO THE TIME FOR DRAWINGS TO DETERMINE
THE ORDER OF NAMES OF CANDIDATES ON BALLOTS AT PRELIMINARY ELECTIONS IN THE CITY OF SOMERVILLE. Chap. 62

Be it enacted, etc., as follows:

Section five of chapter two hundred and eighty-one of the acts of nineteen hundred and thirty-two is hereby amended by striking out, in the ninth line, the word "forty-eight" and inserting in place thereof the word:— seventy-two,— so that the first paragraph will read as follows:— On the first day, other than a legal holiday, following the expiration of the time for filing the above described nomination papers, the board shall post in a conspicuous place in their office the names and residences of the candidates for nomination who have duly qualified as such, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, which shall be drawn by lot by the chairman of the board within seventy-two hours succeeding five o'clock in the afternoon of the last day fixed for the filing of nomination papers, and the board shall cause the ballots, which shall contain said names in their order as so drawn, and no others, with a designation of residence, and of the office and term of office, to be printed, and the ballots so printed shall be official and no others shall be used at the preliminary election. At any drawing for position on the ballot, each candidate shall have an opportunity to be present in person or by one representative. There shall be left at the end of the list of candidates for nomination for each office blank spaces equal in number to the number of persons to be nominated therefor, in which spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office, but the name of such person shall not be printed on the official ballot to be voted for at any regular or special municipal election in said city unless such person is qualified to be nominated under the provisions of section three. There shall be printed

on such ballots such directions as will aid the voter, as, for example: "vote for one", "vote for two", and the like, and the ballots shall be headed substantially as follows:—

Approved March 2, 1934.

Chap. 63

AN ACT PERMITTING TENNIS GAMES ON THE LORD'S DAY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed), 136, § 2, etc., amended.

Tennis games on the Lord's day permitted.

Section two of chapter one hundred and thirty-six of the General Laws, as most recently amended by section one of chapter one hundred and fifty of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "called" in the eighth line the words:—, or except a game of tennis,— so as to read as follows:— *Section 2.* Whoever on the Lord's day is present at a game, sport, play or public diversion, except a concert of sacred music, a public entertainment duly licensed as provided in section four or a free open air concert given by a town, or by license of the mayor or the selectmen, upon a common or public park, street or square, or except a game of golf conducted on an open air golf course other than a miniature golf course, so called, or except a game of tennis, shall be punished by a fine of not more than five dollars. Whoever on the Lord's day takes part in any game, sport, play or public diversion, except as aforesaid, shall be punished by a fine of not more than fifty dollars. This and the following section shall not apply to amusement enterprises lawfully conducted under section four A or to sports or games conducted in accordance with sections twenty-one to twenty-five, inclusive, in any city or town which accepts said sections or in accordance with sections twenty-six to thirty-two, inclusive, in any city or town in which said sections twenty-six to thirty-two are then in force.

Approved March 2, 1934.

Chap. 64

AN ACT TO INCORPORATE THE MASSACHUSETTS BENEVOLENT ASSOCIATION.

Be it enacted, etc., as follows:

Hyman Lowenberg, William Browne, Aaron Kravitz, Sam Backner, Richard Cronin, Herbert Peterson, Louis Snyder, William Hayden, their associates and successors, are hereby made a corporation by the name of the Massachusetts Benevolent Association, with the power of providing, through assessment upon its members, funds necessary to pay death benefits not exceeding in any one case three hundred dollars, and disability benefits to its members not exceeding in any one case ten dollars a week, and to furnish medical attendance to its members. The corporation shall be governed by direct vote of its members, and membership shall be limited to those who are deaf or dumb or both. The said corporation, except as otherwise provided herein, shall have all the powers, rights and privileges, and shall be subject to all the

duties, liabilities and restrictions, conferred or imposed by laws now or hereafter in force upon fraternal benefit societies designated in section forty-five of chapter one hundred and seventy-six of the General Laws, except that it may contract to pay benefits to its members without satisfying the commissioner of insurance that it has received at least five hundred bona fide applications for membership as required by said section forty-five. *Approved March 2, 1934.*

AN ACT AUTHORIZING THE TRUSTEES OF THE ESSEX COUNTY AGRICULTURAL SCHOOL TO PAY TRANSPORTATION COSTS OF CERTAIN PUPILS ATTENDING SAID SCHOOL.

Chap. 65

Be it enacted, etc., as follows:

Chapter seventy-four of the General Laws is hereby amended by inserting after section thirty-one, as appearing in the Tercentenary Edition thereof, the following new section:—*Section 31A.* The trustees of the Essex county agricultural school may, if in their judgment the circumstances warrant, and it is not otherwise provided for, pay, in whole or part, the costs of transporting any pupil who resides in a town in the county of Essex between the town and the school, and such expenditure shall be deemed to be a proper maintenance item. *Approved March 2, 1934.*

G. L. (Ter. Ed.), 74, new section 31A, added.

Trustees of Essex county agricultural school may pay transportation costs of certain pupils.

AN ACT RELATIVE TO THE TERMS OF OBLIGATIONS ISSUED UNDER THE LAWS ENABLING THE COMMONWEALTH TO SECURE CERTAIN BENEFITS PROVIDED BY THE NATIONAL INDUSTRIAL RECOVERY ACT.

Chap. 66

Whereas, The deferred operation of this act would tend to defeat its purpose to alleviate promptly conditions of widespread unemployment, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and sixty-eight of the acts of nineteen hundred and thirty-three is hereby amended to read as follows:—The maximum term of each series of bonds, notes and other forms of written acknowledgment of debt, referred to in this act as obligations, authorized under section two of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, as amended, and issued to the United States of America, shall be thirty years, but any one or more series of such obligations may be made payable within any shorter period, with the approval of the proper federal authorities.

1933, 368, amended.

Terms of certain bonds established.

The maximum term of each series of obligations, authorized under section two of said chapter, as amended, and issued otherwise than to the United States of America, for the purpose of carrying out any highway or bridge project, or both, or authorized and issued under section two A of said chapter,

as amended, in lieu of obligations issued to the United States of America for such purpose and repurchased, shall be five years.

The maximum term of all other obligations authorized and issued under said chapter, as amended, shall be ten years for each series of such obligations.

All the foregoing maximum terms are established in accordance with the recommendations made by the governor in a message to the general court, dated February thirteenth, nineteen hundred and thirty-four, in pursuance of section three of Article LXII of the amendments to the constitution.

SECTION 2. Nothing herein contained shall impair in any way any contract or contracts heretofore entered into between the commonwealth and the United States of America, under said chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, as originally enacted or as amended, or any bonds, notes or other forms of written acknowledgment of debt which have been or may hereafter be issued to the United States of America pursuant to any such contract or contracts. *Approved March 7, 1934.*

Act not to
impair certain
contracts.

Chap. 67 AN ACT GRANTING THE LAND COURT GENERAL EQUITY JURISDICTION IN CERTAIN CASES AND MATTERS INVOLVING THE TITLE TO LAND.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 185, § 1,
amended.

SECTION 1. Section one of chapter one hundred and eighty-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out paragraph (k) and inserting in place thereof the following:—

Land court
jurisdiction
extended.

(k) All cases and matters of equity cognizable under the general principles of equity jurisprudence where any right, title or interest in land is involved, except suits in equity for specific performance of contracts.

Effective
date.

SECTION 2. This act shall take effect on the first day of October in the current year. *Approved March 7, 1934.*

Chap. 68 AN ACT RELATIVE TO THE FILLING OF ANY VACANCY IN THE OFFICE OF MAYOR OF THE CITY OF BROCKTON AND TO THE PERFORMANCE OF THE DUTIES OF SUCH OFFICER BY AN ACTING MAYOR IN CERTAIN CASES.

Be it enacted, etc., as follows:

SECTION 1. If a vacancy occurs in the office of mayor of the city of Brockton before the last six months of the term of office, the board of aldermen thereof shall order an election for a mayor to serve for the unexpired term. Upon the death, resignation or absence of the mayor or his inability to perform the duties of his office, and until the vacancy resulting therefrom is filled or until the mayor is able to attend thereto, such duties shall be performed by the president of the board of aldermen, or if there is no such officer or if he also is absent

or unable for any cause to perform them, by the president of the common council, or if there is no such officer or if he also is absent or unable for any cause to perform them, by such alderman as the board of aldermen may from time to time elect. The person upon whom such duties devolve shall be called "acting mayor" and shall possess the powers of mayor only in matters not admitting of delay and shall not make permanent appointments.

SECTION 2. Section nine of chapter one hundred and ninety-two of the acts of eighteen hundred and eighty-one is hereby amended by striking out all after the word "office" in the twenty-ninth line down to and including the word "election" in the thirty-seventh line.

Approved March 7, 1934.

AN ACT PROVIDING A PENALTY FOR ACTING AS A MANAGER OF BOXERS WITHOUT A LICENSE. *Chap. 69*

Be it enacted, etc., as follows:

Chapter one hundred and forty-seven of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out section thirty-five and inserting in place thereof the following:— *Section 35.* No person shall act, except at a purely amateur match or exhibition, directly or indirectly, as physician, referee, judge, timekeeper, professional boxer or as manager, trainer or second of such a boxer, at a boxing or sparring match or exhibition unless licensed by the commission upon receipt of such classified fee, not exceeding twenty-five dollars, as the commission may fix. Whoever, without being so licensed, acts as such manager or engages in the business commonly transacted by managers of boxers shall be punished by a fine of not more than two hundred dollars. For the purposes of sections thirty-two to forty-seven, inclusive, a professional boxer is one who competes for a money prize or teaches or pursues or assists in the practice of boxing as a means of obtaining a livelihood or pecuniary gain. Physicians who desire to officiate without charge at amateur boxing or sparring matches or exhibitions shall be licensed without charge.

G. L. (Ter. Ed.), 147, § 35, amended.

Licenses for managers of boxers.

Approved March 7, 1934.

AN ACT RELATIVE TO THE CLOSE SEASON ON RACCOONS. *Chap. 70*

Be it enacted, etc., as follows:

Chapter one hundred and thirty-one of the General Laws is hereby amended by striking out section ninety-seven, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following:— *Section 97.* No person shall, except as provided in section ninety-nine, hunt or trap, or have in possession the living or dead bodies of, minks, otters, muskrats, skunks or raccoons, except that such

G. L. (Ter. Ed.), 131, § 97, amended.

Close season on raccoons.

animals, other than raccoons, may be taken by shooting or trapping between November first and March first, both dates inclusive, and that raccoons may be taken with the aid or by the use of dogs or guns between October first and January first, both dates inclusive, and by trapping between November first and January first, both dates inclusive; but not more than twenty raccoons shall be taken by one person in one open season.

Approved March 7, 1934.

- Chap.* 71 AN ACT DESIGNATING THE NEW BRIDGE TO BE CONSTRUCTED OVER THE SAUGUS RIVER BETWEEN THE POINT OF PINES IN THE CITY OF REVERE AND THE CITY OF LYNN AS THE GENERAL CLARENCE R. EDWARDS BRIDGE.

Be it enacted, etc., as follows:

The new bridge authorized to be constructed over the Saugus river between the Point of Pines in the city of Revere and the city of Lynn under the provisions of chapter two hundred and forty-one of the acts of nineteen hundred and thirty-two and chapter three hundred and forty-nine of the acts of nineteen hundred and thirty-three shall be known and designated as the General Clarence R. Edwards bridge, and a suitable tablet or marker bearing said designation shall be attached to said bridge by the department of public works upon its completion.

Approved March 7, 1934.

- Chap.* 72 AN ACT AMENDING THE LAWS RELATIVE TO THE RETIREMENT SYSTEM IN THE TOWN OF BROOKLINE.

Be it enacted, etc., as follows:

SECTION 1. Paragraph (2) of section six of chapter two hundred and ninety-nine of the acts of nineteen hundred and thirty-three is hereby amended by striking out clause (c) and inserting in place thereof the following:—

(c) An additional pension, if he has a prior service certificate in full force and effect, equal to the life annuity provided at age sixty by the accumulated contributions which would have resulted if contributions equivalent to eight per centum of his average annual regular compensation during the five fiscal years immediately preceding the date on which the retirement system becomes operative had been made during each year of his creditable prior service had the system then been in operation, provided that such prior service pension shall not exceed one half of his annual regular compensation at the date on which the retirement system becomes operative.

SECTION 2. This act shall take effect upon its acceptance by the town of Brookline by a two thirds vote of the town meeting members present and voting thereon at a limited town meeting called for the purpose within two years of the passage of this act, but not otherwise.

Approved March 8, 1934.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A FUND FOR THE INSURANCE OF SHARES IN CO-OPERATIVE BANKS.

Chap. 73

Whereas, The deferred operation of this act would tend to defeat its purpose as a temporary measure to hasten financial recovery, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The Co-operative Central Bank, established by chapter forty-five of the acts of nineteen hundred and thirty-two, hereinafter referred to as the corporation, shall in the manner herein provided establish a fund for the insurance of shares in co-operative banks established under the laws of the commonwealth, hereinafter referred to as member banks. For such purpose the directors of the corporation may, by assessments made from time to time upon the member banks in the same proportion for each, require each member bank to pay over in cash to the corporation a total of not more than one per cent of the share liabilities of such member bank as shown by its last annual report to the commissioner of banks, hereinafter referred to as the commissioner, such assessments to be in addition to all other payments to the corporation required under said chapter forty-five. An assessment under this section of one quarter of one per cent of such share liabilities shall be made within ten days after the effective date of this act, said assessment to be paid by each member bank from the proceeds of the amount of its deposit with the corporation made under section six of said chapter forty-five, reduced by any amounts withdrawn therefrom by such bank or payments made to it by the corporation under said chapter forty-five, so far as the amount of said deposit so reduced may be adequate. Other assessments not exceeding such authorized total shall be made from time to time thereafter at the direction of the commissioner. The provisions of sections six and ten of said chapter forty-five shall apply to the assessments authorized by this section. Such assessments shall be held as a fund to be known as the Share Insurance Fund. Said fund shall be invested separately from the other funds of the corporation and shall not be liable for the obligations of the corporation other than those created by or under this act. Assets of the corporation not held in the Share Insurance Fund shall not be liable for any obligations created hereby or hereunder. The cost of administering the Share Insurance Fund as determined by the directors of the corporation shall be paid therefrom.

Fund for insurance of shares in co-operative banks established.

SECTION 2. All assessments paid into the Share Insurance Fund by a member bank under section one may be carried by it as an asset to the extent authorized by the commissioner.

Assessments.

SECTION 3. The corporation may pay dividends to member banks upon the amounts paid in by them to the Share

Dividends.

Insurance Fund or upon the unexpended portion thereof at such rate and at such times as the directors of the corporation may determine. Said fund may be invested by the corporation only in such manner as reserves are required to be carried as provided in subsections *a*, *b*, *c*, and *d* of section forty-seven of chapter one hundred and seventy of the General Laws, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three. The corporation may by vote of its directors borrow money for the purposes of the Share Insurance Fund and pledge any assets in which such fund is invested as security for such loans. In case of the voluntary liquidation of any member bank under section twenty-two of chapter one hundred and sixty-seven of the General Laws, the corporation shall return the unexpended portion, as determined by its directors, of all assessments paid by such bank into said fund; provided, that such directors are satisfied that such bank has paid or will be able to pay its shareholders in full. In case of the merger or consolidation of two or more member banks under the provisions of section fifty of said chapter one hundred and seventy, as so appearing, the unexpended portion as aforesaid of the assessments paid by such banks into said fund shall be readjusted on the basis of the assessment liability of the continuing bank and the excess, if any, shall be repaid to it.

Possession of
banks.
Commissioner
of banks,
duties.

SECTION 4. Whenever it shall appear to the commissioner that any member bank is in an unsound or unsafe condition to transact the business for which it is organized, or that it is unsafe and inexpedient for it to continue to transact such business, he may so certify to the corporation, and upon receipt of such certificate the corporation shall, by notice in writing to the commissioner and to the bank, take possession and control forthwith of the property and business of such bank and shall operate such bank subject to such rules and regulations as the commissioner may impose until the bank shall resume business or until its affairs shall finally be liquidated. The corporation may, while thus carrying on such business, pay to such bank out of the Share Insurance Fund such sums as the corporation's directors deem necessary for the protection of the bank's shareholders, and may order the same to be repaid when no longer required for that purpose, or may purchase assets from said bank to effect the purposes of this act on such terms and conditions and at such valuations as the directors, with the approval of the commissioner, may determine.

Control, etc.,
of banks by
corporation.

SECTION 5. At any time after the corporation has taken over the control, possession and operation of any member bank as provided in section four, it may with the approval of the commissioner turn back the control, possession and operation thereof to such member bank which may resume business free from any control by the corporation acquired under section four, subject to such conditions as the commissioner may approve. The corporation shall not thus turn back the control, possession and operation of any bank until

there has been repaid into the Share Insurance Fund all sums paid out by it from such fund to such bank or its shareholders or until it has received security for such repayment satisfactory to the directors of the corporation.

SECTION 6. The corporation, with the approval of the commissioner, may and at the request of the commissioner shall, at any time after it has taken over the control, possession and operation of any member bank under section four, discontinue the business of such bank and proceed to liquidate its affairs. The corporation shall in such event pay to the shareholders of such bank the full amount of their shares at the date of the discontinuance of the business of the bank with interest from the last dividend date to the date of discontinuance at such rate, not exceeding three per cent per annum, as the directors of the corporation shall determine, such payments to be made within five years from such discontinuance and at such times and in such instalments as the said directors with the approval of the commissioner shall determine. For such purpose the corporation shall use, in addition to the assets of the bank, such sums as may be required from the Share Insurance Fund. In case of liquidation the corporation shall be subject to such orders, rules and regulations as may be prescribed from time to time by the commissioner. The corporation shall collect all debts due and claims belonging to such bank, and with the approval of the commissioner may sell or compound all bad or doubtful debts, and with like approval may sell all or any part of the real or personal property of the bank on such terms as the commissioner may approve. To execute and perform the powers and duties conferred upon the corporation, it may in the name of any such bank prosecute and defend all suits and other legal proceedings and may in the name of the bank execute, acknowledge and deliver all deeds, assignments, leases and other instruments necessary and proper to effectuate any sale of real or personal property or any compromise approved by the commissioner, and any deed or other instrument executed pursuant to the authority hereby given shall be valid and effectual for all purposes to the same extent as though executed by the officers of the bank by authority of its board of directors. The compensation of employees, counsel, and other assistants employed by the directors of the corporation to liquidate the affairs of any member bank under this section, and all expenses incurred in connection with the liquidation of any such bank, shall be fixed, subject to the control of the commissioner, by the directors of the corporation. The officers of the corporation and any other persons employed by its directors to liquidate the affairs of any member bank under this section shall give bond to the directors of the corporation for the faithful performance of their duties in relation to such liquidation in such amount and with such surety or sureties as the commissioner may approve. The persons appointed for the purpose of liquidating the affairs of any such bank shall be subject to all the penal-

Liquidation
of banks in
possession.

ties to which agents appointed by the commissioner for the purpose of liquidating the affairs of a bank are now or may hereafter be subject. All accounts for which no claimant can be found after six years following the discontinuance of the business of any such bank shall, if no other provisions to care for said claim have been made, be turned over to the state treasurer and be held by him subject to be reclaimed in the manner provided in section forty-three of chapter one hundred and sixty-eight of the General Laws.

Corporation in control to have powers, etc.

SECTION 7. For the purpose of carrying out the provisions of this act the corporation may exercise all the powers, rights and franchises of any bank the control, possession and operation of which has been taken over by it under this act.

Rules and regulations.

SECTION 8. The directors of the corporation may make such rules and regulations, subject to the approval of the commissioner, as they may deem necessary in order to carry out the provisions of this act, and for such purposes the commissioner may confer and advise with the directors and furnish them such information as they request.

Dissolution of fund.

SECTION 9. Upon the enactment of any legislation by the general court authorizing co-operative banks to join in any federal plan of guaranty of shares, the corporation may, by a vote of four fifths of all the members of the corporation at a meeting duly called and held for this special purpose, dissolve the fund prior to the termination of the life of the corporation as provided in section one of said chapter forty-five; and, if it be so voted to dissolve, the corporation shall proceed to liquidate the Share Insurance Fund and to distribute the proceeds to the member banks as speedily as may be. It may also, in the same manner and by a similar vote, dissolve and liquidate such fund prior to such termination whenever it shall determine that the fund is no longer needed for the protection of the shareholders in the member co-operative banks. Upon any such dissolution and liquidation, and upon the termination as aforesaid of the life of the corporation, the corporation shall proceed to distribute the proceeds of the fund, after the payment of all expenses and obligations of the fund, to the member banks in proportion to the assessments paid by them thereinto.

Certain laws not to apply.

SECTION 10. During such time as the Share Insurance Fund is insuring the shares in any member bank under the provisions of this act, sections twenty-two to thirty-six, inclusive, of chapter one hundred and sixty-seven of the General Laws shall not, except as herein provided, apply to such member bank.

Approved March 9, 1934.

Chap. 74 AN ACT INCREASING TEMPORARILY THE AMOUNT OF WAGES EXEMPT FROM ATTACHMENT BY TRUSTEE PROCESS ON CLAIMS FOR NECESSARIES FURNISHED TO A DEFENDANT OR TO HIS FAMILY.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an

emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. If wages for personal labor and services of a defendant are attached by trustee process on a claim for necessaries furnished to him or to his family and the writ contains a statement to that effect, an amount not exceeding fifteen dollars shall be reserved in the hands of the trustee and shall be exempt from such attachment, the provisions of section twenty-eight of chapter two hundred and forty-six of the General Laws to the contrary notwithstanding.

SECTION 2. This act shall apply only to attachments by trustee process made within two years from its effective date.

Approved March 9, 1934.

AN ACT PROVIDING FOR THE ELECTION BY THE INHABITANTS OF THE TOWN OF HINGHAM OF TRUSTEES OF A CERTAIN PUBLIC TRUST AND AUTHORIZING SAID TOWN TO APPROPRIATE MONEY FOR THE PURPOSES OF SAID TRUST.

Chap. 75

Be it enacted, etc., as follows.

SECTION 1. The inhabitants of the town of Hingham may, at a town meeting, elect for indeterminate tenure a board of three trustees and, as vacancies occur in said board, may in like manner elect succeeding trustees for like tenure, such trustees, to hold title to, and manage and improve as a park, bathing beach or playground for the benefit of the inhabitants of said town, but subject to the restrictions set forth in the deed hereinafter described, the land in said town, with the buildings thereon, now or heretofore held by the corporation known as Hingham Village Improvement Society, Incorporated (which was dissolved by chapter one hundred and forty-eight of the acts of nineteen hundred and thirty-three), under deed of Louis C. Cornish to it, said deed being dated November twenty-first, nineteen hundred and sixteen, and filed with Plymouth county registry district of the land court as document nine hundred and thirty-six, and providing that upon the dissolution of said corporation such real estate should be conveyed to such trustees and be held, managed and improved by them as aforesaid.

SECTION 2. Such trustees shall, in the performance of their trust, be in all respects officers of said town as fully as though their powers and duties were prescribed by statute; and said town may from time to time appropriate money to be expended by said trustees for any purpose permitted by said trust deed, including the erection of buildings on said land.

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

Approved March 9, 1934.

Chap. 76 AN ACT SUBJECTING THE OFFICES OF JANITORS OF CERTAIN MUNICIPAL BUILDINGS IN THE TOWN OF METHUEN TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. Upon the date of passage of this act, the offices of janitors of municipal buildings in the town of Methuen not then subject to the civil service laws and rules and regulations shall become subject thereto, and the tenure of office of the incumbents thereof shall be unlimited, except that they may be removed in accordance with such laws and rules and regulations; but the persons holding said offices on said date may continue therein without taking a civil service examination.

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

Approved March 9, 1934.

Chap. 77 AN ACT TO PROVIDE FOR REVOCATION OF LICENSES GRANTED TO TRANSIENT VENDORS AND RELATIVE TO RETURNS OF CERTAIN CONVICTIONS TO THE DIRECTOR OF STANDARDS.

Be it enacted, etc., as follows:

Section thirty of chapter one hundred and one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the first and second lines, the words "to a hawker or pedler" and inserting in place thereof the words:— under this chapter,— and by striking out, in the eleventh line, the words "relative to hawkers and pedlers",— so as to read as follows:— *Section 30.* Any license granted by the director under this chapter may be revoked by him upon conviction of the licensee of any crime which in the judgment of the director warrants such revocation, or upon the submission to the director of evidence satisfactory to him that, during the term of the license, the licensee has accepted or solicited money otherwise than through the bona fide sale or barter of goods, wares or merchandise or has violated any provision of section ten A of chapter two hundred and sixty-four, or has in any manner begged or solicited alms from the public, or for any other sufficient cause. Whenever any person is convicted of a violation of any provision of this chapter, or a person holding such a license is convicted of any crime, the clerk of the court in which, or the trial justice by whom, such person was convicted shall notify the director.

Approved March 9, 1934.

G. L. (Ter.
Ed.), 101,
§ 30,
amended.

Licenses of
transient
vendors, etc.,
revocation of.

AN ACT RELATIVE TO CONTRACTS FOR SUPPLYING HOSPITAL
FACILITIES TO PERSONS SUFFERING FROM TUBERCULOSIS IN
THE TUBERCULOSIS HOSPITAL DISTRICT COMPRISING CHELSEA,
REVERE AND WINTHROP. *Chap. 78*

Be it enacted, etc., as follows:

SECTION 1. From and after June thirtieth, nineteen hundred and thirty-four, the department of public health may arrange for the admission, care and treatment, for such periods as it may from time to time determine, at any institution within the commonwealth, approved by the department, of persons suffering from pulmonary tuberculosis who are residents of any of the municipalities comprising the tuberculosis hospital district of Chelsea, Revere and Winthrop, and such arrangements shall be deemed to be satisfactory compliance with the provisions of sections seventy-eight to ninety, inclusive, of chapter one hundred and eleven of the General Laws, requiring adequate hospital care for such persons; provided, that arrangements made hereunder shall not be discontinued except after one year's written notice by the department to said district.

SECTION 2. The provisions of sections eighty-eight and ninety of said chapter one hundred and eleven shall apply to all persons admitted to any institution under authority of section one, except that the application for any such admission shall be made or approved by the board of health of the city or town in which such person resides, and that the charge for the support of any such person shall in the first instance be paid by the trustees of said hospital district. The said trustees may provide sums necessary to carry out the provisions of section one, by borrowing the same on the credit of the district, and issue therefor notes of the district, payable in not more than eighteen months from their respective dates of issue, from the reimbursements received from the municipalities of the district as hereinafter provided. They shall annually in January determine the total amount already expended or due from the district under section one during the previous year, and shall apportion the same to and may collect the same from the several municipalities liable in like manner as the cost of maintenance of hospitals is apportioned and collected under section eighty-five of said chapter one hundred and eleven, and the same shall be applied to the payment of the temporary debt incurred by said district.

Approved March 9, 1934.

AN ACT FURTHER MODIFYING THE REQUIREMENTS FOR MAKING
CERTAIN RAILROAD BONDS LEGAL INVESTMENTS FOR SAV-
INGS BANKS, INSTITUTIONS FOR SAVINGS AND TRUST COM-
PANIES IN THEIR SAVINGS DEPARTMENTS. *Chap. 79*

Whereas, The deferred operation of this act would tend to
defeat its purpose, therefore it is hereby declared to be an
Emergency
preamble.

emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

1933, 111,
amended.

Temporary
act relative to
legal invest-
ments for
savings banks,
etc.

Chapter one hundred and eleven of the acts of nineteen hundred and thirty-three is hereby amended by striking out, in the fifth line, the words "and nineteen hundred and thirty-two" and inserting in place thereof the words: —, nineteen hundred and thirty-two and nineteen hundred and thirty-three or any one or more of them,— by striking out, in the sixth and seventh lines, the words "of such years or either of them" and inserting in place thereof the word: — thereof, — by striking out, in the twelfth, fifteenth, eighteenth and nineteenth lines, the word "thirty-four" and inserting in place thereof, in each instance, the word: — thirty-five,— and by striking out, in the nineteenth line, the word "or" the last time it appears in said line, and inserting in place thereof the word: — of,— so as to read as follows: — Wherever in clauses third and sixteenth of section fifty-four of chapter one hundred and sixty-eight of the General Laws a number of fiscal years is mentioned, the fiscal years beginning in the years nineteen hundred and thirty-one, nineteen hundred and thirty-two and nineteen hundred and thirty-three or any one or more of them shall be excluded from the count if the inclusion thereof would render the security of any railroad ineligible for investment, and all railroad securities which were eligible for investment by savings banks on January first, nineteen hundred and thirty-one, or have become eligible for such investment since that date or shall hereafter, prior to April first, nineteen hundred and thirty-five, become eligible for such investment, shall continue to be eligible for such investment until April first, nineteen hundred and thirty-five; provided, however, that the securities of a railroad company which has defaulted during the year nineteen hundred and thirty-one or which shall have defaulted prior to April first, nineteen hundred and thirty-five, in the payment of matured principal or interest of any of its mortgage or funded indebtedness shall not be eligible for such investment.

Approved March 13, 1934.

Chap. 80 AN ACT AUTHORIZING THE TOWN OF NATICK TO BUILD A DAM ACROSS THE CHARLES RIVER AT SOUTH NATICK AND APPROPRIATE AND BORROW MONEY FOR THE SAME.

Be it enacted, etc., as follows:

SECTION 1. The town of Natick is hereby authorized to build, and thereafter to maintain, a dam and appurtenant structures across the Charles river at South Natick at or near the site of the former dam and of any height not higher than said former dam and to acquire by eminent domain under chapter seventy-nine of the General Laws, or by purchase or otherwise, such property rights as may assure it the

right to build and permanently to maintain said new dam, and is hereby authorized to appropriate money for any and all such purposes; provided, that nothing herein contained shall authorize the drawing of water below the level of the top of said new dam during the months of June, July, August and September in any year except for the purpose of making needed repairs thereto, all as provided in respect of said former dam, by chapter five hundred and twenty-nine of the acts of nineteen hundred and one, as amended by chapter two hundred and seventeen of the acts of nineteen hundred and two.

SECTION 2. For the purpose of meeting expenditures authorized under this act, the said town may borrow, from time to time within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Natick Charles River Dam Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five years from their dates. Indebtedness incurred by said town under this act shall be in excess of the statutory limit but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

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

Approved March 13, 1934.

AN ACT AUTHORIZING THE TOWN OF NANTUCKET TO APPROPRIATE MONEY TO PROVIDE FACILITIES FOR HOLDING IN SAID TOWN DURING THE CURRENT YEAR THE STATE CONVENTION OF THE UNITED SPANISH WAR VETERANS.

Chap. 81

Be it enacted, etc., as follows:

SECTION 1. The town of Nantucket may appropriate a sum, not exceeding three thousand dollars, for the purpose of providing proper facilities for public entertainment at the time of the state convention of the United Spanish War Veterans, to be held in said town during the current year, and of paying expenses incidental to such entertainment. Money so appropriated shall be expended under the direction of the selectmen of said town.

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

Approved March 13, 1934.

AN ACT EXTENDING THE TIME DURING WHICH THE MILLVILLE MUNICIPAL FINANCE COMMISSION MAY REQUEST THE COUNTY COMMISSIONERS OF WORCESTER COUNTY TO APPORTION THE OUTSTANDING ASSESSMENT ON ACCOUNT OF THE WORCESTER COUNTY TUBERCULOSIS HOSPITAL.

Chap. 82

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter three hundred and forty-one of the acts of nineteen hundred and thirty-three is hereby amended by striking out, in the tenth and eleventh

lines, the words "fifteenth in the current year" and inserting in place thereof the following: — first, nineteen hundred and thirty-four,— so as to read as follows:— *Section 3.* The commission may file with the county commissioners of Worcester county a request that the outstanding assessment on account of the Worcester County Tuberculosis hospital be apportioned over a period not to exceed fifteen years and the county commissioners may borrow on the credit of the county to fund the temporary loan now outstanding, as provided in chapter one hundred and eleven of the acts of nineteen hundred and thirty-two. Such request, if filed with said county commissioners on or before August first, nineteen hundred and thirty-four, shall have the same effect as a like vote of the town under section two of said chapter one hundred and eleven would have had if filed with said county commissioners within the time limited therein.

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

Approved March 13, 1934.

Chap. 83 AN ACT REMOVING UNNECESSARY RESTRICTIONS ON THE GRANTING OF LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES IN CERTAIN CITIES AND TOWNS.

Emergency preamble.

Whereas, The deferred operation of this act would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 138, § 17, amended.

Section seventeen of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by striking out the last paragraph and inserting in place thereof the following:—

Removal of restrictions relative to tavern licenses.

In order that there may be an adequate number of taverns prior to January first, nineteen hundred and thirty-five, where authorized, not more than seventy-five per cent of the maximum number of licenses under sections twelve and fifteen prescribed for any city or town, except Boston, and not more than seventy per cent of the maximum number of licenses under section twelve prescribed for the city of Boston, shall be granted therein prior to April sixteenth, nineteen hundred and thirty-four, in case the question of granting tavern licenses has not been submitted to the voters of such city or town under section eleven A, or, if such question has been so submitted, prior to the final determination of the vote in any city or town which votes under said section eleven A against the granting of such licenses or prior to the expiration of thirty days after the election in any city or town which votes in favor of granting such licenses. The foregoing restrictions shall not apply to towns having a population of one thousand or less.

Approved March 13, 1934.

AN ACT RELATIVE TO THE REINSTATEMENT IN THE CLASSIFIED CIVIL SERVICE OF CERTAIN MUNICIPAL OFFICERS AND EMPLOYEES. Chap. 84

Be it enacted, etc., as follows:

Section forty-six C of chapter thirty-one of the General Laws, inserted by chapter three hundred and twenty of the acts of nineteen hundred and thirty-three, is hereby amended by striking out all after the word "him" in the tenth line,— so as to read as follows: — *Section 46C.* An officer or employee of a city or town who has become separated from the classified civil service by suspension, discharge or for any other cause except inability to work on account of sickness shall, within thirty days after the filing of a written request by the appointing officer, be entitled to a hearing before the commissioner. Upon good cause shown the commissioner may authorize his reinstatement in the same position or in a position in the same class and grade as that formerly held by him.

G. L. (Ter. Ed.), 31, § 46 C, amended.

Reinstatement of certain municipal officers, etc.

Approved March 13, 1934.

AN ACT RELATIVE TO THE DISPOSAL OF THE PROCEEDS OF SALES OF LOTS OR BURIAL RIGHTS IN CEMETERIES. Chap. 85

Be it enacted, etc., as follows:

SECTION 1. Section twenty-five of chapter one hundred and fourteen of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out after the word "and" in the tenth line the words "shall be subject to said orders", and inserting in place thereof the words: — be appropriated to reimburse the town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery,— so as to read as follows: — *Section 25.* A town in which cemetery commissioners are chosen may receive gifts or bequests for maintaining cemeteries or cemetery lots, which shall be paid into the town treasury and, with the accounts thereof, shall be kept separate from the other money and accounts of said town. The town treasurer shall invest all such funds in accordance with the stipulations, if any, accompanying them; otherwise he shall invest them as ordered by the selectmen and said commissioners and pay the income therefrom upon their order or with their approval. The proceeds of sales of lots or rights of burial in such cemeteries shall be paid into the town treasury and be appropriated to reimburse the town for the cost of the land, its care, improvement and embellishment, or the enlargement of the cemetery.

G. L. (Ter. Ed.), 114, § 25, amended.

Cemeteries, sale of lots in.

SECTION 2. This act shall not become effective in any city or town until after the expiration of the current financial year thereof.

Effective date.

Approved March 13, 1934.

Chap. 86 AN ACT SUBJECTING TO THE CIVIL SERVICE LAWS CERTAIN PERSONS EMPLOYED BY THE POLICE COMMISSIONER FOR THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and ninety-one of the acts of nineteen hundred and six is hereby amended by striking out section eight, as most recently amended by chapter eight of the acts of nineteen hundred and twenty, and inserting in place thereof the following:— *Section 8.* The annual salary of the police commissioner shall be eight thousand dollars, and of the secretary an amount which shall be fixed by the police commissioner with the approval of the governor and council, which shall be paid in monthly instalments by the city of Boston. Subject to the approval of the governor and council, the police commissioner shall be provided with such rooms, which shall be suitably furnished, as shall be convenient and suitable for the performance of his duties, the expense of which shall be paid by the city of Boston.

The city of Boston shall provide all such accommodations for the police of said city as said police commissioner may require. All buildings and property used by said police shall be under control of said police commissioner.

Said police commissioner may employ such clerks, stenographers and other employees as he may deem necessary for the proper performance of the duties of his office. All persons employed under this section shall be subject to chapter thirty-one of the General Laws.

All expenses for the maintenance of buildings, the pay of the police, clerks, stenographers and other employees, and all incidental expenses incurred in the performance of the duties of said commissioner or in the administration of said police shall be paid by the city of Boston upon the requisition of said police commissioner.

SECTION 2. Persons holding office under section one on the effective date of this act shall become classified under chapter thirty-one of the General Laws without taking a civil service examination.

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

Approved March 14, 1934.

Chap. 87 AN ACT AUTHORIZING THE COUNTY OF DUKES COUNTY TO RECEIVE, HOLD AND MANAGE "THE JAMES P. CAHEN MEDICAL FUND".

Be it enacted, etc., as follows:

SECTION 1. The county of Dukes County, by its county commissioners, may receive, hold and manage a fund, to be known as "The James P. Cahen Medical Fund", established for the purpose of providing free medical and surgical aid for

residents of the said county by an indenture executed by James P. Cahen of the city, county and state of New York and by the said county commissioners, dated September twenty-ninth, nineteen hundred and twenty-three. The said county commissioners shall exercise said powers in conformity with the terms of said indenture. The moneys in said fund shall be placed at interest in savings banks, co-operative banks or trust companies incorporated under the laws of the commonwealth, or in savings departments of national banks, or invested in securities which are legal investments for savings banks. The county treasurer of said county of Dukes County shall be the custodian of such fund and securities, and shall invest and reinvest the same and expend therefrom moneys as directed by the said county commissioners under the terms of said indenture. All action taken by said county commissioners and said county treasurer, relative to said fund on and after September twenty-ninth, nineteen hundred and twenty-three, not inconsistent with the terms of said indenture and not otherwise contrary to law, is hereby validated and confirmed, to the same extent as if this act had been in effect at the time of such action.

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

Approved March 14, 1934.

AN ACT PROVIDING RETIREMENT ALLOWANCES BASED ON ANNUITY AND PENSION CONTRIBUTIONS FOR EMPLOYEES OF THE CITY OF MEDFORD. *Chap. 88*

Be it enacted, etc., as follows:

SECTION 1. The purpose of this act is to improve the efficiency of the public service of the city of Medford, hereinafter called the city, by the retirement of disabled or superannuated employees.

DEFINITIONS.

SECTION 2. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings:—

(1) "Retirement system", the arrangement provided in this act for the retirement of, and payment of retirement allowances to, employees as defined in paragraph (2) of this section.

(2) "Employee", any person who is regularly employed in the service of, and whose salary or compensation is paid by, the city, except employees who hold office by popular election, who are not members at the time of their election, and teachers in the public schools as defined by section six of chapter thirty-two of the General Laws. In all cases of doubt the retirement board shall decide who is an employee within the meaning of this act.

(3) "Member", any employee included in the retirement system as provided in section four of this act.

(4) "Retirement board", the board provided in section fourteen of this act to administer the retirement system.

(5) "Service", service as an employee as described in paragraph (2) of this section and paid for by the city of Medford.

(6) "Prior service", service rendered prior to the date the retirement system becomes first operative, for which credit is allowable under the provisions of section five of this act.

(7) "Membership service", service as an employee rendered since last becoming a member.

(8) "Creditable service", "prior service" plus "membership service", for which credit is allowable as provided in section five of this act.

(9) "Beneficiary", any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this act.

(10) "Regular interest", interest at four per centum per annum, compounded annually; provided, that if the actual net interest earned on the reserves of the retirement system be less than four per centum, the rate may be reduced to not less than three per centum per annum after the retirement board has given the members ninety days' notice of a proposed reduction in rate; and provided, further, that such reduction shall not affect any payments or credits made prior to the date of the change in rate.

(11) "Accumulated deductions", the sum of all the amounts deducted from the compensation of a member and standing to his credit in the annuity savings fund, together with regular interest thereon.

(12) "Annuity", annual payments for life derived from the accumulated deductions of a member. All annuities shall be paid in monthly instalments.

(13) "Pension", annual payments for life derived from contributions made by the city. All pensions shall be paid in monthly instalments.

(14) "Retirement allowance", the sum of the "annuity" and the "pension".

(15) "Regular compensation", the annual compensation determined by the head of the department for the individual service of each employee in that department and the compensation determined by duly constituted authority for appointed officers of the city, exclusive of bonus or overtime payments.

(16) "Annuity reserve", the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

(17) "Pension reserve", the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

(18) "Actuarial equivalent", a benefit of equal value

when computed upon the basis of such mortality tables as shall be approved by the retirement board and regular interest.

NAME AND DATE SYSTEM IS FIRST OPERATIVE.

SECTION 3. A retirement system is hereby established and placed under the management of the retirement board for the purpose of providing retirement allowances under the provisions of this act for employees of, or employees paid by, the city. The retirement system so created shall have the powers and privileges of a corporation and shall be known as the "Medford Retirement System", and by such name all of its business shall be transacted, all of its funds invested, all warrants for money drawn and payments made, and all of its cash and securities and other property held. The retirement system so created shall begin operation upon the first day of January, nineteen hundred and thirty-five.

MEMBERSHIP.

SECTION 4. (1) The membership of the retirement system shall be constituted as follows: —

(a) All persons who become employees and, except as otherwise provided in the last sentence of subsection (2) of section nine, all employees who enter or re-enter the service of the city on or after the date the retirement system becomes operative may become members of the retirement system on their own application, and all such employees who shall complete one year of service thereafter and disability beneficiaries restored to active service to whom the provisions of subsection (3) of said section nine apply shall become members of the retirement system, and after becoming members as above provided shall receive no pension or retirement allowance from any other pension or retirement system supported wholly or in part by the city, nor shall they be required to make contributions to any other pension or retirement system of the city, anything to the contrary in this or any other special or general law notwithstanding.

(b) All persons who are employees on the date when this retirement system becomes operative and who are not then covered by any other pension or retirement law of the commonwealth shall become members as of the first day this retirement system becomes operative, unless on or before a date not more than sixty days thereafter, to be set by the retirement board, any such employee shall file with the retirement board on a form prescribed by the board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

(c) An employee who is covered by any other pension or retirement law of the commonwealth, including a special law accepted by, and applicable to employees of, the city on

the date when this retirement system becomes operative shall not be considered to have become a member of this retirement system unless said employee shall then or thereafter make written application to join this system and shall therein waive and renounce all benefits of any other pension or retirement system supported wholly by the city, but no such employee shall receive credit for prior service unless he make such application for membership within one year from the date this retirement system becomes operative.

(2) An employee whose membership in the retirement system is contingent on his own election and who elects not to become a member may thereafter apply for and be admitted to membership; but no such employee shall receive prior service credit unless he becomes a member within one year from the date this retirement system becomes operative.

(3) The retirement board may deny the right to become members to any class of officials appointed for fixed terms, or to any class of part-time employees, or it may, in its discretion, make optional with persons in any such class their individual entrance into membership.

(4) It shall be the duty of the head of each department to submit to the retirement board a statement showing the name, title, compensation, duties, date of birth and length of service of each member of his department, and such information regarding other employees therein as the retirement board may require. The retirement board shall then place each member in one of the following groups: —

Group 1. — General employees, including clerical, administrative and technical workers, laborers, mechanics and all others not otherwise classified;

Group 2. — Members of the police department and the fire department of the city;

Or in any other group of not less than two hundred and fifty persons which may be hereafter recommended by the actuary on the basis of service and mortality experience, and approved by the retirement board to cover all or part of any group or groups previously created or any additional classes of employees. When the duties of a member so require, the retirement board may reclassify him in and transfer him to another group.

(5) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should any member withdraw his accumulated deductions or become a beneficiary hereunder or die, he shall thereupon cease to be a member.

CREDITABLE SERVICE.

SECTION 5. (1) Under such rules and regulations as the retirement board shall adopt, each person becoming a member within one year from the date he first becomes eligible to membership who was in service at the time the system became operative, or who re-entered the service within five years after

rendering service prior to the time the system became operative shall file a detailed statement of all service as an employee rendered by him prior to the day on which the system first became operative for which he claims credit, and of such facts as the retirement board may require for the proper operation of the system.

(2) The retirement board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the retirement board allow credit as service for any period of more than one month's duration during which the employee was absent without pay.

(3) Subject to the above restrictions and to such other rules and regulations as the retirement board may adopt, the retirement board shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed, and shall certify as creditable all or such part of the service claimed as may be allowable.

In lieu of a determination of the actual compensation of the member that was received during such period of prior service, the retirement board shall use for the purposes of this act the compensation rates which, if they had progressed in accordance with the rates of salary increase shown in the tables as prescribed in paragraph (10) of section fourteen of this act, would have resulted in the same average salary of the member for the five years immediately preceding the date this system became operative as the records show the member actually received.

(4) Upon verification of the statements of service the retirement board shall issue prior service certificates certifying to each member entitled to credit for prior service the length of service rendered prior to the date the retirement system first became operative, with which he is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall for retirement purposes be final and conclusive as to such service; provided, that any member may, within one year from the date of issuance or modification of such certificate, request the retirement board to modify or correct his prior service certificate.

When membership ceases such prior service certificates shall become void. Should the employee again become a member, such employee shall enter the system as an employee not entitled to prior service credit except as provided in subsection three of section nine.

(5) Creditable service at retirement shall consist of the membership service rendered by the member since he last became a member and also, if he has a prior service certificate which is in full force and effect, the amount of service certified on his prior service certificate.

SERVICE RETIREMENT.

Conditions for Allowance.

SECTION 6. (1) Any member in service who shall have attained age sixty shall, either upon his own written application or that of the head of his department, be retired for superannuation not less than thirty nor more than ninety days after the filing of such application. A member whose retirement is applied for by the head of his department shall be entitled to a notice of such application and to a hearing before the retirement board, provided he requests such hearing in writing within ten days of the receipt of such notice; and unless the retirement board finds on hearing, that the member is able to properly perform his duties and files a copy of its findings with the head of his department, the retirement shall become effective thirty days from the time of the filing of such finding.

Any member in service who shall have attained age seventy shall be retired for superannuation not less than thirty nor more than ninety days after attaining such age, or after this system becomes operative, if such age was attained prior thereto; provided, however, that an employee who has attained age seventy when this act becomes operative may at his own request, with the approval of the retirement board be continued in the service for a period not to exceed two years.

Amount of Allowance.

(2) Upon retirement for superannuation a member of the retirement system shall receive a retirement allowance consisting of —

(a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement, and

(b) A pension equal to the annuity allowable at age sixty, computed on the basis of contributions made prior to the attainment of age sixty, and

(c) If he has a prior service certificate in full force and effect an additional pension which is the actuarial equivalent of twice the pension which would have been payable on account of the accumulated deductions which would have resulted from contributions made during the period of his creditable prior service rendered both before and after age sixty had the system then been in operation.

The total pension of any member payable under the provisions of this section shall not, however, exceed one half of his average annual regular compensation during the five years immediately preceding his retirement, nor shall the total pension of any member who has fifteen or more years of total creditable service be less than an amount which, added to his annuity, shall make his total retirement allowance equal to four hundred and eighty dollars per annum.

ORDINARY DISABILITY RETIREMENT.

Conditions for Allowance.

SECTION 7. (1) Upon the application of a member in service or of the head of his department, any member who has had twenty or more years of creditable service may be retired by the retirement board, not less than thirty and not more than ninety days next following the date of filing such application, on an ordinary disability retirement allowance; provided, that the city physician, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

Amount of Allowance.

(2) Upon retirement for ordinary disability a member shall receive a service retirement allowance if he has attained age sixty; otherwise he shall receive an ordinary disability retirement allowance consisting of —

(a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement, and

(b) A pension of ninety per centum of the pension that would have been provided by the city for the member had he remained without further change of compensation in the service of the city until he reached age sixty and then retired.

ACCIDENTAL DISABILITY RETIREMENT.

Conditions for Allowance.

SECTION 8. (1) Upon application of a member in service, or of the head of his department, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring in the performance and within the scope of his duty at some definite time and place, without wilful negligence on his part, shall be retired not less than thirty nor more than ninety days following the date of filing of such application; provided, that the city physician, after an examination of such member, shall report that said member is physically or mentally incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that said member should be retired, and the retirement board shall concur in such report and find that the physical or mental incapacity is the natural and proximate result of such an accident and that such disability is not the result of wilful negligence on the part of said member and that said member should be retired.

Amount of Allowance.

(2) Upon retirement for accidental disability a member shall receive a service retirement allowance if he has attained age sixty; otherwise he shall receive an accidental disability retirement allowance consisting of —

- (a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement, and
- (b) A pension equal to one half of the average rate of his regular annual compensation for the year immediately preceding the date of the accident.

RE-EXAMINATION OF BENEFICIARIES RETIRED
ON ACCOUNT OF DISABILITY.

SECTION 9. (1) Once each year during the first five years following retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the retirement board may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination by the city physician or a physician or physicians designated by the retirement board and approved by the mayor, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not yet attained the age of sixty refuse to submit to at least one medical examination in any such period of one or three years, as the case may be, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for a year, all his rights in and to his pension shall be revoked by the retirement board.

(2) Should such physician or physicians report and certify to the retirement board that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his final regular compensation, and should the retirement board concur in such report, then, the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his final regular compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor shall it exceed an amount, which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his final regular compensation. A beneficiary restored to active service at a salary less than the final regular compensation upon the basis of which he was retired shall not become a member of the retirement system.

(3) Should a disability beneficiary be restored to active service at a compensation not less than his final regular compensation, his retirement allowance shall cease and he shall again become a member of the retirement system. Any prior service certificate and any membership service on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect but upon his subsequent retirement he shall be entitled to his original pension and, in addition, to such pension as may have accrued to him as a new member on account of service after his return to service; provided, that the total pension on his subsequent retirement

shall not exceed the rate per centum of the pension he would have received had he remained in service during the period of his prior retirement. In addition he shall receive the annuity which is the actuarial equivalent of his accumulated deductions.

RETURN OF ACCUMULATED DEDUCTIONS.

SECTION 10. (1) Within sixty days after the filing with the retirement board of a request therefor, any member who shall have ceased to be an employee by resignation or discharge or for any reason other than death or retirement shall be paid the amount of his accumulated deductions.

(2) Should a member die, his accumulated deductions shall be paid to his designated beneficiary, if living, otherwise to his legal representative; provided, that if the sum so due does not exceed three hundred dollars, and there has been no demand therefor by a duly appointed executor or administrator, payment may be made, after the expiration of three months from the date of death of such member, to the persons appearing, in the judgment of the retirement board, to be entitled thereto, and such payment shall be a bar to recovery by any other person.

ACCIDENTAL DEATH BENEFIT.

SECTION 11. If, upon receipt by the retirement board of proper proofs of the death of a member, the retirement board shall decide that such death was the natural and proximate result of an accident occurring not more than one year prior to the date of death at some definite time and place while the member was in actual performance and within the scope of his duty, and not the result of wilful negligence on his part, and if the deceased member is survived by any of the dependents enumerated below, there shall be paid, in addition to accumulated deductions under subsection (2) of section ten, an accidental death benefit consisting of a pension equal to one half the average regular annual compensation received by the deceased member for the year preceding the date of the accident, said pension to be paid —

(a) To the surviving husband or wife of the deceased member so long as he or she lives and remains unmarried; or

(b) If there be no surviving husband or wife or if the surviving husband or wife dies or remarries before every child of such deceased member shall have attained the age of eighteen years, then to his child or children under such age, divided in such manner as the retirement board in its discretion shall determine to continue as a joint and survivor pension until every such child dies or attains the age of eighteen years; or

(c) If there be no husband or wife or child under the age of eighteen years surviving such deceased member, then to either his or her dependent father or dependent mother, as the retirement board in its discretion shall determine, to continue for life or until remarriage.

OPTIONAL BENEFITS.

SECTION 12. Subject to the provisions that no optional selection shall be effective in case a beneficiary dies within thirty days after retirement, and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any retirement allowance is made, the member, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, may elect to convert the retirement allowance otherwise provided for in this system into a lesser retirement allowance of equivalent actuarial value payable throughout his life, with the provision that —

Option 1.— If he die before he has received in payments of his annuity the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person having an insurable interest in his life as he, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, shall have nominated by written designation duly acknowledged and filed with the retirement board; or

Option 2.— Upon his death, his lesser retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life as he, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, shall have nominated by written designation duly acknowledged and filed with the retirement board at the time of his retirement; or

Option 3.— Upon his death, one half his lesser retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life as he, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, shall have nominated by written designation, duly acknowledged and filed with the retirement board at the time of his retirement.

COMPENSATION BENEFITS OFFSET.

SECTION 13. Any amounts paid or payable by the city under the provisions of the workmen's compensation law to a member or to the dependents of a member on account of death or disability shall be offset against and payable in lieu of any benefits payable out of funds provided by the city under the provisions of this act on account of the death or disability of a member. If the value of the total commuted benefits under the workmen's compensation law is less than the reserve on the pension otherwise payable under this act, the value of such commuted payments shall be deducted from such pension reserve and such benefits as may be provided by the pension reserve so reduced shall be payable under the provisions of this act.

ADMINISTRATION.

SECTION 14. (1) The management of the retirement system is hereby vested in a retirement board, the membership of which shall be constituted as follows: —

(a) The auditor of the city for the time being,

(b) One person to be appointed by the mayor of the city, subjected to confirmation by the board of aldermen, who shall serve for a term of three years commencing on the date when the retirement system becomes first operative and until the qualification of his successor, and

(c) One person who shall be a member of the retirement system and who shall be appointed by the mayor of the city subject to such confirmation, to serve for a term of one year commencing on the date when the retirement system becomes first operative and until the qualification of his successor.

(2) As the terms of the appointed members expire, their successors shall be appointed for terms of three years each and until the qualification of their successors. On a vacancy occurring in the appointed membership of the retirement board, for any cause other than the expiration of a term of office, a successor to the person whose place has become vacant shall be appointed for the unexpired term in the same manner as above provided.

(3) The members of the retirement board shall be reimbursed from the expense fund for any expense or loss of salary or wages which they may incur through service on the retirement board.

(4) The retirement board shall elect from its membership a chairman, and shall by a majority vote of all its members appoint a secretary, who may be, but need not be, one of its members. It shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The funds to meet the costs of administering the retirement system shall be derived from appropriations of the city from the annual tax levy. The retirement board shall submit an estimate of such costs to the mayor not later than January first of each year. Such amount as shall be required in the first year of operation to defray the expenses of the establishment and maintenance of the retirement system shall be appropriated by the board of aldermen.

(5) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

(6) The retirement board shall keep a record of all of its proceedings, which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding municipal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of actuarial valuation of the assets and liabilities thereof. The board shall submit said report to the mayor and shall furnish copies thereof to the city clerk for distribution.

Legal Adviser.

(7) The city solicitor of the city shall be the legal adviser of the retirement board.

Medical Examinations.

(8) The city physician of the city shall arrange for and pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or in behalf of a member in connection with an application for disability retirement, and shall report in writing to the retirement board his conclusions and recommendations upon all the matters referred to him. If required, other physicians may be employed by the retirement board to report on special cases.

Duties of Actuary.

(9) The retirement board shall designate an actuary who shall be the technical adviser of the retirement board on matters regarding the operation of the funds created by the provisions of this act, and shall perform such other duties as are required in connection therewith.

(10) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the retirement board shall authorize, and on the basis of such investigation he shall recommend for adoption by the retirement board such tables and such rates as are required by section fifteen. The retirement board shall adopt tables and certify rates, and as soon as practicable thereafter the actuary shall make a valuation, based on such tables and rates, of the assets and liabilities of the funds created by this act.

(11) Three years after the system becomes operative, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds thereof, and taking into account the result of such investigation and valuation the retirement board shall —

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and

(b) Certify the rates of contribution payable by the city on account of new entrants.

(12) On the basis of such tables as the retirement board shall from time to time adopt, the actuary shall make an annual valuation of the assets and liabilities of the reserve funds of the system created by this act.

METHOD OF FINANCING.

SECTION 15. All of the assets of the retirement system shall be credited, according to the purpose for which they are

held, to one of the following five funds, namely, the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Accumulation Fund, the Pension Reserve Fund, or the Expense Fund.

Annuity Savings Fund.

(1) (a) The Annuity Savings Fund shall be the fund to which shall be paid the deductions from the compensation of members. The treasurer of the city shall withhold four per centum of the regular compensation due on each pay day to all employees who are members of this retirement system. The various amounts so withheld shall be transferred immediately thereafter to the retirement system and credited to the accounts of the respective members so contributing, and shall be paid into and become a part of said Annuity Savings Fund.

(b) In determining the amount earnable by a member in a payroll period, the retirement board may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions provided for herein and shall receipt for his full salary or compensation, and the payment of his full salary or compensation less the deductions provided for hereunder shall be considered a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such persons during the period covered by such payment, except as to the benefits provided under this act.

(d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the retirement board, any member may redeposit in the Annuity Savings Fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he previously withdrew therefrom, as provided in this act, or any part thereof; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity, which, together with his prospective retirement allowance, will provide for him a total retirement allowance of not to exceed one half of his salary at age sixty. Such additional amounts so deposited shall be treated as a part of his accumulated deductions, except in the event of his retirement, when they shall not be used to increase the pension payable, and shall be treated as excess contributions returnable to the member in cash or in providing an excess annuity of equivalent actuarial value. The accumulated deductions of a member withdrawn by him or paid to his estate or to his

designated beneficiary in event of his death as provided in this act shall be paid from the Annuity Savings Fund. Upon the retirement of a member his accumulated deductions shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund.

Annuity Reserve Fund.

(2) The Annuity Reserve Fund shall be the fund from which shall be paid all annuities and all benefits in lieu of annuities, payable as provided in this act. Should a beneficiary, retired on account of disability, be restored to active service with a compensation not less than his regular compensation at the time of his last retirement, his annuity reserve shall be transferred from the Annuity Reserve Fund to the Annuity Savings Fund, and credited to his individual account therein.

Pension Accumulation Fund.

(3) (a) The Pension Accumulation Fund shall be the fund into which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by the city, and from which shall be paid all pensions and other benefits on account of members with prior service credit. Contributions to and payments from the Pension Accumulation Fund shall be made as follows: —

(b) On account of each member there shall be paid annually into the Pension Accumulation Fund by the said city, for the preceding fiscal year, a certain percentage of the regular compensation of each member, to be known as the "normal contribution", and an additional percentage of his regular compensation to be known as the "accrued liability contribution". The rates per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation. Until the first valuation the normal contribution shall be one and ninety-nine hundredths per centum, and the accrued liability contribution shall be three and sixty-seven hundredths per centum, of the regular annual compensation of all members.

(c) On the basis of regular interest and of such mortality and other tables as shall be adopted by the retirement board, the actuary engaged by the board to make each valuation required by this act during the period over which the accrued liability contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the regular compensation of the average new entrant, which if contributed on the basis of compensation of such new entrant throughout his entire period of active service is computed to be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the "normal contribution" rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the rate per

centum of the regular compensation of all members obtained by deducting from the total liabilities of the Pension Accumulation Fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the retirement board and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation.

(d) Immediately succeeding the first valuation, the actuary engaged by the retirement board shall compute the rate per centum of the total regular compensation of all members which is equivalent to four per centum of the amount of the total pension liability on account of all members and beneficiaries which is not dischargeable by the aforesaid normal contribution made on account of such members during the remainder of their active service. The rate per centum originally so determined shall be known as the "accrued liability contribution rate".

(e) The total amount payable in each year to the Pension Accumulation Fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year; provided, that the amount of each annual accrued liability contribution shall be at least three per centum greater than the preceding annual accrued liability payment, and that the aggregate payments of the city shall be sufficient when combined with the amount in the fund to provide the pensions and other benefits payable out of the fund during the year then current.

(f) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the retirement board, of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of persons who are at that time members.

(g) All pensions, and benefits in lieu thereof, with the exception of those payable on account of members who receive no prior service allowance, payable from contributions of the city, shall be paid from the Pension Accumulation Fund.

(h) Upon the retirement of a member not entitled to credit for prior service, an amount equal to his pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund.

Pension Reserve Fund.

(4) The Pension Reserve Fund shall be the fund from which shall be paid the pensions to members not entitled to credit for prior service and benefits in lieu thereof. Should such a beneficiary, retired on account of disability, be restored to active service with a compensation not less than his

average regular compensation for the year preceding his last retirement, the pension reserve thereon shall be transferred from the Pension Reserve Fund to the Pension Accumulation Fund. Should the pension of a disability beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually into the Pension Accumulation Fund during the period of such reduction.

Expense Fund.

(5) The Expense Fund shall be the fund to which shall be credited all money appropriated by the city to pay the administration expenses of the retirement system, and from which shall be paid all the expenses necessary in connection with the administration and operation of the system.

Appropriations.

(6) (a) On or before the first day of January in each year the retirement board shall certify to the mayor the amount of the appropriation necessary to pay to the various funds of the retirement system the amounts payable by the city as enumerated in this act for the year beginning on said first day of January, and items of appropriation, providing such amounts shall be included in the budget.

(b) To cover the requirements of the system for the period prior to the date when the first regular appropriation is due, as provided by paragraph (a) of this subsection, such amounts as shall be necessary to cover the needs of the system shall be paid into the Pension Accumulation Fund and the Expense Fund by special appropriations to the system.

MANAGEMENT OF FUNDS.

SECTION 16. (1) The retirement board may invest the funds of the retirement system in such securities as are approved from time to time by the commissioner of insurance for the investment of the funds of life insurance companies under the laws of the commonwealth.

(2) The retirement board shall annually allow regular interest on the average balance for the preceding year to the credit of the various funds from the interest and dividends earned from investments. Any excess earnings over the amount so credited shall be used for reducing the amount of contributions required of the city during the ensuing year. Any deficiency shall be paid by the city during the ensuing year.

(3) The treasurer of the city shall be custodian of the several funds. All payments from said funds shall be made by him only upon vouchers signed by two persons designated by the retirement board. A duly attested copy of a resolution of the retirement board designating such persons and bearing upon its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon

such vouchers. No voucher shall be drawn unless it shall have been previously authorized by resolution of the retirement board.

(4) For the purpose of meeting disbursements for pensions, annuities and other payments an amount of money, not exceeding ten per centum of the total amount in the several funds of the retirement system, may be kept on deposit in one or more banks or trust companies organized under the laws of the commonwealth or of the United States; provided, that the sum on deposit in any one bank or trust company shall not exceed ten per centum of the paid-up capital and surplus thereof.

(5) The retirement board may, in its discretion, transfer to or from the Pension Accumulation Fund the amount of any surplus or deficit which may develop in the reserves creditable to the Annuity Reserve Fund or the Pension Reserve Fund, as shown by actuarial valuations.

(6) Except as otherwise provided herein, no member and no employee of the retirement board shall have any direct interest in the gains or profits of any investment made by the retirement board, nor as such receive any pay or emolument for his services. No member or employee of the board shall, directly or indirectly, for himself or as an agent, in any manner use any of the securities or other assets of the retirement board, except to make such current and necessary payments as are authorized by the retirement board; nor shall any member or employee of the retirement board become an endorser or surety or in any manner obligor for moneys loaned by or borrowed from the retirement system.

(7) Each member of the retirement board, and the treasurer of the city in his capacity as custodian of the several funds, shall severally give bond for the faithful performance of his duties in a sum and with sureties or surety approved by the board of aldermen.

EXEMPTION OF FUNDS FROM TAXATION AND EXECUTION.

SECTION 17. The pensions, annuities and retirement allowances and the accumulated deductions and the cash and securities in the funds created by this act are hereby exempted from any state, county or municipal tax of this commonwealth, and shall not be subject to execution or attachment by trustee process or otherwise, in law or in equity, or under any process whatsoever, and shall be non-assignable except as specifically provided in this act.

RECEIPT OF BOTH RETIREMENT ALLOWANCE AND SALARY FORBIDDEN.

SECTION 18. No beneficiary of the retirement system shall be paid for any service except service as a juror and such service as he may be called upon to perform in the police or

fire department in a time of public emergency, rendered by him to the city after the date of the first payment of any retirement allowance hereunder, except as provided in section nine of this act, and except as further provided in this section.

Notwithstanding the above provision, a beneficiary may be employed, for periods of not exceeding one year at a time, with the approval of the mayor and board of aldermen, and may receive compensation from the city for the services so rendered; provided, that the annual rate of compensation paid, together with the regular retirement allowance received, shall not exceed the regular compensation of the said beneficiary at the time of retirement.

RIGHT OF APPEAL.

SECTION 19. The supreme judicial court shall have jurisdiction in equity upon the petition of the retirement board or any interested party or upon the petition of not less than ten taxable inhabitants of the city to compel the observance and restrain any violation of this act and the rules and regulations authorized or established thereunder.

TENURE UNAFFECTED.

SECTION 20. Nothing contained in this act shall affect the right or power of the city or other duly constituted authority in regard to demotion, transfer, suspension or discharge of any employee.

INCONSISTENT ACTS.

SECTION 21. Any of the provisions of sections forty-four, forty-five, seventy-seven, eighty and eighty-three of chapter thirty-two of the General Laws, as amended, which may be inconsistent herewith, and any other acts or parts of acts inconsistent herewith, shall, on and after the effective date of this act, apply only to such employees of the city as are, on said effective date, entitled to the benefits thereof. Nothing herein contained shall be construed as affecting the provisions of sections forty-nine to sixty, inclusive, or of section ninety-two of chapter thirty-two of the General Laws as amended.

SECTION 22. This act shall become operative as of January first, nineteen hundred and thirty-five, providing the provisions herein are accepted by the board of aldermen and approved by the mayor on or before December thirty-first, nineteen hundred and thirty-four.

Approved March 14, 1934.

AN ACT ESTABLISHING THE DATE FOR THE STATE PRIMARIES *Chap. 89*
IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

In the current year, the state primaries shall be held on the seventh Thursday preceding the biennial state election, notwithstanding anything to the contrary contained in section twenty-eight of chapter fifty-three of the General Laws, as most recently amended by section five of chapter three hundred and thirteen of the acts of nineteen hundred and thirty-three.

Approved March 14, 1934.

AN ACT ESTABLISHING A BOARD TO BE KNOWN AS THE LYNN *Chap. 90*
PORT AUTHORITY AND DEFINING ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the city of Lynn, hereinafter called the city, an unpaid board of five members, to be known as the Lynn Port Authority. The mayor of the city shall be chairman of said board and, subject to confirmation by the city council, shall appoint the other four members for initial terms of one, two, three and four years, respectively, from the first Monday in May following their appointment, and thereafter, as their respective terms expire, the mayor, subject to like confirmation, shall appoint their successors for terms of four years each; and, in the case of each appointive member, until the qualification of his successor. Every vacancy in said board shall be filled in like manner for the unexpired term. Any appointive member may be removed by the mayor in accordance with section forty-two of chapter three hundred and forty of the Special Acts of nineteen hundred and seventeen. Only residents of the city shall be eligible to serve on said board.

SECTION 2. Said board shall have full and complete control and supervision of the land within the city acquired by it under chapter two hundred and sixty-seven of the acts of nineteen hundred and twenty-seven and bounded and described as follows: — Southerly by Lynn harbor and the Saugus river; westerly by Broad street; northerly by Broad street and land of Whittredge; easterly by Commercial street and other land of the city of Lynn and land of Lynn Gas and Electric Company; together with all the flats bordering thereon; and, in the exercise of such control and supervision, is hereby authorized (a) to prepare plans for the development of the land and facilities under its control, to execute such plans as aforesaid and to approve the expenditure of such sums for such preparation and execution as may be appropriated from time to time by the city; (b) to lease or sell, on behalf of the city, any portion of such land or facilities upon such terms and conditions and for such periods of time as said board may determine, subject to the approval of the mayor; (c) to make, adopt and enforce rules and regulations

governing the use and management of said property and facilities; (d) to enter into joint arrangements with steamship lines, railroads, railways and other transportation lines or common carriers, for the use or occupation of such property and facilities, subject to the approval of the mayor; and (e) to deal and co-operate with the federal and state governments on matters pertaining to Lynn harbor and its development. Said board shall annually in December, or more often if the board deems it necessary, make a report to the city council and the mayor.

SECTION 3. All expenses incurred by said board under authority of this act shall, to the extent that appropriations therefor are available, be paid by the city upon requisition by said board. It shall have access to all maps, charts, plans and documents, relating to all matters within its jurisdiction, in the office or custody of any board, commission, department or officer of said city.

Approved March 14, 1934.

Chap. 91 AN ACT PROVIDING FOR MUNICIPAL PRIMARIES IN THE CITY OF WOBURN.

Be it enacted, etc., as follows:

SECTION 1. Candidates to be voted for at city elections in the city of Woburn shall, after the acceptance of this act, be nominated in municipal primaries held in accordance with the provisions of sections twenty-three to forty, and fifty-six to sixty-four, both inclusive, of chapter fifty-three of the General Laws.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

Approved March 14, 1934.

Chap. 92 AN ACT RELATIVE TO THE FILING OF SCHEDULES OF REAL ESTATE BY INSURANCE COMPANIES.

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter one hundred and seventy-five of the General Laws, as most recently amended by chapter five of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end of the first paragraph, as appearing in the Tercentenary Edition, the following new sentence: — The commissioner may, in his discretion, require any company to furnish such information as may be needed to substantiate the values above prescribed, — so that the first paragraph will read as follows: — Beside the reserve provided for in the two preceding sections he shall, except as provided in the following section, charge to each company as a liability all unpaid losses and claims for losses, and all other debts and liabilities, including in the case

G. L. (Ter. Ed.), 175, §11, etc., amended.

Insurance companies, filing of schedules of real estate by.

of a stock company its capital stock and including, in the case of a mutual company with a guaranty capital or guaranty fund, such guaranty capital or guaranty fund. He shall allow to the credit of a company in the account of its financial condition only such assets as are available for the payment of losses in this commonwealth, including all assets deposited with officers of other states or countries for the security of the policyholders of such company; but no holding or parcel of real estate shall be given a higher value than would be adequate to yield at three per cent annual interest the average amount of its net rental for three years next preceding, except that if a company shows to his satisfaction that the actual value of any of its real estate is greater than the value so ascertained, then the actual value of the said real estate as determined by the commissioner shall be allowed. The commissioner may, in his discretion, require any company to furnish such information as may be needed to substantiate the values above prescribed.

SECTION 2. Section twenty-five of said chapter one hundred and seventy-five, as most recently amended by chapter twelve of the acts of the current year, is hereby further amended by inserting after the word "of" in the forty-third line, as appearing in the Tercentenary Edition, the words: — real estate and of, — so that the last paragraph will read as follows: — The commissioner may exempt companies from filing schedules of real estate and of mortgage loans on real estate, and may as a substitute require such other information in respect to such investments as from time to time he shall deem to be essential for determining their soundness as assets.

G. L. (Ter.
Ed.), 175,
§25, etc.,
amended.

Exemption in
certain cases.

Approved March 14, 1934.

AN ACT AUTHORIZING THE STALEY COLLEGE OF THE SPOKEN WORD TO CONFER THE DEGREE OF BACHELOR OF SCIENCE OF ORATORY.

Chap. 93

Be it enacted, etc., as follows:

The Staley College Of The Spoken Word, incorporated as an institution of learning under subchapter one of chapter eighteen of an act of congress entitled "An Act To establish a code of law for the District of Columbia", approved March third, nineteen hundred and one, and numbered chapter eight hundred and fifty-four, is hereby authorized to grant the degree of bachelor of science of oratory to students properly accredited and recognized by a majority of its trustees and faculty; provided, that the course of instruction furnished by the corporation shall occupy not less than four years.

Approved March 14, 1934.

Chap. 94 AN ACT RELATIVE TO APPOINTMENT TO AND EMPLOYMENT IN CIVIL SERVICE POSITIONS AS AFFECTED BY CONVICTIONS OF CERTAIN MOTOR VEHICLE CRIMES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31. §17, amended.

Certain persons ineligible to appointments under civil service.

Section seventeen of chapter thirty-one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the tenth and eleventh lines, the words “, except those of sections twenty-three to twenty-five, inclusive”,— so as to read as follows:— *Section 17.* No person habitually using intoxicating liquors to excess shall be appointed, employed or retained in any position to which this chapter applies, nor shall any person be appointed or employed in any such position within one year after his conviction of any crime against the laws of the commonwealth; provided, that the commissioner may in his discretion authorize the appointment or employment, within said year, of a person convicted of any of the following offences:— (1) a violation of any rule or regulation made under section thirty-one of chapter ninety; (2) a violation of any provision of said chapter ninety relating to motor vehicles; (3) any other offence for which the sole punishment imposed was (a) a fine of less than one hundred dollars, (b) a sentence to imprisonment in a jail or house of correction for less than six months, with such a fine or without any fine, or (c) a sentence to any other penal institution under which the actual time served was less than six months, with such a fine or without any fine.

Approved March 14, 1934.

Chap. 95 AN ACT PROHIBITING MODIFICATION OF OR ADDITION TO CERTAIN PROVISIONS OF THE STANDARD FIRE INSURANCE POLICY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, §99, amended.

Modification, etc., of standard form of fire insurance policies.

Section ninety-nine of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out clause Ninth and inserting in place thereof the following:—

Ninth, A company may write upon the margin or across the face of a policy, or write, or print in type not smaller than long primer, upon separate slips or riders to be attached thereto, provisions adding to or modifying those contained in the standard form, and all such slips, riders and provisions shall be signed by the officers or agents of the company so using them. Nothing herein contained shall authorize any addition to or modification of any of the provisions of said standard form relative to the rights of a mortgagee, a cancellation of the policy, a reference of the amount of a loss to three referees or the limitation of actions or suits.

Approved March 14, 1934.

AN ACT PROVIDING FOR THE ULTIMATE ELIMINATION OF DISEASED CATTLE FROM THE COMMONWEALTH. Chap. 96

Be it enacted, etc., as follows:

Chapter one hundred and twenty-nine of the General Laws is hereby amended by striking out section thirty-three B, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 33B.* The director may, upon application to him by not less than seventy-five per cent of the cattle owners owning cattle permanently kept in any city or town, or upon like application by the owners of eighty-five per cent of such cattle, declare said city or town a quarantine area and may proceed to test by the tuberculin test or otherwise all bovine animals within said area. Whenever not less than eighty-five per cent of the cattle permanently kept in the commonwealth are being tested for bovine tuberculosis under the supervision of the director or of the appropriate federal officials, the director may declare the entire commonwealth to be a quarantine area and may proceed to test by the tuberculin test or otherwise all bovine animals within the commonwealth. If the director finds and declares that such a city or town or the commonwealth, as the case may be, is substantially free from bovine tuberculosis, he may proclaim it to constitute a modified accredited area and may prescribe rules and regulations, subject to the approval of the governor and council, prohibiting the shipment or transportation into the same of any bovine animals without a permit and health certificate issued by the director or some officer designated by the director for the purpose. Whoever violates the terms and conditions of any such quarantine or any such rule or regulation shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

G. L. (Ter. Ed.), 129, §33B, amended.

Tests of bovine animals in certain districts.

Approved March 14, 1934.

AN ACT RELATIVE TO THE TRANSPORTATION OF SCHOOL CHILDREN FROM THEIR HOMES TO THE SCHOOLS IN CERTAIN INSTANCES, AND EXEMPTING SCHOOL BUSES FROM OPERATING ON PRIVATE WAYS. Chap. 97

Be it enacted, etc., as follows:

SECTION 1. Chapter seventy-one of the General Laws is hereby amended by striking out section sixty-eight, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 68.* Every town shall provide and maintain a sufficient number of schoolhouses, properly furnished and conveniently situated for the accommodation of all children therein entitled to attend the public schools. If the distance between a child's residence and the school he is entitled to attend exceeds two miles and the nearest school bus stop is more than one mile from such

G. L. (Ter. Ed.), 71, §68, amended.

Transportation of school children, etc.

residence and the school committee declines to furnish transportation, the department, upon appeal of the parent or guardian of the child, may require the town to furnish the same for a part or for all of the distance between such residence and the school. If said distance exceeds three miles, and the distance between the child's residence and a school in an adjoining town giving substantially equivalent instruction is less than three miles, and the school committee declines to pay for tuition in such nearer school, and for transportation in case the distance thereto exceeds two miles, the department, upon like appeal, may require the town of residence to pay for tuition in, and if necessary provide for transportation for a part or for the whole of said distance to, such nearer school. No school committee shall be compelled to furnish transportation on a private way. The school committee, unless the town otherwise directs, shall have general charge and superintendence of the schoolhouses, shall keep them in good order, and shall, at the expense of the town, procure a suitable place for the schools, if there is no schoolhouse, and provide fuel and all other things necessary for the comfort of the pupils.

SECTION 2. Nothing in this act shall be construed to affect any contract relative to the transportation of school children which is in force upon the effective date of this act.

Approved March 14, 1934.

Chap. 98 AN ACT TO ESTABLISH FEES FOR SEALING CERTAIN LIQUID-MEASURING METERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 98, §56, amended.

Fees of sealers for sealing certain liquid-measuring meters.

Section fifty-six of chapter ninety-eight of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting, after paragraph (b), the following new paragraph: — (b)¹/₂) Each liquid-measuring meter, except water meters, the diameter of the inlet pipe of which is one inch or less, fifty cents; and for each such meter the diameter of the inlet pipe of which is more than one inch, one dollar.

Approved March 14, 1934.

Chap. 99 AN ACT AUTHORIZING THE TOWN OF YARMOUTH TO CONSTRUCT AND MAINTAIN A FOOTBRIDGE WITHOUT A DRAW OVER THE TIDE WATERS OF MILL CREEK IN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The town of Yarmouth may construct and maintain a footbridge without a draw over the tide waters of Mill creek in said town, subject to the provisions of chapter ninety-one of the General Laws.

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

Approved March 19, 1934.

AN ACT ESTABLISHING THE SUDBURY WATER DISTRICT OF SUDBURY. *Chap. 100*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Sudbury, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit: Beginning at a point in the center line of Old Concord road directly opposite the southerly property line of land owned by George H. Thompson; thence westerly along the southerly property line of said George H. Thompson to an angle point in said southerly property line; thence southerly along the property line of George H. Thompson to an angle point; thence westerly along the southerly property line of George H. Thompson to the center line of the right of way of the New York, New Haven and Hartford railroad; thence southerly along the center line of the right of way of the New York, New Haven and Hartford railroad to the center line of Morse road; thence southwesterly in a straight line across Maynard road to a point in the center line of Hudson road directly opposite the westerly property line of land owned by Stephen M. W. Gray; thence southerly in a straight line across Peakham road and across the right of way of the Boston and Maine railroad to the point of intersection of the center lines of the Boston Post road and Dudley road; thence easterly along the center line of the Boston Post road to the point of intersection of said center line with the center line of the right of way of the New York, New Haven and Hartford railroad; thence southerly along the center line of the right of way of the New York, New Haven and Hartford railroad fifteen hundred feet; thence easterly in a straight line across Raymond road and across the right of way of the Boston and Maine railroad to the easterly intersection of the center line of King Phillip road and the center line of the Boston Post road; thence northwesterly along the center line of King Phillip road to a point directly opposite the westerly property line of land owned by Joseph Keene; thence north-easterly along the westerly property line of land owned by Joseph Keene to the northwest corner of said land owned by said Joseph Keene; thence northeasterly in a straight line to a point in the center line of Old Sudbury road directly opposite the easterly property line of land owned by Harvey N. Fairbank; thence northwesterly in a straight line to the point of beginning, — shall constitute a fire and water district, and are hereby made a body corporate by the name of the Sudbury water district of Sudbury, hereinafter called the 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 for the purpose of assessing and raising taxes as provided herein

for the payment of such services and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Sudbury, and the water rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells, pumping and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under this act proper dams, wells, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of 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 such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town of Sudbury. Said district shall not enter upon, construct or lay any conduit, pipe 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 department of public utilities.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done under authority thereof may recover such damages from the district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purpose of paying the necessary expenses and liabilities incurred under the provisions of this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred fifteen thousand dollars and may issue bonds or notes therefor, which shall bear on their face the words, Sudbury Water District Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and when a vote to that effect has been passed, a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed upon the district by the assessors of said town of Sudbury annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said commissioners by this section shall be subject to the provisions of section nine.

SECTION 7. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same on property within the district 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 by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. The first meeting of the voters of the territory included within the district by section one of this act shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of said town, 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 the warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting the question of the acceptance of this act shall be submitted to the voters, and if it is accepted by a majority of the voters present and voting thereon it shall take effect, and the meeting may then proceed to act on the other articles in the warrant.

SECTION 9. The district shall elect by ballot, either at the same meeting at which this act is accepted or at a later meeting called for the purpose, 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 day of 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 the district by this act, except sections four and five, 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 the district may by vote impose. At the meeting at which said commissioners are first elected and at each annual district meeting, the district shall elect by ballot a treasurer of the district, who shall be other than a commissioner, and who shall give bond to the district in such an amount as may be fixed by the commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of the 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 the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of the water works except upon a written order of said commissioners or a majority of them.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such

new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws prescribing by whom and how meetings may be called, notified, and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper. The district shall have all the rights and privileges conferred by law upon water districts and fire districts, so far as applicable.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, standpipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the 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 wilful or wanton acts shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than six months.

SECTION 13. Upon a petition in writing addressed to said commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district be included within the limits thereof, and signed by the owners of such real estate, or a major portion thereof, said commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a majority vote of the voters of the district present and voting thereon at a district meeting called, in accordance with the provisions of section eight, within three years after its passage; but the number of meetings so called in any one year shall not exceed three.

Approved March 19, 1934.

Chap. 101 AN ACT PLACING UNDER THE CIVIL SERVICE THE OFFICE OF CHIEF OF POLICE OF THE CITY OF BEVERLY.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the city of Beverly shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of police departments of cities, and the term of office of any incumbent of said office shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations; provided, however, that the present incumbent of said office may continue to serve therein without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Beverly at the state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the current year, entitled 'An Act placing under the Civil Service the Office of Chief of Police of the City of Beverly', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question this act shall thereupon take effect, but not otherwise.

Approved March 19, 1934.

Chap. 102 AN ACT ESTABLISHING THE WHATELY FIRE AND WATER DISTRICT IN THE TOWN OF WHATELY.

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Whately, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit: —

Beginning at a stone post or marker set at the intersection of the easterly line of the town of Conway, the southerly line of the town of Deerfield, and the northerly line of the town of Whately being known as C. D. W. and described in the Commonwealth of Massachusetts Harbor and Land Commission Atlas of Boundaries as follows:

"The corner is situated on a ledge surrounded by woods, and is in an old fence a continuation of the wall from Conway-Whately #1, on the north side of Roaring Brook and about fifty (50) feet east of another branch brook.

The Corner Mark is a drab slate rock two and six tenths feet high and about five and one half by six and one half inches in section.

The letter C is cut on the south face, D on the west face and C-W on the north face, with numerous dates."

Thence proceeding south thirty degrees and fifty-five minutes east (S-30-55-E) twenty-three hundred and eighty feet (2,380); thence south twenty degrees and fifty-seven

minutes east (S-20-57-E) twenty-eight hundred and forty-nine feet (2,849); thence south ten degrees twenty-four minutes west (S-10-24-W) twenty-one hundred sixty feet (2,160); thence south sixteen degrees twenty-one minutes east (S-16-21-E) forty-nine hundred sixteen feet (4,916); thence south forty-six degrees two minutes east (S-46-02-E) twenty-three hundred seventy-one feet (2,371); thence south eighteen degrees thirty-one minutes west (S-18-31-W) forty-five hundred thirty-nine feet (4,539); thence north thirty-eight degrees eleven minutes west (N-38-11-W) thirty-nine hundred fifty-eight feet (3,958); thence south forty-eight degrees twenty-four minutes west (S-48-24-W) thirty-six hundred fifty-two feet (3,652); thence south seventy degrees fifty-five minutes east (S-70-55-E) forty-four hundred twenty-three feet (4,423); thence south ten degrees thirty-three minutes east (S-10-33-E) twenty-nine hundred and one feet (2,901); to a point on the line separating the towns of Hatfield and Whately, the same line being also the line separating the counties of Franklin and Hampshire.

Said point is located fifty-one hundred forty-nine feet (5,149) southwest from a stone marker which is known as the Hatfield-Whately marker #5 being described in the Commonwealth of Massachusetts Harbor and Land Commission Atlas of Boundaries as follows:

“The corner is an unmarked point in the West Brook on the westerly side of the county road being at right angles to the line 3-4 and sixty-six feet (66) distant therefrom, or the legal width of the roadway.”

From this point said district is bounded on the south by the line separating the towns of Hatfield and Whately, this line also being the line which separates the counties of Franklin and Hampshire; on the east by a line running in the center of the Connecticut river which is also the westerly line of the town of Sunderland, and on the north by the lines separating the towns of Deerfield and Whately between the Connecticut river and the point of beginning at the marker previously described and known as C. D. W., — shall constitute a fire and water district, and are hereby made a body corporate by the name of the Whately fire and water district of Whately, hereinafter called the 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 for the purposes of assessing and raising taxes as provided herein for the payment of such services, and for defraying the necessary expenses of carrying on the business of said district, subject to all general laws now or hereafter in force relating to such districts, except as otherwise provided herein. The district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, the district, act-

ing by and through its board of water commissioners hereinafter provided for, may contract with any other municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, spring or stream, or of any ground sources of supply by means of driven, artesian or other wells, within the town of Whately not already appropriated for the purposes of a public supply, and the water rights connected with any such water sources; and for said purposes may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and preserving the purity of the water and for conveying the same to any part of said district; provided, that no source of water supply or lands necessary for preserving the quality of the water shall be so taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells, pumping and filtration plants and such other works as may be necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under this act proper dams, wells, reservoirs, standpipes, tanks, pumping plants, buildings, fixtures and other structures, including also the establishment and maintenance of filter beds and purification works or systems, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of 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 such ways, in said town, in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all proper purposes of this act, the district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel on such ways; provided, that all things done upon any such way shall be subject to the direction of the selectmen of the town of Whately. Said district shall not enter upon, construct or lay any conduit, pipe 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 department of public utilities.

SECTION 3. Any person sustaining damages in his property by any taking under this act or any other thing done

under authority thereof may recover such damages from the district under said chapter seventy-nine; but the right to damages for the taking of any water, water right or water source, or for any injury thereto, shall not vest until water is actually withdrawn or diverted under authority of this act.

SECTION 4. For the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, other than expenses of maintenance and operation, the district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Whately Fire and Water District Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

SECTION 5. The district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with section four of this act; and when a vote to that effect has been passed a sum which, with the income derived from water rates, will be sufficient to pay the annual expense of operating its water works and the interest as it accrues on the bonds or notes issued as aforesaid by the district, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed upon the district by the assessors of said town of Whately annually thereafter until the debt incurred by said loan or loans is extinguished.

SECTION 6. Any land taken or acquired under this act shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said commissioners by this section shall be subject to the provisions of section nine.

SECTION 7. Whenever a tax is duly voted by the district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of the town of Whately, who shall assess the same on the property within the district 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 by law for the collection of town taxes, and shall deposit the proceeds thereof with the district treasurer for the use and benefit of the district. The district may collect interest on overdue taxes in the manner in which interest is authorized to be collected on town taxes.

SECTION 8. The first meeting of the voters of the territory included within the district by section one of this act shall be called, on petition of ten or more legal voters therein, by a warrant from the selectmen of the town of Whately 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 the

warrant in two or more public places in the district seven days at least before the time of the meeting. Such justice of the peace, or one of the selectmen, shall preside at such meeting until a clerk is chosen and sworn, and the clerk shall preside until a moderator is chosen. After the choice of a moderator for the meeting, the question of the acceptance of this act shall be submitted to the voters, and, if it is accepted by a majority of the voters present and voting thereon, it shall take effect, and the meeting may then proceed to act on the other articles in the warrant.

SECTION 9. The district shall elect by ballot, either at the same meeting at which this act is accepted or at a later meeting called for the purpose, 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 day of 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 the district by this act, except sections four and five, 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 the district may by vote impose. At the meeting at which said commissioners are first elected and at each annual district meeting, the district shall elect by ballot a treasurer of the district, who shall be other than a commissioner, and who shall give bond to the district in such an amount as may be fixed by the commissioners and with a surety company authorized to transact business in the commonwealth as surety. A majority of the 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 the district at any legal meeting called for the purpose. No money shall be drawn from the treasury of the district on account of the water works except upon a written order of said commissioners or a majority of them.

SECTION 10. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as said commissioners may recommend, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. Said commissioners shall annually, and as often as the district may require, render a report upon the condition of the works under their charge, and an account of their doings, including an account of receipts and expenditures.

SECTION 11. The district may adopt by-laws prescribing

by whom and how meetings may be called, notified, and conducted; and, upon the application of ten or more legal voters in the district, meetings may also be called by warrant as provided in section eight. The district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with any other provision of law, and may choose such other officers not provided for in this act as it may deem necessary or proper. The district shall have all the rights and privileges conferred by law upon water districts and fire districts, so far as applicable.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, well, stand-pipe, aqueduct, pipe or other property owned or used by the district for any of the purposes of this act, shall forfeit and pay to the 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 wilful or wanton acts shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than six months.

SECTION 13. Upon a petition in writing addressed to said commissioners requesting that certain real estate, accurately described therein, located in said town and abutting on said district be included within the limits thereof, and signed by the owners of such real estate, or a major portion thereof, said commissioners shall cause a duly warned meeting of the district to be called, at which meeting the voters may vote on the question of including said real estate within the district. If a majority of the voters present and voting thereon vote in the affirmative the district clerk shall within ten days file with the town clerk of said town and with the state secretary an attested copy of said petition and vote; and thereupon said real estate shall become and be part of the district and shall be holden under this act in the same manner and to the same extent as the real estate described in section one.

SECTION 14. This act shall take full effect upon its acceptance by a majority vote of the voters of the district present and voting thereon at a district meeting called, in accordance with the provisions of section eight, within three years after its passage; but the number of meetings so called in any one year shall not exceed three.

Approved March 19, 1934.

AN ACT RELATIVE TO SPECIAL RESTRICTIONS IN LICENSES TO
OPERATE MOTOR VEHICLES.

Chap. 103

Be it enacted, etc., as follows:

Section eight of chapter ninety of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the ninth, tenth and eleventh lines, the words "concerning the type of motor, horse power, design and other features of the motor vehicles which the

G. L. (Ter.
Ed.), 90, §8.
amended.

Licenses to
operate motor
vehicles.
Special re-
strictions.

licensee may operate", — so as to read as follows: — *Section 8.* Application for license to operate motor vehicles may be made by any person; but before such a license is granted the applicant shall pass such examination as to his qualifications as the registrar shall require, and no license shall be issued until the registrar or his authorized agent is satisfied that the applicant is a proper person to receive it, and no such license shall be issued to any person under sixteen years of age. To each licensee shall be assigned some distinguishing number or mark, and the licenses issued shall be in such form as the registrar shall determine. They may contain special restrictions and limitations. They shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address, a brief description of him for purposes of identification, and such other information as the registrar shall deem necessary. A person to whom a license to operate motor vehicles has been issued, unless such license contains a special limitation or restriction, may operate any registered motor vehicle. Special licenses shall be issued to operators of motor-propelled fire apparatus who are members of a municipal fire department. Every person licensed to operate motor vehicles as aforesaid shall endorse his usual signature on the margin of the license, in the space provided for the purpose, immediately upon the receipt of said license, and such license shall not be valid until so endorsed. All licenses issued to operators shall be valid for one year only from the date of issue. Every application for an original license filed under this section shall be sworn to by the applicant before a justice of the peace or notary public. *Approved March 19, 1934.*

Chap. 104 AN ACT RELATIVE TO THE ISSUING OF WARRANTS BY ASSESSORS
FOR OMITTED ASSESSMENTS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 59, §75,
amended.

Property
omitted from
assessment to
be assessed in
December,
etc.

Section seventy-five of chapter fifty-nine of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after the word "same" in the sixth line the following new sentence: — The assessors shall also deliver to the collector their warrants for the collection of all taxes so entered on the tax list, — so as to read as follows: — *Section 75.* If the real or personal estate of a person, to an amount not less than one hundred dollars and liable to taxation, has been omitted from the annual assessment of taxes, the assessors shall between December tenth and twentieth following, both inclusive, assess such person for such estate. The taxes so assessed shall be entered on the tax list of the collector, who shall collect and pay over the same. The assessors shall also deliver to the collector their warrants for the collection of all taxes so entered on the tax list. Such additional assessment shall not render the tax of the town invalid although its amount, in consequence thereof, shall exceed the amount authorized by law to be raised.

Approved March 19, 1934.

AN ACT RELATIVE TO THE APPOINTMENT OF PERSONS FOR TEMPORARY EMPLOYMENT UNDER THE CIVIL SERVICE LAWS. *Chap. 105*

Be it enacted, etc., as follows:

Section fifteen A of chapter thirty-one of the General Laws, inserted by chapter two hundred and sixty-seven of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "town" in the second line the words: — , other than one employed on an intermittent or part-time basis or at a nominal salary, — so as to read as follows: — *Section 15A.* No person in the employ of the commonwealth or of any county, city or town, other than one employed on an intermittent or part-time basis or at a nominal salary, shall be certified for temporary employment under this chapter.

G. L. (Ter. Ed.), 31, §15A, amended.

Employees of state, etc., not to be certified for temporary employment. Exceptions.

Approved March 19, 1934.

AN ACT REGULATING THE APPOINTMENT OF CERTAIN COMMISSIONED OFFICERS OF THE NATIONAL GUARD. *Chap. 106*

Be it enacted, etc., as follows:

Section ninety of chapter thirty-three of the General Laws, as appearing in the Tercentenary Edition thereof and as amended by chapter seventeen of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the paragraph contained in lines sixty-three to sixty-five, inclusive, as so appearing, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 33, §90, etc., amended.

All other officers of the line shall be appointed by the commander-in-chief from said list upon the recommendation of regimental or separate unit commanders, approved by the commanding officers of superior administrative units, if any.

Appointment of certain commissioned officers of the national guard.

Approved March 19, 1934.

AN ACT MAKING THE LAW PROVIDING FOR VACATIONS FOR MEMBERS OF THE POLICE AND FIRE FORCES IN TOWNS APPLICABLE IN CITIES. *Chap. 107*

Be it enacted, etc., as follows:

Section one hundred and eleven A of chapter forty-one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the fourth line, the words "The provisions of this section shall not apply in cities", — so as to read as follows: — *Section 111A.* In any town which accepts this section, all members of its regular or permanent police or fire force may be granted a vacation of not less than two weeks during each year of their employment, without loss of pay.

G. L. (Ter. Ed.), 41, §111A, amended.

Vacations for police and firemen in towns.

Approved March 29, 1934.

Chap. 108 AN ACT RELATIVE TO THE ACADEMIC YEAR OF DENTAL COLLEGES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 112, §46, amended.

Section forty-six of chapter one hundred and twelve of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the sixteenth and seventeenth lines, the words "of six days each" so that clause Third will read as follows:—

Academic year of dental colleges, defined.

Third, It shall give a course of not less than four separate academic years to matriculants who are graduates of accredited high schools or who present proof of equivalent training, or a course of not less than three separate academic years to matriculants who present satisfactory proof of having successfully completed two years of appropriate pre-dental training in a college or university authorized to grant degrees. Each academic year shall consist of not less than thirty-two weeks.

Approved March 29, 1934.

Chap. 109 AN ACT FURTHER REGULATING THE SALE OF CORD, FIRE AND KINDLING WOOD.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, §298, amended.

SECTION 1. Section two hundred and ninety-eight of chapter ninety-four of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after the word "feet" in the fourth line the following:— and more than eight inches,— and by adding at the end thereof the following:— The term "kindling wood" shall be construed to mean and include all split wood, edgings, clippings or other waste wood averaging eight inches or less in length. Except as provided by sections two hundred and forty-three and two hundred and forty-seven, the standard unit of measure for kindling wood shall be the bushel of two thousand one hundred and fifty and forty-two hundredths cubic inches,— so as to read as follows:— *Section 298.* Cord wood sold or offered or exposed for sale shall be four feet in length, including half the kerf. The term "firewood" shall be construed to mean and include wood cut to any lengths of less than four feet and more than eight inches. The standard unit of measure for cord wood or firewood shall be the "cord" of one hundred and twenty-eight cubic feet consisting of or equivalent to a pile, closely stacked, eight feet in length, four feet in width and four feet in height. The term "kindling wood" shall be construed to mean and include all split wood, edgings, clippings or other waste wood averaging eight inches or less in length. Except as provided by sections two hundred and forty-three and two hundred and forty-seven, the standard unit of measure for kindling wood shall be the bushel of two thousand one hundred and fifty and forty-two hundredths cubic inches.

Cord wood, dimensions. Standard unit defined.

SECTION 2. Section two hundred and ninety-nine of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the third and fourth lines, the words “, or as soon thereafter as practicable” ,— so as to read as follows:— *Section 299.* Whoever, except as otherwise provided, sells cord wood or firewood, shall cause a certificate or memorandum to be issued and delivered to the purchaser or his agent at the time of delivery of the wood. Such certificate or memorandum shall include the names and addresses of the seller and of the purchaser, and a statement of the quantity of wood delivered, in terms of cords or of cubic feet. Whoever violates any provision of this or the preceding section shall be punished by a fine of not more than fifty dollars.

Approved March 29, 1934.

G. L. (Ter. Ed.), 94, §299, amended.

Certificate, etc., upon sale of wood. Penalty.

AN ACT RELATIVE TO THE FILING OF SWORN STATEMENTS UNDER THE STANDARD FIRE INSURANCE POLICY.

Chap. 110

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and seventy-five of the General Laws, as amended in section one hundred and two by section one of chapter one hundred and seventy-four of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out said section one hundred and two and inserting in place thereof the following:— *Section 102.* The failure of the insured under a fire policy in the standard form prescribed by section ninety-nine to render the sworn statement specified therein forthwith upon the occurrence of loss or damage by fire shall not preclude recovery therefor, if the insured, forthwith upon the occurrence thereof, gives written notice of the fire, and the location thereof, to the company and if the insured, immediately upon receipt of any written request so to do made by the company forthwith after it receives such written notice, renders such sworn statement to the company. If, after receiving such written notice, the company does not forthwith make a written request for the sworn statement, the periods of time within which the company shall, as provided in such policy, pay the amount for which it is liable, or replace the property, or notify the insured of its intention to rebuild or repair the premises, shall be computed from the time when the company receives such written notice.

G. L. (Ter. Ed.), 175, §102, etc., amended.

Lack of sworn statement of loss under fire policies not to be taken advantage of by company.

If such an insured fails both to render a sworn statement as required by the policy and to give such a written notice as aforesaid and if the company sends an agent or representative to the insured for the purpose of investigating, estimating or appraising the loss or damage or adjusting the claim therefor, such failure shall not preclude recovery under the policy; provided, that the insured, immediately upon receipt of any written request so to do made by the company forthwith after the sending of an agent or representative as aforesaid, renders said sworn statement to the company. If, after

sending the agent or representative as aforesaid, the company does not forthwith make a written request for the said sworn statement, the periods of time aforesaid shall be computed from the time when the agent or representative was so sent.

If such an insured renders said sworn statement forthwith in compliance with a written request made by the company as hereinbefore provided, the periods of time aforesaid shall be computed from the time when the company receives said sworn statement.

A written notice under this section may be given, and the sworn statement specified in said standard form may be rendered, to the company at its home office or at the office of the agent who issued or executed the policy or to the said agent.

The provisions of this section shall also apply in case of claims for loss or damage from any hazard other than fire insured against under such a policy.

SECTION 2. This act shall not apply in case of claims for loss or damage under policies of insurance issued prior to its effective date.

Approved March 29, 1934.

Chap. 111 AN ACT RELATIVE TO THE FILING OF NOMINATION PAPERS BY INDEPENDENT CANDIDATES FOR STATE OFFICES AT SPECIAL ELECTIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 53, §10, etc., amended.

Certificates of nomination, etc., time of filing.

Section ten of chapter fifty-three of the General Laws, as most recently amended by section two of chapter three hundred and thirteen of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the tenth line, as appearing in the Tercentenary Edition of the General Laws, the words "eleventh day" and inserting in place thereof the words: — fourth Tuesday, — so that the first paragraph will read as follows: — Certificates of nomination of candidates for offices to be filled by all the voters of the commonwealth, except for presidential electors, shall be filed on or before the seventh Monday, and of all other candidates for offices to be filled at a state election, including presidential electors, on or before the fifth Thursday, and nomination papers of all candidates for offices to be filled at a state election, on or before the twelfth Tuesday, preceding the day of the election; but if there is a special election to fill any state office, certificates of nomination shall be filed on or before the twelfth day, and nomination papers on or before the fourth Tuesday, preceding the day of such election.

Approved March 29, 1934.

AN ACT AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES BY LICENSED WHOLESALERS AND MANUFACTURERS THEREOF TO MANUFACTURERS OF FOOD PRODUCTS, INCLUDING ICE CREAM, AND TO MANUFACTURERS OF CERTAIN DRUGS AND CHEMICALS.

Chap. 112

Be it enacted, etc., as follows:

Section twenty-eight of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "commonwealth" in the sixth line the following: — , and to manufacturers of food products, including ice cream, for use only in connection with the manufacture of such products, and to manufacturers of drugs and chemicals for use only in the manufacture or preparation of articles mentioned in section thirty-five of chapter one hundred and twelve, — so as to read as follows: — *Section 28.* The holder of a license under section eighteen or nineteen may sell alcoholic beverages to churches and religious societies, educational institutions licensed under section fourteen, incorporated hospitals and homes for aged people whose real or personal property is exempt from taxation under the laws of the commonwealth, and to manufacturers of food products, including ice cream, for use only in connection with the manufacture of such products, and to manufacturers of drugs and chemicals for use only in the manufacture or preparation of articles mentioned in section thirty-five of chapter one hundred and twelve, in such quantities and subject to such restrictions as the commission may by regulation prescribe. The holder of such a license may also sell and deliver such beverages to any person on any federal or state military or naval reservation authorized by the commanding officer thereof to purchase and receive the same.

G. L. (Ter. Ed.), 138, §28, etc., amended.

Sale of alcoholic beverages to certain religious, etc., societies.

Approved March 29, 1934.

AN ACT REQUIRING THAT THE ATTORNEY GENERAL BE MADE A PARTY IN CERTAIN PROCEEDINGS RELATIVE TO THE PROBATE OF WILLS.

Chap. 113

Be it enacted, etc., as follows:

Chapter one hundred and ninety-two of the General Laws is hereby amended by inserting after section one, as appearing in the Tercentenary Edition thereof, the following new section: — *Section 1A.* If it appears in the petition for the probate of a will or letters testamentary that there is no husband, widow or heir at law of such deceased person known to be living, the attorney general shall be made a party to the petition and shall be given notice of all proceedings relative to the probate of the will or granting of letters testamentary.

G. L. (Ter. Ed.), 192, new section 1A, added.

Attorney general to be made a party in certain probate matters.

Approved March 29, 1934.

Chap. 114 AN ACT RELATIVE TO THE SALE OF MAGAZINES AND OTHER PERIODICALS BY MINORS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 101, §19, amended.

Regulation of sale of magazines, etc., by minors.

Section nineteen of chapter one hundred and one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after the word "seventeen", in the fourteenth line, the words: —, except that a badge so issued may authorize, in addition, the sale of magazines and other periodicals, — so as to read as follows:— *Section 19.* The aldermen or selectmen may make regulations consistent with the general laws relative to the exercise of the trade of bootblacking by minors, and to the sale or barter by minors of any goods, wares or merchandise the sale of which is permitted without a license by section seventeen, and may prohibit such trade or such sales, or may require a minor to obtain from them a permit therefor to be issued on terms and conditions prescribed in such regulations; provided, that in the case of girls under the age of eighteen years and of boys under the age of sixteen years the foregoing powers in cities shall be vested in and exercised by the school committee. No permit issued to a minor under this section nor badge issued to him under sections sixty-nine to seventy-three, inclusive, of chapter one hundred and forty-nine shall authorize the sale by a minor of any article, other than those which may be sold without a license under section seventeen, except that a badge so issued may authorize, in addition, the sale of magazines and other periodicals. A minor who sells such article or exercises such trade without a permit, if one is required, or who violates the conditions of his permit or any provision of said regulations, shall be punished by a fine of not more than ten dollars. *Approved March 29, 1934.*

Chap. 115 AN ACT PROVIDING FOR THE FILING WITH THE SUPERVISOR OF MARINE FISHERIES OF COPIES OF RULES AND REGULATIONS MADE BY CITIES AND TOWNS UNDER THE MARINE FISHERIES LAWS AND FOR NOTIFYING HIM OF PERMITS AND LICENSES ISSUED UNDER SAID LAWS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 130, new section 6B, added.

Copies of municipal rules, etc., under marine fisheries laws to be filed with supervisor of marine fisheries.

SECTION 1. Chapter one hundred and thirty of the General Laws, inserted therein by section two of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after section six A the following new section:— *Section 6B.* On the first Monday of each month, the clerk of each city or town bordering on the coastal waters shall file with the supervisor a certified copy of all rules and regulations relating to fish which have been made during the preceding month by the aldermen or selectmen under authority of any general or special law relating to marine fisheries, and said clerk shall

also upon request notify the supervisor in writing of all licenses or permits issued by him during such month under authority thereof.

SECTION 2. Within one month after the effective date of this act, the clerk of each city or town bordering on the coastal waters, as defined in section one of chapter one hundred and twenty-nine A of the General Laws, inserted therein by section one of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, shall furnish the supervisor of marine fisheries with a certified copy of all the rules and regulations relative to marine fish and marine fisheries then in force in his town.

Approved March 29, 1934.

AN ACT PROVIDING FOR SUIT BY AN HEIR AS WELL AS BY A LEGATEE OR CREDITOR IN CASE AN EXECUTOR OR ADMINISTRATOR REFUSES OR IS UNABLE TO SUE. Chap. 116

Be it enacted, etc., as follows:

Section five of chapter two hundred and thirty of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the fourth and sixth lines, the article "a" and inserting in place thereof, in each instance, the words: — an heir, — so as to read as follows: — *Section 5.* It shall be unnecessary to remove an executor or administrator in order that an action or suit to enforce a claim in favor of the estate may be brought by an administrator to be appointed in his place, when he refuses to bring such action or suit at the request of an heir, legatee or creditor, or is unable to do so by reason of his interest or otherwise, but an heir, legatee or creditor having an interest in the enforcement of any such claim may bring a suit in equity to enforce it for the benefit of the estate in like circumstances and in like manner as a person beneficially interested in a trust fund may bring a suit to enforce a claim in favor of such fund, and in case of such a suit in respect to real estate, it shall not be an obstacle to the suit that a license to sell it has not been obtained by the executor or administrator.

G. L. (Ter.
Ed.), 230,
§5, amended.

Legatee, etc.,
may bring
suit to en-
force claim
where ex-
ecutor, etc.,
refuses, etc.

Approved March 29, 1934.

AN ACT TO REDUCE THE MEMBERSHIP OF THE BOARD OF ENGINEERS OF THE FIRE DEPARTMENT OF THE CITY OF HAVERHILL. Chap. 117

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-five of the acts of eighteen hundred and ninety-three is hereby amended by striking out section one and inserting in place thereof the following: — *Section 1.* The fire department of the city of Haverhill shall consist of a chief of the department, and two assistant engineers, who are to be designated as deputy

chiefs and who, together with said chief, shall constitute a board of engineers, and as many enginemen, hosemen, hook-and-ladder men, and other persons, permanent and call, as the care, management and equipment of the fire apparatus of said city shall from time to time require.

SECTION 2. Section two of said chapter one hundred and thirty-five is hereby repealed.

SECTION 3. This act shall take effect upon its acceptance, during the current year, by vote of the city council of the city of Haverhill, subject to the provisions of its charter.

Approved March 29, 1934.

Chap. 118 AN ACT RELATIVE TO THE TERMS OF OFFICE OF MEMBERS OF WARD COMMITTEES IN CASE OF A REDIVISION OF A CITY INTO WARDS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 52, §7, amended.

Ward committees, terms of office of members of, upon redivision of a city into wards.

Section seven of chapter fifty-two of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out the words "state primary" where they appear in the second, fourth and sixth lines and inserting in place thereof, in each instance, the words:— party primaries, — so as to read as follows:— *Section 7.* The terms of office of the members of the ward committees of a city elected at the biennial party primaries next preceding a redivision thereof into wards shall terminate on the twentieth day after the holding of the next following biennial party primaries; and the terms of office of the members of the ward committees of such city elected at said next following biennial party primaries shall commence on said twentieth day, or as soon thereafter as the several ward committees shall organize, which shall be within ten days after said twentieth day, and shall continue for two years from January first following their election and until their successors shall have organized.

Upon the redivision of a city into wards the treasurer of each ward committee of a ward affected by such redivision shall, before the termination of office of the members thereof, pay over to the treasurer of the city committee representing the same political party such funds of the ward committee as he has in his possession after paying all bills. In the statements required under section seventeen of chapter fifty-five, the treasurer of the ward committee making such payment shall report it as a disbursement and the treasurer of the city committee receiving it shall report it as a receipt.

Approved March 29, 1934.

AN ACT DESIGNATING THE CHIEF ENGINEER OF THE FIRE DEPARTMENT OF THE CITY OF HAVERHILL AS CHIEF OF THE FIRE DEPARTMENT OF SAID CITY, AND PLACING THE OFFICE OF SAID CHIEF UNDER THE CIVIL SERVICE LAWS.

Chap. 119

Be it enacted, etc., as follows:

SECTION 1. The chief engineer of the fire department of the city of Haverhill shall hereafter be designated as the chief of the fire department of said city.

SECTION 2. The office of chief of the fire department of the city of Haverhill shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to the appointment and removal of permanent members of fire departments of cities, and the tenure of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations; but the person holding said office on said effective date may continue to serve as such without taking a civil service examination.

SECTION 3. This act shall be submitted to the registered voters of said city at the municipal election in the current year in the form of the following question which shall be placed upon the official ballot to be used at said election: "Shall an act of the general court passed in the current year, entitled 'An Act designating the Chief Engineer of the Fire Department of the City of Haverhill as Chief of the Fire Department of Said City and placing the Office of Said Chief under the Civil Service Laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise.

Approved March 29, 1934.

AN ACT AUTHORIZING THE MASSACHUSETTS STATE GUARD VETERANS AND REGULAR ORGANIZED UNITS THEREOF TO DRILL AND PARADE WITH FIREARMS IN PUBLIC.

Chap. 120

Be it enacted, etc., as follows:

Section sixty of chapter thirty-three of the General Laws, as appearing in the Tercentenary Edition thereof and as amended by section one of chapter one hundred and fifty-three of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "League" in the thirty-sixth line the words:— and The Massachusetts State Guard Veterans and regularly organized units thereof, — so as to read as follows:— *Section 60.* No body of men, except the volunteer militia, the troops of the United States and the Ancient and Honorable Artillery Company of Boston, except as provided in the following section, shall maintain an armory, or associate together at any time as a company or organization, for drill or parade with firearms, or so drill or parade; nor shall any town raise or appropriate money toward arming, equipping, uniforming,

G. L. (Ter. Ed.), 33, §60, etc., amended.

Massachusetts state guard veterans may drill and parade with firearms.

supporting or providing drill rooms or armories for any such body of men; provided, that associations wholly composed of soldiers honorably discharged from the service of the United States may parade in public with arms, upon the reception of any regiment or company of soldiers returning from said service, and for escort duty at the burial of deceased soldiers, with the written permission of the aldermen of the city or selectmen of the town where they desire to parade; that students in educational institutions where military science is a prescribed part of the course of instruction may, with the consent of the governor, drill and parade with firearms in public, under the superintendence of their teachers; that members of schools for military instruction conducted with the approval of the governor, may drill and parade with firearms in public, under the supervision of their instructors; that foreign troops whose admission to the United States has been consented to by the United States government may, with the consent of the governor, drill and parade with firearms in public; and any body of men may, with the consent of the governor, drill and parade in public with any harmless imitation of firearms approved by the adjutant general; that regularly organized posts of the Grand Army of the Republic, and of The American Legion, and regularly organized camps of the United Spanish War Veterans and regularly organized posts of the Veterans of Foreign Wars of the United States, and of the Jewish War Veterans of the United States, and regularly organized detachments of the Marine Corps League and The Massachusetts State Guard Veterans and regularly organized units thereof may drill and parade with firearms in public, under the supervision of their duly authorized officers; that the Kearsarge Association of Naval Veterans, Inc., may at any time parade in public their color guards of not more than twelve men armed with firearms, that the Society of Colonial Wars in the Commonwealth of Massachusetts, the Order of the Founders and Patriots of America, the Massachusetts Society of the Sons of the American Revolution, the Society of the Sons of the Revolution in the Commonwealth of Massachusetts, the Society of the War of 1812 in the Commonwealth of Massachusetts, and regularly organized branches of any of said societies may at any time parade in public their uniformed color guards of ten men with firearms; that regularly organized camps of the Sons of Veterans may at any time parade in public their color guards of ten men with firearms; and that any organization heretofore authorized by law may parade with side-arms; and any veteran association composed wholly of past members of the militia of the commonwealth may maintain an armory for the use of the organizations of the militia to which its members belonged; provided, that such drill or parade is not in contravention of the laws of the United States.

Approved March 29, 1934.

AN ACT RELATIVE TO THE MANNER OF SERVING ALCOHOLIC BEVERAGES IN TAVERNS AND CLUBS. *Chap. 121*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "tables" in the eighty-first line the words: — or sitting at counters equipped with stools, — so that the sentence contained in the seventy-eighth to the eighty-second lines, inclusive, will read as follows: — "Tavern", an establishment where alcoholic beverages may be sold, as authorized by this chapter, with or without food, to be served to and drunk by patrons sitting at tables or sitting at counters equipped with stools in plain view of other patrons, all entrances to which shall open directly from a public way.

G. L. (Ter. Ed.), 138, § 1, etc., amended.

"Tavern" defined.

SECTION 2. Section twelve of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by inserting after the word "or" in the twentieth line the word: — sitting, — and by inserting after the word "tables" in the forty-first line the words: — or sitting at counters equipped with stools, — so that the first and second paragraphs of said section will read as follows: — A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission after investigation except as provided in section twenty-three, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing, and, in the case of a hotel, restaurant or tavern licensee, only served to and drunk by patrons sitting at tables or sitting at counters equipped with stools; and provided, further, that no alcoholic beverage shall be served to or drunk by a woman in a tavern; and provided, further, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made by licensed innholders to registered guests occupying private rooms in their hotels. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant licenses to innholders and

G. L. (Ter. Ed.), 138, § 12, etc., amended.

Granting of licenses.

common victuallers therein under chapter one hundred and forty shall be vested in the local licensing authorities.

Club licenses.

Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission after investigation, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others, and provided further that such beverages shall be served to and drunk by members or guests only sitting at tables or sitting at counters equipped with stools. *Approved March 29, 1934.*

Chap. 122 AN ACT REPEALING CERTAIN PROVISIONS OF LAW RELATIVE TO THE VOTING RIGHTS OF THE INHABITANTS OF THE TERRITORY RECENTLY SET OFF FROM THE TOWN OF SAUGUS AND ANNEXED TO THE TOWN OF WAKEFIELD.

Be it enacted, etc., as follows:

Section five of chapter two hundred and ninety-eight of the acts of nineteen hundred and thirty-three is hereby repealed. *Approved April 2, 1934.*

Chap. 123 AN ACT RELATIVE TO THE DISMISSAL OF PUBLIC SCHOOL TEACHERS AND SUPERINTENDENTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 71, §42, amended.

Suspension and discharge of public school teachers and superintendents.

Chapter seventy-one of the General Laws is hereby amended by striking out section forty-two, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 42.* The school committee may dismiss any teacher, but in every town except Boston no teacher or superintendent, other than a union or district superintendent, shall be dismissed unless by a two thirds vote of the whole committee. In every such town a teacher or superintendent employed at discretion under the preceding section shall not be dismissed, except for inefficiency, incapacity, conduct unbecoming a teacher or superintendent, insubordination or other good cause, nor unless at least thirty days, exclusive of customary vacation periods, prior to the meeting at which the vote is to be taken, he shall have been notified of such intended vote; nor unless, if he so requests, he shall have been furnished by the committee with a written charge or charges of the cause or causes for which his dismissal is proposed; nor unless, if he so requests, he has been given a hearing before the school committee which may be either public or private at the discretion of the school committee and at which he may be represented by counsel, present evidence and call witnesses to testify in his behalf and examine them; nor unless the charge or charges shall have been substantiated; nor

unless, in the case of a teacher, the superintendent shall have given the committee his recommendations thereon. Neither this nor the preceding section shall affect the right of a committee to suspend a teacher or superintendent for unbecoming conduct, or to dismiss a teacher whenever an actual decrease in the number of pupils in the schools of the town renders such action advisable. No teacher or superintendent who has been lawfully dismissed shall receive compensation for services rendered thereafter, or for any period of lawful suspension followed by dismissal.

Approved April 3, 1934.

AN ACT AUTHORIZING PUBLIC RELIEF AND SUPPORT NOTWITHSTANDING THE OWNERSHIP OF CERTAIN LIFE INSURANCE POLICIES.

Chap. 124

Be it enacted, etc., as follows:

Section one of chapter one hundred and seventeen of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding at the end thereof the following new sentence: — The ownership of a life insurance policy in an amount not exceeding three hundred dollars shall not preclude relief and support hereunder if the owner of said policy is otherwise entitled to the same, — so as to read as follows: — *Section 1.* Every town shall relieve and support all poor and indigent persons lawfully settled therein whenever they stand in need thereof. The ownership of a life insurance policy in an amount not exceeding three hundred dollars shall not preclude relief and support hereunder if the owner of said policy is otherwise entitled to the same.

G. L. (Ter. Ed.), 117, §1, amended.

Cities and towns to support poor.

(The foregoing was laid before the governor on the twenty-seventh day of March, 1934, 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.)

AN ACT AUTHORIZING THE TOWN OF OAK BLUFFS TO PURCHASE CERTAIN BEACH PROPERTY LOCATED IN SAID TOWN AND TO LEASE THE PROPERTY SO PURCHASED.

Chap. 125

Be it enacted, etc., as follows:

SECTION 1. The town of Oak Bluffs may purchase, for use as a playground or recreation center, such part of the beach property located in said town as it may by vote determine, and the board of selectmen of said town may, if and as authorized by vote of the town, lease, for terms not exceeding ten years each, such part of the property so purchased as the town by vote may determine.

SECTION 2. For the purpose of purchasing said property as aforesaid, the town of Oak Bluffs may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words,

Town of Oak Bluffs, Beach Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be outside the statutory limit but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof, as appearing in the Tercentenary Edition thereof.

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

Approved April 4, 1934.

Chap. 126 AN ACT PROVIDING FOR THE MAINTENANCE AND REPAIR OF THE MEMORIAL ERECTED BY THE COMMONWEALTH ON THE SITE OF THE MYLES GARRISON HOUSE IN THE TOWN OF SWANSEA.

Be it enacted, etc., as follows:

The department of public works shall maintain and keep in repair the memorial erected by the commonwealth under the provisions of chapter eleven of the resolves of nineteen hundred and eleven on the site of the Myles Garrison house, so called, in the town of Swansea.

Approved April 4, 1934.

Chap. 127 AN ACT ELIMINATING CERTAIN UNNECESSARY PROVISIONS OF LAW RELATIVE TO THE ENUMERATION OF SUMMER RESIDENTS IN CERTAIN TOWNS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 9, §9, amended.

State census director, etc. Duties, etc.

Section nine of chapter nine of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out all after the word "enumeration" in the fifth line down to and including the word "thirty-eight" in the seventh line, — so as to read as follows: — *Section 9.* The secretary shall, with the approval of the governor and council, appoint, and may, with like approval, remove, a competent person to be known as the state census director. Said director, under the supervision of the secretary, shall have charge of compiling information in connection with said decennial census and enumeration. He shall perform such other duties as the secretary determines. The secretary may appoint and remove such temporary officers, clerks and other assistants as are necessary to assist him in performing the duties required in connection with said enumeration and census. Appointments under this section shall not be subject to chapter thirty-one. For the purposes of such enumeration and census, the secretary or the state census director may require the attendance and testimony of witnesses and the

production of books and documents, and may examine witnesses on oath; and such witnesses shall be examined in the same manner and be paid the same fees as witnesses in civil actions before the courts. *Approved April 4, 1934.*

AN ACT PLACING THE OFFICE OF CHIEF ENGINEER OF THE FIRE DEPARTMENT OF THE CITY OF QUINCY UNDER THE CIVIL SERVICE LAWS. *Chap. 128*

Be it enacted, etc., as follows:

SECTION 1. The office of chief engineer of the fire department of the city of Quincy shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to the appointment and removal of permanent members of fire departments of cities, and the term of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations; but the person holding said office on said effective date shall continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Quincy at the state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the current year, entitled 'An Act placing the Office of Chief Engineer of the Fire Department of the City of Quincy under the Civil Service Laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise. *Approved April 4, 1934.*

AN ACT REGULATING THE DISPOSITION OF STARFISH CAUGHT IN OR TAKEN FROM THE COASTAL WATERS OF THE COMMONWEALTH. *Chap. 129*

Be it enacted, etc., as follows:

Chapter one hundred and thirty of the General Laws is hereby amended by inserting after section eighty-four, as appearing in section two of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, the following new section: — *Section 84A.* Whoever catches in, or takes from, the coastal waters any starfish shall deposit such starfish at some place above high water mark or at some suitable place designated by the selectmen of the town wherein such disposition is made. Whoever violates any provision of this section shall be punished by a fine of five dollars and, in addition thereto, all permits or licenses issued to such person under authority of this chapter shall be void and no new permit or license shall be issued to him under such authority within the six months next following the date of his conviction, except upon approval of the supervisor.

G. L. (Ter. Ed.), 130, new section 84A, added.

Starfish, disposal of. Penalty.

Approved April 4, 1934.

Chap. 130 AN ACT RELATIVE TO EXPENDITURES BY THE DEPARTMENT OF EDUCATION DURING THE CURRENT YEAR IN AIDING STUDENTS IN STATE TEACHERS COLLEGES.

Be it enacted, etc., as follows:

Subject to appropriation, the department of education may, during the current fiscal year, expend under section five of chapter seventy-three of the General Laws, as amended by section fifteen of chapter one hundred and twenty-seven of the acts of nineteen hundred and thirty-two, not more than six thousand dollars in aiding students in state teachers colleges, including the Massachusetts school of art, notwithstanding and in lieu of the limitation of amount of such expenditures contained in said section five.

Approved April 4, 1934.

Chap. 131 AN ACT RELATIVE TO THE COLLECTION OF LOCAL TAXES AFTER FAILURE TO COLLECT THE SAME BY TAX SALES BECAUSE OF CERTAIN INVALID PROCEEDINGS.

Be it enacted, etc., as follows:

SECTION 1. Section forty-six of chapter sixty of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding at the end thereof the following new paragraph: —

G. L. (Ter. Ed.), 60, § 46, amended.

Discharge of title deed, etc.

Upon such payment except in case an assignment and transfer is given to the town, the collector shall cause a surrender and discharge of the tax title deed to be recorded in the proper registry of deeds; and thereupon, if the error, omission or informality by reason of which it appears that the purchaser has no claim upon the property sold occurred in the assessment of the tax or assessment, the collector shall notify the board by which the tax or assessment was laid, which shall forthwith reassess it as provided in section seventy-seven of chapter fifty-nine, and if it occurred in the proceedings of the collector, he shall forthwith proceed to collect the unpaid tax or assessment in conformity to law.

SECTION 2. Section thirty-seven of said chapter sixty, as most recently amended by section one of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fourth line, the word "April" and inserting in place thereof the word: — January, — and by inserting after the word "after" in the fifteenth line the words: — a surrender and discharge under section forty-six or, — so as to read as follows: — *Section 37.* Taxes assessed upon land, including those assessed under sections twelve, thirteen and fourteen of chapter fifty-nine, shall with all incidental charges and fees be a lien thereon from January first in the year of assessment. Except as provided in section sixty-one, such lien shall terminate at the expiration of two years from October first in said year, if the estate has in the meantime been alienated

G. L. (Ter. Ed.), 60, § 37, etc., amended.

Lien of tax upon real estate, levy by sale, validity of title.

and the instrument alienating the same has been recorded, otherwise it shall continue until a recorded alienation thereof; but if while such lien is in force a tax sale or taking has been made, and the deed or instrument of taking has been duly recorded within sixty days, but the sale or taking is invalid by reason of any error or irregularity in the proceedings subsequent to the assessment, the lien shall continue for ninety days after a surrender and discharge under section forty-six or a release, notice or disclaimer, under sections eighty-two to eighty-four, inclusive, has been duly recorded, or for ninety days after the sale or taking has been finally adjudged invalid by a court of competent jurisdiction. There shall be no lien for taxes reassessed if the property is alienated before the reassessment. Said taxes, if unpaid for fourteen days after demand therefor, may, with said charges and fees, be levied by sale of the real estate, if the lien thereon has not terminated. No tax title shall be held to be invalid by reason of any errors or irregularities in the proceedings of the collector which are neither substantial nor misleading.

SECTION 3. So much of section two as amends the first sentence of said section thirty-seven shall take effect December thirty-first of the current year.

Effective date.

Approved April 4, 1934.

AN ACT AUTHORIZING THE IMPOSITION OF FEES IN CERTAIN RULES AND REGULATIONS OF THE DEPARTMENT OF LABOR AND INDUSTRIES AND VALIDATING THOSE HERETOFORE SET FORTH IN SAID RULES AND REGULATIONS.

Chap. 132

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter one hundred and forty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "diseases" in the eleventh line the words: — , and rules and regulations pertaining to structural painting made hereunder may provide for the payment of reasonable fees, — so as to read as follows: — *Section 6.* It shall investigate from time to time employments and places of employment, and determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all such employments or places of employment; and also shall determine what suitable devices or other reasonable means or requirements for the prevention of industrial or occupational diseases shall be adopted or followed in any or all such employments or places of employment; and shall make reasonable rules, regulations and orders applicable to either employers or employees or both for the prevention of accidents and the prevention of

G. L. (Ter. Ed.), 149, §6, amended.

Investigations of department of labor and industries as to safety and health. Rules.

industrial or occupational diseases, and rules and regulations pertaining to structural painting made hereunder may provide for the payment of reasonable fees.

SECTION 2. All fees collected prior to the effective date of this act under the assumed authority of rules and regulations pertaining to structural painting adopted under said section six are hereby declared to have been legally imposed, to the same extent as though this act had been in effect at the time of such adoption.

Approved April 6, 1934.

Chap. 133 AN ACT SUBJECTING THE OFFICES OF CHIEF CLERK AND CASHIER IN THE DEPARTMENT OF THE ATTORNEY GENERAL TO THE CIVIL SERVICE LAWS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 12,
§2, amended.

Certain
assistants of
attorney
general
subject to
civil service.

SECTION 1. Section two of chapter twelve of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after the word "section" in the eighth line the words: — , other than those of chief clerk and cashier, — so as to read as follows: — *Section 2.* He may appoint such assistants as the duties of the department require and a chief clerk and, with the approval of the governor and council, shall fix their compensation. He may appoint a cashier and, subject to the approval of the governor and council, fix his salary. Such cashier shall give bond to the commonwealth in such sum as is determined by the attorney general. He may, with the approval of the governor and council, employ additional legal assistance. Appointments under this section, other than those of chief clerk and cashier, shall be exempt from chapter thirty-one.

SECTION 2. The terms of office of the incumbents of the offices of chief clerk and cashier in the department of the attorney general upon the effective date of this act shall be unlimited, except that they may be removed in accordance with chapter thirty-one of the General Laws and the rules and regulations made thereunder.

Approved April 6, 1934.

Chap. 134 AN ACT MAKING A CORRECTIVE CHANGE IN THE LAWS RELATING TO TAXATION OF SUBSIDIARY OR CONTROLLED CORPORATIONS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section thirty-nine A of chapter sixty-three of the General Laws, as amended by section two of chapter three hundred and three of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the sixth line, the word "parent" and inserting in place thereof the word: — foreign, — so that the first paragraph will read as follows: — The net income of a foreign corporation which is a subsidiary of another corporation or closely affiliated therewith by stock ownership shall be determined by eliminating all payments to the parent corporation or affiliated corporations in excess of fair value, and by including fair compensation to such foreign corporation for all commodities sold to or services performed for the parent corporation or affiliated corporations. For the purposes of determining such net income, the commissioner may, in the absence of satisfactory evidence to the contrary, presume that an apportionment by reasonable rules of the consolidated net income of corporations participating in the filing of a consolidated return of net income to the federal government fairly reflects the net income taxable under this chapter, or may otherwise equitably determine such net income by reasonable rules of apportionment of the combined income of the subsidiary, its parent and affiliates or any thereof.

Approved April 6, 1934.

G. L. (Ter. Ed.), 63, §39A, etc., amended.

Taxation of subsidiary, etc., corporations.

AN ACT RELATIVE TO THE RETIREMENT FOR ACCIDENTAL DISABILITY OF JANITORS EMPLOYED IN PUBLIC SCHOOLS OF CERTAIN CITIES AND TOWNS.

Chap. 135

Be it enacted, etc., as follows:

Chapter thirty-two of the General Laws is hereby amended by striking out section forty-four, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 44.* The school committee, official, board or other body having control of janitors employed in the public schools of any city or town which accepts this section, as provided in the following section, or have accepted corresponding provisions of earlier laws, may retire, with an annual pension, any janitor so employed who has reached the age of sixty, after completing a service of not less than twenty-five years, and is physically incapacitated, and any janitor so employed, who has completed a service of not less than fifteen years, and is physically incapacitated by reason of injury received in the performance of his duties for such city or town. The pension shall be one half the compensation to which the pensioner would have been entitled for full employment during the last year of his service, but not more than five hundred dollars a year, and shall be payable out of the appropriation for the support of public schools, maintenance of school buildings or payment of janitors.

Approved April 6, 1934.

G. L. (Ter. Ed.), 32, §44, amended.

Municipal pensions for school janitors.

Chap. 136 AN ACT RELATIVE TO APPLICATIONS FOR ABATEMENT OF AND EXEMPTIONS FROM LOCAL TAXES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 60, new section 3A, added.
Tax bill, form of.

SECTION 1. Chapter sixty of the General Laws is hereby amended by inserting after section three, as appearing in the Terecentenary Edition, the following new section:—
Section 3A. Every tax bill or notice shall be in a form approved by the commissioner and shall state that applications for abatement or exemptions, on forms so approved, must be filed with the assessors, in case of original assessments, on or before December first of the year to which the tax relates, or, in case of an assessment under section seventy-five of chapter fifty-nine or a reassessment under section seventy-seven of said chapter, within six months after the sending of the bill or notice therefor.

G. L. (Ter. Ed.), 59, §59, etc., amended.

Abatements.

SECTION 2. Chapter fifty-nine of the General Laws, as most recently amended in section fifty-nine by section one of chapter two hundred and sixty-six of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out said section fifty-nine and inserting in place thereof the following:—*Section 59.* A person aggrieved by the tax assessed upon him may, on or before December first of the year to which the tax relates, apply in writing to the assessors, on a form approved by the commissioner, for an abatement thereof, and if they find him taxed at more than his just proportion, or upon an assessment of any of his property in excess of its fair cash value, they shall make a reasonable abatement; provided, that a person aggrieved by a tax assessed upon him under section seventy-five or reassessed upon him under section seventy-seven may apply for such abatement at any time within six months after notice of such assessment or reassessment is sent to him. A tenant of real estate paying rent therefor and under obligation to pay more than one half of the taxes thereon may apply for such abatement. If a person other than the person to whom a tax on real estate is assessed is the owner thereof, or has an interest therein, or is in possession thereof, and pays the tax, he may thereafter prosecute in his own name any application, appeal or action provided by law for the abatement or recovery of such tax, which after the payment thereof shall be deemed for the purposes of such application, appeal or action, to have been assessed to the person so paying the same.

Effective date.

SECTION 3. This act shall take effect on December thirty-first, nineteen hundred and thirty-four.

Approved April 6, 1934.

AN ACT MAKING CERTAIN CORRECTIONS IN THE INSURANCE LAWS AFFECTING THE ISSUE OF WORKMEN'S COMPENSATION POLICIES, THE MERGER OF INSURANCE COMPANIES AND THE EXEMPTION OF VETERANS FROM THE PAYMENT OF CERTAIN FEES. Chap. 137

Be it enacted, etc., as follows:

SECTION 1. Section fifty-five of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercenary Edition thereof, is hereby amended by striking out the second paragraph and inserting in place thereof the following: —

G. L. (Ter. Ed.), 152, §55, amended.

Any policy of insurance issued in violation of this section or of any other provision of this chapter shall nevertheless be valid and binding upon the company issuing it, and the rights, duties and obligations of the parties thereto shall be determined by this chapter and chapter one hundred and seventy-five.

Effect of policy issued in violation of section.

SECTION 2. Section nineteen A of chapter one hundred and seventy-five of the General Laws, as so appearing, is hereby amended by inserting after the word "forty-eight" in the tenth line, the words: — , forty-eight A, — so as to read as follows: — *Section 19A.* Two or more domestic companies may merge or consolidate into one corporation, or a domestic company may merge or consolidate with any company or companies organized under the laws of any state of the United States into one corporation, which shall be a domestic corporation. In either case the title of such new corporation shall be subject to the provisions of section forty-nine. Companies merging or consolidating under this section shall enter into a written agreement for such merger or consolidation prescribing its terms and conditions, the classes of business it proposes to transact subject to sections forty-eight, forty-eight A, fifty-one and fifty-four, the amount of the capital stock, if any, of the new corporation, which shall not be a larger amount than the aggregate amount of the capital stock of the merged or consolidated companies nor less than the minimum amount specified in said sections forty-eight and fifty-one, and the number of shares into which said capital stock is to be divided. In all respects, the new corporation shall be subject to the provisions of this chapter, except as otherwise expressly provided in this section. Such agreement shall be assented to by a vote of the majority of the board of directors of each company and approved by the votes of the stockholders, if any, owning at least two thirds of the stock of each company at a meeting called for the purpose, notice of which meeting shall be given in accordance with law, and also published at least once a week for three successive weeks in some newspaper printed in the commonwealth, and if any of the merging or consolidating companies are domiciled outside of the commonwealth at least once a week for three successive weeks in some newspaper printed

G. L. (Ter. Ed.), 175, §19A, amended.

Merger of insurance companies.

in the town where such company has its principal office, or, if there are no stockholders, such agreement shall be assented to by a vote of the majority of the board of directors of each company and approved by the votes of at least two thirds of the policyholders of each company, actually present or represented at a meeting called for the purpose, notice of which meeting shall be given as hereinbefore provided. Such agreement shall be subject to the written approval of the commissioner, shall be executed in duplicate by the president and secretary and by a majority of the board of directors of each company under its corporate seal, shall be accompanied by copies of the resolutions authorizing the merger or consolidation and the execution of the agreement attested by the recording officer of each company and shall, with the records of the companies pertaining thereto, be submitted to the commissioner. If it appears that the requirements of this section have been complied with, the commissioner may so certify and approve the agreement by his endorsement thereon. One of the duplicates of such agreement shall thereupon be filed with the state secretary, who shall cause the same to be recorded and shall issue a certificate of re-incorporation to the new company with the powers retained and specified in the agreement, and the other duplicate shall be retained by the commissioner. No such agreement shall take effect until it has been filed in the office of the state secretary as aforesaid. The new company may require the return of the original certificates of stock held by each stockholder in each of the companies merged or consolidated and issue in lieu thereof new certificates for such number of shares of its own stock as the stockholder may be entitled to receive. Upon such merger or consolidation all rights and properties of the several companies shall accrue to and become the property of the new company which shall succeed to all the obligations and liabilities of the merged or consolidated companies, in the same manner as if they had been incurred or contracted by it. The stockholders or policyholders of the merged or consolidated companies shall continue to be subject to all the liabilities, claims and demands existing against them at or before such merger or consolidation. No action or proceeding pending at the time of the merger or consolidation in which any or all of the companies merged or consolidated may be a party shall abate or be discontinued by reason of the merger or consolidation, but the same may be prosecuted to final judgment in the same manner as if the merger or consolidation had not taken place, or the new company may be substituted in place of any company so merged or consolidated by order of the court in which the action or proceeding may be pending. Nothing in this section shall authorize the merger or consolidation of stock companies with mutual companies.

SECTION 3. Section one hundred and sixty-seven A of said chapter one hundred and seventy-five, as so appearing, is hereby amended by striking out, in the first line, the

article "a", and inserting in place thereof the words:— an insurance broker's, — so as to read as follows:— *Section 167A*. No fee for an insurance broker's license issued under section one hundred and sixty-six, one hundred and sixty-seven or one hundred and seventy-three shall be required of or on account of any soldier, sailor or marine resident in this commonwealth who has served in the army or navy of the United States in time of war or insurrection and received an honorable discharge therefrom or release from active duty therein, if he presents to the commissioner satisfactory evidence of his identity.

Approved April 6, 1934.

Veterans
exempt from
payment of
certain
license fees.

AN ACT INCREASING THE AMOUNT OF FORFEITURE PAYABLE TO A PERSON AGGRIEVED BY DISCRIMINATION ON ACCOUNT OF RACE OR COLOR.

Chap. 138

Be it enacted, etc., as follows:

Section ninety-eight of chapter two hundred and seventy-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eleventh line, the word "twenty-five" and inserting in place thereof the words:— one hundred, — and by striking out, in the same line, the word "three" and inserting in place thereof the word:— five, — so as to read as follows:— *Section 98*. Whoever makes any distinction, discrimination or restriction on account of color or race, except for good cause applicable alike to all persons of every color and race, relative to the admission of any person to, or his treatment in, a theatre, skating rink or other public place of amusement, licensed or unlicensed, or in a public conveyance or public meeting, or in an inn, barber shop or other public place kept for hire, gain or reward, licensed or unlicensed, or whoever aids or incites such distinction, discrimination or restriction, shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both, and shall forfeit to any person aggrieved thereby not less than one hundred nor more than five hundred dollars; but such person so aggrieved shall not recover against more than one person by reason of any one act of distinction, discrimination or restriction.

Approved April 6, 1934.

G. L. (Ter.
Ed.), 272,
§98, amended.

Color or
race dis-
crimination.
Penalty.

AN ACT SUBJECTING THE OFFICE OF CLERK OF SOLDIERS' RELIEF AND STATE AND MILITARY AID OF THE CITY OF LYNN TO THE CIVIL SERVICE LAWS.

Chap. 139

Be it enacted, etc., as follows:

SECTION 1. The office of clerk of soldiers' relief and state and military aid of the city of Lynn shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the term of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations;

provided, that the incumbent of said office on said date may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Lynn at the state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the current year, entitled 'An Act subjecting the office of clerk of soldiers' relief and state and military aid of the city of Lynn to the civil service laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise.

Approved April 6, 1934.

Chap. 140 AN ACT PROVIDING FACILITIES FOR THE PARKING OF MOTOR VEHICLES NEAR THE STATE HOUSE BY MEMBERS AND OFFICERS OF THE GENERAL COURT.

Be it enacted, etc., as follows:

SECTION 1. The traffic commission of the city of Boston is hereby directed to provide in its regulations prohibiting or restricting the parking and standing of motor vehicles on public ways in said city that they shall not, so far as they relate to the easterly side of Hancock street between Mount Vernon and Derne streets, the southerly side of Derne street between Hancock and Bowdoin streets, and the westerly side of Bowdoin street between Mount Vernon and Beacon streets, apply to motor vehicles owned or used by members and officers of the general court.

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

Approved April 13, 1934.

Chap. 141 AN ACT RELATIVE TO THE MILEAGE COMPENSATION OF JURORS IN CERTAIN CASES.

Emergency
preamble.

Whereas, The deferred operation of this act would in part defeat its purpose, therefore this act is declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 262,
§25, etc.,
amended.

Section twenty-five of chapter two hundred and sixty-two of the General Laws, as most recently amended by chapter one hundred and sixty-two of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "home" in the sixth line the words: — , but not for such time as the jury is held under restraint, by order of court, at the expense of the county, — so as to read as follows: — *Section 25.* The compensation of traverse jurors impanelled to try cases of murder in the first degree shall be six dollars, and that of all other traverse jurors and of grand jurors five dollars, for each day's service. All jurors shall re-

Jurors'
fees, etc.

ceive for each day of actual attendance five cents a mile for travel out and home, but not for such time as the jury is held under restraint, by order of court, at the expense of the county. If the expense of a juror who attends court, necessarily and actually incurred for transportation out and home once in each day, exceeds the amount of the said allowance for travel, he shall be allowed the amount of such expense in lieu of the said travel allowance. If a grand or traverse juror is required to be in attendance for five or more consecutive days he shall receive his fees not later than the end of every fifth day of such attendance.

Approved April 13, 1934.

AN ACT RELATIVE TO THE GRANTING OF LICENSES FOR THE SALE IN TAVERNS OF ALCOHOLIC BEVERAGES.

Chap. 142

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
Preamble.

Be it enacted, etc., as follows:

SECTION 1. Section eleven A of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by striking out all after the word "section" in the ninth line down to and including the colon in the twenty-fifth line and inserting in place thereof the following:—

G. L. (Ter.
Ed.), 138,
§11A, etc.,
amended.

The city council of any city and the selectmen of any town may, and shall upon the filing with the city or town clerk of a petition conforming to the requirements of said section three, requesting that the question of licensing the sale in such city or town of alcoholic beverages in taverns be submitted to the voters thereof, call a special election to be held prior to April fifteenth, nineteen hundred and thirty-four, and cause to be so submitted thereat the following question:

Granting of
tavern
licenses.

SECTION 2. Said section eleven A of said chapter one hundred and thirty-eight, as so appearing, is hereby further amended by inserting after the question contained in lines twenty-six to twenty-eight the following new paragraph:—

G. L. (Ter.
Ed.), 138,
§11A, etc.,
amended.

In any city or town wherein a regular municipal election is to be held prior to said date, the city council or selectmen may, and upon the filing of such a petition in due season shall, cause said question to be so submitted at such election.

Same subject.

SECTION 3. Said section eleven A of said chapter one hundred and thirty-eight, as so appearing, is hereby further amended by adding at the end thereof the following new paragraph:—

G. L. (Ter.
Ed.), 138,
§11A, etc.,
amended.

In any city in which a vote on the question hereinbefore set forth has not been taken, the mayor and city council may file with the city clerk an order authorizing the granting of

Same subject.

tavern licenses and such order shall have the same legal effect as a vote in the affirmative in answer to such question.

Certain votes validated.

SECTION 4. Any vote by the registered voters of a city or town taken in conformity with the provisions of said section eleven A, as amended hereby, shall be legal and valid to the same extent as though such provisions had been in effect at the time of such vote.

Approved April 13, 1934.

Chap. 143

AN ACT RELATIVE TO AMOUNTS PAYABLE TO CERTAIN TOWNS OUT OF THE PROCEEDS OF THE INCOME TAX AS SUPPLEMENTARY REIMBURSEMENTS ON ACCOUNT OF CERTAIN SCHOOL EXPENDITURES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 70, §4, amended.

Section four of chapter seventy of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the twenty-fifth line, the word "fifteen" and inserting in place thereof the word: — twenty-five, — so that the last paragraph will read as follows: —

Reimbursement to certain towns for school expenditures.

For each person for whom any such town received proportionate reimbursement under section three it shall in each case receive as supplementary reimbursement the same proportion of the sums named herein for full time service. No town shall receive under this section in any one year more than twenty-five thousand dollars.

Approved April 13, 1934.

Chap. 144

AN ACT SUBJECTING THE OFFICES OF COMMISSIONER OF SOLDIERS' RELIEF AND STATE AND MILITARY AID AND SUPERVISOR OF SOLDIERS' AND SAILORS' GRAVES IN THE CITY OF SPRINGFIELD TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The offices of commissioner of soldiers' relief and state and military aid and supervisor of soldiers' and sailors' graves in the city of Springfield shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the terms of office of any incumbents thereof shall be unlimited, except that they may be removed in accordance with such laws and rules and regulations; but the persons holding said offices on said effective date may respectively continue therein without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Springfield at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled 'An Act subjecting the Offices of Commissioner of Soldiers' Relief and State and Military Aid and Supervisor of Soldiers' and Sailors' Graves in the City of Springfield to

the Civil Service Laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise.

Approved April 13, 1934.

AN ACT TO ENLARGE THE POWERS OF THE SCHOOL COMMITTEE
OF THE CITY OF BOSTON IN RESPECT TO PHYSICAL EDU-
CATION. *Chap. 145*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and ninety-five of the acts of nineteen hundred and seven is hereby amended by inserting after the word "equipment" in the eighth line the words: — , athletic wearing apparel,— so as to read as follows: — *Section 1.* The school committee of the city of Boston, within the limit of the appropriations for such purposes made by it as hereinafter authorized or under existing authority of law, shall, during the summer vacation and such other part of the year as it may deem advisable, organize and conduct physical training and exercises, athletics, sports, games, and play, and shall provide proper apparatus, equipment, athletic wearing apparel and facilities for the same in the buildings, yards and playgrounds under the control of said committee, or upon any other land which it may have the right to use for this purpose.

SECTION 2. Paragraph (*d*) of section one of chapter two hundred and six of the Special Acts of nineteen hundred and nineteen, as most recently amended by section two of chapter one hundred and fifty-three of the acts of nineteen hundred and twenty-six, is hereby further amended by inserting after the word "equipment" in the third and fourth lines, the words: — , athletic wearing apparel, — so as to read as follows: —

(*d*) For organizing and conducting physical training and exercises, athletics, sports, games and play, and for providing apparatus, equipment, athletic wearing apparel and facilities for the same in buildings, yards and playgrounds under the control of said committee, or upon any other land which the committee may have the right to use for this purpose under the provisions of chapter two hundred and ninety-five of the acts of nineteen hundred and seven and any acts in addition thereto and in amendment thereof: for the financial year ending on the thirty-first day of December, nineteen hundred and twenty-six and for each financial year thereafter, fifteen cents.

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

Approved April 13, 1934.

Chap. 146 AN ACT RELATIVE TO THE ESTABLISHMENT OF SALARIES FOR THE CITY COUNCILLORS OF THE CITY OF PITTSFIELD.

Be it enacted, etc., as follows:

SECTION 1. Salaries for members of the city council of the city of Pittsfield may be established by its present city council and may be made to apply to the term for which such members were elected, but shall otherwise be subject to the provisions of section twenty-one of chapter two hundred and eighty of the acts of nineteen hundred and thirty-two.

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

Approved April 17, 1934.

Chap. 147 AN ACT AUTHORIZING THE TOWN OF RUTLAND TO BORROW MONEY FOR REMODELING A CERTAIN TOWN BUILDING THEREIN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling the town building used for town hall, library and school purposes, the town of Rutland may borrow, from time to time within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, thirty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Rutland Town Building Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be within the statutory limit and shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof, as appearing in the Tercentenary Edition thereof.

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

Approved April 17, 1934.

Chap. 148 AN ACT REVIVING THE CENTRIFUGAL GUN CORPORATION.

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The Centrifugal Gun Corporation, a corporation dissolved by section one of chapter two hundred and fifty-five of the acts of nineteen hundred and twenty-seven, is hereby

revived with the same powers, duties and obligations as if said chapter had not been passed.

Approved April 17, 1934.

AN ACT RELATIVE TO THE TAKING OR POSSESSION OF TROUT IN DUKES COUNTY. Chap. 149

Be it enacted, etc., as follows:

Section fifty-seven of chapter one hundred and thirty-one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after the word "following" in the third line the words: — , or between July fifteenth in any year and April first of the year following, if taken from the waters of Dukes county, — so as to read as follows: — *Section 57.* Except as provided in section fifty-one, no person shall take or have in possession trout between July thirty-first in any year and April fifteenth of the year following, or between July fifteenth in any year and April first of the year following, if taken from the waters of Dukes county, or between September first and May twenty-ninth of the year following, if taken from the Deerfield river or its diverted waters within the commonwealth, nor shall any person have in possession at any time a trout less than six inches in length, or trout less than twelve inches in length if taken from the Deerfield river or its diverted waters within the commonwealth, unless taken by a person lawfully fishing and immediately returned alive to the water whence it was taken.

Approved April 17, 1934.

G. L. (Ter. Ed.), 131, §57, amended.

Close season on trout in Dukes County.

AN ACT RELATIVE TO THE SERVICE OF WRITS OF VENIRE FACIAS FOR JURORS. Chap. 150

Be it enacted, etc., as follows:

Section eleven of chapter two hundred and thirty-four of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting before the word "constable" in the second line the words: — deputy sheriff of the county, or to a, — so as to read as follows: — *Section 11.* The venires shall be delivered to the sheriff of the county to be transmitted by him to a deputy sheriff of the county, or to a constable in each of the cities and towns to which they are respectively issued, who shall forthwith serve them in cities on the board authorized to draw jurors and in towns on the selectmen and town clerk.

Approved April 17, 1934.

G. L. (Ter. Ed.), 234, §11, amended

Service of writs of venire facias.

AN ACT RELATIVE TO THE DISPOSITION OF THE BOOKS AND PAPERS OF A TAX COLLECTOR WHEN HE CEASES TO HOLD OFFICE. Chap. 151

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty of the General Laws is hereby amended by striking out section ninety-seven, as appearing

G. L. (Ter. Ed.), 60, §97, amended.

Disposition of books, etc., by tax collector upon termination of office.

in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 97.* If a collector ceases to hold the office of collector for any reason, all his accounts, records and papers, including his warrant, which relate to the assessment and collection of taxes in his town shall, forthwith after an audit thereof has been made by a competent accountant, be deposited by him, or his executor or administrator, or any other person into whose possession they may come, with the assessors of such town, who thereupon shall turn over his uncollected tax lists to his successor, together with their warrant, which shall cover the uncollected accounts of the original commitment as shown on said lists and shall also turn over all his accounts, records and papers, including his warrant, so deposited with them, except said lists, to the clerk of said town. If the collector is his own successor, he shall complete the collection of the taxes as a part of the duties of his new term of office and not as a part of the duties of his former term of office.

G. L. (Ter. Ed.), 60, §15, amended.

Fees.

SECTION 2. Section fifteen of said chapter sixty, as so appearing, is hereby amended by striking out the first sentence, — so that the first paragraph will read as follows: — The following charges and fees, and no other, when accrued, shall severally be added to the amount of the tax and collected as a part thereof: — *Approved April 17, 1934.*

Chap. 152 AN ACT PROVIDING RETIREMENT ALLOWANCES BASED ON ANNUITY AND PENSION CONTRIBUTIONS FOR EMPLOYEES OF THE CITY OF QUINCY.

Be it enacted, etc., as follows:

PURPOSE OF THE ACT.

SECTION 1. The purpose of this act is to improve the efficiency of the public service of the city of Quincy, hereinafter called the city, by the retirement of disabled or superannuated employees.

DEFINITIONS.

SECTION 2. The following words and phrases as used in this act, unless a different meaning is plainly required by the context, shall have the following meanings: —

(1) "Retirement system", the arrangement provided in this act for the retirement of, and payment of retirement allowances to, employees as defined in paragraph (2) of this section.

(2) "Employee", any person who is regularly employed in the service of, and whose salary or compensation is paid by, the city, except employees who hold office by popular election, who are not members at the time of their election, and teachers in the public schools as defined by section six of chapter thirty-two of the General Laws. In all cases of doubt the retirement board shall decide who is an employee within the meaning of this act.

(3) "Member", any employee included in the retirement system as provided in section four of this act.

(4) "Retirement board", the board provided in section fourteen of this act to administer the retirement system.

(5) "Service", service as an employee as described in paragraph (2) of this section and paid for by the city.

(6) "Prior service", service rendered prior to the date the retirement system becomes first operative, for which credit is allowable under the provisions of section five of this act.

(7) "Membership service", service as an employee rendered since last becoming a member.

(8) "Creditable service", "prior service" plus "membership service", for which credit is allowable as provided in section five of this act.

(9) "Beneficiary", any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this act.

(10) "Regular interest", interest at four per centum per annum compounded annually; provided, that if the actual net interest earned on the reserves of the retirement system be less than four per centum, the rate may be reduced to not less than three per centum per annum after the retirement board has given the members ninety days' notice of a proposed reduction in rate; and provided, further, that such reduction shall not affect any payments or credits made prior to the date of the change in rate.

(11) "Accumulated deductions", the sum of all the amounts deducted from the compensation of a member and standing to his credit in the annuity savings fund, together with regular interest thereon.

(12) "Annuity", annual payments for life derived from the accumulated deductions of a member. All annuities shall be paid in monthly instalments.

(13) "Pension", annual payments for life derived from contributions made by the city. All pensions shall be paid in monthly instalments.

(14) "Retirement allowance", the sum of the "annuity" and the "pension".

(15) "Regular compensation", the annual compensation determined by the head of the department for the individual service of each employee in that department and the compensation determined by duly constituted authority for appointed officers of the city, exclusive of bonus or overtime payments.

(16) "Annuity reserve", the present value of all payments to be made on account of any annuity or benefit in lieu of any annuity computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

(17) "Pension reserve", the present value of all payments to be made on account of any pension or benefit in lieu of any pension computed upon the basis of such mortality tables as shall be adopted by the retirement board and regular interest.

(18) "Actuarial equivalent", a benefit of equal value when computed upon the basis of such mortality tables as shall be approved by the retirement board and regular interest.

NAME AND DATE SYSTEM IS FIRST OPERATIVE.

SECTION 3. A retirement system is hereby established and placed under the management of the retirement board for the purpose of providing retirement allowances under the provisions of this act for employees of, or employees paid by, the city. The retirement system so created shall have the powers and privileges of a corporation and shall be known as the "Quincy Retirement System", and by such name all of its business shall be transacted, all of its funds invested, all warrants for money drawn and payments made, and all of its cash and securities and other property held. The retirement system so created shall begin operation upon the first day of January, nineteen hundred and thirty-five.

MEMBERSHIP.

SECTION 4. (1) The membership of the retirement system shall be constituted as follows: —

(a) All persons who become employees and, except as otherwise provided in the last sentence of subsection (2) of section nine, all employees who enter or re-enter the service of the city on or after the date the retirement system becomes operative may become members of the retirement system on their own application, and all such employees who shall complete one year of service thereafter and disability beneficiaries restored to active service to whom the provisions of subsection (3) of said section nine apply shall become members of the retirement system, and after becoming members as above provided shall receive no pension or retirement allowance from any other pension or retirement system supported wholly or in part by the city, nor shall they be required to make contributions to any other pension or retirement system of the city, anything to the contrary in this or any other special or general law notwithstanding.

(b) All persons who are employees on the date when this retirement system becomes operative and who are not then covered by any other pension or retirement law of the commonwealth shall become members as of the first day this retirement system becomes operative, unless on or before a date not more than sixty days thereafter, to be set by the retirement board, any such employee shall file with the retirement board on a form prescribed by the board a notice of his election not to be covered in the membership of the system and a duly executed waiver of all present and prospective benefits which would otherwise inure to him on account of his participation in the retirement system.

(c) An employee who is covered by any other pension or retirement law of the commonwealth, including a special law

accepted by, and applicable to employees of, the city on the date when this retirement system becomes operative shall not be considered to have become a member of this retirement system unless said employee shall then or thereafter make written application to join this system and shall therein waive and renounce all benefits of any other pension or retirement system supported wholly by the city, but no such employee shall receive credit for prior service unless he make such application for membership within one year from the date this retirement system becomes operative.

(2) An employee whose membership in the retirement system is contingent on his own election and who elects not to become a member may thereafter apply for and be admitted to membership; but no such employee shall receive prior service credit unless he becomes a member within one year from the date this retirement system becomes operative.

(3) The retirement board may deny the right to become members to any class of officials appointed for fixed terms, or to any class of part-time employees, or it may, in its discretion, make optional with persons in any such class their individual entrance into membership.

(4) It shall be the duty of the head of each department to submit to the retirement board a statement showing the name, title, compensation, duties, date of birth and length of service of each member of his department, and such information regarding other employees therein as the retirement board may require. The retirement board shall then place each member in one of the following groups: —

Group 1. — General employees, including clerical, administrative and technical workers, laborers, mechanics and all others not otherwise classified;

Group 2. — Members of the police department and the fire department of the city;

Or in any other group of not less than two hundred and fifty persons which may be hereafter recommended by the actuary on the basis of service and mortality experience, and approved by the retirement board to cover all or part of any group or groups previously created or any additional classes of employees. When the duties of a member so require, the retirement board may reclassify him in and transfer him to another group.

(5) Should any member in any period of six consecutive years after last becoming a member be absent from service more than five years, or should any member withdraw his accumulated deductions or become a beneficiary hereunder or die, he shall thereupon cease to be a member.

CREDITABLE SERVICE.

SECTION 5. (1) Under such rules and regulations as the retirement board shall adopt, each person becoming a member within one year from the date he first becomes eligible to membership who was in service at the time the system be-

came operative, or who re-entered the service within five years after rendering service prior to the time the system became operative shall file a detailed statement of all service as an employee rendered by him prior to the day on which the system first became operative for which he claims credit, and of such facts as the retirement board may require for the proper operation of the system.

(2) The retirement board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall the retirement board allow credit as service for any period of more than one month's duration during which the employee was absent without pay.

(3) Subject to the above restrictions and to such other rules and regulations as the retirement board may adopt, the retirement board shall verify, as soon as practicable after the filing of such statements of service, the service therein claimed, and shall certify as creditable all or such part of the service claimed as may be allowable.

In lieu of a determination of the actual compensation of the member that was received during such period of prior service, the retirement board shall use for the purposes of this act the compensation rates which, if they had progressed in accordance with the rates of salary increase shown in the tables as prescribed in paragraph (10) of section fourteen of this act, would have resulted in the same average salary of the member for the five years immediately preceding the date this system became operative as the records show the member actually received.

(4) Upon verification of the statements of service the retirement board shall issue prior service certificates certifying to each member entitled to credit for prior service the length of service rendered prior to the date the retirement system first became operative, with which he is credited on the basis of his statement of service. So long as membership continues a prior service certificate shall for retirement purposes be final and conclusive as to such service; provided, that any member may, within one year from the date of issuance or modification of such certificate, request the retirement board to modify or correct his prior service certificate.

When membership ceases such prior service certificates shall become void. Should the employee again become a member, such employee shall enter the system as an employee not entitled to prior service credit except as provided in subsection three of section nine.

(5) Creditable service at retirement shall consist of the membership service rendered by the member since he last became a member and also, if he has a prior service certificate which is in full force and effect, the amount of the service certified on his prior service certificate.

SERVICE RETIREMENT.

Conditions for Allowance.

SECTION 6. (1) Any member in service who shall have attained age sixty shall, either upon his own written application or that of the head of his department, be retired for superannuation not less than thirty nor more than ninety days after the filing of such application. A member whose retirement is applied for by the head of his department shall be entitled to a notice of such application and to a hearing before the retirement board, provided he requests such hearing in writing within ten days of the receipt of such notice; and unless the retirement board finds on hearing, that the member is able to properly perform his duties and files a copy of its findings with the head of his department, the retirement shall become effective thirty days from the time of the filing of such finding.

Any member in service who shall have attained age seventy shall be retired for superannuation not less than thirty nor more than ninety days after attaining such age, or after this system becomes operative, if such age was attained prior thereto.

Amount of Allowance.

(2) Upon retirement for superannuation a member of the retirement system shall receive a retirement allowance consisting of —

(a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement, and

(b) A pension equal to the annuity allowable at age sixty, computed on the basis of contributions made prior to the attainment of age sixty, and

(c) If he has a prior service certificate in full force and effect an additional pension which is the actuarial equivalent of twice the pension which would have been payable under paragraph (b) above, on account of the accumulated deductions which would have resulted from contributions made during the period of his creditable prior service had the system then been in operation.

The total pension of any member payable under the provisions of this section shall not, however, exceed one half of his average annual regular compensation during the five years immediately preceding his retirement, nor shall the total pension of any member who has fifteen or more years of total creditable service be less than an amount which, added to his annuity, shall make his total retirement allowance equal to four hundred and eighty dollars per annum.

ORDINARY DISABILITY RETIREMENT.

Conditions for Allowance.

SECTION 7. (1) Upon the application of a member in service or of the head of his department, any member who

has had twenty or more years of creditable service may be retired by the retirement board, not less than thirty and not more than ninety days next following the date of filing such application, on an ordinary disability retirement allowance; provided, that the city physician, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent and that such member should be retired.

Amount of Allowance.

(2) Upon retirement for ordinary disability a member shall receive a service retirement allowance if he has attained age sixty; otherwise he shall receive an ordinary disability retirement allowance consisting of —

(a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement, and

(b) A pension of ninety per centum of the pension that would have been provided by the city for the member had he remained without further change of compensation in the service of the city until he reached age sixty and then retired.

ACCIDENTAL DISABILITY RETIREMENT.

Conditions for Allowance.

SECTION 8. (1) Upon application of a member in service, or of the head of his department, any member who has been totally and permanently incapacitated for duty as the natural and proximate result of an accident occurring in the performance and within the scope of his duty at some definite time and place, without wilful negligence on his part, shall be retired not less than thirty nor more than ninety days following the date of filing of such application; provided, that the city physician, after an examination of such member, shall report that said member is physically or mentally incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that said member should be retired, and the retirement board shall concur in such report and find that the physical or mental incapacity is the natural and proximate result of such an accident and that such disability is not the result of wilful negligence on the part of said member and that said member should be retired.

Amount of Allowance.

(2) Upon retirement for accidental disability a member shall receive a service retirement allowance if he has attained age sixty; otherwise he shall receive an accidental disability retirement allowance consisting of —

(a) An annuity which shall be the actuarial equivalent of his accumulated deductions at the time of his retirement, and

(b) A pension equal to one half of the average rate of his regular annual compensation for the year immediately preceding the date of the accident.

RE-EXAMINATION OF BENEFICIARIES RETIRED ON
ACCOUNT OF DISABILITY.

SECTION 9. (1) Once each year during the first five years following retirement of a member on a disability retirement allowance, and once in every three-year period thereafter, the retirement board may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination by the city physician or a physician or physicians designated by the retirement board and approved by the mayor, such examination to be made at the place of residence of said beneficiary or other place mutually agreed upon. Should any disability beneficiary who has not yet attained the age of sixty refuse to submit to at least one medical examination in any such period of one or three years, as the case may be, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for a year, all his rights in and to his pension shall be revoked by the retirement board.

(2) Should such physician or physicians report and certify to the retirement board that such disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his final regular compensation, and should the retirement board concur in such report, then, the amount of his pension shall be reduced to an amount which, together with his annuity and the amount earnable by him, shall equal the amount of his final regular compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted nor shall it exceed an amount, which, when added to the amount earnable by the beneficiary together with his annuity, equals the amount of his final regular compensation. A beneficiary restored to active service at a salary less than the final regular compensation upon the basis of which he was retired shall not become a member of the retirement system.

(3) Should a disability beneficiary be restored to active service at a compensation not less than his final regular compensation, his retirement allowance shall cease, he shall again become a member of the retirement system, and he shall contribute thereafter at the same rate he paid prior to disability. Any prior service certificate on the basis of which his service was computed at the time of his retirement shall be restored to full force and effect, and in addition upon his subsequent retirement he shall be credited with all his service as a member.

RETURN OF ACCUMULATED DEDUCTIONS.

SECTION 10. (1) Within sixty days after the filing with the retirement board of a request therefor, any member who shall have ceased to be an employee by resignation or discharge or for any reason other than death or retirement shall be paid the amount of his accumulated deductions.

(2) Should a member die while an employee, his accumulated deductions shall be paid to his legal representative; provided, that if the sum so due does not exceed three hundred dollars, and there has been no demand therefor by a duly appointed executor or administrator, payment may be made, after the expiration of three months from the date of death of such member, to the persons appearing, in the judgment of the retirement board, to be entitled thereto, and such payment shall be a bar to recovery by any other person.

ACCIDENTAL DEATH BENEFIT.

SECTION 11. If, upon receipt by the retirement board of proper proofs of the death of a member, the retirement board shall decide that such death was the natural and proximate result of an accident occurring not more than one year prior to the date of death at some definite time and place while the member was in actual performance and within the scope of his duty, and not the result of wilful negligence on his part, and if the deceased member is survived by any of the dependents enumerated below, there shall be paid, in addition to accumulated deductions under subsection (2) of section ten, an accidental death benefit consisting of a pension equal to one half the average regular annual compensation received by the deceased member for the year preceding the date of the accident, said pension to be paid —

(a) To the surviving husband or wife of the deceased member so long as he or she lives and remains unmarried; or

(b) If there be no surviving husband or wife or if the surviving husband or wife dies or remarries before every child of such deceased member shall have attained the age of eighteen years, then to his child or children under such age, divided in such manner as the retirement board in its discretion shall determine to continue as a joint and survivor pension until every such child dies or attains the age of eighteen years; or

(c) If there be no husband or wife or child under the age of eighteen years surviving such deceased member, then to either his or her dependent father or dependent mother, as the retirement board in its discretion shall determine, to continue for life or until remarriage.

OPTIONAL BENEFITS.

SECTION 12. Subject to the provisions that no optional selection shall be effective in case a beneficiary dies within thirty days after retirement, and that such a beneficiary shall be considered as an active member at the time of death, until the first payment on account of any retirement allowance is made, the member, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, may elect to convert the retirement allowance otherwise provided for in this system into a lesser retirement allowance of equivalent actuarial value payable throughout his life, with the provision that —

Option 1. — If he die before he has received in payments of his annuity the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representative or to such person having an insurable interest in his life as he, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, shall have nominated by written designation duly acknowledged and filed with the retirement board; or

Option 2. — Upon his death, his lesser retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life as he, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, shall have nominated by written designation duly acknowledged and filed with the retirement board at the time of his retirement; or

Option 3. — Upon his death, one half his lesser retirement allowance shall be continued throughout the life of and paid to such person having an insurable interest in his life as he, or if he be an incompetent then his wife, or if he have no wife, his conservator or guardian, shall have nominated by written designation, duly acknowledged and filed with the retirement board at the time of his retirement.

COMPENSATION BENEFITS OFFSET.

SECTION 13. Any amounts paid or payable by the city under the provisions of the workmen's compensation law to a member or to the dependents of a member on account of death or disability shall be offset against and payable in lieu of any benefits payable out of funds provided by the city under the provisions of this act on account of the death or disability of a member. If the value of the total commuted benefits under the workmen's compensation law is less than the reserve on the pension otherwise payable under this act, the value of such commuted payments shall be deducted from such pension reserve and such benefits as may be provided by the pension reserve so reduced shall be payable under the provisions of this act.

ADMINISTRATION.

SECTION 14. (1) The management of the retirement system is hereby vested in a retirement board, the membership of which shall be constituted as follows: —

(a) The auditor of the city for the time being,

(b) One person to be appointed by the mayor of the city, subjected to confirmation by the city council, who shall serve for a term of three years commencing on the date when the retirement system becomes first operative and until the qualification of his successor, and

(c) One person who shall be a member of the retirement system and who shall be appointed by the mayor of the city subject to such confirmation, to serve for a term of one year commencing on the date when the retirement system be-

comes first operative and until the qualification of his successor.

(2) As the terms of the appointed members expire, their successors shall be appointed for terms of three years each and until the qualification of their successors. On a vacancy occurring in the appointed membership of the retirement board, for any cause other than the expiration of a term of office, a successor to the person whose place has become vacant shall be appointed for the unexpired term in the same manner as above provided.

(3) The members of the retirement board shall be reimbursed from the expense fund for any expense or loss of salary or wages which they may incur through service on the retirement board.

(4) The retirement board shall elect from its membership a chairman, and shall by a majority vote of all its members appoint a secretary, who may be, but need not be, one of its members. It shall engage such actuarial and other service as shall be required to transact the business of the retirement system. The funds to meet the costs of administering the retirement system shall be derived from appropriations of the city from the annual tax levy. The retirement board shall submit an estimate of such costs to the mayor not later than January first of each year. Such amount as shall be required in the first year of operation to defray the expenses of the establishment and maintenance of the retirement system shall be appropriated by the city council.

(5) The retirement board shall keep in convenient form such data as shall be necessary for actuarial valuations of the various funds of the retirement system and for checking the experience of the system.

(6) The retirement board shall keep a record of all of its proceedings, which shall be open to public inspection. It shall publish annually a report showing the fiscal transactions of the retirement system for the preceding municipal year, the amount of accumulated cash and securities of the system, and the last balance sheet showing the financial condition of the system by means of actuarial valuation of the assets and liabilities thereof. The board shall submit said report to the mayor and shall furnish copies thereof to the city clerk for distribution.

Legal Adviser.

(7) The city solicitor of the city shall be the legal adviser of the retirement board.

Medical Examinations.

(8) The city physician of the city shall arrange for and pass upon all medical examinations required under the provisions of this act, shall investigate all essential statements and certificates by or in behalf of a member in connection with an application for disability retirement, and shall report in writing to the retirement board his conclusions and recom-

mentations upon all the matters referred to him. If required, other physicians may be employed by the retirement board to report on special cases.

Duties of Actuary.

(9) The retirement board shall designate an actuary who shall be the technical adviser of the retirement board on matters regarding the operation of the funds created by the provisions of this act, and shall perform such other duties as are required in connection therewith.

(10) Immediately after the establishment of the retirement system the actuary shall make such investigation of the mortality, service and compensation experience of the members of the system as he shall recommend and the retirement board shall authorize, and on the basis of such investigation he shall recommend for adoption by the retirement board such tables and such rates as are required by section fifteen. The retirement board shall adopt tables and certify rates, and as soon as practicable thereafter the actuary shall make a valuation, based on such tables and rates, of the assets and liabilities of the funds created by this act.

(11) Three years after the system becomes operative, and at least once in each five-year period thereafter, the actuary shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries of the retirement system, and shall make a valuation of the assets and liabilities of the funds thereof, and taking into account the result of such investigation and valuation the retirement board shall —

(a) Adopt for the retirement system such mortality, service and other tables as shall be deemed necessary; and

(b) Certify the rates of contribution payable by the city on account of new entrants.

(12) On the basis of such tables as the retirement board shall from time to time adopt, the actuary shall make an annual valuation of the assets and liabilities of the reserve funds of the system created by this act.

METHOD OF FINANCING.

SECTION 15. All of the assets of the retirement system shall be credited, according to the purpose for which they are held, to one of the following five funds, namely, the Annuity Savings Fund, the Annuity Reserve Fund, the Pension Accumulation Fund, the Pension Reserve Fund, or the Expense Fund.

Annuity Savings Fund.

(1) (a) The Annuity Savings Fund shall be the fund to which shall be paid the deductions from the compensation of members. The treasurer of the city shall withhold four per centum of the regular compensation due on each pay day to all employees who are members of this retirement

system. The various amounts so withheld shall be transferred immediately thereafter to the retirement system and credited to the accounts of the respective members so contributing, and shall be paid into and become a part of said Annuity Savings Fund.

(b) In determining the amount earnable by a member in a payroll period, the retirement board may consider the rate of annual compensation payable to such member on the first day of the payroll period as continuing throughout such payroll period, and it may omit deduction from compensation for any period less than a full payroll period if an employee was not a member on the first day of the payroll period.

(c) The deductions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be reduced thereby. Every member shall be deemed to consent and agree to the deductions provided for herein and shall receipt for his full salary or compensation, and the payment of his full salary or compensation less the deductions provided for hereunder shall be considered a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to the benefits provided under this act.

(d) In addition to the contributions deducted from compensation as hereinbefore provided, subject to the approval of the retirement board, any member may redeposit in the Annuity Savings Fund by a single payment or by an increased rate of contribution an amount equal to the total amount which he previously withdrew therefrom, as provided in this act, or any part thereof; or any member may deposit therein by a single payment or by an increased rate of contribution an amount computed to be sufficient to purchase an additional annuity, which, together with his prospective retirement allowance, will provide for him a total retirement allowance of not to exceed one half of his salary at age sixty. Such additional amounts so deposited shall be treated as a part of his accumulated deductions, except in the event of his retirement, when they shall not be used to increase the pension payable, and shall be treated as excess contributions returnable to the member in cash or in providing an excess annuity of equivalent actuarial value. The accumulated deductions of a member withdrawn by him or paid to his estate or to his designated beneficiary in event of his death as provided in this act shall be paid from the Annuity Savings Fund. Upon the retirement of a member his accumulated deductions shall be transferred from the Annuity Savings Fund to the Annuity Reserve Fund.

Annuity Reserve Fund.

(2) The Annuity Reserve Fund shall be the fund from which shall be paid all annuities and all benefits in lieu of annuities, payable as provided in this act. Should a bene-

fiary, retired on account of disability, be restored to active service with a compensation not less than his regular compensation at the time of his last retirement, his annuity reserve shall be transferred from the Annuity Reserve Fund to the Annuity Savings Fund, and credited to his individual account therein.

Pension Accumulation Fund.

(3) (a) The Pension Accumulation Fund shall be the fund into which shall be accumulated all reserves for the payment of all pensions and other benefits payable from contributions made by the city, and from which shall be paid all pensions and other benefits on account of members with prior service credit. Contributions to and payments from the Pension Accumulation Fund shall be made as follows:—

(b) On account of each member there shall be paid annually into the Pension Accumulation Fund by the said city, for the preceding fiscal year, a certain percentage of the regular compensation of each member, to be known as the “normal contribution”, and an additional percentage of his regular compensation to be known as the “accrued liability contribution”. The rates per centum of such contributions shall be fixed on the basis of the liabilities of the retirement system as shown by actuarial valuation. Until the first valuation the normal contribution shall be one and seventy-six hundredths per centum, and the accrued liability contribution shall be two and twenty-four hundredths per centum, of the regular annual compensation of all members.

(c) On the basis of regular interest and of such mortality and other tables as shall be adopted by the retirement board, the actuary engaged by the board to make each valuation required by this act during the period over which the accrued liability contribution is payable, immediately after making such valuation, shall determine the uniform and constant percentage of the regular compensation of the average new entrant, which if contributed on the basis of compensation of such new entrant throughout his entire period of active service is computed to be sufficient to provide for the payment of any pension payable on his account. The rate per centum so determined shall be known as the “normal contribution” rate. After the accrued liability contribution has ceased to be payable, the normal contribution rate shall be the rate per centum of the regular compensation of all members obtained by deducting from the total liabilities of the Pension Accumulation Fund the amount of the funds in hand to the credit of that fund and dividing the remainder by one per centum of the present value of the prospective future salaries of all members as computed on the basis of the mortality and service tables adopted by the retirement board and regular interest. The normal rate of contribution shall be determined by the actuary after each valuation.

(d) Immediately succeeding the first valuation, the actuary engaged by the retirement board shall compute the rate per centum of the total regular compensation of all members which is equivalent to four per centum of the amount of the total pension liability on account of all members and beneficiaries which is not dischargeable by the aforesaid normal contribution made on account of such members during the remainder of their active service. The rate per centum originally so determined shall be known as the "accrued liability contribution rate".

(e) The total amount payable in each year to the Pension Accumulation Fund shall be not less than the sum of the rates per centum known as the normal contribution rate and the accrued liability contribution rate of the total compensation earnable by all members during the preceding year; provided, that the amount of each annual accrued liability contribution shall be at least three per centum greater than the preceding annual accrued liability payment, and that the aggregate payments of the city shall be sufficient when combined with the amount in the fund to provide the pensions and other benefits payable out of the fund during the year then current.

(f) The accrued liability contribution shall be discontinued as soon as the accumulated reserve in the Pension Accumulation Fund shall equal the present value, as actuarially computed and approved by the retirement board, of the total liability of such fund less the present value, computed on the basis of the normal contribution rate then in force, of the prospective normal contributions to be received on account of persons who are at that time members.

(g) All pensions, and benefits in lieu thereof, with the exception of those payable on account of members who receive no prior service allowance, payable from contributions of the city, shall be paid from the Pension Accumulation Fund.

(h) Upon the retirement of a member not entitled to credit for prior service, an amount equal to his pension reserve shall be transferred from the Pension Accumulation Fund to the Pension Reserve Fund.

Pension Reserve Fund.

(4) The Pension Reserve Fund shall be the fund from which shall be paid the pensions to members not entitled to credit for prior service and benefits in lieu thereof. Should such a beneficiary, retired on account of disability, be restored to active service with a compensation not less than his average regular compensation for the year preceding his last retirement, the pension reserve thereon shall be transferred from the Pension Reserve Fund to the Pension Accumulation Fund. Should the pension of a disability beneficiary be reduced as a result of an increase in his earning capacity, the amount of the annual reduction in his pension shall be paid annually into the Pension Accumulation Fund during the period of such reduction.

Expense Fund.

(5) The Expense Fund shall be the fund to which shall be credited all money appropriated by the city to pay the administration expenses of the retirement system, and from which shall be paid all the expenses necessary in connection with the administration and operation of the system.

Appropriations.

(6) (a) On or before the first day of December in each year the retirement board shall certify to the mayor the amount of the appropriation necessary to pay to the various funds of the retirement system the amounts payable by the city as enumerated in this act for the year beginning on the first day of January of the succeeding year, and items of appropriation, providing such amounts shall be included in the budget.

(b) To cover the requirements of the system for the period prior to the date when the first regular appropriation is due, as provided by paragraph (a) of this subsection, such amounts as shall be necessary to cover the needs of the system shall be paid into the Pension Accumulation Fund and the Expense Fund by special appropriations to the system.

MANAGEMENT OF FUNDS.

SECTION 16. (1) The retirement board may invest the funds of the retirement system in such securities as are approved from time to time by the commissioner of insurance for the investment of the funds of life insurance companies under the laws of the commonwealth.

(2) The retirement board shall annually allow regular interest on the average balance for the preceding year to the credit of the various funds from the interest and dividends earned from investments. Any excess earnings over the amount so credited shall be used for reducing the amount of contributions required of the city during the ensuing year. Any deficiency shall be paid by the city during the ensuing year.

(3) The treasurer of the city shall be custodian of the several funds. All payments from said funds shall be made by him only upon vouchers signed by two persons designated by the retirement board. A duly attested copy of a resolution of the retirement board designating such persons and bearing upon its face specimen signatures of such persons shall be filed with the treasurer as his authority for making payments upon such vouchers. No voucher shall be drawn unless it shall have been previously authorized by resolution of the retirement board.

(4) For the purpose of meeting disbursements for pensions, annuities and other payments an amount of money, not exceeding ten per centum of the total amount in the several funds of the retirement system, may be kept on

deposit in one or more banks or trust companies organized under the laws of the commonwealth or of the United States; provided, that the sum on deposit in any one bank or trust company shall not exceed ten per centum of the paid-up capital and surplus thereof.

(5) The retirement board may, in its discretion, transfer to or from the Pension Accumulation Fund the amount of any surplus or deficit which may develop in the reserves creditable to the Annuity Reserve Fund or the Pension Reserve Fund, as shown by actuarial valuations.

(6) Except as otherwise provided herein, no member and no employee of the retirement board shall have any direct interest in the gains or profits of any investment made by the retirement board, nor as such receive any pay or emolument for his services. No member or employee of the board shall, directly or indirectly, for himself or as an agent, in any manner use any of the securities or other assets of the retirement board, except to make such current and necessary payments as are authorized by the retirement board; nor shall any member or employee of the retirement board become an endorser or surety or in any manner obligor for moneys loaned by or borrowed from the retirement system.

(7) Each member of the retirement board, and the treasurer of the city in his capacity as custodian of the several funds, shall severally give bond for the faithful performance of his duties in a sum and with sureties or surety approved by the city council.

EXEMPTION OF FUNDS FROM TAXATION AND EXECUTION.

SECTION 17. The pensions, annuities and retirement allowances and the accumulated deductions and the cash and securities in the funds created by this act are hereby exempted from any state, county or municipal tax of this commonwealth, and shall not be subject to execution or attachment by trustee process or otherwise, in law or in equity, or under any process whatsoever, and shall be non-assignable except as specifically provided in this act.

RECEIPT OF BOTH RETIREMENT ALLOWANCE AND SALARY FORBIDDEN.

SECTION 18. No beneficiary of the retirement system shall be paid for any service, except service as a juror and such service as he may be called upon to perform in the police or fire department in a time of public emergency, rendered by him to the city after the date of the first payment of any retirement allowance hereunder, except as provided in section nine of this act, and except as further provided in this section.

Notwithstanding the above provision, a beneficiary may be employed, for periods of not exceeding one year at a time, with the approval of the mayor and city council, and may

receive compensation from the city for the services so rendered; provided, that the annual rate of compensation paid, together with the regular retirement allowance received, shall not exceed the regular compensation of the said beneficiary at the time of retirement.

RIGHT OF APPEAL.

SECTION 19. The supreme judicial court shall have jurisdiction in equity upon the petition of the retirement board or any interested party or upon the petition of not less than ten taxable inhabitants of the city to compel the observance and restrain any violation of this act and the rules and regulations authorized or established thereunder.

TENURE UNAFFECTED.

SECTION 20. Nothing contained in this act shall affect the right or power of the city or other duly constituted authority in regard to demotion, transfer, suspension or discharge of any employee.

INCONSISTENT ACTS.

SECTION 21. Any of the provisions of sections forty-four, forty-five, seventy-seven, eighty and eighty-three of chapter thirty-two of the General Laws, as amended, which may be inconsistent herewith, and any other acts or parts of acts inconsistent herewith, shall, on and after the effective date of this act, apply only to such employees of the city as are, on said effective date, entitled to the benefits thereof. Nothing herein contained shall be construed as affecting the provisions of sections forty-nine to sixty, inclusive, or of section ninety-two of chapter thirty-two of the General Laws as amended.

SECTION 22. On or before September first, in the current year, the question of the approval of the provisions of this act shall be finally voted upon by the city council of the city of Quincy and, whether or not said provisions are approved by such vote, they shall be submitted for acceptance to the qualified voters of said city at the annual municipal election to be held in the current year, in the form of the following question, which shall be printed upon the official ballot to be used at said election:—"Shall an act passed by the General Court in the year 1934, entitled 'An act providing retirement allowances based on annuity and pension contributions for employees of the City of Quincy', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to this question this act shall thereupon take full effect; otherwise it shall not take effect.

Approved April 17, 1934.

Chap. 153 AN ACT AUTHORIZING THE ADJUTANT GENERAL TO PROCURE FROM THE UNITED STATES OF AMERICA COPIES OF THE RECORDS OF MASSACHUSETTS TROOPS IN THE WAR OF EIGHTEEN HUNDRED AND TWELVE AND TO FURNISH COPIES THEREOF AND CERTIFICATES RELATING THERETO.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

The adjutant general is hereby authorized to procure from the United States of America copies of the records of Massachusetts troops in the war of eighteen hundred and twelve. He shall preserve the same in his office in form convenient for reference and shall, upon request, certify copies thereof and issue certificates relating thereto.

For the purpose of procuring said copies as aforesaid the adjutant general may expend such sums, not exceeding, in the aggregate, four hundred dollars, as may hereafter be appropriated therefor.

Approved April 18, 1934.

Chap. 154 AN ACT RELATIVE TO THE PROTECTION OF INTERESTS OF MUNICIPALITIES IN REAL ESTATE HELD BY THEM UNDER TAX SALES AND TAKINGS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 40,
§5, etc.,
amended.

SECTION 1. Section five of chapter forty of the General Laws, as most recently amended by section three of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "dollars" in the one hundred and seventy-eighth line, as printed in the Tercentenary Edition, the following new paragraph:—

Appropriations by cities and towns for insurance on property held under tax sales.

(38) For the preservation, care and maintenance of, and for the further protection by insurance and otherwise of the town's interest in, real estate held by it under purchases and takings for non-payment of taxes, such appropriation to be expended on account of any particular real estate only in case there shall have been filed with the clerk of the town a certificate of its mayor or selectmen approved by the commissioner of corporations and taxation, stating that the town's interest therein has not been reasonably protected, and subject to the provisions of section fifty A of chapter sixty.

G. L. (Ter.
Ed.), 60,
new section
50A, added.

SECTION 2. Chapter sixty of the General Laws is hereby amended by inserting after section fifty, as appearing in the

Tercentenary Edition, the following new section: — *Section 50A.* In the event of the filing of a certificate under clause (38) of section five of chapter forty in respect to any particular real estate held by a town under a purchase or taking for non-payment of taxes, the collector shall make a written demand upon the owner of record thereof requiring that he take certain specified action to preserve, care for or maintain the same or protect by insurance or otherwise the town's interest therein, within a period fixed in the demand the expiration of which, except in case of emergency, shall be not earlier than seventy-two hours after the date on which the service of said demand is completed. Said demand shall be served upon such owner of record by mailing the same to him at his last known residence or place of business, postage prepaid, and by posting a copy thereof upon such real estate. In default of action in compliance with such demand, the town may proceed to take the specified action and the expenses incurred on account thereof shall be included in the tax title account for such real estate and be treated in all respects as part of the legal costs and charges of collection.

Approved April 18, 1934.

Duties of tax collector to protect by insurance, property held under tax sales.

AN ACT REGULATING THE TERMS OF OFFICE OF SELECTMEN IN TOWNS WHICH AUTHORIZE THEM TO APPOINT CERTAIN OFFICERS, AND MAKING CERTAIN INCIDENTAL CORRECTIONS.

Chap. 155

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter forty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the paragraph contained in the tenth line and inserting in place thereof the following:—

G. L. (Ter. Ed.), 41, §1, amended.

Three or five selectmen for the term of one or three years, subject to the provisions of section twenty-one.

Selectmen, term of office.

SECTION 2. Section twenty-one of said chapter forty-one, as so appearing, is hereby amended by striking out all after the question appearing in the fifteenth line and inserting in place thereof the following new paragraph: —

G. L. (Ter. Ed.), 41, §21, amended.

If a town, in which the selectmen are elected for terms of one year, shall vote in accordance with this section that its selectmen shall act as or perform the duties of any of the aforesaid boards or officers, it shall, at the next annual meeting, elect one selectman for one year, one for two years and one for three years, or, if five are to be elected, one for one year, two for two years and two for three years, and thereafter in either event shall elect them for terms of three years. Upon the election and qualification of the selectmen at such next annual meeting, and upon the appointment and qualification by oath of the officers herein authorized to perform

Term of office of selectmen in towns where certain offices are consolidated.

the duties of any existing town board or officer, the term of office of such existing board or officer shall thereupon terminate, and all the duties, powers and obligations of said boards and officers shall be transferred to and imposed upon their successors.

G. L. (Ter. Ed.), 41, §66, amended.

Superintendent of streets. Term, etc.

SECTION 3. Said chapter forty-one is hereby further amended by striking out section sixty-six, as so appearing, and inserting in place thereof the following:— *Section 66.* In a town which has not authorized the election of a road commissioner or commissioners or a surveyor or surveyors of highways, or which, having a road commissioner or commissioners or a surveyor or surveyors of highways, has voted in accordance with section twenty-one that a superintendent of streets be appointed by the selectmen, the selectmen shall, as soon after the annual town meeting as may be, appoint in writing a superintendent of streets, who shall receive such compensation as the selectmen or the town determine and shall be removable by them when the public interest requires. He shall be sworn to the faithful performance of his duties, and shall hold office until the next annual town meeting or until his successor is qualified. Upon the qualification of a superintendent of streets appointed by the selectmen in accordance with a vote under said section twenty-one, the office or offices of highway surveyor or surveyors or road commissioner or commissioners shall terminate.

Exceptions.

SECTION 4. No town shall be required to elect its selectmen for terms of three years by reason of its having voted in accordance with said section twenty-one of said chapter forty-one prior to the effective date of this act that the selectmen appoint any officer named in said section, and the election of selectmen for terms of one year in any town which has so voted and all acts done by selectmen so elected and by officers so appointed are hereby confirmed and made valid to the same extent as though the selectmen had been elected for three year terms, notwithstanding the provisions of said section twenty-one as heretofore in effect.

Approved April 18, 1934.

Chap. 156 AN ACT PROVIDING FOR THE ISSUANCE TO NON-RESIDENT UNITED STATES CITIZENS OF SPECIAL FISHING LICENSES, GOOD FOR THREE CONSECUTIVE DAYS ONLY, DURING CERTAIN PERIODS OF THE YEAR.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 131, §8, etc., amended.

Section eight of chapter one hundred and thirty-one of the General Laws, as amended by section four of chapter two hundred and seventy-two of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "cents" in the forty-first line, the following new paragraph:—

Special fishing licenses for non-residents.

For a fishing license covering all the inland waters and good for three consecutive days only, to be effective only

during the period commencing with May thirtieth and terminating with Labor day, both days inclusive, one dollar and fifty cents.

Approved April 18, 1934.

AN ACT PERMITTING CERTAIN COURTS TO AUTHORIZE CERTAIN FIDUCIARIES TO SELL TO THEMSELVES REAL ESTATE OF THEIR WARDS OR OF ESTATES UNDER THEIR CHARGE. *Chap. 157*

Be it enacted, etc., as follows:

SECTION 1. Section fourteen of chapter two hundred and two of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding at the end thereof the following new sentence: — The court, if satisfied that such action will not be prejudicial to the interests of the estate, may authorize the petitioner to become the purchaser of such real estate at public or private sale, — so as to read as follows: — *Section 14.* Upon a petition of an executor or administrator for a license to sell real estate of the deceased or of a guardian or conservator to sell real estate of his ward, the court may, if the petitioner so requests, authorize him to sell such property at public auction and to convey to the purchaser all the estate, right, title and interest which the deceased had therein at his death and which was then chargeable with the payment of his debts or which the ward has at the time of the sale. If the petitioner requests that such property may be sold by private sale and the court, upon a hearing, finds that an advantageous offer for the purchase thereof has been made to the petitioner, and that the interests of all parties will be promoted by an acceptance thereof, it may authorize a conveyance by private sale in accordance with such offer or upon other terms; but the petitioner so authorized may nevertheless sell such property by public auction in accordance with this chapter. The court, if satisfied that such action will not be prejudicial to the interests of the estate, may authorize the petitioner to become the purchaser of such real estate at public or private sale.

G. L. (Ter. Ed.), 202, §14, amended.

Public or private sale of real estate, by executors, etc. Authority of executor, etc., to buy.

SECTION 2. Section sixteen of chapter two hundred and three of the General Laws, as so appearing, is hereby amended by inserting after the word "trust" in the seventh line the following new sentence: — In the case of a petition to sell real estate, the court, if satisfied that such action will not be prejudicial to the interests of the estate, may authorize the petitioner to become the purchaser of such real estate, either at public or private sale, — so as to read as follows: — *Section 16.* If the sale and conveyance, transfer or exchange of any real or personal property held in trust appears to be necessary or expedient, the supreme judicial court, the superior court or the probate court may, upon petition of a trustee or other person interested, after notice, order such sale and conveyance, transfer or exchange to be made, and the investment, reinvestment and application of the proceeds of such sale in such manner as will best effect the objects of

G. L. (Ter. Ed.), 203, §16, amended.

Sale of trust estate, order for, etc.

the trust. In the case of a petition to sell real estate, the court, if satisfied that such action will not be prejudicial to the interests of the estate, may authorize the petitioner to become the purchaser of such real estate, either at public or private sale. In the case of personal property the probate court may make such order with or without notice and without the appointment of a guardian ad litem or next friend as provided in the following section. The fact that the trustee has the necessary authority under the terms of the instrument creating the trust or by law to make such sale and conveyance, transfer or exchange without order of the court shall not bar proceedings under this section, but nothing herein contained shall be deemed to require a license where such authority exists. *Approved April 18, 1934.*

Chap. 158

AN ACT PROVIDING FOR THE APPOINTMENT OF ENROLLED VOTERS TO SERVE AS CERTAIN ELECTION OFFICERS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 54,
§11, etc.,
amended.

Election
officers in
certain cities,
appointment,
etc.

SECTION 1. Section eleven of chapter fifty-four of the General Laws, as most recently amended by section one of chapter seventy-six of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the eighth line, the word "qualified" and inserting in place thereof the word: — enrolled, — so as to read as follows: — *Section 11.* The mayor of every city, except where city charters provide otherwise and except as provided in section eleven A, shall annually not earlier than June fifteenth nor later than August fifteenth appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, four inspectors and four deputy inspectors, who shall, at the time of their appointment, be enrolled voters in the ward of which such precinct forms a part. He may, in like manner, appoint two inspectors and two deputy inspectors in addition, and such additional inspectors to count and tabulate the votes as he may deem necessary. Every such appointment shall be filed in the office of the city clerk of such city within forty-eight hours after it is made, and shall be acted on by the aldermen not less than three days after the filing of such appointment and on or before September first following. Such appointment shall be open to public inspection.

G. L. (Ter.
Ed.), 54,
§12, amended.

Election
officers in
towns divided
into voting
precincts.

SECTION 2. Section twelve of said chapter fifty-four, as appearing in the Tercentenary Edition of the General Laws, is hereby amended by inserting after the word "be" in the fifth line the word: — enrolled, — so as to read as follows: — *Section 12.* The selectmen of every town divided into voting precincts shall annually, not earlier than June fifteenth nor later than August fifteenth, appoint as election officers for each voting precinct, one warden, one deputy warden, one clerk, one deputy clerk, two inspectors and two deputy inspectors, who shall be enrolled voters of the precinct. They

may, in like manner, appoint two inspectors and two deputy inspectors in addition.

SECTION 3. Section thirteen of said chapter fifty-four, as so appearing, is hereby amended by inserting after the word "be" in the first line the words: — enrolled voters, — so as to read as follows: — *Section 13.* Such election officers shall be enrolled voters so appointed as equally to represent the two leading political parties, except that, without disturbing the equal representation of such parties, not more than two of such election officers not representing either of them may be appointed. The warden shall be of a different political party from the clerk, and not more than one half of the inspectors shall be of the same political party. In each case the principal officer and his deputy shall be of the same political party. Every election officer shall hold office for one year, beginning with September first succeeding his appointment, and until his successor is qualified, or until his removal. An election officer may be removed by the mayor, with the approval of the aldermen, or by the selectmen, after a hearing, upon written charge of incompetence or official misconduct preferred by the city or town clerk, or by not less than six voters of the ward, or, in a town, of the voting precinct where the officer is appointed to act.

G. L. (Ter. Ed.), 54, §13, amended

Party representation, term of office, removal.

SECTION 4. Section nineteen of said chapter fifty-four, as so appearing, is hereby amended by inserting after the word "be" in the eighth line the words: — enrolled voters, — so as to read as follows:—*Section 19.* At state elections in towns not divided into voting precincts, and at town elections in towns where official ballots are used, the selectmen, before the opening of the polls, shall appoint two voters as ballot clerks, who shall have charge of the ballots and shall furnish them to voters. The selectmen or the moderator presiding at such election may subsequently appoint additional ballot clerks, not exceeding one for every four hundred voters and majority fraction thereof, and may likewise fill any vacancy after the opening of the polls. Such ballot clerks shall be enrolled voters so appointed as to represent the two leading political parties as equally as may be, except that such additional ballot clerks may be appointed from voters not representing either of them.

G. L. (Ter. Ed.), 54, §19, amended.

Ballot clerks in certain towns.

SECTION 5. Section twenty-one of said chapter fifty-four, as so appearing, is hereby amended by inserting after the word "shall" in the ninth line the words: — be enrolled voters, — and by striking out, in the same line, the word "represent" and inserting in place thereof the word: — representing, — so as to read as follows:—*Section 21.* Selectmen of towns shall, at least five days before a state or town election, appoint voters as tellers to assist at the ballot box and in checking the names of voters upon the voting lists, and in canvassing and counting the votes. Presiding officers in such towns, at state and town elections, may appoint voters as additional tellers, and they shall do so on the written request of ten voters of the town. Tellers

G. L. (Ter. Ed.), 54, §21, amended.

Tellers.

appointed at elections where official ballots are used shall be so appointed that the election officers making and assisting in the canvass and count of votes shall be enrolled voters equally representing the two leading political parties.

Approved April 18, 1934.

Chap. 159 AN ACT AUTHORIZING THE CITY OF BEVERLY TO COMPENSATE THE MEMBERS OF ITS BOARD OF ALDERMEN.

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter five hundred and forty-two of the acts of nineteen hundred and ten is hereby amended by striking out the second sentence and inserting in place thereof the following: — Its members shall receive in full compensation for their services as members of the board of aldermen, or of any committee thereof, such salary as may be established by ordinance, but not exceeding three hundred dollars per annum for each member, — so as to read as follows: — *Section 13.* The board of aldermen shall, so far as is consistent with this act, have and exercise all the legislative power of towns and of the inhabitants thereof, and shall have and exercise all the powers now vested by law in the city of Beverly and in the inhabitants thereof as a municipal corporation, and shall have all the powers and be subject to all the liabilities of city councils and of either branch thereof, and it may by ordinance prescribe the manner in which such powers shall be exercised. Its members shall receive in full compensation for their services as members of the board of aldermen, or of any committee thereof, such salary as may be established by ordinance, but not exceeding three hundred dollars per annum for each member. Sessions of the board whether as a board of aldermen or as a committee of the whole shall be open to the public, and a journal of its proceedings shall be kept, which journal shall be subject to public inspection. The vote of the board upon any question shall be taken by roll call when the same is requested by at least three members. Nothing herein shall prevent the board, by special vote, from holding private sittings for the consideration of nominations by the mayor.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Beverly at the annual city election in the current year in the form of the following question which shall be placed upon the official ballot to be used at said election: — “Shall an act passed by the general court in the current year, entitled ‘An act authorizing the city of Beverly to compensate the members of its board of aldermen’, be accepted?” If a majority of the votes cast on said question are in the affirmative, this act shall take effect on January first, nineteen hundred and thirty-five, otherwise it shall have no effect.

Approved April 18, 1934.

AN ACT RELATIVE TO CERTAIN UNFAIR PRACTICES BY INSURANCE COMPANIES, THEIR OFFICERS OR AGENTS AND INSURANCE BROKERS IN RELATION TO INSURANCE POLICIES AND OTHER CONTRACTS.

Chap. 160

Be it enacted, etc., as follows:

Chapter one hundred and seventy-five of the General Laws is hereby amended by striking out section one hundred and eighty-one, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 181.* No company, no officer or agent thereof and no insurance broker shall make, issue, circulate or use, or cause or permit to be made, issued, circulated or used, any written or oral statement misrepresenting the terms of any policy of insurance or any annuity or pure endowment contract issued or to be issued by any company, or the benefits or privileges promised thereunder. No company, no officer or agent thereof and no insurance broker shall make to any person insured under any policy of insurance or holding any annuity or pure endowment contract any written or oral misrepresentation or misleading representation in respect to the terms, benefits or privileges of any policy of insurance or any annuity or pure endowment contract, or any written or oral incomplete or misleading comparison of any such policy or contract or of any of the terms, benefits or privileges thereof with any other such policy or contract or any of the terms, benefits or privileges thereof, in order to induce or which tends to induce such person to lapse, forfeit or surrender the policy issued to him or the contract held by him, or to alter or convert it into, or to exchange it for, any other such policy or contract. Whoever violates this section shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months.

G. L. (Ter. Ed.), 175, §181, amended.

Misrepresentations to insured prohibited. Penalty.

Nothing in this section shall be construed to affect any of the provisions of section one hundred and seventy.

The insured under any policy of life or endowment insurance or the holder of any annuity or pure endowment contract who was induced to procure it by any action in violation of this section by an officer or agent of the company issuing or executing it may recover from such company all premiums paid on such policy or contract less any indebtedness to the company thereon or secured thereby and less any payments otherwise made by the company thereon, in an action brought within two years after the date of issue thereof.

Approved April 18, 1934.

Chap. 161 AN ACT INCREASING THE NUMBER OF SIGNATURES REQUIRED TO NOMINATE CANDIDATES FOR CERTAIN OFFICES AT CITY PRIMARY ELECTIONS IN THE CITY OF EVERETT.

Be it enacted, etc., as follows:

Section four of chapter two hundred and sixty of the Special Acts of nineteen hundred and seventeen, as amended by chapter fifty-seven of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the paragraph contained in lines thirty-three to thirty-six, inclusive, and inserting in place thereof the following new paragraph:—

Every such candidate shall at the same time file with the statement a petition signed by voters of the city qualified to vote for a candidate for said office to the number of at least five hundred for the office of mayor, two hundred and fifty for the office of alderman or member of the school committee and one hundred for the office of common councilman. The petition shall be in substantially the following form:—

Approved April 18, 1934.

Chap. 162 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS, AND FOR CERTAIN PERMANENT IMPROVEMENTS.

Be it enacted, etc., as follows:

Appropriations for maintenance of state departments, etc., for interest, sinking fund and bond requirements, and for certain improvements.

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions, of sundry other services, and for certain permanent improvements, and to meet certain requirements of law, the sums set forth in section two, for the several purposes and subject to the conditions specified in said section two, are hereby appropriated from the general fund or revenue of the commonwealth, unless some other source of revenue is expressed, subject to the provisions of law regulating the disbursement of public funds and the approval thereof, for the fiscal year ending November thirtieth, nineteen hundred and thirty-four, or for such other period as may be specified.

SECTION 2.

Service of the Legislative Department.

Item		
1	For the compensation of senators, a sum not exceeding seventy-three thousand eight hundred dollars	\$73,800 00
2	For the compensation for travel of senators, a sum not exceeding fifty-eight hundred dollars	5,800 00
3	For the compensation of representatives, a sum not exceeding four hundred thirty thousand two hundred dollars	430,200 00
4	For the compensation for travel of representatives, a sum not exceeding thirty-six thousand six hundred and fifty dollars	36,650 00

Item		
5	For the salaries of the clerk of the senate and the clerk of the house of representatives, a sum not exceeding nine thousand dollars	\$9,000 00
6	For the salaries of the assistant clerk of the senate and the assistant clerk of the house of representatives, a sum not exceeding sixty-three hundred dollars.	6,300 00
7	For such additional clerical assistance to, and with the approval of, the clerk of the house of representatives, as may be necessary for the proper despatch of public business, a sum not exceeding thirty-six hundred dollars	3,600 00
8	For such additional clerical assistance to, and with the approval of, the clerk of the senate, as may be necessary for the proper despatch of public business, a sum not exceeding fourteen hundred dollars	1,400 00
9	For the salary of the sergeant-at-arms, a sum not exceeding thirty-six hundred dollars	3,600 00
10	For clerical assistance, office of the sergeant-at-arms, a sum not exceeding forty-one hundred and ten dollars	4,110 00
11	For the compensation for travel of doorkeepers, assistant doorkeepers, general court officers, pages and other employes of the sergeant-at-arms, authorized by law to receive the same, a sum not exceeding seven thousand and fourteen dollars	7,014 00
12	For the salaries of the doorkeepers of the senate and house of representatives, and the postmaster, with the approval of the sergeant-at-arms, a sum not exceeding seventy-two hundred dollars	7,200 00
13	For the salaries of assistant doorkeepers to the senate and house of representatives and of general court officers, with the approval of the sergeant-at-arms, a sum not exceeding forty-five thousand three hundred and sixty dollars	45,360 00
14	For compensation of the pages of the senate and house of representatives, with the approval of the sergeant-at-arms, a sum not exceeding eighty-one hundred and ninety dollars	8,190 00
15	For the salaries of clerks employed in the legislative document room, a sum not exceeding fifty-one hundred and thirty dollars	5,130 00
16	For certain other persons employed by the sergeant-at-arms, in and about the chambers and rooms of the legislative department, a sum not exceeding twenty-eight hundred and thirty-five dollars.	2,835 00
17	For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding thirteen hundred and fifty dollars.	1,350 00
18	For personal services of the counsel to the senate and assistants, a sum not exceeding thirteen thousand seven hundred and seventy dollars	13,770 00
19	For personal services of the counsel to the house of representatives and assistants, a sum not exceeding sixteen thousand two hundred and thirty dollars	16,230 00
20	For clerical and other assistance of the senate committee on rules, a sum not exceeding forty-two hundred and sixty dollars	4,260 00
21	For clerical and other assistance of the house committee on rules, a sum not exceeding thirty-seven hundred and sixty dollars	3,760 00
22	For traveling and such other expenses of the committees of the present general court as may be authorized by order of either branch of the general court, a sum not exceeding thirty-five hundred dollars	3,500 00

Item		
23	For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches, a sum not exceeding sixty-one thousand dollars	\$61,000 00
24	For expenses in connection with the publication of the bulletin of committee hearings and of the daily list, with the approval of the joint committee on rules, a sum not exceeding eighteen thousand six hundred dollars	18,600 00
25	For stationery for the senate, purchased by and with the approval of the clerk, a sum not exceeding five hundred dollars	500 00
26	For office and other expenses of the committee on rules on the part of the senate, a sum not exceeding two hundred dollars	200 00
27	For office expenses of the counsel to the senate, a sum not exceeding three hundred dollars	300 00
28	For stationery for the house of representatives, purchased by and with the approval of the clerk, a sum not exceeding eight hundred dollars	800 00
29	For office and other expenses of the committee on rules on the part of the house, a sum not exceeding two hundred dollars	200 00
30	For office expenses of the counsel to the house of representatives, a sum not exceeding three hundred dollars	300 00
31	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, a sum not exceeding eighty-five hundred dollars	8,500 00
32	For telephone service, a sum not exceeding ten thousand dollars	10,000 00
32a	For printing the records of the Constitutional Convention of the Commonwealth of Massachusetts, held in the year nineteen hundred and thirty-three, with the approval of the governor and council, a sum not exceeding four hundred and sixty-five dollars	465 00
32b	For expenses of an investigation and study by a special commission of the banking structure of the commonwealth, as authorized by chapter thirty-five of the resolves of nineteen hundred and thirty-three, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
32c	For expenses of the commission on interstate compacts affecting labor and industry, as authorized by chapter forty-four of the resolves of nineteen hundred and thirty-three, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	600 00
	Total	\$795,024 00

Service of the Judicial Department.

Supreme Judicial Court, as follows:

33	For the salaries of the chief justice and of the six associate justices, a sum not exceeding eighty-four thousand one hundred and fifty dollars	\$84,150 00
34	For traveling allowance and expenses, a sum not exceeding forty-five hundred dollars	4,500 00
35	For the salary of the clerk for the commonwealth, a sum not exceeding fifty-five hundred and twenty-five dollars	5,525 00
36	For clerical assistance to the clerk, a sum not exceeding fifteen hundred dollars	1,500 00

Item		
37	For law clerks, stenographers and other clerical assistance for the justices, a sum not exceeding twenty-two thousand dollars	\$22,000 00
38	For office supplies, services and equipment of the supreme judicial court, a sum not exceeding forty-five hundred dollars	4,500 00
39	For the salaries of the officers and messengers, a sum not exceeding twenty-seven hundred and thirty-six dollars	2,736 00
40	For the commonwealth's part of the salary of the clerk for the county of Suffolk, a sum not exceeding thirteen hundred and fifty dollars	1,350 00
	Reporter of Decisions:	
41	For the salary of the reporter of decisions, a sum not exceeding fifty-one hundred dollars	5,100 00
42	For clerk hire and office supplies, services and equipment, a sum not exceeding ninety-one hundred and ten dollars	9,110 00
	Pensions:	
43	For the pensions of retired court officers, a sum not exceeding two hundred dollars	200 00
	Total	<u>\$140,671 00</u>
	Superior Court, as follows:	
44	For the salaries of the chief justice and of the thirty-one associate justices, a sum not exceeding three hundred twenty-seven thousand two hundred and fifty dollars	\$327,250 00
45	For traveling allowance and expenses, a sum not exceeding fifteen thousand dollars	15,000 00
46	For the salary of the assistant clerk, Suffolk county, a sum not exceeding nine hundred dollars	900 00
47	For clerical work, inspection of records and doings of persons authorized to admit to bail, for an executive clerk to the chief justice, and for certain other expenses incident to the work of the court, a sum not exceeding ninety-nine hundred dollars	9,900 00
48	For pensions of retired justices, a sum not exceeding six thousand dollars	6,000 00
	Total	<u>\$359,050 00</u>
	Justices of District Courts:	
49	For compensation of justices of district courts while sitting in the superior court, a sum not exceeding twenty-two thousand five hundred dollars	\$22,500 00
50	For expenses of justices of district courts while sitting in the superior court, a sum not exceeding thirty-two hundred and forty dollars	3,240 00
51	For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in place of the justice, while sitting in the superior court, a sum not exceeding seven thousand dollars	7,000 00
	Total	<u>\$32,740 00</u>
	Judicial Council:	
52	For expenses of the judicial council, as authorized by section thirty-four C of chapter two hundred and twenty-one of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding one thousand dollars	\$1,000 00

Item		
53	For compensation of the secretary of the judicial council, as authorized by said section thirty-four C of said chapter two hundred and twenty-one, a sum not exceeding thirty-one hundred and fifty dollars	\$3,150 00
	Total	\$4,150 00
Administrative Committee of District Courts:		
54	For compensation and expenses of the administrative committee of district courts, a sum not exceeding three thousand dollars	\$3,000 00
Probate and Insolvency Courts, as follows:		
55	For the salaries of judges of probate of the several counties, a sum not exceeding ninety-six thousand two hundred and fifty dollars	96,250 00
56	For pensions of retired judges, a sum not exceeding sixty-three hundred and seventy-five dollars	6,375 00
57	For the compensation of judges of probate when acting for other judges of probate, a sum not exceeding fourteen thousand dollars	14,000 00
58	For expenses of judges of probate when acting for other judges of probate, a sum not exceeding nine hundred dollars	900 00
59	For the salaries of registers of the several counties, a sum not exceeding fifty-five thousand seven hundred and fifty dollars	55,750 00
60	For the salaries of assistant registers, a sum not exceeding sixty-six thousand and fifty-five dollars	66,055 00
	Total	\$239,330 00
Administrative Committee of Probate Courts:		
61	For expenses of the administrative committee of probate courts, a sum not exceeding five hundred dollars	\$500 00
For clerical assistance to Registers of the several counties, as follows:		
62	Barnstable, a sum not exceeding two thousand dollars	2,000 00
63	Berkshire, a sum not exceeding forty-one hundred and sixty dollars	4,160 00
64	Bristol, a sum not exceeding thirteen thousand three hundred and fifty dollars	13,350 00
65	Dukes County, a sum not exceeding six hundred dollars	600 00
66	Essex, a sum not exceeding fifteen thousand one hundred and eighty dollars	15,180 00
67	Franklin, a sum not exceeding eight hundred and ten dollars	810 00
68	Hampden, a sum not exceeding ninety-five hundred and fifty dollars	9,550 00
69	Hampshire, a sum not exceeding fifteen hundred and ninety dollars	1,590 00
70	Middlesex, a sum not exceeding forty-two thousand five hundred dollars	42,500 00
71	Norfolk, a sum not exceeding ten thousand seven hundred and forty dollars	10,740 00
72	Plymouth, a sum not exceeding forty-two hundred dollars	4,200 00
73	Suffolk, a sum not exceeding fifty-six thousand eight hundred and fifty dollars	56,850 00
74	Worcester, a sum not exceeding thirteen thousand eight hundred dollars	13,800 00
	Total	\$175,330 00

Item

District Attorneys, as follows:

75	For the salaries of the district attorney and assistants for the Suffolk district, a sum not exceeding fifty-two thousand nine hundred dollars.	\$52,900 00
76	For the salaries of the district attorney and assistants for the northern district, a sum not exceeding twenty-one thousand two hundred and fifty dollars	21,250 00
77	For the salaries of the district attorney and assistants for the eastern district, a sum not exceeding thirteen thousand two hundred dollars.	13,200 00
78	For the salaries of the district attorney, deputy district attorney and assistants for the southeastern district, a sum not exceeding thirteen thousand seven hundred and forty dollars	13,740 00
79	For the salaries of the district attorney and assistants for the southern district, a sum not exceeding ninety-three hundred and sixty dollars	9,360 00
80	For the salaries of the district attorney and assistants for the middle district, a sum not exceeding thirteen thousand two hundred dollars.	13,200 00
81	For the salaries of the district attorney and assistants for the western district, a sum not exceeding seventy-five hundred and sixty dollars	7,560 00
82	For the salary of the district attorney for the northwestern district, a sum not exceeding twenty-seven hundred dollars	2,700 00
83	For traveling expenses necessarily incurred by the district attorneys, except in the Suffolk district, for the present and previous years, a sum not exceeding nine thousand dollars	9,000 00
	Total	<u>\$142,910 00</u>

Service of the Land Court.

84	For the salaries of the judge, associate judges, the recorder and court officer, a sum not exceeding thirty-eight thousand two hundred and twenty dollars	\$38,220 00
85	For engineering, clerical and other personal services, a sum not exceeding thirty-six thousand three hundred and thirty dollars	36,330 00
86	For personal services in the examination of titles, for publishing and serving citations and other services, traveling expenses, supplies and office equipment, and for the preparation of sectional plans showing registered land, a sum not exceeding thirteen thousand dollars.	13,000 00
	Total	<u>\$87,550 00</u>

Service of the Board of Probation.

87	For personal services of the commissioner, clerks and stenographers, a sum not exceeding forty-eight thousand five hundred dollars.	\$48,500 00
88	For services other than personal, including printing the annual report, traveling expenses, rent, office supplies and equipment, a sum not exceeding twelve thousand three hundred dollars	12,300 00
	Total	<u>\$60,800 00</u>

Service of the Board of Bar Examiners.

89	For personal services of the members of the board, a sum not exceeding ninety-nine hundred dollars	\$9,900 00
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Item

90	For other services, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding nine thousand dollars	9,000 00
	Total	\$18,900 00

Service of the Executive Department.

91	For the salary of the governor, a sum not exceeding eighty-five hundred dollars	\$8,500 00
92	For the salary of the lieutenant governor, a sum not exceeding thirty-six hundred dollars	3,600 00
93	For the salaries of the eight councillors, a sum not exceeding seventy-two hundred dollars	7,200 00
94	For the salaries of officers and employees of the department, a sum not exceeding thirty-three thousand and ninety-five dollars	33,095 00
95	For certain personal services for the lieutenant governor and council, a sum not exceeding thirteen hundred and fifty dollars	1,350 00
96	For travel and expenses of the lieutenant governor and council from and to their homes, a sum not exceeding one thousand dollars	1,000 00
97	For postage, printing, office and other contingent expenses, including travel of the governor, a sum not exceeding fifteen thousand dollars	15,000 00
98	For postage, printing, stationery, traveling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars	2,500 00
99	For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars	1,000 00
100	For payment of extraordinary expenses and for transfers made to cover deficiencies, with the approval of the governor and council, a sum not exceeding one hundred thousand dollars	100,000 00
101	For certain maintenance expenses of the governor's automobile, a sum not exceeding two thousand dollars	2,000 00
	Total	\$175,245 00

Service of the Adjutant General.

102	For the salary of the adjutant general, a sum not exceeding thirty-six hundred and ninety dollars	\$3,690 00
103	For personal services of office assistants, including services for the preparation of records of Massachusetts soldiers and sailors, a sum not exceeding thirty-one thousand three hundred and ninety-four dollars	31,394 00
104	For services other than personal, printing the annual report, and for necessary office supplies and expenses, a sum not exceeding fifty-five hundred dollars	5,500 00
105	For expenses of the national guard convention and for expenses not otherwise provided for in connection with military matters and accounts, a sum not exceeding eight thousand dollars	8,000 00
	Total	\$48,584 00

Service of the Militia.

106	For allowances to companies and other administrative units, a sum not exceeding one hundred fifty-six thousand dollars	\$156,000 00
107	For certain allowances for national guard officers, as authorized by paragraph (d) of section one hundred and forty-five of chapter thirty-three of the General Laws,	

Item		
	as appearing in the Tercentenary Edition thereof, a sum not exceeding twenty-four thousand two hundred dollars	\$24,200 00
108	For pay and transportation of certain boards, a sum not exceeding two thousand dollars	2,000 00
109	For pay and expenses of certain camps of instruction, a sum not exceeding thirty-five hundred dollars	3,500 00
110	For pay and transportation in making inspections and surveys, and for escort duty, a sum not exceeding four thousand dollars	4,000 00
111	For transportation of officers and non-commissioned officers for attendance at military meetings, a sum not exceeding four thousand dollars	4,000 00
112	For transportation to and from regimental and battalion drills, a sum not exceeding fifteen hundred dollars	1,500 00
113	For transportation when appearing for examination, a sum not exceeding one hundred and fifty dollars	150 00
114	For expenses of rifle practice, a sum not exceeding ten thousand dollars	10,000 00
115	For compensation, transportation and expenses in the preparation for camp duty maneuvers, a sum not exceeding twenty-five thousand dollars	25,000 00
116	For maintenance of horses, a sum not exceeding six thousand and ninety-six dollars	6,096 00
117	For compensation for special and miscellaneous duty, a sum not exceeding eleven thousand seven hundred and fifty dollars	11,750 00
118	For compensation for accidents and injuries sustained in the performance of military duty, a sum not exceeding nine thousand dollars	9,000 00
119	To cover certain small claims for damages to private property arising from military maneuvers, a sum not exceeding fifteen hundred dollars	1,500 00
120	For expenses of maintaining an aero squadron, a sum not exceeding four thousand dollars	4,000 00
121	For premiums on bonds for officers, a sum not exceeding fifteen hundred dollars	1,500 00
122	For instruction in military authority, organization and administration, and in the elements of military art, a sum not exceeding eleven thousand dollars	11,000 00
123	For allowances for batteries of field artillery, a sum not exceeding sixty-four hundred dollars	6,400 00
124	For expenses of operation of the twenty-sixth division, a sum not exceeding forty-five hundred dollars	4,500 00
125	For clerical and other expenses for the office of the property and disbursing officer, a sum not exceeding fifty-four hundred dollars	5,400 00
126	For personal services necessary for the operation of the commonwealth depot and motor repair park, a sum not exceeding twenty-two thousand two hundred dollars	22,200 00
	Total	<u>\$313,696 00</u>

Service of Special Military Expenses.

127	For the expense of furnishing certificates of honor for service on the Mexican border, as authorized by law, a sum not exceeding twenty-five dollars	\$25 00
128	For the expense of testimonials to soldiers and sailors of the world war, to be expended under the direction of the adjutant general, a sum not exceeding five hundred dollars	500 00
	Total	<u>\$525 00</u>

Service of the State Quartermaster.

Item		
129	For personal services of the state quartermaster, superintendent of arsenal and certain other employees of the state quartermaster, a sum not exceeding twenty-two thousand five hundred dollars	\$22,500 00
130	For expert assistance, the employment of which may be exempt from civil service rules, in the disbursement of certain money to the officers and enlisted men of the militia for compensation and allowances, a sum not exceeding eleven hundred and ten dollars	1,110 00
131	For the salaries of armorers and assistant armorers of first class armories, and superintendent of armories, a sum not exceeding one hundred twenty-eight thousand three hundred and ninety dollars	128,390 00
132	For certain incidental military expenses of the quartermaster's department, a sum not exceeding seven hundred dollars	700 00
133	For office and general supplies and equipment, a sum not exceeding ninety-eight hundred dollars	9,800 00
134	For the care and maintenance of the camp ground and buildings at Framingham, a sum not exceeding nine hundred dollars	900 00
135	For the maintenance of armories of the first class, including the purchase of certain furniture, a sum not exceeding one hundred sixty-two thousand eight hundred dollars	162,800 00
136	For reimbursement for rent and maintenance of armories of the second and third classes, a sum not exceeding sixty-three hundred dollars	6,300 00
137	For expense of maintaining and operating the Camp Curtis Guild rifle range, a sum not exceeding twenty thousand dollars	20,000 00
138	For maintenance, other than personal services, of the commonwealth depot and motor repair park, a sum not exceeding ten thousand dollars	10,000 00
	Total	\$362,500 00

Service of the State Surgeon.

139	For personal services of the state surgeon, and regular assistants, a sum not exceeding sixty-five hundred and ten dollars	\$6,510 00
140	For services other than personal, and for necessary medical and office supplies and equipment, a sum not exceeding twenty-five hundred dollars	2,500 00
141	For the examination of recruits, a sum not exceeding eighty-five hundred dollars	8,500 00
	Total	\$17,510 00

Service of the State Judge Advocate.

142	For compensation of the state judge advocate, as provided by law, a sum not exceeding thirteen hundred and fifty dollars	\$1,350 00
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Service of the Commission on Administration and Finance.

143	For personal services of the commissioners, a sum not exceeding twenty-two thousand one hundred dollars	\$22,100 00
144	For personal services of assistants and employees, a sum not exceeding one hundred sixty-five thousand and sixty dollars	165,000 00
145	For other expenses incidental to the duties of the commission, a sum not exceeding eighteen thousand five hundred dollars	18,500 00
	Total	\$205,600 00

Item

Purchase of paper:

146 For the purchase of paper used in the execution of the contracts for state printing, other than legislative, with the approval of the commission on administration and finance, a sum not exceeding fifty-two thousand dollars \$52,000 00

Service of the Armory Commissioners.

147 For compensation of members, a sum not exceeding two thousand and seventy dollars \$2,070 00

148 For office, incidental, and traveling expenses, a sum not exceeding one hundred dollars 100 00

149 For taxes on certain property in the town of Natick used by the commonwealth for military purposes, a sum not exceeding fifty-two hundred dollars 5,200 00

150 For payment on account of the purchase of certain land in the town of Natick, including interest thereon, a sum not exceeding twenty-four thousand seven hundred forty-four dollars and sixteen cents 24,744 16

Total \$32,114 16

Service of the Commissioner of State Aid and Pensions.

151 For personal services of the commissioner and deputies, a sum not exceeding ten thousand and eighty dollars \$10,080 00

152 For personal services of agents, clerks, stenographers and other assistants, a sum not exceeding twenty-four thousand seven hundred and eighty dollars 24,780 00

153 For services other than personal, including printing the annual report, traveling expenses of the commissioner and his employees, and necessary office supplies and equipment, a sum not exceeding five thousand dollars 5,000 00

Total \$39,860 00

For Expenses on Account of Wars.

154 For reimbursing cities and towns for money paid on account of state and military aid to Massachusetts soldiers and their families, the sum of four hundred sixty-four thousand dollars, the same to be paid on or before the fifteenth day of November in the current year, in accordance with the provisions of existing laws relative to state and military aid \$164,000 00

155 For certain care of veterans of the civil war and their wives and widows, as authorized by section twenty-five of chapter one hundred and fifteen of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding forty thousand dollars 40,000 00

156 For expenses of printing certain volumes of records of Massachusetts soldiers in the civil war, a sum not exceeding six thousand dollars, the same to be in addition to any unexpended balance of an appropriation made for the purpose in previous years 6,000 00

Total \$510,000 00

Service of the Massachusetts Soldiers' Home.

157 For the maintenance of the Soldiers' Home in Massachusetts, with the approval of the trustees thereof, a sum not exceeding two hundred thousand three hundred and eighty dollars, the same to be in addition to certain receipts from the United States government. Payments from the state treasury under this item shall be made only upon vouchers filed with the comptroller in accordance with the procedure prescribed

Item	under section eighteen of chapter twenty-nine of the General Laws, as appearing in the Tercentenary Edition thereof	\$200,380 00
	<i>Service of the Art Commission.</i>	
158	For expenses of the commission, a sum not exceeding one hundred dollars	\$100 00
	<i>Service of the Ballot Law Commission.</i>	
159	For compensation of the commissioners, a sum not exceeding fifteen hundred dollars	\$1,500 00
160	For expenses, including travel, supplies and equipment, a sum not exceeding five hundred dollars	500 00
	Total	\$2,000 00
	<i>Service of the Commissioners on Uniform State Laws.</i>	
161	For expenses of the commissioners, a sum not exceeding six hundred dollars	\$600 00
	<i>For the Maintenance of the Mount Greylock War Memorial.</i>	
162	For expenses of maintenance of the Mount Greylock war memorial, as authorized by chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-three, a sum not exceeding thirty-five hundred dollars	\$3,500 00
	<i>Service of the Alcoholic Beverages Control Commission.</i>	
163	For the administrative expenses of the alcoholic beverages control commission, including salaries of the commissioners and their employees, and for all contingent expenses, including rent of offices, travel, and office and incidental expenses, a sum not exceeding one hundred fifty thousand dollars, which shall be payable from fees collected under chapters one hundred and twenty and two hundred and thirty-four, both of the acts of nineteen hundred and thirty-three, and under section twenty-seven of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of said year	\$150,000 00
	<i>Service of the State Emergency Public Works Commission.</i>	
164	For expenses of the board appointed to formulate projects or perform any act necessary to enable the commonwealth to receive certain benefits provided by the National Industrial Recovery Act, a sum not exceeding twenty-three thousand two hundred dollars	\$23,200 00
	<i>Service of the State Library.</i>	
165	For personal services of the librarian, a sum not exceeding fifty-one hundred dollars	\$5,100 00
166	For personal services of the regular library assistants, temporary clerical assistance, and for services for cataloguing, a sum not exceeding thirty-six thousand and sixty-six dollars	36,066 00
167	For services other than personal, including printing the annual report, office supplies and equipment, and incidental traveling expenses, a sum not exceeding fifteen hundred dollars	1,500 00
168	For books and other publications and things needed for the library, and the necessary binding and rebinding incidental thereto, a sum not exceeding nine thousand dollars	9,000 00
	Total	\$51,666 00

Service of the Superintendent of Buildings.

Item		
169	For personal services of the superintendent and office assistants, a sum not exceeding ninety-six hundred and ninety dollars	\$9,690 00
170	For personal services of engineers, assistant engineers, firemen and helpers in the engineer's department, a sum not exceeding fifty-five thousand and fifty dollars	55,050 00
171	For personal services of state house guards and assistant state house guards, a sum not exceeding forty thousand two hundred and thirty dollars	40,230 00
172	For personal services of janitors, a sum not exceeding twenty-three thousand seven hundred and ninety dollars	23,790 00
173	For other personal services incidental to the care and maintenance of the state house, a sum not exceeding seventy thousand dollars	70,000 00
174	For personal services of the central mailing room, a sum not exceeding fifty-four hundred and eighty dollars	5,480 00
	Total	\$204,240 00

Other Annual Expenses:

175	For contingent, office and other expenses of the superintendent, a sum not exceeding three hundred dollars	\$300 00
176	For telephone service in the building and expenses in connection therewith, a sum not exceeding forty-two thousand dollars	42,000 00
177	For services, supplies and equipment necessary to furnish heat, light and power, a sum not exceeding thirty-five thousand four hundred dollars	35,400 00
178	For other services, supplies and equipment necessary for the maintenance and care of the state house and grounds, including repairs of furniture and equipment, a sum not exceeding twenty-eight thousand dollars	28,000 00
179	For office and other expenses of the central mailing room, a sum not exceeding one hundred dollars	100 00
	Total	\$105,800 00

For the Maintenance of Old State House.

180	For the contribution of the commonwealth toward the maintenance of the old provincial state house, the sum of fifteen hundred dollars	\$1,500 00
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Mashpee Advisory Commission.

181	For expenses of the advisory commission for the town of Mashpee, as authorized by chapter two hundred and twenty-three of the acts of nineteen hundred and thirty-two, a sum not exceeding one hundred dollars	\$100 00
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Service of the Secretary of the Commonwealth.

182	For the salary of the secretary, a sum not exceeding fifty-nine hundred and fifty dollars	\$5,950 00
183	For the salaries of officers and employees holding positions established by law, and other personal services, a sum not exceeding one hundred two thousand three hundred dollars	102,300 00
184	For services other than personal, traveling expenses, office supplies and equipment, for the arrangement and preservation of state records and papers, and for advertising the purpose of sections twenty-eight A to twenty-eight D of chapter six of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding seventeen thousand five hundred dollars	17,500 00

Item		
185	For postage and expressage on public documents, and for mailing copies of bills and resolves to certain state, city and town officials, a sum not exceeding thirty-five hundred dollars	\$3,500 00
186	For printing registration books, blanks and indices, a sum not exceeding one thousand dollars	1,000 00
187	For the purchase of certain supplies and equipment, and for other things necessary in connection with the reproduction of the manuscript collection designated "Massachusetts Archives", a sum not exceeding fifteen hundred dollars	1,500 00
188	For the purchase and distribution of copies of certain journals of the house of representatives of Massachusetts Bay from seventeen hundred and fifteen to seventeen hundred and eighty, inclusive, as authorized by chapter four hundred and thirteen of the acts of nineteen hundred and twenty, a sum not exceeding seven hundred and fifty dollars	750 00
189	For the purchase of ink for public records of the commonwealth, a sum not exceeding one thousand dollars	1,000 00
190	For traveling expenses of the supervisor of public records, a sum not exceeding seven hundred dollars	700 00
191	For expenses required in taking the decennial census, a sum not exceeding five thousand dollars	5,000 00
	Total	<u>\$139,200 00</u>
	Indexing vital statistics:	
192	For the preparation of certain indexes of births, marriages and deaths, a sum not exceeding nine thousand dollars	\$9,000 00
	For printing laws, etc.:	
193	For printing and distribution of the pamphlet edition of the acts and resolves of the present year, a sum not exceeding forty-eight hundred dollars	\$4,800 00
194	For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding sixty-six hundred dollars	6,600 00
195	For the printing of reports of decisions of the supreme judicial court, a sum not exceeding twenty-eight thousand dollars, the same to be in addition to any unexpended balance of an appropriation made for the purpose in the previous year	28,000 00
196	For printing and binding public documents, a sum not exceeding three thousand dollars	3,000 00
	Total	<u>\$42,400 00</u>
	For matters relating to elections:	
197	For personal and other services in preparing for primary elections, and for the expenses of preparing, printing and distributing ballots for primary and other elections, a sum not exceeding one hundred sixty-seven thousand dollars	\$167,000 00
198	For the printing of blanks for town officers, election laws and blanks and instructions on all matters relating to elections, a sum not exceeding forty-five hundred dollars	4,500 00
199	For furnishing cities and towns with ballot boxes, and for repairs to the same; for the purchase of apparatus to be used at polling places in the canvass and counting of votes; and for providing certain registration facilities, a sum not exceeding one thousand dollars	1,000 00
200	For expenses of publication of lists of candidates and forms of questions before state elections, a sum not exceeding fifteen thousand dollars	15,000 00

Item		
201	For administering the law to permit absent voters to vote at state elections, a sum not exceeding five thousand dollars	\$5,000 00
202	For expenses of compiling and publishing information to voters, as required by section fifty-three of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding forty thousand dollars	40,000 00
	Total	\$232,500 00
	Medical Examiners' Fees:	
203	For medical examiners' fees, as provided by law, a sum not exceeding one thousand dollars	\$1,000 00
	<i>Service of the Treasurer and Receiver-General.</i>	
204	For the salary of the treasurer and receiver-general, a sum not exceeding fifty-one hundred dollars	\$5,100 00
205	For salaries of officers and employees holding positions established by law and additional clerical and other assistance, a sum not exceeding fifty-one thousand three hundred and sixty dollars	51,360 00
206	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding twenty-one thousand dollars	21,000 00
	Total	\$77,460 00
	Commissioners on Firemen's Relief:	
207	For relief disbursed, with the approval of the commissioners on firemen's relief, subject to the provisions of law, a sum not exceeding seventeen thousand five hundred dollars	\$17,500 00
208	For expenses of administration by the commissioners on firemen's relief, a sum not exceeding five hundred dollars	500 00
	Total	\$18,000 00
	Payments to Soldiers:	
209	For expenses of administering certain laws relating to payments in recognition of military service in the world war, a sum not exceeding twenty-six hundred and twenty dollars, to be paid from the receipts from taxes levied under authority of chapters two hundred and eighty-three and three hundred and forty-two of the General Acts of nineteen hundred and nineteen	\$2,620 00
210	For making payments to soldiers in recognition of service during the world war, as provided by law, a sum not exceeding eight thousand dollars, to be paid from receipts from taxes levied as specified in item two hundred and nine	8,000 00
	Total	\$10,620 00
	State Board of Retirement:	
211	For personal services in the administrative office of the state board of retirement, a sum not exceeding ninety-seven hundred and eighty dollars	\$9,780 00
212	For services other than personal, printing the annual report, and for office supplies and equipment, a sum not exceeding fifty-three hundred dollars.	5,300 00
213	For requirements of annuity funds and pensions for employees retired from the state service under authority of law, a sum not exceeding two hundred thirty-eight thousand dollars	238,000 00
	Total	\$253,080 00

Item		
	Board of Tax Appeals:	
214	For personal services of the members of the board and employees, a sum not exceeding sixty-one thousand nine hundred dollars	\$61,900 00
215	For services other than personal, traveling expenses, office supplies and equipment, and rent, a sum not exceeding sixteen thousand two hundred and fifty dollars	16,250 00
	Total	<u>\$78,150 00</u>
	<i>Service of the Emergency Finance Board.</i>	
216	For administrative expenses of the emergency finance board, a sum not exceeding thirty-five thousand dollars	\$35,000 00
	<i>Requirements for Extinguishing the State Debt.</i>	
217	For sinking fund requirements and for certain serial bonds maturing during the present year, the sum of one million six hundred thirty-nine thousand four hundred twenty-five dollars and eighty-three cents, payable from the following accounts and funds in the following amounts:— from the Highway Fund, two hundred three thousand three hundred forty-two dollars and fifty cents; and the remainder from the General Fund .	\$1,639,425 83
217a	To meet one fourth of the expenditures authorized by sections one and two of chapter one hundred and twenty-two of the acts of nineteen hundred and thirty-one, and already in the main incurred, which is the proportionate part intended to be ultimately met by the commonwealth during the current fiscal year, thereby reducing by the sum hereby appropriated the amount that may be borrowed under section three of said chapter, without otherwise affecting the authority to borrow under said section three the remainder of the amount authorized to be borrowed thereunder, the sum of two million one hundred and twenty-five thousand dollars, the same to be paid from the Highway Fund	2,125,000 00
	<i>Interest on the Public Debt.</i>	
218	For the payment of interest on the direct debt of the commonwealth, a sum not exceeding eight hundred seventeen thousand dollars, of which sum two hundred sixty thousand seven hundred seventy-six dollars and twenty-five cents shall be paid from the Highway Fund	\$817,000 00
	<i>Service of the Auditor of the Commonwealth.</i>	
219	For the salary of the auditor, a sum not exceeding fifty-one hundred dollars	\$5,100 00
220	For personal services of deputies and other assistants, a sum not exceeding forty-seven thousand seven hundred dollars	47,700 00
221	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding seventy-four hundred dollars	7,400 00
	Total	<u>\$60,200 00</u>
	<i>Service of the Attorney General's Department.</i>	
222	For the salary of the attorney general, a sum not exceeding sixty-eight hundred dollars	\$6,800 00

Item		
223	For the compensation of assistants in his office, and for such other legal and personal services as may be required, a sum not exceeding seventy-five thousand dollars	\$75,000 00
224	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding six thousand dollars	6,000 00
225	For the settlement of certain small claims, as authorized by section three A of chapter twelve of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding five thousand dollars	5,000 00
226	For the settlement of certain claims, as provided by law, on account of damages by cars owned by the commonwealth and operated by state employees, a sum not exceeding four thousand dollars	4,000 00
227	For expenses of advertising unclaimed savings bank deposits, a sum not exceeding fifteen thousand dollars	15,000 00
	Total	\$111,800 00
<i>Service of the Department of Agriculture.</i>		
228	For the salary of the commissioner, a sum not exceeding fifty-one hundred dollars	\$5,100 00
229	For personal services of clerks and stenographers, a sum not exceeding eighteen thousand eight hundred dollars	18,800 00
230	For traveling expenses of the commissioner, a sum not exceeding nine hundred dollars	900 00
231	For services other than personal, printing the annual report, office supplies and equipment, and printing and furnishing trespass posters, a sum not exceeding eight thousand dollars	8,000 00
232	For compensation and expenses of members of the advisory board, a sum not exceeding seventeen hundred dollars	1,700 00
233	For services and expenses of apiary inspection, a sum not exceeding two thousand dollars	2,000 00
Division of Dairying and Animal Husbandry:		
234	For personal services, a sum not exceeding thirteen thousand three hundred dollars	13,300 00
235	For other expenses, including the enforcement of the dairy laws of the commonwealth, a sum not exceeding six thousand dollars	6,000 00
236	For administering the law relative to the inspection of barns and dairies by the department of agriculture, a sum not exceeding twenty-two thousand dollars	22,000 00
237	For expenses of administering sections forty-two A to forty-two K, inclusive, of chapter ninety-four of the General Laws, as appearing in section two of chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-three, relative to the licensing and bonding of milk dealers, a sum not exceeding five thousand dollars	5,000 00
Division of Plant Pest Control:		
238	For personal services, a sum not exceeding ninety-six hundred and fifty dollars	9,650 00
239	For other expenses, a sum not exceeding forty-six hundred dollars	4,600 00
Division of Markets:		
240	For personal services, a sum not exceeding twenty-four thousand seven hundred dollars	24,700 00
241	For other expenses, a sum not exceeding seventy-six hundred dollars	7,600 00

Item	Division of Reclamation, Soil Survey and Fairs:	
242	For personal services, a sum not exceeding ten thousand nine hundred dollars	\$10,900 00
243	For travel and other expenses, a sum not exceeding six thousand dollars	6,000 00
244	For state prizes and agricultural exhibits, a sum not exceeding thirty thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year	30,000 00
	Specials:	
245	For work in protecting the pine trees of the commonwealth from white pine blister rust, and for payments of claims on account of currant and gooseberry bushes destroyed in the work of suppressing white pine blister rust, a sum not exceeding three thousand dollars	\$3,000 00
246	For quarantine and other expenses in connection with the work of suppression of the European corn-borer, so called, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,000 00
247	For quarantine and other expenses in connection with the work of suppression of the Japanese beetle, so called, a sum not exceeding thirty-four hundred dollars	3,400 00
248	For the cost of work of inspecting certain orchards of the commonwealth to provide for effective apple pest control, a sum not exceeding twenty-five hundred dollars	2,500 00
	Total	<hr/> \$188,150 00
	<i>Service of the State Reclamation Board.</i>	
249	For expenses of the board, a sum not exceeding ninety-seven hundred dollars	\$9,700 00
	Special:	
250	For the maintenance and construction of drainage ditches, as authorized by chapter three hundred and fifteen of the acts of nineteen hundred and thirty-one, a sum not exceeding twenty-four thousand three hundred dollars, the same to be assessed upon certain towns as required by law	24,300 00
	Total	<hr/> \$34,000 00
	<i>Service of the Department of Conservation.</i>	
	Administration:	
251	For the salary of the commissioner, a sum not exceeding fifty-one hundred dollars	\$5,100 00
252	For traveling expenses of the commissioner, a sum not exceeding six hundred dollars	600 00
253	For telephone service and certain other office charges of the department, a sum not exceeding twenty-eight hundred dollars	2,800 00
254	For personal services of a telephone operator and office boy, a sum not exceeding eighteen hundred and fifty dollars	1,850 00
	Total	<hr/> \$10,350 00
	Division of Forestry:	
255	For personal services of office assistants, a sum not exceeding eleven thousand five hundred dollars	\$11,500 00

Item		
256	For services other than personal, including printing the annual report, and for traveling expenses, necessary office supplies and equipment, and rent, a sum not exceeding eighty-five hundred and fifty dollars	\$8,550 00
257	For the salaries and expenses of foresters and for necessary labor, supplies and equipment in maintaining forest tree nurseries, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
258	For aiding towns in the purchase of equipment for extinguishing forest fires and for making protective belts or zones as a defence against forest fires, for the present and previous years, a sum not exceeding one thousand dollars	1,000 00
259	For personal services of the state fire warden and his assistants, and for other services, including traveling expenses of the state fire warden and his assistants, necessary supplies and equipment and materials used in new construction in the forest fire prevention service, a sum not exceeding fifty thousand dollars, the same to be in addition to any funds allotted to Massachusetts by the federal authorities	50,000 00
260	For the suppression of the gypsy and brown tail moths, and for expenses incidental thereto, a sum not exceeding thirty-eight thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year	38,000 00
261	For the planting and maintenance of state forests, a sum not exceeding eighteen thousand dollars	18,000 00
262	For the development of state forests, including the cost of maintenance of such nurseries as may be necessary for the growing of seedlings for the planting of state forests, as authorized by sections thirty to thirty-six, inclusive, of chapter one hundred and thirty-two of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding one hundred sixteen thousand dollars, the same to be in addition to any amount heretofore appropriated for this purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year	116,000 00
263	For the maintenance of the Standish monument reservation, a sum not exceeding nineteen hundred dollars	1,900 00
264	For reimbursement to certain towns, as authorized by section twenty-four of chapter forty-eight of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding three hundred dollars	300 00
265	For the expenses of forest fire patrol, as authorized by section twenty-eight A of said chapter forty-eight, as so appearing, a sum not exceeding twenty-six hundred and forty dollars	2,640 00
	Total	\$261,390 00

Salisbury Beach Reservation:

266	For the maintenance of Salisbury beach reservation, a sum not exceeding fifty-nine hundred dollars, the same to be assessed upon the cities and towns of the commonwealth, exclusive of those comprising the metropolitan parks district, but including Cohasset, in the manner provided in section four of chapter one hundred and thirty-two A of the General Laws, as appearing in the Tercentenary Edition thereof	\$5,900 00
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Item		
	Division of Fisheries and Game:	
267	For the salary of the director, a sum not exceeding four thousand and fifty dollars	\$4,050 00
268	For personal services of office assistants, a sum not exceeding fourteen thousand and sixty dollars	14,060 00
269	For services other than personal, including printing the annual report, traveling expenses and necessary office supplies and equipment, and rent, a sum not exceeding eleven thousand five hundred and twenty-five dollars	11,525 00
270	For expenses of exhibitions and other measures to increase the interest of the public in the protection and propagation of fish and game, a sum not exceeding fifteen hundred dollars	1,500 00
	Enforcement of laws:	
271	For personal services of fish and game wardens, a sum not exceeding sixty-seven thousand and twenty dollars	67,020 00
272	For traveling expenses of fish and game wardens, and for other expenses necessary for the enforcement of the laws, a sum not exceeding thirty-one thousand six hundred dollars	31,600 00
	Biological work:	
273	For personal services to carry on biological work, a sum not exceeding eighty-four hundred dollars	8,400 00
274	For traveling and other expenses of the biologist and his assistants, a sum not exceeding twenty-three hundred and fifty dollars	2,350 00
	Propagation of game birds, etc.:	
275	For the maintenance of game farms and fish hatcheries, and for the propagation of game birds and animals and food fish, a sum not exceeding ninety-six thousand seven hundred dollars	96,700 00
	Damages by wild deer and wild moose:	
276	For the payment of damages caused by wild deer and wild moose, for the present year and previous years, as provided by law, a sum not exceeding fifty-five hundred dollars	5,500 00
	Supervision of public fishing and hunting grounds:	
277	For personal services, a sum not exceeding five thousand dollars	5,000 00
278	For other expenses, a sum not exceeding fifteen hundred dollars	1,500 00
	Protection of wild life:	
279	For expenses incurred in the protection of certain wild life, a sum not exceeding sixteen hundred dollars.	1,600 00
	State Supervisor of Marine Fisheries:	
280	For personal services of the state supervisor of marine fisheries and his assistants, a sum not exceeding ninety-nine hundred and thirty dollars	9,930 00
281	For office and other expenses of the state supervisor of marine fisheries, a sum not exceeding sixty-five hundred dollars	6,500 00
	Enforcement of shellfish and other marine fishery laws:	
282	For personal services for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding twenty-nine thousand three hundred and fifty dollars	29,350 00

Item		
283	For other expenses for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding eighteen thousand one hundred dollars	\$18,100 00
284	For expenses of purchasing lobsters, subject to the conditions imposed by section twenty-six of chapter one hundred and thirty of the General Laws, as appearing in section two of chapter three hundred and twenty-nine of the acts of nineteen hundred and thirty-three, a sum not exceeding sixty-five hundred dollars	6,500 00
	Total	\$321,185 00
	Bounty on seals:	
285	For bounties on seals, a sum not exceeding fifteen hundred dollars	\$1,500 00
	Division of Animal Industry:	
286	For the salary of the director, a sum not exceeding thirty-six hundred dollars	\$3,600 00
287	For personal services of clerks and stenographers, a sum not exceeding twenty-one thousand five hundred dollars	21,500 00
288	For services other than personal, including printing the annual report, traveling expenses of the director, office supplies and equipment, and rent, a sum not exceeding fourteen thousand four hundred dollars	14,400 00
289	For personal services of veterinarians and agents engaged in the work of extermination of contagious diseases among domestic animals, a sum not exceeding eighty-five thousand dollars	85,000 00
290	For traveling expenses of veterinarians and agents, including the cost of any motor vehicles purchased for their use, a sum not exceeding thirty thousand dollars	30,000 00
291	For reimbursement of owners of horses killed during the present and previous years, travel, when allowed, of inspectors of animals, incidental expenses of killing and burial, quarantine and emergency services, and for laboratory and veterinary supplies and equipment, a sum not exceeding sixty-five hundred dollars	6,500 00
292	For reimbursement of owners of tubercular cattle killed, as authorized by section twelve A of chapter one hundred and twenty-nine of the General Laws, as appearing in the Tercentenary Edition thereof, and in accordance with certain provisions of law and agreements made under authority of section thirty-three of said chapter one hundred and twenty-nine, as so appearing, during the present and previous year, a sum not exceeding three hundred fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose, and any unexpended balance remaining at the end of the current fiscal year may be used in the succeeding year	350,000 00
	Total	\$511,000 00
	Reimbursement of towns for inspectors of animals:	
293	For the reimbursement of certain towns for compensation paid to inspectors of animals, a sum not exceeding fifty-five hundred dollars	\$5,500 00
	<i>Service of the Department of Banking and Insurance.</i>	
	Division of Banks:	
294	For the salary of the commissioner, a sum not exceeding fifty-one hundred dollars	\$5,100 00

Item		
295	For services of deputy, directors, examiners and assistants, clerks, stenographers and experts, a sum not exceeding two hundred seventy-eight thousand dollars . . .	\$278,000 00
296	For services other than personal, printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding seventy thousand dollars . . .	70,000 00
	Total	\$353,100 00
	Supervisor of Loan Agencies:	
297	For personal services of supervisor and assistants, a sum not exceeding eleven thousand nine hundred and forty dollars	\$11,940 00
298	For services other than personal, printing the annual report, office supplies and equipment, a sum not exceeding fourteen hundred dollars	1,400 00
	Total	\$13,340 00
	Division of Insurance:	
299	For the salary of the commissioner, a sum not exceeding fifty-one hundred dollars	\$5,100 00
300	For other personal services of the division, including expenses of the board of appeal and certain other costs of supervising motor vehicle liability insurance, a sum not exceeding one hundred seventy-seven thousand five hundred and forty dollars, of which sum not more than thirty-five thousand dollars may be charged to the Highway Fund	177,540 00
301	For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment, and rent of offices, a sum not exceeding fifty-two thousand three hundred dollars	52,300 00
	Total	\$234,940 00
	Board of Appeal on Fire Insurance Rates:	
302	For expenses of the board, a sum not exceeding three hundred dollars	\$300 00
	Division of Savings Bank Life Insurance:	
303	For personal services of officers and employees, a sum not exceeding twenty-nine thousand seven hundred dollars	\$29,700 00
304	For publicity, including traveling expenses of one person, a sum not exceeding nineteen hundred dollars	1,900 00
305	For services other than personal, printing the annual report, traveling expenses, rent, office supplies and equipment, a sum not exceeding ninety-five hundred dollars	9,500 00
306	For encouraging and promoting old age annuities and the organization of mutual benefit associations among the employees of industrial plants in the commonwealth, a sum not exceeding twenty-nine hundred and thirty dollars	2,930 00
	Total	\$44,030 00
	<i>Service of the Department of Corporations and Taxation.</i>	
	Corporations and Tax Divisions:	
307	For the salary of the commissioner, a sum not exceeding sixty-three hundred and seventy-five dollars	\$6,375 00
308	For the salaries of certain positions filled by the commissioner, with the approval of the governor and council, and for additional clerical and other assistance, a sum not exceeding two hundred ten thousand five hundred	

Item	dollars, of which sum not more than fifty thousand dollars may be charged to the Highway Fund to cover the estimated cost of collection of the gasoline tax, so called	\$210,500 00
309	For other services, necessary office supplies and equipment, travel, and for printing the annual report, other publications and valuation books, a sum not exceeding forty-six thousand dollars	46,000 00
	Total	\$262,875 00

Income Tax Division (the two following appropriations are to be made from the receipts from the income tax):

310	For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, a sum not exceeding four hundred nine thousand four hundred dollars	\$409,400 00
311	For services other than personal, and for traveling expenses, office supplies and equipment, a sum not exceeding one hundred eighty-nine thousand dollars	189,000 00
	Total	\$598,400 00

Division of Accounts:

312	For personal services, a sum not exceeding seventy-eight thousand dollars	\$78,000 00
313	For other expenses, a sum not exceeding twelve thousand dollars	12,000 00
314	For the administrative expenses required under the provisions of chapter four hundred of the acts of nineteen hundred and thirty, a sum not exceeding seventy-five hundred dollars	7,500 00
315	For services and expenses of auditing and installing systems of municipal accounts, the cost of which is to be assessed upon the municipalities for which the work is done, a sum not exceeding one hundred forty-nine thousand three hundred dollars	149,300 00
316	For the expenses of certain books, forms and other material, which may be sold to cities and towns requiring the same for maintaining their system of accounts, a sum not exceeding eighteen thousand dollars	18,000 00
	Total	\$264,800 00

Reimbursement for loss of taxes:

317	For reimbursing cities and towns for loss of taxes on land used for state institutions and certain other state activities, as certified by the commissioner of corporations and taxation for the fiscal year ending November thirtieth, nineteen hundred and thirty-four, a sum not exceeding one hundred thirty-one thousand seven hundred and seventy-five dollars	\$131,775 00
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Service of the Department of Education.

318	For the salary of the commissioner, a sum not exceeding seventy-six hundred and fifty dollars	\$7,650 00
319	For personal services of officers, agents, clerks, stenographers and other assistants, but not including those employed in university extension work, a sum not exceeding ninety-two thousand dollars	92,000 00
320	For traveling expenses of members of the advisory board and of agents and employees when required to travel in discharge of their duties, a sum not exceeding seven thousand dollars	7,000 00

Item		
321	For services other than personal, necessary office supplies, and for printing the annual report and bulletins as provided by law, a sum not exceeding ninety-five hundred dollars	\$9,500 00
322	For expenses incidental to furnishing school committees with rules for testing the sight and hearing of pupils, a sum not exceeding one hundred and fifty dollars	150 00
323	For printing school registers and other school blanks for cities and towns, a sum not exceeding fourteen hundred dollars	1,400 00
324	For assisting small towns in providing themselves with school superintendents, as provided by law, a sum not exceeding one hundred one thousand six hundred dollars	101,600 00
325	For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law, a sum not exceeding two hundred eight thousand dollars	208,000 00
326	For the reimbursement of certain towns for the transportation of pupils attending high schools outside the towns in which they reside, as provided by law, a sum not exceeding two hundred ten thousand dollars	210,000 00
327	For the reimbursement of certain cities and towns for a part of the expense of maintaining agricultural and industrial vocational schools, as provided by law, a sum not exceeding one million two hundred ninety-eight thousand six hundred thirty-six dollars and twenty-two cents	1,298,636 22
328	For the expense of promotion of vocational rehabilitation in co-operation with the federal government, including rent, with the approval of the department of education, a sum not exceeding fourteen thousand one hundred and eighty-five dollars	14,185 00
329	For aid to certain persons receiving instruction in the courses for vocational rehabilitation, as authorized by section twenty-two B of chapter seventy-four of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding twenty-five hundred dollars	2,500 00
330	For the training of teachers for vocational schools, to comply with the requirements of federal authorities under the provisions of the Smith-Hughes act, so called, a sum not exceeding twenty-seven thousand five hundred dollars	27,500 00
331	For the education of deaf and blind pupils of the commonwealth, as provided by section twenty-six of chapter sixty-nine of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding four hundred thirty-five thousand dollars	435,000 00
332	For expenses of holding teachers' institutes, a sum not exceeding two thousand dollars	2,000 00
333	For aid to certain pupils in state teachers' colleges, under the direction of the department of education, a sum not exceeding four thousand dollars	4,000 00
334	For assistance to the children of certain soldiers, for the present and previous years, as authorized by chapter two hundred and sixty-three of the acts of nineteen hundred and thirty, a sum not exceeding sixty-seven hundred dollars	6,700 00
	Total	\$2,427,821 22
	English-speaking Classes for Adults:	
335	For personal services of administration, a sum not exceeding ten thousand three hundred and eighty dollars	\$10,380 00

Item		
336	For other expenses of administration, a sum not exceeding twenty-five hundred dollars	\$2,500 00
337	For reimbursement of certain cities and towns, a sum not exceeding sixty-five thousand dollars	65,000 00
	Total	<u>\$77,880 00</u>
	University Extension Courses:	
338	For personal services, a sum not exceeding one hundred twenty-two thousand dollars	\$122,000 00
339	For other expenses, a sum not exceeding thirty thousand three hundred and twenty dollars	30,320 00
	Total	<u>\$152,320 00</u>
	Division of Immigration and Americanization:	
340	For personal services, a sum not exceeding thirty-four thousand and twenty-five dollars	\$34,025 00
341	For other expenses, a sum not exceeding fifty-two hundred dollars	5,200 00
	Total	<u>\$39,225 00</u>
	Division of Public Libraries:	
342	For personal services of regular agents and office assistants, a sum not exceeding ten thousand one hundred and fifty dollars	\$10,150 00
343	For other services, including printing the annual report, traveling expenses, necessary office supplies and expenses incidental to the aiding of public libraries, a sum not exceeding ten thousand dollars	10,000 00
	Total	<u>\$20,150 00</u>
	Division of the Blind:	
344	For general administration, furnishing information, industrial and educational aid, and for carrying out certain provisions of the laws establishing said division, a sum not exceeding forty thousand seven hundred dollars	\$40,700 00
345	For the maintenance of local shops, a sum not exceeding sixty-one thousand dollars	61,000 00
346	For maintenance of Woolson House industries, so called, to be expended under the authority of said division, a sum not exceeding twenty-six thousand five hundred dollars	26,500 00
347	For the maintenance of certain industries for men, to be expended under the authority of said division, a sum not exceeding one hundred thirty-eight thousand dollars	138,000 00
348	For instruction of the adult blind in their homes, a sum not exceeding fifteen thousand seven hundred and seventy dollars	15,770 00
349	For expenses of providing sight-saving classes, with the approval of the division of the blind, a sum not exceeding twenty thousand dollars	20,000 00
350	For aiding the adult blind, subject to the conditions provided by law, a sum not exceeding one hundred seventy-two thousand dollars	172,000 00
	Total	<u>\$473,970 00</u>
	Teachers' Retirement Board:	
351	For personal services of employees, a sum not exceeding eleven thousand one hundred and fifty dollars	\$11,150 00

Item		
352	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, and rent, a sum not exceeding fifty-five hundred and fifty dollars.	\$5,550 00
353	For payment of pensions to retired teachers, a sum not exceeding nine hundred eighty-five thousand dollars .	985,000 00
354	For reimbursement of certain cities and towns for pensions to retired teachers, a sum not exceeding two hundred forty-six thousand nine hundred sixty-two dollars and seventy-two cents .	246,962 72
355	For payment into the annuity fund for the period of the year nineteen hundred and thirty-three, in accordance with certain actuarial figures, a sum not exceeding twenty-five hundred twelve dollars and eight cents .	2,512 08
	Total	\$1,251,174 80
	Massachusetts Nautical School:	
356	For personal services of the secretary and office assistants, a sum not exceeding forty-three hundred and fifty dollars .	\$4,350 00
357	For services other than regular clerical services, including printing the annual report, rent, office supplies and equipment, a sum not exceeding twenty-two hundred and seventy-five dollars .	2,275 00
358	For the maintenance of the school and ship, a sum not exceeding eighty-two thousand three hundred dollars.	82,300 00
	Total	\$88,925 00
	For the maintenance of and for certain improvements at the state teachers' colleges, and the boarding halls attached thereto, with the approval of the commissioner of education, as follows:	
359	State teachers' college at Bridgewater, a sum not exceeding one hundred thirty-two thousand nine hundred and seventy-five dollars .	\$132,975 00
360	State teachers' college at Bridgewater, boarding hall, a sum not exceeding forty-eight thousand seven hundred dollars .	48,700 00
361	State teachers' college at Fitchburg, a sum not exceeding one hundred thirty-nine thousand dollars .	139,000 00
362	State teachers' college at Fitchburg, boarding hall, a sum not exceeding twenty-seven thousand six hundred dollars .	27,600 00
363	State teachers' college at Framingham, a sum not exceeding one hundred forty-two thousand five hundred and ninety dollars .	142,590 00
364	State teachers' college at Framingham, boarding hall, a sum not exceeding fifty-five thousand dollars .	55,000 00
365	For certain repairs on the building known as Crocker Hall at the state teachers' college at Framingham, a sum not exceeding twenty-five hundred dollars .	2,500 00
366	State teachers' college at Hyannis, a sum not exceeding fifty thousand five hundred dollars .	50,500 00
367	State teachers' college at Hyannis, boarding hall, a sum not exceeding fourteen thousand eight hundred and fifty dollars .	14,850 00
368	State teachers' college at Lowell, a sum not exceeding sixty-nine thousand one hundred and sixty dollars .	69,160 00
369	State teachers' college at North Adams, a sum not exceeding fifty-seven thousand four hundred dollars .	57,400 00
370	State teachers' college at North Adams, boarding hall, a sum not exceeding ten thousand six hundred and fifty dollars .	10,650 00

Item		
371	State teachers' college at Salem, a sum not exceeding one hundred one thousand one hundred and fifty-five dollars	\$101,155 00
372	State teachers' college at Westfield, a sum not exceeding sixty-one thousand and fifty dollars	61,050 00
373	State teachers' college at Westfield, boarding hall, a sum not exceeding eighty-five hundred dollars	8,500 00
374	State teachers' college at Worcester, a sum not exceeding eighty-four thousand and sixty-two dollars	84,062 00
375	Massachusetts School of Art, a sum not exceeding one hundred four thousand and fifty dollars	104,050 00
	Total	<u>\$1,109,742 00</u>

Textile Schools:

376	For the maintenance of the Bradford Durfee textile school of Fall River, with the approval of the commissioner of education and the trustees, a sum not exceeding fifty-six thousand nine hundred and thirty-five dollars, of which sum ten thousand dollars is to be contributed by the city of Fall River, and the city of Fall River is hereby authorized to raise by taxation the said sum of ten thousand dollars	\$56,935 00
377	For the maintenance of the Lowell textile institute, with the approval of the commissioner of education and the trustees, a sum not exceeding one hundred fifty-three thousand eight hundred and twenty-five dollars, of which sum ten thousand dollars is to be contributed by the city of Lowell, and the city of Lowell is hereby authorized to raise by taxation the said sum of ten thousand dollars	153,825 00
378	For the maintenance of the New Bedford textile school, with the approval of the commissioner of education and the trustees, a sum not exceeding fifty-nine thousand two hundred dollars, of which sum ten thousand dollars is to be contributed by the city of New Bedford, and the city of New Bedford is hereby authorized to raise by taxation the said sum of ten thousand dollars	59,200 00
	Total	<u>\$269,960 00</u>

Massachusetts State College:

379	For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, a sum not exceeding nine hundred three thousand six hundred and fifty dollars	\$903,650 00
380	For an emergency fund to meet the needs of harvesting big crops or other unforeseen conditions, which clearly indicate that additional revenue will be produced to equal the expenditure, a sum not exceeding twenty-five hundred dollars; provided, however, that this appropriation be available only after approval of particular projects covered by it has been obtained from the governor and council	2,500 00
381	For aid to certain students, with the approval of the trustees, a sum not exceeding five thousand dollars	5,000 00
382	For expense of moving and reconstructing a certain barn for use as a hospital ward, a sum not exceeding fifteen thousand dollars	15,000 00
	Total	<u>\$926,150 00</u>

Service of the Department of Civil Service and Registration.

Item		
	Administration:	
383	For personal services of telephone operator for the department, a sum not exceeding eleven hundred and seventy dollars	\$1,170 00
	Division of Civil Service:	
384	For the salaries of the commissioner and associate commissioners, a sum not exceeding eighty-one hundred dollars	8,100 00
385	For other personal services of the division, a sum not exceeding one hundred seventeen thousand three hundred dollars	117,300 00
386	For other services and for printing the annual report, and for office supplies and equipment necessary for the administration of the civil service law, a sum not exceeding thirty thousand dollars	30,000 00
	Total	<u>\$155,400 00</u>
	Division of Registration:	
387	For the salary of the director, a sum not exceeding sixteen hundred and twenty dollars	\$1,620 00
388	For clerical and certain other personal services of the division, a sum not exceeding thirty-seven thousand six hundred dollars	37,600 00
389	For services of the division other than personal, printing the annual reports, office supplies and equipment, except as otherwise provided, a sum not exceeding twelve thousand dollars	12,000 00
	Total	<u>\$51,220 00</u>
	Board of Registration in Medicine:	
390	For personal services of the members of the board, a sum not exceeding thirty-eight hundred and seventy dollars	\$3,870 00
391	For personal services of members of the board and examiners for the registration of chiropodists, a sum not exceeding five hundred and forty dollars	540 00
392	For traveling expenses, a sum not exceeding four hundred dollars	400 00
	Total	<u>\$4,810 00</u>
	Board of Dental Examiners:	
393	For personal services of the members of the board, a sum not exceeding thirty-four hundred and twenty dollars.	\$3,420 00
394	For traveling expenses, a sum not exceeding five hundred dollars	500 00
395	For travel and other expenses necessary in providing for the enforcement of law relative to the registration of dentists, a sum not exceeding eighteen hundred dollars.	1,800 00
	Total	<u>\$5,720 00</u>
	Board of Registration in Pharmacy:	
396	For personal services of members of the board, a sum not exceeding thirty-eight hundred and seventy dollars	\$3,870 00
397	For personal services of agent, a sum not exceeding twenty-two hundred and eighty dollars	2,280 00
398	For traveling expenses, a sum not exceeding thirty-one hundred dollars	3,100 00
	Total	<u>\$9,250 00</u>

Item		
	Board of Registration of Nurses:	
399	For personal services of members of the board, a sum not exceeding eighteen hundred and ninety dollars	\$1,890 00
400	For traveling expenses, a sum not exceeding twelve hundred dollars	1,200 00
	Total	<u>\$3,090 00</u>
	Board of Registration in Embalming:	
401	For personal services of members of the board, a sum not exceeding two hundred and seventy dollars	\$270 00
402	For traveling expenses, a sum not exceeding three hundred dollars	300 00
403	For the dissemination of useful knowledge among and for the benefit of licensed embalmers, a sum not exceeding five hundred dollars	500 00
	Total	<u>\$1,070 00</u>
	Board of Registration in Optometry:	
404	For personal services of members of the board, a sum not exceeding seventeen hundred and ten dollars	\$1,710 00
405	For traveling expenses, a sum not exceeding five hundred and fifty dollars	550 00
	Total	<u>\$2,260 00</u>
	Board of Registration in Veterinary Medicine:	
406	For personal services of the members of the board, a sum not exceeding five hundred and forty dollars	\$540 00
407	For other services, printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding three hundred dollars	300 00
	Total	<u>\$840 00</u>
	State Examiners of Electricians:	
408	For traveling expenses, a sum not exceeding thirty-four hundred and fifty dollars	\$3,450 00
	Board of Registration of Public Accountants:	
409	For personal services of members of the board, a sum not exceeding six hundred seven dollars and fifty cents	\$607 50
410	For expenses of examinations, including the preparation and marking of papers, and for other expenses, a sum not exceeding eighteen hundred dollars	1,800 00
	Total	<u>\$2,407 50</u>
	State Examiners of Plumbers:	
411	For personal services of the members of the board, a sum not exceeding nine hundred and ninety dollars	\$990 00
412	For traveling expenses, a sum not exceeding eleven hundred dollars	1,100 00
	Total	<u>\$2,090 00</u>
	Board of Registration of Barbers:	
413	For personal services of the members of the board and assistants, a sum not exceeding fifteen thousand three hundred and sixty dollars	\$15,360 00
414	For travel and other necessary expenses, a sum not exceeding nine thousand dollars	9,000 00
	Total	<u>\$24,360 00</u>

Service of the Department of Industrial Accidents.

Item		
415	For personal services of members of the board, a sum not exceeding thirty-six thousand one hundred and twenty-five dollars	\$36,125 00
416	For personal services of secretaries, medical adviser, inspectors, clerks and office assistants, a sum not exceeding one hundred twenty thousand three hundred dollars	120,300 00
417	For expenses of impartial examinations, a sum not exceeding twenty-eight thousand five hundred dollars	28,500 00
418	For traveling expenses, a sum not exceeding eighty-two hundred and fifty dollars	8,250 00
419	For other services, printing the annual report, necessary office supplies and equipment, a sum not exceeding eleven thousand two hundred dollars.	11,200 00
	Total	\$204,375 00

Service of the Department of Labor and Industries.

420	For the salaries of the commissioner, assistant and associate commissioners, a sum not exceeding eighteen thousand and seventy-five dollars	\$18,075 00
421	For clerical and other assistance to the commissioner, a sum not exceeding sixty-six hundred and forty dollars	6,640 00
422	For personal services for the inspectional service and for traveling expenses of the commissioner, assistant commissioner, associate commissioners and inspectors of labor, and for services other than personal, printing the annual report, rent of district offices, and office supplies and equipment for the inspectional service, a sum not exceeding one hundred sixty thousand dollars, which sum includes the services of an expert in the reduction of occupational diseases; provided, that said expert shall not be subject to civil service laws or the rules and regulations made thereunder.	160,000 00
423	For personal services for the statistical service and for services other than personal, printing report and publications, traveling expenses and office supplies and equipment for the statistical service, a sum not exceeding fifty-nine thousand dollars	59,000 00
424	For clerical and other personal services for the operation of free employment offices, a sum not exceeding fifty-four thousand seven hundred dollars.	54,700 00
425	For personal services for the division on necessities of life, a sum not exceeding eleven thousand nine hundred dollars	11,900 00
426	For clerical and other assistance for the board of conciliation and arbitration, a sum not exceeding fifteen thousand six hundred dollars	15,600 00
427	For personal services of investigators, clerks and stenographers for the minimum wage service, a sum not exceeding thirteen thousand one hundred and ten dollars.	13,110 00
428	For compensation and expenses of wage boards, a sum not exceeding fifteen hundred dollars	1,500 00
429	For personal services for the division of standards, a sum not exceeding twenty-eight thousand eight hundred and thirty dollars	28,830 00
430	For rent, necessary office supplies and equipment for the free employment offices, a sum not exceeding twelve thousand six hundred and twenty-five dollars	12,625 00
431	For services other than personal, traveling expenses, office supplies and equipment for the division on necessities of life, a sum not exceeding nineteen hundred and fifty dollars	1,950 00

Item		
432	For other services, printing, traveling expenses and office supplies and equipment for the board of conciliation and arbitration, a sum not exceeding twenty-one hundred dollars	\$2,100 00
433	For services other than personal, printing, traveling expenses and office supplies and equipment for minimum wage service, a sum not exceeding thirty-two hundred dollars	3,200 00
434	For other services, printing, traveling expenses and office supplies and equipment for the division of standards, a sum not exceeding thirteen thousand eight hundred dollars	13,800 00
	Total	<u>\$403,030 00</u>

Service of the Department of Mental Diseases.

435	For the salary of the commissioner, a sum not exceeding eighty-five hundred dollars	\$8,500 00
436	For personal services of officers and employees, a sum not exceeding one hundred twenty thousand dollars	120,000 00
437	For transportation and medical examination of state charges under its charge for the present year and previous years, a sum not exceeding thirteen thousand dollars	13,000 00
438	For the support of state charges in the Hospital Cottages for Children, a sum not exceeding fifteen thousand six hundred dollars	15,600 00
439	For other services, including printing the annual report, traveling expenses and office supplies and equipment, a sum not exceeding nineteen thousand five hundred dollars	19,500 00
	Total	<u>\$176,600 00</u>

Division of Mental Hygiene:

440	For the expenses of investigating the nature, causes and results of mental diseases and defects and the publication of the results thereof; and of what further preventive or other measures might be taken and what further expenditures for investigation might be made which would give promise of decreasing the number of persons afflicted with mental diseases or defects, a sum not exceeding eighty thousand four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$80,400 00
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For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Diseases:

441	Boston psychopathic hospital, a sum not exceeding two hundred eight thousand six hundred and eighty dollars	\$208,680 00
442	Boston state hospital, a sum not exceeding seven hundred ninety-two thousand nine hundred and thirty-five dollars	792,935 00
443	Danvers state hospital, a sum not exceeding six hundred forty thousand one hundred and twenty-five dollars	640,125 00
444	Foxborough state hospital, a sum not exceeding three hundred sixty-five thousand seven hundred and forty dollars	365,740 00
445	Gardner state colony, a sum not exceeding four hundred nine thousand three hundred and ten dollars	409,310 00
446	Grafton state hospital, a sum not exceeding four hundred sixty-nine thousand seven hundred dollars	469,700 00

Item		
447	Medfield state hospital, a sum not exceeding five hundred thirty-seven thousand four hundred and twenty dollars	\$537,420 00
448	Metropolitan state hospital, a sum not exceeding three hundred fifty-five thousand one hundred and eighty dollars	355,180 00
449	Northampton state hospital, a sum not exceeding four hundred seventy-six thousand seven hundred and seventy-five dollars	476,775 00
450	Taunton state hospital, a sum not exceeding four hundred seventy thousand nine hundred and sixty-five dollars	470,965 00
451	Westborough state hospital, a sum not exceeding four hundred eighty-one thousand two hundred and thirty dollars	481,230 00
452	Worcester state hospital, a sum not exceeding seven hundred twenty-three thousand seven hundred and fifty-five dollars	723,755 00
453	Monson state hospital, a sum not exceeding four hundred fifty-five thousand two hundred and fifty dollars	455,250 00
453a	For the purchase of equipment for the laundry at the Monson state hospital, a sum not exceeding fifteen thousand dollars	15,000 00
454	Belchertown state school, a sum not exceeding three hundred eighty-seven thousand three hundred and eighty dollars	387,380 00
455	Walter E. Fernald state school, a sum not exceeding five hundred forty-nine thousand seven hundred and seventy dollars	549,770 00
456	Wrentham state school, a sum not exceeding four hundred seventy-four thousand three hundred and twenty dollars	474,320 00
	Total	\$7,813,535 00

Service of the Department of Correction.

457	For the salary of the commissioner, a sum not exceeding fifty-one hundred dollars	\$5,100 00
458	For personal services of deputies, members of the board of parole and advisory board of pardons, agents, clerks and stenographers, a sum not exceeding seventy-eight thousand four hundred dollars	78,400 00
459	For services other than personal, including printing the annual report, necessary office supplies and equipment, a sum not exceeding seventy-five hundred dollars	7,500 00
460	For traveling expenses of officers and employees of the department when required to travel in the discharge of their duties, a sum not exceeding eleven thousand five hundred and fifty dollars	11,550 00
461	For the removal of prisoners, to and from state institutions, a sum not exceeding sixty-one hundred dollars	6,100 00
462	For assistance to discharged prisoners, a sum not exceeding seven hundred dollars	700 00
463	For the expense of the service of what is known as the central index, a sum not exceeding one thousand dollars	1,000 00
	Total	\$110,350 00

Division of Research for the Prevention of Crime:

464	For expenses of the division hereby authorized, a sum not exceeding seventeen thousand two hundred and fifty dollars; provided, that the persons employed hereunder shall not be subject to civil service laws or the rules and regulations made thereunder	\$17,250 00
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Item		
	For the maintenance of and for certain improvements at the following institutions under the control of the Department of Correction:	
465	State farm, a sum not exceeding six hundred eight thousand seven hundred and fifty dollars	\$608,750 00
466	State prison, a sum not exceeding three hundred seventy-three thousand eight hundred and thirty-five dollars	373,835 00
467	Massachusetts reformatory, a sum not exceeding three hundred ninety-seven thousand six hundred and seventy dollars	397,670 00
468	Prison camp and hospital, a sum not exceeding twenty-one thousand two hundred dollars. Any unexpended balance remaining at the time of removal of all prisoners to the state prison colony at Norfolk may be transferred to the appropriation for maintenance of said colony, and the supplies and equipment then remaining at the prison camp and hospital may be transferred to said prison colony, or otherwise disposed of, with the approval of the commissioner of correction	21,200 00
469	Reformatory for women, a sum not exceeding one hundred seventy-two thousand three hundred and eighty-eight dollars	172,388 00
469a	For miscellaneous improvements at the reformatory for women, a sum not exceeding ten thousand dollars	10,000 00
470	State prison colony, a sum not exceeding three hundred fourteen thousand seven hundred dollars	314,700 00
470a	For expenditures to provide additional protection and security in the custody of prisoners at the state prison colony, a sum not exceeding five thousand dollars	5,000 00
	Total	\$1,903,543 00

Service of the Department of Public Welfare.

	Administration:	
471	For the salary of the commissioner, a sum not exceeding fifty-nine hundred and fifty dollars	\$5,950 00
472	For personal services of officers and employees and supervision of homesteads and planning boards, a sum not exceeding forty-one thousand dollars.	41,000 00
473	For services other than personal, printing the annual report, traveling expenses, including expenses of auxiliary visitors, office supplies and expenses, and contingent expenses for the supervision of homesteads and planning boards, a sum not exceeding six thousand dollars	6,000 00
	Total	\$52,950 00

State Board of Housing:

474	For personal services, a sum not exceeding fifty-one hundred dollars	\$5,100 00
475	For expenses, as authorized by section eighteen of chapter eighteen of the General Laws, inserted by section one of chapter three hundred and sixty-four of the acts of nineteen hundred and thirty-three, a sum not exceeding six thousand dollars	6,000 00
	Total	\$11,100 00

Division of Aid and Relief:

476	For personal services of officers and employees, a sum not exceeding one hundred seventy thousand dollars; provided, that the employment of persons authorized	
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Item	under Item I of chapter sixty-nine of the acts of nineteen hundred and thirty-two may be continued, and shall not be subject to civil service laws or the rules and regulations made thereunder	\$170,000 00
477	For services other than personal, including traveling expenses and office supplies and equipment, a sum not exceeding thirty-one thousand dollars	31,000 00
	The following items are for reimbursement of cities and towns for expenses of the present year and previous years, and are to be in addition to any unexpended balances of appropriations made for the purpose in the previous year:	
478	For the payment of suitable aid to mothers with dependent children, a sum not exceeding one million fifty thousand dollars	1,050,000 00
479	For the burial by cities and towns of indigent persons who have no legal settlement, a sum not exceeding nine thousand dollars	9,000 00
480	For expenses in connection with smallpox and other diseases dangerous to the public health, a sum not exceeding one hundred thousand dollars	100,000 00
481	For the support of sick indigent persons who have no legal settlement, a sum not exceeding one hundred nineteen thousand dollars	119,000 00
482	For temporary aid given to indigent persons with no legal settlement, and to shipwrecked seamen by cities and towns, and for the transportation of indigent persons under the charge of the department, a sum not exceeding three million eight hundred and sixty thousand dollars	3,860,000 00
	Old Age Assistance:	
483	For personal services required for the administration of old age assistance provided by chapter one hundred and eighteen A of the General Laws, as amended, a sum not exceeding eighty-one thousand dollars	81,000 00
484	For other expenses, including rent, travel, office supplies and other necessary expenses, required for the administration of old age assistance provided by said chapter one hundred and eighteen A, a sum not exceeding nineteen thousand dollars	19,000 00
	Total	\$5,439,000 00
	Division of Child Guardianship:	
485	For personal services of officers and employes, a sum not exceeding one hundred ninety-one thousand dollars	\$191,000 00
486	For services other than personal, office supplies and equipment, a sum not exceeding forty-five hundred dollars	4,500 00
487	For tuition in the public schools, including transportation to and from school, of children boarded by the department, for the present and previous years, a sum not exceeding three hundred thousand dollars	300,000 00
488	For the care and maintenance of children, for the present and previous years, a sum not exceeding one million four hundred thousand dollars	1,400,000 00
	Total	\$1,895,500 00

Item	Division of Juvenile Training, Trustees of Massachusetts Training Schools:	
489	For services of the secretary and certain other persons employed in the executive office, a sum not exceeding twelve thousand five hundred dollars	\$12,500 00
490	For services other than personal, including printing the annual report, traveling and other expenses of the members of the board and employees, office supplies and equipment, a sum not exceeding twenty-eight hundred dollars	2,800 00
	Boys' Parole:	
491	For personal services of agents in the division for boys paroled and boarded in families, a sum not exceeding forty thousand four hundred dollars	40,400 00
492	For services other than personal, including traveling expenses of the agents and boys, and necessary office supplies and equipment, a sum not exceeding twenty-one thousand nine hundred dollars	21,900 00
493	For board, clothing, medical and other expenses incidental to the care of boys, a sum not exceeding twenty-seven thousand five hundred dollars	27,500 00
	Girls' Parole:	
494	For personal services of agents in the division for girls paroled from the industrial school for girls, a sum not exceeding thirty thousand five hundred dollars	30,500 00
495	For traveling expenses of said agents for girls paroled, for board, medical and other care of girls, and for services other than personal, office supplies and equipment, a sum not exceeding nineteen thousand five hundred dollars	19,500 00
	Tuition of children:	
496	For reimbursement of cities and towns for tuition of children attending the public schools, a sum not exceeding eighty-eight hundred dollars	8,800 00
	Total	<u>\$163,900 00</u>
	For the maintenance of and for certain improvements at the institutions under the control of the trustees of the Massachusetts training schools, with the approval of said trustees, as follows:	
497	Industrial school for boys, a sum not exceeding one hundred forty-two thousand one hundred dollars	\$142,100 00
498	Industrial school for girls, a sum not exceeding one hundred twenty-five thousand six hundred and ten dollars	125,610 00
499	Lyman school for boys, a sum not exceeding two hundred nine thousand nine hundred dollars	209,900 00
	Total	<u>\$477,610 00</u>
	Massachusetts Hospital School:	
500	For the maintenance of the Massachusetts hospital school, to be expended with the approval of the trustees thereof, a sum not exceeding one hundred seventy thousand one hundred and fifteen dollars	\$170,115 00
	State Infirmary:	
501	For the maintenance of the state infirmary, to be expended with the approval of the trustees thereof, a sum not exceeding nine hundred fifty-seven thousand dollars	\$957,000 00

Service of the Department of Public Health.

Item		
	Administration:	
502	For the salary of the commissioner, a sum not exceeding sixty-three hundred and seventy-five dollars	\$6,375 00
503	For personal services of the health council and office assistants, a sum not exceeding seventeen thousand six hundred and seventy dollars	17,670 00
504	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding nine thousand dollars.	9,000 00
	Service of Adult Hygiene (cancer):	
505	For personal services of the division, including cancer clinics, a sum not exceeding thirty-nine thousand nine hundred dollars	39,900 00
506	For other expenses of the division, including cancer clinics, a sum not exceeding thirty-two thousand dollars	32,000 00
	Service of Child Hygiene:	
507	For personal services of the director and assistants, a sum not exceeding thirty-three thousand five hundred and fifty dollars	33,550 00
508	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding sixteen thousand dollars	16,000 00
	Service of Maternal and Child Hygiene:	
509	For personal services for extending the activities of the division in the protection of mothers and conservation of the welfare of children, a sum not exceeding twenty thousand nine hundred dollars	20,900 00
510	For other expenses for extending the activities of the division in the protection of mothers and conservation of the welfare of children, a sum not exceeding ten thousand four hundred dollars	10,400 00
	Division of Communicable Diseases:	
511	For personal services of the director, district health officers and their assistants, epidemiologists, bacteriologist and assistants in the diagnostic laboratory, a sum not exceeding sixty-seven thousand one hundred dollars	67,100 00
512	For services other than personal, traveling expenses, laboratory, office and other necessary supplies, including the purchase of animals and equipment, and rent of certain offices, a sum not exceeding fourteen thousand two hundred and fifty dollars	14,250 00
	Venereal Diseases:	
513	For personal services for the control of venereal diseases, a sum not exceeding twelve thousand five hundred dollars	12,500 00
514	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding twenty-eight thousand dollars	28,000 00
	Wassermann Laboratory:	
515	For personal services of the Wassermann laboratory, a sum not exceeding fifteen thousand seven hundred dollars	15,700 00
516	For expenses of the Wassermann laboratory, a sum not exceeding fifty-two hundred dollars	5,200 00

Item		
Antitoxin and Vaccine Laboratories:		
517	For personal services in the investigation and production of antitoxin and vaccine lymph and other specific material for protective inoculation and diagnosis of treatment, a sum not exceeding sixty-three thousand five hundred and thirty dollars	\$63,530 00
518	For other services, supplies, materials and equipment necessary for the production of antitoxin and other materials as enumerated above, a sum not exceeding thirty-seven thousand dollars	37,000 00
Inspection of Food and Drugs:		
519	For personal services of the director, analysts, inspectors and other assistants, a sum not exceeding forty-seven thousand nine hundred dollars	47,900 00
520	For other services, including traveling expenses, supplies, materials and equipment, a sum not exceeding eleven thousand dollars	11,000 00
Shellfish Enforcement Law:		
521	For personal services for administering the law relative to shellfish, a sum not exceeding eighteen hundred and sixty dollars	1,860 00
522	For other expenses for administering the law relative to shellfish, a sum not exceeding eight hundred and seventy dollars	870 00
Water Supply and Disposal of Sewage, Engineering Division:		
523	For personal services of the director, engineers, clerks and other assistants, a sum not exceeding sixty-five thousand dollars	65,000 00
524	For other services, including traveling expenses, supplies, materials and equipment, a sum not exceeding seventeen thousand nine hundred dollars	17,900 00
Water Supply and Disposal of Sewage, Division of Laboratories:		
525	For personal services of laboratory director, chemists, clerks and other assistants, a sum not exceeding thirty-six thousand dollars	36,000 00
526	For other services, including traveling expenses, supplies, materials and equipment, a sum not exceeding ninety-two hundred dollars	9,200 00
	Total	<u>\$618,805 00</u>
Division of Tuberculosis:		
527	For personal services of the director, stenographers, clerks and other assistants, a sum not exceeding thirty-two thousand seven hundred dollars	\$32,700 00
528	For services other than personal, including printing the annual report, traveling expenses and office supplies and equipment, a sum not exceeding sixty-one hundred and fifty dollars	6,150 00
529	To cover the payment of certain subsidies for the maintenance of hospitals for tubercular patients, a sum not exceeding four hundred fifty-one thousand dollars	451,000 00
530	For personal services for certain children's clinics for tuberculosis, a sum not exceeding forty-four thousand one hundred and ninety dollars	44,190 00

Item		
531	For other services for certain children's clinics for tuberculosis, a sum not exceeding twenty-six thousand dollars	\$26,000 00
	Total	\$560,040 00

For the maintenance of and for certain improvements at the sanatoria, as follows:

532	Lakeville state sanatorium, a sum not exceeding two hundred fifty-three thousand and ninety-five dollars	\$253,095 00
533	For constructing and equipping a treatment room for the men's ward at the Lakeville state sanatorium, a sum not exceeding sixty-seven hundred dollars	6,700 00
534	For constructing and equipping a treatment room for the women's ward at the Lakeville state sanatorium, a sum not exceeding sixty-seven hundred dollars	6,700 00
535	For the purchase of an X-ray machine and fluoroscope for the Lakeville state sanatorium, a sum not exceeding four thousand dollars	4,000 00
536	North Reading state sanatorium, a sum not exceeding two hundred sixteen thousand six hundred and seventy dollars	216,670 00
537	Rutland state sanatorium, a sum not exceeding two hundred seventy-one thousand eight hundred and twenty dollars	271,820 00
538	For the proportionate part of the cost of constructing a certain sewer at the Rutland state sanatorium by the metropolitan district water supply commission, to enable the sanatorium to use said sewer for the disposal of sewage without the payment of an annual fee for such service, a sum not exceeding sixty thousand seven hundred and ninety dollars	60,790 00
539	For the purchase and installation of certain sprinklers at the Rutland state sanatorium, a sum not exceeding thirty-six hundred dollars	3,600 00
540	Westfield state sanatorium, a sum not exceeding two hundred twenty-nine thousand nine hundred and ninety dollars	229,990 00
	Total	\$1,053,365 00

Pondville Cancer Hospital:

541	For maintenance of the Pondville cancer hospital, including care of radium, a sum not exceeding two hundred twenty-seven thousand six hundred and ninety-five dollars	\$227,695 00
542	For the purchase of an X-ray machine and equipment, a sum not exceeding five thousand dollars	5,000 00
	Total	\$232,695 00

Service of the Department of Public Safety.

Administration:

543	For the salary of the commissioner, a sum not exceeding fifty-one hundred dollars	\$5,100 00
544	For personal services of clerks and stenographers, a sum not exceeding eighty-four thousand dollars	84,000 00
545	For contingent expenses, including printing the annual report, rent of district offices, supplies and equipment, and all other things necessary for the investigation of fires and moving picture licenses, as required by law, and for expenses of administering the law regulating the sale and resale of tickets to theatres and other places of	

Item	public amusement by the department of public safety, a sum not exceeding fifty-two thousand five hundred dollars	\$52,500 00
	Division of State Police:	
546	For the salaries of officers, including detectives, a sum not exceeding four hundred nine thousand two hundred and fifty dollars, of which sum not more than one hundred twenty-nine thousand five hundred and twenty dollars may be charged to the Highway Fund	\$109,250 00
547	For personal services of civilian employces, a sum not exceeding eighty-three thousand one hundred and forty dollars	83,140 00
548	For other necessary expenses of the uniformed division, including traveling expenses of detectives, a sum not exceeding three hundred sixty-five thousand five hundred dollars, of which sum not more than one hundred eighty-three thousand one hundred and fifty dollars may be charged to the Highway Fund	365,500 00
549	For personal services, rent, supplies and equipment necessary in the enforcement of provisions of law relative to explosives and inflammable fluids and compounds, a sum not exceeding eleven thousand and forty dollars	11,040 00
	Division of Inspection:	
550	For the salary of the chief of inspections, a sum not exceeding thirty-six hundred dollars	3,600 00
551	For the salaries of officers for the building inspection service, a sum not exceeding forty-nine thousand seven hundred and ten dollars	49,710 00
552	For traveling expenses of officers for the building inspection service, a sum not exceeding twelve thousand dollars	12,000 00
553	For the salaries of officers for the boiler inspection service, a sum not exceeding sixty-two thousand one hundred and sixty dollars	62,160 00
554	For traveling expenses of officers for the boiler inspection service, a sum not exceeding fifteen thousand six hundred dollars	15,600 00
555	For services, supplies and equipment necessary for investigations and inspections by the division, a sum not exceeding nine hundred dollars	900 00
	Board of Boiler Rules:	
556	For personal services of members of the board, a sum not exceeding nine hundred dollars	900 00
557	For services other than personal and the necessary traveling expenses of the board, office supplies and equipment, a sum not exceeding five hundred dollars	500 00
	Total	\$1,155,900 00
	Special:	
558	(This item omitted.)	
	Fire Prevention Service:	
559	For the salary of the state fire marshal, a sum not exceeding thirty-six hundred dollars	\$3,600 00
560	For personal services of fire inspectors and others, a sum not exceeding thirty-eight thousand nine hundred and forty dollars	38,940 00
561	For traveling expenses of fire inspectors, a sum not exceeding thirteen thousand dollars	13,000 00

Item		
562	For other services, office rent and necessary office supplies and equipment, a sum not exceeding thirty-eight hundred dollars	\$3,800 00
	Total	\$59,340 00
State Boxing Commission:		
563	For compensation and clerical assistance for the state boxing commission, a sum not exceeding ninety-six hundred and thirty dollars	\$9,630 00
564	For other expenses of the commission, a sum not exceeding eighty-five hundred dollars	8,500 00
	Total	\$18,130 00

Service of the Department of Public Works.

The appropriations made in the following four items are to be paid three quarters from the Highway Fund and one quarter from the Port of Boston receipts:

565	For the salaries of the commissioner and the associate commissioners, a sum not exceeding sixteen thousand five hundred and seventy-five dollars	\$16,575 00
566	For personal services of clerks and assistants to the commissioner, a sum not exceeding eight thousand dollars	8,000 00
567	For traveling expenses of the commissioners, a sum not exceeding eighteen hundred dollars	1,800 00
568	For telephone service in the public works building, a sum not exceeding twenty-six thousand and twenty-five dollars	26,025 00
	Total	\$52,400 00

Functions of the department relating to highways (the following appropriations, except as otherwise provided, are made from the Highway Fund):

569	For the maintenance and operation of the new public works building, a sum not exceeding one hundred three thousand dollars	\$103,000 00
570	For the salaries of watchmen for the public works building, a sum not exceeding ten thousand five hundred dollars	10,500 00
571	For personal services of the chief engineer, engineers and office assistants, including certain clerks and stenographers, a sum not exceeding eighty-six thousand two hundred and forty dollars	\$8,240 00
572	For services other than personal, including printing pamphlet of laws and the annual report, and necessary office supplies and equipment, a sum not exceeding ninety-seven hundred dollars	9,700 00
573	For the suppression of gypsy and brown tail moths on state highways, a sum not exceeding twelve thousand dollars	12,000 00
574	For the construction and repair of town and county ways, a sum not exceeding two million five hundred thousand dollars	2,500,000 00
575	For aiding towns in the repair and improvement of public ways, a sum not exceeding nine hundred eighty-five thousand five hundred dollars	985,500 00
576	For the maintenance and repair of state highways, including care of snow on highways, expenses of traffic signs and lights; for payment of damages caused by defects in state highways, with the approval of the	

Item		
	attorney general; for care and repair of road-building machinery; and for the maintenance of a nursery for roadside planting, a sum not exceeding two million seven hundred thousand dollars	\$2,700,000 00
577	For the purpose of enabling the department of public works to secure federal aid for the construction of highways, a sum not exceeding one million seven hundred thousand dollars	1,700,000 00
578	For administering the law relative to advertising signs near highways, a sum not exceeding fifteen thousand dollars, to be paid from the General Fund	15,000 00
579	For expenses of a topographical survey and map of the commonwealth, in addition to funds received from federal appropriations or private subscriptions, a sum not exceeding twenty-five thousand dollars	25,000 00
	Registration of Motor Vehicles:	
580	For personal services, a sum not exceeding eight hundred ninety-four thousand dollars, of which sum ten thousand dollars may be charged to the General Fund, and the remainder shall be paid from the Highway Fund	\$894,000 00
581	For services other than personal, including traveling expenses, purchase of necessary supplies and materials, including cartage and storage of the same, and for work incidental to the registration and licensing of owners and operators of motor vehicles, a sum not exceeding four hundred ninety thousand dollars, to be paid from the Highway Fund	490,000 00
582	For printing and other expenses necessary in connection with publicity for certain safety work, a sum not exceeding one thousand dollars, to be paid from the Highway Fund	1,000 00
	Total	\$9,531,940 00

Functions of the department relating to waterways and public lands:

583	For personal services of the chief engineer and assistants, a sum not exceeding fifty thousand dollars	\$50,000 00
584	For services other than personal, including printing pamphlet of laws and the annual report, and for necessary office and engineering supplies and equipment, a sum not exceeding sixteen hundred dollars	1,600 00
585	For the care and maintenance of the province lands and of the lands acquired and structures erected by the Provincetown tercentenary commission, a sum not exceeding forty-seven hundred dollars	4,700 00
586	For the maintenance of structures, and for repairing damages along the coast line or river banks of the commonwealth, and for the removal of wrecks and other obstructions from tide waters and great ponds, a sum not exceeding twenty-two thousand five hundred dollars	22,500 00
587	For the improvement, development and protection of rivers and harbors, tide waters and foreshores within the commonwealth, as authorized by section eleven of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition thereof, and of great ponds, a sum not exceeding seventy-five thousand dollars, and any unexpended balance of the appropriation remaining at the end of the current fiscal year may be expended in the succeeding fiscal year for the same purposes; provided, that all expenditures made for the	

Item		
	protection of shores shall be upon condition that at least fifty per cent of the cost is covered by contributions from municipalities or other organizations and individuals, and that in the case of dredging channels for harbor improvements at least twenty-five per cent of the cost shall be so covered	\$75,000 00
588	For re-establishing and permanently marking certain triangulation points and sections, as required by order of the land court in accordance with section thirty-three of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding one thousand dollars	1,000 00
589	For expenses of surveying certain town boundaries, by the department of public works, a sum not exceeding five hundred dollars	500 00
590	For the operation and maintenance of the New Bedford state pier, a sum not exceeding five thousand dollars	5,000 00
591	For the compensation of dumping inspectors, a sum not exceeding one thousand dollars	1,000 00
592	For continuing the work in gauging the flow of water in the streams of the commonwealth, a sum not exceeding four thousand dollars	4,000 00
593	For the maintenance and repair of certain property in the town of Plymouth, a sum not exceeding thirty-eight hundred dollars	3,800 00
594	For the operation and maintenance of the Cape Cod Canal pier, a sum not exceeding four thousand dollars	4,000 00
	Total	\$173,100 00

Functions of the department relating to Port of Boston (the following items are to be paid from the Port of Boston receipts):

595	For the construction of railroads and piers and for the development of certain land, a sum not exceeding ten thousand dollars	\$10,000 00
596	For the supervision and operation of commonwealth pier five, including the salaries or other compensation of employees, and for the repair and replacement of equipment and other property, a sum not exceeding one hundred thousand dollars	100,000 00
597	For the maintenance of pier one, at East Boston, a sum not exceeding four thousand dollars	4,000 00
598	For the maintenance and improvement of commonwealth property under the control of the department in connection with its functions relating to waterways and public lands, a sum not exceeding one hundred thousand dollars	100,000 00
599	For dredging channels and filling flats, a sum not exceeding seventy thousand dollars, the same to be in addition to any unexpended balance of the appropriation made for the purpose in the previous year	70,000 00
600	For removing abandoned hulks or wrecks lying along the waterfront of Boston harbor, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,000 00
	Total	\$289,000 00

Service of the Department of Public Utilities.

601	For personal services of the commissioners, a sum not exceeding thirty thousand six hundred dollars	\$30,600 00
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Item		
602	For personal services of secretaries, employees of the accounting department, engineering department and rate and tariff department, a sum not exceeding twenty-nine thousand nine hundred and ninety dollars, of which sum fifteen thousand three hundred dollars shall be assessed upon the gas and electric companies in accordance with existing provisions of law	\$29,990 00
603	For personal services of the inspection department, a sum not exceeding thirty-seven thousand two hundred dollars	37,200 00
604	For personal services of clerks, messengers and office assistants, a sum not exceeding eleven thousand eight hundred and eighty dollars, of which sum one half shall be assessed upon the gas and electric companies in accordance with existing provisions of law	11,880 00
605	For personal services of the telephone and telegraph division, a sum not exceeding twelve thousand seven hundred and thirty dollars	12,730 00
606	For stenographic reports of hearings, a sum not exceeding twenty-five hundred dollars	2,500 00
607	For traveling expenses of the commissioners and employees, a sum not exceeding thirty-five hundred dollars	3,500 00
608	For services other than personal, printing the annual report, office supplies and equipment, a sum not exceeding forty-eight hundred and fifty dollars	4,850 00
609	For stenographic reports of evidence at inquests held in cases of death by accident on or about railroads, a sum not exceeding one thousand dollars	1,000 00
	Total	\$134,250 00

The following items are to be assessed upon the gas and electric companies:

610	For personal services of the division of inspection of gas and gas meters, a sum not exceeding eighteen thousand three hundred dollars	\$18,300 00
611	For expenses of the division of inspection of gas and gas meters, including office rent, traveling and other necessary expenses of inspection, a sum not exceeding four thousand dollars	4,000 00
612	For other services, printing the annual report, for rent of offices and for necessary office supplies and equipment, a sum not exceeding fifty-six hundred dollars	5,600 00
613	For the examination and tests of electric meters, a sum not exceeding two hundred dollars	200 00
	Total	\$28,100 00

Special Investigations:

614	For personal services and expenses of special investigations, including legal assistants as needed, a sum not exceeding ten thousand dollars, of which such sum as shall be expended in the investigation of gas and electric companies shall be assessed upon gas and electric companies in accordance with existing provisions of law	\$10,000 00
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Smoke Inspection Service:

The following items are to be assessed upon the cities and towns comprising the district defined by chapter six hundred and fifty-one of the acts of nineteen hundred and ten, and acts in amendment thereof or in addition thereto:

Item		
615	For personal services, a sum not exceeding fifteen thousand two hundred dollars	\$15,200 00
616	For other services, printing the annual report, rent of offices, travel, and necessary office supplies and equipment, a sum not exceeding thirty-seven hundred and sixty dollars	3,760 00
	Total	\$18,960 00
	Sale of Securities:	
617	For personal services in administering the law relative to the sale of securities, a sum not exceeding thirty-two thousand five hundred dollars	\$32,500 00
618	For expenses other than personal in administering the law relative to the sale of securities, a sum not exceeding seventy-five hundred dollars	7,500 00
	Total	\$40,000 00

Miscellaneous.

619	For the maintenance of Bunker Hill monument and the property adjacent, to be expended by the metropolitan district commission, a sum not exceeding eleven thousand dollars	\$11,000 00
	The following items are to be paid from the Highway Fund, with the approval of the Metropolitan District Commission:	
620	For maintenance of boulevards and parkways, a sum not exceeding five hundred twenty-three thousand two hundred and seventy-five dollars	\$523,275 00
621	For resurfacing of boulevards and parkways, a sum not exceeding two hundred thousand dollars	200,000 00
622	For the cost of repairing certain storm damages to shore protection at Winthrop, a sum not exceeding twenty-two thousand dollars	22,000 00
623	For maintenance of Wellington bridge, a sum not exceeding five thousand dollars	5,000 00
	Total	\$761,275 00

Unclassified Accounts and Claims.

624	For the compensation of veterans of the civil war formerly in the service of the commonwealth, now retired, a sum not exceeding six thousand dollars	\$6,000 00
625	For the compensation of any veteran who may be retired by the governor under the provisions of sections fifty-six to fifty-nine, inclusive, of chapter thirty-two of the General Laws, as appearing in the Terecentenary Edition thereof, a sum not exceeding thirty-three thousand dollars	33,000 00
626	For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired, a sum not exceeding fifty-six thousand five hundred dollars	56,500 00
627	For the compensation of state police officers formerly in the service of the commonwealth, and now retired, a sum not exceeding five thousand dollars	5,000 00
628	For the compensation of certain women formerly employed in cleaning the state house, and now retired, a sum not exceeding nine hundred dollars	900 00
	Total	\$101,400 00

Item		
	For certain other aid:	
629	For the compensation of certain public employees for injuries sustained in the course of their employment, as provided by section sixty-nine of chapter one hundred and fifty-two of the General Laws, as most recently amended by section seven of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-three, a sum not exceeding sixty thousand dollars, of which sum not more than twenty thousand dollars may be charged to the Highway Fund . . .	\$60,000 00
630	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts and resolves, a sum not exceeding forty-two hundred and ninety-six dollars	4,296 00
	Total	\$64,296 00
631	For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by existing laws, a sum not exceeding one hundred fifty dollars	\$150 00
632	For payment of any claims, as authorized by section eighty-nine of chapter thirty-two of the General Laws, as most recently amended by section one of chapter three hundred and forty of the acts of nineteen hundred and thirty-three, for allowances to the families of members of the department of public safety doing police duty killed or fatally injured in the discharge of their duties, a sum not exceeding two thousand dollars	2,000 00
633	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 in previous years, a sum not exceeding five hundred dollars	500 00
634	For reimbursement of persons for funds previously deposited in the treasury of the commonwealth on account of unclaimed savings bank deposits, a sum not exceeding five hundred dollars	500 00
	Total	\$3,150 00

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Legislative Department.

For printing, binding and paper ordered by the senate and house of representatives, or by concurrent order of the two branches, with the approval of the clerks of the respective branches, the sum of fifty-seven hundred fifty-eight dollars and forty-four cents	\$5,758 44
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Judicial Department.

Probate and Insolvency Courts:	
For the compensation of judges of probate when acting for other judges of probate, the sum of ten hundred ten dollars and seventy-five cents	\$1,010 75
For expenses of judges of probate when acting for other judges of probate, the sum of one hundred eleven dollars and twenty cents	111 20
For clerical assistance to the register of Dukes county, the sum of one hundred four dollars and thirty-eight cents	104 38

Item

Justices of District Courts:	
For reimbursing certain counties for compensation of certain special justices for services in holding sessions of district courts in place of the justice, while sitting in the superior court, a sum not exceeding twelve hundred twenty-nine dollars and thirty-seven cents	\$1,229 37
<i>Service of the Militia.</i>	
To cover certain small claims for damages to private property arising from military maneuvers, the sum of one hundred eighty-one dollars and twenty-five cents	\$181 25
<i>Service of the Secretary of the Commonwealth.</i>	
For printing laws, etc.:	
For printing and distribution of the pamphlet edition of the acts and resolves of the year nineteen hundred and thirty-three, the sum of twenty-nine hundred fifty-nine dollars and twelve cents	\$2,959 12
<i>Service of the Department of Conservation.</i>	
Division of Forestry:	
For aiding towns in the purchase of equipment for extinguishing forest fires and for making protective belts or zones as a defence against forest fires, for the present and previous years, the sum of five hundred sixty-six dollars and eight cents	\$566 08
<i>Service of the Department of Education.</i>	
For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law, the sum of twenty-four hundred thirteen dollars and twenty-one cents	\$2,413 21
For the reimbursement of certain towns for the transportation of pupils attending high schools outside the towns in which they reside, as provided by law, the sum of thirty-five thousand four hundred sixty dollars and eighty-two cents	35,460 82
For assisting small towns in providing themselves with school superintendents, as provided by law, the sum of ninety-seven dollars and eight cents	97 08
<i>Service of the Department of Civil Service and Registration.</i>	
Board of Registration in Optometry:	
For traveling expenses, the sum of one hundred twenty-three dollars and thirty-six cents	\$123 36
<i>Service of the Department of Labor and Industries.</i>	
For personal services for the inspectional service and for traveling expenses of the commissioner, assistant commissioner, associate commissioners and inspectors of labor, and for services other than personal, printing the annual report, rent of district offices, and office supplies and equipment for the inspectional service, the sum of thirty-seven dollars and eighty-four cents	\$37 84
<i>Service of the Department of Public Welfare.</i>	
Administration:	
For services other than personal, printing the annual report, traveling expenses, including expenses of auxiliary visitors, office supplies and expenses, and contingent expenses for the supervision of homesteads and planning boards, the sum of two hundred forty-three dollars and thirty-nine cents	\$243 39

Item

Tuition of children:

For reimbursement of cities and towns for tuition of children attending the public schools, the sum of eight hundred sixty-one dollars and forty-six cents \$861 46

Service of the Department of Public Works.

Functions of the department relating to highways:

For the maintenance and repair of state highways, including care of snow on highways, expenses of traffic signs and lights, and payment of damages caused by defects in state highways, with the approval of the attorney general; for care and repair of road-building machinery; and for the purchase and improvement of a nursery for roadside planting, the sum of nineteen dollars and fourteen cents, to be paid from the Highway Fund \$19 14

For administering the law relative to advertising signs near highways, the sum of one hundred forty-seven dollars and twenty-two cents, to be paid from the General Fund 147 22

Functions of the department relating to Port of Boston:

For the supervision and operation of commonwealth pier five, including the salaries or other compensation of employees, and for the repair and replacement of equipment and other property, the sum of six dollars and sixty cents, to be paid from the Port of Boston receipts 6 60

Unclassified Accounts.

For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by existing laws, the sum of sixty-eight dollars 68 00

Total \$51,398 71

Metropolitan District Commission.

The following items are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction and with the approval of the metropolitan district commission:

636 For maintenance of the Charles River basin, a sum not exceeding two hundred twelve thousand nine hundred and twenty-five dollars \$212,925 00

637 For maintenance of park reservations, a sum not exceeding eight hundred fifty-one thousand one hundred and fifty dollars, including retirement of soldiers under the provisions of the General Laws \$51,150 00

638 For the expense of holding band concerts, a sum not exceeding twenty thousand dollars 20,000 00

639 For services and expenses of the division of metropolitan planning, as authorized by chapter three hundred and ninety-nine of the acts of nineteen hundred and twenty-three, a sum not exceeding eighteen thousand dollars 18,000 00

640 For maintenance of the Nantasket Beach reservation, a sum not exceeding eighty-eight thousand dollars 88,000 00

641 For maintenance of Wellington bridge, a sum not exceeding fifteen thousand dollars, including retirement of soldiers under the provisions of the General Laws, the same to be in addition to the amount appropriated in item six hundred and twenty-three 15,000 00

Item		
642	For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, a sum not exceeding three hundred thirty-seven thousand six hundred dollars, including retirement of soldiers under the provisions of the General Laws	\$337,600 00
643	For the maintenance and operation of a system of sewage disposal for the south metropolitan sewerage district, a sum not exceeding two hundred forty-nine thousand two hundred dollars, including retirement of soldiers under the provisions of the General Laws	249,200 00
644	For the maintenance and operation of the metropolitan water system, a sum not exceeding eight hundred forty thousand five hundred dollars, including retirement of soldiers under the provisions of the General Laws	\$40,500 00
645	For the construction of additions and improvements to certain supply and distribution mains, as a part of the cost of maintenance of the metropolitan water system, a sum not exceeding three hundred thousand dollars, the same to be in addition to any unexpended balance of an appropriation made for the purpose in the previous year	300,000 00
	Total	\$3,017,375 00
	General and Highway Funds	\$55,947,714 22
	Metropolitan District Commission	3,017,375 00

SECTION 2A. [*Disapproved by the governor by message to the house of representatives filed April 20, 1934. Objections of governor sustained by vote of the house of representatives May 7, 1934.*]

SECTION 2B. [*Disapproved by the governor by message to the house of representatives filed April 20, 1934. Objections of governor sustained by vote of the house of representatives May 7, 1934.*]

Expenditures
in excess of
appropriations
regulated.

SECTION 3. No expenditures in excess of appropriations provided for under this act shall be incurred by any department or institution, except in cases of emergency, and then only upon the prior written approval of the governor and council.

Appropriations
for maintenance
of certain institu-
tions.

SECTION 4. The sums appropriated for maintenance of certain institutions include allowances for the purchase of coal to April first, nineteen hundred and thirty-five, and balance representing these sums may be carried forward at the end of the fiscal year.

Expenditures
for public
buildings
regulated.

SECTION 5. No payment shall be made or obligation incurred under authority of any special appropriation made by this act for construction of public buildings or other improvements at state institutions until plans and specifications have been approved by the governor, unless otherwise provided by such rules and regulations as the governor may make.

Allowances for
board, etc.,
regulated.

SECTION 6. No expenses incurred on and after the date of the passage of this act for mid-day meals by state employees, other than those who receive as part of their compensation a non-cash allowance in the form of full or complete boarding and housing, and those employees who are stationed

beyond commuting distance from their homes for a period of more than twenty-four hours, shall be allowed by the commonwealth.

SECTION 7. The budget commissioner is hereby directed to send a copy of sections three, five and six of this act to each departmental, divisional and institutional head immediately following the passage of this act.

Copies of act to be sent to department heads.

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

Approved April 18, 1934.

AN ACT RELATIVE TO THE MAKING OF REPAIRS BY CITIES AND TOWNS ON CERTAIN PRIVATE WAYS AS EMERGENCY RELIEF ADMINISTRATION WORK.

Chap. 163

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Any city or town may, in order to obtain the benefits accruing from the expenditure of funds therein by the Emergency Relief Administration under the provisions of the National Industrial Recovery Act, make repairs on private ways therein which have been open to public use for six years or more, to be paid for out of funds received under the authority of said Emergency Relief Administration and/or other funds appropriated by the city or town as its contribution to Emergency Relief Administration projects, and in such cases section twenty-five of chapter eighty-four of the General Laws shall not apply. *Approved April 24, 1934.*

AN ACT PROHIBITING THE USE OF DOCUMENTS DRAWN TO IMITATE JUDICIAL PROCESS.

Chap. 164

Be it enacted, etc., as follows:

Chapter two hundred and seventy-two of the General Laws is hereby amended by inserting after section ninety-seven, as appearing in the Tercentenary Edition, the following new section:— *Section 97A.* Forms of demands or notices or other documents drawn to resemble court process shall not be used by attorneys at law, persons conducting collection agencies or others in the collection of bills, accounts or other indebtedness. A district court, on complaint of any person exhibiting and filing therewith such a form or document or copy thereof, alleging that a person who resides or has a place of business within the judicial district of such court has used or is using such form or document in violation of this section, may issue an order of notice to the person complained of to show cause why he should not be ordered to discontinue such use on penalty of contempt.

G. L. (Ter. Ed.), 272, new section 97A, added.

Documents drawn to imitate judicial process, use of prohibited.

Approved April 24, 1934.

Chap. 165 AN ACT RELATIVE TO THE LAST DATE FOR FILING NOMINATION PAPERS FOR THE STATE PRIMARIES IN THE CURRENT YEAR.

Be it enacted, etc., as follows:

In the current year, all nomination papers of candidates to be voted for at state primaries shall be filed with the state secretary on or before the sixth Tuesday preceding the day of the primaries, notwithstanding anything to the contrary contained in section forty-eight of chapter fifty-three of the General Laws, as amended by section fifteen of chapter three hundred and ten of the acts of nineteen hundred and thirty-two.

Approved April 24, 1934.

Chap. 166 AN ACT RELATIVE TO THE ELECTION OF CERTAIN MEMBERS OF THE TRUSTEES OF TUFTS COLLEGE.

Be it enacted, etc., as follows:

SECTION 1. Ten of the members of the Trustees of Tufts College, incorporated by chapter one hundred and forty-one of the acts of eighteen hundred and fifty-two under the name of the Trustees of the Tufts College, and whose name was changed to its present one by section one of chapter seventy-two of the acts of eighteen hundred and sixty-seven, hereinafter called the corporation, shall, in the manner and for the terms hereinafter provided, be elected from the alumni of Tufts College and the alumnae of Jackson College for Women, hereinafter called the alumni, and the members so to be elected are hereinafter called the alumni members of the corporation.

SECTION 2. Any person who for ten years has held a degree from Tufts College, or from Jackson College for Women, conferred in regular course shall be eligible to be elected an alumni member of the corporation; provided, that at least seven of the ten alumni members of the corporation shall hold from Tufts College or Jackson College for Women the first degree in arts and sciences.

SECTION 3. The ten alumni members of the corporation shall be chosen either by the alumni acting directly as a whole or by such representatives of the alumni as may be chosen members of a representative group, which group, if and so long as approved by the corporation, shall have power, acting for the alumni as a whole, to elect the alumni members of the corporation.

SECTION 4. In the event that the alumni members of the corporation are elected by the alumni acting as a whole, the procedure, except as otherwise herein provided, shall be as follows: The president and the secretary of the Tufts College Alumni Association, Inc. and the secretary of the corporation, acting as a committee, shall, on or before the first day of March in each year, send by mail to the last known address of each person qualified to vote for the alumni members of

the corporation a notice calling for nomination of candidates. Such notice shall state the number of members to be elected, the qualifications necessary for membership, that to be counted all nominations must be received on or before the first day of April, and that each voter is entitled to name as many candidates as there are vacancies to be filled at the election. The committee, on or before the first day of May, shall canvass the returns for nominations, shall select to the number of twice the places to be filled the names of those receiving the largest number of votes who after notification have not declined to serve, and shall mail a ballot to each person entitled to vote. Such ballot shall contain, in alphabetical order, the names selected as above, with blank places for voting as on the so-called Australian ballot, the degrees received by each candidate, with their dates, the occupation of each candidate, and the statement that to be counted all ballots must be signed by the voter and be in the hands of the committee on or before the first day of June. On or before the twelfth day of June the committee shall count the votes received and make and sign a report of the same in duplicate, and deliver one duplicate to the corporation and the other to the Tufts College Alumni Association, Inc. Such report shall state the number of votes cast for each candidate, and shall declare elected the candidate or candidates having the highest number of votes for the several places to be filled.

Whenever the alumni members of the corporation are elected by the alumni as a whole by the method provided by this or the following section, all persons who for five years have held a degree from Tufts College or Jackson College for Women conferred in regular course, and all persons who have received from either of said colleges an honorary degree, shall be entitled to vote both on the nomination and the election ballots.

SECTION 5. The procedure provided by the preceding section may be altered, and rules and regulations governing the method of nominating and electing alumni members of the corporation may be adopted by the Tufts College Alumni Association, Inc., acting through its executive or other governing board or committee, and such rules and regulations shall become effective when a duly attested copy thereof shall have been filed with the secretary of, and approved by, the corporation. Said rules and regulations may be amended at any time in the same manner in which they were originally adopted, and shall take effect as amended upon the filing of an attested copy thereof and its approval as aforesaid. Upon such approval of rules and regulations, or of any amendment thereto, the nomination and election of the alumni members of the corporation shall thereafter be conducted in accordance therewith.

SECTION 6. In the event that the alumni shall delegate to a representative group, as provided by section three, the power to elect on their behalf alumni members of the corporation, the said representative group shall itself adopt such

rules and regulations governing its procedure in the matter of their nomination and election as it may deem suitable and proper, and such rules and regulations shall become effective when a duly attested copy thereof shall have been filed with the secretary of, and approved by, the corporation. The said rules and regulations may be amended at any time by the then existing and approved representative group and such amendment shall become effective upon the filing of an attested copy thereof and its approval as hereinbefore provided.

SECTION 7. Nothing in any rules and regulations adopted hereunder, or in any amendment thereof, shall change the number of alumni members of the corporation, their terms of office, or their powers, rights and privileges.

SECTION 8. The alumni members of the corporation serving at the time of the taking effect of this act, and the two members who have been or shall be elected by the alumni acting as a whole at the election held in the year nineteen hundred and thirty-four, shall serve through the terms for which they have been or shall be elected, and shall exercise all the powers and privileges possessed by the alumni members at the time of such taking effect. Such procedure, rules and regulations governing the nomination and election of the alumni members of the corporation which may be adopted as herein provided shall apply only to the nomination and election of their successors as the respective terms of those now serving, and of the two elected in the year nineteen hundred and thirty-four, shall expire.

SECTION 9. The term of service of each alumni member of the corporation elected in accordance with the provisions herein contained, shall, except in the case of filling a vacancy, commence on the first day of July in the year of the expiration of the term of the person whose place he or she is elected to fill, and shall continue for five years. Any such member shall be eligible for re-election.

SECTION 10. In the event that a vacancy occurs among the alumni members of the corporation, it shall be filled for the unexpired term by the method then in effect for electing such members, but in no event later than the next annual election. In filling vacancies among the life members of the corporation, no alumni member of the corporation shall be entitled to vote.

SECTION 11. Chapter two hundred and fifty-five of the acts of nineteen hundred and seven, section four of chapter six hundred and thirty-two of the acts of nineteen hundred and ten, and chapter one hundred and six of the Special Acts of nineteen hundred and nineteen, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 12. This act shall not take effect until it shall have been accepted by votes of the Trustees of Tufts College and of the Tufts College Alumni Association, Inc., and copies of the respective votes of acceptance shall have been filed with the secretary of the commonwealth.

Approved April 24, 1934.

AN ACT RELATIVE TO THE INTERSTATE TRANSPORTATION OF POOR AND INDIGENT PERSONS. *Chap. 167*

Be it enacted, etc., as follows:

Chapter one hundred and twenty-one of the General Laws is hereby amended by inserting after section nine, as appearing in the Tercentenary Edition, the following new section: — *Section 9A.* The department is hereby authorized to enter into reciprocal agreements with other states regarding the interstate transportation of poor and indigent persons, and to arrange with the local boards of public welfare for the acceptance and support of persons receiving public aid in other states, in accordance with the terms of such reciprocal agreements.

Approved April 24, 1934.

G. L. (Ter. Ed.), 121, new section 9A, added.

Duties of department of public welfare relative to transportation of certain poor persons.

AN ACT RELATIVE TO THE ERECTION OF GARAGES IN THE YARDS OF CERTAIN TENEMENT HOUSES UNDER THE TENEMENT HOUSE LAW. *Chap. 168*

Be it enacted, etc., as follows:

Chapter one hundred and forty-five of the General Laws is hereby amended by inserting after section seventeen, as appearing in the Tercentenary Edition thereof, the following new section: — *Section 17A.* Nothing in this chapter shall prevent the building of a garage to accommodate not more than two cars in the yard of a tenement house erected before acceptance of this chapter.

Approved April 24, 1934.

G. L. (Ter. Ed.), 145, new section 17A, added.

Erection of garages in certain tenement house districts.

AN ACT RELATIVE TO LIENS ON REAL ESTATE WHERE TAXES HAVE BEEN REASSESSED. *Chap. 169*

Be it enacted, etc., as follows:

Chapter sixty of the General Laws, as most recently amended in section thirty-seven by section two of chapter one hundred and thirty-one of the acts of the current year, is hereby further amended by striking out said section thirty-seven and inserting in place thereof the following: — *Section 37.* Taxes assessed upon land, including those assessed under sections twelve, thirteen and fourteen of chapter fifty-nine, shall with all incidental charges and fees be a lien thereon from January first in the year of assessment. Except as provided in section sixty-one, such lien shall terminate at the expiration of two years from October first in said year, if the estate has in the meantime been alienated and the instrument alienating the same has been recorded, otherwise it shall continue until a recorded alienation thereof; but if while such lien is in force a tax sale or taking has been made, and the deed or instrument of taking has been duly recorded within sixty days, but the sale or taking is invalid by reason of any error or irregularity in the proceedings subsequent to

G. L. (Ter. Ed.), 60, §37, etc., amended.

Lien of tax upon real estate, levy by sale, etc.

the assessment, the lien shall continue for ninety days after a surrender and discharge under section forty-six or a release, notice or disclaimer under sections eighty-two to eighty-four, inclusive, has been duly recorded, or for ninety days after the sale or taking has been finally adjudged invalid by a court of competent jurisdiction. Said taxes, if unpaid for fourteen days after demand therefor, may, with said charges and fees, be levied by sale of the real estate, if the lien thereon has not terminated. No tax title shall be held to be invalid by reason of any errors or irregularities in the proceedings of the collector which are neither substantial nor misleading.

Approved April 24, 1934.

Chap. 170 AN ACT RELATIVE TO THE DESIGNATING OF BENEFICIARIES UNDER DEATH BENEFIT CERTIFICATES BY MEMBERS OF FRATERNAL BENEFIT SOCIETIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 176, §21, amended.

Beneficiaries under policies of fraternal benefit societies.

Section twenty-one of chapter one hundred and seventy-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "parents" in the fourth line the words: — , brother-in-law, sister-in-law, or nephews or nieces by marriage, — and by striking out the next to the last sentence and inserting in place thereof the following: — If the beneficiary first designated by a member has died, or a period of three or more years has elapsed since the issuance of the original benefit certificate, and the member has no husband, wife, child, adopted child, parent or adoptive parent living, and if there is no one then dependent upon the member, he may, with the consent of the officers of the society having the powers of directors, and under such rules as they may prescribe, designate, in place of the beneficiary whose name appears in his certificate, any other person as beneficiary, — so as to read as follows:— *Section 21.* Death benefits shall be payable only to the wife, husband, relative by blood, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchildren, betrothed, adopted children or adoptive parents, brother-in-law, sister-in-law, or nephews or nieces by marriage, or to persons dependent upon the member; provided, that if after the issuance of the original certificate the member, his wife or minor children shall become dependent upon an incorporated charitable institution or upon a home situated within the commonwealth and incorporated under the laws thereof and maintained and supported by any secret fraternity or order for the care and maintenance of its aged, infirm, indigent or unfortunate members, or for the care and support of a wife or widow of such a member, or for the care, support and education of minor children of such members or of deceased members, the member shall have the privilege, with the consent of the society, of making such institution or home his

beneficiary to the full amount becoming due or payable under said certificate, or to the extent of the amount disbursed for the benefit of said member, his wife, widow or child, by such charitable institution or home at the rate of average cost of maintenance or care thereof during the period such member, his wife, widow or children shall be so cared for, together with any sums expended by such institution or home for assessments, dues, tax or other payments by reason of such benefit certificate and, subject to the limitation of this section, another person as beneficiary of the remainder. Within the above restrictions each member shall have the right to designate his beneficiary, and from time to time have the same changed in accordance with the by-laws of the society; and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of the said member; provided, that any society may by its by-laws limit the scope of beneficiaries within the above classes. If the beneficiary first designated by a member has died, or a period of three or more years has elapsed since the issuance of the original benefit certificate, and the member has no husband, wife, child, adopted child, parent or adoptive parent living, and if there is no one then dependent upon the member, he may, with the consent of the officers of the society having the powers of directors, and under such rules as they may prescribe, designate, in place of the beneficiary whose name appears in his certificate, any other person as beneficiary. No contract under this chapter, except where an incorporated charitable institution or home is made beneficiary as aforesaid, shall be valid which shall be conditioned upon an agreement or understanding that the person to whom the death benefit is made payable shall pay the periodical or other contributions of the member.

Approved April 24, 1934.

AN ACT MAKING THE LICENSES OF INNHOLDERS AND COMMON VICTUALLERS CO-TERMINOUS WITH LICENSES GRANTED FOR THE SALE OF ALCOHOLIC BEVERAGES.

Chap. 171

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out all after the word "on" in the fifth line and inserting in place thereof the following: — December thirty-first of each year; but they may be granted during December, to take effect on January first following, — so as to read as follows: — *Section 4.* Every license of an innholder or common victualler shall specify the street and number, if any, of the building where

G. L. (Ter.
Ed.), 140, §4,
amended.

Contents of
license of an
innholder or
common
victualler.

the business is to be carried on or give some other particular description thereof, and the license shall not protect a licensee who carries on his business in any other place. Such licenses shall expire on December thirty-first of each year; but they may be granted during December, to take effect on January first following.

Terms of certain licenses heretofore issued.

SECTION 2. The terms of all licenses granted under section two of said chapter one hundred and forty and in force on the effective date of this act which would otherwise expire on April thirtieth of the current year are hereby extended to the first day of January, nineteen hundred and thirty-five; provided, that the holder pays to the licensing authorities a fee for said extended period equal to two thirds of the annual fee established for such licenses under said section two.

Approved April 27, 1934.

Chap. 172 AN ACT RELATIVE TO THE CONSTRUCTION OF THE PARKWAY BETWEEN REVERE BEACH PARKWAY AT THE JUNCTION OF FELLSWAY AND MYSTIC AVENUE IN MEDFORD.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter four hundred and fifty of the acts of nineteen hundred and thirty-one is hereby amended by striking out, in the second line, the word "four" and inserting in place thereof the word: — five, — so as to read as follows: — *Section 6.* The cost of the work authorized by section one shall not exceed five hundred thousand dollars; the cost of the work authorized by section two shall not exceed one hundred thousand dollars; the cost of the work authorized by section three shall not exceed the amount of any unexpended balance of any appropriation previously made for the construction authorized by paragraph (d) of section one of said chapter three hundred and thirty-four, and, in addition, a sum not exceeding fifty thousand dollars; the cost of the work authorized by section four shall not exceed four hundred thousand dollars; and the cost of the work authorized by section five shall not exceed the amount of any unexpended balance of any appropriation previously made for the work authorized by section twenty-one of chapter four hundred and twenty of the acts of nineteen hundred and thirty, and said unexpended balance may be expended for the work authorized by section five.

SECTION 2. One half of the additional expenditure of one hundred thousand dollars authorized by this act shall be assessed upon the cities and towns of the metropolitan parks district in proportion to the respective taxable valuations of the property of said cities and towns, as defined by section

fifty-nine of chapter ninety-two of the General Laws and the remainder thereof shall be paid from the Highway Fund for the current year.

Approved April 27, 1934.

AN ACT ESTABLISHING THE OFFICE OF STATE ORNITHOLOGIST
IN THE DIVISION OF FISHERIES AND GAME OF THE DEPARTMENT OF CONSERVATION.

Chap. 173

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty-one of the General Laws is hereby amended by inserting after section seven, as appearing in the Tercentenary Edition, the following new section: — *Section 7A.* The director may, subject to the approval of the commissioner, appoint and remove a state ornithologist who shall be qualified by training and experience to perform the duties of his office. He shall perform such duties as the director may from time to time prescribe.

G. L. (Ter. Ed.), 21, new section 7A, added.

State ornithologist. Duties, etc.

SECTION 2. Expenditures required to carry out the provisions of this act during the current fiscal year shall be taken from any amount appropriated in said year for expenditure by the division of fisheries and game for the protection of certain wild life, but shall not be incurred until after such appropriation is made.

Appropriation.

Approved April 27, 1934.

AN ACT MAKING PROVISION FOR AN EMERGENCY IN RELATION
TO THE GRANTING OF CERTAIN LICENSES IN THE CITY OF FITCHBURG.

Chap. 174

Be it enacted, etc., as follows:

SECTION 1. From and after the first day of May in the current year and until the rendition by the supreme judicial court of a final decision in the case of Weyman S. Crocker, Herman A. Seidel and Hugh J. Hogg *versus* Louis N. M. Deschenes, Paul J. Woodcome and Robert E. Comiskey, all of the city of Fitchburg, now pending in said court under docket number seventy-six hundred and sixty-seven, the mayor of said city shall, in respect to all applications filed after said first day of May for licenses for the sale of alcoholic beverages and licenses to conduct the business of innholder, common victualler or lodging house keeper, be the sole and exclusive licensing authority in said city. Licenses granted by the mayor under this section shall terminate, unless sooner revoked by the proper licensing authority, on December thirty-first in the current year.

SECTION 2. Temporary licenses issued by assumed authority of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three

hundred and seventy-six of the acts of nineteen hundred and thirty-three, and purporting to authorize the sale of alcoholic beverages in the city of Fitchburg, and licenses issued to innholders, common victuallers and keepers of lodging houses under chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition thereof, purporting to authorize the conduct of the business of innholder, common victualler or lodging house keeper in said city, shall be effective to authorize the sale of such beverages and the conduct of such businesses from said first day of May, the date when said licenses purport to expire, for such periods of extension, not exceeding sixty days as to each such extension, as the mayor may grant; provided, that for each such extension the holder shall pay into the treasury of said city an additional pro rata license fee, as solely and finally determined by the mayor.

SECTION 3. Nothing herein contained shall be construed to affirm the legality of the licenses described in section two for the period prior to said May first or of the body issuing the same or in any way to prejudice the issues involved in such pending case.

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

Approved April 27, 1934.

Chap. 175 AN ACT PROVIDING FOR THE HOLDING IN THE CITY OF NORTHAMPTON OF ALL SESSIONS OF THE PROBATE COURT FOR THE COUNTY OF HAMPSHIRE.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. Section sixty-two of chapter two hundred and fifteen of the General Laws is hereby amended by striking out the paragraph contained in lines thirty-four to thirty-seven, inclusive, as appearing in the Tercentenary Edition thereof and amended by chapter fifty-four of the acts of the current year, and inserting in place thereof the following: —

Hampshire, at Northampton, the first Tuesday of each month and the third Tuesday of each month except July and August.

SECTION 2. The abolition of sessions of said court at Amherst and Ware and the establishment of additional sessions thereof at Northampton under said chapter fifty-four and under this act shall become effective on July first in the current year, but not before. *Approved April 27, 1934.*

AN ACT AUTHORIZING THE TOWN OF PLYMPTON TO BORROW *Chap. 176*
MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of constructing a central school building, and originally equipping and furnishing the same, the town of Plympton may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, six thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Plympton School Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, as appearing in the Tercentenary Edition, exclusive of the limitation contained in the first paragraph of section seven thereof.

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

Approved April 27, 1934.

AN ACT CHANGING AND ESTABLISHING THE BOUNDARY LINE *Chap. 177*
BETWEEN THE CITY OF WOBURN AND THE TOWN OF READING.

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter constitute a portion of the boundary line between the town of Reading and the city of Woburn: — Beginning at the present corner bound of the towns of Reading and Wilmington and the city of Woburn at a point marked by a rough granite monument situated on high wooded land two (2) feet northeasterly from the center of a wall in latitude 42° , $31'$, $48.21''$ and longitude 71° , $08'$, $09.42''$; thence south 21° , $02'$ east true bearing, 8,435.2 feet to a point on the northerly side of Washington street; thence south 18° , $52'$ east true bearing, 300 feet to a point; thence south 68° , $39'$ west true bearing, 89.9 feet to a point; thence south 21° , $21'$ east true bearing, 1,320.1 feet to a point; thence north 68° , $39'$ east true bearing, 125.8 feet to a town bound at a point on the southerly side of South street; thence south 22° , $14'$ east true bearing, 1,569.8 feet to the present corner bound of the towns of Reading and Stoneham and the city of Woburn marked by a granite monument standing in woodland about 100 feet southeasterly from the roadstone standing on the northwesterly side of Walnut street, Reading, or Cedar

street, Woburn, in latitude 42°, 30', 01.26'' and longitude 71°, 07', 12.92''.

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

Approved April 27, 1934.

Chap. 178 AN ACT PROVIDING FOR THE CONSTRUCTION OF A MUNICIPAL BUILDING IN THE EAST BOSTON DISTRICT OF THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of purchasing or otherwise acquiring land and constructing thereon a municipal building in the East Boston district of the city of Boston, said city may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, East Boston Municipal Building Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates, but no issue shall be authorized under this section unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to the laws relative to the issuance of debt by the city of Boston. The proceeds of the loan herein authorized shall be used only for the purposes herein specified. The aforesaid municipal building shall be so designed as, in the judgment of the city, to best serve the community by providing quarters for municipal departments and for veteran and civic organizations that may under the law be supplied by the city, and as a community center.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter, but not otherwise.

Approved April 27, 1934.

Chap. 179 AN ACT RELATIVE TO PROTECTION OF BORROWERS FROM LOAN SHARKS, SO CALLED, AND FURTHER REGULATING THE BUSINESS OF MAKING SMALL LOANS.

Be it enacted, etc., as follows:

SECTION 1. Section ninety of chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following: — If an action is brought upon a loan coming within the purview of this section, the verdict or finding entered for the plaintiff in such action shall in no event exceed

G. L. (Ter. Ed.), 140, §90, amended.

Small loans. Protection of borrower.

the amount that would be required to discharge, by payment or tender, the indebtedness at the time of such verdict or finding. Any agreement whereby the borrower waives the benefits of this section or releases any rights he may have acquired by virtue hereof shall be deemed to be against public policy and void. If, after all deductions or payments, whether on account of interest, expenses or principal made substantially contemporaneously with the making of the loan, the amount retained by the borrower be less than one thousand dollars, the transaction shall be deemed to be a loan in the amount of the sum so retained by the borrower after such deductions or payments, notwithstanding that the loan be nominally for a greater sum.

SECTION 2. Section ninety-six of said chapter one hundred and forty, as so appearing, is hereby amended by adding at the end thereof the following:—

If, after all deductions or payments, whether on account of interest, expenses or principal made substantially contemporaneously with the making of the loan, the amount retained by the borrower be three hundred dollars or less, the transaction shall be deemed to be a loan in the amount of the sum so retained by the borrower after such deductions or payments, notwithstanding that the loan be nominally for a greater sum.

Approved April 27, 1934.

G. L. (Ter. Ed.), 140, §96, amended.

Business of making small loans regulated.

AN ACT RELATIVE TO THE PURCHASE OF MILK BY WEIGHT BY CERTAIN MILK DEALERS.

Chap. 180

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-four of the General Laws is hereby amended by striking out section forty-two F, inserted by section two of chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 42F.* Every operator of a milk plant or manufactory shall keep, in such form as the commissioner may prescribe, a record of all transactions concerning purchases of milk and of cream by him and shall furnish to each producer from whom he purchases milk by weight a daily statement, in such form as the commissioner may prescribe, of the weight of the milk received from the producer.

G. L. (Ter. Ed.), 94, §42F, amended.

Purchases of milk, etc., by dealers, record of.

SECTION 2. Section forty-two H of said chapter two hundred and thirty-eight, is hereby amended by striking out the paragraph numbered two and inserting in place thereof the following:—

G. L. (Ter. Ed.), 94, §42H, amended.

2. That there has been a failure to make prompt settlements with producers from whom the applicant or licensee buys milk or cream, or to make the daily statements required by section forty-two F.

Approved April 27, 1934.

Revocation of license, etc., when.

Chap. 181 AN ACT RELATIVE TO THE DISMISSING OF LIBELS FOR DIVORCE
AFTER DECREES NISI.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 208,
§21, amended.

Decrees of
divorce,
dismissal of.

SECTION 1. Section twenty-one of chapter two hundred and eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following: — After the entry of a decree nisi, the libel shall not be dismissed or discontinued on motion of either party except upon such terms, if any, as the court may order after notice to the other party and a hearing, unless there has been filed with the court a memorandum signed by both parties wherein they agree to such disposition of the libel.

Effective date.

SECTION 2. This act shall take effect on the first day of September in the current year.

Approved April 27, 1934.

Chap. 182 AN ACT RELATIVE TO THE INSPECTION OF KEROSENE OR ANY
PRODUCT THEREOF KEPT FOR SALE FOR ILLUMINATING,
HEATING OR COOKING PURPOSES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 148,
new section
49A, added.

Inspection of
kerosene, etc.

SECTION 1. Chapter one hundred and forty-eight of the General Laws is hereby amended by inserting after section forty-nine, as appearing in the Tercentenary Edition, the following new section:— *Section 49A.* Any kerosene, petroleum or any product thereof, kept for sale at wholesale or retail for illuminating, heating or cooking purposes, shall be subject to inspection by the department, and, for the purposes of inspection, samples shall be furnished on request of the department, or the department may enter any place where any kerosene, petroleum or any product thereof is kept for sale as aforesaid, or enter upon any vehicle used for the conveyance of any such substance, article or product, and take a sample thereof for the purpose of determining whether or not a violation of section forty-eight has occurred in respect to such substance, article or product thereof. The department may charge a fee not exceeding one dollar for each sample so inspected.

Repeal.

SECTION 2. Section eighteen of said chapter one hundred and forty-eight, as so appearing, is hereby repealed.

Approved April 27, 1934.

Chap. 183 AN ACT RELATIVE TO THE HUNTING OR POSSESSION OF HARES
OR RABBITS IN NANTUCKET AND DUKES COUNTIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 131,
§94, amended.

Section ninety-four of chapter one hundred and thirty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the

word "October" and inserting in place thereof the word: — November, — and by inserting after the word "county" in the fourth line the words: — , or between November fifteenth and February fifteenth, both inclusive, in Dukes county, — so as to read as follows:— *Section 94.* No person, otherwise than as provided in section ninety-six, shall hunt or have in possession the carcass of a hare or rabbit, except between November twentieth and the last day of February, both inclusive, in Nantucket county, or between November fifteenth and February fifteenth, both inclusive, in Dukes county, or between October twentieth and February fifteenth, both inclusive, in any other county, or during such open seasons kill or have in possession the carcasses of more than two northern varying hares, otherwise known as Canada hares, snow-shoe rabbits or white rabbits, or more than five rabbits in any one day. This section shall not apply to European hares in the county of Berkshire, which may be taken or killed at any time.

Close season on hares, etc., in Nantucket and Dukes counties.

Approved April 27, 1934.

AN ACT RELATIVE TO SELLING OR DELIVERING OR ATTEMPTING TO SELL OR DELIVER COAL. Chap. 184

Be it enacted, etc., as follows:

Section two hundred and forty-eight of chapter ninety-four of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the second and third lines, the words "except as otherwise" and inserting in place thereof the words: — if no other penalty is, — by inserting after the word "therein" in the third line the words: — , or of a rule or regulation made under section two hundred and thirty-nine A, — by inserting after the word "delivers" in the tenth line the words: — or attempts to sell or deliver, — by striking out, in said tenth line, the words "or measure", — and by inserting after the word "inclusive" in the sixteenth line the words: — , and rules and regulations made under section two hundred and thirty-nine A, — so as to read as follows:— *Section 248.* Whoever violates any provision of sections two hundred and forty to two hundred and forty-seven, inclusive, if no other penalty is provided therein, or of a rule or regulation made under section two hundred and thirty-nine A, or fails to comply with any request for information or direction made under authority of sections two hundred and forty, two hundred and forty-one, two hundred and forty-four to two hundred and forty-six, inclusive, or gives a false answer to any such request, shall be punished by a fine of not more than fifty dollars; and whoever is guilty of fraud or deceit as to the weighing, selling or delivering of coke, charcoal or coal, or whoever, by himself, or by his servant, agent or employee, sells or delivers or attempts to sell or deliver coal which is short in weight or which contains an unreasonable amount of shale, slate, rock or other foreign substance, shall be pun-

G. L. (Ter. Ed.), 94, §248, amended.

Penalty for selling, etc., coal in certain cases.

ished by a fine of not more than one thousand dollars or by imprisonment for not more than one year, or both. The director of standards and local sealers of weights and measures shall cause sections two hundred and forty to two hundred and forty-nine, inclusive, and rules and regulations made under section two hundred and thirty-nine A, to be enforced.

Approved April 27, 1934.

Chap. 185 AN ACT TO PROVIDE FURTHER MEANS OF ADVERTISING BY THE CITY OF BOSTON THAN IS NOW PROVIDED BY THE CITY RECORD.

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and eighty-six of the acts of nineteen hundred and nine is hereby amended by striking out section twenty-nine and inserting in place thereof the following:— *Section 29.* Within ninety days after the passage of this act and thereafter there shall be published at least once a week and distributed and sold under the direction of the mayor and on terms to be fixed by the city council and approved by the mayor a paper to be known as the "City Record." All advertising with reference to the sale of property for non-payment of taxes shall appear exclusively in the City Record. All other advertising, whether required by law or not, with reference to the purchase or taking of land, contracts for work, materials or supplies, and the sale of bonds, shall appear in said paper, and in such newspaper or newspapers as the mayor, in his discretion, may order; a list of all contracts of one thousand dollars or more, as awarded, with the names of bidders, and the amount of the bids; appointments by the mayor; and changes in the number and compensation of employees in each department, shall be published in the City Record. Failure to publish in such newspaper or newspapers as the mayor may order shall not invalidate any purchase, contract or sale made or action taken by the city. The proceedings of the city council and school committee together with all communications from the mayor, shall be published in the City Record.

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

Approved May 4, 1934.

Chap. 186 AN ACT PROVIDING FOR STATE AID FOR THE EXTERMINATION OF NATURAL ENEMIES OF THE SHELLFISH IN THE COASTAL WATERS OF ESSEX COUNTY.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health and convenience.

Be it enacted, etc., as follows:

SECTION 1. The division of fisheries and game of the department of conservation is hereby authorized and directed

to assist and co-operate, during the current year, with the coastal municipalities of Essex county in the extermination of the natural enemies menacing the shellfish in the coastal waters and flats of said municipalities, and for said purposes said division may expend such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated therefor.

SECTION 2. The funds so appropriated shall be apportioned by said division among said municipalities in such amounts as will, in its opinion, effect the greatest measure of relief to the shellfish industry so menaced; provided, that no such funds shall be expended in any such municipality for the purpose of exterminating such enemies of the shellfish within its limits unless said municipality shall have first appropriated for said work an amount equal to at least one fourth of the total cost thereof as estimated by said division; and provided, further, that any appropriation already made, or amounts expended, for such extermination within the current year by any such municipality shall be taken into account in determining its right to state aid hereunder.

SECTION 3. The work of exterminating such enemies of shellfish in municipalities aided hereunder shall be done, and expenditures therefor shall be made, in such manner as said division may determine and in accordance with rules and regulations which said division shall make with respect thereto, which rules and regulations said division is hereby authorized to make and enforce. *Approved May 4, 1934.*

AN ACT DISSOLVING CERTAIN CORPORATIONS.

Chap. 187

Whereas, It is necessary that certain delinquent and other corporations be dissolved in the current year, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Such of the following named corporations as are not already legally dissolved are hereby dissolved, subject to the provisions of sections fifty-one, fifty-two and fifty-six of chapter one hundred and fifty-five of the General Laws: —

Certain
corporations
dissolved.

A. A. Brunell Company, Inc., A. A. Klauer Co., Inc., A & C Auto Parts Co., A and C Finance Company, A. & E. Pitman Manufacturing Co., Inc., A & G Shoe Co. Inc., A and M Holding Corporation, A. & S. Libermans' Bakery, Incorporated, A. B. Fotch, Incorporated, A. B. Reade Co., A. C. Gardner, Inc., The, A. D. Simpson Company, Inc., A. E. Blanchette Plumbing & Heating Company, A. F. McIntosh Co., A. G. Bianchi Contracting Co., Inc., A. H. Lantz, Inc., A. H. Livingston & Son, Inc., A. Hacking Co., Inc., A. I. Meyer Corporation, A. J. Hooper Co. Inc., A. J. Steffens Company, A. K. McDaniel Company, A. L. Evans, Inc., A. Less & Company Incorporated, A. Lowenstein and Sons,

Incorporated, A. M. Hawkes Company, The, A. M. Hume Company, A. M. Kotzen, Inc., A. M. Morton & Co., Inc., A. M. Simmons, Inc., A. Marnock & Co., Inc., A. R. Myers, Inc., A. R. Stanley Company, Inc., The, A. Rouleau & Co. Inc., A. Sandler, Inc., A. Shuman Inc., A T Oil Burner Co., A. T. Young, Inc., A. Thomas & Son, Inc., A. W. Clark Co., A. W. Higgins Inc., A. W. Stephens Manufacturing Co., A. W. Tedcastle Company, Abbott's Durable Luggage Shop, Inc., Abington Manufacturing Company, Inc., Abon Hotel Co., Inc., Abraham M. Laham Company, Ace Commercial Corporation, Ace Manufacturing Co., Acme Last Company, Incorporated, The, Acme Shoe Co. Inc., Acme Soda Fountain Co., Inc., Acton Drug Co., Adams & Osgood Steel Company, Inc., Adams Cafeteria, Inc., Adams Cold Storage Warehouse Co., Inc., Adams Garage Inc., Adams Theatres Inc., Admor Shoe Company Inc., Advertising Associates, Inc., The, Aetna Clothing Mfg. Co. Inc., Aetna Marble Co., Inc., Affiliated Merchants Insolvency Investigation Bureau, Inc., Aga Auto Lamp Company, Inc., Agricultural National Corporation, Air-Control, Inc., Air-White Company, Al Benjamin Co., Inc., Albert J. Young Co., Albert White, Incorporated, Alden Motor Sales Co., Alden Park Cab Co., Inc., Alden Press, Alden Transportation Company, Inc., Alexander Hamilton Investment Corporation, Alfred Abboud & Company, Inc., Alfred M. Bell Company, Allard & Thompson, Inc., Allen & Ganshirt Inc., Allen, Doane & Co., Inc., Allen Hall Building, Inc., Allen Hall Company, Allen Tours, Inc., The, Allied Creditors Ass'n Inc., Almor Manufacturing Co., Alto Corporation, The, Alyce Abbott Shops Inc., Amalgamated Shoe Corporation, Ambassador, Inc., The, Ambassador Service Inc., Amber Cafe, Inc., American Adjustment Service, Inc., American Aerial Surveys, Inc., American Architectural Iron Works, American Autobody and Welding Works, Inc., The, American Clothing Company, American Commercial Corporation, American Drivurself System, Inc., American Dye House, Inc., American Flag Pole Co. Inc., American Fur Breeders Incorporated, American Galvanizing Corporation, American Hanby Corporation, American Investors Consolidated Corporation, American Key Record Company, American Leather Finish Company, American Mop Co. Inc., American Oxidaze Company, American Oxygen Gas Products Company, American Parlor Furniture Company, American Roofing & Sheet Metal Works, American Store Fixture Co., American Theatre Company of Cliftondale, The, American Thrift Stores, Inc., American Titanium Products Company, Americana Properties, Incorporated, Amesbury Brass & Foundry Company, Amesbury Lamp & Plating Company, Amesbury Products Company, Ammaroc Trading Agency Inc., Amplifiers, Incorporated, Anawan Dairy Co., Anderson Motor Company, Andes Heating Company, Andon Shoe Company, André Pierre Inc., André Shoe Co., Inc., Andrews, Tower and Lavelle Incorporated, Angus Finlayson, Inc., Ann Pennington Hosiery

Shops, Inc., Annex Inc., The, Anthracite Coal Burner Company, Apex Market, Inc., The, Apex Store, Inc., Applejack Company of Massachusetts, Inc., Appliance Engineering Company, Appolo Shoe Company, Arabian Nights Inc., Arcade Sandwich Shoppe, Inc., Archer's Inc., Arco Clothes, Inc., Arctic Furriers, Inc., Arlington Auto-Motive School Inc., Arlington Drug Company, Arlington Model Shop, Inc., Arlington Photo Service, Inc., Arlington Rubber Company, Arnold & Baker Motor Sales, Inc., Arnold & Winsor Company, Aronette Dress Company, Inc., Arrington's Fish Market, Inc., Arrow Company, The, Art Stone Company, The, Arthur E. Steinert, Inc., Arthur F. Mulock Inc., Arthur Perry, Incorporated, Artisan Metal Products Co., Ashcroft Realty Company, Ashey Manufacturing Company, Ashoyton Knitting Company, Ashton's, Inc., Ashuelot Shoe Company, Aspinwall Construction Co. Inc., Aspinwall Corporation, Asplundh Tree Expert Co. of New England, Associated Architects Printing & Supply Co., Associated Business Counselors, Inc., Associated Drug Company, Inc., Associated Farmers' Exchanges, Incorporated, Associated Finance Corporation, Associated Investors of Springfield, Incorporated, Associated Products, Inc., Associated Securities Company, Associated Traders & Investors, Inc., Astoria Sea Grill, Inc., Asure Manufacturing Company, Inc., Athens Trading Corporation, Athol Bedding Company, Atlantic Chromium Company, Atlantic Garage & Auto Body Co., Atlantic Holding Company, Atlantic Ice Cream Company, Atlantic Lunch, Inc., Atlantic Marine Company, Atlantic Minerals Corporation, Atlantic Miniature Golf Course Company, Atlantic Motion Picture Service Company, Atlantic Motors, Inc., Atlantic Printing Company, Atlantic Radio & Marine Company, Inc., Atlas Coal Co., Inc., Atlas Film Corporation, Atlas Garment Mfg. Co., Atlas Parlor Suite Manufacturing Company, Inc., Atwater Knitting Company, The, Auburn Sand & Gravel Co., Inc., Auburndale Florists, Inc., Aulenaek Tool Company, Aunt Lydia's Bakery Co., Inc., Austin Brothers Company, Austin's Diner Inc., Auto Electric Supply Co., Inc., Auto Exchange Agency, Inc., Automatic Candy Corporation, Automatic Heating Company of Fitchburg, Automobile Repairers Association, Inc., Automotive Products Company, Aviation Corporation of New England, Aviation Sportswear, Inc., Avon Manufacturing Company, Incorporated, Avon Shoe Company, The, Axman-Weiss Shoe Co., Ayer & Williams, Inc., Ayer Automobile Company, Inc., Ayers Motor Sales Inc.

B. & G. Motor Transportation, Inc., B. & M. Construction Co., B-C Amusement Corporation, B. H. Smith Sales Co. Inc., B. J. Kaplan, Inc., Babbitt Co., Inc., The, Bacheller Paint Company, Bailey Meter Company, Baker Bros., Inc., Bakery Finance Corporation, Ballard Vale Mills Company, Balter Shoe Company Inc., Bamacea Company, Banana Products Co. Inc., Bankers Mortgage Corporation of Worcester, Banner Cloak Corporation, Barbier's Woman's

Shop, Inc., Barlow Company, The, Barnes Flying Service, Inc., Barsanti Sea Grill, Inc., Bartlett Box & Lumber Co., Bartlett Varney & Company, Inc., Baum-Finnoff Company, Bay Shore Realty Company, Inc., Bay State Adjustment Co., Bay State Bedding Company, Incorporated, Bay State Construction Company, Incorporated, Bay State Counter Company, The, Bay State Dairy Products Inc., Bay State Family Service Laundry, Inc., Bay State Hardware Company, Bay State Leather & Tanning Co., Bay State Market, Inc., Bay State Rug Company, Bay State Shipping Company, Beach Motors Corporation, Beach Tallow Company, Beach-fire Fagots, Incorporated, Beacon Accessories Corporation, Beacon Adjustment Company, Beacon Department Stores, Inc., Beacon Hill Hotel Co., Beacon Loan and Discount Co., Inc., Beacon Mercantile Agency, Inc., Beacon Motor Equipment Co. Inc., Beacon Thread Company, Beaconsfield Plumbing & Heating Company, Beahan Fuel Company, Inc., Beardmore, Inc., Beatty Construction Company, Beau Brummel, Inc., Beauty Shoe Co., Inc., Beaver Brook Grain Co., Beck-Shulman, Inc., Beckford & Lynch, Inc., Beckwith-Cummings Co., Beckwith Press, The, Bedford Knitting Company, Bedford Spinning Company, Beehive Department Stores, Inc., Bellevue Shade and Screen Co., Inc., Bellingham Men's Shop Inc., Bellingham Rabbitry, Inc., Bellware Products Company, Belmont Dress Shop, Inc., The, Belmore Stores, Inc., Benjamin Goldstein, Incorporated, Benson Shoe Mfg. Co., Benz Kid Factory No. 2, Inc., Bergman Bros., Inc., Berkshire Corporation, Berkshire Embossing and Finishing Co., The, Berkshire General Storage Company, Berkshire Limited Coach Company, Inc., Berkshire Motor Sales, Inc., Berman Furniture Company, Inc., Berman Realty, Inc., Bernard M. Wolf, Inc., Bernardston Co-operative Farmers' Exchange, Bernhard Heating Corporation, Berstein & Fisher Construction Company, Betty Ames, Inc., Beverly Shoe Co., Beyahs Realty Co., Bianchi Cast Stone Co., Big Chief Corporation, Bigelow-Webb Nurseries, Inc., Billings Square Pharmacy, Inc., Binder Brothers, Inc., Binford Paper Box Company, Bion F. Reynolds Co., Birnie Realty Corporation, Blackstone Realty Corporation, Blaisdell Auto Sales Incorporated, Blaisdell-Kavy Co., Blake Manufacturing Company, Blandin Company, Blu-J Golf Ball Company, Blue Bird Taxi Service, Inc., Blue Boy Company, Inc., Blue Circle Sandwich Shops, Inc., Blue Cross Pillow Cleanser, Inc., The, Blue Diamond Materials Company, Blue Gentian Shop Inc., Blue Hill Coal Co., Blue Hill Coal Corp., Bluebird Restaurant, Inc., Bobby McLean Co., Inc., Boland, Inc., Boles-Sawyer Sales Inc., Bond Shoe Corporation, Bonded Collection Company, Bordeaux Cafeteria, Inc., Bosand Corporation, The, Bossom Laboratories Corporation, Boston Bay Fillet Company, Inc., Boston Cut Flower Co. Inc., Boston-Domestic Appliance Co., Boston Electric Supply Company, Inc., Boston Finance Company, Boston Laboratories Incorporated, Boston Little Women

Dress Company, Inc., Boston Lumber Inspectors' Association, Inc., Boston Manufacturing Company, 1901, The, Boston Marine Basin, Inc., Boston Medical Engineers, Inc., Boston Motor Cab Company, Boston News Bureau Company, Boston Planographing Corp., Boston Puttee Spring Cover Company, Boston Scale & Machine Company, Boston Securities Corporation, Boston Silver Exchange, Inc., Boston Stitching and Plaiting Co., Boston Syndicates Inc., Boston Threemor Inc., Boston Yacht Sales, Inc., Boulevard Development Company, Bourbon Pipe Line Company, Bourque Construction Company, The, Bowditch & Clapp Company, Bowdoin Drug Co., Bowdoin Square Diner, Inc., The, Bowers Motor Sales Company, Bowser and Campbell, Inc., Box Office Attractions, Inc., Boyle-Davidson Company, Boylston Company, The, Boylston Development Co., Brackett, Griffin & Co. Inc., Bradley-Goodrich Company, Inc., Braica Nash Inc., Brake People, Inc., The, Brass Shop, Incorporated, The, Brault Construction Company, Inc., Bresette Dye Works, Inc., Brewer Tire Stores, Inc., Brewster Bros., Inc., Brigham Drug Co., Bright Shoe Co. Inc., Brighton Kosher Meat Market, Inc., Bristol County Realty Company, Inc., British Leather Co., Inc., Broadway Haberdashers, Inc., Brobas Corporation, Brock Bros. of Melrose, Inc., Brockton Airport, Inc., Brockton Auto Sales Co., Brockton Narrow Fabric Company, Inc., Brockton National Company, Brockton Packing Company, Brockton Produce Company, Brockton Shoe Manufacturing Company, Inc., Brookline Boulevard Garage Company, Brookline Sea Grill, Inc., Brown & Crowell, Inc., Brown-Gordon Co., Brown, Perey & Co., Inc., Brown Reflector (Inc.), Brownell-Mason Co., The, Browning-Drake Corporation, Brownridge Company, The, Brown's Lunch System, Inc., Brunswick Garage, Inc., Brunswick Hotel Co., Buchanan and Bolt Wire Company, Burbank-Feltham Company, Burdett Shoe Company, Burlingame Machine Company, Burnham & Davis Lumber Company, Burnham Company, Inc., The, Burnham Construction Company, Burns-McKeon Co., Burrows Valve Shop, Inc., Burwick The Tailor Inc., Bus Terminal Garage, Incorporated, Bush and Witherspoon Company, Bussey Motor Sales, Inc. (1923), Butler Furniture Company, Inc.

C & C Auto Renovating Co., C. & S. Construction Co., C. & S. Investment Corporation, C. B. and R. Laundry, Inc., C. B. Shoe Company, Inc., C. C. Henry Company, C. E. Bailey Company, The, C. E. Lawson, Inc., C. Freeman Olsen & Co., Incorporated, C. H. Hayes Corporation, C. H. Trott Company, C. H. White Construction Company, C. K. & M. Transportation Company, Inc., C. L. Cohen Mfg. Co., C. L. Rogers Inc., C. M. Evans Tire Company, C. M. Merrick & Co., Inc., C. O. Deveau Machine Tool Co., Inc., C. O. Sweet & Son Company, C. P. Comerford Company, C. P. LeRoy Paper Corporation, C. P. Spinale & Sons Inc., C. S. Axtell Company, C. S. Cunningham and Sons Construction Company, C. W. Newhouse Co., Inc., Cabin, Inc., The, Cafe

Libia, Inc., Cafe Luna Inc., Callahan Dolan Company, Cambridge Nash Co., Inc., Cambridge Plate Glass Company Inc., Cameron Ave. Garage, Inc., Candy Box Co., Candy Construction Company, Canobie Lake Amusement Co., Canterbury Society, Inc., The, Canton Shoe Co., Cape Cod Beverage Company, Inc., Cape Cod Camps, Inc., Cape Cod Lumber Company, Cape Cod Securities Company, Capeway Bakery Incorporated, Capital Motor Car Co., Capitol Motor Sales Inc., Carl H. Bolter, Incorporated, Carl Shoe Co. Inc., Carle T. Tucker, Inc., Carpenter & Carpenter, Inc., Casino Operating Company, Cast Stone Veneers Inc., Cathcart, Hallett & Goodwin Incorporated, Cave Welding and Manufacturing Company, Centennial Grove, Inc., Centerbar Screen Co. Inc., Central Auto Sales, Inc., Central Beef Co. Inc., Central Cape Realty Corporation, Central Hudson Realty Corporation, Central Lunch, Inc., Central Shoe Machinery Corporation, Central Specialty Corporation, Central Tool & Machine Company, Inc., Centrifugal Engineering Corporation, Century Dress, Inc., Certified Bedding, Inc., Certified Motor Rests, Inc., Chalet, Inc., Chalken Sales Company, Incorporated, Chambers-Chester Company, Champion Laboratories Incorporated, Champion Laundry, Inc., Chandler Shoe Company, Chapin Corporation, The, Chapman & Soden Inc., Chapman-Cox, Inc., Charette Inc., Chas. A. Mitchell, Inc., Charles D. Farnsworth, Inc., Charles E. Martin, Inc., Chas. F. Cross Co. Inc., Charles Goldberg, Incorporated, Charles J. Johnston, Jr., Inc., Charles Stretton and Son Company, Chas. Weiner and Sons, Inc., Charl's of Boston Inc., Chartomap Co. Inc., Chatham Fruit & Produce Co., Chatham Weir Company, Chaunceys' Inc., Checker, Inc., Chelsea Shoe Manufacturing Company, Chelsea Wood Heel, Inc., Cherry's Beauty Shoppe, Inc., Cheshire Lime Manufacturing Company, Chestershire Furniture Co. Inc., Chestnut Hill Associates, Inc., Chestnut Hill Sales Corporation, Chez-Francine Et Cie, Incorporated, Chez Nous Inc., Chickering Case Co., Chicopee Industrial Company, Chisholm Plumbing and Heating Company, Christie-Dunn, Inc., Cimarrones Fruit Company, Citizens Finance Corporation, City Baking Company, City Garage Inc., City Hall Garage, Inc., City Hardware Co., City Manufacturing Corporation, City Provision Company, Inc., City Service Food Stores, Inc., Clapp & Clapp, Inc., Clapp Garage Company, Clarke Sales Corporation, Clarke's Coffee Shop, Inc., Clayman-Fisher Shoe Co., Cleansers Service, Inc., Clear Top Card Table Co., Inc., Clearing House Parcel Delivery Company, Clemmer, Hoops & Norris, Inc., Clifford Shoe Co., Clifton Finance Corporation, Clifton Manufacturing Company, Clifton Market, Inc., Clinton Hall Hotel Company, Clinton Realty Corporation, Clover Hosiery Company, Coan Brothers Company, Coan Brothers, Incorporated, Coasters, Inc., Coated Fabrics Corporation, Cobb-Aldrich Company, Cock O'the Walk Shop of Wellesley, Inc., Cohen Textile and Commission Co. Inc., Colburn Florists, Inc., Collins & Jenness,

Inc., Collis Leather Co. Incorporated, The, Colonial Braided Rug Co., Colonial Broadcasting Company, Colonial Cafeteria of Brighton, Inc., Colonial Casinos Corporation, Colonial Curtains Inc., Colonial Mortgage Corporation, Colonial Motor Sales, Incorporated, Colonial of Haverhill Inc., The, Colonial Operating Co., Colonial Rabbit Products, Inc., Colonial Reed Furniture Corporation, Colonial Securities Corporation, Colony Inn Inc., Colpak-Vann Dress Corp., Colson Company of Massachusetts, The, Columbia Clothing Company, Inc., Columbia Counter Company, Columbia Japanning Company, Commercial Clearing House, Inc., Commercial Discount Company, Commercial Holding Corporation, Commercial Reed and Rattan Co. Inc., Commercial Travelers Magazine Publishing Company, Commonwealth Confectionery Co., Commonwealth Construction Company, Inc., Commonwealth Estates Inc., Commonwealth Finance Corporation, Commonwealth Fish Company, Commonwealth Marmon Company, Community Investment Corporation, Community Market, Inc., Community Realty Company, Commuter's Express, Inc., Conant Battery Service Company, Conclave Phonograph Company, Inc., Cone Casket Co., Inc., Congress Electric Fixture & Supply Co. Inc., Congress Hall, Inc., Connolly Motor Sales, Inc., Connolly Shoe Company, Inc., Conservation Company, Consolidated Construction Co. Inc. of Massachusetts, Consolidated Laboratories, Inc., Consolidated Marble Works, Inc., Consolidated Realty Company, Consolidated Rubber Corporation, Consolidated Wool Stock Corporation, Consumers Lumber Company, Continental Adjustment Co., The, Continental and Insular Corporation, Continental Building Supply Corporation, Continental Optical Case Company, Continental Undergarment Company, Converse Holding Company, Coogan Furniture Company, Incorporated, Cooley Dry Goods Store, Incorporated, The, Coolidge Corner Theatre Company, Coolidge Radio & Music Shops, Inc., Co-operative Farmers, Inc. of Williamstown, The, Copley Square Hotel Company, Copy-Graph Sales Co. of Boston, Corey Heights Battery Co., Inc., Corney & Bunten Co., Cornhill Publishing Company, The, Corporation Registration Company, Corporation Service Company, Inc., Corporation Trust & Guarantee Company, Corporation Trust & Organization Company, Corporation Trust & Registration Company, Correct Time Bureau, Incorporated, Cosmopolitan Musical Productions, Inc., Cosmopolitan Realty Company, Counselors Management Corporation, Court Heel, Inc., Courtenay Crocker & Company, Inc., Cousin Leather Co., Inc., Cousin's, Inc., Coveville Realty Corporation, Cowan Shoe Company, Inc., Coyle Baking Company, CraigReed Shoe Company, Crane Hayes Company, Crawford Greenhouses, Inc., Crawford's, Inc. Furriers, Croft Brewing Company, Cronin Brothers Co., Inc., Croston Co., The, Crowley Lumber Co., Crowley Lunch Company, Croydon Shoe Company, Crystal Apparel Chain Shoppes Realty Co.,

Inc., Crystal Fells Corporation, Crystal Lake Ice Company, Crystal Oil Corporation, Crystal Sand & Gravel Co., Crystal Spring Ice Company, Cugier Motor Sales, Inc., Cummings Bros. Inc., Cunningham Leather Company, Currant Trucking Co. Inc., Curtis Chase & Cate, Inc., Curtis Utilities Corporation, Custom Heel Company of Newburyport, Cutler & Brickman Inc., Cutler Bros. Inc., Cutting Die & Machine Co. of America Inc., The.

D. & D. Beef Co., D. R. Feehey & Sons Motor Transportation Co., D. S. McGrath, Inc., D. V. Construction Co., Dadmun Company, The, Dalton-Ingersoll Mfg. Company, Daly's Golden Rule Finance Co., Daly's Golden Rule Shoe Co. No. 2, Dana's Cafeteria, Inc., Daniel Duane Company, The, Daniels Provision Co. Inc., D'Antilio Marble Mosaic Company, Inc., Darcy Transportation Company of Massachusetts, The, Dartmouth Motors, Inc., Dartmouth Sales Corporation, Daschner's Auto-Magic Restaurant Company, David Caplan Company, Davis-Watson Manufacturing Company, Day & Kravitz Beef Co., Day & Night Corporation, Day's Inc., Dean Chase Company, Dean-Smith Inc., D'eauville Restaurant, Inc., Dedham Finishing Company, Deer Cove Inn Corporation, Delicia Cake Kitchen Co. Inc., Delmonico Duck Inn, Inc., Demers Motor-Vehicle Company, Dempsey Auto Company, Inc., Dennett Leather Co., Derry Felt Mills, Inc., Detachable Bit Sales Corporation of New England, Devereux Hotel Company, Devon Mills, Inc., Dewey's, Inc., Diamond T Truck Sales Company of Boston, The, Dietetic Food and Supply Company, Inc., Dignity Shoe Company, Dillon Parcel Delivery Service Inc., Dimour Shoe Company, Inc., The, Direct Sash & Door Co., Diversified Equities, Inc., Dixon's Garage, Inc., Doekray Diners Inc., Dr. Rouse Pharmacal Company, Dr. Saklad Shoe Shops, Inc., Domestic Utilities, Incorporated, Donnelly Hudson-Essex, Inc., Dorchester Floor Covering Co., Doris Realty & Investment Co., Dorothy Davenport, Inc., Doucet & Bezanson Inc., Downyflake Doughnut Shoppe, Inc., Drake & Hersey Co., Inc., Drake-Hersey Co., Driscoll, Church & Hall Company, Inc., Driscoll & Company, Inc., Driscoll Paper Co., Drury Securities Corporation, Dubar Sales Corporation, Duggan-Edwards, Incorporated, Duncan Rusk Corporation, Dundavis Mining Company, Dunker & Perkins Company, Durgin Shoe Company, Durkee Counter Co., Duro-Flex Products, Inc., Dustin Shoe & Leather Co. Inc., Dutra Motor Sales, Inc., Dutton Street Tire Shop Inc., Dutton's Roxbury Store Corporation, Dutton's Roxbury Store, Inc., Duval Sportswear Co., Dwight-Bridge Sts. Realty Co.

E. A. Canalizo and Company, Inc., E. A. Runnells Company, E and E Company, The, E. & R. Laundry Company of Worcester, The, E. E. Gray Company, E. E. Gray Corporation, E. F. Caldwell Furniture Company, E. H. Clapp Rubber Products Company, E. J. Blinn Construction Co. Inc., E. J. Whitcomb Company of Massachusetts, Inc., E. L. Shaw Bus Company, Incorporated, The, E. R. Boyle, Inc.,

E. S. Tolmie & Company, Inc., E. W. Conway, Inc., E. W. Michalek & Sons, Inc., E. W. Russell Company, E. Wasserman Company, Eagle Parlor Furniture Co., Eames and Priest, Incorporated, Easi-Day Laundry Company, East Boston Loan and Investment Company, Inc., East Braintree Bleachery & Dye Works, Inc., East Milton Taxi Co., East Woburn Tanning Company, Eastern A. C. Products Company, Inc., Eastern Air Union, Inc., Eastern Automobile Association, Incorporated, Eastern Dress Inc., Eastern Fields Petroleum Company, Eastern Film Corporation, Eastern Fuel Company, Inc., Eastern Hatchery, Inc., The, Eastern Motor Lines, Inc., Eastern Power Corporation, Eastern Shank Co., Inc., Eastern Smelting & Refining Co., Eastern States Company, Eaton Sales Company, Eaton-Snell Drug Co., The, Eddie's Market, Inc., Eddie's Shoe System, Inc., Eddy's, Incorporated, Edgewood Estates, Inc., Edith W. Lincoln Corporation, Edson Manufacturing Corporation, Edward Harrington & Co. Inc., Edward J. O'Neill, Inc., Edward M. Peters Inc., Edward R. Hall, Inc., Edward Sharp & Son, Inc., Edwards Shoe Co., Inc., Edwin Clapp Shops Incorporated, The, Edwin Clapp Stores of Portland, Inc., The, Edwin Clapp Stores of Seattle, Inc., The, Effandare Corporation, The, Eisenberg Construction Co., Elder Brothers Inc., Electric Appliance Company of Westfield, Mass., Electric Billboard Corporation, Electric Boiler Corporation, Electric Device Company, The, Electric Outlet Company, Inc., Electric Products Company, Electric Steel Castings Company, Electric Time Co., Electric Vehicle Company, Inc., Electric Welding Company of Boston, Inc., The, Electrical Equipment Purchasing Co. of Massachusetts, Electro-Steam Radiator Corporation, Elektra Steem Heating Corporation, Eliot-Stuart Service Station, Inc., Ellico Paint & Supply Co., Elm Street Professional Building, Inc., Elm-court, Inc., Elmwood Farm, Inc., Embassy Public Market, Inc., Emerson & Morrell, Inc., Emerson-Elwood Co., Emery Laundry System, Inc., The, Emfree Manufacturing Co., Emil Weissbrod & Sons, Incorporated, Emile R. Poirier Company, Empire Delicatessen Company, The, Empire Outlet Stores, Inc., Empire Sign Mfg. Co., Inc., Empire Theatre Co. of New Bedford, The, Employees Home Mortgage Company, Engel Air Products Inc., English Leather Company, Enterprise Department Stores, Inc., Enterprise Dry Goods Company, Enterprise Investment Company, The, Entertainment Publications Corporation of New England, Epstein Shoe Company, Esmond Homes Association, Inc., Essex Hotel Company, Essex Provision Co., Inc., Essex Realty Company, Essex Trap Rock and Construction Company, Essex Woodworking Company, Eugene Barry & Sons, Inc., Eureka Laundry Company, Eureka Upholstering Company, European Linen Stores, Inc., Evenson Furniture Company, Ever Ready Electrical Supply Co., Everett Bag Company, The, Everett Baking Co., Inc., Everett Department Stores, Inc., Everett E. Dickey, Inc., Everett Square Billiard Parlor,

Inc., Everett Square Pharmacy, Inc., Everett Trust Building Corporation, Everpure Ice Manufacturing Company, The, Everybody's Fruit and Vegetable Market, Inc., Excelsior Investment Company, Exchange Diner Incorporated, Exchange Diner of Norwood Incorporated, Exchange Realty Trust Inc., Explosive Engineering, Incorporated.

F. & G. Investment Co., F. C. Hersee Company, F. D. Woodbridge Company, F. E. Adams Company, Inc., F. E. Harwood, Inc., F. E. Houghton, Inc., F. E. Leverone & Co. Inc., F. F. & F. O. Shepardson, Inc., F. L. George Company, F. L. George, Incorporated, F. L. Moore & Co., Inc., F. N. Brigham Co. Inc., F. T. Dowst Co., Inc., F. W. Bartlett Shoe Co., Factor & Finer Inc., Factory Hollow Mills, Inc., Fairmont Realty Corporation, Falkson's Inc., Fall River Football Club, Inc., Fall River Motor Car Co., Fall River Sales & Service, Inc., Falvey Paint Co., Inc., Family Shoe Store Inc., Famous Stores Corporation, Faneuil Cummings Clothing Company, Inc., Farmington Wood Heel Co., Farnhill Incorporated, Farr Shops, Inc., The, Farrington's Funeral Home, Inc., Farris, Inc., Farwell Sportswear Inc., Fashion \$5. Bootery, Inc., Fay-Barry Realty Company, Faye & MacCaffray, Inc., Feculose Company of America, The, Federal Coffee Co., Federal Construction Co., Federal Contracting Company, Inc., Federal Electric Company, Federal Engineering Co., Federal Industrial Electrical Co., Inc., Federal Iron Works Inc., The, Federal Jobbing Company, Federal National Investment Trust Inc., Federal Protective Services, Inc., Federal Sign System (Electric) of Massachusetts Inc., Feinberg Hat Manufacturing Co. Inc., Feinstone-Moakler Co., Feller's Inc., Fellman Knitwear Corp., Fellows Hardware Company, Fens Realty Company, Fenway Costume Company, Fenway Hat Works, Inc., Fenway House, Inc., Ferguson-Davis Shoe Company, Fern Shoe Co., The, Ferreira & Sons Inc., Ferri's Foods Inc., Fidelity Security Company, Fidler's Inc., Fields Chain Stores, Incorporated, Fields Corner Lunch, Inc., Filling Stations Incorporated, Filling Stations Securities Corporation, Filmagraph Corporation, Financial Research, Inc., Finberg Bros., Inc., Finestone-Hahn Company, Finkelstein's, Inc., Fink's, Inc., Fire Detector Sales Co. of Massachusetts, Fireloss Reconstruction Co., Firesides, Inc., Firestone Boremco Service Stores, Inc., Firestone Service Stores, Inc. of Attleboro, Firestone Service Stores, Inc. of Waltham, Firestone Service Stores, Inc. of Worcester, Firestone Tire Stores, Inc. of Fitchburg, Firglade Realty Trust, Inc., First Mortgage Company, First National Adjustment Service, Inc., First National Company of New Bedford, First National Sandwich Shops, Incorporated, First of Boston Investment Management Corporation, Fisk Tire Fabric Company, The, Fiske & Company, Incorporated, Fit & Wear Company, Fitch-Bryant Incorporated, Fitchburg Horn Goods Company, The, Fitch's, Incorporated, Fitz-Crittenden Company, Fitzgerald, Inc., Fitzgerald Manufacturing Company Inc., Five Associates, Incorporated, Flagg

Manufacturing Company, The, Fleischer Brothers, Inc., Fletcher & Company Ltd., Floral Art Company, Inc., Florence Granite Co., Inc., Florence Lubricating Co., Florence Realty Co., Inc., Flower Outlet, Inc., Floyd Lunch Corporation, Foot Joy Stores, Inc., of Detroit, Michigan, Forbush Shoe Company, The, Fort Hill Machine Company, Fort Hill Storage & Trucking Co., Inc., Fortune Candy Company, The, Foster & Foster, Inc., Foundation & Construction Company, Frame & Axle Alignment Company of New England, Framingham Flying Service, Inc., Framingham Nurseries, Incorporated, Frances Specialty Shop, Inc., Francis C. Gagnier, Inc., Frank B. Connor, Inc., Frank E. Cassidy, Inc., Frank E. Woodward Company, Frank J. Barrett, Inc., Frank L. Dunlap Company, Frank M. Gannon, Inc., Frank Murphy Inc., Frank Seretto & Sons, Inc., Frankini Bros. Co. Inc., Franklin Diamond Co. (1920), Franklin Loan Company, Franklin Park Lumber Company, Franklin Press of Boston, Inc., Frascati-Kenmore, Inc., Frazier Sales and Manufacturing Co., Inc., Fred Gillespie Lumber Company, The, Fred M. Page Company, Inc., Fred S. Brennan Co., Frederick C. Russell, Inc., Freeman-Jackson Company, Freeman Novelty Dress Co., Freezerite Corporation, Fremont Corporation, The, French & Field, Inc., French, Shriner & Urner, Inc., Friedman-Lerner Company, Frohoek's Garage, Inc., Froomer & Elkin, Inc., Fuller & Sullivan Company, Fulton Market Inc., The, Furniture Manufacturer's Outlet, Inc., Furniture Showrooms, Inc., Furniture Warehouse Outlet, Inc.

G. E. M. Equipment Corporation, G-E-M Mfg. Co., G. H. Morse, Inc., G. M. G. Mica Co., G. M. Goldsmith Co., G. M. Wethern Company, G. W. Herrick Shoe Co., Galbo Food Products, Inc., Garden Cafeteria Inc., Garden City Company, Garden Golf Club, Inc., Gardner & Heath, Inc., Gardner & Kneen Hardware Company, Incorporated, Gardner Automobile Company, Gardner Realty Company, Gas Heaters Corporation, Gaskell Company, The, Gay Farm Corporation, Gay Street Trust, Inc., Gekco Company of Baltimore, The, Gekco Company of Cleveland, The, Gekco Company of Colorado, The, Gekco Company of Dallas, The, Gekco Company of Gary, The, Gekco Company of Jacksonville, The, Gekco Company of Louisville, The, Gekco Company of Pittsburgh, The, Gekco Company of Portland, The, Gekco Company of Providence, The, Gekco Company of San Antonio, The, Gekco Company of Spokane, The, Gekco Company of Topeka, The, Gekco Company of Worcester, The, Gendron Shoe Stores, Inc., General Amplifier Company, General Chemical and Solvents Corporation, General Contractors, Inc., General Credit Corporation, General Exchange Corporation of Massachusetts, General Furniture Company, General Heel Corporation, General Industries Corporation, General Insurance Agency, Inc., General Metal Products Corporation, General Moulded Composition Company, General Petroleum Corporation, General Silk Dyeing Company, General Tire Co., The,

General Utilities Co., Inc., General X-Ray Company of Michigan, Geneva Motor Mart Inc., Geo. A. Fales Co., Inc., George A. Haynes, Incorporated, Geo. A. Methe Co., Inc., George A. Pease Company, Inc., George Boiko and Company, Inc., Geo. E. Damon Company, George F. Welch Company, The, Geo. H. Johnson Company, George H. Lincoln Company, George J. Barker Lumber Company (1925), George Kimball & Son, Inc., Geo. L. Griffin & Son, Inc., George M. Mansfield Corporation, George Nelson Jacobs Associates, Inc., Geo. O. Lloyd, Inc., George R. Ford, Inc., George Willcomb Company, George's Automotive & Radio Co. Inc., Gerard La Centra & Co. Inc., Gerber Realty Corporation, Gess Tire and Radio Company, Incorporated, Gettens Electrical Company, Inc., Gile Engine Company, Gill Rug Company, Giller's Quality Market Co., Gillette Safety Razor Company, Gillis Inc., Gilt Edge Warehouse Company, Gleason Bros. Inc., Gleekman's Inc., Glenoil Company, The, Glenville Drug Co., Glenway Realty Company, Globe Clothiers, Inc., Globe Wholesale Grocery Company, Gloss Company, Gloucester Cafeteria, Inc., Gloucester Yacht Yard Inc., Golden Rule Company, The, Golden Rule Market, Inc., Goldfine Investment Trust, Inc., Good Construction Co., Good Service Beef Co., Inc., The, Good Will Dairy, Inc., Goode Co. Inc., The, Goodman Bros. Inc., Goodman Engraving Company, Inc., Goodnow-Pearson-Bishop Co., Goodnow-Pearson-Hudson Co. Inc., Goodroff-Young Company, Inc., Gordon-Marshall Company, The, Gordon's Inc., Goulet Food Products, Inc., Gove Brothers Inc., Graham's Curtain Shop Inc., Granby Manufacturing Company, Inc., Grand Amusement Co., Grand Rapids Storage & Warehouse, Inc., Granite Mills, Granite State Coal Co., Granite Theatres, Inc., Grant McDonald Incorporated, Gravitite Corporation, Gray-Aldrich Company, Inc., Gray Shoe Mfg. Co., Inc., The, Graybern Ground Gripper Stores, Inc., Great Eastern Investment Trust, Inc., Green & Gladwin, Inc., Green Bros. Coal & Wood Co., Green, Hamilton & Co., Inc., Green Mountain Oil Burner Company, Greenberg-Priven Meat Market Inc., Greene Brothers Company, Greene-Cherry Realty Company, Gregory, Inc., Grey Gull Records, Inc., Griffin Inc., Griffin-Jordan, Incorporated, Griffith Drug Company, Grinnell Products Sales Corporation, Grocers Purchasing Exchange, Inc., The, Groll-Wenger Bakeries Inc., Groves Allerton Garage, Inc., Guaranty Construction Co., Inc., Guaranty Distributing Company, Guetti Manufacturing Corporation, Guild's Florist Co., Inc., Gurley's, Inc., Gus Sonnenberg, Inc., Guy Furniture Co.

H. A. Banash & Son, Inc., H. Bass & Son, Inc., H. C. A. Motor Car Company, H. Chabby & Co. Inc., H. E. Lindbladh Company, H. H. Dyke Lumber Company, H. Hirshberg, Inc., H. J. Allen Company, H. J. Maguire Company, Incorporated, H. J. Rome Co., H. K. Draper and Company, Inc., H. L. Gale Company, Inc., H. M. Hillson Company, H. R. Crane Company, H. Rubin Construction Co., H. W.

Peters Co. Inc., H. W. Spellman, Inc., Haigh & Haigh, Inc., Haines & Foster, Inc., Haley Electrical Appliance Co., Haley's Public Market, Inc., Halperin Distributing Company, Hamilton Investment Corporation, Hampden Company, The, Hampden Fuelite Gas, Inc., Hampden Woolen Company, The, Hampshire Motor Co. Inc., Hampshire Silver Black Fox Company, The, Hand-Spun Chocolates, Inc., Hanover Realty Corporation, Happy Junior Candy Company, Harding & Danforth, Inc., Hardinge Oil Burner Corporation, Hardy Catering Co. Inc., Hargraves Mills, Harlow Bros., Inc., Harlow Candies, Inc., Harner Oil Co., Inc., Harold Hawes, Inc., Harold I. Black Corporation, Harper Knife Company, Harriet New, Inc., Harris Gordon, Inc., Harry C. Rix Coal Co., Harry R. Wheeler, Inc., Harry Salzman, Inc., Harry W. Dickey, Inc., Harry's Luncheon Inc., Harry's Service Station, Inc., Hartman Realty Co., Hart's Bakeries, Inc., Harvard Business Service, Inc., Harvard Furniture Co. Inc., Harvard Label Co., Harvard Rand Company, Harvard Trust Investors' Service, Incorporated, The, Harvey Tire and Rubber Co., Inc., Harvey-Westall, Inc., Harvey's, Inc., Haseltine-Freedlander Corporation, Hatfield-Bowl Realty Corporation, Havelock Investment Co., Haverhill Products Company, Haverhill Tom Thumb Golf Course, Inc., Hawkins MacPherson Corporation, Hawley Corporation, Hawthorne Cafe of Chelsea, Inc., Hawthorne Court Apartments, Inc., Hawthorne Lunch, Inc. of Brookline, Hawthorne Realty Corp., Hazen-Brown Company, Health Club of Boston, Inc., Helburn & Moran, Inc., Helen Shoe Co., Heliotype Co., The, Hellenic Restaurants, Inc., Helporn, Inc., Henderson & Company, Incorporated, Henderson Bros., Co., The, Henes Market Inc., Henry Burg Fur Manufacturing Co. Inc., Henry Chanin Corporation, Henry Finch Engraving Company, The, Henry J. Perkins Company, Henry Knott Associates, Incorporated, The, Henwood & Jackson, Inc., Herbert Co., Inc., Herbert E. Gutterson Company, Herbert Gallagher, Inc., Herbert H. Lyons, Inc., Herbert N. Ridgway Inc., Herbst Jewelry Company, Inc., Herman Realty Corporation, Hersey Associates, Incorporated, Hi-Hatters, Inc., Hickey-Shea Laundry Co., High Grade Window Shade Co., Highland Construction Company, Highland Investment Corporation, Highlands Realty Company, Hilda Lee, Inc., Hill & Hill, Inc., Hill Clothes Dryer Company, Inc., Hill Inn Company, Hill-Regan, Inc., Hillerest Realty Co. Inc., Hilliard-Malcolm Shoe Co., Hills Company, Hinckley Coal Company, Hirshberg Furniture Company, Hirshon Drug Company, Inc., Hodgdon Chevrolet Company, Hodges & Company, Inc., Hoffman Art Stores, Inc., Holbrook Housing Corporation, Hollis Street Coffee House, Inc., Holliston Trap Rock Company, Hollywood Inn, Inc., Hollywood Skirt Mfg. Co., Inc., The, Holmes, Arnold & Stephenson, Inc., Holsberg Dress Co. Inc., Holyoke Amusement Co., Inc., Holyoke Blue Cab Co. Inc., Holyoke Nash Company Incorporated, Home Appliance Company, Inc., Home Credit Co. Inc., Home Heat

and Appliance Company, Inc., Home Modern Bakery Inc., Home Utilities Corporation, Home Utility Sales Corporation, Homehill Inc., Homer Oil Burner Corporation, Homer's Inc. (1931), Homiat Corporation, Horle Paper Box Co., Horton & Morgan, Inc., Hotel Lenox, Inc., of Lynn, Hotel Preston Company, Houghton-Gronberg, Inc., Household Necessities Inc., Howard Brothers, Incorporated, Howard E. Butler Inc., Howard F. Pool Company, Howard S. Graves & Company, Inc., Howard Shoe Co., Inc., Howe-Spaulding Company, Hub Furniture Company, Inc., The, Hub Net Company, Hub Plate and Window Glass Co. Inc., Hub Pleating Co., Hub Poultry & Egg Company, Hubert's Ready-Split Roll Corporation, Hudson Fur Company, Incorporated, of Holyoke, Mass., Hudson Motor Company of Lawrence, Hudson Printing Company, Hudson Printing Co., Inc., Hudson Tobacco Company, Hugh Robinson Associates, Inc., Hughes Motor Company, Hull & Company Inc., Humboldt Kosher Meat Market, Inc., Hy-Grade Restaurant Inc., Hyde Park Holding Company, Hyde Park Motors, Inc., Hygienic Fibre Company, Incorporated.

I. J. Goodhue, Inc., Ideal Amusement Co., Ideal Cash Market, Inc., Ideal Ice Cream Company, Ideal Metal Products, Inc., Ideal Neckwear Corporation, The, Idle Hour Inc., The, Imperial Manufacturing Company, Imperial Radio Company, Improved Property Holding Company, Income Properties Incorporated, Independent Optical Company, Indian Company, Indian Head Land Company, Indian Sales Corporation, Industrial & Research Laboratories, Inc., Industrial Bankers of Attleboro, Inc., Industrial Bankers of Beverly, Inc., Industrial Bankers of Boston, Inc., Industrial Bankers of Brockton, Inc., Industrial Bankers of Brookline, Inc., Industrial Bankers of Cambridge, Inc., Industrial Bankers of Cambridgeport, Inc., Industrial Bankers of Chelsea, Inc., Industrial Bankers of Chicopee, Inc., Industrial Bankers of Dedham, Inc., Industrial Bankers of Everett, Inc., Industrial Bankers of Fall River, Inc., Industrial Bankers of Fitchburg, Inc., Industrial Bankers of Framingham, Inc., Industrial Bankers of Gloucester, Inc., Industrial Bankers of Greenfield, Inc., Industrial Bankers of Haverhill, Inc., Industrial Bankers of Lawrence, Inc., Industrial Bankers of Leominster, Inc., Industrial Bankers of Lowell, Inc., Industrial Bankers of Malden, Inc., Industrial Bankers of Marlboro, Inc., Industrial Bankers of Medford, Inc., Industrial Bankers of Milford, Inc., Industrial Bankers of Natick, Inc., Industrial Bankers of New Bedford, Inc., Industrial Bankers of Newburyport, Inc., Industrial Bankers of Newton, Inc., Industrial Bankers of North Adams, Inc., Industrial Bankers of Northampton, Inc., Industrial Bankers of Peabody, Inc., Industrial Bankers of Pittsfield, Inc., Industrial Bankers of Plymouth, Inc., Industrial Bankers of Quincy, Inc., Industrial Bankers of Roslindale, Inc., Industrial Bankers of Salem, Inc., Industrial Bankers of Taunton, Inc., Industrial Bankers of Waltham, Inc., Industrial Bankers of Webster, Inc.,

Industrial Bankers of Woburn, Inc., Industrial Bankers of Worcester County, Inc., Industrial Bankers of Worcester, Inc., Industrial Drives, Inc., Industrial Film Service, Inc., Insurance Service Corporation of New England, International Acceptance Corporation, International Merchandising & Trading Co., International Sporting Goods Corporation, International Wire Products Company, Interstate Airways Inc., Interstate Highway Construction Corporation, Interstate Motor Coach Corp. of Attleboro, Investment Corporation, The, Investment Trust Securities Corporation, Ironide Foundry, Inc., The, Isaac A. McLean Company, The, Israel Gold, Incorporated, Italian Master Bakers' Association, Inc., Italo Realty, Inc.

J. A. Sullivan Company, Inc., J. & K. Lunch System, Inc., J. & L. Construction Co. Inc., J. Andrews Co., J. B. Nye & Sons, Inc., J. B. Silverman Co., J. C. Brady, Inc., J. C. Metcalf Machinery Company, J. C. Shepherd Meat & Grocery Company, J. Douglas Law Company, J. E. Ballentine & Sons, Inc., J. E. Gendron Company, J. H. Kennedy & Son Inc., J. H. Sparks Company, J. J. Byrnes Inc., J. J. Coppinger Co. Inc., J. J. Gallagher Construction Co., J. J. McCarty Plumbing Co., J. Lepovetsky, Inc., J. M. Durkee Coal Company, J. Mannos & Sons, Inc., J. O. Neill Hardware Co., J. R. Richards Company, J. T. & L. Grundy Company, J. W. Harding Company, J. W. Pickering & Co., Inc., Jackson Manufacturing Corporation, Jackson Motor Company, Inc., Jacksonville Traction Company, Jacobs Health Bread Co., Inc., The, Jacobson Tire Co., Inc., Jacrim Manufacturing Company, Jamaica Co. Inc., Jamaica Construction Company, Jamaica Plain Furniture Company Inc., Jamaica Pond Garage Company, James B. Replogle Laboratories, Inc., James Daniels Corporation, James Field, Incorporated, James H. McElroy Company, James H. Robinson & Sons, Inc., Jarvis Field House, Inc., Jason's Co., Jeanne Simons, Inc., Jewish Ledger Publishing Co., Jewish Workers' Co-operative Association of Springfield, Mass., Inc., Joart Chemical Corporation, Jodoin's Ice Cream, Inc., Joe's Auto Service, Inc., Joe's Shoe Store, Inc., John A. Farnum, Inc., John B. Emerson Company, John Daniels' Market, Inc., John F. Hannon & Sons, Inc., John G. Connolly Co., John H. Bickford & Son Corporation, John I. Wolf, Inc., John J. Flynn Company, John J. Kingsley, Inc., John J. Shine, Inc., John Kelly Company Inc., John L. Warner Corporation, John Paulding Meade Company, John R. Ainsley Co., John R. Lankenau Company, John R. Neal Company, John V. Mattos Shoe Company, John W. Duff Inc., John W. Kane & Company, Inc., Johnson Automobile Corporation, Jones & Jones, Inc., Jones Chandler Inc., Jones, Peterson and Newhall Company, Jordan Motor Service Inc., Joseph Battel, Inc., Joseph I. Melanson & Sons Corporation, Joseph J. Kelley & Son Company, Incorporated, Joseph Marder Shoe Stores Inc., Joseph S. Tuch, Inc., Josiah Cummings & S. S. Miller & Son, Inc., Julian S. Jacobs Company, Just Right Cleansers & Dyers, Inc., Juvenile Dress Corporation.

K & G Meat Markets, Inc., K & S Motor Car Company, Inc., K. M. F. Corporation, Kane-Bliss Company, The, Kane Furniture & Carpet Co., Kaplan & Deschamps, Inc., Kap's Mens Shop, Inc., Kashian Shoe Co., Inc., Katz Radio Service Inc., Kaufman & Gilman, Inc., Kayrock Roofing Corporation, The, Ke-Bond Company, Incorporated, Kean-Advertising Inc., Keegan Leather Company, Keith Shoe Company, Keller Leather Co., Kelley Company, The, Kelley-Crowshaw Co., Ken-Childs Incorporated, Kenbill, Inc., Kenmore Dental Laboratory, Inc., Kenmore Dormitory, Inc., Kenmore Fruit Inc., Kenneth G. Flanders, Incorporated, Kenneth P. Palmer & Co. Inc., Kenton Mfg. Co., Inc., Kent's Factory Shoe and Hat Repairers, Inc., Kenwood Printing Company, Keystone Advertising Corporation of Massachusetts, Kibbe Brothers Company of Albany, The, Kidde Patent Leather Co., Inc., Kidder Company of Lowell, The, Kidder Participations Incorporated, Kidder Participations Incorporated No. 2, Kidder Participations Incorporated No. 3, Kidder Peabody Acceptance Corporation, The, Kinderhook Knitted Cap Company, King Philip Apple Store, Inc., King Realty Corporation, King Shoe Company, Kingston Manufacturing Co., Kinsman, Crane & Co., Inc., Kirk & Company, Inc., Klauer Bros. Contracting Co., Kleberg & Company, Inc., Kleenrite Manufacturing Company, Incorporated, Klomer Stores, Inc., The, Knapp Corset Shop, Inc., Knight Chevrolet Corporation, Knights-Allen Co., Krentzman Bros. Coal Company, Kugell Lumber & Development Co., The.

L. & S. Garment Co., L. B. Goodspeed Company Inc., L. C. Fisher Company, L. E. Klotz Company, L. J. Mutty Company, Inc., L. Karolkevich & Son, Incorporated, L. L. Southwick Lumber Co., L. Max, Jr., Inc., L-W Glare Shield Company, LaCroix Manufacturing Company, Inc., La Merveilleuse Corporation of Massachusetts, LaSalle Cafeteria, Inc., La Tosca Restaurant Inc., Laboratory Associates Inc., Lafayette Master Service Stations, Inc., Lakeside Corporation, The, Lamson and Sanders, Inc., Lane Shoe Co., Lane Shoe Corporation, Langlais Grocery Co., Inc., Laskey Commercial College, Incorporated, Lastex Chemical Company, Latex Products, Inc., Laurel Lake Mills, Lawrence Durborow Incorporated, Lawrence E. Donovan Company, Inc., Lawrence Machine and Pump Company, Lawrence N. Barry, Inc., Lawrence Press, Inc., Layton & Company, Inc., Le Roy A. Dunn Inc., LeRoyer-Macfarlane Paper Corporation, Leadmold Corporation, Leavitt Real Estate Company, Lebros Manufacturing Company, Incorporated, Lee Standish Galleries Inc., Legion Parkway Realty Corporation, Leibowitz Bakery, Inc., Lenox Hardware Company, Inc., Leo Poekwitz Co., Inc., Leominster Shoe Company (Inc.), Leonard, Shaw & Dean, Inc., Leon's, Inc., Lerman Shoe Stores Company, Lesser-Baldwin Company, Inc., Levenson Coat Mfg. Co. Inc., Levins Shoe Co., Lewis & Thomas, Inc., Lewis Laboratories, Inc., Lexington Chemical Co., Lexing-

ton Contracting Co., Libby-Burchell Fisheries Company, Libby's Inc., Liberty Bell Hebrew Bakery, Inc., Liberty Cafeteria, Inc., Liberty Can Co., Inc., Liberty Ice Company, Liberty Motor Sales of Lynn, Inc., Liberty Spark Plug Corporation, Liberty Transportation Company, Incorporated, Lido Palace Co. Inc., Lido Palace Operating Co. Inc., Limousine Bus Service, Inc., Lincoln Fibre Company, Lincoln Park, Incorporated, Lincoln Twist Drill Company, Lindale Mills, Linscott Motor Company, Linsky Realty Corporation, Liquid-Air Container Corporation, Liquid Malt Incorporated, Little Bros. Inc., Littlefield & Covin, Inc., Lloyd Letters, Inc., Lloyd's of Boston, Inc., Locust Hill Estate Inc., London's Department Store, Inc., Longlife Battery Inc., Longwood Motor Service, Inc., Longwood Riding Stable Inc., Lord Engineering Associates Inc., Louis Market, Inc., Lowe & Sears Company, Lowell Community Theatre, Inc., Lowell Liquidation Company, Lowell Marketmen's Exchange, Inc., Lowell Public Market, Inc., Ludlow Automobile Company, Inc., Lusitania-American Association, Inc., Luxite, Inc., Luzo Drug Corporation, Luzo Insurance Agency, Inc., The Lydon Realty Co., Lynn Automobile Club, Inc., Lynn Concrete Products, Inc., Lynn Cycle Company, Lynn Ideal Shoe Co., Lynn Shoe Trimming Co., Inc., Lyons and Hershenson, Incorporated, Lyons Brothers Garage Inc.

M. & G. Construction Co., M & K Motor Transportation Co. Inc., M & S Manufacturing Co. Inc., M. J. Baker Printing Company Inc., M. J. Walsh Inc., M. N. Arnold Shoe Company, M. R. Corporation, M. Rudolf Jahr, Inc., M. Simpson Co., M. Torf & Co. Inc., M. W. Allen Construction Company, MacLellan and Lee Clothing Company Corporation, MacMillan-Babb Lumber Company, Macaulay New Process Cleaning Corp., Mack Service Stations, Inc., MacLachlan's Incorporated, Macy Drug Co., Made-Rite Curtain Co., Made-Well Mattress Company, Madow Shoe Company, Mailman and Hanlon Company, Main-Pine Realty Company, Majestic Theatre of West Springfield, Inc., Malden Hosiery Company, Inc., Malden Ice Company, Malden Leather Goods Company, Malden Pharmacy, Inc., Mall Dunn Medicine Company, Management Capital Corporation, The, Management Counsel, Incorporated, Manahan, Inc., Manchester & Concord Express Co., Manganaro Music and Furniture Company, Incorporated, Manhattan Mortgage Corporation, Mansfield Foundry Company, Mansfield Garage, Inc., Mansfield's Bargain Stores, Inc., Mantia Fish Corporation, Mapco Potato Company, Maple Terrace Pharmacy, Inc., Marblehead Building Association, Marden-Faust Manufacturing Corporation, Marianne Frocks, Inc., Marine Glider Corporation, Mario Tanzi & Brothers, Incorporated, Marion Dow, Inc., Mark Austin Co. Inc., Market Statistics Inc., Markow Electrical Company, Markus Bakery, Inc., Marlboro Flying Service, Inc., Marlboro Grain Company, Inc., Marmite, Inc., of America, Marquis Manufacturing Company,

Marshall Grain Co., Inc., Marshmallo Mist Inc., Marston-Sturtevant Co., Martin Shoe Co., Inc., Marvel Blade Sharpener Co., Inc., The Marvel Shoe Stores Inc., Maryland Silk Manufacturing Co., Inc., Mason Lumber Corporation, Massachusetts Degreasing Co., Massachusetts Financial Corp., Massachusetts Fuel Saving Radiator Company, Massachusetts Hat Corporation, Massachusetts Investment Research Co., Massachusetts Lubricant Corporation, Massachusetts Mercantile Company, Massachusetts Miniature Golf Corporation, Massachusetts Sand & Gravel Association, Inc., Mass. Shoe & Leather Co., Massachusetts Tricho System Inc., Massachusetts Woolen Company, Inc., Master Oil Burner, Inc., Matt Hayes Studio, Inc., Mattapan Construction Company, Maverick Loan Company, Inc., Mayfair, Inc., The Mayflower Hotels Corporation, Mazzara S'Andrea Investment Co., Inc., McConville Amusements, Inc., McDonald Motor Company, McGarry Tire Company, McLane Bros. Leather Co. Inc., McLellan & Merrill, Inc., McPherson's, Inc., Meacham Supply Company, Medford Inn Market Inc., Medford Operating Company, Medford Pen-Pencil Company, Medway Company, Meigs & Co. Incorporated, Mel-Rose Restaurant Inc., Mell Clothes, Inc., Melrose Motor Company, Memphis-Torpedo Mines Corporation, Menemsha Realty Corporation, Merchandise Clearing and Outlet Corp., Merchants & Physicians Adjustment Bureau, Inc., Merchants Fruit & Produce Co., Merchants Shoe Company, Mercury Publishing Company, Merrimack Amusement Company, Merrimac Mills, Inc., Merrymount Doughnut Company, Inc., Metal Process Corporation, The, Metal Unit Screen Co., Inc., Metropolitan Heating Corporation, Metropolitan Linen Supply Company, Inc., Metropolitan Motor Service, Inc., Metropolitan Rubber Company, Michael J. Holden Innersole Company, Middlesex Chemical Company, Middlesex Press Inc., Mike Burman Motor Express, Inc., Mil-Mac Sign Company, Milford Manufacturing Company, Milhender Electric Supply Co., The, Millbury Steel Foundry Company, Millen & Hart Co., Inc., Miller Made Dress Co., Inc., Miller Tire Company of Worcester, Mills & Ward, Inc., Milton Katzman Shoe Co., Miss Greene, Inc., Miss Sullivan Company, Mistress Betty Confections, Inc., Mitchell, Whitten & Mowbray, Inc., Modeco, Inc., Modern, Inc., Modern Public Markets, Inc., Moderne Cafeteria, Inc., Mogavero-Merrill Co. Inc., Mohawk Investment Corporation, Mohawk Upholstery Corporation, Monarch Motor Sales, Inc., Monponsett Lumber Company, Mont Realty Corporation, Montague Company, The, Montgomery's Inc., Montle Heating and Plumbing Corporation, Moore Novelty Company, Moraine Pharmacy Inc., Moran Hale Co., Moran Sq. Market, Inc., Morash Engineering Company, Morris Drug Co., Morrison-Skinner Company, Morrison's Inc., Morse-Coburn Steel Co., Morse Garage, Inc., Morse-Redden, Inc., Mortgage Corporation of Boston, The, Morton Construction & Realty Co., Morton, Rickard

Company, Moss Shoe and Leather Company, Motor City Agency of Massachusetts, Inc., Motor Vehicle Underwriters' of Massachusetts Incorporated, Motor Vehicles Surface Sanders Corporation, Mount Auburn Dairy, Inc., Mountain Electric Supplies Company, Mozzicato and DiPietro Bros., Inc., Multi-Products, Inc., Mumford Securities Co., Municipal Disposal Company, The, Munroe Men's Shop, Inc., Murdock & Stelmach Lumber & Coal Co. Inc., Murial's, Inc., Murray Clothing Co. Inc., Murray-Sinclair Company, Incorporated, Musical Research Institute Incorporated, Mutty's Radio Shop, Inc., Mutual Industrial Service of Lowell, Inc., Myers Paper Stock Co., Mystic Motors, Inc., Mystic Polish Company.

N. J. Bartlett & Co. Inc., N. T. Worthen & Co., Inc., Nahant Fish Company, Namwen Corporation, Nantasket Witching Waves Co., Nash Co., Nash Springfield Company, Nassikas Poultry Farms Inc., Nat Kolodiz & Company Inc., National Beauty Shoppes of America, Inc., National Cleansers & Dyers, Inc., National Cordage Company, Inc., National Cordage Corporation, National Credit Co., Inc., National-Crescent Coal Company, National Display Alphabet Co., The, National Fruit Co., National Garter Co., National Health Corporation, National Holding Corporation, National Investors Research Corporation, National Metallic Bed Company, National Novelty Company, Inc., National O'Sullivan Shoe Corporation, National Papeterie Company, National Selling Counsel, Inc., National Spun Silk Company, National Textiles, Inc., Nausett Coal Company Incorporated, Needham Gardens Land Co., Nelson, Duncan & Murray, Inc., Nelson P. Merrill Company Inc., Nelson Sand and Gravel Co., Inc., Neponset Garage Corporation, Neponset Realty Corporation, Neponset Woolen Mills Store Inc., Nevler Stores Incorporated, New Bedford Belt Co., Inc., The, New Bedford Clothing Co., Inc., New Bedford Transportation Company, New Broadmore Restaurant, Inc., New England Adjustment Service, Inc., New England Airship Corporation, New England Amco Service Stores, Incorporated, New England Amusement Enterprises, Inc., New England & Continental Transit Inc., New England Autogiro Sales Company, New England Automatic Coal Burner Corporation, New England Automobile Association, Inc., New England Blizz Co., Inc., New England Boat Company, New England Building Supplies Co., New England Consolidated Insurance Agency, Inc., New England Film Corporation, New England Foundry & Machinery Co., New England Gas Economizer Co., Inc., New England Holding Co., New England Implement Company, Inc., New England Inns, Incorporated, New England Manufacturers and Jobbers Credit Bureau, Inc., New England Manufacturers Export Corporation, New England Mortgage and Investment Corporation, New England Pants Manufacturing Company, Inc., New England Plush Co., New England Poultry & Rabbit Breeders' Exchange, Inc., New England Purity Paper Bottle Company,

New England Research Laboratories, Inc., New England Southern Corporation, New England Tanning Company, Inc., New England Thrift Seal Merchants Inc., New York Dairies Corp., New York Gekco Company, The, New York Pickle Co., New York Spa, Inc., New York System Cafeteria, Inc., Newbury Grill, Inc., The, Newbury Street Service Garage, Inc., Newman Shoe Company, Newport Corporation, Newport Pharmacy, Inc., Newton Electric Fixture Company, Newton Knight Corporation, Nichols Rattan Products Co., The, Niebieszczany Citizens Association Inc., Nightingale & Childs Company, Ninigret Company, The, No-D-Ka Dentifrice Co., The, Nobby Men's Shop, Inc., Nonantum Co., Inc., Norman R. Adams Corporation of Boston, Norman Shoe Company, North Randolph Developing Associates Inc., North Shore Gardens, Incorporated, North Shore Inn Corporation, North Somerville Coal Company, North Station Theatre Co., Northampton Street Stables, Incorporated, Northeastern Amusement Company, Northeastern Insurance Service Corporation, Northeastern Theatres Corp., Northern Avenue Stores and Dock Corporation, Northern Waste Corporation, Norwich Trading Co., Norwood Improvement Corporation, Nu-Products Corporation.

O. D. B. Co., O. D. Baker Company, Inc., O. D. C. Company, O. D. Knight & Co. Inc., Oak Knoll Dairy, Inc., The, O'Brien-Connor Co., Inc., O'Brien's Fashion Shop, Inc., O'Connell-Quirk Paper Company, Inc., Odams Bros. Inc., Odenweller Co., Inc., Office Equipment Co. Inc., The, Ogden & Marshall Company, Ohman Bakery, Inc., Oil-O-Chron, Inc., Oilrite Company, Inc., Old Colony Corporation, Old Colony Freezer Company, Old Colony Motor Company, Old Farmer's Almanac, Incorporated, The, Olivier Motor Company, Olsen & McInnes, Inc., Olympia Realty Co., 155 Brookline Avenue, Inc., Onthank-Radway Corporation, Orange Co-operative Farmers' Exchange, Orange Crush Bottling Company of Worcester, Orelinney, Incorporated, Original Five Cent Lunch, Inc., O'Rourke & McDonough Inc., Oscar A. Martin Co., Inc., Otter River Brick Company, Otto J. Pichler, Inc., Oxford Candy Corporation.

P. & J. Besse Company, P. & L. Automatic Laundry Valve Co., The, P. H. Provencal Company, P. H. Wall & Co., Inc., P. J. Hart Company, Pacific Amusement Company of Lowell, Pacific Carbon and Ribbon Mfg. Co., Packard Carton Company, Packard Grocery & Coal Co., Page Engineering Company, Palmer Realty Company, Papouleas & Anastos Inc., Paramount Lunch, Inc., Park Mills, Inc., Park Shoe Manufacturing Company, Parker-Conway Co., Inc., Parker-Desmond Lumber Co., Parker House Florist, Inc., Parker Safety Head Staple Company, Inc., Parkside Dwellings, Inc., Parkview Realty Company, Pasquale Construction Co. Inc., Payson and Smith, Inc., Péan Medical Company, Pearl Auto Electric Service, Inc., Pearson-Clapp, Inc., Peerless Co., Inc., of Fall River, The, Peerless Provision Company, Inc., Peerless Specialty Manufacturing Co., Inc., Pelham Hall

Corporation, Pelley & Parrott, Inc., Pels Company, The, Pemberton Management, Inc., Pendleton, Inc., Pendleton Wood Heel Corp., Penn Investment Company, Penn Mutual Petroleum Corporation, Peoples Loan Company, Papi Brothers, Inc., Pepperell Braiding Company, Perfect Inspector Company Inc., Perkins & Company, Incorporated, Perma-Wood Heel Company, Perrigo Distributors, Inc., Peter Salvi, Contractor, Inc., Peterkofsky, Inc., Peters Lunch, Inc., Phil Slocum, Inc., Philip H. Butler & Son Co., Phillips and Day, Inc., Philmore Dress Co., Phoenix Dress Company, Inc., Pierce Co., The, Pierrette Inc., Pigott, Dunn & Thomas, Inc., Pike Auto Body Co., Inc., Pilgrim Apartments Inc., Pilgrim Court, Inc., Pilgrim Egg Co., Inc., Pilgrim Leasehold Co., Pilgrim Market Co., Pin Toggle Company, Pittsfield Securities Corporation, Playhouse Inc., The, Plaza Amusement Co., Plymouth Foundry Company, Plympton Mills Inc., Pabolinski Underwear Company, Pomeroy Brothers Incorporated, Pomeroy Coal Company, The, Pontoosuc Camps, Inc., Poole Rotary Valve Engine Company, Pope's Garage Incorporated, Porter Auto Service, Inc., Porter Corporation, The, Porter Sales, Inc., Portsmouth Dye & Chemical Company, Porus-Lastic Corporation, Posy Shop, Incorporated, The, Pratt and Austin Manufacturing Co. Inc., Premier Cafeteria, Inc., Press Cap Co., Inc., Preston Grading Machine Company, Prime Bedding Stores, Inc., Prime Tea Co., Printers' Compound and Machinery Co., Inc., Priscilla Dress Co., Process Engraving Ink Company, Progressive Rotary Washing Machine, Inc., Pronto, Inc., Prospero Truda Company, Prosser Company, Public Service Cleaning Co. Inc., Publix Finance Corporation, Publix Golf Driving Ranges, Inc., Purefine Sales Co., Inc., The, Puritan Diner, Inc., Puritan Market, Inc., Puritan Motor Sales Incorporated, Purity Milk Cap Company, The.

Quaker Restaurants, Inc., The, Quality Beef Company, Inc., Quality Live Poultry Company, Inc., Quick Klean Manufacturing Corp., Quincy Crushed Stone Company, Quincy New System Wet Wash Co.

R. A. Fawcett, Inc., R. A. Tuttle Company, R & S Sales, Inc., R. B. Dick Co., R. C. H. Corporation, R. C. Shops, Inc., R. E. Hedin Inc., R. F. Kelton Company, Inc., R. F. Realty Trust, Inc., R. L. Palmer Lumber Co., R. M. Charamella & Co., Inc., R. M. Kimball Co., R. Sherburne Whitney & Co., Inc., R. W. Booker Co., Inc., Radio Doctors Incorporated, Radio Shack, Inc., The, Radio Shoe Co., Radio Shop of Framingham Inc., The, Radio Writers, Incorporated, Ralph's Mens Store Inc., Rand Hotels Corporation, Rand Realty Corporation, Randolph Fireworks Company, Ratti Carrara Marble Inc., Ray Shoe Company, Inc., Read Hotel Co. Inc., Reading Grain Company, Reading Plumbing Supply Company, Inc., Reading Wood Heel Co., Real Estate Corporation of Brockton, Realty Mortgage Investment Corporation, Rebot-Prime Shoe, Inc., Record of Christian Work Company, Red Cross Company, The, Red Taxi Co.,

Inc., of Winthrop, Regal Manufacturing Co., Regal Millinery, Inc., Regional Publications, Inc., Reliable Auto Tire Exchange, Inc., The, Reliable Automatic Sprinkler Co. of New England, Reliable Sport Wear Company, Reliance Creditors Service, Inc., Renfrew Investment Company, Renfrew Manufacturing Company, Reno's Inc., Reou's Fruit Farm of Bolton Inc., Replacement Parts Company Inc., Research and Finance Corporation, Reserve Flooring & Specialty Corporation, Reserve Security Company, Resort Leasing and Operating Company, Revere Community Theatre, Inc., Revere Cycle Track Association, Inc., Revere Dress Store, Inc., Revere Excavating Company, Inc., Revere Furniture Company, Reynolds Oil & Grease Co., Rialto Cafeteria, Inc., Rialto Shoe Co., Rialto Theatre of Lowell, Inc., Richard Darby Company, Inc., Richard Realty Company, The, Richards Furniture Co., Richman Bros. Clothiers, Inc., Richmond Foundation Company, Ridley's Express, Inc., River Pharmacy Inc., Robert C. Travers Co. Inc., Robert Lundin, Inc., Robert Morris Corporation, The, Robert W. Kellogg Inc., Robert's, Inc., Robinson Coal Company, Rogers Co., The, Rogers Furniture Company, Rogers Glue Works, Inc., Rollam Construction Co. Inc., Rome Clothing Co., Rosalie Dress Co., Inc., Rose-Dubow Co. Inc., Rosellotte Sweet Shop, Inc., Rosen Realty Corporation, Rosenberg's Bakery, Inc., Rosenbergs' Novelty & Gift Store, Inc., Rosenthal Brothers Clothing Co., Rotary Sales Co. Inc., Rowe & Thurlow Inc., Rowen & Mee Inc., Roxbury Cleaners & Dyers, Inc., Roxbury Realty Corporation, Roy G. Long, Inc., Royal Blue Line Company, The, Royal Blue Line Company of America, Royal Collateral Loan Co., Inc., Royal Wrapping Band Company, Rubin Dress Corporation, The, Rubin Investment Company, Rucell Company, Inc., Russian Oil Company of America, Ruth-Don, Inc., Ryder's Restaurants, Inc.

S. A. Francke Company, Inc., S. & M. Realty Corporation, S & S Department Store, Inc., S. Beserosky, Inc., S. Bornstein, Inc., S. C. Tarrant Co. Inc., The, S. Green Inc., S. J. Connolly, Inc., S. J. Leger, Inc., S. L. Agoos Tanning Co., Inc., S. L. S. Realty Company, S. N. and C. Russell Manufacturing Company, S. R. Callahan Co. Inc., S. R. Stembridge Company, Sabean Brothers, Inc., Sachs-Karon Company, Safety Automatic Oil Burner Co., Sagamore Candy Company, Sahara Co., The, Salem Signal Light Company, Sales & Service Co. of Fairhaven, Inc., Sales Publishing Company, Salmor Garment Company, Inc., Sam Parker, Inc., Samson Electric Company, Samuel M. Green Company Inc., Sanborn's Optometric Organization, Inc., Sanford-Putnam Company, Sarasone Screen Company, Sarra & Tucker Shoe Company, Saugus Spring Water Company, Saul F. Matthews Company, Savarese Creamery, Inc., Saxton Company, The, Scanlon Furs, Inc., Schaftel's Fur Shoppe, Inc., Schlitz Realty Company, Schlosberg Fur Manufacturing Company, Inc., Schoodie Lake Company, School of Radio Broadcasting

Inc., Schooner Andrew and Rosalie, Incorporated, Schroeder & Co. Inc., Schubach-Keough, Inc., Schultz Beauty Salon, Inc., Scientific Research, Incorporated, Scituate Certified Clam Company, Scituate Hardware & Plumbing Supply Co. Inc., Scott Body Co., Inc., Scott Furniture Co., Scott Tea Company, Scott Tobacco Co., Inc., Scott's Parisian Service, Incorporated, Sea Cliff Inn Company, Seabrook Mills Inc., Seafooteria, Inc., Seaver Park Corporation, Securities Trading Corporation, Security Management Company, Security Motor Sales Inc., Segal Supply Corporation, Selboral Laboratories Inc., Selding Realty Corporation, Selmore Dress Company, Semore Dress Stores, Inc., Service Engineering Laboratories, Inc., Service Plate Glass Company, Service Wood Heel Mfg. Corporation, Seventy Chestnut Street, Incorporated, Severn-Wylie-Jewett Co., Shaeter Auto Sales Inc., Shadowland, Inc., Shamroth Press of Lynn, Inc., Shawmut Hat Company, Shawmut Steam and Power Company, Shaw's Inc., Shaw's Sandwich Shops, Inc., Sheet Metal Workers, Incorporated, Sheffield Silver Black Fox Company, Sherer's Bakery, Inc., Sherman Corrugated Products Corporation, Sherman Press, Incorporated, Shirley Tire Co., Shohet Brothers, Inc., Sibley Shoe Company, Sidney-Hill Health System, Inc., Siko Sales Incorporated, Silk Products Co., Silver Bros. & Tarlow, Inc., Silverman Realty Company, Sinman Koor Co. Inc., Sisson Company, The, Sissons, Inc., Slipcover Patents Co. Inc., Smart Clothes Shop Inc., The, Smart Dress Shops, Inc., The, Smith & Hubbell Incorporated, Smith-Green Company, The, Smith-Lescault, Inc., Smith Paper Company, The, Smith's Self Service Shoe Store, Inc., Snow-King Mfg. Co., Snyders Naval Outfitters Inc., Sobel Shoe Co., Inc., Sogoloff Furniture Co. Inc., Solter & Wilgoren, Inc., Somerset Distributing Corporation, Somerville Builders, Inc., Somerville Community Theatre, Inc., Somerville Publishers, Inc., Somerville Tombar Golf Course, Inc., Sophie Kurko Company, Sorosis Dairy Products Inc., Sound Airways Incorporated, Sound Reproducing Installation Co., South Beach Boat Yard Inc., South Boston Public Market, Inc., So. Deerfield Co-operative Farmers' Exchange, South Hanson Rabbit Farms Incorporated, South River Cranberry Company, South Scituate Company, South Shore Finance Corporation, South Shore Flying Club Inc., South Shore Operating Company, Inc., South Shore Painters & Decorators, Inc., Southeastern Dairy Products Co., Southern Engineering Co., Southern Middlesex Corporation, Southern Middlesex Realty Corporation, Southworth Mills, Inc., Specialty Markets Incorporated, Specialty Sales & Mfg. Corp., Speed-Polly Manufacturing Company, Spencer Sales Inc., Spencer Textile Corp., Spero Discount Corporation, Spiller Guilford Company, Spinney & Co. Inc., Sportinbak Shoe Company, Spring Realty Company, Springfield Automotive Engineering Company, Springfield Bottling Company Inc., Springfield Cafeteria Incorporated, Springfield Harley-Davidson Sales Company Inc., Springfield Medical Publish-

ing Co., Inc., Springfield Provision Company, Squire Provision Company, Stacy-Drayton, Inc., Stakolite Products, Inc., Stamar Realty Co., Standard Fabric Company, Standard Plastics, Inc., Standard Shares, Inc., Standard Shoe Findings Co., Standard Stores of N. E. Inc., Standard Supply and Equipment Company of Massachusetts, Standard Tire Co. of Holyoke, Inc., Standard Upholstering Co., The, Standish Worsted Company, The, Stanley Delivery Service Inc., Stanley Leather Products Co., Inc., Stanwood Sales Inc., Star Amusement Company of Brockton, Star Cake Corporation, State Burner Corporation, State Development Corporation, State Live Poultry and Egg Company, Inc., State Mens Shop, Inc., State Pharmacy, Inc., Stephen D. Peirce Incorporated, Stephen Durso & Sons, Inc., Sterling Fur Co., Stetson Clothing Company, Inc., Stetson Coal Company of Boston, The, Stevens Corporation, The, Stevens-Mader Inc., Stewart and Bouchier, Inc., Stewart Manufacturing Company, Stewart Truck Sales Company, Stickney-Goodman Inc., Stomm and Field Company, Stone-Underhill Heating and Ventilating Company, Stopograph Company, Inc., The, Stoughton Studio-Workshop, Inc., Strand Sandwich Shop, Inc., Stratford Realty Trust, Inc., Stratford Shoe Co., Stuart Drug Company, Inc., Stuart Finance Corporation, Sturdy Shoe Company, Style-Craft Bootery, Inc., Styler Shoe Co., Stylist Publications, Inc., The, Suburban Boston Realty Company, Suburban Insurance Agency, Inc., The, Sullivan Granite and Construction Company, The, Summer Jewelry Company, Inc., Sun Trucking Inc., Sundry Service Agencies, Inc., The, Sunny Froeks, Inc., Sunnyside Fruit Company, Inc., Super Blade Corporation, Super Service Corporation, Superior Credit Corporation, Superior Parlor Frame Company, Superior Saw Company, Superior Wood Heel Co., Supply Trades Credit Bureau Inc., Supreme Cleansing & Dyeing Co., Swan Pond Shores, Inc., Swansea Motor Sales, Inc., Sylvan Cloak Corporation, Symphony Restaurant Inc.

T. C. Fife, Inc., T. C. Kelley, Inc., T. F. Horrigan Company, T. H. Lane & Son Company, T. J. Flynn Metal Works, Inc., The, T. J. Mahoney & Sons, Inc., T. L. Dumphy Company, Taber-Prang Art Company, Taitzman Construction Corporation, Tanners Finish Co., Tarr-Edgerly Motors Incorporated, Tasty Town, Inc., Taylor & Wood, Inc., Technical Laboratories, Inc., Teel Sales Co., Inc., 1019 Commonwealth Avenue, Inc., 1065 Commonwealth Avenue, Inc., Teplow Automatic Heat & Cold Co., Inc., Terminal Finance Corporation, Terrace Garden, Incorporated, Tex Sales Corporation, Textile American Publishing Company, Textile Knitting Works, Inc., Textile Yarns Corporation, Thoma & Company, Inc., Thomas Cogger & Sons Company, Thomas Dalby Company, Thos. F. Galvin, Junior, Company, Thomas G. Plant Chicago Company, Thomas G. Plant Corporation, Inc., Thomas J. Connors, Inc., Thomas Shoe Mfg. Co., Inc., Thomas W. Duncan Co. Inc., Thompson's Tire Service, In-

corporated, Thornton Realty Company, Thorp & Martin Typewriter Co., Threadwell Tool Company, The, "300" Club, Inc., Three Millers Company, Three Millers Corporation, Tibbetts Fisheries, Inc., Tigar Corporation, The, Time Service, Incorporated, Tiny Tee Golf, Inc., Tiny Tot Shop Inc., The, Titan Perfumers, Inc., Tivoli, Ltd., The, Tober & Edelstein, Inc., Tom Thumb Golf Co., Tombar Golf Courses, Inc., Tower Manufacturing Company, Toy Town Chocolates Inc., Traders Discount Corporation, Trainor's Garage, Inc., Trawler Marietta B. Inc., Treadwell Motors Corporation, Tremont Marble & Tile Co., Inc., Trio Trading Co. Inc., Triple Wear Hosiery Mills, Triplex Sales Agency, Inc., Tripoint Manufacturing Company, Inc., Tripp Press Inc., The, Trubey Concrete Block Co., Trulson Realty Company, Truusted Fund Corporation of New England, Tucker Form Erection Co., Inc., Tucker-Morton Co., Turburator Sales Co. Inc., Turner Hardware Company, Inc., Turner's Lobster Camps Inc., Twin Elm Hotel Co., Twistall Corporation, The, Two Brothers, Inc., The, 286 Summer Street, Inc., 239 Tremont Street, Inc.

U. S. Cast Magnet Steel Corporation, U. S. Equities Trust, Inc., U Save Refrigerating Corporation of America, Un-X-Celd Laundry Inc., Underwriters Acceptance Corporation, Union Clothing Corporation, Union Color and Chemical Company, Union Glass Company, Union Lobster Co. Inc., United American Soda Fountain Company, United Biscuit Company, United Commissaries, Inc., United Construction Company, United Credit Service Corporation, United Drug Building Company, United Food Stores, Inc., United Grocers Wholesale Company of Marlboro, United Mortgage and Realty Company, United Sail Loft Company, United Sales Company, Incorporated, United States Color and Chemical Company, Inc., United States Game Corporation, United States Screw & Stamping Company, United States Securities Corporation, United States Worsted Corporation, United Ticket Office Incorporated, United Trading Exchange, Inc., Unity Shoe Manufacturing Co. Inc., Universal Armature Co. Inc., Universal Auto Livery Inc., Universal Box Toe Corporation, Universal Car Company, The, Universal Heaters, Inc., Universal Hoist & Body Company, The, Universal Motor Supply Company, Universal Properties Corporation, Universal Radio Features, Inc., Universal Rubber Mat Company, Inc., University Electrotype Foundry, Inc., University Inn, Inc., University Motor Sales, Inc., Utilities Realty Corporation, Uzit Soap Company.

V. & D. Optical Company, Inc., V. J. Kuch Co., Valentine Chemical Co., The, Valley Bronze Company, The, Valley Waste Corporation, Valley Wholesale Grocery Co. Inc., Vals, Incorporated, Vanity Sports Wear, Inc., Varityper Sales Co. of Boston, Varney Air Transport Corporation, Vassar Skirt and Sportwear Co., The, Vent-O-Pedic Company, The, Vesta, Incorporated, Veterans Welfare Inc., Victor Hat Co., Victor Insurance Agency Inc., Victory Tenants

Corporation, Vigor Specialty Company Incorporated, Vincenzo Del Signore, Inc., Vitalait Laboratory of New England, Inc., The, Vogue Shoe Company, Inc., Volga Cafeteria, Inc., Von Hugo Corp., Vye Motors Inc.

W. B. Bradbury Company, Inc., W. B. Cookson, Inc., W. E. Gray Co., W. F. Bowering Corporation, The, W. F. Walsh Co., W. J. Woods Company, The, W. K. Hutchinson Company, W. L. Delaney Co., W. L. O'Brien Drug Co., Inc., W. O. McDuffee Company, W. P. Hamel Corporation, W. S. Best Printing Company, Waban Shoe Co., Wachusett Wool Corporation, Wachusett Wool Waste Company, Walden and Perry, Incorporated, Waldron, Inc., Waldron Irving, Inc., Wales Woolen Mills, Inc., Walker Bros. Dyeing and Bleaching Co., Walker Press, Inc., The, Walkers Shoe Stores, Inc., Walnut Real Estate Company, Inc., Walro's, Inc., Walrose Realty and Investment Corporation, Walsh Specialty Shop, Inc., Walter E. Swaton Corporation, The, Walter J. Budgell and Sons, Incorporated, Walter S. Wood Company, Walter's Waban, Inc., Waltham Automobile and Finance Corporation, Waltham Plumbing Supply Co., Inc., Wannalancet Springs, Incorporated, Ward Fisheries, Inc., Ward Furniture Company, Ward's Clothes, Inc., Ware Costumer, Inc., Wareham Motor Sales Co., Wareham National Corporation, Warehouse Furniture Outlet, Inc. of Fitchburg, The, Warner-Bryson Company, Inc., Warnock-Lynch Motors, Inc., Warren Garage, Inc., Warren P. Rieth, Inc., Washburn Motor Company, The, Washington Drug Co. Inc., Washington Fruit and Produce Company, Inc., Washington Garage Company, Washington Music Co., Inc., Washington Plate and Window Glass Company, Washington Skirt & Dress Corp., The, Washington Wall Paper Co., Inc., Water-Way Manufacturing Company, Water-Way Sales Company, Water-Way-Washer, Incorporated, Waterside Mills Inc., Watertown Grist Mills Inc., Watertown Home Hand Laundry Co., Watertown Motor Sales Co., Inc., Watkins Screen and Shade Company, Watts and Denman Inc., Waverley Oaks Garage, Inc., Waverly Lumber Company, Webster & Basley Company, Webster Jones Battery Co., Inc., Webster Place Garage Co., Welch Manufacturing and Distributing Company, Well Made Bag Company, Wellesley Busses, Inc., Wellesley Motors, Inc., Wellington & Buck Company, Wellington Bakery, Inc., Wells Advertising Agency, Inc., Wells, Frazier Tire Company, West African Trading Company, Inc., West Border Spring Company, West Boston Fuel Company, West Concord Motors Inc., West End Thread Company, The, West Roxbury Motor Sales, Inc., Western Beef Co. Inc., Western States Motor Lines, Inc., Westfield Maple Products Company, Westfield Times Company, Westland Realty Co., Weston Motors, Inc., Weston Publishing Co. Inc., The, Westport Boat Building Corporation, The, Westport Motors, Inc., Westwood Company, The, Westwood Inn, Inc., Wetherell Tag-Stringing Machine Company, Whelan's Cafeteria, Inc., White Bros. Leather Com-

pany, White, Reilly & Eaton, Inc., White Trucking Corporation, White-Way Laundries, Inc., Whitehouse de Reeder Academy of Theatrical Arts, Inc., Whitman Chemical Company, Inc., Whitman Mills, Whitman, Ward & Lee Company, Whitney Reed Corporation, Whitney Woods Association, Inc., Whittemore's Service Station, Inc., Whittlesey Company, The, Whorf & Duffy, Inc., Wickham Company, Widen-Lilly Tanning Company, Widen Lord Tanning Co., Wilbur Amusement Company, Wilbur Theatre Company, The, Wilbur X-Ray Laboratory, Inc., Wile Importing Corporation, Wilfred F. St. Coeur, Incorporated, Wilkie Reporting Service, Inc., Willard Cement Block Company, Willard Hotels Company, Willard Investment Co. Inc., William A. Slater Mills, Inc., William E. Beach, Inc., William K. MacKay Co. Inc., Wm. R. Tenney & Co., Inc., William T. Dinneen Construction Co., William Terzis & Son, Inc., William U. Wyman Inc., Williams Company Inc., Williams Motor Sales Company, Willow Brook Trout Hatcheries, Inc., Wills Motor Car Company, Inc., Wills Motor Company, Incorporated, Wilson Hardware Company, Inc., The, Wilson Tire Co., Inc., Winchester Sportswear For Women, Inc., Windo-Art Display Corporation, Winnisimmet Trust, Inc., Winslow B. Taylor Co., Winsor Manufacturing Corp., Winter Garden, Inc., Winthrop Securities Company, Winward Carloading Company, Wizard Adding Machine Company, The, Woburn Hartol Company, Wolfe-Lyons Leather Company, Wolfson Flooring & Supply Co., Wolpert Shoe Co. Inc., Wonderland Spa, Inc., Woodcraft Corporation, The, Woodridge Realty Company, Woodrow Construction Company, Inc., Worcester Cigar Makers Association, Inc., Worcester Conservatory of Music, Incorporated, Worcester Garment Corporation, Worcester Oil Company, Inc., World Shoe Company, World Shoe Corporation, Worldart Pictures of N. E., Inc., Worthy Manufacturing Company, Inc., Wright-Gorevitz-McNamara Co., Wyckoff & Lloyd Company, Wyndhurst Holding Corporation.

Y-D Motor Sales, Inc., Y-D Rent-A-Ford Co., Yawdro Manufacturing Company, Ye Craftsman Studio Inc., Ye Kyng's Towne Sweetes, Inc., Ye Poke-About Shoppe, Inc., Ye Wilbur Theatre, Inc., Young-Federal Company, Young Shoe Mfg. Co., Inc., Young's Inc., Youth-Full Dress Co.

Zanditon Motor Co., Zang Book Bindery Company, Inc., Zani Tile & Marble Company Inc., Zappala & Laudani Brothers Real Estate Company, Ziskind Iron & Metal Co.

CHARITABLE AND OTHER CORPORATIONS.

American Home Makers, Incorporated.

Attleboro Springs, Inc.

Bay State Club, The.

Boston Yeshiva and Rabbinical School of Boston, Inc.

Columbus Day Nursery of Cambridge.

Employing Plasterers of Greater Boston Inc., The.

Folk Handicrafts Guild.

Graton & Knight Athletic Association, The.
 Hampshire County Boy Scout Camp Association, The.
 Jamaica Plain Community Conference, The.
 Ladies Auxiliary to the Home for Destitute Jewish Children.
 Marsiconuovo Italian Mutual Benefit Society, The.
 Melrose High School Scholarship, Incorporated.
 Mutual Commercial Corporation.
 New England Scandinavian Benevolent Relief Society.
 Nichols Junior College.
 Nurses' Bay State Club (Incorporated).
 Polish National Home Association of Worcester, The.
 Roxbury Boys' Club.
 School of Ageless Wisdom, Inc., The.
 South Christian Church of Haverhill, Mass., The.
 Textile Trust Company.
 Welcome House, Inc.
 Woburn Home for Aged Couples.
 Works Project Corporation.
 Y. D. Overseas Memorial, Inc.

PUBLIC SERVICE CORPORATIONS.

Ayer Electric Light Company.
 Blackstone Electric Light Company, The.
 Deerfield Company, The.
 Fieldston Water Company.
 Interstate Consolidated Street Railway Company.
 Lexington Gas Company.
 Randolph & Holbrook Power & Electric Company.
 Westborough Gas and Electric Company, The.
 Westfield River Railway Company.
 Woburn Gas Light Company.

Pending suits
 not affected,
 etc.

SECTION 2. Nothing in this act shall be construed to affect any suit now pending by or against any corporation mentioned herein, or any suit now pending or hereafter brought for any liability now existing against the stockholders or officers of any such corporation, or to revive any charter previously annulled or any corporation previously dissolved, or to make valid any defective organization of any of the supposed corporations mentioned herein.

Suits upon
 choses in
 action, how
 brought, etc.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process; and the defendant may avail himself of any matter of defense of which he might have availed himself in a suit upon a claim by the corporation, had it not been dissolved by this act.

Obligation
 to file tax
 returns, etc.

SECTION 4. Nothing in this act shall be construed to relieve the last person who was the treasurer or assistant treasurer, or, in their absence or incapacity, who was any other principal officer of each of the corporations named in

this act, from the obligation to make a tax return in the current year as required by chapter sixty-three of the General Laws. The tax liability of each of the corporations named in this act shall be determined in accordance with the existing laws of this commonwealth.

SECTION 5. This act shall be operative as of March thirty-first in the current year.

When operative.

Approved May 4, 1934.

AN ACT ENLARGING THE POWERS AND DUTIES OF THE LICENSE COMMISSION IN THE CITY OF REVERE.

Chap. 188

Be it enacted, etc., as follows:

Clause (9) of section thirty-four of chapter six hundred and eighty-seven of the acts of nineteen hundred and fourteen is hereby amended by adding at the end thereof the following new paragraph: —

The authority vested by law on the effective date of this paragraph in cities or towns or in the city of Revere or any official thereof, to grant, suspend or revoke any of the licenses hereinafter mentioned shall be exercised in said city by said commission exclusively. This section shall affect the following licenses only: — To be innholders or common victuallers; to sell at retail any alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight of the General Laws, the sale of which is authorized in said city; to maintain lodging houses, public lodging houses, intelligence offices, coffee houses or tea houses, or vehicles for the sale of food in a public way; to be collectors of, dealers in or keepers of shops for the purchase, sale or barter of junk, old metals or second hand articles; to engage in the business of buying, selling, exchanging or assembling of second hand motor vehicles or parts thereof; to carry on the business of pawnbrokers; to sell, rent or lease firearms; to establish, let, keep open and maintain a grove to be used for picnics or other lawful gatherings and amusements for hire, gain or reward; to retail dealers to keep open their place of business on the Lord's day for the sale of ice cream, confectionery, soda water or fruit; to engage in the business of conducting or maintaining an open-air space for the parking for hire of more than three automobiles; and any other license, authority to grant which, being theretofore vested in the mayor, is by him delegated from time to time to said commission.

Approved May 4, 1934.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO CONSTRUCT AN UNDERPASS THROUGH THE EXISTING LOCATION OF THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD IN THE TOWN OF NORWOOD.

Chap. 189

Be it enacted, etc., as follows:

The department of public works, in connection with the construction under chapter ninety of the General Laws of a

public way in the town of Norwood, the same being an extension of Nahatan street to Pleasant street, may construct an underpass in and through the existing location of the New York, New Haven and Hartford railroad in said town, subject otherwise to the provisions of section one hundred and four of chapter one hundred and sixty of the General Laws, as amended by chapter one hundred and seventy-six of the acts of nineteen hundred and thirty-three. Upon completion of the construction of such way and underpass, the same shall be maintained and kept in good repair by said town.

Approved May 4, 1934.

Chap. 190 AN ACT TO AVOID MULTIPLICITY OF PETITIONS FOR JUDICIAL REVIEW TO DETERMINE SENIORITY RIGHTS IN THE CLASSIFIED LABOR SERVICE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, new section 45A, added.

Judicial review of certain removals.

Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-five, as appearing in the Tercentenary Edition thereof, the following new section:— *Section 45A.* If any claim is made that the labor seniority rights of a petitioner under section forty-five have been or may be violated by the action of the officer or board whose action is sought to be reviewed, the court may, upon application of any party to such petition made at any time before final action on such petition, and upon proper notice, order that any person whose labor rights are claimed or appear to be junior to those of the petitioner, be made respondent in the proceeding, and shall thereupon determine the rights of the respective parties therein.

Approved May 4, 1934.

Chap. 191 AN ACT RELATIVE TO THE OBSERVANCE EACH YEAR OF THE ANNIVERSARY OF THE DEATH OF COMMODORE JOHN BARRY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 6, new section 12E, added.

Observance of Commodore John Barry Day.

Chapter six of the General Laws is hereby amended by inserting after section twelve D, inserted by chapter two hundred and forty-two of the acts of nineteen hundred and thirty-two, the following new section:— *Section 12E.* The governor shall annually issue a proclamation setting apart September thirteenth as Commodore John Barry Day and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise, as he may see fit, to the end that the memory of the service rendered by him during the struggle for American independence may be perpetuated.

Approved May 4, 1934.

AN ACT RELATIVE TO THE CONSTRUCTION OF THE NEW NEPONSET VALLEY SEWER. *Chap. 192*

Be it enacted, etc., as follows:

SECTION 1. Subject to appropriation, the metropolitan district commission is hereby authorized to expend for the construction of the new Neponset Valley sewer, so-called, authorized by chapter three hundred and eighty-four of the acts of nineteen hundred and twenty-eight, a sum not exceeding ten thousand dollars, the same to be in addition to the amount borrowed under authority of said chapter three hundred and eighty-four. Said sum shall be assessed upon the cities and towns of the south metropolitan sewerage system, as a part of the cost of maintenance of said system for the current year.

SECTION 2. Payments in adjustment of claims under state contracts entered into under authority of this act and relating to said construction shall be made only upon the filing with the comptroller of releases or other evidence satisfactory to him that said payments are accepted as full settlement of such claims.

Approved May 4, 1934.

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO IMPROVE A PORTION OF ABERJONA RIVER IN THE TOWN OF WINCHESTER. *Chap. 193*

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized to improve, by dredging or otherwise, that portion of Aberjona river in the town of Winchester between Upper Mystic lake and the southern division of the Boston and Maine railroad, and may expend therefor such sum, not exceeding six thousand dollars, as may hereafter be appropriated, which shall be assessed upon the cities and towns of the metropolitan parks district as part of the cost of maintenance of reservations.

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

Approved May 8, 1934.

AN ACT PROVIDING THAT SALARIES AND COMPENSATION OF STATE OFFICES AND POSITIONS RECENTLY REDUCED BE RESTORED IN PART. *Chap. 194*

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The rate of salary or compensation payable immediately prior to the effective date of this act to the holder of each office and position in the service of the com-

monwealth shall, subject to appropriation, be increased by an amount equivalent to one third of the net reduction made in such rate by or under chapters one hundred and five and two hundred and ninety-six, both of the acts of nineteen hundred and thirty-three. The rates of salary or compensation, as increased hereby, shall be effective as of April first of the current year and until their full restoration in accordance with said chapter one hundred and five.

SECTION 2. The provisions of said chapter one hundred and five relative to the administration and enforcement thereof shall apply to the administration and enforcement of this act, so far as applicable. *Approved May 8, 1934.*

Chap. 195 AN ACT PROVIDING FOR THE IMPROVEMENT OF THE WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS AT THE BARNSTABLE COUNTY SANATORIUM.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Barnstable may expend a sum not exceeding thirty-five hundred dollars for the purpose of constructing, equipping and completing necessary improvements in the water supply and sewage disposal systems of the Barnstable county sanatorium.

SECTION 2. For the purpose of paying the necessary expenses to be incurred under section one, said county commissioners may borrow from time to time, on the credit of the county, such sums as may be necessary, not exceeding, in the aggregate, thirty-five hundred dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Barnstable County Sanatorium Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than two years from their dates. Such bonds or notes shall be signed by the treasurer of the county, and shall be countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 3. This act shall take effect upon its acceptance by the county commissioners of said county; provided, that such acceptance occurs during the current year.

Approved May 8, 1934.

Chap. 196 AN ACT AUTHORIZING THE CITY OF TAUNTON TO SELL AND DISTRIBUTE STEAM GENERATED BY ITS MUNICIPAL LIGHTING PLANT.

Be it enacted, etc., as follows:

SECTION 1. The city of Taunton, acting through its municipal light commission, may sell steam generated by its

municipal lighting plant, to any person or corporation within the limits of the said city, and may distribute the same through conduits, pipe lines or by other suitable means.

SECTION 2. The said city, acting as aforesaid, may take, or acquire by purchase or otherwise, and may hold, any lands, rights of way, easements or other property within its limits which said commission may deem necessary or convenient for carrying out the purposes of this act and for exercising any of the powers conferred thereby; may construct, install and maintain buildings, machinery, conduits, pipe lines and other works and structures; may carry any conduit, pipe line or other works upon, along, under or across any lands, water courses, railroads, streets, ways or bridges now existing or hereafter constructed, but in such a manner as not unnecessarily to obstruct or impede travel thereon; and may dig up any such street or way, and lay, maintain and repair conduits, pipe lines and other works beneath the surface thereof, putting any such street or way in as good repair as the same was in when the digging was begun; provided, that the city shall not enter upon, or construct or lay any conduit, pipe line or other works within the location of a railroad corporation, except at such times and upon such terms and in such manner as it may agree with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities.

SECTION 3. For the purpose of paying the necessary expenses and liabilities incurred or to be incurred under this act, the said city, acting through its said commission, may expend such sums as may be necessary, in accordance with and subject to the provisions of chapter one hundred and sixty-four of the General Laws relative to municipal lighting plants, and shall dispose of the income received hereunder in accordance with said provisions.

Approved May 8, 1934.

AN ACT AUTHORIZING THE COUNTY OF DUKES TO BORROW MONEY FOR THE PURPOSE OF CONTRIBUTING TO THE COST OF CONSTRUCTION OF A HIGHWAY IN THE TOWN OF EDGARTOWN.

Chap. 197

Be it enacted, etc., as follows:

SECTION 1. For the purpose of contributing to the cost of the construction by the state department of public works of a highway in the town of Edgartown, the county commissioners for the county of Dukes County may from time to time borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, fifteen thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Dukes County Highway Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than five years from their dates.

Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. The treasurer of said county, with the approval of the county commissioners, may issue temporary notes of the county, payable in not more than one year from their dates, in anticipation of the issue of serial bonds or notes under this act, but the time within which such serial bonds or notes shall become due and payable shall not, by reason of such temporary notes, be extended beyond the time fixed by this act. Any notes issued in anticipation of the serial bonds or notes shall be paid from the proceeds thereof.

SECTION 3. This act shall take effect upon its acceptance during the current year by the county commissioners of said county, but not otherwise. *Approved May 9, 1934.*

Chap. 198 AN ACT AUTHORIZING THE CITY OF BROCKTON TO ACQUIRE BY GIFT AND MAINTAIN CERTAIN LANDS IN THE TOWN OF AVON FOR PARK PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton is hereby authorized and empowered to take by gift from Daniel W. Field of said Brockton, in fee simple, and forever hold, maintain and keep open as and for a public park, forming part of and called D. W. Field park, four certain lots or parcels of land in the town of Avon, in the county of Norfolk, respectively bounded and described as follows, to wit: —

First Parcel. — A certain parcel of land situated on the southerly side of South street, bounded as follows: — Beginning at a point in the south line of South street one hundred feet west of the center line of the D. W. Field parkway, thence south in a line parallel to the center line of the D. W. Field parkway to the Old Colony line, bounded on the south by land of the city of Brockton, being the Brockton & Avon Old Colony line, on the west by land of Merger Bozoian, Wallace M. Beals and land formerly of Packard and Cole, on the north by land formerly of Wallace C. Flagg and South street.

Second Parcel. — A certain parcel of land situated on the southerly side of South street, bounded as follows: — Beginning at a stone monument on the south side of said South street at the northwest corner of land belonging to the city of Brockton; thence south fourteen degrees thirty minutes east, one hundred sixty-three and forty hundredths feet by land of said city to a stone monument; thence south sixty-three degrees thirty-five minutes west, three hundred sixty-

four and fifty-one hundredths feet by land now or formerly of the heirs of Ethan French to a stone monument in a wall; thence north twenty-six degrees thirty minutes west, one hundred fifty feet by land now or formerly of Nathaniel P. Packard to a stone monument in a wall; thence north sixty-two degrees thirty minutes east, three hundred ninety-eight and sixty-seven hundredths feet by said South street to the stone monument at the place of beginning.

Third Parcel. — Ten acres of land, more or less, situated westerly from West Main street, and bounded as follows: — Bounded northerly and easterly by land formerly of Ethan French, southerly by land formerly of Tyler Cobb and westerly by land formerly of Nathaniel P. Packard and land of Franklin Reynolds.

Fourth Parcel. — A certain parcel of land containing about nine acres situated on the southerly side of South street, bounded and described as follows: — Beginning at a drill hole in a stone wall in the southerly line of South street at the northwest corner of land of Daniel W. Field; thence southeasterly by a stone wall one hundred seventy-eight and thirteen hundredths feet to an angle; thence southeasterly by a stone wall which deflects fifty-eight minutes to the right, three hundred six and thirty-five hundredths feet to an angle; thence southwesterly by a stone wall which deflects forty-six degrees forty-six minutes and thirty seconds to the right, two hundred sixty-five and seventy-one hundredths feet to an angle; thence southeasterly by a stone wall which deflects forty-three degrees twenty-eight minutes to the left, three hundred thirty-four and thirty-eight hundredths feet to an angle; thence southwesterly partly by a stone wall which deflects twenty-seven degrees forty minutes to the right, three hundred seventy-four and eighty-two hundredths feet to an old heap of stones at an angle; thence southeasterly by a line which deflects forty-four degrees forty-nine minutes ten seconds to the left, four hundred forty and forty-three hundredths feet to the intersection of two stone walls at the Brockton-Avon line, also the Old Colony line and the southwest corner of land of Daniel W. Field; thence southwesterly by the Brockton-Avon line making an angle of sixty-seven degrees eight minutes fifty seconds, three hundred feet to a stone bound at land of Merger Bozoian; thence northwesterly in a straight line by other land of said Bozoian making an angle of one hundred eleven degrees forty-two minutes thirty seconds, three hundred five feet to a stone bound at an angle, thence northwesterly by other land of said Bozoian by a line which deflects twenty-nine degrees twenty-nine minutes fifteen seconds to the right, two hundred sixty-four and sixty-four hundredths feet to a stone bound at an angle; thence northerly by other land of Bozoian by a line which deflects seven degrees thirty-three minutes and thirty seconds to the right, five hundred fifty-six and thirty-two hundredths feet to a stone bound at an angle in the center line of a forty foot easement for water pipe held by the city of Brockton,

said bound being three hundred nine and eighty-one hundredths feet east of a cement bound located in center line of said easement; thence northeasterly by other land of Bozoian by a line which deflects six degrees fifty-nine minutes to the right, two hundred fifteen and seventy-seven hundredths feet to a stone bound at an angle; thence northeasterly by other land of Bozoian by a line which deflects twenty-two degrees fifty-eight minutes fifteen seconds to the right, one hundred eighty-four and fifty-eight hundredths feet to a stone bound at an angle; thence northwesterly by other land of Bozoian by a line which deflects forty-eight degrees fifty-three minutes fifteen seconds to the left, one hundred thirty-nine and eighty-six hundredths feet to a stone bound at an angle; thence northwesterly by other land of Bozoian by a line which deflects thirty-five degrees thirty minutes to the left, two hundred twenty and ninety-three hundredths feet to a drill hole in a stone wall in the southerly line of South street; thence easterly by a stone wall in the southerly line of South street two hundred ten and seventy-three hundredths feet to the point of beginning.

SECTION 2. The board of park commissioners of said city of Brockton shall have, exercise and discharge the same powers and duties with respect to said parcels as are vested in and imposed upon them by section five of chapter forty-five of the General Laws with respect to parks in said city.

Approved May 9, 1934.

Chap. 199 AN ACT MODIFYING CERTAIN RESTRICTIONS RELATIVE TO THE SALE OF INTOXICATING LIQUOR WITHIN FOUR HUNDRED FEET OF THE NANTASKET BEACH RESERVATION IN THE TOWN OF HULL.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section three of chapter four hundred and sixty-four of the acts of eighteen hundred and ninety-nine is hereby amended by striking out the last sentence and inserting in place thereof the following: — No licenses shall be granted for the sale of intoxicating liquor, other than wines and malt beverages as defined by section one of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, in any building or place within four hundred feet of that portion of Nantasket beach taken under the provisions of this act.

Approved May 10, 1934.

AN ACT RELATIVE TO THE BORROWING OF MONEY BY THE TOWN OF METHUEN FOR WATER SUPPLY PURPOSES. *Chap. 200*

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter three hundred and twenty-four of the acts of nineteen hundred and twenty-nine is hereby amended by striking out, in the third line, the word "five" and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 11.* For the purposes set forth in this act other than those pertaining to maintenance, the town of Methuen may borrow from time to time, within a period of ten years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, five hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Town of Methuen Water Loan, Act of 1929. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws.

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

Approved May 10, 1934.

AN ACT RELATIVE TO APPROPRIATIONS BY THE CITY OF BOSTON FOR MUNICIPAL PURPOSES. *Chap. 201*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston may, by the vote of the city council, with the approval of the mayor, in the manner specified in section three of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, make appropriations for municipal purposes, other than those heretofore excluded from the statutory tax limit, to be met by moneys raised by taxation for the financial year ending December thirty-first, nineteen hundred and thirty-four, in an amount not exceeding the sum of seventeen dollars on each one thousand dollars of the average of the assessors' valuations of the taxable property therein for the three preceding years, said valuation for each year being first reduced by the amount of all abatements allowed thereon previous to December thirty-first, nineteen hundred and thirty-three, provided, however, that the moneys to be raised by taxation shall be reduced by the amount which the commissioner of corporations and taxation shall estimate, under section twenty-five A of chapter fifty-eight of the General Laws, will be received by said city from the commonwealth during the year nineteen hundred and thirty-four.

SECTION 2. The city of Boston may incur debt, outside its limit of indebtedness, for such emergency appropriations, including additional appropriations for the public welfare

department and the soldiers relief department, as may be approved by the board established in clause nine of section eight of chapter forty-four of the General Laws, from the proceeds of loans which said city is hereby authorized to make for said purposes, with the approval of said board.

SECTION 3. Expenditures may be made and liabilities may be incurred by said city under section six of chapter two hundred and sixty-six of the acts of eighteen hundred and eighty-five, as amended by section one of chapter three hundred and twenty of the acts of eighteen hundred and eighty-nine, in anticipation of appropriations therefor in the current year, to an amount not exceeding for each department one half the entire amount appropriated for the department during the preceding year, any provision of said section six, as so amended, to the contrary notwithstanding.

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

Approved May 10, 1934.

Chap. 202 AN ACT REQUIRING GAS AND ELECTRIC COMPANIES AND COMPANIES ENGAGED IN THE TRANSMISSION OF INTELLIGENCE BY ELECTRICITY TO MAKE ADDITIONAL ANNUAL RETURNS TO THE DEPARTMENT OF PUBLIC UTILITIES AND TO FILE COPIES THEREOF IN EACH CITY AND TOWN IN WHICH THEY OPERATE.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-four of the General Laws is hereby amended by inserting after section eighty-four, as appearing in the Tercentenary Edition, the following new section:—*Section 84A.* Gas and electric companies and manufacturing companies and persons engaged in the manufacture and sale or distribution and sale of gas or electricity shall file with the department, with their annual returns required under section eighty-three, a condensed return of their business and financial condition, in such form and with such detail as the department requires, signed and sworn to by the president or vice president and treasurer or assistant treasurer, setting forth the amount of receipts and expenditures and the amount of each of the principal items of operating expenses, amounts accrued for interest and other carrying charges for capital, taxes, amounts accrued for depreciation and amounts reserved or available for payment of dividends, and at the same time file with the clerk of each city and town in which they operate a copy of such condensed return which shall be kept in the clerk's office and shall be open to public inspection during office hours. The provisions of section eighty-four relative to returns under section eighty-three shall apply to returns and copies thereof required to be filed under this section.

SECTION 2. Chapter one hundred and sixty-six of the General Laws is hereby amended by inserting after section twelve, as so appearing, the following new section:—

G. L. (Ter. Ed.), 164, new section 84A, added.

Additional returns of certain gas and electric companies.

G. L. (Ter. Ed.), 166, new section 12A, added.

Section 12A. Every company subject to the requirements of section eleven shall file with the department, with its annual return required under said section, a condensed return of its business and financial condition, in such form and with such detail as the department requires, signed and sworn to by the treasurer and by the chief accounting officer of such company, setting forth the amount of receipts and expenditures and the amount of each of the principal items of operating expenses, amounts accrued for interest and other carrying charges for capital, taxes, amounts accrued for depreciation and amounts reserved or available for payment of dividends, and at the same time file with the clerk of each city and town in which it operates a copy of such condensed return which shall be kept in the clerk's office and shall be open to public inspection during office hours. If in any year the annual report to the stockholders of such a company sets forth the items specified in this section, such report, duly signed and sworn to as above prescribed, may be filed with the clerk of each such city and town in place of the return herein provided for. The provisions of section twelve relative to returns under section eleven shall apply to returns and copies thereof required to be filed under this section.

Additional returns of telephone, etc., companies.

Approved May 10, 1934.

AN ACT RELATIVE TO SUSPENSION OF PAYMENTS TO CO-OPERATIVE BANKS ON ACCOUNT OF LOANS.

Chap. 203

Be it enacted, etc., as follows:

SECTION 1. Section thirty-four of chapter one hundred and seventy of the General Laws, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, is hereby amended by striking out, in the thirty-sixth and thirty-seventh lines, the words "a period longer than two years" and inserting in place thereof the words: — periods longer than two years at any one time, — and by adding at the end thereof the following new paragraph: — No action under this or the following section shall affect the rights of the holder, other than the corporation granting the accommodation, of any mortgage recorded prior to June first, nineteen hundred and thirty-three, unless the written assent of such holder shall be obtained, nor shall any such action affect the rights of an original borrower whose note is dated prior to said date, unless his written assent shall be obtained, — so as to read as follows: — *Section 34.* For the accommodation of any owner of shares pledged for a real estate loan who is actually engaged in the military or naval service of the United States, or who is the wife or a dependent member of the family of a person so engaged, or for the accommodation of any owner of shares so pledged who is otherwise temporarily unable to make payments to such a corporation on account of his loan because of unemployment or other emergency, the directors may cause to

G. L. (Ter. Ed.), 170. § 34, etc., amended.

Suspension of payments.

be endorsed on the mortgage note, as a credit upon the amount of the loan, the full value of the shares pledged to secure the same, less all monthly instalments of interest and fines in arrears, unpaid taxes at the option of the directors, any other legal charges and such sum as will leave the amount of the loan a multiple of fifty dollars, and thereupon such shares shall be cancelled and further payments and fines waived. Such credit and cancellation may be made even if the amount of the loan will not thereby be reduced as to principal. The amount of the loan remaining due as aforesaid shall be payable as provided in section thirty-five with interest payable monthly at the rate existing at the time of suspension and subject to such fine as may be prescribed by the by-laws of the corporation for default by shareholders in payment of interest and to foreclosure or other remedy provided by law, in case of default; provided, that the person seeking such accommodation, or any person in his behalf, shall sign a written request therefor, stating his reasons and agreeing in consideration thereof to abide fully by the terms of this section and section thirty-five and also all requirements of the directors, who shall be the sole judges of the necessity of the accommodation and the time when such accommodation shall be terminated; and provided, further, that no suspension of payments as aforesaid for any cause other than that the accommodated person is engaged in the military or naval service of the United States or is the wife or a dependent member of the family of a person so engaged shall extend for periods longer than two years at any one time.

Neither the note evidencing the loan nor the mortgage securing the same shall be prejudiced by the application of the value of the shares provided for in this section or the pledging of new shares provided for in section thirty-five, notwithstanding the fact that a provision for such application and pledging was not originally made in the note or mortgage, and both note and mortgage shall continue to be held by the corporation as good and sufficient security for the balance remaining unpaid.

No action under this or the following section shall affect the rights of the holder, other than the corporation granting the accommodation, of any mortgage recorded prior to June first, nineteen hundred and thirty-three, unless the written assent of such holder shall be obtained, nor shall any such action affect the rights of an original borrower whose note is dated prior to said date, unless his written assent shall be obtained.

SECTION 2. Section thirty-five of said chapter one hundred and seventy, as so appearing, is hereby amended by striking out the last paragraph. *Approved May 10, 1934.*

AN ACT RELATIVE TO THE DISCHARGE OF A PERSON UNDER GUARDIANSHIP OR CONSERVATORSHIP IN CERTAIN CASES. *Chap. 204*

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter two hundred and one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by adding at the end thereof the following new sentence:— In the event of the death, resignation or removal of the guardian of an insane person, the court, on the application of the former ward and after notice to his heirs apparent or presumptive, including the husband or wife, if any, and to the said department, may certify that the said ward is discharged by operation of law and, if it so appears, that guardianship of said ward is no longer necessary.

G. L. (Ter. Ed.), 201, § 13, amended.

Discharge of person under guardianship.

SECTION 2. Section eighteen of said chapter two hundred and one, as so appearing, is hereby amended by adding at the end thereof the following new sentence:— In the event of the death, resignation or removal of a conservator, the court, on the application of the former ward and after notice to his heirs apparent or presumptive, including the husband or wife, if any, may certify that the said ward is discharged by operation of law, and if it so appears, that conservatorship of the property of said ward is no longer necessary.

G. L. (Ter. Ed.), 201, § 18, amended.

Discharge of person under conservatorship.

Approved May 10, 1934.

AN ACT PERMITTING THE SUSPENSION OF EXECUTION OF CERTAIN SENTENCES IN THE SUPERIOR COURT. *Chap. 205*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and seventy-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first line, the word "district", — and by striking out the last paragraph and inserting in place thereof the following:— The provisions of this section shall not permit the suspension of the execution of the sentence of a person convicted of a crime punishable by death or imprisonment for life or of a crime an element of which is being armed with a dangerous weapon, or of a person convicted of any other felony if it shall appear that he has been previously convicted of any felony, or of a person convicted of operating a motor vehicle while under the influence of intoxicating liquor if such offence was committed within a period of six years immediately following his final conviction of a like offence by a court or magistrate of the commonwealth, — so as to read as follows:— *Section 1.* When a person convicted before a court is sentenced to imprisonment, the court may direct that the execution of the sentence be suspended, and that he be placed on probation for such time and on such terms and conditions as it shall fix. When a person so convicted is sentenced to

G. L. (Ter. Ed.), 279, § 1, amended.

Limitation on the suspension, etc., of certain sentences in the superior court.

pay a fine, and to stand committed until it is paid, the court may direct that the execution of the sentence be suspended for such time as it shall fix, and that he be placed on probation on condition that he pay the fine within such time. If the fine does not exceed fifteen dollars and the court finds that the defendant is unable to pay it when imposed, the execution of the sentence shall be suspended and he shall be placed on probation, unless the court shall find that he will probably default, or that such suspension will be detrimental to the interests of the public. If he is committed for non-payment of a fine, the order of commitment shall contain a recital of the findings of the court on which suspension is refused. The fine shall be paid in one payment, or in part payments, to the probation officer, and when fully paid the order of commitment shall be void. The probation officer shall give a receipt for every payment so made, shall keep a record of the same, shall pay the fine, or all sums received in part payment thereof, to the clerk of the court at the end of the period of probation or any extension thereof, and shall keep on file the clerk's receipt therefor. If during or at the end of said period the probation officer shall report that the fine is in whole or in part unpaid, and in his opinion the person is unwilling or unable to pay it, the court may either extend said period, place the case on file or revoke the suspension of the execution of the sentence. When such suspension is revoked, in a case where the fine has been paid in part, the defendant may be committed for default in payment of the balance.

The provisions of this section shall not permit the suspension of the execution of the sentence of a person convicted of a crime punishable by death or imprisonment for life or of a crime an element of which is being armed with a dangerous weapon, or of a person convicted of any other felony if it shall appear that he has been previously convicted of any felony, or of a person convicted of operating a motor vehicle while under the influence of intoxicating liquor if such offence was committed within a period of six years immediately following his final conviction of a like offence by a court or magistrate of the commonwealth.

SECTION 2. Section one A of said chapter two hundred and seventy-nine, as so appearing, is hereby amended by striking out, in the first line, the word "district", — and by striking out the last sentence and inserting in place thereof the following: — This section shall not permit the suspension of the execution of the sentence of any person convicted of a crime punishable by imprisonment for life or of a crime an element of which is being armed with a dangerous weapon, or of any person convicted of any other felony if it shall appear that he has been previously convicted of any felony, — so as to read as follows: — *Section 1A.* When a person convicted before a court is sentenced to fine and imprisonment, the court may direct that the execution of the sentence be suspended as to the fine or the imprisonment or both, and

G. L. (Ter. Ed.), 279.
§ 1A,
amended.

Same subject.
Probation.

that he be placed on probation for such time and on such terms and conditions as it shall fix; the court may direct, as one of such terms and conditions, that payment of the fine may be made to the probation officer in one payment, or in part payments, during the period of probation or any extension thereof, and when such fine shall have been fully paid the order of commitment as to the fine shall be void, but the order of commitment as to imprisonment shall not be affected by such payment. The probation officer shall give a receipt for every payment so made, shall keep a record of the same, shall pay the fine, or all sums received in part payment thereof, to the clerk of the court at the end of the period of probation or any extension thereof, and shall keep on file the clerk's receipt therefor. If during or at the end of said period the probation officer shall report that the fine is in whole or in part unpaid, and in his opinion the person is unwilling or unable to pay it, the court may either extend said period, place the case on file or revoke the suspension of the execution of the sentence. When such suspension is revoked, in a case where the fine has been paid in part, the defendant may be committed for default in payment of the balance, and may also be committed for the term of imprisonment fixed in the original sentence. This section shall not permit the suspension of the execution of the sentence of any person convicted of a crime punishable by imprisonment for life or of a crime an element of which is being armed with a dangerous weapon, or of any person convicted of any other felony if it shall appear that he has been previously convicted of any felony.

SECTION 3. This act shall take effect on the first day of October in the current year. *Approved May 10, 1934.*

Effective date.

AN ACT AMENDING THE CHARTER OF THE CITY OF MALDEN
SO AS TO PROVIDE COMPENSATION FOR MEMBERS OF THE
CITY COUNCIL.

Chap. 206

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and sixty-nine of the acts of eighteen hundred and eighty-one, as amended by section one of chapter forty-nine of the acts of eighteen hundred and eighty-seven, is hereby further amended by striking out all after the word "business" in the tenth line and inserting in place thereof the following new sentence:— Each member of the common council shall receive annually such sum not exceeding three hundred dollars and each member of the board of aldermen such sum not exceeding five hundred dollars as compensation for his services, as the city council shall from time to time by ordinance provide, — so as to read as follows:— *Section 2.* The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one officer to be called the mayor, one council of

seven to be called the board of aldermen, and one council of twenty-one to be called the common council, which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business. Each member of the common council shall receive annually such sum not exceeding three hundred dollars and each member of the board of aldermen such sum not exceeding five hundred dollars as compensation for his services, as the city council shall from time to time by ordinance provide.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Malden at the state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the current year, entitled 'An Act amending the Charter of the City of Malden so as to provide Compensation for Members of the City Council', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take effect, but not otherwise. *Approved May 10, 1934.*

Chap. 207 AN ACT PROVIDING THAT A LEAVE OF ABSENCE OF LESS THAN SIX MONTHS SHALL NOT BE DEEMED A SEPARATION FROM THE CLASSIFIED CIVIL SERVICE IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, new section 46E, added.

Leave of absence of person under civil service.

Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-six D, inserted by chapter three hundred and twenty of the acts of nineteen hundred and thirty-three, the following new section:— *Section 46E.* A leave of absence for a period of less than six months shall not be deemed a separation from the classified civil service, except with the assent of the person granted such leave.

Approved May 10, 1934.

Chap. 208 AN ACT RELATIVE TO THE MEMBERSHIP OF THE PUBLIC BEQUEST COMMISSION AND TO THE DISSEMINATION OF INFORMATION CONCERNING THE PUBLIC BEQUEST FUND.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 6, § 28A, amended.

Public bequest commission.

SECTION 1. Section twenty-eight A of chapter six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the words "state secretary" and inserting in place thereof the words:— commissioner of corporations and taxation, — and by striking out, in the seventh line, the word "three" and inserting in place thereof the word:— four, — so as to read as follows:— *Section 28A.* There shall be a public bequest commission, consisting of the commissioner of corporations

and taxation, the state treasurer and the commissioner of state aid and pensions, ex officio. Said officials shall receive no additional compensation for such service, but, with the approval of the governor and council, may employ and remove such assistants and fix their salaries, and may incur such other expenses, as may be necessary to render effective the provisions of this and the four following sections.

SECTION 2. Said chapter six is hereby further amended by inserting after section twenty-eight D, as so appearing, the following new section:— *Section 28E*. For the purpose of making the provisions of section twenty-eight B better understood by the citizens of the commonwealth, the commissioner of corporations and taxation is hereby authorized to disseminate information relative to the public bequest fund to such group or groups of taxpayers as he may deem advisable; provided, that none of the cost of such dissemination shall come from the said fund.

G. L. (Ter. Ed.), 6, §28E, added. Publicity.

Approved May 10, 1934.

AN ACT FURTHER REGULATING THE BUSINESS OF LEASING MOTOR VEHICLES UPON A MILEAGE BASIS.

Chap. 209

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety of the General Laws is hereby amended by inserting after section thirty-two B, as appearing in the Tercentenary Edition, the following four new sections:— *Section 32C*. No person engaged in the business of leasing motor vehicles under the "drive-it-yourself" system, so called, or any similar system, wherein the amount of the rental is determinable in whole or in part by the distance such motor vehicles travel, shall lease any such vehicle whereto is attached a hubodometer or other mechanical device for the purpose of registering the distance that such vehicle travels which does not register such distance with substantial accuracy, nor shall any such person, herein and in the following three sections called the lessor, knowingly deceive any lessee of any such vehicle under any such system, herein and in the following three sections called the lessee, as to the distance which such vehicle has traveled under the lease, or make or collect a charge for the use thereof based wholly or in part on such deception, or lease any such vehicle for operation on any public way by any person whom he knows or has reason to believe to be under the influence of intoxicating liquor or of any drug.

G. L. (Ter. Ed.), 90, new sections 32C to 32F, added. Regulation of "drive-it-yourself" system.

No lessee shall, with intent to deceive the lessor, remove or attempt to remove, tamper with or attempt to tamper with, or in any other wise interfere with, any such hubodometer or other mechanical device so attached, or knowingly aid or assist another in so doing; nor shall any lessee abandon the vehicle or wilfully refuse or neglect to redeliver it in such manner as he may have agreed.

Section 32D. Every lessor shall keep or cause to be kept

Records to be kept.

a proper written record of every motor vehicle leased by him in the course of the business described in section thirty-two C. Such record shall have columns and headings substantially as follows: —

DATE.	Register Number and Letter, if Any, and Name of Maker.	TIME OF LEASING.		TIME OF TERMINATING LEASE.		Name and Address of Lessee and of His Authorized Operator, if Any.
		A. M.	P. M.	A. M.	P. M.	

Each entry in such record shall be made at the time of leasing or at the time of terminating the lease, as the case may be, and shall be legibly written in ink or with an indelible pencil. Such record shall be kept in some convenient place and shall be open at all times during the ordinary business hours of the lessor to the inspection of the registrar and his agents, and, upon written request therefor by the official in charge of the police department of the town, of any constable or police officer thereof. Such records shall not be destroyed until twelve months after their respective dates.

Use of car by lessee regulated.

Section 32E. Each lessee shall enter, or cause to be entered, on the record required by section thirty-two D, his correct name and address, in full, and shall not permit or suffer any other person to operate such motor vehicle while it is so leased; provided, that a lessee who makes known at the time of leasing that he is unable, or does not intend, to operate such vehicle personally and intends to have such vehicle operated for him by another and who at such time also furnishes as to such operator the information required by section thirty-two D, may, with the consent of the lessor, permit such operator to operate such vehicle during the time of the lease. Operation of such vehicle by any person permitted or suffered by the lessee to operate the same in violation of this section shall nevertheless be deemed to be with the express or implied consent of the lessor for the purposes of sections thirty-four A to thirty-four J, inclusive.

Penalty.

Section 32F. Whoever obtains custody of any motor vehicle operated under any system referred to in section thirty-two C from any lessor by any trick or by any fraudulent or false representation, or by the giving of any bad or worthless check or any false token or writing, or by the false impersonation of another, or leases such a vehicle with intent to defraud the lessor, or whoever violates any provision of sections thirty-two C to thirty-two E, inclusive, shall be punished by a fine of not less than twenty-five nor more than two hundred and fifty dollars, or by imprisonment for not less than thirty days nor more than six months, or both.

Refusal to pay the proper charge for the use of any such vehicle or the giving of a bad or worthless check in payment

of such a charge shall be prima facie evidence of such intent to defraud.

SECTION 2. Section thirty-two B of said chapter ninety, as so appearing, is hereby repealed.

SECTION 3. This act shall take effect on January first, nineteen hundred and thirty-five.

Approved May 10, 1934.

G. L. (Ter. Ed.), 90, § 32B, repealed. Effective date.

AN ACT RELATIVE TO CERTAIN RESTRICTIONS CONCERNING STONE LETTERING AND HEIGHT IN THE BOSTON ZONING LAW, SO CALLED.

Chap. 210

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter four hundred and eighty-eight of the acts of nineteen hundred and twenty-four is hereby amended by striking out clause (31) and inserting in place thereof the following: —

(31) Stone yard, cutting or lettering;

SECTION 2. Paragraph numbered (1) of section sixteen of said chapter four hundred and eighty-eight is hereby amended by inserting after the word "back" in the sixth line the words: — ten feet, — by striking out in the eighth line the words "ten feet", — and by inserting after the word "of" in the ninth line the words: — ten feet above, — so as to read as follows: —

(1) In a thirty-five foot or forty foot district a single-family dwelling or building for recreational use may be built to a height of three and one half stories but not exceeding forty-five feet, and an educational, religious, philanthropic or other institutional building may be built to a height of five stories, but not exceeding sixty-five feet, provided in each case the building sets back ten feet from each street and lot line, in addition to other yard and set-back requirements, plus one foot for each foot of such height in excess of ten feet above the height limit; and a telephone exchange office may be built to a height of five stories but not exceeding sixty-five feet, provided that the part of the building above the height limit sets back ten feet from each street and lot line, in addition to other yard and set-back requirements.

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

Approved May 16, 1934.

AN ACT RELATIVE TO THE EXERCISE OF LOCAL OPTION IN RESPECT TO THE SALE OF ALCOHOLIC BEVERAGES IN TAVERNS.

Chap. 211

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-eight of the General Laws is hereby amended by striking out section

G. L. (Ter. Ed.), 138, § 11A, etc., amended.

Submission
of questions
at municipal
elections.

eleven A, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three and as amended by chapter one hundred and forty-two of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following:—*Section 11A.* Except as otherwise provided in this section, the city council of any city and the selectmen of any town shall, upon the filing with the city or town clerk of a petition signed by registered voters of such city or town equal in number to at least one per cent of the whole number of registered voters therein and conforming to the provisions of section thirty-eight of chapter forty-three relative to initiative petitions, requesting that the question of licensing the sale in such city or town of alcoholic beverages in taverns be submitted to the voters thereof, call a special election to be held within a period of twenty days from the filing of such petition, and cause to be so submitted thereat the following question:—“Shall licenses be granted in this city (or town) for the sale therein of alcoholic beverages in taverns?”

Yes.	<input type="checkbox"/>
No.	<input type="checkbox"/>

Except as otherwise provided in this section, in any city or town wherein a regular election is about to be held, the city council or selectmen, upon the filing of such a petition at least ten days before such election, shall cause said question to be submitted to the voters thereof at such election. The foregoing question shall not be submitted to the voters of any city or town under this section oftener than once in two years.

If a majority of the votes cast in such a city or town in answer to the question hereinbefore set forth are in the affirmative, such city or town shall be taken to have authorized the sale therein in taverns of such alcoholic beverages, if any, as are from time to time lawfully authorized to be sold in such city or town, subject in all respects to the provisions of this chapter, but only pending the taking under this section of the next succeeding vote, if any, on such question.

Prior to January first, nineteen hundred and thirty-five, and pending the taking of a vote on such question under this section in any city, the mayor and city council thereof may file with the city clerk an order authorizing the granting of tavern licenses and such order shall have the same legal effect as a vote in the affirmative in answer to such question.

SECTION 2. Nothing in this act shall be construed to affect any vote by the registered voters of any city or town which was made legal and validated by chapter one hundred and forty-two of the acts of the current year.

Approved May 16, 1934.

AN ACT VALIDATING CERTAIN ACTS AND PROCEEDINGS OF THE TOWN OF PAXTON AND OF ITS OFFICERS. *Chap. 212*

Be it enacted, etc., as follows:

SECTION 1. All town elections and meetings in the town of Paxton and all other acts and proceedings of said town and of its officers between January first, nineteen hundred and twenty, and the effective date of this act, so far as said elections, meetings, acts or proceedings were invalid by reason of the failure of the town legally to call and give notice of its annual town elections and its annual and special meetings, or any of them, in accordance with a vote or by-law of the town or with chapter thirty-nine of the General Laws, as amended, or corresponding provisions of earlier laws, are hereby validated and confirmed.

SECTION 2. No town election or meeting in said town in the current year or the year nineteen hundred and thirty-five, if called and notified in the same manner as elections and meetings hereby validated and confirmed, and no action taken thereat, shall be invalid by reason of the failure of the town legally to call and give notice of such election or meeting in accordance with said vote or by-law or with said chapter thirty-nine.

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

Approved May 16, 1934.

AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR PARTIAL RESTORATION OF SALARIES AND COMPENSATION OF STATE OFFICERS AND EMPLOYEES. *Chap. 213*

Be it enacted, etc., as follows:

SECTION 1. In order to provide for the partial restoration of salaries and compensation of state officers and employees under chapter one hundred and ninety-four of the acts of the current year, there is hereby appropriated the sum of four hundred and eighty thousand dollars, of which not more than fifty-six thousand dollars shall be taken from the Highway Fund, not more than thirty-two thousand dollars from funds of the metropolitan district commission and the balance from the General Fund, the same to be in addition to any appropriations heretofore made for such salaries and compensation.

For the purpose of apportioning the appropriation made hereby, each sum expressed by section two of chapter one hundred and sixty-two of the acts of the current year to be available in whole or in part for personal services shall be increased by such amount as will make available for salaries and compensation covered thereby so much as is required to provide for any increases in such salaries and compensation under authority of said chapter one hundred and ninety-four. The state comptroller, in setting up such items for personal

services on the appropriation ledger in his bureau, shall take as the amounts appropriated therefor by said section two and this act the said sums as increased as aforesaid, and he shall forthwith notify each officer having charge of any office, department or undertaking which receives such an appropriation for personal services of the amount thereof as so set up. The division of personnel and standardization shall furnish, upon the request of the state comptroller, all necessary assistance in carrying out the provisions of this act.

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

Approved May 16, 1934.

Chap. 214 AN ACT RELATIVE TO RESIDENTIAL REPRESENTATION OF THE METROPOLITAN WATER DISTRICT IN THE MEMBERSHIP OF CERTAIN BOARDS OF REFEREES ACTING UNDER THE METROPOLITAN DISTRICT WATER SUPPLY ACT, SO CALLED.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter three hundred and twenty-one of the acts of nineteen hundred and twenty-seven is hereby amended by striking out the sentence contained in the seventy-fourth to eighty-second lines, inclusive, and inserting in place thereof the following: — A justice of the supreme judicial court, during a sitting of the court or in vacation, upon application by the commission or any other party in interest and after publication, or such other notice as the court may order, shall from time to time as the need may exist appoint one or more boards of referees, each consisting of three disinterested persons, of whom one shall be a resident of the metropolitan water district, for the determination of damages, and may after notice and hearing of any parties interested, fill any vacancy on such boards.

SECTION 2. Appointments to fill vacancies occurring in any board of referees constituted under said section five prior to the effective date of this act shall conform to the provisions of said section, as amended by section one of this act.

Approved May 16, 1934.

Chap. 215 AN ACT PLACING THE OFFICE OF SUPERINTENDENT OF THE INFIRMARY OF THE TOWN OF DEDHAM UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of superintendent of the infirmary of the town of Dedham shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the tenure of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations; provided, that the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the town of Dedham at the state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said town at said election: "Shall an act of the general court passed in the current year, entitled 'An Act placing the office of superintendent of the infirmary of the town of Dedham under the civil service laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take effect, but not otherwise. *Approved May 16, 1934.*

AN ACT REGULATING THE IMPORTATION OF FRESH SWORDFISH. *Chap. 216*

Be it enacted, etc., as follows:

Chapter ninety-four of the General Laws is hereby amended by inserting after section seventy-seven, as appearing in the Tercentenary Edition, the following new section:— *Section 77A.* No person shall import, or cause to be imported, into this commonwealth for purposes of sale, any fresh swordfish unless properly packed in boxes, crates or barrels and so iced as to prevent the same from becoming infected, contaminated or unwholesome. *Approved May 16, 1934.*

G. L. (Ter. Ed.), 94, new section 77A, added. Importation of fresh swordfish regulated.

AN ACT TO PROHIBIT THE PAYMENT OF DOUBLE SALARIES TO CERTAIN COURT OFFICIALS. *Chap. 217*

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter two hundred and eighteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following sentence:— If the person so appointed holds an office or position, the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or of a municipality, he shall not receive the salary of both offices or positions during the period of such temporary service.

G. L. (Ter. Ed.), 218, § 9, amended.

Temporary clerks in district courts.

SECTION 2. Section eighty-nine of chapter two hundred and seventy-six of the General Laws, as so appearing, is hereby amended by adding at the end thereof the following sentence:— If the person so appointed holds an office or position, the salary or compensation for which is paid out of the treasury of the commonwealth, or of a county, or of a municipality, he shall not receive the salary of both offices or positions during the period of such temporary service.

G. L. (Ter. Ed.), 276, § 89, amended.

Temporary probation officers.

Approved May 16, 1934.

Chap. 218 AN ACT RELATIVE TO THE REDEMPTION BY INSTALMENT PAYMENTS OF LAND TAKEN OR SOLD FOR NON-PAYMENT OF TAXES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 60, § 62, etc., amended.

Redemption of land taken or sold for taxes.

Section sixty-two of chapter sixty of the General Laws, as most recently amended by section ten of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the twelfth line, the word "fifty" and inserting in place thereof the word:— twenty-five,— by inserting after the word "instalment" in the twenty-second line the words:— and subsequent instalments,— and by striking out, in the twenty-second and twenty-third lines, the words "fifty per cent and a second instalment of" and inserting in place thereof the words:— twenty-five per cent each totaling,— so that the first paragraph will read as follows:— Any person having an interest in land taken or sold for non-payment of taxes, including those assessed under sections twelve, thirteen and fourteen of chapter fifty-nine, or his heirs or assigns, at any time prior to the filing of a petition for foreclosure under section sixty-five, if the estate has been taken or purchased by the town, may redeem the same by paying or tendering to the treasurer the amount of the tax and all intervening taxes, with all costs, charges and fees, and interest at eight per cent per annum on the whole, or may pay or tender to the treasurer not less than twenty-five per cent of the tax for the non-payment of which the estate was taken or purchased, together with all costs, charges and fees, and interest as aforesaid on the whole amount of the tax title account then due, which payment shall be received, receipted for, and applied toward the redemption of the estate so taken or purchased. From time to time thereafter prior to the filing of such petition for foreclosure, such person may likewise pay or tender, successively in the order of their date, the balance of the tax of which partial payment was made and a first instalment and subsequent instalments of not less than twenty-five per cent each totaling the balance, if any, of each year's tax which at the time of payment or tender of such instalment has been added to the tax title account under sections fifty and sixty-one, until all taxes upon the property which have been added to the tax title account are paid or tendered in full, whereupon such estate shall be redeemed. Each payment or tender hereunder shall include, in addition to the tax or part of a tax paid, all intervening costs, charges, fees and interest which at the time of such payment or tender have become part of the tax title account. The treasurer upon accepting any payment hereunder may extend the time during which proceedings for the foreclosure of all rights of redemption may not be instituted, for a period not exceeding one year beyond the time provided by section sixty-five; but not more than one such extension shall be

granted. An extension granted hereunder shall be entered upon the tax title account, and a written statement thereof shall be given to the person who made the payment.

Approved May 16, 1934.

AN ACT RELATIVE TO CHARGES FOR THE SUPPORT OF INMATES OF STATE SANATORIA FOR WHICH THE TOWN OF SETTLEMENT IS LIABLE. *Chap. 219*

Be it enacted, etc., as follows:

Section sixty-six of chapter one hundred and eleven of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the twenty-third, twenty-fourth and twenty-fifth lines, the following: —”, but the total amount including such charges shall not be less than the cost to the commonwealth for the support of such adult inmate”, — so as to read as follows: — *Section 66.* The charges for the support of each inmate in a state sanatorium shall be seven dollars a week, and shall be paid quarterly. Such charges for those not having known settlements in the commonwealth shall be paid by it, and may afterward be recovered by the state treasurer of the inmates, if they are able to pay, or of any person or kindred bound by law to maintain them, or of the place of their settlement subsequently ascertained; but for those having known settlements in the commonwealth, the charges shall be paid either by the persons bound to pay them or by the town where such inmates had their settlement, unless security to the satisfaction of the commissioner is given for their support. If any person or town refuses or neglects to pay such charges the state treasurer may recover the same to the use of the sanatorium. A town which pays the charges for the support of an inmate of a state sanatorium shall have like rights and remedies to recover the amount thereof, with interest and costs, from the town of his settlement or from such person of sufficient ability, or from any person bound by law to maintain him, as if such charges had been incurred in the ordinary support of such inmate. If in any case the charges, as established by this section, for the support of an adult inmate are not paid in accordance with this section by the inmate or by the persons bound to pay them and a town becomes liable to pay them, such town shall be liable to pay such sum, in addition to such charges, as shall be fixed by the department. In such a case, the provisions of this section relative to the recovery of charges by the state treasurer, and by a town from the town of settlement, shall apply to the recovery of such total amount. This section shall not apply to patients received under any contract made under authority of section seventy-nine. In all proceedings under this section, the sworn written statement of a person that he is the superintendent of a state sanatorium or that he keeps or has custody of records of accounts of inmates thereof, and that a certain

G. L. (Ter. Ed.), 111, § 66, amended.

Charges for support of inmates of state sanatoria.

person has been an inmate therein during a certain period at a certain charge and that no satisfactory security was given shall be prima facie evidence of the said facts.

Approved May 17, 1934.

Chap. 220 AN ACT PROVIDING FOR MORE PROMPT ACTION BY THE CITY COUNCIL OF BOSTON ON LOAN ORDERS PRESENTED BY THE MAYOR.

Be it enacted, etc., as follows:

Section two of chapter four hundred and eighty-six of the acts of nineteen hundred and nine, as amended by chapter one hundred and thirteen of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end thereof the following: — If a petition signed by six members of the council requesting that action be taken forthwith upon a loan order presented by the mayor is filed in the office of the city clerk not earlier than fourteen days after its presentation, action shall be taken by the yeas and nays on the question of the adoption of such loan order at the next meeting of the council, or, if one vote has already been taken thereon, at the next meeting after the expiration of the required interval after such vote; provided, that such action thereon has not sooner been taken or such loan order has not been withdrawn by the mayor.

Approved May 17, 1934.

Chap. 221 AN ACT RELATIVE TO THE TAXATION OF THE CENTRAL CREDIT UNION FUND, INC.

Be it enacted, etc., as follows:

Section one of chapter two hundred and sixteen of the acts of nineteen hundred and thirty-two is hereby amended by adding at the end thereof the following new sentence: — The corporation shall be exempt from all state and local taxation except in respect to any real estate owned and/or used by it for its corporate purposes, — so as to read as follows:—
Section 1. The Industrial Credit Union, the Gilco Credit Union and the Progressive Workmen's Credit Union, their associates and successors, are hereby made a corporation by the name of Central Credit Union Fund, Inc., hereinafter referred to as the corporation, to be located in the city of Boston. It shall be the purpose of the corporation to assist such credit unions as become members thereof, when they are temporarily in need of cash or hold investments which cannot readily be liquidated, by making loans to them or any of them, and it shall have the rights and powers and be subject to the duties and obligations hereinafter provided. The corporation shall be exempt from all state and local taxation except in respect to any real estate owned and/or used by it for its corporate purposes.

Approved May 17, 1934.

AN ACT AUTHORIZING THE CITY OF MALDEN TO PENSION *Chap. 222*
CHARLES E. BULLARD.

Be it enacted, etc., as follows:

SECTION 1. The city of Malden may retire Charles E. Bullard, for thirty-seven years inspector of plumbing of said city, on an annual pension of eleven hundred and fifty dollars payable in equal monthly instalments.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, May 14, 1934, and, in concurrence, by the Senate, May 17, 1934, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

AN ACT AUTHORIZING THE CITY OF MALDEN TO PENSION *Chap. 223*
JOHN CULLEN.

Be it enacted, etc., as follows:

SECTION 1. The city of Malden may pay a pension of eight hundred and fifty dollars a year, payable in equal monthly instalments, to John Cullen, a former employee of said city in its building department and now incapacitated and unfit for further service by reason of injuries received while so employed.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of said city, subject to the provisions of its charter.

(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, May 14, 1934, and, in concurrence, by the Senate, May 17, 1934, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF ESSEX *Chap. 224*
COUNTY TO RAISE AND EXPEND MONEY FOR THE CONSTRUCTION OF A WATER STORAGE TANK AND SPRINKLER SYSTEM AT THE ESSEX COUNTY TUBERCULOSIS HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. Subject to the approval of the department of public health, the county commissioners of Essex county, acting as trustees of the Essex county tuberculosis hospital district, may expend a sum not exceeding thirty-five thousand dollars for the purpose of constructing a water storage tank and originally equipping the main hospital and accessory

building with sprinklers in order more effectively to protect its patients and employees.

SECTION 2. For the purposes aforesaid, the treasurer of said county, with the approval of the county commissioners, may borrow from time to time upon the credit of the county such sums as may be necessary, but not exceeding thirty-five thousand dollars in the aggregate, and may issue temporary notes of the county therefor, payable in not more than one year from their dates of issue.

SECTION 3. Upon completion of the project herein authorized, the county treasurer shall, with the approval of the county commissioners, issue bonds or notes of the county, in a total not to exceed thirty-five thousand dollars, which shall bear on their face the words, Essex County Tuberculosis Hospital Loan, Act of 1934; and such bonds or notes shall be payable in not more than five years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. Said securities may be sold at public or private sale upon such terms and conditions as the said treasurer and county commissioners may deem proper, but not for less than their par value. All money so borrowed shall be deposited in the county treasury, and the county treasurer shall pay out the same as ordered by the county commissioners for the payment of any temporary loans authorized by section two and/or the cost of the project authorized by section one. The county treasurer shall keep a separate account of all moneys so borrowed and expended. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 4. All sums necessary to meet interest payments on bonds or notes issued under this act and payments on account of principal as the same mature shall be assessed upon the cities and towns of said county constituting the hospital district in accordance with section eighty-five of chapter one hundred and eleven of the General Laws.

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

Approved May 23, 1934.

Chap. 225 AN ACT PROVIDING FOR THE INCLUSION OF CERTAIN TERRITORY IN THE TOWN OF LEXINGTON WITHIN THE NORTH METROPOLITAN SEWERAGE SYSTEM.

Be it enacted, etc., as follows:

SECTION 1. That portion of the town of Lexington which is not now included within either metropolitan sewerage system, as defined in section one of chapter ninety-two of the General Laws, as appearing in the Tercentenary Edition, is hereby included in the north metropolitan sewerage system. Said town, in respect to the territory referred to in the preceding sentence, shall be subject to and conform to the duties and requirements, and shall have and enjoy the rights and

privileges, imposed or conferred by the provisions of said chapter ninety-two, as so appearing, relative to said north metropolitan sewerage system; and the proportionate financial liability incurred by the inclusion of such territory in such system shall be assumed by said town.

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

Approved May 23, 1934.

AN ACT AUTHORIZING THE TOWN OF DUNSTABLE TO BORROW MONEY FOR SCHOOL PURPOSES. *Chap. 226*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of purchasing and installing a new heating plant in the central school building, the town of Dunstable may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Dunstable School Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be inside the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

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

Approved May 23, 1934.

AN ACT RELATIVE TO EXECUTIVE DEPARTMENTS IN THE CITY OF BOSTON. *Chap. 227*

Be it enacted, etc., as follows:

SECTION 1. Chapter four hundred and eighty-six of the acts of nineteen hundred and nine is hereby amended by striking out section five, as affected by chapter two hundred and twenty-two of the Special Acts of nineteen hundred and nineteen and chapter three hundred and eighty-nine of the acts of nineteen hundred and twenty-eight, and inserting in place thereof the following: — *Section 5.* Except as otherwise provided in this act, the organization, powers and duties of the executive departments of the city shall remain as constituted at the time when this section takes effect; but the mayor and city council at any time may by ordinance reorganize, consolidate or abolish, in whole or in part, departments whether created on or before or subsequent to the first Monday of February in the year nineteen hundred and ten, including the transit department; transfer the duties, powers

and appropriations of one department to another in whole or in part; and establish new departments; and may increase, reduce, establish or abolish salaries of heads of departments, or members of boards. Nothing in this act shall authorize the abolition or the taking away of any of the powers or duties as established by law of the school committee, the board of commissioners of school buildings, the department of school buildings, the election department or any department in charge of an official or officials appointed by the governor.

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

Approved May 23, 1934.

Chap. 228

AN ACT RELATIVE TO ANNUAL INCREMENTS AND SLIDING SCALES OF SALARIES IN THE CITY OF BOSTON AND COUNTY OF SUFFOLK.

Be it enacted, etc., as follows:

SECTION 1. The school committee of the city of Boston may, notwithstanding the provisions of chapter one hundred and twenty-one of the acts of nineteen hundred and thirty-three, with the approval of the mayor of Boston, reinstate as of January first, nineteen hundred and thirty-four, for the balance of the school year which commenced September first, nineteen hundred and thirty-three, and may thereafter continue in force and effect for subsequent years, without such approval, the annual increments provided for in the schedule of annual increments of salaries which was most recently operative prior to the year nineteen hundred and thirty-four with respect to every office and position in the school department; provided, however, that such salaries as so increased shall be subject to the same percentage of salary reductions as that to which other salaries of equal amount have been subjected pursuant to the provisions of said chapter one hundred and twenty-one.

SECTION 2. The mayor of the city of Boston may, by executive order, reinstate as of and from January first, nineteen hundred and thirty-four, the annual increments provided for in the sliding scales of salaries which were most recently operative prior to the year nineteen hundred and thirty-four with respect to every office and position in the service of said city, other than in the school department, and in the service of the county of Suffolk, the salary of which is paid from the treasury of the city of Boston, and when so reinstated said annual increments provided for in the sliding scales of salaries may be continued, notwithstanding the provisions of said chapter one hundred and twenty-one; provided, however, that such salaries as so increased shall be subject to the same percentage of salary reductions as that to which other salaries of equal amount have been subjected pursuant to the provisions of said chapter.

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

Approved May 23, 1934.

AN ACT RELATIVE TO THE FINANCIAL YEAR OF CITIES.

Chap. 229

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-four of the General Laws is hereby amended by inserting after section fifty-six, as appearing in the Tercentenary Edition, the following new section: — *Section 56A.* The financial year of all cities of the commonwealth shall end on December thirty-first, notwithstanding the provisions of their respective charters, and the returns made to the director under section forty-three shall show the financial condition of the city at the close of business on that day; provided, that the treasurer shall, until January tenth, enter in the books all items for the payment of bills incurred and salaries and wages earned during the previous year, and expenditures therefor shall be deemed to be as of December thirty-first preceding.

G. L. (Ter. Ed.), 44, new section 56A, added.

Financial year of cities.

SECTION 2. In every city whose financial year is changed by section one, the period of time between the end of its current financial year and the end of the current calendar year shall be included as a part of its financial year ending on December thirty-first, nineteen hundred and thirty-five. In approving or disapproving appropriations for the financial year of nineteen hundred and thirty-five under section five of chapter three hundred and seven of the acts of nineteen hundred and thirty-three in any such city which shall not have repaid in full all loans from the commonwealth under said chapter three hundred and seven, the emergency finance board, established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, shall not take into consideration any appropriations for that part of said financial year preceding January first, nineteen hundred and thirty-five.

Temporary provisions relative to appropriations

SECTION 3. Any city whose financial year is changed by section one may borrow subject to the approval of said emergency finance board, during the year nineteen hundred and thirty-four, outside its debt limit as established by section ten of said chapter forty-four, as appearing in the Tercentenary Edition, a sum not in excess of the amount necessary to provide for ordinary maintenance, including maturing interest and debt, during that part of the financial year of nineteen hundred and thirty-five preceding January first, nineteen hundred and thirty-five, and may issue bonds or notes therefor, which shall bear on their face the words, (Name of City) Municipal Financial Year Adjustment Loan, Act of 1934. Each authorized issue shall constitute a separate loan and such loans shall be paid in not more than five years from their dates. Except as herein provided, indebtedness incurred hereunder shall be subject to said chapter forty-four, as so appearing, exclusive of the limitation contained in the first paragraph of section seven thereof.

Same subject.

Approved May 23, 1934.

Chap. 230 AN ACT RELATIVE TO THE ERECTION AND EQUIPMENT OF A NEW HOUSE OF CORRECTION AND JAIL FOR BARNSTABLE COUNTY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Barnstable may erect and equip a suitable building or buildings for a house of correction and jail and for farm buildings to be used in connection therewith and may acquire in fee by purchase, or by eminent domain under chapter seventy-nine of the General Laws, such land as is in their opinion necessary therefor, but the cost of such land, buildings and equipment shall not exceed one hundred and sixty thousand dollars.

SECTION 2. For the purpose of making payment for the land and for the erection and equipment of the buildings authorized under section one, the county treasurer of Barnstable county, with the approval of the county commissioners, may borrow from time to time upon the credit of the county such sums as may be necessary, but not exceeding one hundred and sixty thousand dollars in the aggregate, and may issue temporary notes of the county therefor, payable in not more than one year from their date of issue.

SECTION 3. Upon completion of the project herein authorized, the county treasurer shall, with the approval of the county commissioners, issue notes or bonds of the county, in a total amount not to exceed one hundred and sixty thousand dollars, which shall bear on their face the words, County of Barnstable House of Correction Loan, Act of 1934; and such notes or bonds shall be payable in not more than fifteen years from their dates of issue. Such notes or bonds shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Receipts from the sale of such notes or bonds shall be applied to the payment of costs of construction and/or to the payment of any temporary loans authorized under section two. Indebtedness incurred under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 4. This act shall take effect upon its acceptance, within two years of its passage, by the county commissioners of said county.

Approved May 23, 1934.

Chap. 231 AN ACT PROVIDING A PENALTY FOR SUBSEQUENT OFFENCES OF IMPORTING, PRINTING, PUBLISHING, SELLING OR DISTRIBUTING OBSCENE LITERATURE, PICTURES AND THE LIKE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 272, § 28, amended.

Section twenty-eight of chapter two hundred and seventy-two of the General Laws, as appearing in the Tercentenary

Edition, is hereby amended by inserting after the word "shall" in the tenth line the words: —, for a first offence, — and by inserting after the word "both" in the twelfth line the words: —, and for a subsequent offence by imprisonment for not less than six months nor more than two and one half years or by a fine of not less than two hundred nor more than two thousand dollars, or both, — so as to read as follows: —

Section 28. Whoever imports, prints, publishes, sells or distributes a book, pamphlet, ballad, printed paper or other thing which is obscene, indecent or impure, or manifestly tends to corrupt the morals of youth, or an obscene, indecent or impure print, picture, figure, image or description, manifestly tending to corrupt the morals of youth, or introduces into a family, school or place of education, or buys, procures, receives or has in his possession any such book, pamphlet, ballad, printed paper, obscene, indecent or impure print, picture, figure, image or other thing, either for the purpose of sale, exhibition, loan or circulation or with intent to introduce the same into a family, school or place of education, shall, for a first offence, be punished by imprisonment for not more than two years or by a fine of not less than one hundred nor more than one thousand dollars, or both, and for a subsequent offence by imprisonment for not less than six months nor more than two and one half years or by a fine of not less than two hundred nor more than two thousand dollars, or both.

Approved May 23, 1934.

Penalty for possession or sale, etc., of obscene literature.

AN ACT RELATIVE TO THE LABELLING OF PACKAGES OF ALCOHOLIC BEVERAGES WITH RESPECT TO THEIR CONTENTS.

Chap. 232

Be it enacted, etc., as follows:

Section twenty-four of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "beverages" in the twelfth line the following: —, and shall, with like approval, make regulations, not inconsistent with federal laws and regulations, governing the labelling of packages of alcoholic beverages as to their ingredients and the respective quantities thereof, — so that the first sentence will read as follows: — The commission shall, with the approval of the governor and council, make regulations not inconsistent with the provisions of this chapter for clarifying, carrying out, enforcing and preventing violation of, all and any of its provisions, for inspection of the premises and method of carrying on the business of any licensee, for insuring the purity, and penalizing the adulteration, or in any way changing the quality or content, of any alcoholic beverage, for the proper and orderly conduct of the licensed business, for establishing maximum prices chargeable by licensees under this chapter, and regulating all advertising of alcoholic beverages, and shall, with like approval, make regulations, not inconsistent with federal laws and regula-

G. L. (Ter. Ed.), 138, § 24, etc., amended.

Labelling of packages of alcoholic beverages.

tions, governing the labelling of packages of alcoholic beverages as to their ingredients and the respective quantities thereof.

Approved May 23, 1934.

Chap. 233 AN ACT REGULATING THE EMPLOYMENT OF ARMED GUARDS IN CONNECTION WITH STRIKES, LOCKOUTS AND OTHER LABOR TROUBLES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 149, new section 23A, added.

Use of armed guards during strikes, etc., regulated.

Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section twenty-three, as appearing in the Tercentenary Edition, the following new section:— *Section 23A.* No person, during the continuance of a strike, lockout or other labor trouble among his employees or those of another person, shall directly or indirectly employ or procure for the protection of such employees any armed guards other than watchmen regularly employed by such person, police officers or persons licensed under sections twenty-three to thirty, inclusive, of chapter one hundred and forty-seven or employees of such licensees; provided, that the foregoing shall not authorize the employing or procuring as aforesaid of any such licensee unless he shall have been so licensed at least two months prior to the commencement of such labor trouble, or of any employee of such a licensee unless such employee is a citizen of Massachusetts, and shall not have been convicted of a felony. Any person violating this section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or both.

Approved May 23, 1934.

Chap. 234 AN ACT RELATIVE TO THE CUTTING OF THE MUSCLES OR TENDONS OF HORSES' TAILS AND TO THE SHOWING OR EXHIBITING OF HORSES WHOSE TAILS HAVE BEEN SO CUT OR HAVE BEEN DOCKED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 272, § 80, amended; two new sections 79A and 79B, inserted.

Mutilation of horses prohibited.

SECTION 1. Chapter two hundred and seventy-two of the General Laws is hereby amended by striking out section eighty, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the two following sections:— *Section 79A.* Whoever cuts the bone of the tail of a horse for the purpose of docking the tail, or whoever causes or knowingly permits the same to be done upon premises of which he is the owner, lessee, proprietor or user, or whoever assists in or is present at such cutting, shall be punished by imprisonment for not more than one year or by a fine of not less than one hundred nor more than three hundred dollars; and whoever cuts the muscles or tendons of the tail of a horse for the purpose of setting up the tail, or whoever causes or knowingly permits the same to be done upon premises of which he is the owner, lessee, proprietor or user, or whoever assists in or is present at such cutting, shall be punished by a fine of not

more than two hundred and fifty dollars. If a horse is found with the bone of its tail cut as aforesaid or with the muscles or tendons of its tail cut as aforesaid, and with the wound resulting from such cutting unhealed, upon the premises or in the charge and custody of any person, such fact shall be prima facie evidence of a violation of this section by the owner or user of such premises or the person having such charge or custody, respectively.

Section 79B. Whoever shows or exhibits at any horse show or exhibition in the commonwealth a horse with its tail cut in either manner prohibited in section seventy-nine A shall be punished by a fine of not more than two hundred and fifty dollars.

Exhibition of mutilated horses forbidden.

SECTION 2. The provisions of section one shall not prohibit the showing or exhibiting at a horse show or exhibit of a horse with its tail cut in either manner prohibited by section one, if the owner of such horse furnishes to the manager or other official having charge of the horse show or exhibition at which it is shown or exhibited an affidavit by the owner, in a form approved by the director of the division of animal industry of the department of conservation, that the tail of such horse was so cut prior to the passage of this act. Said affidavit shall state the sex and age of the horse and describe its markings, if any, and shall be subject to inspection by any officer or agent mentioned in section eighty-four of said chapter two hundred and seventy-two, as so appearing.

Exceptions.

Approved May 23, 1934.

AN ACT RELATING TO THE SEIZURE AND FORFEITURE OF MONEYS USED IN UNLAWFUL GAMING.

Chap. 235

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and seventy-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "property" in the forty-sixth line the words:—, including money, — so that the clause numbered Eleventh will read as follows:—

G. L. (Ter. Ed.), 276, § 1, amended.

Eleventh, Gaming apparatus or implements used or kept and provided to be used in unlawful gaming in any gaming house, or in any building, apartment or place resorted to for the purpose of unlawful gaming, and the furniture, fixtures and personal property, including money, found in such place at a time when persons are engaged in unlawful gaming.

Search warrants for gaming apparatus, etc., issue of.

SECTION 2. Section seven of said chapter two hundred and seventy-six, as so appearing, is hereby amended by inserting after the word "county" in the tenth line the words:—, all moneys seized shall be paid to the state treasurer, — so as to read as follows:— *Section 7.* If, upon the trial, the property is adjudged forfeited, the type, forms, press, woodcuts, raw material and mechanical apparatus described in clause eight of section one, the dies, plates, brands, moulds,

G. L. (Ter. Ed.), 276, § 7, amended.

Sale or destruction of property seized.

engravings, printing presses, types or other tools, machines or materials described in clause five of said section, the raw materials, tools, machinery, implements, instruments and personal property described in clause nine of said section, and all furniture, fixtures and personal property described in clause eleven of said section, or so much thereof as the court or justice may order, shall be sold by the sheriff and the proceeds paid to the county, all moneys seized shall be paid to the state treasurer, and the remainder of the property shall be destroyed as the court or justice may order. The court or justice may order any article not found to have been unlawfully used or intended for unlawful use, or any article unlawfully used without the knowledge of its owner, lessor or mortgagee, to be delivered to the party legally entitled to its possession.

SECTION 3. Section twenty-three of chapter two hundred and seventy-one of the General Laws, as so appearing, is hereby amended by inserting after the word "property" in the twenty-first and in the twenty-second lines, in each instance, the words: — , including money, — so as to read as follows: — *Section 23.* If a person makes oath before a district court or a trial justice that he suspects or has probable cause to suspect that a house or other building, room or place is used as and for a common gaming house, for gaming for money or other property, or is occupied, used or kept for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as policy lottery or policy, or for the buying or selling of pools or registering of bets upon any race, game, contest, act or event, and that persons resort thereto for any such purpose, such court or trial justice, whether the names of the persons last mentioned are known to the complainant or not, shall, if satisfactory evidence is presented, issue a warrant commanding the sheriff or his deputy or any constable or police officer to enter such house, building, room or place, and to arrest the keepers thereof, all persons in any way assisting in keeping the same, whether as janitor, doorkeeper, watchman or otherwise, all persons who are there found participating in any form of gaming and all persons present whether so participating or not, if any lottery, policy or pool tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus or materials of any form of gaming are found in said place, and to take into their custody all the implements, apparatus or materials of gaming, as aforesaid, and all the personal property, including money, furniture and fixtures there found, and to keep said persons, implements, apparatus or materials, property, including money, furniture and fixtures so that they may be forthcoming before some court or magistrate to be dealt with according to law. The provisions of chapter two hundred and seventy-six relative to disposal of gaming articles seized upon search warrants shall apply to all articles and property seized as herein provided for.

Approved May 23, 1934.

G. L. (Ter. Ed.), 271, § 23, amended.

Common gaming houses, etc., to be entered, etc.

AN ACT FURTHER REGULATING THE TRANSACTION OF THE *Chap. 236*
RETAIL DRUG BUSINESS.

Be it enacted, etc., as follows:

Chapter one hundred and twelve of the General Laws is hereby amended by striking out section thirty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following new section:— *Section 38.* No store shall be kept open for the transaction of the retail drug business, or be advertised or represented as transacting such business, by means of any sign or advertisement containing the words “drug store”, “pharmacy”, “apothecary”, “drug”, “drugs”, “medicine shop”, or any combination of such words, or otherwise, unless it is registered with, and a permit therefor has been issued by, the board, as provided in the following section; provided, that said words, or any of them, may, with the written permission of the board, be used with respect to a store not registered with, and not having a permit issued by, the board as aforesaid, if in the town, or voting precinct thereof, where such store is located there is no store so registered and having such a permit. The permit shall be displayed in a conspicuous place in the store for which it is issued. The word “town”, as used in this section, shall not include city.

G. L. (Ter. Ed.), 112, § 38, amended.

Transaction of retail drug business regulated.

Approved May 23, 1934.

AN ACT RELATING TO TAXATION OF CERTAIN CLASSES OF *Chap. 237*
FOREIGN CORPORATIONS IN RELATION TO CORPORATE EXCESS.

Be it enacted, etc., as follows:

SECTION 1. Section thirty of chapter sixty-three of the General Laws, as most recently amended by section three of chapter three hundred and twenty-seven of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the paragraphs contained in lines fifty-two to sixty-nine, inclusive, as appearing in the Tercentenary Edition, and also the paragraph amended by section four of chapter fifty-eight of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 63, § 30, etc., amended.

4. “Corporate excess employed within the commonwealth”, by a foreign corporation, except as hereinafter provided, such proportion of the fair value of its capital stock on the last day of the taxable year as defined in paragraph six of this section, as the value of the assets, both real and personal, employed in any business within the commonwealth on that date, after deducting therefrom the value of (a) and (b) following, bears to the value of the total assets of the corporation on said date:

Taxation of certain foreign corporations.

(a) Works, structures, real estate, motor vehicles, machinery, poles, underground conduits, wires and pipes owned by it within the commonwealth subject to local taxation, except

such part of said real estate as represents the interest of a mortgagee.

(b) Securities held in the commonwealth, the income of which, if any, if received by a natural person resident therein, would not be liable to taxation, except shares in national banks, voluntary associations, trusts and partnerships. In determining the proportion of assets employed within the commonwealth, the commissioner may include such bank deposits in other states as are employed principally in the conduct of the business in the commonwealth.

If by reason of recent organization, or otherwise, the corporation is not required to make to the commissioner a return of net income for a taxable year, the value of the corporate excess employed in this commonwealth shall be determined as of the first day of April of the year in which the tax is to be assessed.

Effective date.

SECTION 2. This act shall take effect January first, nineteen hundred and thirty-five, and shall apply to taxes assessed in the year nineteen hundred and thirty-five and thereafter.

Approved May 23, 1934.

Chap. 238

AN ACT RELATIVE TO USE OF TRUST FUNDS FOR CEMETERY PURPOSES BY OVERSEERS OF MONTHLY MEETINGS OF FRIENDS OR QUAKERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 68, § 10, amended.

Overseers of monthly meetings of Friends or Quakers, use of certain trust funds by.

Section ten of chapter sixty-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end of the section the following:— Such corporation may hold funds in trust and apply the income thereof to the improvement or embellishment of any cemetery owned or controlled by it or to the care, preservation or embellishment of any lot or its appurtenances.

Approved May 23, 1934.

Chap. 239

AN ACT SUBJECTING THE OFFICE OF AGENT OF SOLDIERS' RELIEF AND STATE AND MILITARY AID OF THE CITY OF BROCKTON TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of agent of soldiers' relief and state and military aid of the city of Brockton shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations, and the term of office of any incumbent thereof shall be unlimited, except that he may be removed in accordance with such laws and rules and regulations; but the person holding said office on said effective date may continue therein without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Brockton at the state election in the current year in the form of the following

question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act of the general court passed in the current year, entitled 'An act subjecting the office of Agent of Soldiers' Relief and State and Military Aid of the city of Brockton to the Civil Service Laws', be accepted?" If a majority of the votes cast on said question are in the affirmative, this act shall thereupon take full effect; but not otherwise.

Approved May 23, 1934.

AN ACT AUTHORIZING THE TOWN OF IPSWICH TO BORROW MONEY FOR SCHOOL PURPOSES. Chap. 240

Be it enacted, etc., as follows:

SECTION 1. For the purpose of acquiring land for and constructing a new high school building and originally equipping and furnishing said building, the town of Ipswich may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Ipswich High School Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised in the tax levy of the year when authorized. Indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. This act shall take effect upon its acceptance by a majority of the registered voters of said town voting thereon by official ballot at an annual town meeting, or at a special town meeting called for the purpose, held within one year from the passage of this act.

Approved May 23, 1934.

AN ACT PROVIDING FOR SEMI-ANNUAL REPORTS BY THE COMMISSIONER OF BANKS AS TO PROGRESS OF LIQUIDATION OF CERTAIN BANKS. Chap. 241

Be it enacted, etc., as follows:

Chapter one hundred and sixty-seven of the General Laws is hereby amended by inserting after section thirty-five A, inserted by chapter three hundred and two of the acts of nineteen hundred and thirty-three, the following new section: — *Section 35B.* The commissioner shall, while any such bank is in his possession, issue from time to time, at intervals of not more than six months each, reports with respect to such bank containing a statement of its receipts

G. L. (Ter. Ed.), 167, new section 35B, added.

Reports of banks in process of liquidation.

and expenditures, and a general report as to the progress of its liquidation, including an estimate of the liquidating value of its remaining assets and liabilities appropriately classified. Said reports shall be available to the depositors, and to the stockholders or shareholders, if any, of such bank.

Approved May 23, 1934.

Chap. 242 AN ACT RELATIVE TO A CERTAIN INVESTIGATION BY THE SUPREME JUDICIAL COURT OR ANY OFFICER APPOINTED BY IT INTO FRAUDULENT AND IMPROPER PRACTICES BY ATTORNEYS AT LAW.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

For the purposes of any investigation into certain fraudulent practices, professional abuses, illegal and unethical conduct of attorneys at law in connection with the solicitation, preparation, presentation or disposition of cases, including claims for personal injuries and property damage in negligence cases, whether or not based on a petition or report requesting or recommending the disbarment of an attorney or attorneys at law or other disciplinary action, which is now pending before the supreme judicial court or before any commissioner, special commissioner, master or other officer appointed by said court, said court or any such commissioner, special commissioner, master or other officer may require the attendance and testimony of witnesses and the production of books and papers relating in any way to such investigation, in the manner provided in chapter two hundred and thirty-three of the General Laws. No person shall be excused from attending and testifying in the course of such investigation, or from producing any books, papers or documents, either before said court or such commissioner, special commissioner, master or other officer, on the ground that his testimony or evidence, documentary or otherwise, may tend to criminate him or subject him to a penalty or forfeiture; but he shall not be prosecuted or subjected to penalty or forfeiture for or on account of any action, matter or thing concerning which he may be required to testify or produce evidence, documentary or otherwise, in the course of such investigation, except for perjury committed in such testimony.

Approved May 31, 1934.

Chap. 243 AN ACT CONTINUING AND EXTENDING THE EXISTING PREFERENCE IN THE CLASSIFIED LABOR SERVICE TO PERSONS WITH DEPENDENTS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an

emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Chapter three hundred and sixteen of the acts of nineteen hundred and thirty-one, as most recently amended by chapter one hundred and ninety-four of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the second line, the word "thirty-four" and inserting in place thereof the word:— thirty-five, — so as to read as follows:— Until May fifteenth in the year nineteen hundred and thirty-five, the commissioner of civil service, on receipt of a requisition from the head of any department, board or commission of the commonwealth or of a city or town for temporary laborers in the classified labor service, shall, in certifying eligible applicants for positions in said service, give preference to persons so eligible who have one or more persons dependent upon them for support; provided, that in giving such preference veterans having such dependents shall be preferred over other persons so eligible for employment and having such dependents. Employment under this act shall not be continued beyond the period named in the requisition, which period shall not exceed three months. No re-employment or further employment shall be allowed at the end of such period, except by consent of the commissioner. *Approved May 31, 1934.*

AN ACT FURTHER EXTENDING THE TIME FOR PERFORMANCE BY THE CITY OF GLOUCESTER OF CERTAIN CONDITIONS RELATIVE TO THE CONSTRUCTION AND LEASING BY THE COMMONWEALTH OF A FISH PIER IN GLOUCESTER HARBOR. *Chap. 244*

Whereas, The deferred operation of this act would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section three of chapter three hundred and eleven of the acts of nineteen hundred and thirty-one, as amended by chapter one hundred and eighty-four of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the second and ninth lines, the word "thirty-four" and inserting in place thereof, in each instance, the word:— thirty-six, — and by striking out, in the sixteenth line, the word "forty-three" and inserting in place thereof the word:— forty-six, — so as to read as follows:— *Section 3.* No work authorized by section one shall be done unless, prior to June first, nineteen hundred and thirty-six, the city of Gloucester shall effect the transfer to the commonwealth of property authorized by the preceding section and shall agree to construct at its own expense a road suitable for heavy trucking and extending from East Main street over Parker street in

said city to the site of the proposed pier, nor unless, prior to June first, nineteen hundred and thirty-six, a corporation incorporated under the laws of this commonwealth, hereinafter called the lessee, shall agree to erect on said pier buildings of fire proof construction and of a valuation of not less than three hundred thousand dollars and shall execute a lease of said pier for a term beginning on the date of the completion by the department of the work authorized by section one and ending September thirtieth, nineteen hundred and forty-six. Said lease shall provide that the lessee shall pay to the commonwealth a rental at the rate of twenty-five thousand dollars per annum, and shall be subject to such provisions and conditions as may be agreed upon by the department and the lessee. *Approved May 31, 1934.*

Chap. 245 AN ACT TO EXTEND THE TIME WITHIN WHICH THE ALCOHOLIC BEVERAGES CONTROL COMMISSION SHALL APPROVE OR DISAPPROVE CERTAIN LICENSES FOR THE SALE OF ALCOHOLIC BEVERAGES ISSUED BY LOCAL LICENSING AUTHORITIES.

Emergency preamble.

Whereas, The deferred operation of this act would defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 138, § 23, etc., amended.

Section twenty-three of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by striking out, in the seventy-first line, the word "June" and inserting in place thereof the word: — July, — so that the last paragraph will read as follows: — The provisions of sections twelve and fifteen requiring the prior approval of the commission to the granting of licenses thereunder shall not apply to licenses first granted under said sections; but no such license not approved by the commission on or before the first day of July, nineteen hundred and thirty-four, shall be valid after said date until so approved, and if disapproved by the commission prior to said date shall thereupon become void. The fee for licenses first granted under said sections, if for the entire calendar year nineteen hundred and thirty-four and for any additional period prior to January first of said year, shall not be increased by reason of said additional period. *Approved May 31, 1934.*

Approval of licenses by alcoholic beverages control commission, time of approval.

Chap. 246 AN ACT PROHIBITING PERSONS LICENSED TO CARRY PISTOLS AND REVOLVERS FROM CARRYING THE SAME IN VEHICLES UNLESS SAID WEAPONS ARE UNDER THEIR CONTROL THEREIN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 140, new section 131C, added.

Chapter one hundred and forty of the General Laws is hereby amended by inserting after section one hundred and thirty-one B, as appearing in the Tercentenary Edition

thereof, the following new section:— *Section 131 C.* No person carrying a pistol or revolver under a license issued under section one hundred and thirty-one shall carry the same in a vehicle unless such pistol or revolver while so carried therein is under the direct control of such person, and whoever violates the foregoing shall be punished by a fine of not more than one hundred dollars. A conviction of a violation of this section shall be reported forthwith by the court or magistrate to the authority who issued the license who shall immediately revoke the license of the person so convicted. No new license under said section shall be issued to any such person until one year after the date of revocation.

Restriction
on carrying
weapons in
vehicles.

Approved May 31, 1934.

AN ACT CONCERNING THE SERVICE OF SEARCH WARRANTS.

Chap. 247

Be it enacted, etc., as follows:

Chapter two hundred and seventy-six of the General Laws is hereby amended by inserting after section three, as appearing in the Tercentenary Edition, the following new section:— *Section 3A.* Every officer to whom a warrant to search is issued shall return the same to the court by which it was issued not later than seven days from the date of issuance thereof, with a return of his doings thereon.

G. L. (Ter.
Ed.), 276,
new section
3A, added.

Return of
search war-
rants after
service.

Approved May 31, 1934.

AN ACT ESTABLISHING THE FELTON FIELD COMMISSION IN THE TOWN OF BARRE AND AUTHORIZING SAID TOWN TO ACQUIRE LAND TO BE USED AS A RECREATION FIELD AND TO IMPROVE AND MAINTAIN SUCH FIELD.

Chap. 248

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Barre, hereinafter referred to as the town, a commission to be known as the Felton Field Commission, hereinafter referred to as the commission, which shall consist of the chairman of the board of selectmen of the town or some member of the board of selectmen designated by said chairman, the chairman of the school committee of the town or some member of said school committee designated by said chairman of said school committee, and three others who shall be first appointed by Arthur P. Felton of Boston, subject to confirmation by the board of selectmen. In case of a vacancy among those members of the commission so appointed the remaining members shall give written notice to the selectmen who, with the remaining member or members of such commission, after one week's notice, shall fill such vacancy by ballot until the next annual town meeting. Such vacancy shall be filled by election at such meeting by vote on the official ballot, provided that the terms of members elected to fill such vacancies at said meeting and thereafter shall be so established by the selectmen that such members will, as soon as may

be, be elected one at each annual town meeting for the term of three years.

SECTION 2. The town may by vote at a meeting legally called for the purpose accept and receive by gift the land and buildings now known as the Worcester County West Agricultural Society Fair Grounds subject to such conditions and restrictions as shall be specified in the deed of gift and as shall not be inconsistent with the provisions of this act and may agree to such conditions and restrictions either by acceptance of the deed of gift or by joining in it. The said land so acquired and the buildings and structures thereon shall be known as Felton field and the commission shall have full and exclusive control and direction thereof notwithstanding any action the town may take or may have taken under chapter forty-five of the General Laws. The commission in the name and behalf of the town and for the public use may erect buildings and other structures upon said Felton field, may enclose and keep enclosed the whole or any part of the land, buildings and structures, provide proper equipment therefor, employ and discharge all necessary caretakers, instructors, teachers or other employees who shall not be subject to chapter thirty-one of the General Laws, and may hold, manage, control, lease for not more than three years and let said property exclusively for the purposes of enjoyment and encouragement of recreation, play, sport, physical education, athletics and for such civic, patriotic and educational celebrations, exhibitions and entertainments as the commission shall see fit, and for any use necessary or convenient for said purposes; may make rules and regulations governing said Felton field and may charge admission thereto or allow charges for admission thereto to be made.

SECTION 3. The town may raise and appropriate money to the use of the commission for the following uses and purposes, namely:

For the care and maintenance of said Felton field, the acquisition of additional land, and the care and repair of buildings and structures thereon.

For the equipment and improvement of the grounds and the construction, alteration and enlargement of buildings and structures thereon.

For the employment of caretakers, instructors, teachers and other persons who may in the discretion of the commission be necessary adequately to maintain said field and conduct the activities thereon.

For the support and encouragement of recreation, play, sport, physical education, athletics, and civic, patriotic and educational celebrations, exhibitions and entertainments in said field pursuant to its general purposes.

SECTION 4. This act shall take full effect upon its acceptance during the current year by vote of the town at a meeting legally called for the purpose.

Approved May 31, 1934.

AN ACT RELATIVE TO REMOVAL AND OTHER CHANGE IN STATUS OF OFFICERS AND EMPLOYEES OF STATE PENAL INSTITUTIONS. *Chap. 249*

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-one of the General Laws, as amended in section forty-six by section two of chapter two hundred and eighty-two of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out said section forty-six and inserting in place thereof the following: — *Section 46.* An officer or employee of any institution under the control of the department of correction, shall hold such office or employment and shall not be removed therefrom, lowered in rank or compensation or suspended or without his consent transferred from such office or employment to any other, or the office or position abolished, except for just cause, and for reasons specifically given him in writing within twenty-four hours after such removal, suspension, transfer or lowering in rank or compensation or abolition of office or position.

G. L. (Ter. Ed.), 31, § 46, etc., amended.

Removal, etc., of certain prison officials.

If within three days thereafter, the person removed, suspended, lowered in rank or compensation or transferred or whose office or position has been abolished shall so request in writing, he shall be given a hearing before the commissioner of correction, and be allowed to answer any charges preferred against him, either personally or by counsel. Said commissioner, after hearing the officer preferring the charges, and the officer or employee in question, together with such witnesses as either of the parties may produce, shall determine whether or not the reasons for such removal, suspension, lowering in rank or compensation, or transfer, or abolition of office or position, are just and sufficient and shall certify his finding to the head of the institution in which such officer or employee was employed, who shall, forthwith notify the said officer or employee in writing of the finding of the commissioner. If the reasons given have been sustained by the finding of the commissioner, the action shall be subject to the right of judicial review provided by the preceding section. If said commissioner finds that such reasons are not just and sufficient, the head of the institution in which the officer or employee was employed shall forthwith reinstate him in service or, if he has been suspended, shall forthwith restore him to duty or to his original rank, or compensation or re-establish the office or position, as the case may be. A copy of said reasons, notice, answer and finding shall, in each case be filed in the office of the division and made a matter of public record.

SECTION 2. Section forty-five of said chapter thirty-one, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the word "action" and inserting in place thereof the words: — a finding of the commissioner of correction, — so as to read as follows: —

G. L. (Ter. Ed.), 31, § 45, amended.

Judicial
review of
certain re-
movals, etc.

Section 45. Within thirty days after the hearing provided for in section forty-three or after a finding of the commissioner of correction under section forty-six, the person so removed, transferred or lowered in rank or compensation, or suspended, or whose office or position is abolished, except members of the police department of Boston, the police of the metropolitan district commission and the state police, may bring a petition in the district court of the judicial district where such person resides, addressed to the justice of the court, praying that the action of the officer or board may be reviewed by the court, and after such notice to such officer or board as the court deems necessary, it shall review such action, hear the witnesses, and shall affirm the decision of the officer or board unless it shall appear that it was made without proper cause or in bad faith, in which case said decision shall be reversed and the petitioner be reinstated in his office without loss of compensation. The decision of the court shall be final and conclusive upon the parties.

Approved May 31, 1934.

Chap. 250 AN ACT RELATIVE TO COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW FOR CERTAIN CHILDREN OF A DECEASED EMPLOYEE IN CASE THERE IS NO SURVIVING DEPENDENT PARENT.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 152.
§ 31, amended.

Section thirty-one of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "week" in the twenty-third line the following new sentence:— If there is no surviving wife or husband of the deceased employee, such amount or amounts as would have been payable under this section to or for the use of a widow and for the benefit of all such children of the employee, shall be paid in equal shares to all such surviving children of the employee,—so that the first paragraph will read as follows:—

Death pay-
ments under
workmen's
compensation
law.

If death results from the injury, the insurer shall pay the following dependents of the employee, including his children by a former wife, wholly dependent upon his earnings for support at the time of his injury, compensation as follows, payable, except as hereinafter provided, in the manner set forth in section thirty-two:

To the widow, so long as she remains unmarried, ten dollars a week if and so long as there is no child of the employee, who is under the age of eighteen, or over said age and physically or mentally incapacitated from earning; to or for the use of the widow and for the benefit of all children of the employee, twelve dollars a week if and so long as there is one such child, and two dollars more a week for each such additional child; provided, that in case any such child is a child by a former wife, the death benefit shall be divided between the surviving wife and all living children of the

deceased employee in equal shares, the surviving wife taking the same share as a child. If the widow dies, such amount or amounts as would have been payable to or for her own use and for the benefit of all children of the employee shall be paid in equal shares to all the surviving children of the employee. If the widow remarries, all payments under the foregoing provisions shall terminate and the insurer shall pay each week to each of the children of the employee, if and so long as there are more than five, his or her proportionate share of eighteen dollars and shall pay each of such children, if and so long as there are five or less, three dollars a week. If there is no surviving wife or husband of the deceased employee, such amount or amounts as would have been payable under this section to or for the use of a widow and for the benefit of all such children of the employee, shall be paid in equal shares to all such surviving children of the employee. The total amount of payments under this section shall not be more than sixty-four hundred dollars and said payments shall not continue more than four hundred weeks. When weekly payments have been made to an injured employee before his death, compensation under the foregoing provisions of this section shall begin from the date of the death of the employee, but shall not amount to a total of more than sixty-four hundred dollars, including such payments as were made to the injured employee before his death, and shall not continue for more than four hundred weeks, including weeks during which payments were made to the injured employee before his death.

Approved May 31, 1934.

AN ACT RELATIVE TO THE EXAMINATION OF BANKS.

Chap. 251

Be it enacted, etc., as follows:

Chapter one hundred and sixty-seven of the General Laws is hereby amended by striking out section two, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 2.* The commissioner, either personally or by his examiners, or such others of his assistants as he may designate, shall, at least once in each year, make a thorough examination of the books, securities, cash, assets and liabilities and ascertain the condition of all banks under his supervision, the ability of each bank to fulfill its obligations, and also whether it has complied with the law; and he may also, whenever he considers it expedient, make, or cause to be made, at the expense of the bank, such further examinations or audits as he deems advisable. The expenses of the annual examination of a trust company shall be borne by the company, and shall be limited to the actual cost of such examination and such additional sum for the overhead expenses of the division of banks and loan agencies as the commissioner shall determine to be attributable to such examination.

G. L. (Ter. Ed.), 167, § 2, amended.

Examination of banks.

The commissioner or the person making the examination shall, at the time of any such examination, have free access to the vaults, investments, cash, books and papers. The commissioner shall preserve a full record of each such examination of a bank, including a statement of its condition. Such records, and information contained in the reports of such banks, other than information required by law to be published or to be open to the inspection of the public, shall be open only to the inspection of the commissioner, his examiners and assistants, and such other officers of the commonwealth as may have occasion and authority to inspect them in the performance of their official duties. Nothing herein contained shall be construed to prohibit the requiring of the production of such records, and information contained in the reports of such banks, before any court of this commonwealth or any master or auditor appointed by any such court, in any criminal or civil proceeding therein pending, affecting such bank, its officers, directors or employees.

Copies of reports of such examinations of any bank shall be furnished to such bank, and there may be furnished to the chief national bank examiner, the Federal Reserve Bank of Boston, the Federal Deposit Insurance Corporation, or the banking departments of other states, such information, reports and statements relating to the institutions under the supervision of the commissioner as he deems best.

Approved May 31, 1934.

Chap. 252 AN ACT PROVIDING FOR MORE PROMPT PAYMENT OF WORKMEN'S COMPENSATION IN CERTAIN CASES.

Be it enacted, etc., as follows:

Section fifteen A of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following: — If, however, said insurers cannot agree that such employee would be entitled to compensation irrespective of the existence of such controversy, then a hearing to determine the question of liability and the payment of compensation shall be held forthwith by the department, such hearing to take precedence over other pending matters, — so as to read as follows: — *Section 15A.* If one or more claims are filed for an injury and two or more insurers, any one of which may be held to be liable to pay compensation therefor, agree that the injured employee would be entitled to receive such compensation but for the existence of a controversy as to which of said insurers is liable to pay the same, such one of said insurers as they may mutually agree upon or as may be selected by a single member of the board shall pay to the injured employee the compensation aforesaid, pending a final decision of the board as to the matter in controversy, and such decision shall require that the amount of compensa-

G. L. (Ter. Ed.), 152, § 15A, amended.

Payment of compensation in certain cases in anticipation of settlement of controversy.

tion so paid shall be deducted from the award if made against another insurer and be paid by said other insurer to the insurer agreed upon or selected by the single member as aforesaid. If, however, said insurers cannot agree that such employee would be entitled to compensation irrespective of the existence of such controversy, then a hearing to determine the question of liability and the payment of compensation shall be held forthwith by the department, such hearing to take precedence over other pending matters.

Approved May 31, 1934.

AN ACT PROVIDING FOR THE ELECTION OF COUNCILMEN BY
WARDS IN THE CITY OF TAUNTON. *Chap. 253*

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter four hundred and forty-eight of the acts of nineteen hundred and nine is hereby amended by striking out, in the third line, the word "nine" and inserting in place thereof the word:—thirteen,—so as to read as follows:—*Section 3.* The municipal officers to be elected at city elections shall be the mayor; members of a single council, to consist of thirteen members, to be called the municipal council; and members of the school committee. The said municipal officers shall be elected at the times and in the manner hereinafter specified.

SECTION 2. Said chapter four hundred and forty-eight is hereby further amended by striking out section four and inserting in place thereof the following:—*Section 4.* At the annual city election in nineteen hundred and thirty-five and in every second year thereafter there shall be elected a mayor to serve for the term of two years, and one councilman from each ward to serve for the term of two years. At the annual city election in nineteen hundred and thirty-six and in every second year thereafter there shall be elected a councilman from each of the wards one, four, five, seven and eight to serve for the term of two years. The councilmen to be elected in nineteen hundred and thirty-four shall serve for the terms for which they are elected. There shall also be elected in the year nineteen hundred and thirty-five and annually thereafter three members of the school committee to serve for the three municipal years next following their election. Except as aforesaid, and as otherwise provided in this act, no city officer shall be elected at any city election. The mayor and school committeemen shall be elected by and from the qualified voters of the city, and the councilmen by and from the wards which they respectively represent; provided, that no person shall be eligible to be elected councilman to represent any ward unless at the time of filing his petition for nomination he shall be a resident thereof.

SECTION 3. Said chapter four hundred and forty-eight is hereby further amended by striking out section ten and inserting in place thereof the following:—*Section 10.* A

majority of the members of the municipal council shall constitute a quorum. Its meetings shall be public, and the mayor, if present, shall preside. The municipal council shall elect a president, who shall hold office during the pleasure of the council, and who shall preside in the absence of the mayor. In the absence of both, a chairman pro tempore shall be chosen. The city clerk shall be, ex officio, clerk of the municipal council, and shall keep the records of its proceedings. All votes of the council shall be by yeas and nays, if four members so request, and shall be entered upon the records. The affirmative vote of at least seven members shall be necessary for the passage of any order, ordinance, resolution or vote and it shall require eight votes to pass an order over the mayor's veto.

SECTION 4. Said chapter four hundred and forty-eight is hereby further amended by striking out section sixteen and inserting in place thereof the following: — *Section 16.* The municipal council shall meet not less than once each week. The mayor, president of the council, or any four members thereof, may, at any time, call a special meeting thereof.

SECTION 5. This act shall be submitted for acceptance to the registered voters of said city at the annual city election in the year nineteen hundred and thirty-four in the form of the following question, which shall be placed upon the official ballot to be used at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled 'An Act providing for the election of councilmen by wards in the City of Taunton', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall take effect for the nomination and election of councilmen at the annual city election in nineteen hundred and thirty-five, and for all other purposes it shall take effect upon the organization of the city government on the first Monday in January, nineteen hundred and thirty-six; otherwise this act shall be of no effect.

Approved May 31, 1934.

Chap. 254 AN ACT FURTHER REGULATING THE LOCATION OF PREMISES OCCUPIED AND USED BY HOLDERS OF MOTOR VEHICLE JUNK LICENSES, SO CALLED.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 140.
§ 59, amended.

SECTION 1. Section fifty-nine of chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "license" in the tenth line the following new sentence: — Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class three of section fifty-eight, and all licenses and permits issued hereunder to persons within said class three shall be subject to the provisions of ordinances and by-laws which are hereby

authorized to be made, — so as to read as follows: — *Section 59.* The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed fifty dollars. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class three of section fifty-eight, and all licenses and permits issued hereunder to persons within said class three shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying.

Motor vehicle
junk licenses,
regulation of
premises of
licensee.

SECTION 2. The provisions of this act shall apply only to licenses and permits originally granted thereunder after the effective date of this act.

Application
of act.

Approved May 31, 1934.

AN ACT REQUIRING THE PROPER HEATING OF FACTORIES AND CERTAIN OTHER ESTABLISHMENTS DURING THE WINTER MONTHS.

Chap. 255

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section one hundred and thirteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 113.* Every factory, workshop, manufacturing, mechanical and mercantile establishment shall be well lighted, well ventilated and kept clean and free from insanitary conditions, and work rooms therein in actual use shall be properly heated during the winter months, according to reasonable rules and regulations adopted by the department establishing minimum requirements with reference thereto.

G. L. (Ter.
Ed.), 149,
§ 113,
amended.

Factories,
etc., to be
properly
lighted, etc.

Approved May 31, 1934.

Chap. 256 AN ACT REQUIRING VOTERS SIGNING NOMINATION PAPERS TO STATE THEREIN THEIR RESIDENCES ON JANUARY FIRST.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three is hereby amended by inserting after section sixteen the following new section: — *Section 16A.* Where, in any special law, a voter is required in signing nomination papers to state his residence on April first, he shall, in lieu thereof, state such residence on January first.

SECTION 2. This act shall take effect upon December thirty-first of the current year. *Approved May 31, 1934.*

Chap. 257 AN ACT AUTHORIZING THE COUNTY OF DUKES COUNTY TO BORROW MONEY FOR THE PURPOSE OF CONTRIBUTING TO THE COST OF CONSTRUCTING A BRIDGE AND APPROACHES THERETO OVER THE OUTLET OF LAGOON POND IN THE TOWNS OF OAK BLUFFS AND TISBURY AND OF CERTAIN DREDGING IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of contributing to the cost of the construction by the state department of public works of a bridge, with approaches thereto, over the outlet of Lagoon pond in the towns of Oak Bluffs and Tisbury and to the cost of the dredging by said department of a channel under said bridge, the county commissioners for the county of Dukes County may from time to time borrow upon the credit of the county such sums as may be necessary, not exceeding, in the aggregate, forty thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Dukes County Bridge Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than ten years from their dates. Such bonds or notes shall be signed by the treasurer of the county and countersigned by a majority of the county commissioners. The county may sell the said securities at public or private sale upon such terms and conditions as the county commissioners may deem proper, but not for less than their par value. Indebtedness incurred hereunder shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

SECTION 2. The town of Gosnold shall not be required to pay any part of the expense incurred by said county hereunder or in caring for and maintaining the said bridge.

SECTION 3. This act shall take effect upon its acceptance during the current year by the county commissioners of said county, but not otherwise. *Approved May 31, 1934.*

AN ACT RELATIVE TO THE INCLUSION OF CERTAIN NON-CASH ALLOWANCES IN COMPUTING THE AMOUNT OF CONTRIBUTIONS BY MEMBERS OF THE COUNTY CONTRIBUTORY RETIREMENT SYSTEMS. Chap. 258

Be it enacted, etc., as follows:

SECTION 1. Section twenty of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "pensions" in the twenty-third line the following new paragraph: —

G. L. (Ter. Ed.), 32, § 20, amended.

"Salary or wages", cash received for regular services together with such allowance for other compensation not paid in cash as may be hereinafter provided;

"Salary or wages", defined.

SECTION 2. Section twenty-three of said chapter thirty-two, as so appearing, is hereby amended by striking out paragraph (5) and inserting in place thereof the following: —

G. L. (Ter. Ed.), 32, § 23, amended.

(5) The board shall determine the percentage of wages or salary that employees shall contribute to the fund, subject to the minimum and maximum percentages, and may classify employees for the purposes of the system and establish different rates of contribution for different classes within the prescribed limits. It shall add to the cash payment for regular services, in cases where an employee of a county institution receives a non-cash allowance to cover compensation in the form of full or partial boarding and housing in accordance with the practice in such county institution, an amount at a rate not to exceed seven dollars per week. Such amount added to said cash payment shall be the basis upon which annuity contributions shall be made; and the foregoing provision shall also apply in computing pensions based upon prior service.

Board of retirement, certain duties of.

Approved May 31, 1934.

AN ACT RELATIVE TO THE REMOVAL OF DEPUTY COLLECTORS OF TAXES. Chap. 259

Be it enacted, etc., as follows:

SECTION 1. Section ninety-two of chapter sixty of the General Laws, as amended by section one of chapter eighty-two of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "expedient" in the fourth line the words: — and they may be removed by the commissioner for cause, — so as to read as follows: — *Section 92.* Any officer authorized to collect taxes may appoint, subject to the approval of the commissioner, such deputies as such officer deems expedient and they may be removed by the commissioner for cause. Any such deputy may be a woman. Such deputies shall give bond for the faithful performance of their duties in such sum and in such form, and subject to such conditions, as the commissioner may prescribe, and shall have all the powers of collectors.

G. L. (Ter. Ed.), 60, § 92, etc., amended.

Appointment and removal of deputy collectors of taxes.

G. L. (Ter. Ed.), 41, § 37, etc., amended.

Collection of taxes by town treasurer.

SECTION 2. Section thirty-seven of chapter forty-one of the General Laws, as amended by section two of said chapter eighty-two, is hereby further amended by inserting after the word "taxes" in the eighth line the following new sentence:—Such deputies may be removed by said commissioner for cause, — so as to read as follows:—*Section 37.* A town treasurer, acting as collector of taxes, may, subject to the approval of the commissioner of corporations and taxation, appoint deputies, who shall give bond for the faithful performance of their duties in such sum and in such form, and subject to such conditions, as the said commissioner may prescribe; and such collector and deputies shall have all the powers of collectors of taxes. Such deputies may be removed by said commissioner for cause. A treasurer acting as collector may issue his warrant to the sheriff of the county or his deputy, or to any constable of the town, directing them to distrain the property or take the body of any person delinquent in the payment of taxes, and may proceed in the same manner as collectors. *Approved May 31, 1934.*

Chap. 260 AN ACT RELATIVE TO THE REGISTRATION OF BARBERS AND REGULATING THE PRACTICE OF BARBERING.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 112, § 87F, amended.

"Barber", defined.

SECTION 1. Section eighty-seven F of chapter one hundred and twelve of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the paragraph contained in the fourth to the ninth lines, inclusive, and inserting in place thereof the following new paragraph:—"Barber", any person who, personally or by any other person, for compensation, shaves or trims the beard, cuts the hair, gives facial and scalp massaging, facial and scalp treatments with oils and creams and other preparations made for that purpose, either by hand or mechanical appliances, singses and shampoos the hair or applies any make of hair tonics, and/or dyes the hair, of any male person; or any person who, without compensation, performs or offers to perform any of the above mentioned services for the public generally.

G. L. (Ter. Ed.), 112, § 87H, amended.
Prerequisites to registration. Certificate, etc.

SECTION 2. Section eighty-seven H of said chapter one hundred and twelve, as so appearing, is hereby amended by adding at the end thereof the following:—Any applicant failing to pass an examination satisfactory to the board shall thereafter be entitled to re-examination by payment of a fee of five dollars and by filing a re-examination application upon a form furnished by the board, but two re-examinations shall exhaust his privilege under his original application, and if he fails to apply for re-examination within one year after his original examination, or to appear for re-examination when notified so to do, his re-examination privilege for such original application shall be forfeited. A new temporary permit shall be issued for each re-examination fee paid. No applicant for registration who has filed an application and

holds a temporary permit, and no person who holds a card as an apprentice barber, shall be permitted to open and or to operate a barber shop until he has successfully passed the required examination and obtained a certificate of registration. Before any registered barber opens a barber shop he shall apply to the board for inspection and approval thereof.

SECTION 3. Section eighty-seven P of said chapter one hundred and twelve, as so appearing, is hereby amended by striking out in the eighth line the words "so, and" and inserting in place thereof the following: — so. After receipt of an application for a permit to operate a barber school or barber college, the board shall make investigation as to the reliability of the applicant or applicants, the qualifications of the instructors of the school or college and the equipment, appliances and sanitary conditions thereof and if these conditions are found to be satisfactory, a permit to operate or conduct a barber school or barber college shall be granted. Every permittee, — and by inserting after the word "qualifications" in the eighteenth line the words: — of instructors, — so as to read as follows: — *Section 87P.* Any school or college where tuition or fees are charged for teaching the occupation of barbering shall be considered a barber school or barber college under sections eighty-seven F to eighty-seven R, inclusive, and all said schools or colleges shall keep prominently displayed at the entrance a sign "Barber School" or "Barber College", as the case may be. Any person desiring to operate or conduct a barber school or barber college within this commonwealth shall first secure from the board a permit to do so. After receipt of an application for a permit to operate a barber school or barber college, the board shall make investigation as to the reliability of the applicant or applicants, the qualifications of the instructors of the school or college and the equipment, appliances and sanitary conditions thereof and if these conditions are found to be satisfactory, a permit to operate or conduct a barber school or barber college shall be granted. Every permittee shall keep such permit prominently displayed in such school or college, and shall before commencing business give to the state treasurer a bond, in such amount and with such sureties as shall be determined and approved by the governor and council, conditioned upon the faithful compliance by himself in the conduct of said school or college with all the provisions of said sections and of all rules and regulations made under authority thereof, and to pay all judgments that may be obtained against said school or college or the owners or managers thereof on account of fraud, misrepresentation or deceit practiced by themselves, their agents, servants or employees. The board may from time to time examine into the qualifications of instructors, appointments, course of study and hours of study in any such school or college, and may suspend or revoke the certificate of registration of the person operating or conducting such school or college or of any registered barber acting as instructor or teacher therein,

G. L. (Ter. Ed.), 112, § 87P, amended.

Barber schools or colleges.

or the permit of any such school or college, for the violation of any of said sections or of any rule or regulation made under authority thereof. *Approved May 31, 1934.*

Chap. 261 AN ACT AUTHORIZING THE TOWN OF ESSEX TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Essex may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. For the purposes aforesaid, said town, acting by and through its board of water commissioners hereinafter provided for, may contract with any other municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring or stream or of any ground water sources, by means of driven, artesian or other wells or filter galleries, within the limits of said town not already appropriated for purposes of public water supply, and the water rights connected with any such water sources; and also for said purposes may take by eminent domain under said chapter seventy-nine, or acquire by purchase or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying the same to any part of said town; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be taken or used without first obtaining the advice and approval of the department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works necessary in carrying out the provisions of this act shall be subject to the approval of said department. Said town may construct and maintain on the lands acquired and held under this act proper dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also purification and treatment works the construction and maintenance of which shall be subject to the approval of the department of public health, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works;

and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways, and along any such way in said town in such manner as not unnecessarily to obstruct the same; and for the purposes of constructing, laying, maintaining, operating and repairing such conduits, pipes and other works, and for all other proper purposes of this act, said town may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said town shall not enter upon, construct or lay any conduit, pipe 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 department of public utilities. Said town may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by this act.

SECTION 3. The land, water rights and other property taken or acquired under this act, and all works, buildings and other structures erected or constructed thereunder, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the town.

SECTION 4. Any person or corporation injured in his or its property by any action of said town or board under this act may recover damages from said town under said chapter seventy-nine; provided, that the right to damages for the taking of any water, water source or water right, or any injury thereto, shall not vest until the water is actually withdrawn or diverted by said town under authority of this act.

SECTION 5. Said town may, for the purpose of paying the necessary expenses and liabilities incurred or to be incurred under the provisions of this act, other than expenses of maintenance and operation, issue from time to time bonds or notes to an amount, not exceeding, in the aggregate, one hundred and fifty thousand dollars, which shall bear on their face the words, Town of Essex Water Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

SECTION 6. Said town shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section five; and when a vote to that effect has been passed, a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works or the purchasing of water and the maintenance of its pipe lines, as the case

may be, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of this act, shall without further vote be assessed by the assessors of said town annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

SECTION 7. Whoever wilfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said 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 one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year.

SECTION 8. The said town shall, after its acceptance of this act, at the same meeting at which the act is accepted or at a meeting thereafter 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 the annual town meeting held on the day on which the shortest of such terms expires, 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, except sections five and six, 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 from any cause may be filled for the remainder of the unexpired term by said town at any legal town meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual meeting of said town or until another person is qualified.

SECTION 9. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they accrue upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges, it may be appropriated for such new construction as the water commissioners, with the approval of the town, may determine upon, and in case a surplus should remain after payment for such new construction the water

rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section and by section three shall be subject to the provisions of section eight. Said commissioners shall annually, and as often as the town may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

SECTION 10. This act shall take effect upon its acceptance by a majority of the voters of the town of Essex present and voting thereon at a town meeting called for the purpose within three years after its passage; but the number of meetings so called in any year shall not exceed three.

Approved May 31, 1934.

AN ACT AUTHORIZING THE CONVEYANCE OF CERTAIN PORTIONS OF STATE HIGHWAY IN THE TOWN OF BOURNE TO THE UNITED STATES OF AMERICA.

Chap. 262

Whereas, The deferred operation of this act would, in part, defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

The department of public works is hereby authorized, in connection with the construction by the United States of America of two bridges over the Cape Cod canal in the town of Bourne, to convey to the said United States of America certain parcels of land in the said town of Bourne taken by the said department of public works for state highway purposes, which parcels are bounded and described as follows:

Parcel A. A parcel of land comprising section number one of the state highway location laid out November twenty-second, nineteen hundred and thirty-three. Said parcel is located between station one hundred plus forty-eight and ninety-four hundredths and station one hundred two plus ninety-four and eighteen hundredths and is described as follows: beginning at a point on the location line of said state highway layout, bearing south sixty-five degrees, six minutes, fifty seconds west and seventy-one and fifty-eight hundredths feet distant from station one hundred plus forty-eight and ninety-four hundredths, thence following said state highway location line north sixty-five degrees, six minutes, fifty seconds east for one hundred seventy-one and sixty hundredths feet, thence south twenty-five degrees, fifty-three minutes, ten seconds east for two hundred ninety-four and twenty-five hundredths feet, thence south sixty-seven degrees, forty minutes, forty-two seconds west for forty-two and fifty-six hundredths feet, thence north eleven degrees, thirteen minutes, forty-eight seconds west for eighty-five and seventy-eight hundredths feet, thence south forty degrees, twenty-one minutes, two seconds west for one hundred

fifty and twenty-eight hundredths feet, thence north fifty-six degrees, twenty-three minutes, four seconds west for eighty-seven and eleven hundredths feet, thence north twenty-five degrees, six minutes, no seconds east for eighty and one hundredth feet, and thence north thirty-seven degrees, fifty-three minutes, fifty-three seconds west for one hundred fifty and two hundredths feet to the point of beginning; containing about forty-two thousand and sixty-three square feet.

Parcel B. A parcel of land consisting of a portion of section number two of the state highway location laid out November twenty-second, nineteen hundred and thirty-three. Said parcel is located between station one hundred twenty-two plus ninety-eight and station one hundred twenty-four plus fifty-nine, being more fully described as follows: beginning at the junction of the easterly location line of said state highway layout with the southerly location line of the nineteen hundred and thirty state highway layout on the Sandwich road, said junction bearing north sixty-eight degrees, fifty-eight minutes, thirty-five seconds east and being one hundred and thirty-six hundredths feet distant from station one hundred twenty-two plus ninety-eight, thence by said easterly location line south twenty-five degrees, fifty-three minutes, ten seconds east for one hundred fifty-two and forty-nine hundredths feet, thence crossing said nineteen hundred and thirty-three state highway location south sixty-four degrees, six minutes, fifty seconds west for two hundred feet, thence by the westerly location line of said nineteen hundred and thirty-three layout north twenty-five degrees, fifty-three minutes, ten seconds west for one hundred sixty-nine and fifty-one hundredths feet, thence by the aforesaid nineteen hundred and thirty location line north sixty-eight degrees, fifty-eight minutes, thirty-five seconds east for two hundred and seventy-two hundredths feet to the point of beginning; containing about thirty-two thousand and two hundred square feet.

Said parcels A and B are portions of the location of a state highway layout at the Bourne bridge, so called, in the said town of Bourne as shown on a plan entitled "The Commonwealth of Massachusetts Plan of Road in the town of Bourne Barnstable County Laid Out as a State Highway by the Department of Public Works November 22, 1933. Scale: 40 feet to the inch. A. W. Dean Chief Engineer."

Parcel C. A parcel of land consisting of a portion of section number one of the state highway location laid out November twenty-second, nineteen hundred and thirty-three. Said parcel is located between station ninety-one plus seventeen and twenty hundredths and station ninety-five plus sixty and forty hundredths, being more fully described as follows: beginning at the junction of the westerly location line of said state highway layout with the northerly location line of the nineteen hundred and fifteen state highway layout on the Buzzards Bay road, said junction bearing north

eighty-one degrees, two minutes, twenty-five seconds west and being one hundred one and thirty hundredths feet distant from station ninety-five plus sixty and forty hundredths, thence by said westerly location line north no degrees, thirteen minutes, fifty-five seconds west for four hundred twenty-seven and two hundredths feet, thence crossing said nineteen hundred and thirty-three state highway location north eighty-nine degrees, forty-six minutes, five seconds east for two hundred feet, thence by the easterly location line of the aforesaid nineteen hundred and thirty-three layout south no degrees, thirteen minutes, fifty-five seconds east for four hundred fifty-nine and thirty-eight hundredths feet, thence by the aforesaid nineteen hundred and fifteen location line north eighty-one degrees, two minutes, twenty-five seconds west for two hundred two and sixty hundredths feet to the point of beginning; containing about eighty-eight thousand, six hundred and forty square feet.

Parcel D. A parcel of land comprising section two of the state highway location laid out November twenty-second, nineteen hundred and thirty-three. Said parcel is located between stations one hundred five plus ninety and eighty hundredths and one hundred seven plus thirty-one and forty-nine hundredths, being described as follows: beginning at the junction of the northerly location line of the nineteen hundred and thirty state highway on the Sandwich road with the westerly location line of the aforementioned nineteen hundred and thirty-three state highway layout, said junction bearing south eighty-nine degrees, forty-six minutes, five seconds west and being one hundred feet distant from station one hundred seven plus fifteen and seventy-three hundredths, thence by said nineteen hundred and thirty-three location line north no degrees, thirteen minutes, fifty-five seconds west for one hundred thirty and forty-seven hundredths feet, thence by the southerly location line of the right of way of the Old Colony Railroad Company, easterly by a curve to the right of radius eleven thousand one hundred eighty-six and ninety-one hundredths feet length two hundred and thirty-six hundredths feet, thence by the easterly location line of the aforesaid nineteen hundred and thirty-three layout south no degrees, thirteen minutes, fifty-five seconds east for one hundred fifty-six and sixty-two hundredths feet to its junction with the aforesaid nineteen hundred and thirty location line, thence returning by said nineteen hundred and thirty location line westerly by a curve to the left of radius sixteen hundred feet length two hundred three and seventy-four hundredths feet to the point of beginning; containing about twenty-eight thousand, three hundred and thirty square feet.

Parcel E. A parcel of land consisting of a portion of section three of the state highway location laid out November twenty-second, nineteen hundred and thirty-three. Said parcel is located between station one hundred eight plus ten and eighty-seven hundredths and station one hundred nine plus fifty and twenty hundredths and is described as follows:

beginning at a point on the westerly location line of said state highway layout, bearing south eighty-nine degrees, forty-six minutes, five seconds west and being one hundred feet distant from station one hundred nine plus fifty and twenty hundredths, thence by said location line north no degrees, thirteen minutes, fifty-five seconds west for one hundred thirty-eight and thirty-nine hundredths feet, thence by lines within the location of said state highway layout, crossing the same, north eighty-nine degrees, two minutes, nineteen seconds east for seventy-four and one hundredth feet, north eighty-nine degrees, forty-six minutes, five seconds east for fifty-two feet, and south seventy-nine degrees, twenty-seven minutes, thirty-two seconds east for ninety-two and thirty-seven hundredths feet, thence by the easterly location line of said nineteen hundred and thirty-three layout, south forty-three degrees, no minutes, fifty-seven seconds east for eighty-four and thirty hundredths feet and south five degrees, five minutes, thirty seconds east for sixty and forty-two hundredths feet, thence again crossing said nineteen hundred and thirty-three location, south eighty-nine degrees, forty-six minutes, five seconds west for two hundred seventy-nine and twelve hundredths feet to the point of beginning; containing about thirty-four thousand, seven hundred and fifty-five square feet.

Said parcels C, D and E are portions of the location of a state highway layout at the Sagamore bridge, so called, in the said town of Bourne as shown on a plan entitled "The Commonwealth of Massachusetts Plan of Road in the town of Bourne Barnstable County Laid Out as a State Highway by the Department of Public Works November 22, 1933. Scale: 40 feet to the inch. A. W. Dean Chief Engineer."

Parcel F. A parcel of land comprising a portion of the location of the state highway on Sandwich road so called, laid out March twenty-fifth, nineteen hundred and thirty. Said parcel is located between station three hundred plus seventy-two and eight hundredths and station three hundred two plus seventy-five and sixty-eight hundredths and is described as follows: beginning at the junction of the westerly location line of section two of the nineteen hundred and thirty-three state highway layout dated November twenty-second, nineteen hundred and thirty-three, with the northerly location line of the aforementioned nineteen hundred and thirty state highway layout, said junction bearing north ten degrees, forty-one minutes, fifty-five seconds east and being thirty-eight and seventy-five hundredths feet distant from station three hundred plus seventy-two and eight hundredths, thence by said nineteen hundred and thirty location line easterly by a curve to the right of radius sixteen hundred feet length two hundred three and seventy-four hundredths feet, thence by lines within the location of the nineteen hundred and thirty state highway layout south eighty-three degrees, ten minutes, fifty-seven seconds west for sixty-two and eighty-nine hundredths feet, south eighty-

nine degrees, thirty-five minutes, twenty-five seconds west for seventy-five feet, and north fifty-four degrees, thirty-four minutes, twenty-six seconds west for seventy-seven and nine hundredths feet to the point of beginning; containing about four thousand and twenty-five square feet.

Parcel F is a portion of the location of a state highway layout at said Sagamore bridge on Sandwich road, so called, in the said town of Bourne as shown on a plan entitled "The Commonwealth of Massachusetts Plan of Road in the town of Bourne Barnstable County Laid Out as a State Highway by the Department of Public Works March 25, 1930. Scale: 40 feet to the inch. A. W. Dean Chief Engineer."

The stations mentioned in the description of the said parcels are points on the base line of the location of said state highway layouts, and the bearings given in the description of said parcels refer to the same data as the bearings shown on the layout plans hereinbefore referred to.

Approved June 7, 1934.

AN ACT PROVIDING FOR JUDICIAL DETERMINATION OF THE VALIDITY AND EXTENT OF MUNICIPAL ZONING ORDINANCES, BY-LAWS AND REGULATIONS.

Chap. 263

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and eighty-five of the General Laws, as amended by section one of chapter sixty-seven of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after clause (j), as appearing in the Tercentenary Edition, the following new clause:—

G. L. (Ter. Ed.), 185, § 1, etc., amended.

(j $\frac{1}{2}$) Petitions under section fourteen A of chapter two hundred and forty to determine the validity and extent of municipal zoning ordinances, by-laws and regulations.

Land court, jurisdiction in reference to certain by-laws, etc.

SECTION 2. Chapter two hundred and forty of the General Laws is hereby amended by adding after section fourteen, as appearing in the Tercentenary Edition, the following new section:— *Section 14A.* The owner of a freehold estate in possession in land may bring a petition in the land court against a city or town wherein such land is situated, which shall not be open to objection on the ground that a mere judgment, order or decree is sought, for determination as to the validity of a municipal ordinance, by-law or regulation, passed or adopted under the provisions of sections twenty-five to thirty A, inclusive, of chapter forty or under any special law relating to zoning, so called, which purports to restrict or limit the present or future use, enjoyment, improvement or development of such land, or any part thereof, or of present or future structures thereon, including altera-

G. L. (Ter. Ed.), 240, new section 14A, added.

By-laws, etc., judicial determination of validity of.

tions or repairs, or for determination of the extent to which any such municipal ordinance, by-law or regulation affects a proposed use, enjoyment, improvement or development of such land by the erection, alteration or repair of structures thereon or otherwise as set forth in such petition. The right to file and prosecute such a petition shall not be affected by the fact that no permit or license to erect structures or to alter, improve or repair existing structures on such land has been applied for, nor by the fact that no architects' plans or drawings for such erection, alteration, improvement or repair have been prepared. The court may make binding determinations of right interpreting such ordinances, by-laws or regulations whether any consequential judgment or relief is or could be claimed or not. *Approved June 7, 1934.*

Chap. 264 AN ACT PROVIDING FOR THE SAFETY AND REGULATION OF THE USE OF THE HIGHWAYS BY MOTOR VEHICLES TRANSPORTING PROPERTY FOR HIRE IN THE COMMONWEALTH, AND FOR THE SUPERVISION AND CONTROL OF SUCH MOTOR VEHICLES AND SUCH TRANSPORTATION.

Emergency preamble.

Whereas, In order that a transportation system of this commonwealth may be operated most effectively immediately, this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), new chapter 159B, added.

SECTION 1. The General Laws are hereby amended by inserting after chapter one hundred and fifty-nine A, as appearing in the Tercentenary Edition, the following new chapter with the following title: —

CHAPTER 159B.

CARRIERS OF PROPERTY BY MOTOR VEHICLE.

Term "common carrier" defined.

Section 1. The term "common carrier" as used in this section means any person engaged in the common carriage of property for hire by motor vehicle over regular routes between points within this commonwealth. The words "regular routes" as herein used mean routes over which any person is usually or ordinarily operating any motor vehicle, even though there may be departures, periodic or irregular, from said routes.

Certificate required before operating as common carrier.

No person shall operate any motor vehicle not running on rails or tracks upon any public way within the commonwealth in the business of transporting property for hire as a common carrier without a certificate obtained as hereinafter provided from the department of public utilities, hereinafter called the department. Upon the filing of any such application and the payment of the fee hereinafter prescribed, the department shall within a reasonable time fix the time and place for a hearing thereon. A written notice of such hearing shall be

mailed by the department at least ten days before the date fixed therefor to all common carriers, including steam and electric railway companies, serving any part of the route proposed to be served by the applicant, to the commissioner of public works and to any other person who may, in the opinion of the department, be interested in or affected by the issuance of such certificate. Any person having an interest in the subject matter shall have the right, in accordance with the rules and regulations prescribed therefor by the department, to make representations and to introduce evidence in favor of or in opposition to the issuance of such certificate in whole or in part. After such hearing the department may issue to the applicant a certificate in a form to be prescribed by the department, or may refuse to issue the same, or may issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by such certificate such limitations, terms and conditions as in its judgment public interest may require; provided, that if no protest to the granting of the certificate be filed with the department prior to the time fixed for the hearing and if the department is satisfied that the certificate sought by the applicant should be granted, the certificate may be granted without a public hearing. In determining whether or not such a certificate shall be granted, the department shall take into consideration the existing transportation facilities and the effect upon them of granting such certificate, the public need for the service the applicant proposes to render, the financial responsibility of the applicant, the ability of the applicant efficiently to perform the service for which authority is requested, conditions of and effect upon the public ways involved, and the safety of the public using such ways. No such certificate shall be issued unless and until it is established to the satisfaction of the department that there exists a public need for such additional service. No such certificate shall be denied solely on the ground that there is an existing rail service. No certificate to operate over a route already covered by a certificate shall be granted until the common carrier or carriers already operating over the route shall have been given a reasonable opportunity to furnish the additional service for which the department finds that there is a public need and said common carrier or carriers shall have failed to furnish such additional service.

Section 2. Every person required to procure a certificate under section one shall file with the department in simple and concise form a schedule or schedules showing the rates or charges for transportation to be rendered or furnished within the commonwealth and showing the terminal or other services included therein. Such rates shall be just and reasonable and shall be reasonably compensatory, except that a rate may be established to meet the existing rate of a competing common carrier. No person shall charge, demand, exact, receive or collect for any service rendered an amount

Schedule of rates, etc., to be filed with department of public utilities.

greater or less than the rate specified in such schedule or schedules, nor shall any such carrier refund or remit in any manner by any device any portion of the rate so specified, nor make or give any unreasonable preference or advantage to any person, nor furnish to any person any terminal or other service not included in the filed rate at less than a compensatory charge, nor subject any person to any unreasonable prejudice or discrimination. Rates may be changed on thirty days' notice to the department, but the department may allow changes without requiring such thirty days' notice, and where such change is made to meet the existing rate of a competing common carrier, shall allow said change forthwith. The department may, on complaint of any interested party, after notice and hearing, allow or disallow, alter or prescribe such rates. Every such person shall be subject to such orders, rules and regulations as shall be adopted and promulgated by the department under the authority of this chapter, after public hearing, and to the general supervision, control and jurisdiction of the department.

Term "contract carrier", defined.

Section 3. The term "contract carrier" as hereinafter used is intended to include every person engaged in transporting property for hire by motor vehicle, other than a common carrier as defined in section one.

It is hereby declared that the business of contract carriers is affected with the public interest and that the safety and welfare of the public upon the public ways within the commonwealth, the preservation and maintenance of such ways and the proper regulation of common carriers using such ways require the regulation of contract carriers to the extent hereinafter provided.

Permit required.

Section 4. No contract carrier shall operate any motor vehicle for the transportation of property for hire on any public way within the commonwealth unless there is in force with respect to such carrier a permit, issued by the department, authorizing such operation.

Permits, issuance of.

Section 5. Such a permit shall be issued to any qualified applicant if it shall appear that the applicant is fit, willing and able to perform the service of contract carrier, and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the department made thereunder and that the proposed operation is not inconsistent with the public interest. The department shall specify in the permit the operations covered thereby and shall attach to it at the time of issuance, and from time to time thereafter, such terms and conditions not inconsistent with the character of the holder as a contract carrier as the public interest may require.

Department of public utilities to make rules, etc.

Section 6. The department of its own motion may, and on petition of any interested party after a public hearing shall, prescribe rules and regulations covering the operation of contract carriers in competition with common carriers over the public ways within the commonwealth, and prescribe the minimum rates and charges of contract carriers in com-

petition with such common carriers to be collected by such contract carriers. Said rates and charges of contract carriers in general shall not be less than those charged by such common carriers for substantially the same or similar service. Nothing in this section shall apply to the transportation of property by motor vehicle for any common carrier when the rate charged the public for transportation of such property is already published and filed with the department.

Section 7. Each application for a certificate or permit shall be made in writing in such form as the department may prescribe, shall be verified by oath or written declaration that it is made under the penalties of perjury, shall contain such information as the department may require and shall be accompanied by a fee of ten dollars. Distinguishing plates shall be prescribed and furnished by the department annually for such number of vehicles as may be reasonably necessary for the conduct of the business of the holder of the certificate or permit, and said plates shall be displayed at all times on each motor vehicle operated under any of the provisions of this chapter. Transfer of such plates from one vehicle to another is prohibited except upon authority and consent of the department. The annual charge for each set of plates shall be one dollar. Any such certificate or any such permit issued as aforesaid may be assigned and transferred, with the approval and consent of the department, by the holder, his assignee, receiver or trustee, or by the holder's personal representative or the surviving partner or partners or the deceased partner's personal representative to whom the rights and privileges under said certificate or permit shall pass at the death of said holder. The department is authorized to prescribe the conditions precedent to such transfer and make any necessary rules and regulations pertaining thereto. The department may revoke any certificate or permit for wilful and repeated violations of any of the provisions of this chapter or the regulations of the department made under authority thereof, after a hearing, at least ten days' notice of which shall be given to the holder of the certificate or permit. Any such certificate or permit shall remain in effect unless and until revoked by the department as herein provided.

Section 8. A certificate shall be granted as a matter of right for the operation of the transportation service conducted by or on behalf of the applicant, if upon investigation the department shall determine that such service was actually being rendered by the applicant on February first, nineteen hundred and thirty-four over the route or routes covered by the application, and in such case the said service may lawfully be continued pending the issue of such certificate, provided application therefor is made within sixty days from the effective date of this section. No such application shall be denied except after hearing thereon by the department. A certificate shall also be granted as a matter of right for the operation of service of a seasonal nature, if upon investigation it appears to the satisfaction of the department that the

Applications
for certificate
or permit,
form and
contents of.

Investigation
by depart-
ment.

applicant was actually operating such service in the season last preceding February first, nineteen hundred and thirty-four.

A permit, without limitations as to territory or commodities carried, shall be granted as a matter of right to any contract carrier regularly engaged in such business on February first, nineteen hundred and thirty-four, if application therefor is made within sixty days from the effective date of this section and said contract carrier may continue such operation pending the issue of such permit.

Nothing contained in the foregoing sections shall be construed to prohibit a person from holding both a certificate as a common carrier and a permit as a contract carrier.

Penalty.

Section 9. It shall be unlawful for any driver to operate, or for the owner of the vehicle to require or permit any driver to operate, any motor vehicle for the transportation of property for hire on the public ways within the commonwealth, when the driver has been continuously on duty for more than twelve hours, and after a driver has been continuously on duty for more than twelve hours it shall be unlawful for him to operate, or for the owner of the vehicle to permit him to operate, any such motor vehicle on said public ways until he shall have had at least eight consecutive hours off duty.

It shall be unlawful for any driver to operate, or for the owner of the vehicle to require or permit any driver to operate, any motor vehicle for the transportation of property for hire on said public ways when the driver has been on duty more than sixteen hours in the aggregate in any twenty-four hour period, and when a driver has been on duty sixteen hours in any twenty-four hour period, it shall be unlawful for him to operate, or for the owner of the vehicle to require or to permit him to operate, a motor vehicle on the public ways within the commonwealth until he shall have had at least ten consecutive hours off duty. Periods of release from duty herein required shall be given at such place and under such circumstances that rest and relaxation from the strain of the duties of the employment may be obtained. No period off duty shall be deemed to break the continuity of service unless it be for at least three consecutive hours at a place where there is opportunity for a rest. In case of flood, storm or other unforeseen emergency, the driver may complete his run or tour of duty if such run or tour of duty would reasonably have been completed without a violation of this section except for the delay caused by such emergency, or may make deliveries of necessaries of life notwithstanding the foregoing provisions of this section.

The department shall have authority to make such rules and regulations as it deems necessary or advisable to insure proper enforcement of the provisions of this section.

Exemptions.

Section 10. There shall be exempted from the provisions of this chapter, (1) motor vehicles while engaged exclusively in work for any branch of the government of the United States or for any department of the commonwealth, or for

any county, city, town or district; (2) motor vehicles while engaged exclusively in the delivery of the United States mail.

Section 11. The provisions of section fifteen of chapter one hundred and fifty-nine A shall apply to violations of any provision of this chapter.

Certain provisions of law to apply.

Section 12. If any part, subdivision or section of this chapter shall be declared unconstitutional, the validity of its remaining provisions shall not be affected thereby.

Constitutionality.

It is hereby declared to be the legislative intent that this chapter would have been enacted had such void or ineffective part, subdivision or section not been included therein.

Section 13. Nothing contained in this chapter shall lessen or affect the authority or powers of the department of public works or of the registrar of motor vehicles under chapter ninety.

Powers of certain state officers, etc., not affected.

SECTION 2. Section one A of chapter ninety of the General Laws, as most recently amended by section three of chapter three hundred and seventy-two of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the eighth and ninth lines, the words "Part II of said chapter one hundred and fifty-nine A" and inserting in place thereof the words: — chapter one hundred and fifty-nine B, — so as to read as follows: — *Section 1A.* No motor vehicle or trailer, except one owned by a person, firm or corporation, for the operation of which security is required to be furnished under section six of chapter one hundred and fifty-nine A, or one owned by any other corporation subject to the supervision and control of the department of public utilities other than one subject thereto solely under chapter one hundred and fifty-nine B, or one owned by a street railway company under public control, or by the commonwealth or any political subdivision thereof, shall be registered under sections two to five, inclusive, unless the application therefor is accompanied by a certificate as defined in section thirty-four A. Ambulances, fire engines and apparatus, police patrol wagons and other vehicles used by the police department of any city or town or park board solely for the official business of such department or board (whether or not owned as aforesaid) shall not be subject to the requirements of this section.

G. L. (Ter. Ed.), 90, § 1A, etc., amended.

Registration.

SECTION 3. Section seventy A of chapter one hundred and sixty of the General Laws, as most recently amended by chapter two hundred and thirty-six of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "ninety" in the eighth line the words: — and of chapter one hundred and fifty-nine B, — so as to read as follows: — *Section 70A.* A railroad corporation may acquire, hold, maintain and operate steamship companies, ferries, ferry boats and docks, and either directly or through subsidiaries, may own, maintain and operate motor vehicles not running upon rails or tracks, and aircraft for the transportation of passengers and/or freight. A railroad corporation, or any subsidiary thereof, in maintaining and operating

G. L. (Ter. Ed.), 160, § 70A, etc., amended.

Railroads may acquire and operate auxiliary services.

such vehicles, shall be subject to all provisions of chapter ninety and of chapter one hundred and fifty-nine B and to all other laws applicable to aircraft or motor vehicles and the operation thereof, and, in respect to the transportation of passengers, to chapter one hundred and fifty-nine A, but in respect to the transportation of freight shall not be subject to the provisions of chapter one hundred and fifty-nine.

The department may from time to time prescribe forms of accounting reports relating to the operations of motor vehicles for the transportation of passengers or freight by a railroad or subsidiary thereof and such reports shall be made in accordance with the forms prescribed.

Motor vehicles operated by a railroad corporation directly or through subsidiaries for the transportation of freight within the commonwealth shall be operated only in areas now served by such corporation; and the department shall have authority, after a hearing had upon its own motion or upon complaint, to determine specified areas in which or points between which such motor vehicles may be operated and by order to prescribe and limit the number of such vehicles that may be operated by a railroad in such areas or between such points and to regulate the operation of such motor vehicles.

This section shall not be construed to affect any right or privilege derived from the constitution or laws of the United States.

G. L. (Ter. Ed.), 161, § 44, amended.

SECTION 4. Section forty-four of chapter one hundred and sixty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the words "chapter one hundred and fifty-nine A" and inserting in place thereof the words: — chapters one hundred and fifty-nine A and one hundred and fifty-nine B, — so as to read as follows: — *Section 44.* Any company, with the approval of the department, may acquire, own and operate, for the transportation of passengers or freight, motor vehicles not running upon rails or tracks, but in such operation shall be subject to chapters one hundred and fifty-nine A and one hundred and fifty-nine B, so far as applicable.

Street railway companies may use motor cars, etc.

Repeal.

SECTION 5. Chapter three hundred and seventy-two of the acts of nineteen hundred and thirty-three is hereby repealed.
Approved June 7, 1934.

Chap. 265

AN ACT RELATIVE TO THE ELECTION OF COMMISSIONERS TO APPORTION SUFFOLK COUNTY INTO REPRESENTATIVE DISTRICTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 54, § 161, amended.

Section one hundred and sixty-one of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventh line, the word "twenty-four", and by inserting in place thereof the

word: — thirty-four, — and by striking out all after the colon in the eighth line down to and including the word “twenty-four” in the fourteenth line and inserting in place thereof the following: — First district, wards one, two, three. Second district, wards four, five, twenty-one, twenty-two. Third district, wards six, seven, eight, nine, ten, eleven. Fourth district, wards twelve, fourteen, nineteen, twenty. Fifth district, wards thirteen, fifteen, sixteen, seventeen, eighteen, — so that all of said section except the last paragraph will read as follows: — At the biennial state election in nineteen hundred and twenty-four, and in every tenth year thereafter, nine commissioners shall be elected to apportion Suffolk county into representative districts under section five of chapter fifty-seven. For the purpose of electing commissioners as aforesaid, the city of Boston is hereby divided into the five following districts, each comprising the territory within the wards, as constituted on January first, nineteen hundred and thirty-four, which are hereinafter assigned to it: First district, wards one, two, three. Second district, wards four, five, twenty-one, twenty-two. Third district, wards six, seven, eight, nine, ten, eleven. Fourth district, wards twelve, fourteen, nineteen, twenty. Fifth district, wards thirteen, fifteen, sixteen, seventeen, eighteen.

Commissioners to apportion Suffolk county into representative districts.

Approved June 7, 1934.

AN ACT RELATIVE TO THE DISPOSAL OF MONEYS COLLECTED OR RECEIVED BY THE METROPOLITAN DISTRICT COMMISSION ON ACCOUNT OF RESERVATIONS AND BOULEVARDS.

Chap. 266

Be it enacted, etc., as follows:

SECTION 1. Section forty-eight of chapter ninety-two of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after the word “shall” in the seventh line the words: — , unless otherwise provided, — and by striking out all after the word “a” in the eleventh line down to and including the word “purposes” in the fifteenth line and inserting in place thereof the following: — separate account. Said account shall be used as a credit to the cities and towns of the metropolitan parks district toward the payment of assessments made thereon under general law to meet the cost of maintenance of reservations in said district, — so as to read as follows: — *Section 48.* All sums of money collected or received by the commission in the exercise of its functions in relation to reservations or boulevards, including current receipts from the bath houses and sums received in the exercise of said functions for rentals, sales or use of property under its charge, and all fines recovered for violation of rules and regulations made by the commission, or for violation of the laws of the commonwealth within the limits of said reservations or boulevards, shall, unless otherwise provided, be accounted for and paid to the state treasurer, who shall receive the same and hold and invest the

G. L. (Ter. Ed.), 92, § 48, amended.

Metropolitan Parks Expense Fund.

same, together with money collected or received by him in payment of betterments assessed by the commission in its exercise of said functions, as a separate account. Said account shall be used as a credit to the cities and towns of the metropolitan parks district toward the payment of assessments made thereon under general law to meet the cost of maintenance of reservations in said district. This section shall not apply to any moneys received by the commission from admissions, souvenir privileges or from any other source, in connection with the Bunker Hill monument; but all moneys so received shall be paid into the general revenue of the commonwealth.

G. L. (Ter. Ed.), 92, § 93, amended.

SECTION 2. Section ninety-three of said chapter ninety-two, as so appearing, is hereby amended by striking out, in the fourth and fifth lines, the words "Metropolitan Parks Expense Fund" and inserting in place thereof the words: — special account provided for by section forty-eight, — so as to read as follows: — *Section 93.* The proceeds of such sales, together with such unclaimed money, after deducting all reasonable charges and expenses incurred on account of such property, shall be accounted for and paid to the commonwealth and shall be credited and added to the special account provided for by section forty-eight.

Proceeds of sale of lost property, etc.

G. L. (Ter. Ed.), 92, § 94, amended.

SECTION 3. Section ninety-four of said chapter ninety-two, as so appearing, is hereby amended by striking out, in the fifth and sixth lines, the words "Metropolitan Parks Expense Fund" and inserting in place thereof the words: — special account, without appropriation, — so as to read as follows: — *Section 94.* If within two years after any such sale the owner claims such property and proves ownership to the satisfaction of the commission, the amount of such unclaimed money or the proceeds of the sale of such property, after deducting reasonable expenses, shall be paid to him by the state treasurer out of said special account, without appropriation.

True owner to be paid proceeds of sale.

Effective date.

SECTION 4. This act shall take effect on December first of the current year.

Approved June 7, 1934.

Chap. 267 AN ACT RELATIVE TO THE HEALTH DEPARTMENT OF THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. As soon after the effective date of this act as practicable, the mayor of the city of Springfield, subject to confirmation or rejection by the city council, shall appoint a commissioner of public health, hereinafter called the commissioner, and a public health council consisting of six members, two of whom shall be registered physicians. As the term of office of a member, other than the commissioner, expires, his successor shall, subject to like confirmation or rejection, be appointed by the mayor, who may also, subject to like confirmation or rejection, fill any vacancy in said council

for the unexpired portion of the term. Upon the rejection of a person appointed under this section the mayor shall within one month thereafter make another appointment. The commissioner or any other member of the public health council may be removed by the city council for cause after charges preferred, reasonable notice thereof and a hearing thereon; and the city council shall in any order of removal state its reasons therefor.

SECTION 2. The commissioner shall be a registered physician, shall be specially fitted by education, training and experience to perform the duties of his office, and shall be appointed without regard to party affiliation or to residence at the time of appointment. He shall devote his entire time to the duties of his office and his compensation shall be fixed by the mayor and city council. He shall, ex officio, be a member of the public health council with the power to vote. The commissioner first appointed under this act shall hold office until the first Monday of February in the year nineteen hundred and forty and until his successor is duly qualified, unless sooner removed as hereinbefore provided. In the month of January in the year nineteen hundred and forty, and in the month of January of each fifth year thereafter, the mayor shall submit to the city council his appointment of a commissioner to serve for a term of five years from the first Monday of February following and until his successor is qualified, unless sooner removed as hereinbefore provided.

SECTION 3. The commissioner shall perform the duties and, except as provided in section five, shall have all the powers imposed and conferred upon the board of health of the city of Springfield by general or special laws, and such other similar duties as may be prescribed by ordinance. He shall be the executive officer of the health department of said city and shall administer in said city the laws relative to health and sanitation and the rules and regulations of the state health department of public health and the rules and regulations promulgated by the health council as hereinafter provided.

SECTION 4. There shall be a deputy commissioner of public health and agent who shall perform all the duties imposed and conferred upon agents of boards of health by general or special laws, and in the absence of the commissioner shall perform all the duties and have all the powers of the commissioner. He shall be directly responsible to the commissioner and under his direction and control. The agent of the board of health of said city in office upon the effective date of this act shall during good behavior hold office as such deputy commissioner and agent. His successors in office shall be appointed by the commissioner but shall be subject to chapter thirty-one of the General Laws, and rules and regulations made thereunder.

SECTION 5. The public health council shall make and promulgate rules and regulations such as boards of health may make under general or special laws. It shall meet as

often as necessary or at the call of the commissioner to advise the commissioner on all matters relative to health and sanitation in said city and the administration of the health department and hospitals of said city. It shall organize in February of each year and elect a chairman, who shall not be the commissioner. The terms of office of the members thereof first appointed hereunder, other than the commissioner, shall commence at the date of their confirmation by the city council and shall be so arranged as to expire at the end of one, two, and three years from the first Monday of February in the year nineteen hundred and thirty-five, the date of expiration to be specified in their respective commissions; and thereafter two members shall annually be appointed for terms of three years from the first Monday of February next following. Not more than four members of said council shall be members of the same political party.

SECTION 6. Upon the qualification of the commissioner first appointed under this act, the terms of office of the members of the board of health of said city then in office shall cease.

SECTION 7. Such provisions of chapter ninety-four of the acts of eighteen hundred and fifty-two, and acts in amendment thereof or in addition thereto, and such ordinances of said city, as are inconsistent with this act are hereby repealed; but nothing in this act shall abrogate or in any manner affect the rules and regulations of the board of health of said city previously promulgated until and unless they are amended or repealed by the public health council as hereinbefore provided.

SECTION 8. This act shall be submitted for acceptance to the qualified voters of said city at the biennial state election in the current year in the form of the following question, which shall be placed upon the official ballot to be used in said city at said election:—“Shall an act passed by the general court in the current year, entitled ‘An Act relative to the Health Department of the City of Springfield’, be accepted?”

Yes	<input type="checkbox"/>
No	<input type="checkbox"/>

If a majority of the votes cast on said question are in the affirmative, this act shall thereupon take full effect; otherwise it shall be of no effect.

Approved June 7, 1934.

Chap. 268 AN ACT PROVIDING FOR CONSTRUCTION OF A CAR STOP IN THE EXTENSION OF THE BOYLSTON STREET SUBWAY UNDER BEACON STREET IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The transit department of the city of Boston, hereinafter called the transit department, shall, after the contract hereinafter provided for is made, construct as a part of the extension of the Boylston street subway under Beacon street in the city of Boston, constructed under the authority of chapter three hundred and forty-one of the acts

of nineteen hundred and twenty-five, as amended by chapter three hundred and ninety-four of the acts of nineteen hundred and thirty, a car stop, with necessary entrances and exits, at such location in said Beacon street between the Boston and Albany railroad and Audubon Circle as it may determine and for said purpose shall have all the powers and authority conferred by said chapter three hundred and forty-one as amended.

SECTION 2. Such car stop shall not be constructed until a plan altering the plan for the alterations and extensions of the Boylston street subway authorized by said chapter three hundred and forty-one so as to provide for such car stop shall have been approved by the department of public utilities as provided in said chapter three hundred and forty-one as amended and an agreement shall have been made between the transit department and the Boston Elevated Railway Company, hereinafter called the company, consenting to such alteration and agreeing to the amount to be added to the net cost of the alterations and extensions authorized by said chapter three hundred and forty-one as amended upon which the rental to be paid by the company under the existing contract for use of the alterations and extensions authorized by said chapter three hundred and forty-one as amended is based. The transit department in behalf of the city of Boston and the company are hereby authorized to make such agreement. The treasurer of the city of Boston shall issue and sell bonds as provided in said chapter three hundred and forty-one as amended to meet all costs incident to carrying out the provisions of this act.

SECTION 3. This act shall take effect upon its acceptance both by vote of the city council of the city of Boston, approved by the mayor, and by the Boston Elevated Railway Company by vote of its board of directors, and upon the filing of certificates of such acceptances with the state secretary; provided, that such acceptances, approval and filing occur during the current year. *Approved June 7, 1934.*

AN ACT TO AUTHORIZE THE BOSTON ELEVATED RAILWAY COMPANY TO SELL ELECTRICITY FOR LIGHT, HEAT AND POWER TO THE EASTERN MASSACHUSETTS STREET RAILWAY COMPANY FOR USE SOLELY IN THE OPERATION OF ITS CHELSEA DIVISION.

Chap. 269

Be it enacted, etc., as follows:

The Boston Elevated Railway Company is hereby authorized, with the approval of the department of public utilities, to sell electricity for light, heat and power, to the extent that the electricity sold shall not be required for the proper operation of its street railway system, to the Eastern Massachusetts Street Railway Company for use solely in the operation of its Chelsea division, so-called, at such rates and upon such terms and conditions as said Boston Elevated Railway

Company may from time to time fix and determine, subject to like approval; provided, that the generating capacity of the Boston Elevated Railway Company's generating plants shall not be increased for that purpose.

Approved June 7, 1934.

Chap. 270 AN ACT RELATING TO THE EXAMINATION OF BANKS, THE DESTRUCTION OF CERTAIN BANK RECORDS AND PENALIZING ACCESSORIES IN LARCENIES FROM BANKS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 167, § 4, amended.

Examination of banks on request of officers, etc.

SECTION 1. Section four of chapter one hundred and sixty-seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth line, the word "two" and inserting in place thereof the word:—three,—so as to read as follows:—*Section 4.* Upon written application on oath to the commissioner by five or more officers, trustees, creditors or depositors of a bank setting forth their interest and the reasons for making an examination and requesting him to examine such bank, he shall forthwith make a full investigation of its affairs in the manner provided in the three preceding sections.

G. L. (Ter. Ed.), 167, § 11, amended.

Returns, etc., may be destroyed.

SECTION 2. Said chapter one hundred and sixty-seven is hereby further amended by striking out section eleven, as so appearing, and inserting in place thereof the following:—*Section 11.* Returns to the commissioner under section twenty-six of chapter one hundred and seventy-two, records of examinations of banks made under section two of this chapter, certificates or other form of acknowledgment filed with the commissioner under section two A of this chapter, reports made under section twenty-six of chapter one hundred and sixty-eight, and reports made under section forty-nine of chapter one hundred and seventy, may, after six years from the date of their receipt, be destroyed or disposed of by order of their lawful custodian with the approval of the commissioner, and any proceeds received in the course of their disposal shall be paid to the commonwealth; provided, however, that if the commissioner shall have received actual notice in writing of any pending judicial proceeding in which such returns, records, certificates or other form of acknowledgment or reports shall be required, such returns, records, certificates or other form of acknowledgment or reports shall not be destroyed or disposed of until after the final determination of such judicial proceeding.

G. L. (Ter. Ed.), 266, § 52, amended.

SECTION 3. Section fifty-two of chapter two hundred and sixty-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventh line, the word " , and " and inserting in place thereof the following:—Any such officer, director, trustee, agent or employee so guilty of larceny and any person who knowingly aids, counsels or procures such larceny to be committed,—

so as to read as follows:— *Section 52.* An officer, director, trustee, agent or employee of a bank, as defined in section one of chapter one hundred and sixty-seven, who fraudulently converts, or fraudulently takes and secretes with intent so to do, any bullion, money, note, bill or other security for money which belongs to and is in possession of such bank, or which belongs to any person and is deposited therein, shall, whether intrusted with the custody thereof or not, be guilty of larceny from said bank. Any such officer, director, trustee, agent or employee so guilty of larceny and any person who knowingly aids, counsels or procures such larceny to be committed shall be punished by imprisonment in the state prison for not more than fifteen years, or by a fine of not more than two thousand dollars and imprisonment in jail for not more than two and one half years.

Fraud, etc.,
by bank
officer,
penalty.

Approved June 7, 1934.

AN ACT ENLARGING THE SCOPE OF THE LAWS REGULATING PLUMBING IN THE CITY OF BOSTON TO INCLUDE WATER SUPPLY SYSTEMS AND MAKING CERTAIN OTHER CHANGES IN SUCH LAWS.

Chap. 271

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and twelve of chapter five hundred and fifty of the acts of nineteen hundred and seven is hereby amended by inserting after the first paragraph the following definition:—

“Plumbing”, when used with respect to a trade or calling, shall mean the art of installing in buildings the pipes, fixtures and other apparatus for bringing in the water supply and removing liquid and water carried wastes; and, when otherwise used, shall include the water supply distributing pipes, the fixtures and fixture traps and the soil, waste and vent pipes.

SECTION 2. Section one hundred and seventeen of said chapter five hundred and fifty is hereby amended by striking out, in the eighth and ninth lines, the words “; and in such” and inserting in place thereof the words:—, and a combination sink and tray may be connected through one two-inch half S brass trap; and in either, — so that the first paragraph will read as follows:— The waste pipe of every independent sink, basin, bath-tub, water-closet, slop-hopper, urinal or other fixture shall be furnished with a separate trap, which shall be placed as near as practicable to the fixture which it serves. A sink and set of three wash-trays may be connected to the house drain through one five inch round trap, when the outlet of the sink is not over three feet six inches from the nearest outlet from the wash-trays, and a combination sink and tray may be connected through one two-inch half S brass trap; and in either case the trap shall be above the floor. The outlet from each fixture shall enter the trap separately. Not more than four wash-bowls or sinks in a continuous line may be connected to the house drain through one five inch round trap. Two or more fixtures on the same level with not more than two feet of waste pipe and connecting into the soil or

waste pipe not more than eighteen inches below the top water line of the trap, shall not require other vent than the continuation of the soil or waste pipe full size for its whole length. Lateral branches of soil or waste pipe, if more than twenty feet in length, shall be extended through the roof undiminished in size. All connections on lead waste and back air pipes and of lead pipes to brass ferrules and soldering nipples shall be full size wiped soldered branch, round or flange joints. Soil and waste pipes shall have proper T-Y or Y branches for all fixture connections. No connection to lead bends for water-closets or slop sinks shall be permitted, except the required back air pipe where a continuous vent is not practicable.

SECTION 3. Section one hundred and twenty of said chapter five hundred and fifty is hereby amended by striking out, in the second line, the word "or" and inserting in place thereof a comma, — and by inserting after the word "cistern" in the second and third lines the words: — or approved flush valve, — so as to read as follows:— *Section 120.* Every water-closet or line of water-closets shall be supplied with water from a tank, cistern or approved flush valve, and shall have a flushing pipe of not less than one and one quarter inches in diameter. Privy vaults shall be of brick and cement of a capacity of not less than fifty cubic feet, of easy access, convenient to open, and clean, and water tight. The inside shall be not less than two feet from the next lot and from any public or private way.

SECTION 4. This act shall take effect upon its passage.
Approved June 7, 1934.

Chap. 272 AN ACT RELATIVE TO THE PAYMENT OF COMPENSATION FOR THE SLAUGHTERING OF ANIMALS REACTING TO THE TUBERCULIN TEST.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 129, § 33, amended.

Section thirty-three of chapter one hundred and twenty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "segregation" in the tenth line the word: — , sale, — and by inserting after the word "animal" the second time it occurs in the thirty-first line the following: — ; and provided, further, that no payment shall be made for any animal if, since the previous test, the owner or his representative has violated the rules and regulations made hereunder; and provided, further, that the owner or his representative has not unlawfully or improperly obtained or attempted to obtain reimbursement for any animal, — so as to read as follows: — *Section 33.* Except as otherwise provided, a person who has animals tested with tuberculin shall not be entitled to compensation from the commonwealth for any animals which react to the tuberculin test unless they have been tested by the director or qualified veterinarians acting under

Tuberculin test of certain animals. Compensation.

his authorization and have been owned and kept by the owner applying for the test on the premises where tested for a period of not less than sixty days next prior to the date of said test or have been admitted to the herd on a test approved by the director. The director may prescribe rules and regulations for the inspection of cattle by the application of the tuberculin test and for the segregation, sale or slaughter of reacting animals; but no inspection by the application of such test shall be made unless an agreement has previously been entered into for such inspection and application with the owner of the animals, except as provided in section thirty-three B. If, in the opinion of the director, any of the animals react to the test and are slaughtered in consequence thereof, the owner shall be reimbursed by the commonwealth in the manner hereinafter provided. The director may appoint persons to make appraisals of reacting cattle in conjunction with the owner or his authorized representative. Such appraisal shall be subject to the rights of arbitration and petition set forth in section thirty-one; provided, that the award or damages shall be within the limits prescribed by this section. The commonwealth shall, within thirty days after the filing in the office of the director of a valid claim for reimbursement in pursuance of such an appraisal or of an award under section thirty-one, pay to the owner of any animal slaughtered under authority of any rules or regulations made hereunder, or to any mortgagee or assignee designated in writing by said owner, one half of the difference between the amount received by the owner for the carcass of the animal and the value of the animal as determined by appraisal as aforesaid; provided, that payment by the commonwealth hereunder shall not exceed fifty dollars for any grade animal or seventy-five dollars for any pure-bred animal; and provided, further, that no payment shall be made for any animal if, since the previous test, the owner or his representative has violated the rules and regulations made hereunder; and provided, further, that the owner or his representative has not unlawfully or improperly obtained or attempted to obtain reimbursement for any animal; and provided, further, that the owner or his representative has not, in the opinion of the director, by wilful act or neglect, contributed to the spread of bovine tuberculousis.

Approved June 7, 1934.

AN ACT AUTHORIZING THE COUNTY OF HAMPDEN TO PROVIDE *Chap. 273*
A PENSION FOR THE WIDOW OF MERRITT W. HAYDEN.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Hampden shall, forthwith upon their acceptance of this act, establish in favor of Mary W. Hayden, widow of Merritt W. Hayden who was fatally injured while in the performance of his duty as a guard at the Hampden county jail on October twenty-two, nineteen hundred and thirty-three, and who died

as a result thereof on October twenty-five, nineteen hundred and thirty-three, an annual pension of nine hundred dollars, payable in equal monthly instalments so long as she remains a widow. If said widow dies, said pension shall be paid in equal shares to or for the benefit of such children of the said Merritt W. Hayden as are under the age of sixteen years during such time as said children are under said age.

SECTION 2. This act shall take effect upon its acceptance, prior to December thirty-first in the current year, by the county commissioners of said county.

(The foregoing was laid before the governor on the first day of June, 1934, 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. 274 AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY CERTAIN BILLS AND PAY ROLLS OF THE YEAR NINETEEN HUNDRED AND THIRTY-THREE.

Be it enacted, etc., as follows:

SECTION 1. The city of Lawrence is hereby authorized to appropriate money for the payment of, and to pay, all unpaid bills and pay rolls of said city included as deferred accounts of nineteen hundred and thirty-three in the report of the director of finance and public affairs of said city issued under the title director of finance for the month of December, nineteen hundred and thirty-three, a copy of which is on file in the office of the director of accounts in the state department of corporations and taxation, but no bill or pay roll may be paid from an appropriation made under authority of the foregoing, without the approval of the emergency finance board, established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three. Said board, in addition to other powers heretofore conferred upon it, shall have the power to approve such bills or pay rolls under such conditions as in its judgment are for the best interests of the citizens of said city, but no such conditions shall be effective after December thirty-first, nineteen hundred and thirty-five. In case said board as such a condition so orders and notifies the director of finance and public affairs of said city to that effect, no appropriation for the current year made by such city after the passage of this act shall be valid without the written approval of said board and no appropriation by such city in the year nineteen hundred and thirty-five for a purpose other than one for which an appropriation was made for the current year or for an amount in excess of any appropriations made for the current year for a similar purpose shall be valid without the written approval of said board. Any person who signs any authorization for payment of any such bill or pay roll or pays the same unless the provisions of this section and any conditions imposed hereunder are complied with, and any person who receives any money on ac-

count of the same knowing that any such provision or condition has not been complied with, shall be guilty of larceny.

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

Approved June 12, 1934.

AN ACT FURTHER REGULATING THE USE OF TRAPS AND OTHER DEVICES FOR THE CAPTURE OF FUR-BEARING ANIMALS AND PROVIDING FOR LOCAL OPTION THEREON.

Chap. 275

Whereas, The deferred operation of this act would in part defeat its purpose to terminate without further delay the uncertainty that has attended its subject matter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-one of the General Laws is hereby amended by inserting after section one hundred and five A the following two new sections: —

G. L. (Ter. Ed.), 131, new sections 105B and 105C added

Chapter 275, Acts of 1934.

Referendum petition filed July 3, 1934.

See page 622.

by two per centum of the registered voters thereof, requesting such action, said clerk shall cause to be submitted to the voters of such city or town at the next municipal election the following question, to be voted on by ballot, said question to be placed on the official ballot in cities, and in towns using official ballots at town elections, for the election of city and town officers: — “Shall the operation of section one hundred and five B of chapter one hundred and thirty-one of the General Laws, requiring for the taking of fur-bearing animals the use of traps that kill at once or take such animals alive unharmed, be suspended within this city (or town)?”

Yes.	<input type="checkbox"/>
No.	<input type="checkbox"/>

or, if the operation of section one hundred and five B has been so suspended, the question: — “Shall section one hundred and five B of chapter one hundred and thirty-one of the General Laws, requiring for the taking of fur-bearing animals the use of traps that kill at once or take such animals alive unharmed, be again operative in this city (or town)?”

Yes.	<input type="checkbox"/>
No.	<input type="checkbox"/>

as a result thereof on October twenty-five, nineteen hundred and thirty-three, an annual pension of nine hundred dollars, payable in equal monthly instalments so long as she remains a widow. If said widow dies, said pension shall be paid in equal shares to or for the benefit of such children of the said Merritt W. Hayden as are under the age of sixteen years during such time as said children are under said age.

SECTION 2. This act shall take effect upon its acceptance, prior to December thirty-first in the current year, by the county commissioners of said county.

(The foregoing was laid before the governor on the first day of June, 1934, 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. 274 AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY CERTAIN BILLS AND PAY ROLLS OF THE YEAR NINETEEN HUNDRED AND THIRTY-THREE

the acts of nineteen hundred and thirty-three. Said board, in addition to other powers heretofore conferred upon it, shall have the power to approve such bills or pay rolls under such conditions as in its judgment are for the best interests of the citizens of said city, but no such conditions shall be effective after December thirty-first, nineteen hundred and thirty-five. In case said board as such a condition so orders and notifies the director of finance and public affairs of said city to that effect, no appropriation for the current year made by such city after the passage of this act shall be valid without the written approval of said board and no appropriation by such city in the year nineteen hundred and thirty-five for a purpose other than one for which an appropriation was made for the current year or for an amount in excess of any appropriations made for the current year for a similar purpose shall be valid without the written approval of said board. Any person who signs any authorization for payment of any such bill or pay roll or pays the same unless the provisions of this section and any conditions imposed hereunder are complied with, and any person who receives any money on ac-

count of the same knowing that any such provision or condition has not been complied with, shall be guilty of larceny.

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

Approved June 12, 1934.

AN ACT FURTHER REGULATING THE USE OF TRAPS AND OTHER DEVICES FOR THE CAPTURE OF FUR-BEARING ANIMALS AND PROVIDING FOR LOCAL OPTION THEREON.

Chap. 275

Whereas, The deferred operation of this act would in part defeat its purpose to terminate without further delay the uncertainty that has attended its subject matter, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-one of the General Laws is hereby amended by inserting after section one hundred and five A the following two new sections: — *Section 105B.* Subject to the provisions of sections one hundred and five C and one hundred and fourteen A, whoever uses, sets or maintains any trap or other device for the capture of fur-bearing animals which is likely to cause continued suffering to an animal caught therein, and which is not designed to kill such animal at once or to take it alive unhurt, shall be fined fifty dollars; but this section shall not apply to traps or other devices for protection of property if set or maintained not more than fifty yards from any building, cultivated plot of land, or enclosure used for the rearing of poultry, including game birds, to the use of which building, plot or enclosure the presence of vermin may be detrimental.

G. L. (Ter. Ed.), 131, new sections 105B and 105C, added. Use of traps, etc., for capture of certain animals, regulated.

Section 105C. If there is filed with the clerk of any city or town a petition signed by twenty-five registered voters thereof or in towns having a population of less than five hundred, by two per centum of the registered voters thereof, requesting such action, said clerk shall cause to be submitted to the voters of such city or town at the next municipal election the following question, to be voted on by ballot, said question to be placed on the official ballot in cities, and in towns using official ballots at town elections, for the election of city and town officers: — “Shall the operation of section one hundred and five B of chapter one hundred and thirty-one of the General Laws, requiring for the taking of fur-bearing animals the use of traps that kill at once or take such animals alive unharmed, be suspended within this city (or town)?”

Referendum.

Yes.	<input type="checkbox"/>
No.	<input type="checkbox"/>

or, if the operation of section one hundred and five B has been so suspended, the question: — “Shall section one hundred and five B of chapter one hundred and thirty-one of the General Laws, requiring for the taking of fur-bearing animals the use of traps that kill at once or take such animals alive unharmed, be again operative in this city (or town)?”

Yes.	<input type="checkbox"/>
No.	<input type="checkbox"/>

If a majority of the votes cast in such city or town in answer to the question submitted is in the affirmative, said section one hundred and five B shall not, or shall, as the case may be, thereafter apply in such city or town unless and until a majority of the voters thereof voting on the other question at a municipal election vote thereon in the affirmative.

G. L. (Ter. Ed.), 131, § 105A, etc., repealed.

SECTION 2. Section one hundred and five A of said chapter one hundred and thirty-one, as amended by chapter two hundred and three of the acts of nineteen hundred and thirty-three, is hereby repealed.

G. L. (Ter. Ed.), 131, new section 114A, added.

SECTION 3. Said chapter one hundred and thirty-one is hereby further amended by inserting after section one hundred and fourteen, as appearing in the Tercentenary Edition, the following new section: — *Section 114A.* The commissioner may by order, whenever in his opinion such action is necessary, suspend for not exceeding thirty days the operation, within any specified territory under the control of the department and designated in such order, of the provisions of section one hundred and five B. The provisions of section one hundred and eighteen, so far as apt, shall apply to such an order.

Suspension of certain provisions of law.

Petition for referendum.

SECTION 4. The selectmen of a town, upon petition filed with the town clerk and signed by twenty-five registered voters thereof, or in towns having a population of less than five hundred, by two per centum of the registered voters thereof, requesting that the question first set forth in section one hundred and five C of chapter one hundred and thirty-one of the General Laws, as appearing in section one of this act, be submitted to the voters of the town at a special town meeting in the current year, shall call such a meeting to be held not later than thirty days following the filing of such petition. Said question shall be submitted to the said voters at such meeting voting by ballot thereon, with the same force and effect as if submitted under said section. Towns divided into voting precincts shall, if the selectmen so order, vote on said question at such election in their several precincts.

Approved June 12, 1934.

Chap. 276 AN ACT PROVIDING THAT SALARIES AND COMPENSATION OF COUNTY OFFICERS AND EMPLOYEES, EXCEPT IN THE COUNTY OF SUFFOLK, RECENTLY REDUCED BE RESTORED IN PART.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The rate of salary or compensation payable immediately prior to the effective date of this act to the holder of each office and position in the service of each county of the commonwealth, except Suffolk, including salaries and compensations payable by more than one county, shall be in-

creased by an amount equivalent to one third of the net reduction made in such rate by or under chapters one hundred and eighty-six and three hundred and twenty-two, both of the acts of nineteen hundred and thirty-three, except that in the case of any official or employee of any such county who, immediately prior to the effective date of the reduction under said chapter one hundred and eighty-six, was receiving less than the minimum rate provided for his grade or position in the classification schedule of June first, nineteen hundred and thirty-one, the rate shall be increased by an amount equal to the increase granted hereby or hereunder to an official or employee who was receiving said minimum rate immediately prior to said effective date. The rates of salary or compensation, as increased hereby, shall be effective as of May first of the current year and until their full restoration in accordance with said chapter one hundred and eighty-six.

SECTION 2. The provisions of said chapter one hundred and eighty-six relative to the administration and enforcement thereof shall apply to the administration and enforcement of this act, so far as applicable. *Approved June 12, 1934.*

AN ACT AUTHORIZING THE CITY OF FALL RIVER TO REFUND CERTAIN TAXES ERRONEOUSLY ASSESSED UPON AND COLLECTED FROM MARY B. SILVERWOOD. *Chap. 277*

Be it enacted, etc., as follows:

SECTION 1. The city of Fall River is hereby authorized to refund to Mary B. Silverwood of said city the sum of fifty-four dollars and twenty-four cents, the same being the amount which has heretofore been collected by said city from said Mary B. Silverwood as taxes upon certain real estate in said city, which through mistake was erroneously assumed by the assessors of said city to have been the property of said Mary B. Silverwood.

SECTION 2. This act shall take effect upon its passage. *Approved June 12, 1934.*

AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO INCUR INDEBTEDNESS FOR HIGH SCHOOL PURPOSES. *Chap. 278*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of purchasing or otherwise acquiring land in the city of Newburyport for high school purposes and for the original construction of a high school building on said land, including the cost of the original equipment and furnishings of such building, said city may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, five hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on

their face the words, Newburyport High School Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates, but no issue shall be authorized under this section unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised in the tax levy of the year when authorized. Indebtedness incurred under this act shall be in excess of the statutory limit and shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof, as appearing in the Tercentenary Edition.

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

Approved June 12, 1934.

Chap. 279 AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF CERTAIN COUNTIES, FOR INTEREST AND DEBT REQUIREMENTS, FOR CERTAIN PERMANENT IMPROVEMENTS, AND GRANTING A COUNTY TAX FOR SAID COUNTIES.

Emergency
preamble.

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

SECTION 1. The following sums are hereby appropriated for the counties hereinafter specified for the year nineteen hundred and thirty-four. No direct drafts against the account known as the reserve fund shall be made, but transfers from this account to other accounts may be made to meet extraordinary or unforeseen expenditures upon the request of the county commissioners and with the approval of the director of accounts.

SECTION 2.

Barnstable County.

Item		
1	For interest on county debt, a sum not exceeding eight thousand seven hundred fifty dollars	\$8,750 00
2	For reduction of county debt, a sum not exceeding fifteen thousand dollars	15,000 00
3	For salaries of county officers and assistants, a sum not exceeding nineteen thousand three hundred thirty dollars	19,330 00
4	For clerical assistance in county offices, a sum not exceeding nine thousand one hundred eighty dollars	9,180 00
5	For salaries and expenses of district courts, a sum not exceeding eighteen thousand seven hundred ninety-five dollars	18,795 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighteen thousand forty-five dollars	18,045 00
7	For criminal costs in the superior court, a sum not exceeding fourteen thousand dollars	14,000 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding eight thousand dollars	8,000 00

Item		
10	For transportation expenses of county and associate commissioners, a sum not exceeding nine hundred fifty dollars	\$950 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding two thousand dollars	2,000 00
12	For auditors, masters and referees, a sum not exceeding three thousand dollars	3,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding five thousand five hundred dollars	5,500 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding thirteen thousand seven hundred eighty-five dollars	13,785 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding eighty-one thousand dollars	81,000 00
17	For law libraries, a sum not exceeding two hundred fifty dollars	250 00
18	For training school, a sum not exceeding five hundred dollars	500 00
19	For county aid to agriculture, a sum not exceeding eleven thousand seven hundred dollars	11,700 00
20	For the sanatorium, a sum not exceeding fifty-two thousand seven hundred dollars	52,700 00
20a	For county health service, a sum not exceeding ten thousand nine hundred ninety dollars	10,990 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand two hundred dollars	1,200 00
23a	For unpaid bills of previous years, a sum not exceeding one thousand one hundred forty dollars	1,140 00
23b	For a state fire patrol, a sum not exceeding one thousand two hundred dollars	1,200 00
24	For a reserve fund, a sum not exceeding five thousand dollars	5,000 00
	And the county commissioners of Barnstable 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 fourteen thousand seven hundred twenty-three dollars and eighty-three cents, to be expended, together with the cash balance on hand and the receipts from other sources for the above purposes	\$214,723 83

Berkshire County.

1	For interest on county debt, a sum not exceeding nine thousand five hundred dollars	\$9,500 00
2	For reduction of county debt, a sum not exceeding seven thousand dollars	17,000 00
3	For salaries of county officers and assistants, a sum not exceeding twenty-seven thousand eight hundred forty dollars	27,840 00
4	For clerical assistance in county offices, a sum not exceeding ten thousand six hundred sixty dollars	10,660 00
5	For salaries and expenses of district courts, a sum not exceeding forty-three thousand seven hundred forty dollars	43,740 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-four thousand four hundred forty dollars	34,440 00
7	For criminal costs in the superior court, a sum not exceeding eight thousand dollars	8,000 00

Item		
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding fifteen thousand dollars	\$15,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding one thousand four hundred twenty-five dollars	1,425 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding four thousand five hundred dollars	4,500 00
12	For auditors, masters and referees, a sum not exceeding two thousand dollars	2,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding twelve thousand dollars	12,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding nineteen thousand eight hundred forty-five dollars	19,845 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred thirty-five thousand five hundred dollars	135,500 00
16a	For examination of dams, a sum not exceeding one thousand dollars	1,000 00
17	For law libraries, a sum not exceeding one thousand five hundred dollars	1,500 00
18	For training school, a sum not exceeding one thousand dollars	1,000 00
19	For county aid to agriculture, a sum not exceeding eleven thousand one hundred ten dollars	11,110 00
20	For the sanatorium (Hampshire county), a sum not exceeding eight thousand dollars	8,000 00
21	For the care and maintenance of Greylock state reservation, a sum not exceeding nine thousand dollars	9,000 00
21a	For the care and maintenance of Mount Everett state reservation, a sum not exceeding one thousand dollars	1,000 00
22	For pensions, a sum not exceeding eight hundred five dollars	805 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand five hundred dollars	3,500 00
23a	For unpaid bills of previous years, a sum not exceeding one thousand two hundred dollars	1,200 00
24	For a reserve fund, a sum not exceeding six thousand dollars	6,000 00
	And the county commissioners of Berkshire 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 fifty-six thousand one hundred twenty dollars and seventy-one cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$356,120 71

Bristol County.

1	For interest on county debt, a sum not exceeding seven thousand dollars	\$17,000 00
2	For reduction of county debt, a sum not exceeding forty-four thousand dollars	44,000 00
3	For salaries of county officers and assistants, a sum not exceeding forty-five thousand five hundred seventy-five dollars	45,575 00
4	For clerical assistance in county offices, a sum not exceeding thirty-four thousand two hundred ninety dollars	34,290 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred five thousand five hundred seventy-five dollars	105,575 00

Item

6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding seventy-three thousand two hundred forty dollars	\$73,240 00
7	For criminal costs in the superior court, a sum not exceeding fifty-six thousand two hundred twenty dollars	56,220 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding forty thousand dollars	40,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding one thousand three hundred dollars	1,300 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding sixteen thousand five hundred dollars	16,500 00
12	For auditors, masters and referees, a sum not exceeding nine thousand dollars	9,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding sixteen thousand dollars	16,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding forty-two thousand eight hundred eighty dollars	42,880 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding thirty-five thousand dollars	35,000 00
17	For law libraries, a sum not exceeding seven thousand dollars	7,000 00
18	For training school, a sum not exceeding four thousand five hundred dollars	4,500 00
19	For the agricultural school, a sum not exceeding fifty-one thousand nine hundred twenty-five dollars	51,925 00
22	For pensions, a sum not exceeding eleven thousand dollars	11,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand two hundred dollars	1,200 00
23a	For unpaid bills of previous years, a sum not exceeding four thousand dollars	4,000 00
24	For a reserve fund, a sum not exceeding five thousand dollars	5,000 00

And the county commissioners of Bristol 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 four hundred sixty-six thousand nine hundred fifty-five dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$466,955 00

County of Dukes County.

1	For interest on county debt, a sum not exceeding two thousand dollars	\$2,000 00
2	For reduction of county debt, a sum not exceeding twelve thousand five hundred sixty-five dollars and seventy-one cents	12,565 71
3	For salaries of county officers and assistants, a sum not exceeding five thousand seven hundred ninety dollars	5,790 00
4	For clerical assistance in county offices, a sum not exceeding one thousand three hundred forty dollars	1,340 00
5	For salaries and expenses of district courts, a sum not exceeding three thousand nine hundred seventy dollars	3,970 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one thousand five hundred dollars	1,500 00

Item		
7	For criminal costs in the superior court, a sum not exceeding one thousand five hundred dollars	\$1,500 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding one thousand five hundred dollars	1,500 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding three hundred dollars	300 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding three hundred dollars	300 00
12	For auditors, masters and referees, a sum not exceeding three hundred dollars	300 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding five thousand dollars	5,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding three thousand dollars	3,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding seven thousand dollars	7,000 00
17	For law libraries, a sum not exceeding two hundred dollars	200 00
19	For county aid to agriculture, a sum not exceeding five hundred dollars	500 00
20	For the sanatorium (Barnstable county), a sum not exceeding six thousand dollars	6,000 00
21	For the Gay Head reservation, a sum not exceeding one hundred dollars	100 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding five hundred dollars	500 00
23a	For unpaid bills of previous years, a sum not exceeding five hundred fifty dollars	550 00
24	For a reserve fund, a sum not exceeding five hundred dollars	500 00
	And the county commissioners of the county of Dukes County are hereby authorized to levy as the county tax of said county for the current year, in the manner provided by law, the sum of forty-seven thousand two hundred eighty-nine dollars and seventy-five cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$47,289 75

Essex County.

1	For interest on county debt, a sum not exceeding six thousand one hundred fifty dollars	\$6,150 00
2	For reduction of county debt, a sum not exceeding twenty-four thousand dollars	24,000 00
3	For salaries of county officers and assistants, a sum not exceeding fifty-three thousand four hundred fifteen dollars	53,415 00
4	For clerical assistance in county offices, a sum not exceeding ninety-eight thousand six hundred seventy-five dollars	98,675 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred eighty-three thousand dollars	183,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty-eight thousand eighty dollars	88,080 00
7	For criminal costs in the superior court, a sum not exceeding ninety thousand five hundred dollars	90,500 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding seventy-two thousand dollars	72,000 00

Item

9	For trial justices, a sum not exceeding five thousand ninety dollars	\$5,090 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding one thousand seven hundred dollars	1,700 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
12	For auditors, masters and referees, a sum not exceeding nine thousand dollars	9,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding twenty-three thousand three hundred fifty dollars	23,350 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding sixty-three thousand eight hundred twenty dollars	63,820 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred eighty-seven thousand one hundred fifty-five dollars	187,155 00
17	For law libraries, a sum not exceeding eight thousand nine hundred dollars	8,900 00
18	For training school, a sum not exceeding forty-eight thousand four hundred ninety dollars	48,490 00
19	For maintenance of the independent agricultural school, a sum not exceeding one hundred fifty-two thousand four hundred twenty dollars	152,420 00
19a	For the independent agricultural school equipment and buildings, a sum not exceeding two thousand eight hundred fifty dollars	2,850 00
22	For pensions, a sum not exceeding eight thousand five hundred dollars	8,500 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding five thousand dollars	5,000 00
23a	For unpaid bills of previous years, a sum not exceeding two thousand two hundred dollars	2,200 00
24	For a reserve fund, a sum not exceeding ten thousand dollars	10,000 00
	And the county commissioners of Essex 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 hundred eighteen thousand five hundred eighty-five dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$818,585 00

Franklin County.

1	For interest on county debt, a sum not exceeding twenty-one thousand one hundred dollars	\$21,100 00
2	For reduction of county debt, a sum not exceeding twenty-five thousand five hundred one dollars and thirty-five cents	25,501 35
3	For salaries of county officers and assistants, a sum not exceeding sixteen thousand nine hundred ninety-eight dollars	16,998 00
4	For clerical assistance in county offices, a sum not exceeding seven thousand one hundred dollars	7,100 00
5	For salaries and expenses of district courts, a sum not exceeding fourteen thousand three hundred ten dollars	14,310 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-four thousand two hundred seventy dollars	24,270 00
7	For criminal costs in the superior court, a sum not exceeding nine thousand dollars	9,000 00

Item		
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding ten thousand dollars	\$10,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding five hundred fifty dollars	550 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding one thousand five hundred dollars	1,500 00
12	For auditors, masters and referees, a sum not exceeding one thousand five hundred dollars	1,500 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding one thousand dollars	1,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifteen thousand two hundred dollars	15,200 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding fifty thousand one hundred fifteen dollars	50,115 00
16a	For examination of dams, a sum not exceeding five hundred dollars	500 00
17	For law libraries, a sum not exceeding two thousand eight hundred dollars	2,800 00
19	For county aid to agriculture, a sum not exceeding ten thousand three hundred dollars	10,300 00
20	For the sanatorium (Hampshire county), a sum not exceeding nine thousand six hundred nineteen dollars and thirty-one cents	9,619 31
20a	For Greenfield health camp (chapter 354, Acts of 1928), a sum not exceeding two thousand dollars	2,000 00
21	For Mount Sugar Loaf state reservation, a sum not exceeding one thousand nine hundred dollars	1,900 00
22	For pensions, a sum not exceeding eight hundred fifty dollars	850 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand six hundred dollars	1,600 00
23a	For unpaid bills of previous years, a sum not exceeding nine hundred dollars	900 00
24	For a reserve fund, a sum not exceeding three thousand dollars	3,000 00
	And the county commissioners of Franklin 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 ninety-nine thousand four hundred fifty-eight dollars and ninety-three cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$199,458 93

Hampden County.

1	For interest on county debt, a sum not exceeding sixty-one thousand dollars	\$61,000 00
2	For reduction of county debt, a sum not exceeding one hundred thirty-one thousand dollars	131,000 00
3	For salaries of county officers and assistants, a sum not exceeding forty-four thousand nine hundred dollars	44,900 00
4	For clerical assistance in county offices, a sum not exceeding fifty thousand dollars	50,000 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred ten thousand dollars	110,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding eighty-five thousand dollars	85,000 00

Item		
7	For criminal costs in the superior court, a sum not exceeding thirty-five thousand dollars	\$35,000 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding thirty-nine thousand dollars	39,000 00
9	For trial justices, a sum not exceeding two thousand five hundred dollars	2,500 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding nine hundred dollars	900 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding eleven thousand dollars	11,000 00
12	For auditors, masters and referees, a sum not exceeding sixteen thousand dollars	16,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding eight thousand dollars	8,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding sixty thousand dollars	60,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred forty thousand dollars	140,000 00
17	For law libraries, a sum not exceeding eight thousand five hundred dollars	8,500 00
18	For training school, a sum not exceeding twenty-eight thousand dollars	28,000 00
19	For county aid to agriculture, a sum not exceeding forty-three thousand dollars	43,000 00
20	For the sanatorium (Hampshire county), a sum not exceeding fifteen thousand three hundred ninety dollars and ninety-two cents	15,390 92
20a	For the preventorium, a sum not exceeding three thousand dollars	3,000 00
21	For Mount Tom state reservation, a sum not exceeding fourteen thousand five hundred sixty-three dollars and sixty-seven cents	14,563 67
22	For pensions, a sum not exceeding five thousand dollars	5,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand seven hundred seventy-one dollars and twenty-seven cents	3,771 27
23a	For unpaid bills of previous years, a sum not exceeding one thousand five hundred dollars	1,500 00
24	For a reserve fund, a sum not exceeding ten thousand dollars	10,000 00
	And the county commissioners of Hampden 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 seven hundred fifty-one thousand nine hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$751,900 00

Hampshire County.

1	For interest on county debt, a sum not exceeding eight thousand dollars	\$8,000 00
2	For reduction of county debt, a sum not exceeding twenty thousand five hundred dollars	20,500 00
3	For salaries of county officers and assistants, a sum not exceeding nineteen thousand four hundred thirty-five dollars	19,435 00
4	For clerical assistance in county offices, a sum not exceeding ten thousand six hundred eighty dollars	10,680 00
5	For salaries and expenses of district courts, a sum not exceeding twenty-five thousand three hundred fifty dollars	25,350 00

Item		
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding twenty-four thousand two hundred dollars	\$24,200 00
7	For criminal costs in the superior court, a sum not exceeding twenty thousand dollars	20,000 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding twelve thousand dollars	12,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding nine hundred dollars	900 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding three thousand dollars	3,000 00
12	For auditors, masters and referees, a sum not exceeding three thousand five hundred dollars	3,500 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding four thousand five hundred dollars	4,500 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding thirteen thousand five hundred ninety dollars	13,590 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding seventy thousand dollars	70,000 00
17	For law libraries, a sum not exceeding one thousand two hundred dollars	1,200 00
19	For county aid to agriculture, a sum not exceeding ten thousand nine hundred ten dollars	10,910 00
20	For the sanatorium, a sum not exceeding eight thousand three hundred seventy-five dollars	8,375 00
20a	For the preventorium, a sum not exceeding one thousand five hundred dollars	1,500 00
21	For Mount Tom state reservation, a sum not exceeding two thousand three hundred twenty dollars	2,320 00
22	For pensions, a sum not exceeding two thousand five hundred dollars	2,500 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand dollars	4,000 00
23a	For unpaid bills of previous years, a sum not exceeding twelve dollars and ninety cents	12 90
24	For a reserve fund, a sum not exceeding five thousand dollars	5,000 00
	And the county commissioners of Hampshire 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 thirty-one thousand seven hundred eleven dollars and ninety-eight cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$231,711 98

Middlesex County.

1	For interest on county debt, a sum not exceeding ninety thousand dollars	\$90,000 00
2	For reduction of county debt, a sum not exceeding two hundred thirty-eight thousand dollars	238,000 00
3	For salaries of county officers and assistants, a sum not exceeding seventy-three thousand seven hundred seventy-five dollars	73,775 00
4	For clerical assistance in county offices, a sum not exceeding two hundred twenty-three thousand four hundred twenty-five dollars	223,425 00
5	For salaries and expenses of district courts, a sum not exceeding three hundred twenty-six thousand seven hundred dollars	326,700 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding two hundred sixty thousand eight hundred seventy-five dollars	260,875 00

Item		
7	For criminal costs in the superior court, a sum not exceeding two hundred twenty-one thousand two hundred fifty dollars	\$221,250 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding one hundred twenty thousand five hundred seventy-five dollars	120,575 00
9	For trial justices, a sum not exceeding eight hundred fifty dollars	850 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding one thousand eight hundred dollars	1,800 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding thirty thousand dollars	30,000 00
12	For auditors, masters and referees, a sum not exceeding thirty thousand dollars	30,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding fifty thousand dollars	50,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding one hundred twenty thousand five hundred seventy-five dollars	120,575 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding three hundred thousand four hundred dollars	300,400 00
17	For law libraries, a sum not exceeding eleven thousand one hundred dollars	11,100 00
18	For training school, a sum not exceeding fifty-five thousand eight hundred seventy-five dollars	55,875 00
19	For county aid to agriculture, a sum not exceeding thirty-nine thousand one hundred fifty dollars	39,150 00
21	For Walden Pond state reservation, a sum not exceeding thirteen thousand nine hundred dollars	13,900 00
22	For pensions, a sum not exceeding thirty thousand dollars	30,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding six thousand dollars	6,000 00
23a	For unpaid bills of previous years, a sum not exceeding one thousand dollars	1,000 00
24	For a reserve fund, a sum not exceeding twelve thousand dollars	12,000 00
	And the county commissioners of Middlesex 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 million nine hundred ninety-five thousand four hundred forty-three dollars and seventeen cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$1,995,443 17

Norfolk County.

1	For interest on county debt, a sum not exceeding three thousand dollars	\$3,000 00
2	For reduction of county debt, a sum not exceeding one thousand five hundred forty-four dollars and twelve cents	1,544 12
3	For salaries of county officers and assistants, a sum not exceeding thirty-two thousand seven hundred eighty dollars	32,780 00
4	For clerical assistance in county offices, a sum not exceeding seventy-five thousand four hundred fifty dollars	75,450 00
5	For salaries and expenses of district and municipal courts, a sum not exceeding one hundred twenty thousand six hundred ninety dollars	120,690 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding sixty thousand six hundred seventy dollars	60,670 00

Item		
7	For criminal costs in the superior court, a sum not exceeding sixty thousand one hundred dollars	\$60,100 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding thirty-five thousand eighty dollars	35,080 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding seven hundred fifty dollars	750 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding eleven thousand five hundred dollars	11,500 00
12	For auditors, masters and referees, a sum not exceeding fifteen thousand dollars	15,000 00
13	For building county buildings, a sum not exceeding one thousand dollars	1,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding eighteen thousand dollars	18,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifty-eight thousand three hundred twenty dollars	58,320 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding forty thousand seven hundred ninety-eight dollars	40,798 00
17	For law libraries, a sum not exceeding two thousand dollars	2,000 00
18	For training school, a sum not exceeding two thousand five hundred dollars	2,500 00
19	For the agricultural school, a sum not exceeding sixty-nine thousand one hundred seventy dollars	69,170 00
22	For pensions, a sum not exceeding ten thousand dollars	10,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand two hundred seventy dollars and eighty cents	3,270 80
23a	For unpaid bills of previous years, a sum not exceeding two thousand dollars	2,000 00
24	For a reserve fund, a sum not exceeding five thousand dollars	5,000 00
	And the county commissioners of Norfolk 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 four hundred fifty-four thousand fifty dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$454,050 00

Plymouth County.

1	For interest on county debt, a sum not exceeding seventeen thousand dollars	\$17,000 00
2	For reduction of county debt, a sum not exceeding forty-seven thousand five hundred eighty-four dollars	47,584 00
3	For salaries of county officers and assistants, a sum not exceeding twenty-six thousand eight hundred seventy-five dollars	26,875 00
4	For clerical assistance in county offices, a sum not exceeding twenty-one thousand eight hundred seventy-five dollars	21,875 00
5	For salaries and expenses of district courts, a sum not exceeding sixty thousand two hundred forty dollars	60,240 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ninety-seven thousand three hundred seventy-five dollars	97,375 00
7	For criminal costs in the superior court, a sum not exceeding forty-three thousand six hundred dollars	43,600 00

Item		
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding twenty-five thousand dollars	\$25,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding two thousand three hundred dollars	2,300 00
11	For medical examiners, inquests and commitments of the insane, a sum not exceeding five thousand five hundred dollars	5,500 00
12	For auditors, masters and referees, a sum not exceeding eight thousand dollars	8,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding seven thousand dollars	7,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding twenty-six thousand three hundred fifty dollars	26,350 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred twenty-six thousand dollars	126,000 00
17	For law libraries, a sum not exceeding two thousand five hundred dollars	2,500 00
18	For training school, a sum not exceeding three thousand dollars	3,000 00
19	For county aid to agriculture, a sum not exceeding eighteen thousand two hundred dollars	18,200 00
22	For pensions, a sum not exceeding seven hundred ninety-five dollars	795 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand eight hundred seventy dollars and five cents	2,870 05
23a	For unpaid bills of previous years, a sum not exceeding one thousand four hundred dollars	1,400 00
24	For a reserve fund, a sum not exceeding five thousand dollars	5,000 00
	And the county commissioners of Plymouth 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 four hundred thirty-four thousand five hundred seventy-five dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$434,575 00

Worcester County.

1	For interest on county debt, a sum not exceeding nine thousand five hundred dollars	\$9,500 00
3	For salaries of county officers and assistants, a sum not exceeding fifty-three thousand three hundred twenty-five dollars	53,325 00
4	For clerical assistance in county offices, a sum not exceeding seventy-one thousand seventy-five dollars	71,075 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred fifty-two thousand two hundred fifty dollars	152,250 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding one hundred eleven thousand two hundred fifty dollars	111,250 00
7	For criminal costs in the superior court, a sum not exceeding seventy-five thousand four hundred twenty-five dollars	75,425 00
8	For civil expenses in the supreme judicial, superior, probate, and land courts, a sum not exceeding sixty thousand one hundred fifty dollars	60,150 00

Item		
9	For trial justices, a sum not exceeding one thousand dollars	\$1,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding three thousand four hundred fifty dollars	3,450 00
11	For medical examiners, inquests, and commitments of the insane, a sum not exceeding eighteen thousand dollars	18,000 00
12	For auditors, masters and referees, a sum not exceeding twelve thousand dollars	12,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding twenty-eight thousand dollars	28,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifty-seven thousand three hundred twenty-five dollars	57,325 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding three hundred sixty-nine thousand five hundred twenty-five dollars	369,525 00
17	For law libraries, a sum not exceeding eight thousand eight hundred ninety dollars	8,890 00
18	For training school, a sum not exceeding twenty thousand thirty-five dollars	20,035 00
19	For county aid to agriculture, a sum not exceeding thirty-nine thousand nine hundred seventy-five dollars	39,975 00
20a	For the preventorium, a sum not exceeding three thousand dollars	3,000 00
21	For state reservations, a sum not exceeding twenty-three thousand six hundred dollars	23,600 00
22	For pensions, a sum not exceeding fifteen thousand dollars	15,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand six hundred dollars	4,600 00
23a	For unpaid bills of previous years, a sum not exceeding two thousand dollars	2,000 00
24	For a reserve fund, a sum not exceeding twelve thousand dollars	12,000 00
	And the county commissioners of Worcester 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 hundred eighty-three thousand nine hundred fifty-three dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$883,953 00

Approved June 12, 1934.

Chap. 280 AN ACT RELATIVE TO THE REGULATION AND LIMITATION OF HACKNEY CARRIAGES IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and ninety-two of the acts of nineteen hundred and thirty is hereby amended by striking out section four, as amended by chapter three hundred and six of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 4.* Said police commissioner shall annually grant hackney licenses in said city to suitable persons, firms and corporations who are owners of vehicles known as hackney carriages, if such person, or one member of such firm, resides in such city, or if the principal place of business of such corporation

is in such city; provided, that, at any time within one year after the expiration of a license under this section, the holder thereof shall be entitled as of right, upon payment of the proper fee, to a renewal of such license, unless after a hearing before said commissioner it appears that he has good cause to refuse to issue the same. Licenses granted under this section shall be assignable, subject to the approval of said commissioner, and shall be subject to such other terms, conditions and limitations, and be issued subject to the payment of such fees, as said commissioner shall from time to time prescribe. Said commissioner shall also from time to time fix maximum and minimum rates to be charged by said licensees for use of such vehicles.

Said commissioner shall, as soon as may be, fix a limit for the number of licenses to be issued under this section, which limit shall be based upon the number of licenses then issued and outstanding but shall not be in excess of fifteen hundred and twenty-five, and he may from time to time, after reasonable notice and a hearing, decrease the limit so fixed, but in no event to a number less than nine hundred.

If an applicant is refused a license hereunder by reason of the fact that the maximum number of licenses limited hereunder has been issued, the department of public utilities, on petition of such applicant, may, after a hearing, determine that public convenience and necessity require a higher limit than that fixed by said commissioner or previously established by said department and shall establish the limit so required, in which case the limit set by said department shall be considered final until again changed as herein provided.

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

Approved June 12, 1934.

AN ACT RELATIVE TO QUALIFICATION, METHODS AND PRACTICES OF DENTISTS AND DENTAL HYGIENISTS. *Chap. 281*

Be it enacted, etc., as follows:

Chapter one hundred and twelve of the General Laws is hereby amended by inserting after section fifty-two, as appearing in the Tercentenary Edition, the following two new sections:—*Section 52A.* No registered dentist or dental hygienist shall include in any newspaper, radio, display sign or other advertisement any statement of a character tending to deceive or mislead the public, or any statement claiming professional superiority or the performance of professional services in a superior manner or the performance of painless operations of a dental or oral surgical nature, or advertising fixed prices for professional services or materials or the use of any drug, nostrum, patent or proprietary medicine of an unknown formula, or advertising to use any system of anaesthetics without truly and accurately naming the same or to use any such system unless such system is in fact used, or shall advertise with signs or printed advertisements, or by

G. L. (Ter. Ed.), 112, new sections 52A and 52B, added.
Advertising by dentists, etc., regulated.

means of show cases, containing the representation of a tooth, teeth, dental restoration of any kind or of whatsoever design or description or any portion of the human head or neck or photograph of any person.

Records of convictions to be sent to board of dental examiners.

Section 52B. The clerk of a court in which a registered dentist or dental hygienist is convicted under the preceding section shall forthwith certify such conviction to the board, and the board may, after a hearing, revoke or suspend the registration of the convicted registrant. The board may also revoke or suspend the registration of a dentist or dental hygienist for conviction in any court of the commonwealth of a crime involving moral turpitude.

Approved June 12, 1934.

Chap. 282 AN ACT RELATIVE TO ASCERTAINING THE OPINION OF THE VOTERS AS TO PENDING AMENDMENTS TO THE FEDERAL CONSTITUTION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 53, § 18, amended.

Opinion of voters to be ascertained as to amendments to federal constitution in certain cases.

Chapter fifty-three of the General Laws is hereby amended by striking out section eighteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 18.* It is hereby declared to be the policy of the commonwealth that the general court, when called upon to act upon a proposed amendment to the federal constitution, should defer action until the opinion of the voters of the commonwealth has been taken, as herein provided, relative to the wisdom and expediency of ratifying the same; therefore, if a proposed amendment to the federal constitution is duly submitted to the general court as provided in article five of the constitution of the United States, and is not ratified at the session at which it is submitted, there shall be submitted to all the voters of the commonwealth at the following state election, if such an election is to occur prior to the next regular session of the general court, otherwise at such special or regular state election as the general court may order, the question whether such ratification is desirable. The question shall be placed upon the official ballot in the following form: “Is it desirable that the proposed amendment to the constitution of the United States (describing the same) be ratified by the general court?” The votes cast shall be received, sorted, counted, declared and transmitted to the state secretary, laid before the governor and council, and by them opened and examined in accordance with the laws relating to votes for state officers so far as they are applicable, and the governor shall thereupon communicate to the general court the total number of votes cast in the affirmative and in the negative for the proposed amendment, and likewise the same totals arranged by senatorial and representative districts. This section shall not authorize the taking of the opinion of the voters more than once in respect to any such proposed amendment unless otherwise provided by the general court.

Approved June 12, 1934.

AN ACT RELATIVE TO THE OBSERVANCE OF ARMISTICE DAY. *Chap. 283*

Be it enacted, etc., as follows:

Clause eighteenth of section seven of chapter four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following: — ; and all laws, statutes, orders, decrees, rules and regulations regulating the observance of the Lord's day shall be applicable to November eleventh between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when November eleventh occurs on Sunday, — so as to read as follows: — Eighteenth, "Legal holiday" shall include January first, February twenty-second, April nineteenth, May thirtieth, July fourth, the first Monday of September, October twelfth, November eleventh, Thanksgiving day and Christmas day, or the day following when any of the five days first mentioned, October twelfth, November eleventh, or Christmas day occurs on Sunday; and the public offices shall be closed on all of said days; and all laws, statutes, orders, decrees, rules and regulations regulating the observance of the Lord's day shall be applicable to November eleventh between the hours of seven o'clock ante meridian and one o'clock post meridian, or during the same hours on the day following when November eleventh occurs on Sunday.

G. L. (Ter. Ed.), 4, § 7, amended.

Certain laws applicable on Sundays to apply to Armistice day.

Approved June 12, 1934.

AN ACT ALLOWING THE TURNING ON OR SHUTTING OFF OF THE WATER SUPPLY IN CERTAIN DWELLINGS IN THE COUNTY OF BARNSTABLE, WITHOUT A PERMIT. *Chap. 284*

Be it enacted, etc., as follows:

Section thirteen of chapter one hundred and forty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "leaks" in the tenth line the following: — or, in any town in the county of Barnstable, to turn on or shut off the water supply for a single family dwelling, — so as to read as follows: — *Section 13.* Each city, except Boston, and each town which has five thousand inhabitants or more or which has a system of water supply or sewerage, shall by ordinance or by-law prescribe regulations for the materials, construction, alteration and inspection of all pipes, tanks, faucets, valves and other fixtures by and through which waste water or sewage is used and carried; and shall provide that such pipes, tanks, faucets, valves or other fixtures shall not be placed in any building in such city or town, except in accordance with plans approved by said inspector of buildings, if any, otherwise by the board of health; and shall further provide that no plumbing shall be done, except to repair leaks or, in any town in the county of Barnstable, to turn on or shut off the water supply for a

G. L. (Ter. Ed.), 142, § 13, amended.

Regulation of plumbing, etc.

single family dwelling, without a permit first being issued therefor, upon such terms and conditions as such cities or towns shall prescribe. This section shall not prevent boards of health from making such regulations relative to plumbing and house drainage authorized by law prior to July sixth, eighteen hundred and ninety-four, as are not inconsistent with any ordinance or by-law made under authority of this section.

Approved June 12, 1934.

Chap. 285 AN ACT PROVIDING FOR THE ULTIMATE ABOLITION OF NON-CONTRIBUTORY PENSIONS AND RETIREMENT ALLOWANCES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 44, etc., amended.

SECTION 1. Section forty-four of chapter thirty-two of the General Laws, as amended by chapter one hundred and thirty-five of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end thereof the following new paragraph: —

School janitors.

No school janitor whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of this section.

G. L. (Ter. Ed.), 32, § 60, amended.

SECTION 2. Section sixty of said chapter thirty-two, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following new paragraph: —

Veterans.

No veteran whose employment first begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of sections fifty-six to fifty-nine, inclusive.

G. L. (Ter. Ed.), 32, § 60A, amended.

SECTION 3. Section sixty A of said chapter thirty-two, as so appearing, is hereby amended by adding at the end thereof the following new paragraph: —

Army nurses.

No army nurse whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of this section.

G. L. (Ter. Ed.), 32, § 66, amended.

SECTION 4. Section sixty-six of said chapter thirty-two, as so appearing, is hereby amended by adding at the end thereof the following new paragraph: —

Court officers.

No court officer whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of this section.

G. L. (Ter. Ed.), 32, § 70, amended.

SECTION 5. Section seventy of said chapter thirty-two, as so appearing, is hereby amended by adding at the end thereof the following new paragraph: —

Call officers.

No call officer whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of this section.

G. L. (Ter. Ed.), 32, § 75, amended.

SECTION 6. Section seventy-five of said chapter thirty-two, as so appearing, is hereby amended by adding at the end thereof the following new paragraph: —

Probation officers.

No probation officer or assistant probation officer whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of this section.

SECTION 7. Said chapter thirty-two is hereby further amended by inserting after section seventy-eight, as so appearing, the following new section:— *Section 78A*. No laborer whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of section seventy-seven or seventy-eight.

G. L. (Ter. Ed.), 32, new section 78A, added. Laborers.

SECTION 8. Section eighty of said chapter thirty-two, as so appearing, is hereby amended by adding at the end thereof the following new paragraph:—

G. L. (Ter. Ed.), 32, § 80, amended.

No fireman whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of this section.

Firemen.

SECTION 9. Said chapter thirty-two is hereby further amended by inserting after section eighty-five B, inserted by chapter two hundred and fifty-three of the acts of nineteen hundred and thirty-two, the following new section:— *Section 85C*. No policeman or fireman whose employment begins after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of sections eighty-three to eighty-five B, inclusive, or any of them.

G. L. (Ter. Ed.), 32, new section 85C, added.

Certain police and firemen.

SECTION 10. No person who is appointed or employed by an office, board, commission or other governmental organization or agency in any county, city, town or district in the commonwealth after December thirty-first, nineteen hundred and thirty-seven, shall be subject to the provisions of any special act providing a non-contributory pension or retirement allowance.

Provisions applicable to counties, cities, towns and districts.

Approved June 12, 1934.

AN ACT PROVIDING FOR THE CONSTRUCTION OF AN ADDITIONAL BREAKWATER IN THE TOWN OF WINTHROP.

Chap. 286

Be it enacted, etc., as follows:

SECTION 1. For the purpose of further protecting Winthrop Shore drive and other shore property in the town of Winthrop, the department of public works is hereby authorized and directed to construct a breakwater in a location about one thousand feet easterly of the shore in said town, or in such other location as said department may deem advisable. No work shall be begun hereunder until the town of Winthrop has contributed and paid into the treasury of the commonwealth the sum of sixteen thousand dollars, which together with such sum, not exceeding eighty thousand dollars, as may hereafter be appropriated by the commonwealth, shall constitute a fund for the work herein authorized.

SECTION 2. The expenditures made from funds appropriated by the commonwealth as aforesaid shall be paid as follows:— three fifths from the general fund or revenue of the commonwealth, one fifth from the Highway Fund and one fifth by the cities and towns of the metropolitan parks district, including Winthrop, in proportion to the respective taxable valuations of the property of said cities and towns, as defined by section fifty-nine of chapter ninety-two of the General Laws.

SECTION 3. For the purpose of meeting the payment of sixteen thousand dollars required to be paid by the town of Winthrop as aforesaid, said town may borrow outside its limit of indebtedness as fixed by law such sums as may be necessary, and may issue bonds or notes therefor, which shall be payable in not more than ten years; and such indebtedness shall, except as herein provided, be subject to chapter forty-four of the General Laws, as appearing in the Tercentenary Edition, exclusive of the limitation contained in the first paragraph of section seven thereof.

Approved June 12, 1934.

The Commonwealth of Massachusetts

EXECUTIVE DEPARTMENT,

BOSTON, JUNE 13, 1934.

HONORABLE FREDERIC W. COOK
Secretary of the Commonwealth
State House

SIR:

I, Joseph B. Ely, by virtue of and in accordance with the provisions of the Forty-eighth Amendment to the Constitution, "The Referendum II, Emergency Measures" do declare that in my opinion the immediate preservation of the public peace, health, safety and convenience requires that the law passed on the twelfth day of June, in the year nineteen hundred and thirty-four, entitled "An Act providing for the Construction of an Additional Breakwater in the Town of Winthrop" should take effect forthwith, that it is an emergency law, and that the facts constituting the emergency are as follows:

That in order for this act to become effective it must be accepted and an appropriation made by the Town of Winthrop at a special town meeting called for the purpose. In the normal course of events the date of such a town meeting held subsequent to the effective date of this act would be too late to accomplish during the current year the purpose for which the legislation has been passed.

Yours very truly,

JOSEPH B. ELY.

Office of the Secretary, Boston, June 13, 1934.

I hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and twenty-two minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Consti-

tution said chapter takes effect forthwith, being chapter two hundred and eighty-six, acts of nineteen hundred and thirty-four.

F. W. COOK,

Secretary of the Commonwealth.

AN ACT MAKING CERTAIN THAT THE PROVISIONS OF LAW RELATIVE TO ABSENT DEFENDANTS APPLY IN ACTIONS ON RECOGNIZANCES AND BONDS GIVEN IN CRIMINAL CASES.

Chap. 287

Be it enacted, etc., as follows:

Section twenty-two of chapter two hundred and twelve of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eighth and ninth lines, the words "such suits shall be filed, docketed and recorded as criminal cases" and inserting in place thereof the following:—, for the purpose of docketing and recording such suits, they shall be deemed to be criminal cases, provided that the provisions of chapter two hundred and twenty-seven shall be applicable thereto as in other civil cases except that no bond shall be required as provided in section nine thereof, — so as to read as follows:— *Section 22.* The first Monday of every month shall be a return day for the entry of appeals in criminal cases from district courts and trial justices and of suits upon recognizances and bonds in such cases. Such appeals shall be entered on the return day next after the appeal is taken. Such suits may be made returnable at the election of the district attorney at any such return day within three months after the date of the writ. Trials by jury of such suits shall take place at criminal sittings; and, for the purpose of docketing and recording such suits, they shall be deemed to be criminal cases, provided that the provisions of chapter two hundred and twenty-seven shall be applicable thereto as in other civil cases except that no bond shall be required as provided in section nine thereof. If said first Monday is a legal holiday, such entry shall be made on the day following.

G. L. (Ter. Ed.), 212, § 22, amended.

Return day in criminal cases.

Approved June 12, 1934.

AN ACT RELATIVE TO THE TERM OF OFFICE OF MEMBERS OF POLITICAL COMMITTEES, TO THE TIME OF THEIR ORGANIZATION AND TO THE PERSONNEL OF LOCAL POLITICAL COMMITTEES.

Chap. 288

Be it enacted, etc., as follows:

SECTION 1. Chapter fifty-two of the General Laws, as amended in section one by section one of chapter three hundred and ten of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out said section one of said chapter fifty-two and inserting in place thereof the following:— *Section 1.* Each political party shall, in the manner herein provided, elect from among its enrolled mem-

G. L. (Ter. Ed.), 52, § 1, etc., amended.

State committees. Election, terms, etc.

bers a state committee, which shall consist of one member from each senatorial district to be elected at the party primaries immediately preceding each biennial state election by plurality vote of the members of his party in the district, and such number of members at large as may be fixed by the state convention, to be elected at said convention. Members of said committee elected from senatorial districts shall hold office for two years from the date of final adjournment of the state convention of such party next following their election, and members elected at a state convention shall hold office for two years from the date of final adjournment of such convention, and in each case until their successors shall have organized.

The members of the state committee shall, within ten days after the date of final adjournment of the state convention, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as they may decide to elect.

The secretary of the state committee shall, within ten days after such organization, file with the state secretary, and send to each city and town committee, a list of the members of the state committee and of its officers.

A vacancy in the office of chairman, secretary or treasurer of the state committee or in the membership thereof shall be filled by said committee, and a statement of any such change shall be filed as in the case of the officers first chosen.

SECTION 2. Said chapter fifty-two, as amended in section two by section two of said chapter three hundred and ten, is hereby further amended by striking out said section two of said chapter fifty-two and inserting in place thereof the following:—*Section 2.* Each political party shall, in every ward and town, elect at the party primaries immediately preceding each biennial state election from among the enrolled members of the party resident in such ward or town a committee to be called a ward or town committee, whose members shall hold office for two years from June fifteenth following their election and until their successors shall have organized.

SECTION 3. Section four of said chapter fifty-two, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first and second lines, the words "town committee shall, between January first and March first following its election, and each ward and city" and inserting in place thereof the words:—city, ward and town,—so as to read as follows:—*Section 4.* Each city, ward and town committee shall, within thirty days after the beginning of its term of office, meet and organize by the choice of a chairman, a secretary, a treasurer and such other officers as it may decide to elect. At such meeting the committee may add to its numbers.

SECTION 4. Section seven of said chapter fifty-two, as amended by chapter one hundred and eighteen of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the first paragraph.

G. L. (Ter. Ed.), 52, § 2, etc., amended.

Ward and town committees. Election, terms, etc.

G. L. (Ter. Ed.), 52, § 4, amended.

City, ward and town committees. Organization.

G. L. (Ter. Ed.), 52, § 7, etc., amended.

SECTION 5. This act shall take effect on January first, Effective date.
 nineteen hundred and thirty-six.

Approved June 12, 1934.

AN ACT AUTHORIZING THE PARTIAL RESTORATION OF SALARIES *Chap. 289*
 AND COMPENSATION OF CERTAIN OFFICIALS AND EMPLOYEES
 OF THE CITY OF BOSTON AND OF THE COUNTY OF SUFFOLK
 RECENTLY REDUCED.

Be it enacted, etc., as follows:

SECTION 1. The rate of salary or compensation payable immediately prior to the effective date of this act to the holder of each office and position in the service of the city of Boston or of the county of Suffolk may, subject to appropriation, be increased by an amount equivalent to one third of the net reduction made in such rate by or under chapter one hundred and twenty-one of the acts of nineteen hundred and thirty-three. The rates of salary or compensation as increased hereby, shall be effective as of April first of the current year, and until their full restoration, in accordance with said chapter one hundred and twenty-one.

SECTION 2. This act shall take effect upon its acceptance by the mayor and city council of the city of Boston subject to the provisions of its charter. *Approved June 12, 1934.*

AN ACT INCREASING THE NUMBER OF JUDGES OF PROBATE IN *Chap. 290*
 SUFFOLK COUNTY.

Be it enacted, etc., as follows:

Section two of chapter two hundred and seventeen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following:— There shall be three judges of probate in the county of Suffolk and two judges of probate in each of the counties of Middlesex, Essex and Worcester, — so as to read as follows:— *Section 2.* There shall be three judges of probate in the county of Suffolk and two judges of probate in each of the counties of Middlesex, Essex and Worcester. The senior judge shall be the first judge in each county, to whom, and to his successors, all bonds required by law to be given to the judge of probate for said counties shall be made payable. The probate court and the court of insolvency for said counties may be held by one or both of the judges, and, when so held, shall have and exercise all the powers and jurisdiction committed to the respective courts. The judges shall so arrange the performance of their duties as to insure a prompt and punctual discharge thereof. The judges may perform each other's duties when necessary or convenient. Simultaneous sessions of the courts in said counties may be held if public convenience requires. Citations, orders of notice and all other processes issued by the register of probate and insolvency, in this chap-

G. L. (Ter.
 Ed.), 217,
 § 2, amended.

Number of
 judges of
 probate in
 certain
 counties.

ter called the register, for any of said counties, shall bear teste of the first judge of said court. Deposits or investments made in the name of the judge of probate shall be in the name of the first judge of the court, and shall be subject to the order of the court.

Approved June 12, 1934.

Chap. 291 AN ACT RELATIVE TO INDEMNIFICATION OF CERTAIN PUBLIC EMPLOYEES FOR DAMAGES SUSTAINED THROUGH OPERATION OF CERTAIN PUBLICLY OWNED VEHICLES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 12, § 33, etc., amended.

Indemnification or protection of state officers, etc., for damages sustained through operation of state-owned motor vehicles.

SECTION 1. Section three B of chapter twelve of the General Laws, as most recently amended by section one of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "therefrom" in the sixth line the words:—, or for damage to property,— by inserting after the word "dollars" in the twenty-third line the words:— on account of injury to or death of one person, and not exceeding one thousand dollars on account of damage to property,— and by striking out, in the thirty-sixth line, the words "five thousand dollars" and inserting in place thereof the words:— the respective limits hereinabove set forth,— so as to read as follows:— *Section 3B.* Upon the filing with the attorney general of a written request of any officer or employee of the commonwealth or of the metropolitan district commission that the attorney general defend him against an action for damages for bodily injuries, including death at any time resulting therefrom, or for damage to property, arising out of the operation of a motor or other vehicle owned by the commonwealth, including one under the control of said commission, wherein such officer or employee consents to be bound by any decision that the attorney general may make in connection with the trial or settlement of such action, the attorney general shall, if after investigation it appears to him that such officer or employee was at the time the cause of action arose acting within the scope of his official duties or employment, take over the management and defence of such action. The attorney general may adjust or settle any such action, at any time before, during or after trial, if he finds after investigation that the plaintiff is entitled to damages from such officer or employee, and in such case there shall be paid from the state treasury for settlement in full of such action from such appropriation as may be made by the general court for the purposes of this section such sum, not exceeding five thousand dollars on account of injury to or death of one person, and not exceeding one thousand dollars on account of damage to property, as the attorney general shall determine to be just and reasonable and as the governor and council shall approve.

If an execution issued on a final judgment in such an action is presented to the state treasurer by an officer qualified to

serve civil process and if there is also presented to or on file with said state treasurer a certificate of the attorney general certifying that said execution was issued on a judgment in an action in which he appeared for and defended the defendant in accordance with the provisions of this section, there shall be paid from the state treasury from the appropriation above referred to, the amount of the execution, including costs and interest, up to but not in excess of the respective limits hereinabove set forth.

SECTION 2. Section twenty-eight of chapter thirty-five of the General Laws, as most recently amended by section two of said chapter three hundred and eighteen, is hereby further amended by inserting after the word "therefrom" in the eleventh line the words: — or for damage to property, — and by inserting after the word "person" in the fifteenth line the words: — , and not exceeding one thousand dollars on account of damage to property, — so as to read as follows: — *Section 28.* The county commissioners shall annually prepare estimates of county receipts and expenditures for the ensuing year, in the form prescribed by the director of accounts and upon blanks by him furnished, including estimates for construction and repair of county buildings and for effecting insurance providing indemnity for or protection to the officers and employees of the county against loss by reason of their liability to pay damages to others for bodily injuries, including death at any time resulting therefrom or for damage to property, caused by the operation, within the scope of their official duties or employment, of motor or other vehicles owned by the county, to an amount not exceeding five thousand dollars on account of injury to or death of one person, and not exceeding one thousand dollars on account of damage to property, or for providing indemnity or protection as aforesaid without insurance, with a statement of the corresponding appropriations for the preceding year, and expenditures for each of the three preceding years, explaining any difference between the amount of an estimate and the latest appropriation for the same purpose, and citing the laws relating thereto. The clerk of the commissioners shall record the foregoing in a book kept therefor, and, on or before January twentieth, shall send a copy thereof, by him attested and signed by the chairman, to the said director, who shall analyze and classify said estimates, and report the same to the general court not later than February tenth. The director shall upon their request send a copy of said report to the mayor of each city and to the selectmen of each town in the commonwealth.

SECTION 3. Section one hundred A of chapter forty-one of the General Laws, as most recently amended by section four of said chapter three hundred and eighteen, is hereby further amended by inserting after the word "therefrom" in the eighth line the words: — , or for damage to property, — by inserting after the word "dollars" in the eleventh line the words: — on account of injury to or death of one person,

G. L. (Ter. Ed.), 35, § 28, etc., amended.

Estimates of county expenses to include amount to indemnify county employees in certain cases involving property damage.

G. L. (Ter. Ed.), 41, § 100A, etc., amended.

and not exceeding one thousand dollars on account of damage to property, — by inserting after the word “to” in the twenty-first line the words: — so much of, — and by striking out, in the same line, the word “which” and inserting in place thereof the word: — as, — so as to read as follows: — *Section 100A.* A city which accepts this section by vote of its city council subject to the provisions of its charter, or a town which accepts the same by vote of its inhabitants at an annual town meeting, may, after an appropriation has been made therefor, indemnify an officer or employee thereof for expenses or damages incurred by him in the defence or settlement of a claim against him for bodily injuries, including death at any time resulting therefrom, or for damage to property, arising out of the operation of a motor or other vehicle owned by such city or town, to an amount not exceeding five thousand dollars on account of injury to or death of one person, and not exceeding one thousand dollars on account of damage to property; provided, that after investigation it shall appear to the mayor or selectmen that such officer or employee was at the time the claim arose acting within the scope of his official duties or employment, and provided, further, that the defence or settlement of such claim shall have been made by the city solicitor or the town counsel, or, if the town has no town counsel, by an attorney employed for the purpose by the selectmen, upon the request of said officer or employee and at the direction of the mayor or selectmen. This section shall not apply in respect to so much of a claim against an officer or employee as is covered by a policy of insurance effected by the city or town under clause (1) of section five of chapter forty.

SECTION 4. Section four of chapter two hundred and sixty of the General Laws, as most recently amended by section five of said chapter three hundred and eighteen, is hereby further amended by striking out in the twelfth line the words “such actions” and inserting in place thereof the words: — actions of tort for bodily injuries or for death or for damage to property, — so as to read as follows: — *Section 4.* Actions for assault and battery, false imprisonment, slander, actions against sheriffs, deputy sheriffs, constables or assignees in insolvency for the taking or conversion of personal property, actions of tort for injuries to the person against counties, cities and towns, and actions of contract or tort for malpractice, error or mistake against physicians, surgeons, dentists, optometrists, hospitals and sanitarium, shall be commenced only within two years next after the cause of action accrues; and actions for libel and actions of tort for bodily injuries or for death the payment of judgments in which is required to be secured by chapter ninety and also actions of tort for bodily injuries or for death or for damage to property against officers and employees of the commonwealth, of the metropolitan district commission, and of any county, city or town, arising out of the operation of motor or other vehicles owned by the commonwealth, including those under the

Indemnification of city and town employees.

G. L. (Ter. Ed.), 260, § 4, etc., amended.

Limitation of certain actions.

control of said commission, or by any such county, city or town, suits by judgment creditors in such actions of tort under section one hundred and thirteen of chapter one hundred and seventy-five and clause (10) of section three of chapter two hundred and fourteen and suits on motor vehicle liability bonds under section thirty-four G of said chapter ninety shall be commenced only within one year next after the cause of action accrues.

SECTION 5. Section eighty-three A of chapter one hundred and eleven of the General Laws, inserted by section six of said chapter three hundred and eighteen, is hereby amended by inserting after the word "therefrom" in the seventh line the words: —, or for damage to property, — and by inserting after the word "person" in the twelfth line the words: —, and not exceeding one thousand dollars on account of damage to property, — so as to read as follows: — *Section 83A.* The county commissioners of any county, acting as trustees of a hospital established therein under sections seventy-eight to ninety, inclusive, may effect insurance providing indemnity for or protection to the officers and employees of such hospital against loss by reason of their liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, or for damage to property, caused by the operation, within the scope of their official duties or employment, of motor or other vehicles owned by the district maintaining such hospital, to an amount not exceeding five thousand dollars on account of the injury to or death of one person, and not exceeding one thousand dollars on account of damage to property. The expense of such insurance shall be included as a part of the cost of maintenance of such hospital.

G. L. (Ter. Ed.), 111, § 83A, amended.

Indemnification, etc., of certain employees of county hospitals.

SECTION 6. The provisions of the preceding sections shall apply only to causes of action arising after their effective date.

Application of act.

Approved June 12, 1934.

AN ACT PROVIDING FOR EXTRA COMPENSATION UNDER THE WORKMEN'S COMPENSATION LAW FOR INJURED MINORS WHEN EMPLOYED IN VIOLATION OF CERTAIN LABOR LAWS.

Chap. 292

Be it enacted, etc., as follows:

SECTION 1. Section seventy-eight of chapter one hundred and forty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following: — Violations of sections sixty to seventy-four, inclusive, or of section one hundred and four shall be reported by the department to the department of industrial accidents, — so as to read as follows: — *Section 78.* Whoever, by himself or for others, or through agents, servants or foremen, employs, induces or permits any minor to work contrary to any provision of sections sixty to seventy-four, inclusive, shall, except as provided in section sixty-one, be punished for a first offence by a fine of not less than ten nor more than

G. L. (Ter. Ed.), 149, § 78, amended.

Reports of violations of certain labor laws to be sent to department of industrial accidents.

fifty dollars or by imprisonment for not more than one month, or both, and for a subsequent offence by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not more than two months, or both. The employment of any minor in violation of any provision of said sections, after the person employing such minor has been notified thereof in writing by any authorized inspector or supervisor of attendance, shall constitute a separate offence for every day during which the employment continues. Violations of sections sixty to seventy-four, inclusive, or of section one hundred and four shall be reported by the department to the department of industrial accidents.

SECTION 2. Section twenty-eight of chapter one hundred and fifty-two of the General Laws, as so appearing, is hereby amended by adding at the end the following: — The employment of any minor, known to be such, in violation of any provision of sections sixty to seventy-four, inclusive, or of section one hundred and four of chapter one hundred and forty-nine shall constitute serious and wilful misconduct under this section, — so as to read as follows: — *Section 28.* If the employee is injured by reason of the serious and wilful misconduct of an insured person or of any person regularly entrusted with and exercising the powers of superintendence, the amounts of compensation hereinafter provided shall be doubled. In such case the insured shall repay to the insurer the extra compensation paid to the employee. If a claim is made under this section the insured may appear and defend against such claim only. The employment of any minor, known to be such, in violation of any provision of sections sixty to seventy-four, inclusive, or of section one hundred and four of chapter one hundred and forty-nine shall constitute serious and wilful misconduct under this section.

Approved June 12, 1934.

G. L. (Ter. Ed.), 152, § 28, amended.

Wilful misconduct by employer. Double compensation.

Chap. 293 AN ACT ESTABLISHING NON-PARTISAN MUNICIPAL ELECTIONS
IN THE CITY OF REVERE.

Be it enacted, etc., as follows:

SECTION 1. On the third Tuesday preceding every regular or special municipal election in the city of Revere at which any elective municipal office is to be filled, there shall be held, except as otherwise provided in section nine, a preliminary election for the purpose of nominating candidates therefor. At every such election the polls shall be opened at twelve o'clock noon and remain open until eight o'clock in the evening of said day, and the general laws relative to municipal elections shall apply thereto, except as is otherwise specifically provided for in this act.

SECTION 2. Except as is otherwise provided in said section nine, there shall not be printed on the official ballot to be used at any regular or special municipal election in said city the name of any person as a candidate for any office unless

such person has been nominated as such at a preliminary election for nomination, held as provided in this act. There shall not be printed on the official ballot for use at such preliminary election the name of any candidate for nomination at such election unless he shall have submitted, within the time limited and as provided by section three, the nomination paper therein described.

SECTION 3. Any person who is qualified to vote at any regular or special election for a candidate for any elective municipal office in said city, and who is a candidate for nomination thereto, shall be entitled to have his name as such candidate printed on the official ballot to be used at a preliminary election for nomination therefor; provided, that if he is a candidate to be voted for in a single ward he shall be a registered voter in the ward wherein he is a candidate; and provided, further, that on or before five o'clock in the afternoon of the sixth Tuesday preceding such regular or special municipal election there shall be submitted to the board of registrars of voters a nomination paper prepared and issued by the city clerk, wherein the candidate sets forth in writing his candidacy, and wherein the petition is signed in person by at least fifty, or, in case of a candidate for the office of mayor, by at least two hundred and fifty, voters of the city qualified to vote for a candidate for the said office, whose signatures are certified as hereinafter provided.

Said nomination papers shall be in substantially the following form: —

COMMONWEALTH OF MASSACHUSETTS.

CITY OF REVERE.

NOMINATION PAPER.

STATEMENT OF CANDIDATE.

I (), on oath declare that I am a citizen of the United States of America, that I reside at (number, if any) on (name of street) and ward in the city of Revere, that I am a voter therein, qualified to vote for a candidate for the office hereinafter mentioned; that I am a candidate for the office of (name of office) for (state the term) to be voted for at the preliminary election to be held on Tuesday, the day of , nineteen hundred and , and I request that my name be printed as such candidate on the official ballot for use at said preliminary election.

(Signed)

COMMONWEALTH OF MASSACHUSETTS.

Suffolk, ss.

Subscribed and sworn to on this day of , nineteen hundred and before me,

(Signed)

Justice of the Peace
(or Notary Public).

PETITION ACCOMPANYING STATEMENT OF CANDIDATE.

Whereas (name of candidate) is a candidate for nomination for the office of (state the office) for (state the term), we, the undersigned, voters of the city of Revere, duly qualified to vote for a candidate for said office, do hereby request that the name of said (name of candidate) as a candidate for nomination for said office be printed on the official ballot to be used at the preliminary election to be held on Tuesday, the _____ day of _____, nineteen hundred and _____. We further state that we believe him to be of good moral character and qualified to perform the duties of the office, and that we have not subscribed to more nominations of candidates for this office than there are persons to be elected thereto.

SIGNATURES OF NOMINATORS. (To be made in person.)	Residence January 1.	Ward.	Present Residence.

No acceptance by the candidate for the nomination named in the said nomination paper shall be necessary to its validity or its filing. The petition, which may be on one or more papers, need not be sworn to.

SECTION 4. After any such nomination paper has been submitted to said board of registrars of voters, hereinafter called the board, it shall certify thereon the number of signatures which are the names of registered voters in said city qualified to sign the same. All such papers found not to contain a number of names so certified equivalent to the number required to make a nomination shall be invalid, and such papers shall be preserved by the board for one year. The board shall complete their certification on or before five o'clock in the afternoon of the fifth Tuesday preceding such regular or special municipal election, and the board, or some member thereof, shall file with the city clerk on or before five o'clock in the afternoon of the next day all papers not found to be invalid as aforesaid.

SECTION 5. On the first day, other than a legal holiday, following the expiration of the time for filing the above described nomination papers with the city clerk, he shall post in a conspicuous place in his office the names and residences of the candidates for nomination who have duly qualified as such, as they are to appear on the official ballots to be used at the preliminary election, except as to the order of the names, which shall be drawn by lot by the city clerk within seventy-two hours succeeding five o'clock in the afternoon of the last day fixed for filing the nomination papers with him, and he shall cause the ballots, which shall contain said names in their order as drawn by him, and no others, with a designation of residence, and of the office and term of office, to be printed, and the ballots so printed shall be official and

no others shall be used at the preliminary election. At any drawing for position on the ballot, each candidate shall have an opportunity to be present in person or by one representative. There shall be left at the end of the list of candidates for nomination for each office blank spaces equal in number to the number of persons to be nominated therefor, in which spaces the voter may insert the name of any person not printed on the ballot for whom he desires to vote for nomination for such office, but the name of such person shall not be printed on the official ballot to be voted for at any regular or special municipal election in said city unless such person is qualified to be nominated under the provisions of section three. There shall be printed on such ballots such directions as will aid the voter, as, for example: "vote for one", "vote for two", and the like, and the ballots shall be headed substantially as follows: —

OFFICIAL PRELIMINARY BALLOT.

Candidates for nomination for the offices of (name of offices) in the city of Revere at a preliminary election to be held on the _____ day of _____, in the year nineteen hundred and _____.

On the back and outside of each ballot when folded shall be printed the words "Official Ballot for Preliminary Election", followed by the designation of the ward, for which the ballot is prepared, the date of the preliminary election and a facsimile of the signature of the city clerk.

SECTION 6. No ballot used at any preliminary election in said city shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate any such party or political designation or mark, or anything showing how he was nominated or indicating his views or opinions.

SECTION 7. The election officers shall, immediately upon the closing of the polls at preliminary elections, count the ballots and ascertain the number of votes cast in the several voting places for each candidate, and forthwith make return thereof upon blanks to be furnished, as in regular elections, to the city clerk, who shall canvass said returns and shall forthwith determine the result thereof, insert the same in a newspaper published in said city and post the same in a conspicuous place in his office.

SECTION 8. If any person receives at a preliminary election a majority of all the votes cast for the office for nomination to which he was a candidate, he shall be deemed and declared elected thereto; provided, that at said election at least eighty per cent of the total registered vote of the city or, in the case of a ward councilman, of the ward shall be cast; otherwise the two persons receiving at a preliminary election the highest number of votes for nomination for any office, except one to which two or more persons are to be elected at the regular or special election following, and, as to each of such offices,

the several persons in number equal to twice the number so to be elected receiving at such preliminary election the highest number of votes for nomination for that office, shall, except as provided in this and the following section, be the sole candidates for that office whose names may be printed on the official ballot to be used at the regular or special election at which such office is to be filled.

If the preliminary election results in a tie vote among candidates for nomination to any office receiving the lowest number of votes, which, but for said tie vote, would entitle a person receiving the same to have his name printed upon the official ballot for the election, all candidates participating in said tie vote shall have their names printed upon the official ballot, although in consequence there be printed thereon the names of candidates to a number exceeding twice the number to be elected.

SECTION 9. If at the expiration of the time for filing with the city clerk nomination papers for candidates to be voted for at any preliminary election there have not been filed with him more than twice as many such nomination papers for an office as there are persons to be elected to such office, the candidates whose nomination papers have thus been filed shall be deemed to have been nominated to said office, and their names shall be printed on the official ballot to be used at the regular or special election following, and the city clerk shall not print said names upon the ballot to be used at said preliminary election, and no other nomination to said office shall be made. If in consequence it shall appear that no names are to be printed upon the official ballot to be used at any preliminary election in any ward or wards of said city, no preliminary election shall be held in any such ward or wards.

SECTION 10. So much of chapter six hundred and eighty-seven of the acts of nineteen hundred and fourteen, and acts in amendment thereof and in addition thereto, as is inconsistent herewith is hereby repealed.

SECTION 11. In the current year the regular municipal election in said city shall take place on the third Tuesday of December and the preliminary election, for the purpose of nominating candidates to be voted for at said regular election, on the first Tuesday of December, and the last day for submitting to the registrars of voters nomination papers of candidates to be voted for at said preliminary election shall be the second Tuesday of November, and for filing the same with the city clerk, the third Tuesday of November, in lieu of the dates fixed by sections three and four, respectively, of this act, and persons signing nomination papers under authority of section three of this act shall state therein their residences on April first, in lieu of January first as provided by said section.

SECTION 12. This act shall be submitted for acceptance to the registered voters of the city of Revere, at the biennial state election to be held in the current year, in the form of

the following question, which shall be printed on the official ballot to be used in said city at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled 'An Act establishing Non-Partisan Municipal Elections in the City of Revere', be accepted?" If this act shall so be accepted by a majority of the registered voters of said city voting thereon, it shall thereupon take full effect, but not otherwise; provided, that the provision of section eleven fixing the date of the regular municipal election in the current year shall take effect in any event and regardless of acceptance. *Approved June 12, 1934.*

AN ACT PROVIDING FOR THE APPOINTMENT OF THE CITY
AUDITOR OF THE CITY OF SOMERVILLE BY THE MAYOR, SUB-
JECT TO CONFIRMATION BY THE BOARD OF ALDERMEN. *Chap. 294*

Be it enacted, etc., as follows:

SECTION 1. The city auditor of the city of Somerville shall be appointed by the mayor of said city, subject to confirmation by its board of aldermen, for the term of three years from the date of his appointment and until the qualification of his successor. In case of a vacancy, said office shall be filled for the unexpired term by the mayor, subject to like confirmation.

SECTION 2. So much of chapter two hundred and forty of the acts of eighteen hundred and ninety-nine, and acts in amendment thereof and in addition thereto, as is inconsistent with the act, is hereby repealed.

SECTION 3. This act shall be submitted for acceptance to the voters of the city of Somerville at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled 'An Act providing for the Appointment of the City Auditor of the City of Somerville by the Mayor, Subject to Confirmation by the Board of Aldermen', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise. *Approved June 12, 1934.*

AN ACT PROVIDING FOR THE APPOINTMENT OF THE CITY
TREASURER OF THE CITY OF SOMERVILLE BY THE MAYOR,
SUBJECT TO CONFIRMATION BY THE BOARD OF ALDERMEN. *Chap. 295*

Be it enacted, etc., as follows:

SECTION 1. The city treasurer of the city of Somerville, who shall also be the collector of taxes, shall be appointed by the mayor of said city, subject to confirmation by its board of aldermen, for the term of one year from the date of his appointment and until the qualification of his successor.

In case of a vacancy, said office shall be filled for the unexpired term by the mayor, subject to like confirmation.

SECTION 2. So much of chapter two hundred and forty of the acts of eighteen hundred and ninety-nine, and acts in amendment thereof and in addition thereto, as is inconsistent with this act, is hereby repealed.

SECTION 3. This act shall be submitted for acceptance to the voters of the city of Somerville at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled 'An Act providing for the Appointment of the City Treasurer of the City of Somerville by the Mayor, subject to Confirmation by the Board of Aldermen', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall thereupon take full effect, but not otherwise.

Approved June 12, 1934.

Chap. 296

AN ACT RELATIVE TO THE SALE AND TRANSPORTATION OF
POULTRY.

Be it enacted, etc., as follows:

Chapter ninety-four of the General Laws is hereby amended by inserting after section one hundred and fifty-two, as appearing in the Tercentenary Edition, the following new sections: — *Section 152A.* No person shall engage regularly in the business of buying or selling poultry which is to be sold or used for food unless he has a license from the commissioner of agriculture, the fee for which shall not exceed two dollars. Such license shall expire one year from the date of its issue and may be revoked by the commissioner for cause and after a hearing. The commissioner may make suitable rules or regulations governing the issue of such licenses. The licensee shall affix or cause to be affixed to each vehicle used in the business of buying or selling poultry as aforesaid a certified copy of such license in which such vehicle shall be particularly described. The provisions of this section shall not require the licensing of any merchant who does not go from place to place buying or selling poultry nor of any producer.

The word "merchant", as used in this section, shall include any wholesaler, jobber, commission merchant or retailer dealing in poultry who has an established place of business.

Section 152B. No person shall transport live poultry, which he has purchased from another, from place to place upon any public highway or road unless he has in his possession a bill of sale or memorandum signed by the vendor and containing the vendor's address, the date of sale, breed, weight, price and number of poultry purchased.

Section 152C. Whoever violates any provision of section one hundred and fifty-two A or one hundred and fifty-two B

G. L. (Ter. Ed.), 94, new sections 152A, 152B and 152C, added.

Business of buying or selling poultry to be licensed.

Transportation of live poultry regulated.

Penalty.

shall be punished, for a first offence, by a fine of not more than one hundred dollars and, for any subsequent offence, by a fine of not more than five hundred dollars or by imprisonment for not less than thirty days nor more than six months, or by both such fine and imprisonment.

Approved June 12, 1934.

AN ACT REDUCING THE MEMBERSHIP OF THE SCHOOL COMMITTEE OF THE CITY OF SOMERVILLE. *Chap. 297*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and forty of the acts of eighteen hundred and ninety-nine is hereby amended by striking out section twenty-eight, as most recently amended by section two of chapter fifty of the acts of nineteen hundred and thirty, and inserting in place thereof the following: — *Section 28.* The management and control of the public schools shall be vested in a school committee, which shall exercise the powers conferred and discharge the duties imposed by law on school committees. The committee shall consist of the mayor and the president of the board of aldermen, ex-officiis, neither of whom shall serve as chairman, and seven other members, elected as follows: one member shall be elected by and from the voters of each ward at each regular municipal election to serve for the term of two years next following. Any vacancy occurring in the school committee shall be filled by the remaining members thereof, the member so elected to be a resident of the ward entitled to the new member, and to hold office for the remainder of the unexpired term.

SECTION 2. This act shall be submitted for acceptance to the voters of the city of Somerville at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled 'An Act reducing the Membership of the School Committee of the City of Somerville', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall take effect for the nomination and election of members of the school committee beginning with the year nineteen hundred and thirty-five; otherwise it shall be of no effect.

Approved June 12, 1934.

AN ACT REDUCING THE MEMBERSHIP OF THE BOARD OF ALDERMEN OF THE CITY OF SOMERVILLE. *Chap. 298*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and forty of the acts of eighteen hundred and ninety-nine is hereby amended by striking out section ten, as most recently amended by section one of chapter fifty of the acts of nineteen hundred and thirty,

and inserting in place thereof the following:— *Section 10.* The board of aldermen shall be composed of eleven members, to be elected as follows: four aldermen at large shall biennially be elected by the qualified voters of the city at large, voting in their respective wards, and one alderman 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 two municipal years next following their election, or, if elected after the regular municipal election, for the remainder of the two municipal years following such regular municipal election and until a majority of the new board shall be elected and qualified in their stead.

SECTION 2. This act shall be submitted for acceptance to the voters of the city of Somerville at the biennial state election in the current year in the form of the following question which shall be placed upon the official ballot to be used in said city at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled 'An Act reducing the Membership of the Board of Aldermen of the City of Somerville', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, this act shall take effect for the nomination and election of members of the board of aldermen beginning with the year nineteen hundred and thirty-five; otherwise it shall be of no effect.

Approved June 12, 1934.

Chap. 299

AN ACT RELATIVE TO THE APPOINTMENT OF INVESTIGATORS BY THE BOARD OF REGISTRATION OF BARBERS AND DEFINING THEIR DUTIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 13, § 40, etc., amended.

Board of registration of barbers. Investigators.

SECTION 1. Section forty of chapter thirteen of the General Laws, as amended by section one of chapter one hundred and forty-nine of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end thereof the following:— The board may appoint investigators who shall be citizens of the commonwealth, shall have had at least five years continuous practical experience as barbers and are registered under sections eighty-seven G of chapter one hundred and twelve. Said investigators shall inspect barber shops, barber schools and barber colleges, and shall report to the board all violations of any law, rule or regulation relative to barbering.

Application of act.

SECTION 2. This act shall apply only to investigators appointed by the board of registration of barbers after its effective date.

Approved June 12, 1934.

Chap. 300

AN ACT PROVIDING THAT CERTAIN ACTIONS OF TORT FOR CONSEQUENTIAL DAMAGES SHALL SURVIVE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 228, § 1, amended.

SECTION 1. Chapter two hundred and twenty-eight of the General Laws is hereby amended by striking out section one,

as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 1.* In addition to the actions which survive by the common law, the following shall survive: —

Survival
of actions.

(1) Actions of replevin;

(2) Actions of tort (*a*) for assault, battery, imprisonment or other damage to the person; (*b*) for consequential damages arising out of injury to the person and consisting of expenses incurred by a husband, wife, parent or guardian for medical, nursing, hospital or surgical services in connection with or on account of such injury; (*c*) for goods taken or carried away or converted; or (*d*) for damage to real or personal property; and

(3) Actions against sheriffs for the misconduct or negligence of themselves or their deputies.

SECTION 2. This act shall apply to causes of action accruing before and after its effective date.

Application
of act.

Approved June 12, 1934.

AN ACT RELATIVE TO THE DEPOSITARIES OF FEES AND BONDS RECEIVED IN CONNECTION WITH THE SALE OF ALCOHOLIC BEVERAGES.

Chap. 301

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by striking out section twenty-seven and inserting in place thereof the following: — *Section 27.* All fees for licenses and permits authorized to be granted by the commission under this chapter and all moneys payable under section twenty-one shall be paid into the state treasury and, after the expenses of the commission have been paid, used, so far as necessary, for reimbursing cities and towns for assistance given by them to aged citizens under the provisions of chapter one hundred and eighteen A, in the manner provided by section three of said chapter, and all fees for licenses and permits authorized to be granted by the local licensing authorities under this chapter shall be paid into the treasuries of their respective cities and towns.

G. L. (Ter.
Ed.), 138,
§ 27, etc.,
amended.

Certain re-
ceipts from
licenses, etc.,
to be used
for assist-
ance of
certain
aged persons.

SECTION 2. Said chapter one hundred and thirty-eight, as so appearing, is hereby further amended by striking out section seventy and inserting in place thereof the following: — *Section 70.* No license or permit under this chapter shall be granted by the commission or the local licensing authorities unless the fee therefor has been paid into the state treasury or the city or town treasury, as the case may be. No such license and no permit under section twenty shall be granted by the commission unless the applicant shall have filed with the state treasurer a bond running to the commonwealth, nor shall any such license, except special licenses under section fourteen, be granted by the local licensing authorities

G. L. (Ter.
Ed.), 138,
§ 70, etc.,
amended.

License, etc.,
not to be
issued until
fee is paid.

unless the applicant shall have filed with the city or town treasurer a bond running to the city or town. Every such bond shall be in a penal sum and form approved by the commission and be executed by the applicant as principal and by a surety company authorized to do business in the commonwealth as surety, conditioned upon performance by the licensee or permittee of all the conditions of the license or permit and observance of all provisions of this chapter.

Approved June 12, 1934.

Chap. 302 AN ACT AUTHORIZING THE BARNSTABLE FIRE DISTRICT TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER FOR THE EXTINGUISHMENT OF FIRES AND FOR DOMESTIC USE.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter one hundred and nine of the acts of nineteen hundred and twenty-six is hereby amended by adding at the end the following new sentence: — It may also supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes, may establish fountains and hydrants, relocate or discontinue the same, and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. Section three of said chapter one hundred and nine is hereby amended by adding at the end the following new sentence: — No money shall be drawn from the treasury of said district to pay any expense of, or to discharge any liability incurred on account of, its system of water supply unless and until approved in writing by a majority of the board of water commissioners hereinafter provided for and authorized by a majority of said prudential committee.

SECTION 3. Said chapter one hundred and nine is hereby further amended by inserting after section five the eight following new sections: — *Section 5A.* For the purposes set forth in the second sentence of section two, said district, acting by and through its board of water commissioners hereinafter provided for, may contract with any municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring or stream or of any ground water sources by means of driven, artesian or other wells or filter galleries, within the limits of said district, not already appropriated for purposes of a public water supply, and the water rights connected with any such water sources; and also may take as aforesaid, or acquire by purchase or otherwise, and hold, all lands, rights of way and easements necessary for collecting, storing, holding, purifying and treating such water and protecting and preserving the purity thereof and for conveying

the same to any part of said district; provided, that no source of water supply and no lands necessary for protecting and preserving the purity of the water shall be so taken or used without first obtaining the advice and approval of the state department of public health, and that the location and arrangement of all dams, reservoirs, wells or filter galleries, filtration and pumping plants or other works as may be necessary in carrying out the provisions of sections five A to five H, inclusive, shall be subject to the approval of said department. Said district may construct and maintain on the lands acquired and held under authority of said sections proper dams, wells, reservoirs, pumping and filtration plants, buildings, standpipes, tanks, fixtures and other structures, including also the establishment and maintenance of purification and treatment works which shall be subject to the approval of said department, and may make excavations, procure and operate machinery and provide such other means and appliances and do such other things as may be necessary for the establishment and maintenance of complete and effective water works; and for that purpose may construct, lay and maintain aqueducts, conduits, pipes and other works, under or over any lands, water courses, railroads, railways and public or other ways, and along any such way in said district in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, laying, maintaining, operating and repairing such aqueducts, conduits, pipes and other works, and for all other proper purposes of said sections, said district may dig up or raise and embank any such lands, highways or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that all things done upon any such way shall be subject to the direction of the selectmen of said town. Said district may enter upon any lands for the purpose of making surveys, test pits and borings, and may take or otherwise acquire the right to occupy temporarily any lands necessary for the construction of any works or for any other purpose authorized by said sections. Said district shall not enter upon, construct or lay any aqueducts, 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 department of public utilities.

Section 5B. The land, water rights and other property taken or acquired under sections five A to five H, inclusive, and all works, buildings and other structures erected or constructed thereunder, shall be managed, improved and controlled by the board of water commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district. All authority vested in said commissioners by this section shall be subject to the provisions of section five G.

Section 5C. Any person sustaining damage in his property by any taking under sections five A to five G, inclusive, or

any other thing done under authority thereof, may recover damages from said district under said chapter seventy-nine; provided, that the right to damages for the taking of any water, water source or water right, or for any injury thereto, shall not vest until water is actually withdrawn or diverted by said district under authority of said sections.

Section 5D. For the purpose of paying the necessary expenses and liabilities incurred or to be incurred for the system of water supply under the provisions of sections five A to five H, inclusive, other than expenses of maintenance and operation, said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Barnstable Fire District Water Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under said sections shall be subject to chapter forty-four of the General Laws.

Section 5E. Said district shall, at the time of authorizing said loan or loans, provide for the payment thereof in accordance with the provisions of section five D; and when a vote to that effect has been passed a sum which, with the income derived from the water rates, will be sufficient to pay the annual expense of operating its water works or the purchasing of water, as the case may be, and the maintenance of its pipe lines, and the interest as it accrues on the bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under the provisions of sections five A to five H, inclusive, shall without further vote be assessed upon said district by the assessors of the town of Barnstable annually thereafter in the same manner as other taxes, until the debt incurred by the said loan or loans is extinguished.

Section 5F. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under sections five A to five H, inclusive, or wilfully or wantonly injures any dam, well, reservoir, pumping or filtration plant, building, standpipe, tank, fixture or other structure, or other property owned, held or used by said district under authority and for the purposes of said sections, 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 one of the above wilful or wanton acts shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year.

Section 5G. Said district shall, after its acceptance of sections five A to five H, inclusive, either at the same meeting at which they are accepted or at a meeting thereafter 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 day of the next succeeding annual district meeting, to con-

stitute a board of water commissioners; and at every annual district meeting subsequent to such next succeeding annual district meeting one such commissioner shall be elected by ballot for the term of three years. All the authority granted to said district by said sections, except sections five D and five E, 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 district 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 district at any annual district meeting called for the purpose. Any such vacancy may be filled temporarily in the manner provided by section eleven of chapter forty-one of the General Laws, and the person so appointed shall perform the duties of the office until the next annual meeting of said district or until another person is qualified.

Section 5H. Said commissioners shall fix just and equitable prices and rates for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be appropriated to defray all operating expenses, interest charges and payments on the principal as they shall accrue upon any bonds or notes issued under authority of section five D. If there should be a net surplus remaining after providing for the aforesaid charges it may be appropriated for such new construction as the water commissioners, with the approval of the district, may determine upon, and in case a surplus should remain after payment for such new construction the water rates shall be reduced proportionately. All authority vested in said commissioners by the foregoing provisions of this section shall be subject to the provisions of section five G. Said commissioners shall annually, and as often as said district may require, render a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

SECTION 4. This act shall take effect upon its acceptance by a majority vote of the voters of the Barnstable Fire District present and voting thereon at a district meeting called for the purpose within three years after its passage; but the number of meetings so called in any one year shall not exceed three.

Approved June 12, 1934.

AN ACT RELATIVE TO THE RIGHT OF JUSTICES OF THE PEACE
AUTHORIZED TO ISSUE WARRANTS IN CRIMINAL CASES TO
ISSUE CERTAIN SEARCH WARRANTS.

Chap. 303

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter two hundred and seventy-one of the General Laws, as amended by section three of chapter two hundred and thirty-five of the acts of the

G. L. (Ter.
Ed.), 271,
§ 23, etc.,
amended.

current year, is hereby further amended by inserting after the word "justice" as first appearing in the first sentence of said section the following: — or justice of the peace authorized to issue warrants in criminal cases, — and by striking out the word "trial" the second time said word appears in said sentence, — so as to read as follows: — *Section 23.* If a person makes oath before a district court or a trial justice or justice of the peace authorized to issue warrants in criminal cases that he suspects or has probable cause to suspect that a house or other building, room or place is used as and for a common gaming house, for gaming for money or other property, or is occupied, used or kept for promoting a lottery, or for the sale of lottery tickets, or for promoting the game known as policy lottery or policy, or for the buying or selling of pools or registering of bets upon any race, game, contest, act or event, and that persons resort thereto for any such purpose, such court or justice, whether the names of the persons last mentioned are known to the complainant or not, shall, if satisfactory evidence is presented, issue a warrant commanding the sheriff or his deputy or any constable or police officer to enter such house, building, room or place, and to arrest the keepers thereof, all persons in any way assisting in keeping the same, whether as janitor, doorkeeper, watchman or otherwise, all persons who are there found participating in any form of gaming and all persons present whether so participating or not, if any lottery, policy or pool tickets, slips, checks, manifold books or sheets, memoranda of any bet, or other implements, apparatus or materials of any form of gaming are found in said place, and to take into their custody all the implements, apparatus or materials of gaming, as aforesaid, and all the personal property, including money, furniture and fixtures there found, and to keep said persons, implements, apparatus or materials, property, including money, furniture and fixtures so that they may be forthcoming before some court or magistrate to be dealt with according to law. The provisions of chapter two hundred and seventy-six relative to disposal of gaming articles seized upon search warrants shall apply to all articles and property seized as herein provided for.

SECTION 2. The first paragraph of section one of chapter two hundred and seventy-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "justice" in the first line the following: — or justice of the peace, — so as to read as follows: — A court or justice or justice of the peace authorized to issue warrants in criminal cases may, upon complaint on oath that the complainant believes that any of the property or articles hereinafter named are concealed in a particular house or place, if satisfied that there is reasonable cause for such belief, issue a warrant to search for the following property or articles:

Approved June 12, 1934.

Common gaming houses, etc., to be entered and certain persons arrested.

G. L. (Ter. Ed.), 276, § 1, amended.

Search warrants, issuance of.

AN ACT EXTENDING THE PERIOD OF TIME WITHIN WHICH THE COMMISSIONER OF BANKS MAY BORROW FUNDS FOR THE PAYMENT OF DIVIDENDS IN LIQUIDATION OF CERTAIN CLOSED BANKS.

Chap. 304

Whereas, The deferred operation of this act would tend to defeat its purpose to afford relief without unnecessary delay to depositors in closed banks, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section two of chapter one hundred and twenty-two of the acts of nineteen hundred and thirty-two is hereby amended by striking out, in the fourth line, the word "two" and inserting in place thereof the word: — four, — so as to read as follows: — *Section 2.* For the purpose of paying dividends in the liquidation of any such bank as provided in section one, the commissioner is hereby authorized in his discretion to borrow from time to time, within a period of four years from the passage of this act, from such sources as he deems advisable, such sum or sums, for such periods, at such rates of interest and upon such terms and subject to such provisions as he shall determine and as the supreme judicial court for the county of Suffolk or for the county in which such bank has its principal place of business shall authorize; and as security therefor may pledge and assign any or all the assets of such bank.

Approved June 13, 1934.

AN ACT RELATIVE TO THE SALE AND TRANSPORTATION OF ALCOHOLIC BEVERAGES OR ALCOHOL IN CERTAIN CASES.

Chap. 305

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three is hereby amended by striking out subsection two of section two and inserting in place thereof the following: — *Section 2.* No person shall manufacture, with intent to sell, sell or expose or keep for sale, transport, import or export alcoholic beverages or alcohol, except as authorized by this chapter; but the provisions of this chapter shall not apply to sales or transportation by a person or public officer under a provision of law which requires him to sell personal property, or to sales or transportation by executors, administrators, receivers and trustees duly authorized by proper judicial order or decree. Assignees under voluntary assignments for the benefit of creditors if such assignees are authorized by special permit of the commission, and insurers and their agents in disposing of such

G. L. (Ter. Ed.), 138, § 2, etc., amended.

Regulation and sale of alcoholic beverages, etc.

beverages or alcohol damaged by fire or other casualty if authorized by such a permit, may sell and transport alcoholic beverages or alcohol. Any holder of a license under this chapter may pledge or mortgage to secure a loan or debt any alcoholic beverages or alcohol which he is authorized to sell and the pledgee or mortgagee acting in conformity with the terms of such pledge or mortgage may sell and transport such alcoholic beverages or alcohol subject to such conditions and restrictions as the commission may prescribe. Violation of this section shall be punished except as provided in section twenty-two by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not more than one year, or both.

Approved June 13, 1934.

Chap.306 AN ACT TO ENABLE THE CITY OF WALTHAM TO ACQUIRE OLD SAINT MARY'S CEMETERY IN WALTHAM FOR SCHOOL PURPOSES AND TO REMOVE THE BODIES, TOMBSTONES AND MONUMENTS THEREFROM.

Be it enacted, etc., as follows:

SECTION 1. The city of Waltham is hereby authorized to acquire for school purposes by purchase, gift, or other form of mutual agreement, from the Roman Catholic Archbishop of Boston, a corporation sole, a tract of land on Church street in said city known as Old Saint Mary's cemetery, belonging to said corporation sole. Said city is hereby further authorized, under the supervision of a duly authorized representative of said corporation sole, to remove the bodies, tombstones and monuments from said cemetery and replace them in Calvary cemetery in said city in such places and in such manner as said representative shall designate. For the purposes aforesaid, said city may expend its own funds or avail itself of any funds that may be awarded therefor by or under the authority of the Emergency Relief Administration of the United States, or of the services of any persons in the employment of said administration who are designated by it or under its authority to render services for the foregoing purposes.

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

Approved June 13, 1934.

Chap.307 AN ACT PROVIDING FOR CERTAIN ADDITIONAL ANNUAL PAYMENTS BY THE COMMONWEALTH TO THE TOWNS OF BARRE, HUBBARDSTON AND RUTLAND ON ACCOUNT OF THE CONSTRUCTION OF CERTAIN ADDITIONS TO THE METROPOLITAN WATER SYSTEM.

Be it enacted, etc., as follows:

For the purpose of further reimbursing the towns hereinafter mentioned for loss of property and taxes due to the construction therein of certain additions to the metropolitan water system, the commonwealth shall, annually in Septem-

ber beginning with the year nineteen hundred and thirty-four and ending with the year nineteen hundred and fifty-eight, pay, as a part of the cost of maintenance of said water system and in addition to the payments provided by sections six and seven of chapter fifty-nine of the General Laws, the sum of nine hundred dollars to the town of Barre, the sum of three hundred dollars to the town of Hubbardston and the sum of twenty-eight hundred dollars to the town of Rutland.

Approved June 13, 1934.

AN ACT RELATIVE TO THE DETERMINATION AND ESTABLISHMENT OF MINIMUM FAIR WAGE STANDARDS FOR WOMEN AND MINORS, WITH PROVISION FOR THE IMPOSITION OF PENALTIES FOR THE VIOLATION THEREOF.

Chap. 308

Be it enacted, etc., as follows:

SECTION 1. The General Laws are hereby amended by striking out chapter one hundred and fifty-one, as amended, and inserting in place thereof the following new chapter: —

G. L. (Ter. Ed.), 151, amended, new chapter substituted.

CHAPTER 151.

THE MINIMUM WAGE.

Section 1. In this chapter the following words, unless a different meaning is required by the context, shall have the following meanings:

Definitions.

“Commission”, the associate commissioners of the department of labor and industries.

“Commissioner”, the commissioner of labor and industries.

“Department”, the department of labor and industries.

“Wage board”, a board created as provided in section five.

“Woman”, a female of twenty-one years or over.

“Minor”, a person of either sex under the age of twenty-one years.

“Occupation”, an industry, trade or business or branch thereof or class of work therein in which women or minors are gainfully employed, but shall not include domestic service in the home of the employer or labor on a farm.

“An oppressive and unreasonable wage”, a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

“A fair wage”, a wage fairly and reasonably commensurate with the value of the service or class of service rendered. In establishing a minimum fair wage for any service or class of service under this chapter the commission and the wage board without being bound by any technical rules of evidence or procedure (1) may take into account all relevant circumstances affecting the value of the service or class of service rendered, (2) may be guided by like considerations as would guide a court in a suit for the reasonable value of services rendered where services are rendered at the request of an employer without contract as to the amount of the wage to

be paid, and (3) may consider the wages paid in the commonwealth for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards.

“A directory order”, an order the non-observance of which may be published as provided in section twelve.

“A mandatory order”, an order the violation of which shall be subject to the penalties prescribed in paragraph (2) of section twenty-two.

“Women and minors” may mean “women or minors”.

Certain employments against public policy.

Section 2. It is hereby declared to be against public policy for any employer to employ any woman or minor in an occupation in this commonwealth at an oppressive and unreasonable wage as defined in section one and any contract, agreement or understanding for or in relation to such employment shall be null and void.

Commissioner of labor and industries, etc., powers in respect to minimum wage law.

Section 3. The commissioner or any of his authorized representatives shall have full power and authority:

1. To investigate and ascertain the wages of women and minors employed in any occupation in the commonwealth;

2. To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining, inspecting and making a transcript of any and all books, registers, pay-rolls, and other records of any employer of women or minors that in any way appertain to or have a bearing upon the question of wages of any such women or minors and for the purpose of ascertaining whether the orders of the commission have been and are being complied with; and

3. To require from such employer full and correct statements in writing under oath when the commission or any authorized representative of the commission deems necessary, of the wages paid to all women and minors in his employment.

Investigations, petition for.

Section 4. The commissioner shall have the power, and it shall be the duty of the commissioner on the petition of fifty or more residents of the commonwealth, to cause an investigation to be made by any of his authorized representatives, of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages as defined in section one. If, on the basis of information in the possession of the commissioner, with or without a special investigation, said commissioner is of the opinion that any substantial number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages, as defined as aforesaid, he shall direct the commission to appoint a wage board to report upon the establishment of minimum fair wage rates for such women or minors in such occupation or occupations.

Wage boards.

Section 5. A wage board shall be composed of not more than three representatives of the employers in any occupation or occupations, an equal number of representatives of the employees in such occupation or occupations, and of not

more than three disinterested persons representing the public, one of whom shall be designated as chairman. The commission shall appoint the members of such wage board, the representatives of the employers and employees to be selected so far as practicable from nominations submitted by employers and employees in such occupation or occupations. Two thirds of the members of such wage board shall constitute a quorum and the recommendations or report of such wage board shall require a vote of not less than a majority of all its members. Members of a wage board shall serve without pay, but may be reimbursed for all necessary traveling expenses. The commission shall make and establish from time to time rules and regulations governing the selection of a wage board and its mode of procedure not inconsistent with this chapter.

Section 6. A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by a member of the wage board and shall be served in the same manner and have the same effect as a summons issued under section eight of chapter two hundred and thirty-three. A wage board shall have power to cause depositions of witnesses residing within or without the commonwealth to be taken in the manner prescribed for like depositions in civil actions.

Power to
summon
witnesses, etc.

Section 7. The commission shall present to a wage board promptly upon its organization all the evidence and information in the department's possession relating to the wages of women and minor workers in the occupation or occupations for which the wage board was appointed and all other information which the commission deems relevant to the establishment of a minimum fair wage for such women and minors, and shall cause to be brought before the wage board any witnesses whom the commission deems material. A wage board may summon other witnesses or call upon the commission to furnish additional information to aid in its deliberation.

Evidence to
be furnished
to wage
boards.

Section 8. Within sixty days of its organization a wage board shall submit a report including its recommendations as to minimum fair wage standards for the women or minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate. If its report is not submitted within such time the commission may constitute a new wage board. A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair rates for different employments. A wage board may also recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not effect an unreasonable discrimination against any locality. A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations, which

Report.

scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations.

Section 9. A report from a wage board shall be submitted to the commission which shall within ten days accept or reject such report. If the report is rejected the commission shall resubmit the matter to the same wage board or to a new wage board with a statement of the reasons for the resubmission. If the report is accepted it shall be published together with such proposed administrative regulations as the commission may deem appropriate to implement the report of the wage board and to safeguard the minimum fair wage standards to be established, and notice shall be given of a public hearing to be held by the commission not sooner than fifteen nor more than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard.

Section 10. Within ten days after such hearing the commission shall approve or disapprove the report of the wage board. If the report is disapproved the commission may resubmit the matter to the same wage board or to a new wage board. If the report is approved it shall be transmitted to the commissioner who shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and which shall include such proposed administrative regulations as the commission may deem appropriate to implement the report of the wage board and to safeguard the minimum fair wage standards established. Such administrative regulations may include among other things, regulations defining and governing learners and apprentices, their rates, number, proportion or length of service, piece rates or their relation to time rates, overtime or part-time rates, bonuses or special pay for special or extra work, deductions for board, lodging, apparel or other items or services supplied by the employer, and other special conditions or circumstances; and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification, the commission may provide in such regulations without departing from the basic minimum rates recommended by the wage board such modifications or reductions of or addition to such rates in or for such special cases or classes of cases as those herein enumerated as the commission may find appropriate to safeguard the basic minimum rates established.

Section 11. For any occupation for which minimum fair wage rates have been established the commission may cause to be issued to a woman or minor, including a learner or apprentice, whose earning capacity is impaired by age or physical or mental deficiency or injury, a special license authorizing employment at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the commission and stated in the license.

Acceptance
or rejection
of report.

Commissioner
to define
minimum
wage in
certain em-
ployments.
Order.

Special em-
ployment
licenses for
partially in-
capacitated
persons.

Section 12. If the commissioner or any of his authorized representatives has reason to believe that any employer is not observing the provisions of any order made by said commissioner under section ten, the commissioner may, on fifteen days' notice, summon such employer to appear before him to show cause why the name of such employer should not be published as having failed to observe the provisions of such order. After such hearing and the finding by the commissioner of non-observance, the commissioner may cause to be published in a newspaper or newspapers circulating within this commonwealth or in such other manner as said commissioner may deem appropriate, the name of any such employer or employers as having failed in the respects stated to observe the provisions of the directory order. Neither the commissioner nor any of his authorized representatives, nor any newspaper publisher, proprietor, editor, nor employee thereof shall be liable to an action for damages for publishing the name of any employer as provided for in this chapter, unless guilty of some wilful misrepresentation.

Enforcement
of orders,
hearings, etc.

Section 13. If at any time after a directory minimum fair wage order has been in effect for nine months the commissioner is of the opinion that the persistent non-observance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation, he may give notice of his intention to make such order mandatory and after such notice to all persons interested as he may direct, he shall hold a public hearing, not less than fifteen nor more than thirty days after such notice at which hearing all persons in favor of or opposed to such a mandatory order may be heard by him. After such hearing the commissioner, if he adheres to his opinion, may make such directory order or any part thereof mandatory and so publish it.

Orders to be
made man-
datory in
certain cases.

Section 14. At any time after a minimum fair wage order has been in effect for one year or more, whether during such period it has been directory or mandatory, the commissioner may on his own motion and shall on petition of fifty or more residents of the commonwealth direct the commission to reconsider the minimum fair wage rates set therein and to reconvene the same wage board or appoint a new wage board to recommend whether or not the rate or rates contained in such order should be modified. The report of such wage board shall be dealt with in the manner prescribed in sections nine and ten; provided, that if the order under reconsideration has theretofore been made mandatory in whole or in part by the commissioner under section thirteen then the commissioner in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory.

Reconsideration and
modification
of orders.
Re-hearings.

Section 15. The commissioner may at any time and from time to time propose to the commission such modifications of or additions to any administrative regulations included in any directory or mandatory order of the commissioner without reference to a wage board, as the commissioner may deem

Same subject.

appropriate to effectuate the purposes of this chapter, provided such proposed modifications or additions could legally have been included in the original order, and notice shall be given of a public hearing to be held by the commission not less than fifteen days after such notice, at which all persons in favor of or opposed to such proposed modification or additions may be heard. After such hearing the commissioner may make an order putting into effect such proposed modifications of or additions to the administrative regulations as he deems appropriate, and if the order of which the administrative regulations form a part has theretofore been made mandatory in whole or in part by the commissioner under section thirteen, then the commissioner in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory.

Section 16. Any person aggrieved by any decision of the commissioner may appeal to the superior court for a review thereof within thirty days after the rendition of such decision. The petition shall be sworn to and shall set forth that such decision is illegal or unreasonable, in whole or in part, specifying the grounds upon which the same is claimed to be illegal or unreasonable.

Section 17. The court shall direct the record in the matter appealed from to be laid before it, hear the evidence and make such order approving, in whole or in part, or setting aside, in whole or in part, the decision appealed from as justice may require, and may refer any matter or issue arising in the proceedings to the commissioner for further consideration. The filing of the petition shall not stay proceedings upon the decision appealed from, but the court may, on application, after notice to the commissioner and on cause shown, grant a restraining order.

Section 18. An order of court to send up the record may be complied with by filing either the original papers or duly certified copies thereof, or of such portions thereof as the order may specify, together with a certified statement of such other facts as show the grounds of the decision appealed from.

Section 19. The court may take evidence without being bound by any technical rules of evidence or procedure, or may appoint a referee to take such evidence as it may direct and report the same with his findings of fact and conclusions of law.

Section 20. Costs shall not be allowed against the commissioner unless it shall appear to the court that he acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

Section 21. Every employer of women and minor workers shall keep a true and accurate record of the hours worked by each and the wages paid by him to each and shall furnish to the commissioner or any of his authorized representatives upon demand a sworn statement of the same. Such records shall be open to inspection by the commissioner or any of his authorized representatives at any reasonable time. Every

Appeal from
decisions of
commissioner.

Hearing.

Record.

Trial.

Costs.

Employers
to keep
records.

employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed. Employers shall be furnished copies of orders on request without charge.

Section 22. (1) Any employer and his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this chapter or because such employer believes that said employee may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this chapter shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Discrimination prohibited.

(2) Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employee less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall be punished by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than ten nor more than ninety days or by both such fine and imprisonment, and each week in any day of which such employee is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employee so paid less shall constitute a separate offence.

(3) Any employer or the officer or agent of any corporation who fails to keep the records required under this chapter or to furnish such records to the commissioner or any of his authorized representatives upon request shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and each day of such failure to keep the records requested under this chapter or to furnish same to the commissioner or any of his authorized representatives shall constitute a separate offence.

Section 23. If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory minimum fair wage order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defence to such action. At the request of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court.

Recovery for failure to pay minimum wage.

Section 24. The commissioner shall make an annual re-

Annual report.

port of the acts of the commission and the department in performing the duties required by this chapter.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid the remainder of the act and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 3. This act shall not be construed to abrogate or invalidate any proceedings hitherto taken or pending on its effective date under chapter one hundred and fifty-one of the General Laws, as in effect immediately prior to such date, or to alter or modify the effect of any decree or order made under the provisions of said chapter as so in effect, but all such proceedings may be completed in accordance with said chapter, and such decrees and orders shall continue to be in full force and effect until expressly amended, modified or revoked in accordance with chapter one hundred and fifty-one as revised by this act; provided, that the commission, as defined in subsection one of this act, is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend, alter or modify the provisions of any minimum wage decree in force upon such effective date so as to bring the wage and other provisions of such decree into complete or partial conformity with similar provisions in any code or codes applicable to the industry covered by said decree and approved by the President of the United States under the provisions of the National Industrial Recovery Act, such authority to be effective only during such time as the code or codes in question respectively remain in effect.

Approved June 13, 1934.

Chap. 309 AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO REIMBURSE THE CLERK OF THE FIRST DISTRICT COURT OF EASTERN MIDDLESEX FOR MONEY STOLEN FROM THE CLERK'S OFFICE OF SAID COURT.

Be it enacted, etc., as follows:

The county of Middlesex may pay to Wilfred B. Tyler, clerk of the First District Court of Eastern Middlesex, the sum of one hundred twenty-four dollars and fifty-five cents, to reimburse him for money stolen from the clerk's office of said court on April eighth, nineteen hundred and thirty-four.

Approved June 19, 1934.

Chap. 310 AN ACT ESTABLISHING THE OBLIGATIONS OF STREET RAILWAY COMPANIES AS TO REMOVAL OF TRACKS UPON DISCONTINUANCE OF THE USE OR REVOCATION OF THE LOCATIONS THEREOF.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and sixty-one of the General Laws is hereby amended by striking out section seventy-seven, as appearing in the Tercentenary Edition,

Constitutionality.

Operation and effect on act.

G. L. (Ter. Ed.), 161, § 77, amended.

and inserting in place thereof the following:— *Section 77.* The board of aldermen or selectmen, after the expiration of one year from the opening for use of a street railway in their city or town, and after public notice and a hearing as provided in section seven, if public necessity and convenience in the use of the public ways so require, may, for good and sufficient reasons to be stated in the order therefor, revoke the location of a street railway in any public way therein; but unless, within thirty days after such order of revocation, the company consents thereto in writing, such order shall not be valid until approved by the department after public notice and a hearing. If such order of revocation is approved, the company shall become obligated to remove the railway included in the location thus revoked at such time or times as the municipal or state authorities having control of the public way or ways occupied thereby shall propose to resurface any part or parts of such way or ways or to remove the same forthwith upon order of the board of aldermen or selectmen, but it shall be under no obligation to pay for any part of the resurfacing thereof. Upon receiving written notice from such municipal or state authorities at any time after the approval of such revocation that it is proposed to resurface any part or parts of such way or ways, the company shall thereupon remove at its own expense the railway from such part or parts included in the location so revoked coincidentally with the resurfacing of such way or ways. If the company shall fail to remove its railway as above provided, such municipal or state authorities may cause the work to be done at the expense of the company, and such expense may be recovered in tort.

Street rail-
ways. Revoca-
tion of track
locations.

SECTION 2. Said chapter one hundred and sixty-one is hereby further amended by striking out section eighty-six, as so appearing, and inserting in place thereof the following:— *Section 86.* If a company voluntarily discontinues the use of any part of its tracks for a period of six months, it shall become obligated to remove such track at such time or times as the municipal or state authorities having control of the public way or ways occupied thereby shall propose to resurface any part or parts of such way or ways or to remove the same forthwith upon order of the board of aldermen or selectmen. Upon receiving written notice from such municipal or state authorities at any time after such discontinuance for a period of six months that it is proposed to resurface any part or parts of any such way or ways, the company shall thereupon remove at its own expense such discontinued tracks coincidentally with the resurfacing of the part or parts of such way or ways which are being resurfaced or upon receipt of written notice of such order by the board of aldermen or selectmen, shall likewise remove the same forthwith, but it shall be under no obligation to pay any part of the expense of resurfacing. If the company shall fail to remove its tracks as above provided, such municipal or state authorities may cause the work to be done at the expense of the company,

G. L. (Ter.
Ed.), 161,
§ 86, amended.

Voluntary
discontinu-
ance of use
of tracks.

and such expense may be recovered in tort. If a company without right or lawful excuse discontinues the use of any track and when requested by the board of aldermen of the city or by the selectmen of the town where such track is located refuses to operate the same, the mayor of such city, if duly authorized by vote of the city council or the selectmen of such town if duly authorized by vote of the town, may petition the supreme judicial court to compel said company to resume the use of such track and to perform all its corporate duties relating thereto. Such petition shall set forth the facts upon which the petitioner relies and the relief sought, but shall not be defeated for informality, and may be amended at any stage; and said court shall have jurisdiction in equity to determine the cause and enforce its decrees and orders relative thereto. Upon the filing of any such petition said court shall order due notice to be served upon the company and shall advance the cause to speedy hearing and final decision. In case the track, the use of which has been discontinued, is located in two or more cities or towns, any or all of such cities or towns, acting by the officials above named and authorized as hereinbefore provided, may join in such petition. This section shall not be deemed a legislative construction of any existing law or an impairment of any existing right of a company to discontinue the use of tracks.

Approved June 19, 1934.

Chap.311

AN ACT PROVIDING FOR THE REINSTATEMENT IN THE POLICE FORCE OF THE METROPOLITAN DISTRICT COMMISSION OF WILLIAM J. DUNPHY.

Be it enacted, etc., as follows:

The metropolitan district commission shall, when a vacancy occurs in its police force, or when the personnel of said force is increased, or a new position is established therein, appoint as a permanent member of said police force, William J. Dunphy who was discharged from said force; provided, that a physician selected by said commission certifies to it that he has examined said Dunphy and finds him physically fit to serve as such police officer.

(This bill, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, June 20, 1934, and, in concurrence, by the Senate, June 21 (P.M.), 1934, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

AN ACT PROVIDING FOR THE LICENSING OF AGENTS, BROKERS
AND SOLICITORS REPRESENTING OUT OF STATE PRINCIPALS
IN THE SALE TO LICENSED WHOLESALERS OF ALCOHOLIC
BEVERAGES. Chap. 312

Whereas, The deferred operation of this act would tend to
defeat its purpose, therefore it is hereby declared to be an
emergency law, necessary for the immediate preservation of
the public convenience. Emergency
preamble.

Be it enacted, etc., as follows:

Chapter one hundred and thirty-eight of the General
Laws, as appearing in section two of chapter three hundred
and seventy-six of the acts of nineteen hundred and thirty-
three, is hereby amended by inserting after section eighteen
the following new section, under the heading:— *Selling
Agents of Foreign Importers and Manufacturers:— Section
18A.* The commission may issue to any individual, or to
any partnership composed solely of individuals who are both
citizens and residents of the commonwealth, or to any cor-
poration organized under the laws of the commonwealth or
of any other state of the United States or of any foreign
country, admitted to do business in the commonwealth, a
license which shall authorize the licensee to act as agent,
broker or solicitor for any specified individual, corporation or
partnership in another state or foreign country engaged in
the business of importing or manufacturing alcoholic bever-
ages hereinafter called the principal, and, on behalf of such
principal, to solicit orders for such beverages from holders of
licenses under section eighteen. A license granted hereunder
shall authorize representation of one principal only, but the
licensee may also, in the discretion of the commission, be
licensed hereunder to represent other principals. No licensee
hereunder shall buy or sell alcoholic beverages for his own
account, and no such beverages shall be brought into the
commonwealth in pursuance of the exercise of such a license
otherwise than through a licensee under said section eighteen.

G. L. (Ter.
Ed.), 138,
new section
18A, added.

License for
agents, etc.,
of out of state
principals.

Licenses hereunder shall keep such records as the com-
mission may require, which shall be open to inspection by its
investigators at any reasonable time.

The annual license fee for each license issued under this
section shall be not less than one hundred nor more than
three hundred dollars.

Whoever acts as aforesaid as such agent, broker or solicitor
without being licensed so to do hereunder, or whoever being
so licensed violates any provision of this section or of any
condition or stipulation in his license, shall be subject to the
penalties prescribed by section two.

Approved June 23, 1934.

*Chap.*313 AN ACT INCREASING THE FUNDS AVAILABLE TO MEET LOANS TO CITIES AND TOWNS ON ACCOUNT OF TAX TITLES HELD BY THEM.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section five of chapter forty-nine of the acts of nineteen hundred and thirty-three is hereby amended by striking out in line five the word "ten" and inserting in place thereof the word: — sixteen, — so as to read as follows:— *Section 5.* The state treasurer, with the approval of the governor and council, may borrow from time to time, on the credit of the commonwealth, such sums as may be necessary to provide funds for loans to municipalities as aforesaid, but not exceeding sixteen million dollars, and may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rate as shall be fixed by the state treasurer, with the approval of the governor and council. Such notes shall be issued for such maximum term of years as the governor may recommend to the general court in accordance with section three of Article LXII of the amendments to the constitution of the commonwealth, but such notes, whether original or renewal, shall be payable not later than November thirtieth, nineteen hundred and thirty-nine. All notes issued under this section shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

Approved June 23, 1934.

*Chap.*314 AN ACT PROVIDING FOR IMPROVEMENTS FOR HIGHWAY PURPOSES IN CONNECTION WITH CERTAIN BRIDGES OVER THE CONNECTICUT RIVER BETWEEN THE CITY OF NORTHAMPTON AND THE TOWN OF HADLEY.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Hampshire, hereinafter called the commissioners, are hereby authorized to purchase the bridge, and its approaches, across the Connecticut river, between the city of Northampton and the town of Hadley, now or formerly owned by the Northampton Street Railway Company, for a sum not exceeding ten thousand dollars. The commissioners are hereby further authorized to repair and improve said bridge and its approaches so as to make the same available for vehicular traffic in connection with the existing highway bridge near by and parallel therewith, and to make such changes in the approaches to said highway bridge as may be necessary for the advantageous use of both bridges. The commissioners may regulate traffic on the two bridges in such manner as they

may deem advisable. For the purpose of making said repairs, improvements and changes, the commissioners may expend a sum not exceeding twenty thousand dollars.

SECTION 2. The state department of public works is hereby authorized to enter into an agreement to contribute to the county of Hampshire not more than one half of the cost of the purchase and work authorized hereunder to the extent that said department may deem just and equitable.

SECTION 3. For the purpose of meeting the payments required to be made by the county of Hampshire under section one, the commissioners may borrow from time to time, upon the credit of said county, such sums as may be necessary, not exceeding, in the aggregate, fifteen thousand dollars, and may issue notes of the county therefor. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than two years from their respective dates. Notes issued hereunder shall bear on their face the words, County of Hampshire Bridge Loan, Act of 1934, and, except as herein provided, shall be subject to chapter thirty-five of the General Laws. Such notes shall be signed by the treasurer of said county and countersigned by a majority of the commissioners. The county may sell said securities at public or private sale upon such terms and conditions as the commissioners may deem proper, but not for less than their par value.

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

Approved June 23, 1934.

AN ACT RELATIVE TO THE PAYMENT OF BETTERMENT ASSESSMENTS IN INSTALMENTS AND TO CERTAIN CREDITS TO BE ALLOWED TO COLLECTORS OF TAXES.

Chap. 315

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter eighty of the General Laws is hereby amended by striking out section thirteen, as most recently amended by section sixty-three of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:—

G. L. (Ter.
Ed.), 80,
§ 13, etc.,
amended.

Section 13. Assessments made under this chapter shall bear interest at the rate of six per cent per annum from the thirtieth day after the assessments have been committed to the collector. The assessors shall add each year to the annual tax assessed with respect to each parcel of land all assessments, constituting liens thereon, which have been committed to the collector prior to January second of such year and which have not been apportioned as hereinafter provided, remaining unpaid, as certified to them by the collector, when the valuation list is completed, with interest to

Betterments,
apportion-
ment of.

the date when interest on taxes becomes due and payable. At any time before demand for payment by the collector and before the completion by the assessors of the valuation list for the year in which such assessments will first appear on the annual tax bill, the board of assessors may, and at the request of the owner of the land assessed shall, apportion all assessments made under this chapter into such number of equal portions, not exceeding ten, as is determined by said board or as is requested by the owner, as the case may be, but no one of such portions shall be less than five dollars; provided, that, if an original assessment exceeds one hundred dollars and has been placed upon the annual tax bill, the board of assessors may in its discretion, upon the request of the owner made prior to a sale or taking of the land for the non-payment of such assessment and upon payment of any necessary intervening charges and fees and such portions of such assessment as would have become due and payable if the request for apportionment had been seasonably made, apportion the said assessment as aforesaid, and if any other tax or assessment constituting a lien upon the parcel to which the assessment so apportioned relates remains unpaid after such apportionment, the collector may institute proceedings anew for the sale or taking of such parcel at any time prior to the expiration of the lien or of a period of twenty days after such apportionment, whichever is the later. The assessors shall add one of said portions, with interest on the amount remaining unpaid from thirty days after the commitment of the original assessment to the collector to the date when interest on taxes becomes due and payable, to the first annual tax upon the land and shall add to the annual tax for each year thereafter one of said portions and one year's interest on the amount of the assessment remaining unpaid until all such portions shall have been so added; all assessments and apportioned parts thereof, and interest thereon as herein provided, which have been added to the annual tax on any parcel of land shall be included in the annual tax bill thereon. After an assessment or a portion thereof has been placed on the annual tax bill, the total amount of said bill shall be subject to interest under and in accordance with the provisions of section fifty-seven of chapter fifty-nine. The amount remaining unpaid of any assessment may be paid in full at any time notwithstanding a prior apportionment.

SECTION 2. Section ninety-five of chapter sixty of the General Laws, as most recently amended by section seventeen of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "abated" in the second line the following: — ; with all sums apportioned under section thirteen of chapter eighty and not yet added to the annual tax on the land; with the amount of taxes for which a judgment has been rendered by any court in favor of the city or town; with the amount of a claim for taxes allowed in favor of the city or town in bankruptcy or receivership cases, — so

as to read as follows:— *Section 95.* The collector shall be credited with all sums abated; with all sums apportioned under section thirteen of chapter eighty and not yet added to the annual tax on the land; with the amount of taxes for which a judgment has been rendered by any court in favor of the city or town; with the amount of a claim for taxes allowed in favor of the city or town in bankruptcy or receivership cases; with the amount of taxes assessed upon any person committed to jail for non-payment of his tax within two years from the receipt of the tax list by the collector, and who has not paid his tax; with any sums which the town may see fit to abate to him, due from persons committed after the expiration of two years; with all sums withheld by the treasurer of a town under section ninety-three; subject to the provisions of sections forty-eight and fifty-five, with the amount of the taxes and costs, charges and fees where land has been purchased or taken by the town for non-payment of taxes; upon certification in accordance with section sixty-one, with the amount of subsequent taxes which have become part of the terms of redemption in any tax title held by the town; and with the amount of any other taxes for which he is entitled to credit under section seventy-eight. When a collector is credited with the amount of taxes assessed upon any person committed to jail for the non-payment of his tax, who has not paid his tax, said collector shall also be paid and credited with the fees and charges which have become a part of said taxes and to which he or the officer acting under his warrant is entitled.

Collection of local taxes. Credits and payments to collector.

SECTION 3. This act shall apply to all assessments committed to the collector prior to April second in the current year, as well as to those committed thereafter.

Application of act.

Approved June 23, 1934.

AN ACT FURTHER MODIFYING CERTAIN RESTRICTIONS RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES WITHIN FOUR HUNDRED FEET OF THE NANTASKET BEACH RESERVATION IN THE TOWN OF HULL.

Chap. 316

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter four hundred and sixty-four of the acts of eighteen hundred and ninety-nine, as most recently amended by chapter one hundred and ninety-nine of the acts of the current year, is hereby further amended by striking out the last sentence and inserting in place thereof the following:— No licenses shall be granted for the sale of alcoholic beverages, other than wines and malt beverages as defined by section one of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, in any building or place within four hundred feet of so much of that portion of Nantasket beach taken under the provisions of this act as lies

southeasterly of a line starting at a stone bound at the point of intersection of the westerly boundary of the location of the New York, New Haven and Hartford Railroad Company and the northerly boundary of Nantasket avenue, formerly called County road, and extending from said stone bound northeasterly, at a right angle with said Nantasket avenue, to mean high water mark of Massachusetts bay.

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

Approved June 23, 1934.

Chap. 317 AN ACT RELATIVE TO THE TAXATION OF CERTAIN BUSINESS CORPORATIONS.

Emergency
preamble.

Whereas, Any delay in the taking effect of this act might tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Temporary
excise taxes.

SECTION 1. During the years nineteen hundred and thirty-four, nineteen hundred and thirty-five and nineteen hundred and thirty-six, every corporation subject to the provisions of section thirty-eight B of chapter sixty-three of the General Laws, as appearing in the Tercentenary Edition, shall, except as provided in section fifty-six A of said chapter, as amended by section three hereof, pay annually a minimum excise of not less than the amount, if any, by which the sum of (1), (2), (3) and (4) following exceeds six per cent of the dividends paid by such corporation during the year corresponding to that in which the income is received:—

(1) An amount equal to six per cent of such income, received by the corporation during the preceding calendar year, as would be subject to taxation under section one of chapter sixty-two, if received by a natural person resident in this commonwealth; provided, that the corporation shall receive a deduction on account of interest paid, in the same manner and to the same extent that a natural person is entitled to receive such a deduction under sections two and three of said chapter sixty-two.

(2) An amount equal to six per cent of such income, received by the corporation during the preceding calendar year, not subject to taxation under section one of chapter sixty-two if received by a natural person resident in this commonwealth, as would be subject to taxation under section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three if so received; provided, that the corporation shall receive a deduction on account of interest paid, in the same manner and to the same extent that a natural person is entitled to receive such a deduction under sections two and three of said chapter sixty-two, to the extent that such deduction is not used under subsection (1) hereof.

(3) An amount equal to one and one half per cent of such income, received by the corporation during the preceding calendar year, as would be subject to taxation under clause (b) of section five of said chapter sixty-two, if received by a natural person resident in this commonwealth, the same to be computed in accordance with the provisions of section six of said chapter sixty-two, so far as applicable, but without deducting any exemption under authority of said clause (b) and without making any deduction under clause (g) or (h) of said section six.

(4) An amount equal to three per cent of the excess of the gains over the losses received by the corporation during the preceding calendar year from purchases or sales of intangible personal property.

SECTION 2. During the period that the provisions of section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three are in effect, if more than fifty per cent of the capital stock of a domestic business or domestic manufacturing corporation, as defined in sections thirty and thirty-eight C of chapter sixty-three of the General Laws, is owned by another domestic business or domestic manufacturing corporation, as so defined, or by a foreign or foreign manufacturing corporation, as defined in sections thirty and forty-two B of said chapter sixty-three, the commissioner of corporations and taxation may, upon application of the corporation owning such stock filed with him on or before the time when its return under said chapter sixty-three is due to be filed, or within such further period as he may permit, equitably adjust the tax of the applying corporation in such a manner as to eliminate from its corporate excess, if a domestic business or domestic manufacturing corporation, or from its corporate excess employed in the commonwealth, if a foreign or foreign manufacturing corporation, the value of the stock so owned.

SECTION 3. Chapter sixty-three of the General Laws is hereby amended by striking out section fifty-six A, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 56A.* A foreign telephone company carrying on part of its business outside of the commonwealth, or a corporation subject to taxation under section thirty-eight B, may, within the time when its tax return under this chapter is due to be filed or within such further period as the commissioner may permit, request determination of its tax under this chapter by a method other than that hereinbefore provided and hereinafter referred to as “the statutory method”. Any such company or corporation shall within thirty days thereafter file with the commissioner, under oath of its treasurer, a statement containing such information as the commissioner shall require for assessment of the tax provided by this section. The commissioner shall in such case determine the tax of any such company or corporation by a method other than “the statutory method”, but nothing herein contained shall be construed to prevent the

G. L. (Ter.
Ed.), 63,
§ 56A,
amended.

Value of
corporate
franchises
of certain
foreign
telephone
companies.

application of "the statutory method" in case the commissioner shall deem such method equitable; provided, however, that the tax determined by the commissioner by a method other than "the statutory method" shall not exceed in amount the tax determined by "the statutory method", except with the consent of the company or corporation subject to tax.

SECTION 4. The provisions of section three of this act shall apply to taxes assessed in the year nineteen hundred and thirty-four and thereafter. *Approved June 23, 1934.*

Chap.318 AN ACT RELATIVE TO THE DISPOSAL OF THE SEWAGE FROM THE WALTER E. FERNALD STATE SCHOOL THROUGH THE SEWERAGE SYSTEM OF THE CITY OF WALTHAM.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Be it enacted, etc., as follows:

SECTION 1. The department of mental diseases is hereby authorized to cause the sewage from the Walter E. Fernald state school to be discharged into the sewer constructed by the city of Waltham under the provisions of chapter three hundred and seventy-two of the acts of nineteen hundred and twenty-eight, at such point as may be agreed upon by the commissioner of mental diseases and the mayor of said city of Waltham, or in case of failure to agree, at such point as may be determined by the state commissioner of public health. The necessary connecting sewer may be constructed and used prior to December thirty-first, nineteen hundred and thirty-four, notwithstanding the provisions of section two of this act; provided, that such changes in the manner of disposal of the sewage from said state school shall not affect the payments to said city up to said December thirty-first, nineteen hundred and thirty-four, under the existing agreement referred to in said section two.

SECTION 2. The board of trustees of said state school are hereby authorized to enter into an agreement in writing with said city of Waltham, acting by Henry F. Beale, director of public works and the legal successor to the superintendent of sewers and/or the board of sewer commissioners, abrogating, as of December thirty-first, nineteen hundred and thirty-four, the agreement between said parties made pursuant to section three of chapter eighty-three of the acts of eighteen hundred and ninety-three, as amended by chapter two hundred and fifty-four of the acts of nineteen hundred and twenty-one, said agreement being dated October eleventh, nineteen hundred and thirty-three, and providing for payments to said city under said chapter eighty-three, as amended. On the execution of such agreement of abrogation, in lieu of the compensation payable under said chapter

eighty-three, as amended, there shall be paid by the commonwealth to said city, as full compensation for the right to dispose of the sewage of said state school through the sewerage systems of said city and of the south metropolitan sewerage district, in each year for four years beginning with the year nineteen hundred and thirty-five the sum of twenty-seven hundred and forty-nine dollars and fourteen cents toward the annual expenses of maintaining and operating the sewers of said city, including the amount paid annually by said city for the disposal of sewage through the south metropolitan sewerage system, unless in any year during the said four year period the average population of said state school, including inmates, attendants and other employees in residence thereat throughout said year, shall exceed two thousand, in which case there shall be an added payment to said city of one dollar per year for each person by which said average population exceeds two thousand. After the end of the year nineteen hundred and thirty-eight, there shall be paid by the commonwealth to said city annually toward the expenses of maintaining and operating its sewers, including the amount paid annually by said city for the disposal of sewage through the south metropolitan sewerage system, such sum as may be agreed upon between said city, acting through its duly authorized representatives, and the commissioner of mental diseases and the commissioner of public health, acting for the commonwealth; and if said city and said commissioners shall be unable to agree, then the amount to be paid annually shall be determined by three commissioners to be appointed by the supreme judicial court upon the application of either party in interest and after notice to the other. The award of said commissioners appointed as aforesaid, when accepted by said court, shall be binding upon said city and the commonwealth. When the amount of any annual payment after the end of the year nineteen hundred and thirty-eight is determined as aforesaid, it shall be certified to the commissioner of mental diseases and to the state treasurer by a certificate signed by the representatives of said city and by said commissioners of state departments in case of an agreement, or by a certificate of the clerk of said court in case of an award, and such amount shall continue to be paid annually by the commonwealth as aforesaid until changed by a new agreement or a new award made upon application of either said city or said commissioner of mental diseases and duly certified in the manner above provided, but no such change shall be made oftener than once in five years. All amounts payable by the commonwealth hereunder shall be paid annually out of the appropriation for maintenance of said state school. From and after January first, nineteen hundred and thirty-five, if such an agreement of abrogation is executed, the provisions of this section shall supersede the provisions of said section three of said chapter eighty-three, as amended by said chapter two hundred and fifty-four.

SECTION 3. The said city of Waltham is hereby author-

ized to use so much of the proposed connecting sewer between said state school and the sewer constructed under the provisions of chapter three hundred and seventy-two of the acts of nineteen hundred and twenty-eight as lies between Waverley Oaks road and the connection with the sewer constructed under said chapter three hundred and seventy-two, for the removal of domestic sewage from the property adjacent to that part of Waverley Oaks road lying between the said connecting sewer and Shirley road, amounting to an area of twenty-eight acres more or less.

SECTION 4. In the event that the sewer constructed under said chapter three hundred and seventy-two becomes inadequate to carry the sewage discharged into it, including the sewage from said state school, the commonwealth shall, after appropriation, contribute such part of the expense of any additional sewer that may then be constructed, or of the enlargement of said existing sewer, as represents the sewer capacity required by the sewage from said school as compared with the total additional capacity required.

Approved June 23, 1934.

Chap. 319 AN ACT VALIDATING ACTION OF THE TOWN OF GOSNOLD AND OF THE BOARD OF SELECTMEN OF SAID TOWN RELATIVE TO THE LEASING OF A POWER PLANT FOR FURNISHING ELECTRICITY TO SAID TOWN AND ITS INHABITANTS, AND THE FURNISHING OF ELECTRICITY MANUFACTURED IN SUCH PLANT.

Be it enacted, etc., as follows:

SECTION 1. The vote of the town of Gosnold at its annual meeting held on March thirteenth, nineteen hundred and thirty-three, authorizing the execution on behalf of said town of a lease to it, for the term of ten years, by Cornelius A. Wood et als. of a power plant owned by said lessors, for the purpose of furnishing electricity for the use of the town and its inhabitants, insofar as said vote was invalid for failure to comply with the provisions of the General Laws relative to the acquiring of a municipal lighting plant, is hereby validated; and said vote, following the vote of the town at a special town meeting held on September sixth, nineteen hundred and thirty-two, shall be deemed to have authorized the said town to acquire said power plant by lease for the manufacture and distribution of electricity for the use of the town and its inhabitants.

The acts of the board of selectmen of said town in executing a lease in pursuance of said votes, and thereafter in manufacturing electricity in said plant and distributing the same to the town and its inhabitants, are hereby ratified.

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

Approved June 23, 1934.

AN ACT RELATIVE TO THE LICENSING AND KEEPING OF DOGS AND TO THE PAYMENT OF DAMAGES CAUSED BY DOGS. *Chap. 320*

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty of the General Laws is hereby amended by inserting after section one hundred and thirty-six, as appearing in the Tercentenary Edition, the following new section under the title "dogs": — *Section 136A.* The following words and phrases as used in sections one hundred and thirty-seven to one hundred and seventy-five, inclusive, unless the context otherwise requires, shall have the following meanings:

G. L. (Ter. Ed.), 140, new section 136A, added.

Certain terms defined.

"Director", the director of the division of accounts of the department of corporations and taxation.

"Dog fund", the fees, fines and reimbursements collected in connection with the licensing of dogs and the enforcement of said sections.

"Dog officer", any officer appointed under said sections to enforce the laws relating to dogs.

"Keeper", any person, corporation or society, other than the owner, harboring or having in his possession any dog.

"Kennel", one pack or collection of dogs on a single premises, whether maintained for breeding, boarding, sale, training, hunting or other purposes, and including shops where dogs and other animals are on sale.

"Live stock or fowls", animals or fowls kept or propagated by the owner for food or as a means of livelihood; also deer, elk, cottontail rabbits and northern hares, pheasants, quail, partridge and other birds and quadrupeds determined by the department of conservation to be wild and kept by, or under a permit from, said department in proper houses or suitable enclosed yards. Such phrase shall not include dogs, cats and other pets.

SECTION 2. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and thirty-seven, as amended by section one of chapter two hundred and eighty-nine of the acts of nineteen hundred and thirty-two, and the title "dogs", and inserting in place thereof the following: — *Section 137.* The owner or keeper of a dog which is three months old or over shall annually, on or before March thirty-first, cause it to be registered, numbered, described and licensed for one year from April first following, if the dog is kept in Boston in the office of the police commissioner, or if kept in any other town in the office of the clerk thereof. The license shall be in a form prescribed by the director, upon a blank to be furnished, except in the county of Suffolk, by the county in which the town is located, and shall be subject to the condition expressed therein that the dog which is the subject of the license shall be controlled and restrained from killing, chasing or harassing live stock or fowls. The owner or keeper of a licensed dog shall cause it to wear around its neck or body a collar or harness of leather

G. L. (Ter. Ed.), 140, § 137, etc., amended.

Dogs, licenses, collars, etc.

or other suitable material, to which shall be securely attached a tag in a form prescribed by the director, and upon which shall appear the license number, the name of the town issuing such license and the year of issue. Such tags shall be furnished in the same manner as the license blanks, and if any such tag shall be lost the owner or keeper of such dog shall forthwith secure a substitute tag from the town clerk, at a cost of ten cents which shall be retained by the clerk unless otherwise provided by law. Any person may bring or cause to be brought from another state or country any dog licensed under the laws thereof and keep such dog in this commonwealth for a period not exceeding thirty days without licensing it hereunder, and during such period the foregoing provisions of this section shall not apply to such dog.

SECTION 3. Said chapter one hundred and forty is hereby further amended by inserting after said section one hundred and thirty-seven, as so amended, the three following new sections: — *Section 137A.* Any owner or keeper of a kennel may apply to the town clerk of the town in which it is located for a kennel license. Such license shall be in a form prescribed by the director, upon a blank to be furnished, except in the county of Suffolk, by the county in which the town is located. Such license shall be in lieu of any other license required to be taken out for any dog while kept at such kennel during any portion of the period for which such kennel license is issued. Such owner or keeper shall cause each dog so kept to wear, while it is at large, a collar or harness of leather or other suitable material, to which shall be securely attached a tag upon which shall appear the number of such kennel license, the name of the town issuing such license and the year of issue. Such tags shall be in a form prescribed by the director, and shall be furnished to such owner or keeper by the clerk of the town in which such kennel is licensed, in quantities not less than the number of dogs kept in such kennel. The fee for each kennel license shall be twenty-five dollars if not more than ten dogs are kept in a kennel, and fifty dollars if more than ten dogs are kept therein; provided, that for the purpose of determining the amount of such fee dogs under the age of six months shall not be included in the number of dogs kept in a kennel. Any holder of a kennel license may operate a boarding kennel. The name and address of the owner of each dog kept in such a kennel shall be kept on file thereat and available to inspection by the county commissioners and by any dog officer, fish and game warden or police officer. The clerk of any town, or in Boston the police commissioner, shall upon application issue without charge a kennel license to any domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering among animals.

Section 137B. Every holder of a kennel license, on delivering an unlicensed dog to a purchaser or to any other person, shall attach to such dog a collar or harness which shall carry a tag marked with the name and address of such kennel

G. L. (Ter. Ed.), 140, new sections 137A, 137B, 137C, added.

Kennel licenses.

Sale of dogs by kennel licensees regulated.

licensee, and a number, which number shall be properly recorded on the records of such licensee, and shall also furnish to the person to whom the dog is delivered a certificate bearing the same number and a description of the dog. Such certificate shall bear the date of purchase, exchange or gift and, with the tag, shall, for a period of two weeks following such date, be a legal substitute for a license. The purchaser or other recipient of a dog shall, within two weeks of the purchase or receipt of such dog, either return the same to the licensee from whom it was received, together with the collar or harness, tag and certificate, or return to such licensee said tag, and a certificate signed by the clerk of the town where the dog is to be kept and certifying that the dog has been licensed in the name of such purchaser or recipient or of some other person. If any such purchaser or recipient fails to comply with the preceding sentence, such licensee shall notify the clerk of the town in which he is licensed of the purchase, exchange or gift of such dog and shall furnish to such clerk the date thereof, and the name and address of the purchaser or recipient.

Section 137C. The county commissioners, or in Boston the police commissioner, or a chief of police or a dog officer within his jurisdiction, may at any time inspect or cause to be inspected any kennel and if, in their or his judgment, the same is not being maintained in a sanitary and humane manner, or if records are not properly kept as required by law, the county commissioners, or in Boston the police commissioner, shall by order revoke or suspend, and in case of suspension may reinstate, such license. Written notice of such revocation, suspension or reinstatement of a license shall be mailed forthwith to the person issuing such license and to the holder of such license. Within ten days after such order the holder of such license may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, and, after such notice to the officer or officers involved as the court may deem necessary, it shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. The decision of the court shall be final and conclusive upon the parties. Any person maintaining a kennel after the license therefor has been so revoked, or while such license is so suspended, shall be punished by a fine of not more than fifty dollars.

SECTION 4. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and thirty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 138.* The owner or keeper of a dog may at any time have it licensed until April first following; and a person who after April first becomes the owner or keeper of a dog which is not duly licensed, and the owner or keeper of a dog which becomes

Kennels,
inspection of,
etc.

G. L. (Ter.
Ed.), 140,
§ 138,
amended.

Licenses,
term of.

three months old after March thirty-first in any year, shall, when it is three months old, cause it to be registered, numbered, described, licensed, collared or harnessed and tagged as required by section one hundred and thirty-seven.

G. L. (Ter. Ed.), 140, § 139, amended.

SECTION 5. Section one hundred and thirty-nine of said chapter one hundred and forty, as so appearing, is hereby amended by striking out, in the first and second lines, the words "provided in section one hundred and seventy-three" and inserting in place thereof the words:— otherwise provided, — so as to read as follows:— *Section 139.* The fee for every license shall, except as otherwise provided, be two dollars for a male dog and five dollars for a female dog, unless a certificate of a registered veterinarian who performed the operation that said female dog has been spayed and has thereby been deprived of the power of propagation has been filed with the town clerk, in which case the fee shall be two dollars. A certified copy of such certificate on file in the office of any town clerk within the commonwealth may be accepted as evidence that the said operation has been performed.

License fees.

G. L. (Ter. Ed.), 140, § 140, repealed.

SECTION 6. Section one hundred and forty of said chapter one hundred and forty, as so appearing, is hereby repealed.

G. L. (Ter. Ed.), 140, § 141, amended.

SECTION 7. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and forty-one, as so appearing, and inserting in place thereof the following:— *Section 141.* Whoever violates any provision of sections one hundred and thirty-seven, one hundred and thirty-seven A, one hundred and thirty-seven B, or one hundred and thirty-eight shall forfeit not less than five nor more than fifteen dollars, which shall be paid, if the dog was kept in any town in Suffolk county, to the treasurer of the town, or, if kept in any other county, to the treasurer thereof. If the dog as to which such violation occurs was unlicensed at the time of such violation, the court shall impose the forfeiture provided herein.

Penalty for keeping unlicensed dog.

G. L. (Ter. Ed.), 140, §§ 142, 143 and 144, repealed.

SECTION 8. Sections one hundred and forty-two, one hundred and forty-three and one hundred and forty-four of said chapter one hundred and forty, as so appearing, are hereby repealed.

G. L. (Ter. Ed.), 140, § 145 A, amended.

SECTION 9. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and forty-five A, inserted by section three of said chapter two hundred and eighty-nine, and inserting in place thereof the following:— *Section 145A.* The board of health of any city or town shall, on recommendation of the state department of public health, furnish free of charge anti-rabic vaccine and the treatment of persons as to whom said department recommends such treatment, and such city or town, if in a county other than Suffolk, shall be reimbursed out of the dog fund by the county in which it is located for the cost of such vaccine and treatment; provided, that not exceeding fifty dollars shall be so reimbursed in the case of any one person. The county commissioners of all counties except Suffolk, acting jointly, or the county commissioners of each county,

Boards of health to furnish anti-rabic vaccine.

except Suffolk, shall contract for the supplying of said vaccine to the several cities and towns on the order of their respective boards of health, and shall, from time to time, notify said boards of the terms and conditions of contracts made hereunder. No city or town shall be reimbursed hereunder, at a price higher than that fixed by contract as aforesaid, for such vaccine purchased by it.

SECTION 10. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and forty-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 146.* A license duly recorded shall be valid throughout the commonwealth, except that in case of the permanent removal of a dog into another town within the commonwealth such dog shall be licensed within thirty days in the office of the clerk of such other town, and the clerk thereof shall issue a new license and tag for such dog upon the payment of twenty-five cents which shall be retained by the clerk unless otherwise provided by law. Said clerk shall take up the original license and tag of such dog in lieu of requiring payment of the full fee provided for such a license by section one hundred and thirty-nine.

G. L. (Ter. Ed.), 140, § 146, amended.

License valid throughout the state, etc.

SECTION 11. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and forty-seven, as amended by section four of said chapter two hundred and eighty-nine, and inserting in place thereof the following: — *Section 147.* The police commissioner of Boston and the clerks of other cities and of towns shall issue said licenses and tags, receive the money therefor and pay it into the treasuries of their respective cities and towns on the first Monday of each month or oftener, retaining, except in Boston, for their own use twenty cents for each license unless otherwise provided by law, and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. The city and town treasurers shall pay into the treasuries of their respective counties, except in the county of Suffolk, on or before June first and December first of each year the amounts received by them on account of such licenses and not previously paid over and shall certify under penalties of perjury to the amounts of money thus received and paid over by them. All such licenses shall bear the date of issue and no other. The police commissioner of Boston and each such city or town clerk shall make a record, in books kept therefor and to be furnished, except in the county of Suffolk, by the county in which such city or town is located, of each license issued by him, of the name of the owner or keeper of each dog licensed, and of the name, registered number and description of each such dog, and such books shall be open to public inspection during the usual office hours of such police commissioner or city or town clerk. All blanks for such licenses and tags and all such record books shall be paid for out of the dog fund. Each city or town clerk, except in Suffolk county, shall, within thirty days next succeeding

G. L. (Ter. Ed.), 140, § 147, etc., amended.

Issuing of licenses, disposition of fees, etc.

April first in each year return to the county all license books and tags furnished for the preceding license year, including all stubs and void licenses and unused license blanks. The said police commissioner and any city or town clerk or city or town treasurer violating any provision of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars or by imprisonment for not less than one month nor more than one year, or both. If such a city or town clerk neglects or fails to pay such money into the city or town treasury as required by this section, the city or town may recover the amount thereof for the benefit of the county, with all damages sustained through such neglect or failure, and interest, in an action on the official bond required, in the case of a city clerk, by section thirteen A of chapter forty-one and, in the case of a town clerk, by section thirteen of said chapter forty-one. All payments required hereunder shall be subject to the provisions of section fifty-two of said chapter forty-one.

SECTION 12. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty, as so appearing, and inserting in place thereof the following: — *Section 150.* The assessors shall annually take a list of all dogs owned or kept in their respective cities and towns in January, February or March, with the owners' or keepers' names and addresses, and return the same in duplicate to the city or town clerk, or, in Boston, to the police commissioner, on or before April first. An owner or keeper of a dog who refuses to answer or answers falsely to the assessors relative to the ownership thereof shall be punished by a fine of not less than ten dollars, which, except in Suffolk county, shall be paid into the county treasury.

SECTION 13. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-one, as so appearing, and inserting in place thereof the following: — *Section 151.* The mayor of each city and the selectmen of each town shall annually on May first designate one or more dog officers, who may be police officers or constables, and who, except as herein provided, shall hold office for one year or until their successors are qualified. The mayor or selectmen shall forthwith submit to the county commissioners the names and addresses of such officers. Except as hereinafter otherwise provided, if any city or town shall fail to make such appointment, the county commissioners shall on June first thereafter appoint a dog officer for such city or town. Any dog officer who fails to comply with the terms of his warrant shall forthwith be removed from office by the mayor or selectmen, and notice of such removal shall forthwith be given to the county commissioners. Dog officers, other than those employed under regular pay, shall receive from the treasurers of their respective cities and towns one dollar for each dog killed, as provided in section one hundred and fifty-one A, in full compensation for their services. Bills for such services shall be approved by the

G. L. (Ter. Ed.), 140, § 150, amended.
Assessors to take list of dogs.
Penalty.

G. L. (Ter. Ed.), 140, § 151, amended.

Dog officers.
Appointment, duties.

mayor of the city or the selectmen of the town in which said dogs are kept or killed, and in the county of Suffolk shall be paid out of the dog fund. Cities and towns in counties other than Suffolk shall be reimbursed by the treasurers of their respective counties from the dog fund. Each dog officer appointed under this section shall also attend to all complaints or other matters pertaining to dogs in their respective towns, in addition to the duties imposed upon him by his warrant, and shall be paid for such services by the town treasurer upon bills approved by the mayor or by the selectmen. The mayor of any city or the selectmen of any town may, instead of appointing dog officers as hereinbefore provided, enter into a contract with a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse, to perform the duties required of dog officers, which contract shall, except in the county of Suffolk, be subject to the approval of the county commissioners. In any such case the payments to such corporation under the terms of the contract shall be in full for all services rendered by it in such capacity. Whenever in the opinion of the county commissioners the co-operation of the local dog officer with a county dog officer is necessary for the proper enforcement of sections one hundred and thirty-seven to one hundred and seventy-five, inclusive, they may require such co-operation.

SECTION 14. Said chapter one hundred and forty is hereby further amended by inserting after section one hundred and fifty-one, as so appearing, the following new section:— *Section 151A.* The mayor or selectmen shall annually within ten days after June first issue a warrant to such dog officer or officers directing him or them to seek out, catch and confine all dogs within the city or town which then have not been licensed, collared or harnessed, and tagged, as required by this chapter, and to enter and prosecute a complaint for failure to comply with the provisions of this chapter against the owners or keepers thereof, if known, and to kill or cause to be killed each such dog which after being detained by or for him or them for a period of six days shall not then have been licensed, collared or harnessed, and tagged; provided, that at the end of said six days such dog officer may sell any male or any spayed female dog not found to be diseased, for a sum not less than three dollars and shall keep an account of all moneys received by him from such sales and shall forthwith pay over such sums to the town treasurer who shall forward all such money to the county treasurer in the same manner as dog license money as provided in section one hundred and forty-seven. Before delivery of any dog so sold, such dog officer shall require the purchaser to procure a license and tag for such dog from the clerk of the town where the dog is to be kept. Dogs confined under authority of this section shall be confined in a place suitable for the detention and care of dogs and kept in a sanitary condition, or they may be placed in the care of the

G. L. (Ter. Ed.), 149, new section 151A, added.

Dog officer to ascertain if dogs are properly licensed.

holder of a kennel license or of a domestic charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse. The county commissioners from time to time shall cause all such places to be inspected and shall make necessary orders in relation thereto. A dog officer having custody of a confined dog shall be allowed the sum of fifty cents per day for the care of such dog, payable by the owner or keeper thereof, if known, otherwise from the dog fund.

SECTION 15. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-two, as so appearing, and inserting in place thereof the following:— *Section 152.* Each police officer, constable and/or dog officer to whom such warrant is issued shall make returns, on or before October first, on or before January first, and on or before April first, in each year, and at the expiration of his term of office, to the mayor or chairman of the selectmen issuing the same, and shall state in said returns the number of dogs which he has caught, confined and/or killed or sold, the names of the owners or keepers thereof and whether all unlicensed dogs in his town have been caught, confined and/or killed or sold, and the names of persons against whom complaints have been made under the provisions of this chapter relating to dogs, and whether complaints have been entered against all the persons who have failed to comply therewith since the previous report.

SECTION 16. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-three, as so appearing, and inserting in place thereof the following:— *Section 153.* Such warrant may be in the following form:

COMMONWEALTH OF MASSACHUSETTS.

(Seal)

To _____, ss.
 _____, constable of the city (or town) of

In the name of the commonwealth of Massachusetts, you are hereby required to proceed forthwith to seek out, catch and confine all dogs within said city (or town) not duly licensed, collared or harnessed, and tagged, according to the provisions of chapter one hundred and forty of the General Laws, and you are further required to make and enter complaint against the owner or keeper of every such dog, and to kill or cause to be killed each such dog which, after being detained for a period of six days, shall not then have been duly licensed, collared or harnessed, and tagged; except that any male or any spayed female dog not found to be diseased may be sold for not less than three dollars, and you shall keep an account of any such sale and forthwith pay over the money to the town treasurer. Before delivery of any dog so sold you shall require the purchaser to register and procure a license and tag for such dog from the town clerk of the town

G. L. (Ter. Ed.), 140, § 152, amended.

Returns of dog officers.

G. L. (Ter. Ed.), 140, § 153, amended.

Warrant to dog officer, form of.

where the dog is to be kept, in accordance with the provisions of section one hundred and thirty-seven of chapter one hundred and forty of the General Laws.

Hereof fail not, and make due return of this warrant with your doings therein, on or before the first day of October next, on or before the first day of January next and on or before the first day of April next, and at the expiration of your term of office, stating the number of dogs caught, confined and/or killed or sold and the names of the owners or keepers thereof, and whether all unlicensed dogs in said city (or town) have been caught, confined and/or killed or sold and the names of persons against whom complaints have been made under the provisions of said chapter, and whether complaints have been made and entered against all the persons who have failed to comply with the provisions of said chapter.

Given under my hand and seal
 at aforesaid the day of in
 the year nineteen hundred and .
Mayor of (or Chairman of the Selectmen of)

SECTION 17. Section one hundred and fifty-four of said chapter one hundred and forty, as so appearing, is hereby repealed.

G. L. (Ter. Ed.), 140, § 154, repealed.

SECTION 18. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-five, as so appearing, and inserting in place thereof the following:— *Section 155.* If any dog shall do any damage to either the body or property of any person, the owner or keeper, or if the owner or keeper be a minor, the parent or guardian of such minor, shall be liable for such damage, unless such damage shall have been occasioned to the body or property of a person who, at the time such damage was sustained, was committing a trespass or other tort, or was teasing, tormenting or abusing such dog.

G. L. (Ter. Ed.), 140, § 155, amended.
 Liability of owner for damage by dog.

SECTION 19. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-six, as so appearing, and inserting in place thereof the following:— *Section 156.* Any person may kill a dog which suddenly assaults him while he is peaceably standing, walking or riding outside the enclosure of its owner or keeper; and any person may kill a dog found out of the enclosure of its owner or keeper and not under his immediate care in the act of worrying, wounding or killing persons, live stock or fowls.

G. L. (Ter. Ed.), 140, § 156, amended.

Dogs attacking persons, etc., may be killed.

SECTION 20. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-seven, as so appearing, and inserting in place thereof the following:— *Section 157.* If any person shall make complaint in writing to the selectmen of a town, the chief of police of a city, or the county commissioners, that any dog owned or harbored within his or their jurisdiction is a nuisance by reason of vicious disposition or excessive barking

G. L. (Ter. Ed.), 140, § 157, amended.

Complaint as to dangerous dog.

or other disturbance, or that any such dog by such barking or other disturbance is a source of annoyance to any sick person residing in the vicinity, such selectmen, chief of police or county commissioners shall investigate or cause to be investigated such complaint, including an examination on oath of the complainant, and may make such order concerning the restraint or disposal of such dog as may be deemed necessary. Within ten days after such order the owner or keeper of such dog may bring a petition in the district court within the judicial district of which the dog is owned or kept, addressed to the justice of the court, praying that the order may be reviewed by the court, and after such notice to the officer or officers involved as the court may deem necessary it shall review such action, hear the witnesses and affirm such order unless it shall appear that it was made without proper cause or in bad faith, in which case such order shall be reversed. The decision of the court shall be final and conclusive upon the parties. Any person owning or harboring such dog who shall fail to comply with any order of the selectmen, chief of police, county commissioners or district court, as the case may be, shall be punished by a fine of not more than ten dollars, or by imprisonment for not more than thirty days, or both.

G. L. (Ter. Ed.), 140, § 158, amended.

Dog officers may kill certain dogs.

SECTION 21. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-eight, as so appearing, and inserting in place thereof the following: — *Section 158.* Any police officer, constable or dog officer shall kill a dog which the selectmen of a town, chief of police of a city, or the county commissioners, or, upon review, the district court, shall have ordered to be restrained if such dog is again found outside the enclosure of its owner or keeper and not under his immediate care, and may kill a dog which is living in a wild state.

G. L. (Ter. Ed.), 140, § 159, amended.

Treble damages if dog, after ordered restrained, causes injury.

SECTION 22. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and fifty-nine, as so appearing, and inserting in place thereof the following: — *Section 159.* If a dog which the selectmen of a town, chief of police of a city or the county commissioners, or, upon review, a district court, shall have ordered to be restrained shall wound any person, or shall worry, wound or kill any live stock or fowls, the owner or keeper of such dog shall be liable in tort to the person injured thereby in treble the amount of damages sustained by him.

G. L. (Ter. Ed.), 140, § 160, amended.

Dangerous dog may be killed unless owner furnishes bond.

SECTION 23. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and sixty, as so appearing, and inserting in place thereof the following: — *Section 160.* The county commissioners of any county, the mayor of any city, the selectmen of any town, or their agents thereto authorized in writing, may, after written notice to the owner or keeper, enter upon the premises of the owner or keeper of any dog known to them to have worried or killed live stock or fowls, and then and there kill such dog, unless such owner or keeper whose premises are thus entered

for the said purpose shall give a bond in the sum of two hundred dollars, with sufficient sureties, approved by the county commissioners, conditioned that the dog shall be restrained for twelve months next ensuing. And if the owner or keeper of the dog declares his intention to give such a bond, said selectmen, chief of police or county commissioners, as the case may be, or his or their agents, shall allow him seven days, exclusive of Sundays and holidays, in which to procure and prepare the same and to present it to them, or to file it with the clerk of the town where the said owner or keeper resides.

SECTION 24. Section one hundred and sixty-one of said chapter one hundred and forty, as amended by section seven of said chapter two hundred and eighty-nine, is hereby further amended by striking out, in the second and in the seventeenth lines, the word "poultry" and inserting in place thereof, in each instance, the word: — fowls, — so as to read as follows: — *Section 161.* Whoever suffers loss by the worrying, maiming or killing of his live stock or fowls by dogs, outside the premises of the owners or keepers of such dogs, may, if the damage is done in a city, inform the officer of police of the 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, or, if he is absent or ill, any one of the selectmen, 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 fifty dollars. If in the opinion of said officer of police, chairman or selectman, the amount of said damage exceeds fifty dollars, the damage shall be appraised, on oath, by three persons, of whom one shall be such officer of police, chairman or selectman, one shall be appointed by the person alleged to be damaged, and the third shall be appointed by the other two. The said appraisers shall consider and include in such damages the labor and time necessarily expended in the finding and collecting of the live stock or fowls injured or separated and the value of those lost or otherwise damaged by dogs. The said officer of police, chairman or selectman shall return a certificate of the damages found, except in Suffolk county, to the treasurer of the county where the damage was 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 bills for damages, and may upon their own motion or upon request of an interested party shall summon the appraisers and all parties interested and make such investigation as they may think proper, and shall issue an order upon the treasurer of the county for such amounts, if any, as they decide to be just and shall notify all interested parties of their decision. The treasurer, except in Suffolk county, shall pay all orders drawn upon him in full, for the above purpose, and for the expenses of appraisal out of any money in the county

G. L. (Ter. Ed.), 140, § 161, etc., amended.

Certain damages by dogs to be paid by county. Appraisal, etc.

treasury, and payments made therefor shall be charged to the dog fund. The appraisers shall receive from the county three dollars each for every such examination made by them, and also twenty cents a mile one way for their necessary travel.

G. L. (Ter. Ed.), 140, new section 161A, added.

Payment of damages limited.

SECTION 25. Said chapter one hundred and forty is hereby further amended by inserting after section one hundred and sixty-one, as appearing in the Tercentenary Edition, the following new section:—*Section 161A*. No owner of live stock or fowls shall be reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed for any damage by any dog if, at the time such damage was inflicted, he was himself the owner or keeper of an unlicensed dog of the age of three months or older. No reimbursement shall be made on account of damages by a dog to deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other live stock or fowls determined by the department of conservation to be wild unless they are kept by, or under permit from, said department, nor unless they shall be kept in proper houses or in suitable enclosed yards. No reimbursement shall be made for damage by a dog to dogs, cats and other pets. Awards shall in no case exceed the fair cash market value of such live stock or fowls.

G. L. (Ter. Ed.), 140, § 162, amended.

Reward for killing dog found injuring live stock or fowl.

SECTION 26. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and sixty-two, as so appearing, and inserting in place thereof the following:—*Section 162*. The aldermen or selectmen may offer a reward of not more than twenty-five dollars for the killing of any dog found worrying, maiming or killing live stock or fowls, thereby causing damages for which their owner may become entitled to compensation under section one hundred and sixty-one, or for evidence which shall determine to the satisfaction of such aldermen or such selectmen who is the owner or keeper of a dog which has been found to have so worried, maimed or killed any live stock or fowls. The county commissioners, except in Suffolk county, shall pay any such reward from the dog fund, upon a certificate signed by the aldermen or selectmen.

G. L. (Ter. Ed.), 140, § 163, amended.

Notice to owner to kill dog.

SECTION 27. Section one hundred and sixty-three of said chapter one hundred and forty, as so appearing, is hereby amended by striking out, in the third and fourth lines, the words "sheep, lambs, fowls or other domestic animals" and inserting in place thereof the words:—live stock or fowls,—so as to read as follows:—*Section 163*. If the aldermen or selectmen determine, after notice to parties interested and a hearing, who is the owner or keeper of any dog which is found to have worried, maimed or killed any live stock or fowls, thereby causing damages for which their owner may become entitled to compensation from the dog fund under section one hundred and sixty-one, they shall serve upon the owner or keeper of such dog a notice directing him within twenty-four hours to kill or confine the dog.

G. L. (Ter. Ed.), 140, § 164, amended.

SECTION 28. Section one hundred and sixty-four of said chapter one hundred and forty, as so appearing, is hereby

amended by striking out, in the fifth line, the word "person" and inserting in place thereof the words:— police officer, constable or dog officer, — and by striking out, in the sixth line, the word "strolling", — so as to read as follows:— *Section 164.* A person who owns or keeps a dog, and who has received such notice and does not within twenty-four hours kill such dog or thereafter keep it on his premises or under the immediate restraint and control of some person, shall be punished by a fine of not more than twenty-five dollars; and any police officer, constable or dog officer may kill such dog if it is found outside of the enclosure of its owner or keeper and not under his immediate care.

Penalty for not killing or confining dog after receipt of notice.

SECTION 29. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and sixty-five, as so appearing, and inserting in place thereof the following:— *Section 165.* The county commissioners, except in Suffolk county, shall appoint one and may appoint not more than four suitable persons, all residents of the county, any one of whom shall, at the request of said commissioners or of the chairman of the selectmen or officer of the police designated as provided in section one hundred and sixty-one, investigate any case of damages done by a dog of which the commissioners, chairman or officer shall have been informed as provided in said section; and if he believes that the evidence is sufficient to sustain an action against the owner or keeper of the dog as provided in said section and believes that such owner or keeper is able to satisfy any judgment recovered in such action, he shall bring the action, unless the owner or keeper before action brought pays him such amount in settlement of the damage as he deems reasonable. Such action may be brought in his own name and in the county where he resides, and he shall prosecute it. The persons so appointed shall also have throughout their respective counties the same powers and authority as police officers, constables or dog officers appointed under provisions of section one hundred and fifty-one, acting under sections one hundred and thirty-seven to one hundred and seventy-five, inclusive. All damages received or recovered under this section shall be paid over to the county treasurer and placed to the credit of the dog fund. The county treasurer shall pay out of the dog fund such reasonable compensation as the county commissioners shall allow for services and necessary expenses under this section and the reasonable expense of prosecuting the said actions. The persons appointed hereunder may be removed at any time by the county commissioners.

G. L. (Ter. Ed.), 140, § 165, amended.

Appointment of persons to investigate damage caused by dogs.

SECTION 30. Section one hundred and sixty-six of said chapter one hundred and forty, as so appearing, is hereby amended by striking out, in the first and second lines, the words "sheep, lambs, fowls or other domestic animals" and inserting in place thereof the words:— live stock or fowls, — so as to read as follows:— *Section 166.* The owner of live stock or fowls which have been worried, maimed or killed by

G. L. (Ter. Ed.), 140, § 166, amended.

Person damaged to have

choice of
remedy.

dogs shall have his election to proceed under section one hundred and sixty-one or sections one hundred and fifty-seven to one hundred and fifty-nine, inclusive; but, having signified his election by proceeding in either mode, he shall not have the other remedy.

G. L. (Ter.
Ed.), 140,
§ 170,
amended.

SECTION 31. Section one hundred and seventy of said chapter one hundred and forty, as so appearing, is hereby amended by inserting after the word "licenses" in the first line the words: — or from the sale of dogs, — and by inserting after the word "issued" in the fourth line the words: — or such sales are made, — so as to read as follows: — *Section 170.* In Suffolk county, all money received for licenses or from the sale of dogs, or recovered as fines or penalties under the provisions of this chapter relating to dogs shall be paid into the treasury of the town in which said licenses are issued or such sales are made, or said fines or penalties recovered. All claims for damages done by dogs in Suffolk county shall be determined by appraisers as specified in section one hundred and sixty-one and, when approved by the aldermen or selectmen of the city or town where the damage was done, shall be paid in full on the first Wednesday of January of each year by the treasurer of such town, if the gross amount received by him and not previously paid out under the provisions of this chapter relating to dogs is sufficient therefor; otherwise such amount shall be divided pro rata among such claimants in full discharge of their claims.

Disposition
of fees in
Suffolk
county.

G. L. (Ter.
Ed.), 140,
§ 171,
amended.

SECTION 32. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and seventy-one, as so appearing, and inserting in place thereof the following: — *Section 171.* The owner or keeper of a dog which has done damage to live stock or fowls shall be liable in tort to the county for all damages so done which the county commissioners thereof have ordered to be paid as provided in this chapter. The county treasurer, except as provided in section one hundred and sixty-five, may, and if so ordered by the county commissioners shall, bring such action. In Suffolk county, such owner or keeper shall be liable in like manner to the town for damages so done therein which the aldermen or selectmen have so ordered to be paid; and the town treasurer may, and if so ordered by the aldermen or selectmen shall, bring such action.

Owner of dog
liable to
county for
damages
caused by it.

G. L. (Ter.
Ed.), 140,
§ 175, etc.,
amended.

SECTION 33. Said chapter one hundred and forty is hereby further amended by striking out section one hundred and seventy-five, as amended by section nine of chapter two hundred and eighty-nine of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 175.* Whoever wrongfully kills, maims, entices or carries away a dog shall be liable in tort to its owner for its value. Whoever removes from the dog of another its license tag, collar or harness or whoever, without the authorization of the owner or keeper, holds or harbors a dog of another for more than forty-eight hours after such dog comes into his possession, without reporting such holding or harboring to the

Liability for
killing, etc.,
a licensed
dog.

police or a dog officer, or whoever shall cause a dog to wear an imitation or counterfeit of the official tag prescribed by section one hundred and thirty-seven of this chapter, may be punished by a fine of not more than one hundred dollars.

SECTION 34. This act shall take effect on January first, nineteen hundred and thirty-five.

Effective
date.

Approved June 23, 1934.

AN ACT ESTABLISHING A TOWN MANAGER FORM OF GOVERNMENT FOR THE TOWN OF BRAINTREE.

Chap. 321

Be it enacted, etc., as follows:

SECTION 1. At a special town election which shall be held not less than thirty nor more than sixty days after the annual town election at which this act is accepted, the town of Braintree, hereinafter called the town, shall elect by official ballot five selectmen who shall hold office, two for the term of three years, two for the term of two years and one for the term of one year from said annual election. At each annual town election thereafter there shall be elected in place of those selectmen whose terms are about to expire an equal number of selectmen, each to serve for three years. The selectmen shall serve until their respective successors are qualified. If a vacancy, other than one resulting from a removal election at which the incumbent of the office is not re-elected, occurs in the membership of the selectmen, the remaining members shall call a special town meeting to fill the vacancy for the balance of the unexpired term, except that if such vacancy occurs less than three months prior to the annual town meeting, and not less than three selectmen remain in office, such vacancy shall remain unfilled until such annual meeting. A vacancy resulting from a removal election shall be filled as hereinafter provided.

SECTION 2. Upon the qualification of the selectmen first elected under authority of section one, all the powers, rights, duties and liabilities conferred or imposed by law upon the water commissioners, municipal light board, sewer commissioners, board of public welfare, board of health and auditors of the town shall be transferred to and conferred and imposed upon such selectmen, and the terms of office of the persons then severally holding said offices shall thereupon terminate. The aforesaid transfer of powers, rights, duties and liabilities and the aforesaid termination of terms of office shall not affect any liability incurred, contract made, fine, special assessment, rate, penalty, forfeiture or tax imposed prior thereto, nor any suit or other proceeding then pending; and the selectmen so elected, and their successors in office, shall in all respects and for all purposes whatsoever be the lawful successors of the said officers and boards. The selectmen shall also appoint fence viewers, field drivers, surveyors of wood and lumber, tree wardens and constables, and such other persons as they deem necessary to perform the duties of such officers and boards.

SECTION 3. At the special town election first to be held after the acceptance of this act, as provided in section one, the town shall elect by official ballot five members of the school committee, two of whom shall be elected to serve for the term of three years, one for the term of two years, and two for the term of one year, from the annual town election at which this act is accepted; and at each annual town election thereafter there shall be elected in the places of those members whose terms of office are about to expire an equal number of members, each to serve for the term of three years.

SECTION 4. At such special town election the town shall also elect by official ballot five persons, who shall be qualified voters of the town, to constitute the finance commission, hereinafter called the commission, one of whom shall be elected to serve for the term of three years, two for the term of two years, and two for the term of one year, from the annual town election at which this act is accepted; and at each annual town election thereafter there shall be elected in the places of those members of the commission whose terms of office are about to expire an equal number of members, each to serve for the term of three years.

Vacancies in the commission shall be filled in the manner provided in section eleven of chapter forty-one of the General Laws for filling vacancies in a board consisting of two or more members.

The commission shall annually, not less than one week prior to the time fixed for the annual town meeting, prepare and publish an estimate in writing of the probable amount required for the expenditures of the town for the then current fiscal year, stating in detail the amounts of maturing bonds or notes, the amount required for interest or other outstanding indebtedness of the town, and the amount necessary to be provided for each fund, officer, board and department. It shall also, at the same time, prepare and publish as aforesaid an estimate in writing of the amount of revenue to be received during such fiscal year and of the probable amount required to be levied and raised by taxation in such year to defray the expenses and liabilities of the town. It shall consider such articles in the warrant for any town meeting as contemplate, directly or indirectly, the appropriation or expenditure of money, shall, if it deems it expedient, give one or more public hearings thereon, and shall report its recommendations thereon in print to said meeting. It shall make an annual report, which shall be published as a part of the annual town report, setting forth the matters considered by it during the fiscal year preceding that in which the report is published, and making such recommendations as appear to be necessary or appropriate respecting the finances of the town and the measures to be taken with reference thereto.

The commission may have the accounts of all officers, boards and departments of the town audited, annually or oftener, by a competent accountant, unless the by-laws of the

town provide for an annual audit by the director of the division of accounts of the department of corporations and taxation.

All officers, boards and departments of the town shall annually, not later than two months before the day fixed for the annual town meeting, submit to the commission in writing a detailed estimate of appropriations required for the administration of their respective boards, offices or departments during the current or the next ensuing fiscal year, as the case may be, and shall at any time, upon request in writing of the commission, furnish to it all information in their possession relative to the administration of their respective boards, offices or departments. The commission shall, at all reasonable times, upon the request of any of such officers, boards or departments, advise with him or it, and furnish him or it with any information in the possession of the commission relative to the financial affairs of such board, office or department.

The commission may conduct investigations as to matters relative to the finances of the town, and in connection therewith may hold hearings and require the attendance thereof of town officers and employees and the production thereof of town books, papers, contracts, documents and other evidence relating to any matter within the scope of any such investigation.

The commission may employ such experts, counsel and other assistants, and incur such other expenses, as it may deem necessary and the same shall be paid by the town; provided, that the amount so expended or incurred shall not exceed one thousand dollars in any one year unless a larger amount shall have been appropriated in that year for that purpose by the town.

APPOINTIVE TOWN OFFICERS.

Planning Board.

SECTION 5. The selectmen first elected under this act shall as soon as practicable after their qualification appoint a planning board, hereinafter called the board, consisting of five persons who shall be qualified voters of the town, two of whom shall be appointed to serve for the term of three years, two for the term of two years, and one for the term of one year, from the date of their appointment; and annually thereafter the selectmen shall appoint in the places of those members of the board whose terms of office are about to expire, an equal number of members, to serve for three years. A vacancy in the board shall be filled by appointment by the selectmen for the balance of the unexpired term.

The board shall keep itself informed of the progress of town planning in this and other countries, make studies and recommendations for the improvement of the town with a view to the present and future movements of traffic, the general convenience, health, recreation and welfare, and any other needs of the town. It shall also consider and report

upon the designs of all new or proposed public ways, lands, places, buildings, bridges and other public structures, and of additions to and alterations in those already existing, and of the layout or plotting of new subdivisions of the town.

Any proposed or contemplated act of the selectmen or of any other branch of the town government affecting any matter within the jurisdiction of the board may be submitted to it for report and recommendations, and the selectmen may at any time call upon the board to report, with recommendations, upon any such act. The board may also report to the selectmen, or to any annual town meeting, on any matter which in its opinion affects any matter within the jurisdiction of the board. Any matter referred by the selectmen to the board shall be acted upon by it within such time as may be designated by the selectmen in their order of reference. The board shall submit to the selectmen an annual report summarizing its activities for the preceding fiscal year.

Treasurer and Collector of Taxes.

SECTION 6. The selectmen shall within thirty days after the special town election to be held after the acceptance of this act, as provided in section one, and thereafter within thirty days after each annual town election, appoint a treasurer and collector of taxes, who shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon treasurers and collectors of taxes of towns. He shall serve for the term of one year from the first day of the calendar month following his appointment, and until the qualification of his successor. The selectmen shall, within thirty days after any vacancy occurs in said office, fill the same by appointment for the balance of the unexpired term. Upon the qualification of the treasurer and collector of taxes first appointed under this section, the term or terms of office of the treasurer and collector of taxes of the town then in office shall terminate.

Assessors.

SECTION 7. The selectmen first elected under this act shall forthwith upon their qualification appoint as assessors three suitable persons who shall be qualified voters of the town and who, while serving as such assessors, shall hold no elective office in the town. Of the assessors first appointed hereunder one shall be appointed to serve for the term of one year, one for the term of two years, and one for the term of three years, from the date of their appointment, and until the qualification of their respective successors; and annually thereafter the selectmen shall appoint an assessor for a term of three years. If a vacancy occurs in the membership of the assessors, such vacancy shall be filled forthwith by the selectmen, in like manner, for the balance of the unexpired term. Upon the qualification of the assessors first appointed hereunder, the terms of office of the assessors of the town then in office shall terminate. Assessors appointed hereunder shall

have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon assessors of towns.

Before entering upon the duties of their office the assessors shall be sworn to the faithful and impartial performance thereof in compliance with section twenty-nine of chapter forty-one of the General Laws.

The selectmen may also appoint, and may remove, assistant assessors, who shall be qualified voters of the town and shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law on assistant assessors of towns.

Town Clerk and Accountant.

SECTION 8. The selectmen first elected under this act shall forthwith after their qualification appoint as town clerk and accountant a suitably qualified person who shall be a qualified voter of the town, and who shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town clerks and upon town accountants, and shall be sworn to the faithful performance of his duties. In case of the death, resignation or removal from office of the town clerk and accountant, the selectmen shall forthwith appoint a suitably qualified person to fill the vacancy. The town clerk and accountant shall also act as town auditor, and as such shall have all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town auditors. Upon the qualification of the town clerk and accountant first appointed hereunder the terms of office of the town clerk, town accountant and town auditor then in office shall terminate.

Trustees of the Thayer Public Library.

SECTION 9. The selectmen first elected under this act shall forthwith upon their qualification appoint two trustees of the Thayer Public Library who shall be residents of the town and who shall hold office for the term of two years; and thereafter as the term of office of an appointed trustee expires his successor shall be appointed by the selectmen to serve for a like term.

Upon the qualification of the trustees first appointed hereunder the terms of office of the elective trustees of said library then in office shall terminate.

Town Manager.

SECTION 10. The selectmen first elected under this act shall, as soon as practicable after their qualification, appoint a town manager, who shall, except as otherwise in this act expressly provided, be the administrative head of all offices, boards and departments of the town, the conduct of which is by general law or by this act placed upon the selectmen. He shall be subject to the direction and supervision, and shall

hold office at the will, of the selectmen, and shall be a person specially fitted by education, training and experience to perform the duties of his office. He shall be chosen without regard to his political belief, and may or may not be, when appointed, a resident of the town. While acting as town manager he shall hold no elective or other appointive office, nor shall he be engaged in any other business or occupation. He shall be responsible for the efficient administration of all offices, boards and departments under his charge. Before entering upon the duties of his office he shall be sworn to the faithful and impartial performance thereof.

Any vacancy in the office of town manager shall be filled as soon as possible by the selectmen. Pending the appointment of a town manager or the filling of any vacancy, the selectmen may appoint a person to perform temporarily the duties of the office.

Powers and Duties of Town Manager.

SECTION 11. The town manager shall have the following powers and duties: —

(a) To organize, continue, consolidate or discontinue such offices, boards or departments as from time to time may be determined by vote of the selectmen not inconsistent with this act or with any law applicable thereto.

(b) Except as otherwise provided in this act, to appoint upon merit and fitness alone, and to remove, all officers and employees of such offices, boards and departments, and to fix all salaries and wages of all such employees according to law. No member of a board or person in charge of an office or department shall be removed hereunder by the town manager except after five days' notice in writing of such proposed removal, which notice shall state the cause of such proposed removal.

(c) Except as otherwise provided in this act, to exercise control of all offices, boards and departments now or hereafter established and made subject to his supervision.

(d) To attend all regular meetings of the selectmen, and to recommend to the selectmen for adoption such measures requiring action by them or by the town as he may deem necessary or expedient.

(e) To keep full and complete records of his doings and to render a full report thereof as often as may be required by the selectmen; and annually, or oftener if required by the selectmen, to make a synopsis of all such reports for publication.

(f) To keep the selectmen fully advised as to the needs of the town within the scope of his duties, and to furnish them and the finance commission on or before December thirty-first in each year a careful, detailed estimate in writing of the appropriations which will be required during the next ensuing fiscal year for the proper conduct of all offices, boards and departments of the town under his control.

(g) To keep in repair the town library building and all other town buildings; provided, that he shall repair school

buildings only upon the request in writing of the school committee.

(h) To purchase all supplies, equipment and material for every office, board and department of the town, except books for the schools or for the public library; provided, that purchases or supplies for offices, boards and departments over which he has no control shall be made only upon requisition therefor by an authorized representative thereof.

(i) To have control and supervision of the police department of the town, subject to the direction of the selectmen. The appointment and removal of the chief or head of said police department and of the members of said department holding offices classified under the civil service rules shall be subject to the civil service laws of the commonwealth, but shall otherwise be made in accordance with this act.

(j) To have control and supervision of the fire department of the town under the direction of the selectmen and subject to such provisions of sections forty-two and forty-three of chapter forty-eight of the General Laws as are not inconsistent with this act.

(k) To administer the poor relief of the town, either directly or through a person or persons appointed by him, but under the supervision of the selectmen acting as the board of public welfare of the town.

(l) To administer the health regulations of the town, as established by law, by-law, or as made by the selectmen, either directly or through a person appointed by him, to be designated as the health officer, and, in addition, to exercise, under the supervision of the selectmen, the powers of a board of health.

(m) To perform such other duties, consistent with his office, as may be required of him by the town or by the selectmen.

(n) To examine or cause to be examined, with or without notice, the affairs of any office, board or department under his control, or the conduct of any officer or employee thereof; and for such purpose he shall have free access to all books, papers and records of the town to obtain therefrom any information necessary for the proper performance of his duties.

Any vacancy in the office of town manager shall be filled as soon as possible by the selectmen. Pending the appointment of a town manager or the filling of any vacancy, the selectmen may appoint a person to perform temporarily the duties of the office.

Salaries and Compensation.

SECTION 12. The town clerk and accountant, the treasurer and collector, the assessors and the town manager shall severally receive such compensation for their services as the selectmen shall determine, but not exceeding the amounts appropriated therefor by the town. The selectmen, the members of the finance commission, the planning board, the school

committee and the appointed trustees of the Thayer Public Library shall receive no salary or compensation for their services.

SECTION 13. The selectmen may at any time for cause remove from office any officer or member of a board or other person whose appointment by them is specifically authorized by this act. The reason for such removal shall be set forth in detail in the records of the selectmen, and shall be forthwith communicated in writing to the person so removed. Any such person may resign his office by filing his written resignation thereof in the office of the town clerk, and such resignation shall be effective forthwith unless a time certain is specified therein when it shall take effect; provided, that any such person whose resignation is made to take effect in the future may be sooner removed by the selectmen.

SECTION 14. A member of the board of selectmen, of the school committee or of the finance commission shall, while holding such office, be ineligible to hold, either by election or appointment, any other town office. The acceptance of the office of selectman, school committeeman or finance commissioner by a person holding any other elective or any appointive town office shall operate as a resignation of such office.

SECTION 15. Any holder of an elective office may be recalled and removed therefrom by the qualified voters of the town as hereinafter provided.

SECTION 16. Any qualified voter of the town may make and file with the town clerk an affidavit containing the name of the person sought to be recalled and removed and a statement of the grounds of such recall and removal. The town clerk shall thereupon deliver to the voter making such affidavit a sufficient number of copies of petition blanks for such recall and removal, printed forms of which he shall keep on hand. Such blanks shall have the signature and official seal of the town clerk attached thereto, shall be dated and addressed to the selectmen, shall contain the name of the person to whom issued, the number of such blanks so issued, the name of the person sought to be recalled and removed, the office from which recall and removal is sought, the grounds of recall and removal as stated in said affidavit, and shall demand the election of a successor to such office. A copy of every such petition shall be entered by the town clerk in a record book to be kept in his office. Such blanks shall be returned and filed with the town clerk within twenty days after the filing of the affidavit, and, before being returned and filed, shall be signed in person by two hundred qualified voters of the town, and to every such signature shall be added the place of residence of the signer, giving the street and number, if any. Such blanks, when executed as above provided, shall be known and referred to as the recall petition. The recall petition shall be submitted, at or before five o'clock in the afternoon of the Saturday preceding the day on which it shall be returned and filed, to the registrars

of voters in the town, who shall forthwith certify thereon the number of signatures which are those of qualified voters of the town.

SECTION 17. If the recall petition shall be found by the town clerk to contain a sufficient number of signatures of qualified voters of the town and to be in proper form, he shall thereupon submit the same, with his certificate to that effect, to the selectmen, who shall forthwith give written notice to said person of the receipt of said recall petition and certificate and shall, if the person sought to be recalled and removed does not resign within five days thereafter, thereupon order a town election, hereinafter and in section one called the removal election, to be held on a Tuesday fixed by them not less than twenty-five nor more than thirty-five days after the date of such certificate; provided, that, if any other town election is to occur within sixty days after the date of said certificate, the selectmen may postpone the holding of the removal election until the date of such other election. If a vacancy occurs in the office or position to which the recall petition refers after a removal election has been so ordered, said election shall nevertheless proceed as hereinafter provided.

SECTION 18. Any person sought to be so removed may be a candidate to succeed himself, and unless he requests otherwise in writing the town clerk shall without nomination place his name on the official ballot to be used in such removal election. The nomination of other candidates, the publication of the warrant for the removal election, and the conduct of the same, shall all be in accordance with the provisions of law relating to elections, except otherwise provided in this act.

SECTION 19. Except as otherwise provided in this act, the person sought to be so removed shall continue to perform the duties of his office until the removal election and, if re-elected thereat, he shall continue in office for the remainder of his unexpired term, but subject to recall as before. If not re-elected at such removal election, he shall be deemed to have been removed upon the qualification of his successor, who shall hold office during the balance of the unexpired term. If such successor fails to qualify within five days after receiving notification of his election the person sought to be so removed shall thereupon be deemed to have been removed and the office vacant.

SECTION 20. Ballots used in a removal election shall submit the following propositions in the order indicated: —

For the recall of (name of person sought to be removed)

Against the recall of (name of person sought to be removed)

Immediately at the right of each proposition there shall be a square in which the voter, by making a cross mark (X) may vote for either of such propositions. Under the proposition shall appear the word "Candidates" and the direction "Vote for one" and beneath this the names of candidates nominated as hereinbefore provided. The ballots used in a

recall election shall be substantially in the following form:—

REMOVAL ELECTION.

(Month, day of month and year.)

For the Recall of (name in full).....

Against the Recall of (name in full).....

Candidates. Vote for one.

.....
(Name of Candidate)
.....
.....

SECTION 21. No recall petition shall be filed against any person within three months after he takes office, nor, in the case of a person subjected to a removal election and not removed thereby, until at least three months after such election.

SECTION 22. No person who has been removed from an office by a removal election, or who has resigned from office while recall proceedings were pending against him, shall be appointed to any town office within two years after such removal or resignation.

SECTION 23. Except as otherwise provided by law, or by this act, no selectman, town manager, member of the school committee, appointive trustee of the Thayer Public Library, or other holder of any elective or appointive town office shall directly or indirectly make a contract with the town, or receive any commission, discount, bonus, gift, contribution or reward from, or any share in the profits of, any person making or performing such a contract, unless the holder of such town office, immediately upon learning of the existence of such contract, or that such contract is proposed, shall notify the board of selectmen in writing of the contract and of the nature of his interest therein, and shall abstain from doing or performing any official act on behalf of the town with reference thereto. In case such interest exists on the part of a person whose duty it is to enter into such a contract on behalf of the town, such contract may be made by some other resident of the town duly authorized thereto by vote of the town. Violation of any provision of this section shall render the contract in respect to which such violation occurs voidable at the option of the town. Whoever violates any provision of this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or both.

SECTION 24. This act shall be submitted to the qualified voters of the town of Braintree for acceptance at the annual election of said town in the year nineteen hundred and thirty-five. The town clerk shall, before said election, transmit, by mail or otherwise, to every such voter a copy of this act. The vote shall be taken by ballot in answer to the follow-

ing question which shall be printed on the official ballot to be used at said election for the election of town officers:—
“Shall an act passed by the general court in the year nineteen hundred and thirty-four, entitled, ‘An Act establishing a Town Manager Form of Government for the Town of Braintree,’ be accepted?” If this act shall be accepted by a majority of the voters voting thereon, it shall take effect for purposes of the special election to be held after the acceptance of this act, as provided in section one, and for all things pertaining to said election, and shall take full effect upon the election of the selectmen and other town officials at said special election as hereinbefore provided. The terms of office of all elective and appointive officers of the town in office when this act takes full effect and not specifically hereinbefore referred to shall terminate upon the qualification of their successors first elected or appointed under this act.

If this act is rejected by the qualified voters of the town of Braintree when first submitted to said voters under this section, it shall from time to time, upon petition of two hundred and fifty qualified voters of the town, again be submitted for acceptance in like manner to such voters at an annual town election in said town within three years after such original rejection and, if accepted by a majority of such voters voting thereon at such a meeting, shall thereupon take effect as hereinbefore provided.

SECTION 25. Employees of the several offices, boards and departments abolished or consolidated by this act shall continue to draw compensation at the same rate and to exercise like powers, authority and jurisdiction as theretofore, until other provision is made under authority hereof.

SECTION 26. The selectmen, the town clerk and every other person holding town office upon whom by reason of his office a duty devolves under this act upon its acceptance by the qualified voters of the town as hereinbefore provided, shall comply with all the requirements of this act relating to elections, to the end that all acts and things necessary for the nomination and election of the persons first to be elected under this act shall be done and performed.

SECTION 27. All by-laws, rules and regulations of the town in force when this act takes full effect and which are not inconsistent with its provisions shall continue in full force and effect until amended or repealed under authority of law.

SECTION 28. At any time not less than four nor more than six years from the date on which this act is accepted, and not less than ninety days before the date of any annual town meeting within said period, a petition signed by not less than fifteen per cent of the qualified voters of the town may be filed with the selectmen requesting that the question of revoking the acceptance of this act be submitted to the voters. Thereupon the selectmen shall call a town meeting to be held not later than forty-five days after the filing of the petition, but not between the first day of June and the first Tuesday of September, both dates inclusive. At such meet-

ing, the vote shall be taken by official ballot in answer to the following question which shall be printed thereon: "Shall the acceptance of the town of Braintree of an Act passed by the General Court in the year nineteen hundred and thirty-four, entitled: 'An Act establishing a Town Manager Form of Government for the Town of Braintree,' be revoked?" If such revocation is favored by a majority of the voters voting thereon by ballot, the acceptance of this act shall be revoked from and after the date of the annual town meeting next following such vote. Such revocation shall not affect any contract then existing or any action at law or suit in equity or other proceeding then pending. If the acceptance of this act by the town shall be revoked as aforesaid, this act shall become null and void, and thereafter all general laws relative to town government and town officers shall apply to the town of Braintree and any special laws relative to said town which are repealed by this act shall be revived by such revocation. By-laws in force when the said revocation takes effect, so far as they are consistent with general laws respecting town government and town officers and with said special laws, shall not be affected thereby.

Approved June 23, 1934.

Chap.322 AN ACT RELATIVE TO THE CONSTRUCTION OF A SEA WALL AND OTHER SHORE PROTECTION IN THE HOUGH'S NECK SECTION OF THE CITY OF QUINCY.

Be it enacted, etc., as follows:

The department of public works is hereby authorized to enter into an agreement with the city of Quincy for the construction by said city of a sea wall or other shore protection for protecting property along the waterfront in the Hough's Neck section of said city, said work to be done by said city under the supervision of, and in accordance with plans and specifications prescribed by, said department. Said department may expend for the purpose of meeting expenses incurred by it hereunder such sums, not exceeding, in the aggregate, ten thousand dollars, as may hereafter be appropriated.

Approved June 23, 1934.

Chap.323 AN ACT RELATIVE TO THE DISPOSITION OF THE PROCEEDS OF CERTAIN CORPORATION TAXES.

Be it enacted, etc., as follows:

Repeals.

SECTION 1. Sections twenty-one, twenty-two, twenty-three and twenty-six of chapter fifty-eight of the General Laws, as amended, and sections five and six of chapter sixty-three of the General Laws, as amended, are hereby repealed.

SECTION 2. Said chapter fifty-eight is hereby amended by striking out section twenty-four A, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 24A.* Interest received under section seventy of chapter sixty-three by the commonwealth on overdue taxes distributable under the provisions of sections twenty and twenty-four shall be distributed, credited and paid to the several towns in the same manner and proportions as the principal of such taxes is distributed, credited and paid. Any sum abated from a tax distributable to the several towns under section twenty-four and refunded, and any interest or costs paid on account of such refund, shall be deducted from the amount to be distributed, credited or paid.

G. L. (Ter. Ed.), 58, § 24A, amended.

Distribution of interest on certain corporation taxes.

SECTION 3. Said chapter fifty-eight is hereby further amended by striking out section twenty-five, as so appearing, and inserting in place thereof the following: — *Section 25.* The commissioner shall ascertain and determine the amount due to each town under sections twenty, twenty-four and twenty-four A, notify the treasurer of each town thereof, and certify the amount as determined to the state treasurer, who shall thereupon pay the same. The commissioner in his discretion may from time to time within the fiscal year make partial distributions of taxes paid therein and distributable under the provisions of section twenty, withholding such sums as may to him seem proper to provide for refunds and abatements. Any decision made by the commissioner under section twenty-four or twenty-four A shall be subject to appeal to the board of tax appeals.

G. L. (Ter. Ed.), 58, § 25, amended.

Commissioner of corporations and taxation to determine amounts due cities and towns.

SECTION 4. Said chapter fifty-eight is hereby further amended by striking out section twenty-five A, as so appearing, and inserting in place thereof the following: — *Section 25A.* Annually on or before August first the commissioner shall, upon the basis of the information then in his possession, estimate the amount each town is to receive under sections seventeen, eighteen, twenty, twenty-four and twenty-four A and notify the assessors of such town thereof. Said assessors, in determining the rate of taxation to be levied upon taxable property for the year, shall include in the estimated receipts lawfully applicable to the payment of expenditures, the aforesaid amount.

G. L. (Ter. Ed.), 58, § 25A, amended.

Annual estimates of returns to cities and towns.

SECTION 5. Section three of chapter sixty-three of the General Laws, as amended by section fifty-eight of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the sixth line, “(a)”, — and also by striking out paragraph (b), — so as to read as follows:—*Section 3.* Every bank shall within the first ten days of January make a return as of January first, sworn to by its cashier or by its treasurer, or in their absence or incapacity by any other principal officer, in such form as the commissioner prescribes, giving:—

G. L. (Ter. Ed.), 63, § 3, etc., amended.

Annual returns, contents of.

A copy of such parts as the commissioner may designate of the federal return or returns for the year by the income of which the tax is to be measured, provided that if any bank

shall have participated in filing a consolidated return of income to the federal government, it shall file with the commissioner a statement of net income in such form as he may prescribe, showing its gross income and deductions in accordance with the law and regulations governing the usual federal returns of corporations not so participating; and such additional information as he may require to determine the net income as defined in section one.

Whenever the time for filing the federal return has been extended, the commissioner may extend the time for filing the return required under this section.

G. L. (Ter. Ed.), 63, § 53, etc., amended.

SECTION 6. Section fifty-three of said chapter sixty-three, as amended by section sixty of said chapter two hundred and fifty-four, is hereby further amended by striking out clause Fourth, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—

Annual returns of gas, etc., companies.

Fourth. Gas, electric light, gas and electric light and water companies shall each file a statement of the number of its shares held by non-residents and of the number of its shares held by residents of the commonwealth. Upon request of the commissioner in any particular case, such company shall also file a complete list of its shareholders resident in the commonwealth by city or town, setting forth the amount and class of stock, if more than one, belonging to each.

G. L. (Ter. Ed.), 63, § 54, etc., amended.

SECTION 7. Section fifty-four of said chapter sixty-three, as amended by section sixty-one of said chapter two hundred and fifty-four, is hereby further amended by striking out the paragraph amended by said section sixty-one, and inserting in place thereof the following:—

Additional return of street railway, etc., corporations.

Street railway and electric railroad corporations shall also state the amount of dividends paid on their capital stock during the year ending on September thirtieth preceding the return, and during each year from organization of the company.

G. L. (Ter. Ed.), 63, § 54, amended.

SECTION 7A. Said section fifty-four is hereby further amended by striking out in the forty-first and forty-second lines, as appearing in the Tercentenary Edition, the words “, except the list of shareholders, or statement in lieu thereof required by the preceding section”,—so that the last paragraph will read as follows:— Every corporation or association chartered or organized without the commonwealth which owns, controls or uses a line of telegraph within the commonwealth, shall make the returns required in this and the preceding section to be made by telegraph companies within the commonwealth; and all telegraph lines within the commonwealth controlled and used by such corporation or association, shall, for the purposes of this chapter, be deemed to be a part of its own lines.

Telephone companies, returns, etc.

G. L. (Ter. Ed.), 63, § 59, amended.

SECTION 8. Section fifty-nine of said chapter sixty-three, as so appearing, is hereby amended by inserting after the word “shall” in the last line the words:—, if the original tax is distributable under the provisions of section twenty-four

of chapter fifty-eight, — so as to read as follows: — *Section 59.* When the commissioner has received notice of an abatement of the taxes of any corporation under section seventy-four of chapter fifty-nine, he shall assess upon such corporation an additional tax upon its corporate franchise value, in such amount as shall make the total franchise tax equal that which would have been assessed had the valuation as established by said abatement been adopted by the commissioner when making his original assessment upon the corporate franchise value of such corporation, which additional tax shall be paid and collected as an addition to the franchise tax next to be assessed upon said corporation after such abatement; but such additional tax, when collected, shall, if the original tax is distributable under the provisions of section twenty-four of chapter fifty-eight, be distributed as if it were part of the original tax.

Additional tax to be assessed upon corporate franchise.

SECTION 9. Section ten of chapter fifty-eight of the General Laws, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following: — To aid in making the equalization and apportionment required by the preceding section, and to assist the general court to determine the amount of state tax to be imposed upon the several towns, the commissioner shall prepare and submit to the general court abstracts showing the amount of the corporate franchise value of domestic corporations, the taxes on which are distributable under the provisions of section twenty-four, and the amount of the excise value as determined by the commissioner of domestic business and domestic manufacturing corporations and of foreign manufacturing and other foreign corporations, — so as to read as follows: — *Section 10.* To aid in making the equalization and apportionment required by the preceding section, and to assist the general court to determine the amount of state tax to be imposed upon the several towns, the commissioner shall prepare and submit to the general court abstracts showing the amount of the corporate franchise value of domestic corporations, the taxes on which are distributable under the provisions of section twenty-four, and the amount of the excise value as determined by the commissioner of domestic business and domestic manufacturing corporations and of foreign manufacturing and other foreign corporations. He may require from state and town officers such further returns and statements relative to the amount and value of taxable property in the several towns as he deems necessary. He shall to the best of his judgment and discretion prepare said equalization and apportionment upon the basis of the returns and statements provided for and authorized, and of any other information in his possession. He shall give notice of so much of said equalization and apportionment as may be prepared upon the basis of such other information in his possession to the assessors of any town affected thereby, and upon their request shall give his reasons therefor, and such information as he may properly divulge.

G. L. (Ter. Ed.), 58, § 10, amended.

Commissioner to prepare abstracts, etc.

G. L. (Ter. Ed.), 58A, § 6, etc., amended.

SECTION 10. Section six of chapter fifty-eight A of the General Laws, as most recently amended by section four of chapter one hundred and sixty-seven of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the ninth line, the word "five".

Effective date.

SECTION 11. This act shall take effect on December thirty-first, nineteen hundred and thirty-four, and shall apply to all taxes otherwise distributable in the year nineteen hundred and thirty-five and thereafter.

Approved June 23, 1934.

Chap. 324 AN ACT RELATIVE TO ENTRY AND OTHER FEES IN THE PROBATE COURTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 262, § 40, amended.

Fees of probate courts.

SECTION 1. Chapter two hundred and sixty-two of the General Laws is hereby amended by striking out section forty, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 40.* The fees of registers of probate and insolvency, payable in advance by the petitioner, libellant or accountant, shall be as follows:

For the entry of a libel for divorce or for affirming or annulling marriage, five dollars.

For the entry of a petition for the probate of a will, for administration on the estate of a person deceased intestate, of a petition for administration of goods not already administered, with the will annexed or otherwise, of a petition under section thirty-five or thirty-six of chapter two hundred and nine by a husband or wife for authority to convey land as if sole, of a petition for partition, of a petition for change of name, of a petition for leave to carry on the business of the deceased, and for filing a representation of insolvency, and for the entry of a petition for the appointment of a special administrator, conservator, trustee, receiver of the estate of an absentee, or of a guardian except when the petitioner certifies that the ward's estate does not exceed one hundred dollars, three dollars; for the entry of a petition for the sale of real or personal estate, including sales of estate subject to vested or contingent remainder and petitions for sale of real estate or removal of personal estate by foreign fiduciaries, of a petition or application for allowance of each account, of a petition for determination of value, of a petition for leave to lease real estate, of a petition for specific performance, of a petition for leave to mortgage real estate, of a petition in equity except such as relates to separate support, divorce, adoption, or the custody or support of minors, of a petition for release of dower or curtesy, of a petition for letters to foreign guardian, of a petition for leave to compromise, and of a petition for leave to pay debts, except when the petitioner or accountant certifies that the estate does not exceed one thousand dollars in value, three dollars; for the entry of a general petition except such as relates to

divorce, separate support, adoption, or custody or support of minors, one dollar; for the entry of petitions for the removal of a fiduciary, for amendment of record except such as relates to divorce, separate support, adoption, or the custody or support of minors, for discharge of surety, for new bond, for care of burial lot, for erection of a monument and for new inventory, one dollar each.

For each certificate issued by the register, fifty cents.

For copies of records or other papers in the charge of the register at the rate of forty cents a page except as otherwise provided by law; and for the comparison and attestation of such copies as are not prepared by the register, twenty cents for each page, plus an attestation fee of twenty-five cents for each copy.

SECTION 2. This act shall take effect on September first of the current year. Effective date.
Approved June 23, 1934.

AN ACT RELATIVE TO THE REPLACEMENT OF THE PRESENT HIGHWAY BRIDGE OVER LOWER BASS RIVER IN THE TOWNS OF DENNIS AND YARMOUTH. Chap.325

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. Emergency preamble.

Be it enacted, etc., as follows:

The department of public works is hereby authorized to replace the present highway bridge over Lower Bass river in the towns of Dennis and Yarmouth by a new high level bridge without a draw. *Approved June 25, 1934.*

AN ACT RELATIVE TO A TAKING BY THE DEPARTMENT OF PUBLIC WORKS OF CERTAIN LAND IN EAST BOSTON BELONGING TO MAVERICK MILLS. Chap.326

Whereas, The department of public works under lay-out number twenty-nine hundred and ninety-two and order of taking dated the seventh day of February, nineteen hundred and thirty-three, and recorded with Suffolk registry of deeds, book fifty-three hundred and seventy, page five hundred and sixty-five, did take in fee for state highway purposes a certain parcel of land owned by the Maverick Mills, a corporation duly established and existing under the laws of this commonwealth, being parcel number one on a plan drawn by A. W. Dean, chief engineer, entitled "The Commonwealth of Massachusetts Plan of Road in the City of Boston, Suffolk County, Laid out as a State Highway by the Department of Public Works, February 7, 1933 Scale: 40 feet to the inch"; and

Whereas, There existed on the above-mentioned parcel of land prior to the said taking a spur track or siding connecting with the tracks of the Boston and Maine Railroad; and

Whereas, It was necessary for the construction of said state highway to relocate the said spur track or siding and as relocated said spur track or siding crosses the said state highway at grade; and the board of street commissioners of the city of Boston, by order adopted on the twelfth day of September, nineteen hundred and thirty-three, and approved by the mayor of said city on the fourth day of October, nineteen hundred and thirty-three, have granted permission to said Maverick Mills to lay down, maintain and use for the transportation of freight by steam power, a track at grade, over and across the said state highway; and the department of public utilities by order number forty-seven hundred and forty-seven, dated the seventeenth day of November, nineteen hundred and thirty-three, gave its consent to the construction and maintenance by the said Maverick Mills "of an industrial track to be operated by steam power, upon and across" the said state highway, which permission and consent were subject to certain limitations, conditions and restrictions, including the right to revoke, change or modify said permission and attendant conditions; and the said Maverick Mills has accepted the order of location granted by the board of street commissioners of the city of Boston and has agreed to comply with the conditions contained in said order; and

Whereas, The said Maverick Mills on the sixteenth day of January, nineteen hundred and thirty-four, filed a petition in the superior court for the county of Suffolk under the provisions of chapter seventy-nine of the General Laws for a jury to assess damages resulting from the above-mentioned taking; and the resulting damages are substantial and the said Maverick Mills is willing to defer consideration of the assessment of so much of the damages as may have resulted from the taking by the commonwealth of the spur track or siding existing on the above-mentioned parcel of land, until such time as it may be deprived by decree or order of a competent board or department of the right to use the relocated industrial track crossing the said state highway.

Be it enacted, etc., as follows:

SECTION 1. The time within which the Maverick Mills, a corporation duly established and existing under the laws of this commonwealth, its successors or assigns, may petition the superior court for the assessment of so much of the damages sustained by it in connection with the taking in fee for state highway purposes by the department of public works under lay-out number twenty-nine hundred and ninety-two and order of taking dated February seventh, nineteen hundred and thirty-three, of a certain parcel of land owned by said Maverick Mills as may have resulted from the taking by the commonwealth of the spur track or

siding existing on the above-mentioned parcel of land, is hereby extended until the expiration of one year from the date when said Maverick Mills, its successors or assigns, shall have been deprived by decree or order of a competent board or department of the right to use the relocated industrial track crossing the state highway constructed on a portion of the land so taken. The acceptance of this act, in the manner hereinafter provided, by the board of directors of said Maverick Mills shall constitute an agreement on behalf of said Maverick Mills, its successors or assigns, not to claim any damage in connection with the taking by the commonwealth of the spur track or siding existing on the above-mentioned parcel of land until such time as said Maverick Mills, its successors or assigns, shall have been deprived by decree or order of a competent board or department of the right to use the relocated industrial track crossing said state highway.

SECTION 2. Subject to the provisions of the constitution of the commonwealth, this act shall take effect upon the filing of a written acceptance of its provisions in the office of the state secretary by said Maverick Mills, acting by and through its board of directors. *Approved June 25, 1934.*

AN ACT AUTHORIZING THE TOWN OF WILLIAMSBURG TO BORROW MONEY FOR SCHOOL PURPOSES. *Chap.327*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of remodeling the central school building in the village of Haydenville, and of constructing an addition to said building so as to increase the floor space thereof, the town of Williamsburg may borrow from time to time, within a period of five years from the passage of this act, such sums as may be necessary, not exceeding, in the aggregate, twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Williamsburg School Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates, but no issue shall be authorized under this act unless a sum equal to an amount not less than ten per cent of such authorized issue is voted for the same purpose to be raised by the tax levy of the year when authorized. Indebtedness incurred under this act shall be inside the statutory limit, but shall, except as provided herein, be subject to chapter forty-four of the General Laws, as appearing in the Tercentenary Edition thereof, exclusive of the limitation contained in the first paragraph of section seven thereof.

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

Approved June 25, 1934.

Chap. 328 AN ACT MAKING CERTAIN ADJUSTMENTS IN THE GENERAL LAWS RENDERED NECESSARY BY THE ENACTMENT OF CHAPTER THREE HUNDRED AND SEVENTY-SIX OF THE ACTS OF NINETEEN HUNDRED AND THIRTY-THREE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 111, § 11, amended.

Analysis of alcoholic beverages.

SECTION 1. Chapter one hundred and eleven of the General Laws is hereby amended by striking out section eleven, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 11.* It shall analyze, in accordance with sections thirty-six to thirty-nine, inclusive, of chapter one hundred and thirty-eight, all samples of alcoholic beverages, as defined in section one of said chapter one hundred and thirty-eight, submitted to it for that purpose by the officers mentioned in said section thirty-six if satisfied that the analysis is to be used in enforcing the laws.

G. L. (Ter. Ed.), 112, § 27, amended.

Hearing on applications and complaints before board of registration of pharmacists.

SECTION 2. Chapter one hundred and twelve of the General Laws is hereby amended by striking out section twenty-seven, as so appearing, and inserting in place thereof the following:— *Section 27.* The board shall hear all complaints made to it against any person registered as a pharmacist charging him in his business as a pharmacist with violating any laws of the commonwealth, and especially the laws relating to the sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, and alcohol; or with engaging with, or aiding or abetting, another in the violation of said laws; or, if he himself is not the owner and actively engaged in such business, with suffering or permitting the use of his name or certificate of registration by others in the conduct of the business of pharmacy. Such complaint shall set out the offence alleged and be made within fifteen days after the date of the act complained of, or within thirty days after a conviction by a court of competent jurisdiction. The board shall notify the person complained against of the charge against him and of the time and place of the hearing at which he may appear with his witnesses and be heard by counsel. It may summon witnesses and compel their attendance at said hearings. Witnesses shall testify on oath and may be sworn by a member of the board. Three members of the board shall be a quorum for any such hearing.

G. L. (Ter. Ed.), 112, § 32, amended.

Investigation of complaints.

SECTION 3. Section thirty-two of said chapter one hundred and twelve, as so appearing, is hereby amended by striking out, in the fifth and sixth lines, the words "twenty-five to thirty-three, inclusive, and eighty-eight" and inserting in place thereof the words:— twenty-nine to thirty G, inclusive, — so as to read as follows:— *Section 32.* The board shall investigate all complaints of the violation of any provision of sections twenty-four to forty-two, inclusive, or of section sixty-five, so far as it relates to pharmacy, and report the same to the proper prosecuting officers, and especially investigate and cause to be prosecuted all violations of sec-

tions twenty-nine to thirty G, inclusive, of chapter one hundred and thirty-eight.

SECTION 4. Section thirty-four of said chapter one hundred and twelve, as so appearing, is hereby amended by striking out, in the second and third lines, the words "section thirty-two of chapter one hundred and thirty-eight" and inserting in place thereof the words:— any provision of sections twenty-nine to thirty F, inclusive, of chapter one hundred and thirty-eight relating to the retention, filing or inspection of prescriptions, — so as to read as follows:—

Section 34. The court or magistrate before whom a person is convicted of a violation of section thirty of this chapter, or of any provision of sections twenty-nine to thirty F, inclusive, of chapter one hundred and thirty-eight relating to the retention, filing or inspection of prescriptions, or of section two of chapter two hundred and seventy shall send to the board a certificate under seal showing the time, cause and place of conviction.

SECTION 5. Section thirty-five of said chapter one hundred and twelve, as so appearing, is hereby amended by striking out, in the second and third lines, the words "twenty-five to thirty-three, inclusive, and eighty-eight" and inserting in place thereof the words:— twenty-nine to thirty G, inclusive, — so as to read as follows:—

Section 35. Sections thirty and thirty-seven to forty-one, inclusive, of this chapter, sections twenty-nine to thirty G, inclusive, of chapter one hundred and thirty-eight and section two of chapter two hundred and seventy shall not apply to physicians who put up their own prescriptions or dispense medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons by wholesale dealers or manufacturing chemists to retail dealers; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale by merchants at retail of the following drugs and chemicals used in the arts, or as household remedies: alum, ammonia, bicarbonate of soda, borax, camphor, castor oil, chlorinated lime, citric acid, cod liver oil, copperas, cotton seed oil, cream of tartar, dyestuffs, Epsom salt, flaxseed, flaxseed meal, gelatine, ginger, Glauber's salt, glycerine, gum arabic, gum tragacanth, hops, hyposulphite of soda, licorice, lime water, linseed oil, litharge, magnesia, olive oil, peroxide of hydrogen, petrolatum, phosphate of soda, rhubarb, Rochelle salt, rosin, sal ammoniac, salt-peter, senna, slippery elm bark, spices for seasoning, sugar of milk, sulphate of copper, sulphur, tartaric acid, turpentine, extract of witch hazel and zinc oxide; nor to the sale in the original packages of the following, if put up by registered pharmacists, manufacturers or wholesale dealers in conformity with law: flavoring essences or extracts, essence of Jamaica ginger, insecticides, rat exterminators, aromatic spirits of ammonia, spirits of camphor, sweet spirits of niter, syrup of rhubarb, tincture of arnica and tincture of rhubarb; nor to the sale of the following poisons used in the arts, if properly labelled and recorded

G. L. (Ter. Ed.), 112, § 34, amended.

Certificate of conviction of pharmacist to be sent to board.

G. L. (Ter. Ed.), 112, § 35, amended.

Application of certain laws restricted.

as provided by section two of chapter two hundred and seventy: muriatic acid, oxalic acid, nitric acid, sulphuric acid, arsenic, cyanide of potassium, mercury, phosphorus and sulphate of zinc.

G. L. (Ter. Ed.), 112, § 36, amended.
Business of deceased, etc., pharmacist may be continued, etc.

SECTION 6. Said chapter one hundred and twelve is hereby further amended by striking out section thirty-six, as so appearing, and inserting in place thereof the following: — *Section 36.* The widow, executor or administrator of a registered pharmacist who has died or the wife of one who has become incapacitated may continue his business under a registered pharmacist, who may also be considered qualified to receive a certificate of fitness under section thirty of chapter one hundred and thirty-eight authorizing him to exercise upon the premises of said deceased or incapacitated pharmacist the rights conferred by section twenty-nine of said chapter upon holders of said certificates; provided, that the registered pharmacist under whom the business is continued is in charge of the premises and present therein.

G. L. (Ter. Ed.), 112, § 40, amended.

SECTION 6A. Section forty of said chapter one hundred and twelve, as so appearing, is hereby amended by striking out, in the fourth line, the words "intoxicating liquors" and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so as to read as follows: — *Section 40.* The board may suspend or revoke any registration made under the preceding section and any permit issued thereunder for any violation of the law pertaining to the drug business or the sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or for aiding or abetting in a violation of any such law; but before such suspension or revocation the board shall give a hearing to the holder of the permit, after due notice to him of the charges against him and of the time and place of the hearing. Such holder may appear at the hearing with witnesses and be heard by counsel. Witnesses shall testify on oath and any member of the board may administer oaths to them. The board may require the attendance of persons and compel the production of books and documents. Three members of the board shall be a quorum for such a hearing, but no registration or permit shall be suspended or revoked unless upon the affirmative vote of three or more members thereof.

Registration and permit may be suspended or revoked.

G. L. (Ter. Ed.), 136, § 6, etc., amended.

SECTION 7. Section six of chapter one hundred and thirty-six of the General Laws, as most recently amended by section three of chapter one hundred and fifty of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the nineteenth line, as appearing in the Tercentenary Edition, the words "certain non-intoxicating" and inserting in place thereof the word: — alcoholic, — and by striking out, in the twenty-eighth line, as so appearing, the words "intoxicating liquors" and inserting in place thereof the words: — alcoholic beverages, as so defined, — so that the second and third paragraphs of said section six will read as follows: —

Nor shall it prohibit the retail sale of tobacco in any of its forms by licensed innholders, common victuallers, druggists and newsdealers whose stores are open for the sale of newspapers every day in the week; the retail sale of bread, before ten o'clock in the forenoon and between the hours of four o'clock and half past six o'clock in the afternoon by licensed innholders and by licensed common victuallers authorized to keep open their places of business on the Lord's day and by persons licensed under the following section to keep open their places of business as aforesaid; the retail sale of ice cream, soda water and confectionery by licensed innholders and druggists, and by such licensed common victuallers as are not also licensed to sell alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, and who are authorized to keep open their places of business on the Lord's day; the sale of ice cream, soda water, confectionery or fruit by persons licensed under the following section or the keeping open of their places of business for the sale thereof.

Nor shall it prohibit work lawfully done by persons working under permits granted under section nine; the sale by licensed innholders and common victuallers of meals such as are usually served by them, consisting in no part of alcoholic beverages, as so defined, which meals are cooked on the premises but are not to be consumed thereon; the operation of motor vehicles; the sale of gasoline and oil for use, and the retail sale of accessories for immediate necessary use, in connection with the operation of motor vehicles, motor boats and aircraft; the letting of horses and carriages or of boats; unpaid work on pleasure boats; the running of steam ferry boats on established routes; the running of street railway cars; the running of steamboat lines and trains or of steamboats, if authorized under section nineteen.

SECTION 8. Section seven of said chapter one hundred and thirty-six, as so appearing, is hereby amended by striking out, in the ninth and tenth lines, the words "certain non-intoxicating" and inserting in place thereof the word:—alcoholic, — so as to read as follows:— *Section 7.* In Boston, and in any other city or town which accepts this and the following section or has accepted corresponding provisions of earlier laws, in a city by its city council or in a town by the voters of the town at an annual town meeting, the licensing board or officer in such city or town, or if there is no such board or officer the aldermen of a city, or if there are no aldermen the city council, with the approval of the mayor, or the selectmen of a town, may grant, to any reputable person who on secular days is a retail dealer in ice cream, confectionery, soda water or fruit and who does not hold a license for the sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, a license to keep open his place of business on the Lord's day for the sale of ice cream, confectionery, soda water or fruit.

Keeping open shop, etc., on Lord's day.

G. L. (Ter. Ed.), 136, § 7, amended.

Sale of certain articles on the Lord's day regulated.

G. L. (Ter. Ed.), 139, caption preceding § 14, amended.

SECTION 9. The caption preceding section fourteen of chapter one hundred and thirty-nine of the General Laws, as so appearing, is hereby amended by striking out the words "INTOXICATING LIQUOR" and inserting in place thereof the words: — ALCOHOLIC BEVERAGES, — so as to read as follows: — PLACES RESORTED TO FOR ILLEGAL GAMING OR USED FOR THE ILLEGAL KEEPING OR SALE OF ALCOHOLIC BEVERAGES.

G. L. (Ter. Ed.), 139, § 14, amended.

SECTION 10. Section fourteen of said chapter one hundred and thirty-nine of the General Laws, as so appearing, is hereby amended by striking out, in the second and third lines, the words "intoxicating liquor" and inserting in place thereof the words:—alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so as to read as follows:— *Section 14.* Every building, place or tenement which is resorted to for illegal gaming, or which is used for the illegal keeping or sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, shall be deemed a common nuisance.

Building, etc., resorted to for illegal gaming, etc., to be common nuisance.

G. L. (Ter. Ed.), 139, § 16, amended.

SECTION 11. Section sixteen of said chapter one hundred and thirty-nine, as so appearing, is hereby amended by striking out, in the fifth and sixth lines, the words "intoxicating liquors" and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so as to read as follows:— *Section 16.* Upon an information filed by the district attorney for the district, or upon the petition of the board or officer having control of the police of a town or of not less than ten legal voters of a town, stating that a building, place or tenement therein is resorted to for illegal gaming, or is used for the illegal keeping or sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, the supreme judicial or superior court may enjoin or abate the same as a common nuisance.

Abatement of common nuisance.

G. L. (Ter. Ed.), 139, § 16A, amended.

SECTION 12. Section sixteen A of chapter one hundred and thirty-nine of the General Laws, as so appearing, is hereby amended by striking out, in the seventh line, the words "intoxicating liquors" and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — and by striking out, in the twenty-second and twenty-third and thirty-ninth lines, respectively, the words "intoxicating liquors" and inserting in place thereof, in each instance, the words:— alcoholic beverages, as so defined, — so as to read as follows:— *Section 16A.* Upon a bill in equity brought in the name of the commonwealth by the attorney general, or district attorney for the district, or the chief of police, or the board or officer having control of the police of the state, or of a town or city, or by not less than ten legal voters of a town or city, in their own names, stating that a building, place or tenement situated therein is being used for the illegal keeping, sale or manufacture of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, the superior court may abate the same as a common nuisance and may enjoin

Liquor nuisances.

the person conducting or maintaining the same, and the owner, lessee or agent of the building, place or tenement in or upon which said nuisance exists, and their grantees or assignees, from directly or indirectly maintaining or permitting such nuisance, and, subject to the provisions herein-after contained, may order the effectual closing of such building, place or tenement, and the prohibition of its use for any purpose for one year thereafter. Proceedings under this section shall be in the manner provided in sections seven to twelve, inclusive, except that the provisions of section nine regulating the closing of a building, place or tenement and the prohibition of its use for any purpose for one year because of the maintenance of such a nuisance shall not apply, and in lieu thereof the court may include in its decree an order for such closing and prohibition, if it appears that prior thereto and within the preceding three years there shall have been three convictions for the illegal sale, or keeping, or manufacture of alcoholic beverages, as so defined, in or upon the premises on which such building, place or tenement is situated, or three decrees for a permanent injunction enjoining the maintenance of such a nuisance. A decree for a permanent injunction or abatement shall include an order that a copy thereof shall be posted in a conspicuous place on the building, place or tenement affected thereby, on or near one or more of its principal entrances and that the removal, defacement, erasure or mutilation of a copy so posted shall be contempt of court. In addition to such posting, a copy of the decree shall be delivered in hand to the person in charge of such building, place or tenement if he may be found upon the premises or to anyone residing therein, and if the decree includes an order for the effectual closing of said building, place or tenement and the prohibition of its use for any purpose for one year, a copy shall be filed forthwith for record in the registry of deeds for the county and registry district within which such building, place or tenement is situated. The provisions of section thirteen shall apply to all persons found in or upon premises used for the illegal sale, or keeping, or manufacture of alcoholic beverages, as so defined.

SECTION 13. Section seventeen of said chapter one hundred and thirty-nine, as so appearing, is hereby repealed.

SECTION 14. Section nineteen of said chapter one hundred and thirty-nine, as so appearing, is hereby amended by striking out, in the fourth line, the words "intoxicating liquors" and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so as to read as follows: — *Section 19.* If a tenant or occupant of a building or tenement, under a lawful title, uses such premises or any part thereof for the purposes of prostitution, assignation, lewdness, illegal gaming, or the illegal keeping or sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, such use shall at the election of the lessor or owner annul and make void the lease or other title under which

G. L. (Ter. Ed.), 139, § 17, repealed.

G. L. (Ter. Ed.), 139, § 19, amended.

Keeping a nuisance by tenant to make lease void.

such tenant or occupant holds and, without any act of the lessor or owner, shall cause the right of possession to revert and vest in him, and he may, without process of law, make immediate entry upon the premises, or may avail himself of the remedy provided in chapter two hundred and thirty-nine.

G. L. (Ter. Ed.), 139, § 20, amended.

Aiding in the maintaining of a nuisance penalized.

SECTION 15. Section twenty of said chapter one hundred and thirty-nine, as so appearing, is hereby amended by striking out, in the third line, the words "intoxicating liquors" and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so as to read as follows: — *Section 20.* Whoever knowingly lets premises owned by him, or under his control, for the purposes of prostitution, assignation, lewdness, illegal gaming, or the illegal keeping or sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or knowingly permits such premises, while under his control, to be used for such purposes, or after due notice of any such use omits to take all reasonable measures to eject therefrom the persons occupying the same as soon as it can lawfully be done, shall be punished by a fine of not less than fifty nor more than one hundred dollars and by imprisonment for not less than three months nor more than one year.

G. L. (Ter. Ed.), 140, § 21E, amended.

Club licenses.

SECTION 16. Section twenty-one E of chapter one hundred and forty of the General Laws, inserted by chapter two hundred and eighty-four of the acts of nineteen hundred and thirty-three, is hereby amended by striking out the last sentence and inserting in place thereof the following: — The provisions of this and the following section shall not apply to literary, benevolent, charitable, scientific or religious corporations or religious organizations or associations whose real or personal property is exempt from taxation, nor to any club so long as it is licensed under section twelve of chapter one hundred and thirty-eight to sell alcoholic beverages, as defined in section one of said chapter one hundred and thirty-eight, nor to any recognized veteran or fraternal organization.

Limitation of preceding section.

SECTION 17. The preceding section shall not affect any club holding an unexpired license under chapter one hundred and twenty of the acts of nineteen hundred and thirty-three.

G. L. (Ter. Ed.), 140, § 184, amended.

Penalty for exhibition when alcoholic beverages are sold.

SECTION 18. Section one hundred and eighty-four of said chapter one hundred and forty, as appearing in the Tercenary Edition, is hereby amended by striking out, in the third and fourth lines, the words "lager beer or other intoxicating liquor is" and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are, — and by striking out, in the ninth line, the word "liquor" and inserting in place thereof the words: — such beverages, — so as to read as follows: — *Section 184.* Whoever offers to view, sets up, sets on foot, maintains or carries on a theatrical exhibition, public show, concert or dance hall exhibition, of any description, at which alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are sold or exposed for sale with the consent of those who get up, set on foot or otherwise pro-

mote such exhibition or show, shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than two years, unless such exhibition or show has been duly licensed as provided by section one hundred and eighty-one. This section shall not authorize the licensing of the sale of such beverages contrary to law.

SECTION 19. Section sixty-two of chapter one hundred and forty-nine of the General Laws, as so appearing, is hereby amended by striking out, in the thirteenth line, the words "malt or alcoholic liquors" and inserting in place thereof the words:— alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so that clause (13) of said section will read as follows:— (13) in any distillery, brewery, or any other establishment where alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, are manufactured, packed, wrapped or bottled;

G. L. (Ter. Ed.), 149, § 62, amended.

Employment of certain minors prohibited.

SECTION 20. Section forty-two of chapter one hundred and sixty-one of the General Laws, as so appearing, is hereby amended by striking out, in the tenth line, the words "intoxicating liquors" and inserting in place thereof the words:— alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so that the third sentence will read as follows:— No company shall sell alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or allow them to be sold within the limits of any resort held or maintained by it; nor shall it sell without the approval of the department any land so acquired.

G. L. (Ter. Ed.), 161, § 42, amended.

Sale of alcoholic beverages at pleasure resorts prohibited.

SECTION 21. Section five of chapter one hundred and eighty of the General Laws, as so appearing, is hereby amended by striking out, in the twenty-third line, the words "intoxicating liquor" and inserting in place thereof the words:— alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — so as to read as follows:— *Section 5.* Before making and issuing a certificate of incorporation to a corporation formed for any of the purposes described in section two or approving the change of name of any corporation formed as aforesaid which is subject to section twenty-six, the state secretary may forward a statement to the aldermen of any city, except Boston, or to the selectmen of any town, where such corporation occupies or uses or is to occupy or use any premises for the transaction of any of its corporate activities, and, if such premises are or are to be in Boston, to the police commissioner, giving a list of the applicants for incorporation or the officers of the corporation seeking to change its name, the purposes of such proposed incorporation or change of name as stated by them, the location of the premises occupied or used or proposed to be occupied or used, which shall include the street and number, if any, and all other facts which may be stated in the application for incorporation or the petition for approval of change of name. The mayor and aldermen, selectmen or police commissioner, upon the receipt of such statement, shall immediately make an investigation for the purpose of ascertaining whether any of

G. L. (Ter. Ed.), 180, § 5, amended.

Investigation by state secretary of proposed charitable, etc., corporations.

the proposed incorporators, or officers of the petitioning corporation, or any other persons known to be, or apparently, identified with the said proposed or petitioning corporation as members, stockholders, employees or otherwise, and actually participating or to participate in the management of its affairs, or in the direction of its business, have been engaged in the illegal selling of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or in keeping places or tenements used for illegal gaming, or in any other business or vocation prohibited by law, or are persons of ill repute, or whether any location to be occupied is unsuitable, and shall forthwith report to the state secretary all the facts ascertained. If, in his opinion, it appears from said report or otherwise that a probable purpose or probable result of the formation of the proposed corporation or of the proposed change of name is or will be to cover or shield any illegal business or practices, or any business not within the scope of the expressed corporate purposes, he shall refuse to issue a certificate of incorporation or approve the change of name, as the case may be.

G. L. (Ter. Ed.), 180, § 27, amended.

SECTION 22. Section twenty-seven of said chapter one hundred and eighty, as so appearing, is hereby amended by striking out, in the second line, the words "intoxicating liquor" and inserting in place thereof the words:— alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — and by striking out, in the fifth and in the seventh lines, the word "liquor" and inserting in place thereof, in each instance, the words:— such beverages, — so as to read as follows:— *Section 27.* If any person is convicted of exposing and keeping for sale or selling alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, on the premises occupied by any club or organization described in section two or of illegal gaming upon said premises or of being present where implements of gaming are found upon said premises, or if any such beverages, casks or other vessels or implements of sale and furniture used or kept and provided to be used in the illegal keeping or sale of such beverages, or implements of gaming, are seized on said premises and are forfeited, the selectmen, or the aldermen, in the place where such club or organization is situated, except Boston, and in Boston the police commissioner, shall immediately give notice to the state secretary, who, upon receipt thereof, shall declare the charter of such club or organization void, and shall publish a notice in at least one newspaper published in the county where such club or organization is located that such incorporation is void and of no further effect.

Conviction for or violation of gaming laws or laws relative to alcoholic beverages to make charter void.

G. L. (Ter. Ed.), 219, § 28, amended.

SECTION 23. Section twenty-eight of chapter two hundred and nineteen of the General Laws, as so appearing, is hereby amended by striking out, in the second line, the words "intoxicating liquors" and inserting in place thereof the words:— alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, and alcohol, — so as

to read as follows: — *Section 28.* They shall have jurisdiction, as aforesaid, of cases of drunkenness; of violations of the laws relative to alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, and alcohol; and of violations of the laws relative to tramps, vagrants, vagabonds, cruelty to animals, and obscene books, pamphlets, ballads, printed papers, prints, pictures, figures, descriptions, and other obscene things.

Drunkenness, etc., jurisdiction of trial justices relative to.

SECTION 24. Section twenty-six of chapter two hundred and sixty-eight of the General Laws, as so appearing, is hereby amended by striking out, in the first and second lines, the words “spirituous or intoxicating liquor” and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — by striking out, in the sixth line, the word “liquor” and inserting in place thereof the word: — beverages, — and by striking out, in the same line, the word “it” and inserting in place thereof the word: — them, — so as to read as follows: — *Section 26.* Whoever gives, sells or delivers alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, to a person confined in any prison or other place of confinement, or to a person in the custody of a sheriff, constable, police officer, warden of a prison, or other master or keeper of a place of confinement, or has in his possession, within the precincts of any prison or other place of confinement, any such beverages, with intent to convey or deliver them to any person confined therein, except under the direction of the physician appointed to attend such prisoner, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than two months.

G. L. (Ter. Ed.), 268, § 26, amended.

Furnishing alcoholic beverages to prisoners prohibited.

SECTION 25. Section twenty-seven of said chapter two hundred and sixty-eight, as so appearing, is hereby amended by striking out, in the first and second lines, the words “spirituous or intoxicating liquor” and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — and by striking out, in the sixth line, the word “liquor” and inserting in place thereof the word: — beverages, — so as to read as follows: — *Section 27.* Whoever gives, sells or delivers any alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, to any patient or inmate of any public institution, or to any patient or inmate under the control of any such institution, except under the direction of a physician authorized so to do, and whoever has in his possession within the precincts of any such institution any such beverages with intent to consume the same or to convey, give, sell or deliver the same to any patient or inmate 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.

G. L. (Ter. Ed.), 268, § 27, amended.

Penalty for furnishing alcoholic beverages to patients in public institutions.

SECTION 26. Section twenty-nine of said chapter two hundred and sixty-eight, as so appearing, is hereby amended by striking out, in the third to fifth lines, inclusive, the words

G. L. (Ter. Ed.), 268, § 29, amended.

Same subject.

“spirituous liquor, or mixed liquor a part of which is spirituous, or wine, cider or strong beer” and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or cider, — by striking out, in the sixth line, the word “it” and inserting in place thereof the words: — the same, — and by striking out, in the eighth and ninth lines, the words “spirituous, fermented or other strong or mixed liquor” and inserting in place thereof the words: — alcoholic beverages, as so defined, — so as to read as follows: — *Section 29.* A sheriff, jailer, master of a house of correction or officer of a prison who, under any pretence, gives, sells or delivers or knowingly permits to be given, sold or delivered to a prisoner in his custody any alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or cider, unless the physician of the prison certifies in writing that the health of the prisoner requires the same; or such sheriff, jailer, master of a house of correction or officer of a prison who willingly or negligently suffers such prisoner to have or drink any alcoholic beverages, as so defined, or who places or keeps together prisoners in his custody of different sexes or classes, contrary to section twenty-two of chapter one hundred and twenty-seven, shall forfeit twenty-five dollars for the first offence and fifty dollars for any offence committed subsequent to the first conviction, and, upon such second conviction, shall be removed from office, and be ineligible to hold the office of sheriff, deputy sheriff, jailer, master or keeper of any prison for five years thereafter. If the physician certifies that the health of the prisoner requires such liquor, the prisoner shall be allowed the quantity prescribed and no more.

G. L. (Ter. Ed.), 270, § 5, amended.

Sale or delivery of alcoholic beverages to patients in certain hospitals forbidden.

SECTION 27. Section five of chapter two hundred and seventy of the General Laws, as so appearing, is hereby amended by striking out, in the second line, the words “spirituous or intoxicating liquor” and inserting in place thereof the words: — alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, — and by striking out, in the sixth line, the word “liquor” and inserting in place thereof the word: — beverage, — so as to read as follows: — *Section 5.* Whoever, except under the direction of a physician, gives, sells or delivers alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, or a narcotic drug to a patient in any hospital who is suffering from inebriety or from the effect of inebriety, or from excessive use of narcotic drugs or from the effect of such use, and whoever has in his possession within the precincts of any hospital any such beverage or drug with intent to convey or deliver it to any such patient, 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.

G. L. (Ter. Ed.), 279, § 11, amended.

SECTION 28. Section eleven of chapter two hundred and seventy-nine of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the word “thirty-

three” and inserting in place thereof the following: — thirty G, — so as to read as follows: — *Section 11.* Whoever is convicted of a crime, punishable by fine and imprisonment either in the jail or house of correction, except a person convicted under section thirty G of chapter one hundred and thirty-eight, may at the discretion of the court, be sentenced to be punished by imprisonment only, or by a fine only, if he shows to the satisfaction of the court that he has not before been convicted of a similar crime.

Remission of fine or imprisonment where law prescribes both.

SECTION 29. The schedule of forms and pleadings at the end of chapter two hundred and seventy-seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the three paragraphs entitled “*Liquor*”, “*Liquor — Sale*” and “*Liquor — Nuisance*” and by inserting after the paragraph entitled “*Affray*”, as so appearing, the following three new paragraphs: —

G. L. (Ter. Ed.), 277, schedule of forms, amended.

Alcoholic Beverages. (Under Chap. 138, § 2.) — That A. C. did expose and keep for sale alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, with intent unlawfully to sell the same.

Alcoholic Beverages — Sale. (Under Chap. 138, § 2.) — That A. B. unlawfully did sell alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, to C. C.

Alcoholic Beverages — Nuisance. (Under Chap. 139, § 15.) — That A. B., during the three months next before the finding of this indictment, without legal authority, did keep and maintain a certain tenement in said (Boston), by him used for the illegal sale and illegal keeping for sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, to the common nuisance of all the people.

Approved June 25, 1934.

AN ACT ESTABLISHING THE SALARY OF THE DIRECTOR OF REGISTRATION.

Chap. 329

Be it enacted, etc., as follows:

Section eight of chapter thirteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the words “two thousand” and inserting in place thereof the words: — twenty-four hundred, — so as to read as follows: — *Section 8.* The division of registration shall be under the supervision of a director, to be known as the director of registration, at such salary, not exceeding twenty-four hundred dollars, as the governor and council may determine. Upon the expiration of the term of office of a director, his successor shall be appointed by the governor, with the advice and consent of the council, for not exceeding two years.

G. L. (Ter. Ed.), 13, § 8, amended.

Director of registration in department of civil service and registration.

Approved June 25, 1934.

Chap.330 AN ACT PROVIDING FOR UNIFORM ANNUAL REPORTS OF THE
WORK OF PROBATE COURTS AND REGISTRIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.),
215, § 30A,
amended.

Administrative
committee of
probate
courts.

Section thirty A of chapter two hundred and fifteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following new sentence:— The committee shall from time to time establish forms for annual reports of the work of the several probate courts and registries of probate; and the several registers of probate shall annually, on or before March first, prepare and file with the committee uniform reports of the work of said courts and registries during the preceding fiscal year, — so as to read as follows: — *Section 30A.* There shall be an administrative committee of the probate courts, hereinafter called the committee, which shall consist of three judges thereof, assigned to service thereon by the chief justice of the supreme judicial court for such period of time as he may deem advisable. The committee shall be authorized to visit any probate court, as a committee or by sub-committee, to recommend uniform practice and procedure, and shall have general advisory powers in relation to such courts. To promote co-ordination in the work of such courts, the committee may from time to time call conferences of any or all of the judges thereof or of other officials connected therewith, and the traveling expenses of such judges or officials for attending such conferences, and also the necessary expenses of the members of the committee incurred in the performance of their duties as aforesaid, shall, subject to the approval of the governor and council, be paid from the state treasury. The committee shall from time to time establish forms for annual reports of the work of the several probate courts and registries of probate; and the several registers of probate shall annually, on or before March first, prepare and file with the committee uniform reports of the work of said courts and registries during the preceding fiscal year.

Approved June 25, 1934.

Chap.331 AN ACT ESTABLISHING A DIVISION OF OCCUPATIONAL HYGIENE
IN THE DEPARTMENT OF LABOR AND INDUSTRIES AND DEFINING
ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 23, § 3,
amended.

Divisions in
department of
labor and
industries.

SECTION 1. Section three of chapter twenty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "life" in the seventh line the following:— , a division of occupational hygiene, — so as to read as follows:— *Section 3.* The commissioner shall be the executive and administrative head of the department. He shall have charge of the administration

and enforcement of all laws, rules and regulations which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations except as otherwise provided. He shall organize in the department a division of standards, a division on the necessities of life, a division of occupational hygiene and such other divisions as he may from time to time determine, and may assign the officers and employees of the department thereto. He shall prepare for the consideration of the assistant commissioner and the associate commissioners rules and regulations for the conduct of the department and all other rules and regulations which the department is authorized by law to make, and they shall, except as otherwise provided, take effect when approved by the associate commissioners and the assistant commissioner, or upon such date as they determine. The commissioner may designate the assistant commissioner or an associate commissioner to discharge the duties of the commissioner during his absence or disability.

SECTION 2. Section four of said chapter twenty-three, as so appearing, is hereby amended by striking out, in the third line, the word "six" and inserting in place thereof the word: — seven, — so as to read as follows: — *Section 4.* The commissioner, assistant commissioner and associate commissioners may, with the approval of the governor and council, appoint, and fix the salaries of, not more than seven directors, and may, with like approval, remove them. One of them, to be known as the director of standards, shall have charge of the division of standards, and one of them, to be known as the director of the division on the necessities of life, shall have charge of said division, and each of the others shall be assigned to take charge of a division. The commissioner may employ, for periods not exceeding ninety days, such experts as may be necessary to assist the department in the performance of any duty imposed upon it by law, and such employment shall be exempt from chapter thirty-one. Except as otherwise provided in section nine B, the commissioner may employ and remove such inspectors, investigators, clerks and other assistants as the work of the department may require. Such number of inspectors as the commissioner may deem necessary shall be men who, before their employment as such, have had at least three years' experience as building construction workmen. The commissioner may require that certain inspectors in the department, not more than seven in number, shall be persons qualified by training and experience in matters relating to health and sanitation.

SECTION 3. Said chapter twenty-three is hereby further amended by inserting after section eleven the following new section and heading: —

DIVISION OF OCCUPATIONAL HYGIENE.

Section 11A. In addition to such staff and facilities as may be necessary in the efficient performance of its duties, there shall be employed in the division of occupational

G. L. (Ter. Ed.), 23, § 4, amended.

Directors of divisions, etc.

G. L. (Ter. Ed.), 23, new section 11A, added.

Division of occupational hygiene.

hygiene persons having special knowledge of the causes and prevention of occupational diseases. It shall be the duty of the division to investigate conditions of occupation with reference to hazards to health and to determine the degree of such hazards, to investigate and evaluate methods for the control of such hazards, to assist in the preparation of rules and regulations for the preventing of occupational accidents and diseases, and, in co-operation with the department of public health or otherwise, to promote occupational health and safety education.

Approved June 25, 1934.

Chap.332 AN ACT PROVIDING FOR THE CONSTRUCTION OF A BEACH ON THE CHARLES RIVER IN THE WEST ROXBURY DISTRICT OF BOSTON AND THE CONSTRUCTION AND MAINTENANCE OF A BATH HOUSE THEREAT.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to construct a beach, not less than five hundred feet in length, on the easterly side of the Charles river in the West Roxbury district of the city of Boston at a point approximately nine hundred feet north of Spring street on land now owned by the commonwealth, and to construct, and thereafter to maintain, at said beach a public bath house, with dressing rooms and lockers and proper toilet facilities. For said purposes said commission may expend such sums, not exceeding thirty thousand dollars, as may hereafter be appropriated therefor, which shall be included in the amounts to be assessed upon the metropolitan parks district for maintenance of reservations. The commission may, upon such terms and conditions and at such rent as it may deem proper, let concessions or privileges in connection with said bath house for the sale of refreshments or for the sale or rental of such other articles as it may determine, and may provide adequate quarters therefor, and may establish rules and regulations and make reasonable charges for the use of said bath house.

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

Approved June 27, 1934.

Chap.333 AN ACT TO AUTHORIZE THE METROPOLITAN DISTRICT COMMISSION TO PROVIDE ADDITIONAL WATER SUPPLY FOR THE TOWNS OF BELMONT, WATERTOWN AND ARLINGTON.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized to provide an additional water supply from the southern high service of the metropolitan water system for the towns of Belmont, Watertown and Arlington, and to construct such reservoir, standpipes, mains, pipe lines, conduits and works as may be necessary therefor;

and said commission may expend for said purpose a sum not exceeding two hundred thousand dollars, of which sum fifty thousand dollars shall be apportioned and assessed in the current year, and one hundred and fifty thousand in the year nineteen hundred and thirty-five upon the cities and towns of the metropolitan water district, in the manner provided by section twenty-six of chapter ninety-two of the General Laws.

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

Approved June 27, 1934.

AN ACT RELATIVE TO PURCHASE OF BONDS OF THE BOSTON ELEVATED RAILWAY COMPANY BY THE BOSTON METROPOLITAN DISTRICT.

Chap. 334

Whereas, The deferred operation of this act would, in part, defeat its purpose to provide funds to meet certain bonds at maturity, therefore this act is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The trustees of the Boston metropolitan district, hereinafter called the district, in the name and on behalf of the district, may from time to time, prior to July first, nineteen hundred and thirty-five, if they deem it in the interest of the district so to do, at the request of the board of trustees of the Boston Elevated Railway Company, purchase bonds of the Boston Elevated Railway Company, hereinafter called the company, hereafter issued or reissued under the authority of section eighteen of chapter three hundred and thirty-three of the acts of nineteen hundred and thirty-one for the purposes of paying or refunding bonds, coupon notes or other evidences of indebtedness of the company payable at periods of more than one year from the date thereof, to an amount not exceeding ten million eighty-one thousand dollars. The trustees of the district, in the name and on behalf of the district, may also from time to time, if they deem it in the interest of the district so to do, at the request of the board of trustees of the Boston Elevated Railway Company, purchase bonds of the company hereafter issued for the purpose of and to the amount necessary for calling for redemption the whole or any part or parts of the six million three hundred and nine thousand dollars of six and one half per cent bonds of the company due August one, nineteen hundred and fifty-seven, and for paying or redeeming and refunding the same, and the company subject to the approval of the department of public utilities is authorized to issue bonds for said purposes to the amount necessary therefor and all of the provisions of said section eighteen shall apply thereto, so far as possible. The trustees shall procure the funds necessary for each purchase authorized by this

section by the issue of bonds of the district under and in the manner provided in section ten of chapter three hundred and eighty-three of the acts of nineteen hundred and twenty-nine and section two of chapter one hundred and forty-seven of the acts of nineteen hundred and thirty-two, and the provisions of said sections shall apply thereto in the same manner and to the same extent as if such bonds of the district were specifically authorized in said chapter three hundred and eighty-three; provided, that any bonds of the district issued under authority of this act shall be for such terms not less than fifteen years, except as hereinafter provided, and not exceeding twenty-five years from the date thereof, and shall bear interest payable semi-annually at such rates, as said trustees of the district, subject to the approval of the department of public utilities, shall from time to time determine. Said bonds of the district may be issued on either the sinking fund or serial payment plan, and, if issued on the serial payment plan, such portions of each issue of said bonds as the trustees of the district, subject to like approval, may determine may be for terms of less than fifteen years, and the trustees of the district shall endeavor so to arrange the maturities of all bonds issued on the serial payment plan that the bonds maturing each year other than the final year will be met by the amounts available from interest upon the bonds purchased. All amounts received by the district from said interest shall be applied in payment of interest and principal of the bonds of the district issued hereunder as and when due, and any balance shall be accumulated in a sinking fund to be used for such purpose, as and when required. All amounts received by the district in payment of each such bond issue of the company shall be applied in payment of bonds of the district issued hereunder to provide funds for the purchase of such bond issue and the balance shall be accumulated in a general sinking fund for any bonds of the district then outstanding. Said sinking funds shall be invested as provided in section eleven of said chapter three hundred and eighty-three.

SECTION 2. Each bond issue of the company so purchased shall be for the same term as the term of the last maturing bonds of the district issued to provide funds for the purchase of such bond issue of the company, and shall bear interest payable semi-annually at a rate two per cent higher than the rate payable upon said bonds of the district. In the event that said bonds of the district are sold at a premium above or a discount below par, the bond issue of the company purchased with the proceeds thereof shall be purchased by the district at the same premium above or discount below par. Said bonds of the company, both as to income and principal, are hereby made exempt from all taxes levied under authority of the commonwealth while held by the district and shall contain a recital to such effect. Said bonds of the company shall not be disposed of by the district without authority of the general court. The proceeds of

said bonds of the company shall be used by it only for the purposes hereinbefore set forth.

SECTION 3. The company shall reimburse the district, at the request of the trustees thereof, for all expenses incidental to the authorization, preparation, issue, registration and payment of interest and principal of the aforesaid bonds of the district.

Approved June 27, 1934.

AN ACT EXTENDING THE PROVISIONS OF A CERTAIN LAW AUTHORIZING CITIES AND TOWNS TO BORROW ON ACCOUNT OF PUBLIC WELFARE AND SOLDIERS' BENEFITS.

Chap. 335

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Chapter three hundred and seven of the acts of nineteen hundred and thirty-three is hereby amended by inserting after section three the following new section:— *Section 3A.* Subject, except as provided in this section, to all the provisions of this act applicable in the case of borrowings made during the year nineteen hundred and thirty-three, any city or town may borrow during the year nineteen hundred and thirty-four, a sum not exceeding forty per cent of the maximum amount which it was authorized by section two to borrow during the year nineteen hundred and thirty-three, and the proceeds of loans issued under authority of this section shall be used only to meet appropriations for public welfare, soldiers' benefits or maturing debt made in the year nineteen hundred and thirty-four prior to any application for such a loan, or shall be treated by the assessors as an estimated receipt in fixing the tax rate for said year. In any city or town which obtains a loan from the commonwealth in the year nineteen hundred and thirty-four under authority of this section, no subsequent appropriation in said year shall be valid without the written approval of the board. Until all loans made under authority of this section by the commonwealth to any city or town have been repaid in full, no appropriation by such city or town in any year subsequent to the year nineteen hundred and thirty-four for a purpose other than one for which an appropriation was made for the year nineteen hundred and thirty-three or for an amount in excess of any appropriations made for the year nineteen hundred and thirty-three for a similar purpose shall be valid without the written approval of the board.

Approved June 27, 1934.

Chap. 336 AN ACT PROVIDING FOR THE PAYMENT OF BURIAL EXPENSES OF DEPENDENT CHILDREN OF CERTAIN VETERANS.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 115,
§ 19, etc.,
amended.

Burial agents,
powers and
duties.

SECTION 1. Section nineteen of chapter one hundred and fifteen of the General Laws, as most recently amended by chapter two hundred and fifty of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "expenses" in the twenty-second line the words: —, and the bodies of dependent children eighteen years of age or under, of such soldier or sailor, if such soldier or sailor and his wife, or his widow, be without sufficient means to defray funeral expenses, — so as to read as follows: — *Section 19.* The mayor of each city and the selectmen of each town or, in Boston, the soldiers' relief commissioner, shall designate a burial agent, who shall not be one of the board of public welfare or be employed by said board, and who shall, under regulations established by the commissioner, cause properly to be interred the body of any honorably discharged soldier or sailor who served in the army or navy of the United States during the war of the rebellion, or in the Indian campaigns if he died in receipt of a pension from the United States, or during the war between the United States and Spain or the Philippine insurrection after February fourteenth, eighteen hundred and ninety-eight and prior to July fourth, nineteen hundred and two, or in the Mexican border service of nineteen hundred and sixteen and of nineteen hundred and seventeen, or in the world war; provided, that the soldier or sailor died in such service or after an honorable discharge therefrom or release from active duty therein; and shall also so inter the body of his wife, widow or dependent father or mother, and the bodies of army nurses entitled to state aid under section six, if they die without sufficient means to defray funeral expenses, and the bodies of dependent children eighteen years of age or under, of such soldier or sailor, if such soldier or sailor and his wife, or his widow, be without sufficient means to defray funeral expenses; but no wife or widow of any soldier or sailor of the civil war shall be entitled to the benefits of this section unless she was married to him prior to June twenty-seventh, eighteen hundred and ninety, and no wife or widow of any soldier of the Indian campaigns unless she was married to him prior to March fourth, nineteen hundred and seventeen, and unless she was, if his widow, in receipt of a pension under the act of congress of March fourth, nineteen hundred and seventeen, and no wife or widow of any soldier or sailor of the Spanish war, or the Philippine insurrection, unless she was married to him

prior to September first, nineteen hundred and twenty-two; and no wife or widow of any soldier or sailor of the Mexican border service or of the world war unless she was married to him on or before January first, nineteen hundred and twenty-eight. If an interment has taken place without the knowledge of the burial agent, application may be made to him within thirty days after the date of death, or after final interment if the soldier or sailor dies in the world war service; and if upon investigation he shall find that the deceased was within the provisions of this section and the rules of the commissioner, he may certify the same as provided in the following section.

SECTION 2. Said chapter one hundred and fifteen is hereby further amended by striking out section twenty, as most recently amended by chapter two hundred and fifty-one of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 20.* The amount of the allowance for a burial as aforesaid, in the case of a soldier, sailor, wife, widow, dependent father or mother or army nurse, shall not exceed one hundred dollars, and in the case of a dependent child, fifty dollars, two dollars of which shall be paid as compensation to the burial agent causing the interment to be made; but if the total expense of the burial, by whomsoever incurred, in the case of a soldier, sailor, wife, widow, dependent father or mother or army nurse, shall exceed two hundred and fifty dollars, or in the case of a child, one hundred and fifty dollars, no payment therefor shall be made by the commonwealth. The burial shall not be made in any cemetery or burial ground used exclusively for the burial of persons buried under the provisions of chapter one hundred and seventeen, or in any part of any cemetery or burial ground so used. Relatives of the deceased who are unable to bear the expense of burial may be allowed to conduct the funeral. The full amount so expended, the name of the deceased soldier or sailor, the regiment, company, station, organization or vessel in which he served, the date of death, place of interment, and in case of a wife or widow the name of the husband and date of marriage, and in the case of a dependent child the name of the father, and such other details as the commissioner may require, shall be certified on oath to him, in such manner as he may approve, by the burial agent and the treasurer of the town expending the amount, within three months after the burial; and the commissioner shall endorse upon the certificate his allowance of such amounts as he finds have been paid, and reported according to the foregoing provisions, and shall transmit the certificate to the comptroller. The amounts legally paid and so allowed, with no expense for disbursement, shall be reimbursed by the commonwealth to the several towns on or before November tenth in the year after the expenditures have been made.

Approved June 27, 1934.

G. L. (Ter. Ed.), 115, § 20, etc., amended.

Expense of burial of veterans limited.

Chap.337 AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO PAY FOR MEDICAL ATTENDANCE AND HOSPITAL CARE ON ACCOUNT OF INJURIES SUSTAINED BY ALBERT A. WAITT WHILE EMPLOYED AT THE HOUSE OF CORRECTION IN THE TOWN OF BILLERICA.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation, the county of Middlesex may pay to Mary Margaret Waitt, widow of Albert A. Waitt, a sum not exceeding three hundred dollars as reimbursement for expenses of medical attendance and hospital care incurred on account of injuries sustained by said Albert A. Waitt by reason of being struck by an inmate of the Middlesex house of correction at Billerica while said Waitt was doing repair work at said institution for his employer.

SECTION 2. This act shall take effect upon its acceptance during the current year by the county commissioners of said county.

(The foregoing was laid before the governor on the twenty-first day of June, 1934, 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.338 AN ACT PROVIDING FOR THE ACQUISITION BY THE METROPOLITAN DISTRICT COMMISSION OF CERTAIN LAND IN THE TOWNS OF SAUGUS AND WAKEFIELD AS A RESERVATION FOR RECREATIONAL PURPOSES.

Be it enacted, etc., as follows:

The metropolitan district commission, on behalf of the commonwealth, is hereby authorized and directed to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, as a part of the system of metropolitan parks under the control of said commission, a tract of land, owned by the Breakheart Hill Forestry Company, Edith L. Floyd, Relief E. Day and Alice M. Wilson, and Leland G. Floyd, comprising six hundred acres, more or less, consisting of lots A-1 to A-7, inclusive, in the town of Saugus as shown on plan ten hundred and thirty-seven, by E. W. Branch, civil engineer, on file in the office of the assessors of the town of Saugus, and also of lots 16, 25, 27, 28, 29 and 30 in the town of Wakefield as shown on Plat 40, assessors' plan, on file in the office of the assessors of said town of Wakefield. For said purposes the commission may expend such sum, not exceeding forty thousand dollars, as may hereafter be appropriated, such appropriation to be assessed upon the cities and towns of the metropolitan parks district in proportion to the respective taxable valuations of the property of said cities and towns, as defined by section fifty-nine of chapter ninety-two of the General Laws.

Approved June 27, 1934.

AN ACT RELATIVE TO THE PRACTICE OF OPTOMETRY.

Chap.339

Be it enacted, etc., as follows:

SECTION 1. Chapter thirteen of the General Laws is hereby amended by striking out section seventeen, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 17.* The board shall annually meet in the month of October at such time and place as it shall determine, and shall organize by electing a chairman and secretary, who shall be members of the board, and who shall hold their respective offices for one year. The board shall hold additional meetings at such times and places as it shall determine, or upon call of the chairman. The secretary shall give to the state treasurer a bond, with sufficient sureties to be approved by the governor and council, for the faithful performance of his duties.

G. L. (Ter. Ed.), 17, § 17, amended.

Meetings, etc., of board of registration in optometry.

SECTION 2. Chapter one hundred and twelve of the General Laws is hereby amended by striking out sections sixty-six to seventy-three, inclusive, as so appearing, and inserting in place thereof the nine following new sections:— *Section 66.* The practice of optometry, as referred to in sections sixty-seven to seventy-three, inclusive, is hereby defined to be the employment of any method or means, other than the use of drugs, for the diagnosis of any optical defect, deficiency or deformity of the human eye, or visual or muscular anomaly of the visual system, or the adaptation or prescribing of lenses, prisms or ocular exercises for the correction, relief or aid of the visual functions.

G. L. (Ter. Ed.), 112, §§ 66 to 73, inclusive, amended.

Practice of optometry defined.

Section 67. The board of registration in optometry, herein and in sections sixty-eight to seventy-three, inclusive, called the board, shall keep a record of the names of all persons examined and registered by it and of all moneys received and disbursed by it, and a duplicate thereof shall be open to public inspection in the office of the state secretary. The board shall make rules and regulations governing its procedure, governing registration and applications therefor, and governing the practice of optometry. Said rules and regulations shall be consistent with the provisions of sections sixteen to eighteen, inclusive, of chapter thirteen and sections sixty-six to seventy-three, inclusive, of this chapter. The board shall make an annual report of the condition of optometry in the commonwealth.

Board of registration. Records, etc.

Section 68. No person, except as otherwise provided in this section, shall practice optometry until he shall have passed an examination conducted by the board in theoretic, practical and physiological optics, in theoretic and practical optometry and in the anatomy and physiology of the eye, and shall have demonstrated his ability to properly use the ophthalmoscope, the retinoscope, the perimeter and other scientific instruments and methods used in the practice of optometry, and shall have been registered and shall have

Examination and registration of optometrists. Fees.

received a certificate of registration which shall have conspicuously printed on its face the definition of optometry set forth in section sixty-six. Every applicant for examination shall present satisfactory evidence, in the form of affidavits properly sworn to, that he is over twenty-one years of age and of good moral character, that he has graduated from a high school having a course of study of four years and approved by the board or has had a preliminary education equivalent to at least four years in a public high school, and that he has graduated from a school or college of optometry, approved by the board, maintaining a course of study of not less than two years with a minimum requirement of fifteen hundred attendance hours, or, in case of a person applying for a first examination after January first, nineteen hundred and thirty-five, maintaining a course of study of not less than three separate academic years, each academic year consisting of thirty-six weeks of classroom work with thirty-five hours of instruction each week; provided, that if an applicant is unable to prove graduation from, or four years actual attendance at, a high school the board shall determine his preliminary educational qualifications by a proper and separate examination, the fee for which shall be five dollars, to be paid by the applicant. The fee for the examination for registration shall be twenty-five dollars, and those passing the examination shall receive the certificate of registration without additional charge. Any applicant who fails to pass a satisfactory examination for registration shall be entitled at any subsequent regular examination held by the board to additional examinations, and for each subsequent examination a fee of five dollars shall be paid.

Any person who shall present to the board a certified copy or certificate of registration or license which was issued to him after examination by a board of registration in optometry in any other state, where the requirements for registration are in the opinion of the board equivalent to those of this commonwealth, may be registered and given a certificate of registration in this commonwealth without a written examination; provided, that such state accords a like privilege to holders of certificates of registration issued in this commonwealth, and that the applicant has not previously failed to pass the examination required in this commonwealth, and that he has been engaged in the reputable practice of optometry continuously for not less than three years immediately preceding his application, and that he intends to reside and practice optometry in this commonwealth. The fee for such registration shall be fifty dollars.

Section 69. Every registered optometrist shall, annually, before February first, pay to the board a license fee of two dollars, in default of which the board may revoke his certificate and his authority to practice optometry thereunder, after a hearing as provided by section seventy-one; but the payment of the said fee at or before the time of hearing, with such additional sum, not exceeding five dollars, as may be

fixed by the board, shall remove the default. An optometrist duly registered and licensed to practice in this commonwealth, whose license has not been revoked, but who shall have temporarily retired from practice or removed from the commonwealth for not exceeding five years, and shall have notified the board of such retirement or removal, may register upon paying the lapsed annual license fees and filing with the board his affidavit as to the facts aforesaid.

Section 70. Every person to whom a certificate of registration has been granted shall cause the same to be recorded in the office of the clerk of the town where he principally carries on the practice of optometry; and if he removes his principal office he shall, before engaging in practice at a new address, notify the board in writing of the place where he is to engage in practice, and if such removal is to another town he shall obtain from the clerk of the town where his certificate is recorded a certified copy thereof and file the same with the clerk of such other town for record. The fee for recording such certificate or certified copy thereof shall be fifty cents.

Every town clerk recording a certificate of registration or certified copy thereof hereunder shall, within twenty-four hours after such recording, forward to the board a duplicate thereof, and the original record shall be open to public inspection in said clerk's office.

Every registered optometrist shall display his certificate of registration in a conspicuous place in the principal office wherein he practices optometry, and shall, whenever so required, exhibit it to the board or its authorized representative; and whenever practicing optometry outside of or away from his principal office or place of business, he shall deliver to each person examined or fitted with glasses by him a memorandum of purchase, containing his signature, home post office address, and the number of his certificate of registration, together with a specification of the lenses and frames, or mountings or services furnished, and the price charged therefor.

Section 71. The board may refuse to grant a certificate of registration to any applicant found guilty of fraud in making application or taking an examination for registration. The board may revoke or suspend any certificate of registration for unprofessional conduct, for fraud, deceit or misrepresentation in practice or in advertising, for conviction of crime, for habitual drunkenness for six months immediately before the charges are made, for gross incompetence, or for violation of any rule or regulation made under section sixty-seven; provided, that before any action is taken the accused party shall have written notice of the charges against him and of the day appointed for a public hearing thereon, which shall be at least five days after the service of such notice. At such hearing the accused shall have an opportunity to produce testimony in his own behalf and to confront the witnesses against him. Three members of the board shall be a quorum for any such hearing. Witnesses at hearings before the board

Certificate of registration to be recorded before practice.

Revocation, etc., of certificate.

shall testify on oath, and may be sworn by any member thereof. The board may compel the attendance of witnesses and the production of documents at any such hearing. Whenever the certificate of any registered optometrist is revoked or suspended, such certificate shall be returned to the board, on demand, and the secretary of the board shall give notice of such revocation or suspension to the clerk of the town wherein the principal office of such optometrist is located, and the clerk shall record the revocation or suspension on the records of his office. Where the right of any person to practice has been revoked as herein provided, the board may, after the expiration of one year, receive an application for a renewal of the right to practice, and upon such new application it may grant such a renewal.

Business to be conducted under name of registrant.

Section 72. No optometric practice or business, other than an optometric clinic approved by the board and operated and conducted on a non-profit basis by a school or college of optometry or an association of registered optometrists, shall be conducted under any name other than that of the optometrist or optometrists actually conducting such practice or business.

Penalty.

Section 72A. Whoever, not being lawfully authorized to practice optometry, practices optometry, or holds himself out as a practitioner of, or as being able to practice, optometry, or whoever personates another practitioner, or violates any other provision of sections sixty-six to seventy-three, inclusive, or any rule or regulation made under authority thereof, shall, except as provided in section sixty-five, be punished for the first offence by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than three months, or both; and for a subsequent offence, by a fine of not less than two hundred nor more than five hundred dollars, or by imprisonment for not less than three nor more than six months, or both.

Application of certain sections.

Section 73. Sections sixty-six to seventy-two A, inclusive, shall not apply to physicians and surgeons lawfully entitled to practice medicine in the commonwealth, or to persons who neither practice nor profess to practice optometry, but who sell spectacles, eyeglasses or lenses, either on prescription from such physicians or surgeons, or from optometrists authorized to practice in the commonwealth, or as merchandise from permanently located and established places of business when not sold for the purpose of correcting defective vision; nor shall said sections prevent the widow or widower of a registered optometrist, or the wife or husband of a registered optometrist who is incapacitated, from continuing the practice of optometry under a registered optometrist; nor shall said sections prevent the employment by any person of a registered optometrist to be in charge of, or practice optometry in, an optical department conducted by such person. Nothing herein contained shall prevent any such physician or surgeon from taking an examination and receiving a certificate of registration under section sixty-eight, nor shall

this section and sections sixty-six to seventy-two A, inclusive, authorize any person to administer drugs in any form, to practice or claim to practice medicine or surgery in any sense, or to use any title or appellation intended or calculated to indicate the practice of medicine or surgery.

Approved June 27, 1934.

AN ACT ABOLISHING THE DIVISION OF ANIMAL INDUSTRY IN THE DEPARTMENT OF CONSERVATION, AND ESTABLISHING AND DEFINING THE POWERS AND DUTIES OF THE DIVISION OF LIVESTOCK DISEASE CONTROL IN THE DEPARTMENT OF AGRICULTURE.

Chap. 340

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty of the General Laws is hereby amended by striking out section four, as most recently amended by section one of chapter seventy-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 4.* The commissioner shall organize the department in divisions, including a division of dairying and animal husbandry, a division of plant pest control, a division of markets, a division of reclamation, soil survey and fairs, a division of livestock disease control, and such other divisions as he may from time to time determine, and shall assign to said divisions their functions. The work of each division shall be in charge of a director. The director of the division of livestock disease control shall be known as the director of livestock disease control, and shall be appointed and may be removed by the governor, with the advice and consent of the council. The commissioner shall appoint and may remove a director for each of the other divisions. The compensation of directors shall be fixed by the commissioner, with the approval of the governor and council. The commissioner may also appoint an inspector of apiaries and, except as to the division of livestock disease control, such other inspectors, investigators, scientific experts, clerks and other officers and assistants as the work of the department may require and may assign them to divisions, transfer and remove them.

G. L. (Ter. Ed.), 20, § 4, etc., amended

Organization of department of agriculture. Division of livestock disease control.

SECTION 2. Said chapter twenty is hereby further amended by adding at the end the following new section: — *Section 6.* The director of livestock disease control may, subject to the approval of the commissioner, appoint and remove such experts, clerical and other assistants as the work of the division of livestock disease control may require.

G. L. (Ter. Ed.), 20, new section 6, added.

Appointment of assistants, etc.

SECTION 3. Section one of chapter twenty-one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the second and third lines, the words “, a division of animal industry”, — so as to read as follows: — *Section 1.* There shall be a department of conservation, consisting of a division of forestry,

G. L. (Ter. Ed.), 21, § 1, amended.

Department of conservation, divisions in.

a division of fisheries and game and a division of parks, each under the charge of a director. The department shall be under the supervision and control of a commissioner of conservation. The directors shall act as an advisory council to the commissioner.

G. L. (Ter. Ed.), 21, § 3, etc., amended.

Duties of commissioner.

SECTION 4. Section three of said chapter twenty-one, as most recently amended by section one of chapter seventy-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fourth and fifth lines, the words “, of fisheries and game or of animal industry” and inserting in place thereof the words: — or of fisheries and game, — so as to read as follows: — *Section 3.* The commissioner shall be the executive and administrative head of the department. He shall be designated by the governor as the director of the division of forestry or of fisheries and game, but shall receive no salary as such director. He shall supervise the work of all the divisions, and shall have charge of the administration and enforcement of all laws which it is the duty of the department to administer and enforce, and shall direct all inspections and investigations.

G. L. (Ter. Ed.), 21, §§ 9 and 10, stricken out.

G. L. (Ter. Ed.), 94, § 146, amended.

SECTION 5. Said chapter twenty-one is hereby further amended by striking out sections nine and ten.

SECTION 6. Section one hundred and forty-six of chapter ninety-four of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the sixteenth line, the words “animal industry” and inserting in place thereof the words: — livestock disease control, — so that the first paragraph will read as follows: — Each local board of health by themselves, their officers or agents, may inspect the carcasses of all slaughtered animals and all meat, fish, vegetables, produce, fruit or provisions of any kind found in their town, and all veal found, offered or exposed for sale or kept with intent to sell therein, and for such purpose may enter any place where such carcasses or articles are stored, kept or exposed for sale. If, in its opinion, said veal is that of a calf less than four weeks old when killed, or if on inspection it is found that said carcasses or articles are tainted, diseased, corrupted, decayed, unwholesome or unfit for food from any cause, the said board shall seize and cause the same to be destroyed forthwith or disposed of otherwise than for food. All money received by said board for property disposed of as aforesaid, after deducting the expenses of said seizure and disposal, shall be paid to the owner of such property. If said board seizes or condemns any such carcass or meat because affected with a contagious disease, it shall immediately give notice to the director of livestock disease control stating the name of the owner or person in whose possession it was found, the nature of the disease and the disposition made of said meat or carcass.

Inspection of meat, etc. Regulations.

G. L. (Ter. Ed.), 94, § 148, amended.

SECTION 6A. Section one hundred and forty-eight of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the fifth line, the words “animal industry”

and inserting in place thereof the words: — livestock disease control,—so that the second paragraph will read as follows:—

Failure to give a notice required by section one hundred and forty-six to be given by a board of health to the director of livestock disease control shall be punished as provided in section twenty-eight of chapter one hundred and twenty-nine.

SECTION 7. Section fifteen of chapter one hundred and eleven of the General Laws, as so appearing, is hereby amended by striking out, in the first line, the words “animal industry” and inserting in place thereof the words:—

livestock disease control,—so as to read as follows:—*Section 15.* It may perform for the division of livestock disease control, upon such terms and conditions as may be agreed upon, such services in its laboratory as may be necessary in the examination of materials from animals suspected of being infected with glanders, tuberculosis, rabies or other diseases of domestic animals.

SECTION 8. Section sixteen of said chapter one hundred and eleven, as so appearing, is hereby amended by striking out, in the first line, the words “animal industry” and inserting in place thereof the words: — livestock disease control, — so as to read as follows:—*Section 16.* It shall report to the director of livestock disease control all cases brought to its attention where barns, stables or other enclosures, in which neat cattle, other ruminants or swine are kept, are in an unsanitary condition.

SECTION 9. Section one hundred and fifty-four of said chapter one hundred and eleven, as so appearing, is hereby amended by striking out, in the eighteenth and in the twenty-first line, respectively, the words “animal industry” and inserting in place thereof, in each instance, the words:— livestock disease control,—so as to read as follows:—*Section 154.* A person engaged in or desiring to engage in the business of killing horses, or in the rendering of horses or other animals, shall annually in March apply for a license to the board of health of the town where such business is to be carried on. The application shall be in writing and signed by the persons desiring to carry on such business, or, if the applicant is a corporation, by a duly authorized officer thereof. It shall state the names in full and the addresses of all persons desiring to carry on such business, or, if a corporation is the applicant, the names of all its officers, and the street or other place where the business is to be conducted. The board of health of a town may grant such licenses after it is satisfied that the applicants have a suitable building and plant in a situation approved by said board, and that they have suitable trucks or wagons for the removal of dead animals. The license shall state the name of the licensee, the situation of the building or establishment where the business is to be carried on, and shall continue in force until April first of the year next ensuing unless sooner revoked. The board of health shall keep a record of such licenses granted by it, and shall notify the director of livestock disease control

Penalty.

G. L. (Ter. Ed.), 111, § 15, amended.

Tests for division of livestock disease control.

G. L. (Ter. Ed.), 111, § 16, amended.

Reports of sanitary conditions of stock barns, etc.

G. L. (Ter. Ed.), 111, § 154, amended.

Killing and rendering of horses, etc., regulated.

of the granting of any such license, giving the name and address of the licensee. The fee for a license shall not exceed one dollar, and a license may be revoked at any time by the board of health. Licensees shall report to the director of livestock disease control, in such form and at such times as he may order, every animal received by them which is infected with a contagious disease. No unlicensed person shall carry on the business of killing horses or of rendering horses or other animals. So much of section thirty of chapter one hundred and twenty-nine as provides that no person shall knowingly sell an animal with a contagious disease shall not apply to any person who sells such animal to a licensee under this section, if such animal is to be killed or rendered at the establishment of such licensee. Whoever violates this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than three months, or both.

G. L. (Ter. Ed.), 128, § 10, amended.

Conduct of sheep farms.

SECTION 10. Section ten of chapter one hundred and twenty-eight of the General Laws, as so appearing, is hereby amended by striking out, in the eighth line, the words "animal industry of the department of conservation" and inserting in place thereof the words:—livestock disease control,—so as to read as follows:—*Section 10.* Each person conducting a demonstration sheep farm shall maintain under the supervision of and in accordance with such rules and regulations as may be prescribed by the commissioner, a flock of not less than twenty sheep and under his direction may from time to time purchase and sell such sheep as may be considered essential to the proper development of the industry in the locality of such farm, the sheep so purchased or sold to be passed upon by the division of livestock disease control as to their condition and freedom from disease.

G. L. (Ter. Ed.), 128, § 13, amended.

Division to report unsanitary conditions.

SECTION 11. Section thirteen of said chapter one hundred and twenty-eight, as so appearing, is hereby amended by striking out, in the first and second lines, the words "animal industry" and inserting in place thereof the words:—livestock disease control,—so as to read as follows:—*Section 13.* The division shall report to the director of livestock disease control each case brought to its attention where any barn, stable or other enclosure, where neat cattle, other ruminants or swine are kept, is found in an unsanitary condition.

G. L. (Ter. Ed.), 129, § 1, amended.

Definitions.

SECTION 12. Chapter one hundred and twenty-nine of the General Laws is hereby amended by striking out section one, as so appearing, and inserting in place thereof the following:—*Section 1.* The following words as used in this chapter, unless the context otherwise requires, shall have the following meanings:

"Agents", employees of the division of livestock disease control of the department of agriculture specially designated as agents by the director.

"Contagious disease", such disease as is recognized by

the United States bureau of animal industry to be contagious or infectious.

“Director”, director of livestock disease control.

“Division”, division of livestock disease control of the department of agriculture.

“Inspector”, inspector of animals appointed under section fifteen or sixteen.

SECTION 13. Section ten of said chapter one hundred and twenty-nine, as so appearing, is hereby amended by striking out, in the tenth line, the words “superior court” and inserting in place thereof the word: — courts, — so as to read as follows: — *Section 10.* The director may examine on oath all persons who are believed to possess knowledge of material facts relative to the existence or dissemination, or danger of dissemination, of contagious diseases among domestic animals, or relative to any other matter within the provisions of this chapter, and, for the purposes of this chapter, shall have all the powers vested in justices of the peace by chapters two hundred and twenty-two and two hundred and thirty-three to take depositions, to compel witnesses to attend and testify before him and to administer oaths. Witnesses shall receive the same fees for attendance and travel as witnesses before the courts. The expense of procuring the attendance of such witnesses shall be paid by the commonwealth. Copies of the records of the division, or of any order, rule or regulation issued by the director, if duly certified by the clerk, and any certificate by the clerk of the issuing, recording, delivering or publishing of such orders, rules or regulations under this chapter, shall be competent evidence of such fact in any tribunal.

G. L. (Ter. Ed.), 129, § 10, amended.

Examination of persons under oath by director.

SECTION 14. Said chapter one hundred and twenty-nine is hereby further amended by striking out section thirty-eight, as so appearing, and inserting in place thereof the following: — *Section 38.* The commissioner of agriculture shall make an annual report of the acts of the director, including therein the information obtained from inspectors under section twenty-three.

G. L. (Ter. Ed.), 129, § 38, amended.

Annual report.

SECTION 15. Section three of chapter two hundred and seventy-six of the General Laws, as so appearing, is hereby amended by striking out, in the sixteenth and seventeenth lines, the words “animal industry of the department of conservation” and inserting in place thereof the words: — livestock disease control of the department of agriculture, — and also by inserting after the word “warrants” in the twenty-first line the words: — , except money seized under clause eleven of said section one, — so as to read as follows: — *Section 3.* If an officer in the execution of a search warrant finds property or articles therein described, he shall seize and safely keep them, under the direction of the court or justice, so long as necessary to permit them to be produced or used as evidence on any trial. As soon as may be afterward, all property seized under clauses one and two of section one shall be restored to the owner thereof; property

G. L. (Ter. Ed.), 276, § 3, amended.

Disposition of property seized on search warrants in certain cases.

seized under clause three of said section shall be disposed of as the court or justice orders; property or other articles seized under clause six of said section shall, if upon a hearing the court or justice finds that they were so kept or concealed, be destroyed or disposed of in accordance with section one hundred and forty-six of chapter ninety-four by the board of health or by an officer designated by the court or justice, otherwise, they shall be returned to the owner; diseased animals seized under clause seven of said section one shall, if upon a hearing the court or justice finds that they were kept or concealed in a particular building, place or enclosure, be destroyed or disposed of by the division of livestock disease control of the department of agriculture, without compensation to the owners thereof, otherwise, they shall be returned to their owners; property seized under clause thirteen of said section one, if found to have been kept for an unlawful purpose, shall be forfeited and disposed of as the court or justice orders; and all other articles seized by virtue of such warrants, except money seized under clause eleven of said section one, shall be adjudged forfeited and be destroyed or sold as hereinafter provided.

1928, 347,
§ 2, amended.

Certain duties
of division
relative to
dogs.

SECTION 16. Section two of chapter three hundred and forty-seven of the acts of nineteen hundred and twenty-eight is hereby amended by striking out, in the seventh and eighth lines, the words "animal industry of the department of conservation" and inserting in place thereof the words: — livestock disease control of the department of agriculture, — so as to read as follows: — *Section 2.* The provisions of this act relating to the showing or exhibiting of dogs shall not apply to a dog whose ear or ears have been cropped or cut off in whole or in part prior to the passage of this act; provided, that its owner, if a resident of the commonwealth, procures it to be registered with the clerk of the city or town in which he resides, or, if a non-resident, with the director of the division of livestock disease control of the department of agriculture. Applications for such registration shall be made upon forms approved by the said director. A city or town clerk, or the said director, if satisfied that the applicant is entitled to the registration of a dog as aforesaid, and that the statements contained in his application therefor are true, shall, upon payment of a fee of one dollar, register such dog as aforesaid and grant to the owner a certificate thereof.

Transfer of
power and
duties to
department of
agriculture.

SECTION 17. On the effective date of this act, all the rights, powers, duties and obligations theretofore conferred or imposed upon said division of animal industry shall be exercised and performed by said division of livestock disease control and the commissioner of conservation shall transfer to the department of agriculture all records kept under the direction of, or in connection with the work of, said division of animal industry. The director of animal industry now serving in the department of conservation, and his permanent assistants, are hereby transferred to the department of agriculture without impairment of their civil service status, if any, and,

except as to the director, with the same powers and duties.

SECTION 18. This act shall take effect on December first in the current year.

Approved June 27, 1934.

Effective
date.

AN ACT DIRECTING THE LAYING OUT AND CONSTRUCTION BY THE DEPARTMENT OF PUBLIC WORKS OF A TRAFFIC CIRCLE NEAR THE NORTHERLY END OF THE NEPONSET RIVER BRIDGE IN THE CITY OF BOSTON.

Chap. 341

Be it enacted, etc., as follows:

SECTION 1. The department of public works, hereinafter called the department, is hereby directed to lay out and construct over public and private lands and public and private ways under the provisions of chapter eighty-one of the General Laws, except as otherwise provided in this act, and in a location to be determined by the department, a traffic circle near the northerly end of the Neponset River bridge at the intersection of the Gallivan boulevard, the Old Colony boulevard and Neponset avenue in the city of Boston, at a cost not to exceed ninety thousand dollars.

SECTION 2. The department may, on behalf of the commonwealth, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such public or private lands, cemeteries, public parks or reservations, or parts thereof or rights therein, or lands or rights therein under the control of the metropolitan district commission or public ways, as it may deem necessary for carrying out the provisions of section one, including such land or rights in land as may be necessary for the construction of any necessary drainage outlets: provided, that no damages shall be paid for public lands, parks, parkways, reservations or public ways so taken.

SECTION 3. The cost of laying out and constructing said circle and the land takings for the same, including any damages awarded or paid on account of any taking of land or property therefor, or any injury to the same, and any sums so paid for lands or rights purchased, including also all other expenses incurred in carrying out the provisions of section one, shall be deemed to be the cost of the work therein authorized.

SECTION 4. The entire cost of the work authorized by section one shall be paid by the commonwealth from such appropriations, not exceeding ninety thousand dollars, as may hereafter be made from the Highway Fund.

SECTION 5. When the work authorized by section one shall have been completed, the circle shall become a city way and shall be kept in good condition and repair by the city of Boston, and the provisions of section twenty-five of chapter eighty-one of the General Laws shall apply to it. The department is hereby authorized on behalf of the commonwealth to transfer to said city title to all lands and the rights

therein taken or acquired for the laying out and/or construction of said circle.

SECTION 6. When the work authorized by section one shall have been completed, the title to or control of such lands or rights therein taken or acquired therefor as in the opinion of the department are no longer needed for highway purposes may be transferred by the department to the city of Boston.

Approved June 27, 1934.

Chap.342 AN ACT PROVIDING FOR THE REPAIR AND STRENGTHENING OF THE CHELSEA NORTH BRIDGE OVER THE MYSTIC RIVER BY THE CITY OF BOSTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized to repair and strengthen the Chelsea North bridge over the Mystic river between said city and the city of Chelsea at a cost not exceeding two hundred and seventy thousand dollars.

SECTION 2. Fifty per cent of the cost of the work shall, subject to appropriation, be paid by the commonwealth from the Highway Fund; provided, that all plans and contracts prepared and executed with respect to the work hereunder shall have been approved by the state department of public works. Of the balance of said cost, sixty-two and one half per cent shall be paid by the city of Boston and thirty-seven and one half per cent by the city of Chelsea.

SECTION 3. From time to time during the progress of the work hereunder, there shall be paid to the city of Boston from the treasury of the commonwealth, on the request of the city auditor of said city of Boston and with the approval of the state department of public works, such sums as said city auditor may require within said limit of the commonwealth's share of the cost, and the city of Chelsea shall, on like request, pay to said city of Boston such sums as said city auditor may require within the limit of the share of said city of Chelsea of said cost.

SECTION 4. To meet the payment required by this act of the city of Boston and of the city of Chelsea, each such city may borrow outside its limit of indebtedness such sums as may be necessary, not exceeding, in the aggregate, the amount of such payment, and may issue its notes or bonds therefor, which shall bear on their face the name of the city and the designation Chelsea North Bridge Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not exceeding ten years from their dates. Except as otherwise provided by this section, any indebtedness incurred hereunder by the city of Boston shall be subject to the laws relating to the incurring of debt by said city, and any indebtedness incurred hereunder by the city of Chelsea shall be subject to the provisions of chapter forty-four of the General Laws.

SECTION 5. No work shall be begun hereunder, nor shall any contract for said work be made, until an appropriation shall have been made by the general court sufficient to cover the commonwealth's share of the cost hereunder and said cities of Boston and Chelsea shall have effected their respective loans authorized by the preceding section.

Approved June 27, 1934.

AN ACT PROVIDING FOR PAYMENT OF COMPENSATION TO DEPENDENTS OF FOREST WARDENS OF CITIES AND TOWNS WHO ARE KILLED OR DIE FROM INJURIES RECEIVED IN THE PERFORMANCE OF DUTY.

Chap. 343

Be it enacted, etc., as follows:

Section eighty-nine of chapter thirty-two of the General Laws, as most recently amended by section one of chapter three hundred and forty of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "force" in the first line the words: — , or a forest warden, — and by inserting after the word "force" in the seventh and sixteenth lines, in each instance, the words: — or as a forest warden, — so as to read as follows: — *Section 89.* If a member of the police or fire force, or a forest warden, of a city or town, or a member of the department of public safety doing police duty, or an investigator or examiner of the registry of motor vehicles in the department of public works doing police duty, is killed, or dies from injuries received, while in the performance of his duty as a member of such force or as a forest warden or as such a member of said department of public safety or as such an investigator or examiner of said registry, as the case may be, and it shall be proved to the satisfaction of the mayor and city council or selectmen, or of the commissioner of public safety subject to the approval of the governor and council, or of the commissioner of public works, subject to like approval, as the case may be, that such death was the natural and proximate result of an accident occurring during the performance and within the scope of his duty as a member of such force or as a forest warden or as such a member of said department of public safety or as such an investigator or examiner of said registry, as the case may be, and all members of a board consisting of two physicians designated by the mayor and city council, the selectmen, the commissioner of public safety or the commissioner of public works, as the case may be, and one physician to be designated by the commissioner of public health shall certify to the city, town or state treasurer, as the case may be, that the death was the direct result of the said injury, there shall be paid except as hereinafter provided, out of the city, town or state treasury, as the case may be, to the following dependents of such deceased person the following annuities: To the widow, so long as she remains unmarried, an annuity not exceeding one thousand dollars a

G. L. (Ter. Ed.), 32, § 89, etc., amended.

Annuities to dependents of policemen, firemen or forest wardens killed, etc., in performance of duty.

year, increased by not exceeding two hundred dollars for each child of such deceased person during such time as such child is under the age of eighteen or over said age and physically or mentally incapacitated from earning; and, if there is any such child and no widow or the widow later dies, such an annuity as would have been payable to the widow had there been one or had she lived, to or for the benefit of such child, or of such children in equal shares, during the time aforesaid; and, if there is any such child and the widow remarries, in lieu of the aforesaid annuity to her, an annuity not exceeding two hundred and sixty dollars to or for the benefit of each such child during the time aforesaid; and, if there is no widow and no such child, an annuity not exceeding one thousand dollars to or for the benefit of the father or mother of the deceased if dependent upon him for support at the time of his death, during such time as such beneficiary is unable to support himself or herself and does not remarry. The total amount of all such annuities shall not exceed the annual rate of compensation received by such deceased person at the date of his death, except that if such deceased person was a reserve or special policeman or a reserve or call fireman of a city or town and, at the time he was killed or at the time he received the injuries resulting in his death, was performing duty to which he was assigned or called as such policeman or fireman and for the performance of which he was entitled to compensation from said city or town, the total amount of all such annuities shall not exceed the annual rate of compensation payable to a regular or permanent member of the police or fire force thereof, as the case may be, for the first year of service therein, and if there are no regular or permanent members of the police or fire force thereof, as the case may be, said total amount shall not exceed the sum of one thousand dollars. The amount of any such annuity shall from time to time be determined within the limits aforesaid by the mayor and city council, the selectmen, or the commissioner of public safety subject to the approval of the governor and council, or the commissioner of public works, subject to like approval, as the case may be.

In case the deceased was a member of a contributory retirement system for public employees, the benefits provided under this section shall be in the alternative for the benefits, if any, provided by such retirement system for dependent widows and children or for dependent fathers or mothers; and the widow, or if there is no widow, the legal representative of the children entitled thereto, if any, otherwise the father or mother in the order named, shall elect which benefits shall be granted. Such election shall be made in writing and shall be filed with the retirement board in charge of the system of which the deceased was a member and shall not be subject to change or revocation after the first payment of any benefit thereunder.

Approved June 27, 1934.

AN ACT RELATIVE TO THE PENALTY FOR ESCAPES OR ATTEMPTED ESCAPES FROM PENAL INSTITUTIONS. Chap.344

Be it enacted, etc., as follows:

Chapter two hundred and sixty-eight of the General Laws is hereby amended by striking out section sixteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 16.* A prisoner who escapes or attempts to escape from any penal institution, or from land appurtenant thereto, or from the custody of any officer thereof or while being conveyed to or from any such institution, may be pursued and recaptured and shall be punished by imprisonment in the state prison for not more than ten years or by imprisonment in a jail or house of correction for not more than two and one half years. If the prisoner has escaped or attempted to escape from the prison camp and hospital, the expense of supporting him shall be paid by the institution to which he is sentenced and the expense of committing him shall be paid by the prison camp and hospital.

G. L. (Ter. Ed.), 268, § 16, amended.

Penalty for escapes or attempted escapes from penal institutions.

Approved June 27, 1934.

AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO CONTRIBUTE TOWARD THE RECONSTRUCTION OF A PORTION OF BEACON STREET IN THE CITY OF NEWTON. Chap.345

Be it enacted, etc., as follows:

SECTION 1. For the purpose of contributing to the cost of reconstructing that portion of Beacon street in the city of Newton lying between the westerly line of land of the Newton Cemetery Corporation and the city of Boston, the county of Middlesex is hereby authorized to pay out of the then current appropriation for highways and bridges for said county a sum equal to one sixth of the cost of said construction but not exceeding twenty-five thousand dollars.

SECTION 2. This act shall take effect upon its acceptance during the current year by the county commissioners of said county.

Approved June 29, 1934.

AN ACT AUTHORIZING AND DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO PROVIDE SUITABLE OUTDOOR PUBLIC BATHING FACILITIES IN THE TOWNS OF STERLING, HOLDEN AND RUTLAND. Chap.346

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission is hereby authorized and directed to provide, within a period of one year from the effective date of this act, suitable outdoor public bathing facilities within the towns of Holden and Rutland. Said facilities shall be maintained by the respective towns within which they are located. For the purpose of

providing said facilities, said commission may expend such sums not exceeding, in the aggregate, six thousand dollars, as may hereafter be appropriated therefor. The sums so expended shall be added to the annual assessments upon the cities and towns comprising the metropolitan water district, and apportioned and collected as provided by section twenty-six of chapter ninety-two of the General Laws. In the employment of persons in work under this act, preference shall first be given to veterans who are residents of the town in which the work is done, and secondly to citizens who are such residents.

SECTION 2. Said commission is hereby further authorized and directed to close the existing outlet on the westerly shore of East Waushacum pond in the town of Sterling for the purpose of stopping the flow of water from said pond into the Wachusett reservoir, and to construct an outlet on the easterly shore of said pond and a ditch leading from said outlet for carrying off the overflow from said pond. Said commission is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such lands or rights or easements therein as may be necessary for such construction. For the purpose of this section, said commission may expend such sums, not exceeding, in the aggregate, six thousand dollars, as may hereafter be appropriated therefor, and in addition such sums as may be contributed by organizations or individuals and paid into the state treasury and any unexpended balance of the appropriations made for the carrying out of the work authorized under section one. Sums expended for carrying out the work under this section, other than sums contributed and paid into the state treasury as aforesaid, shall be added to the annual assessments upon the cities and towns comprising the metropolitan water district in the same manner as sums expended for work under section one.

Approved June 29, 1934.

Chap. 347 AN ACT RELATIVE TO THE RENEWAL OF ELECTRICIANS' AND PLUMBERS' LICENSES.

Emergency
preamble.

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 141, § 3,
amended.

SECTION 1. Clause (4) of section three of chapter one hundred and forty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth line, the words "the preceding month" and inserting in place thereof the words: — said month or, in case of absence, sickness or other disability of the holder, at such time thereafter as the examiners may permit, — so as to read as follows: — (4) Each "Certificate A" shall expire on

Forms of
licenses of
electricians.

July thirty-first in each year, but may be renewed by the same person, or the same firm or corporation, acting by one or more of its members or officers, without further examination, upon payment of a fee of fifteen dollars, application therefor being made during said month or, in case of absence, sickness or other disability of the holder, at such time thereafter as the examiners may permit.

SECTION 2. Chapter one hundred and forty-two of the General Laws is hereby amended by striking out section six, as so appearing, and inserting in place thereof the following:

— *Section 6.* Licenses and certificates issued by the examiners shall be valid throughout the commonwealth, but shall not be assignable or transferable. The examiners shall forward to the board of health of each town, or to the inspector of buildings having control of the enforcement of regulations relative to plumbing in such town, the names and addresses of all persons in such town to whom such licenses have been granted. Licenses shall be issued for one year and may be renewed annually on or before May first, or, in case of absence, sickness or other disability of the holder, on or before such later date as the examiners may permit, upon payment of the required fee. Each holder of a master plumber's certificate or license shall register his name and business address with said inspector of buildings if he has such control, otherwise with the board of health, in the town wherein he desires to engage in business as a master plumber. Any such license or certificate may, after notice and hearing, be suspended or revoked by the examiners upon the violation by the holder thereof of any statute, ordinance, by-law, rule or regulation relative to plumbing, upon failure or refusal of the holder thereof to comply with the rules and requirements of the examiners, or for other sufficient cause. In case of failure to renew a license as aforesaid on or before May first in any year or such later date as the examiners may permit as aforesaid, the person named therein may, upon payment of the said fee and, at the discretion of the examiners, a deferred renewal fee of ten dollars, increased by such additional fees as would have been payable had such license been continuously renewed, receive a deferred renewal thereof which shall expire on the ensuing first day of May; provided, that such renewed license shall not constitute its holder a licensee for any period preceding its issue.

Approved June 29, 1934.

G. L. (Ter. Ed.), 142, § 6, amended.

Plumbers' licenses valid throughout the state.

AN ACT MAKING LOUIS V. JENNINGS ELIGIBLE TO RECEIVE UPON RETIREMENT CERTAIN ALLOWANCES UNDER THE BOSTON RETIREMENT ACT.

Chap. 348

Be it enacted, etc., as follows:

SECTION 1. The Boston retirement board, established under chapter five hundred and twenty-one of the acts of nineteen hundred and twenty-two, as amended, in computing

the retirement allowance to be paid under the provisions of said act to Louis V. Jennings, formerly a clerical assistant to the register of the probate court in and for the county of Suffolk, and now a court officer of said court, upon his retirement, shall compute said allowance upon the total of his periods of service in said court, whether in the employ of the commonwealth or of the county of Suffolk, and any provision of said chapter five hundred and twenty-one, as amended, inconsistent herewith shall not apply to said Jennings. There shall be paid forthwith by said Louis V. Jennings to said Boston retirement board the sum of three hundred and thirty-eight dollars and seventy-one cents received by said Jennings from the state board of retirement May tenth, nineteen hundred and twenty-nine, together with interest equal to that which would have been earned by said sum from the date of his leaving the service of the state and entering that of the county, said sum to be computed by said Boston retirement board; and upon such retirement there shall be paid by the commonwealth to the Boston retirement board a sum to be computed by said board which shall be equal to the contribution which the city of Boston is then required to make to the retirement reserve fund on account of that portion of the services of said Jennings which were rendered to the commonwealth.

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

Approved June 29, 1934.

Chap. 349 AN ACT MAKING CERTAIN CHANGES IN THE LAW RELATING TO TRUST COMPANIES.

Emergency preamble.

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 172, § 1, amended.

SECTION 1. Chapter one hundred and seventy-two of the General Laws is hereby amended by striking out section one, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 1.* Wherever used in this chapter, unless the context otherwise requires, the following words shall have the following meanings: —

Definitions.

“Trust company” or “such corporation”, a trust company incorporated as such in the commonwealth.

“Commissioner”, the commissioner of banks.

“Common stock”, the stock of a trust company other than preferred stock, issued under the provisions of this chapter.

G. L. (Ter. Ed.), 172, § 7, amended.

SECTION 2. Section seven of said chapter one hundred and seventy-two, as so appearing, is hereby amended by striking out the clause contained in the eighth and ninth lines and inserting in place thereof the following: —

Fourth, The amount and classes of its capital stock, and the number of shares into which it or any class is to be divided.

SECTION 3. Section nine of said chapter one hundred and seventy-two, as so appearing, is hereby amended by striking out, in the eighteenth and nineteenth lines, the words "a president," — so that the fifth sentence will read as follows: — At such first meeting, or at any adjournment thereof, the incorporators shall organize by the choice by ballot of a temporary clerk, by the adoption of by-laws and by the election in such manner as the by-laws may determine, of directors, a clerk, and such other officers as the by-laws may prescribe.

SECTION 4. Section ten of said chapter one hundred and seventy-two, as so appearing, is hereby amended by striking out, in the first line, the word "president" and inserting in place thereof the word: — clerk, — so that the first paragraph will read as follows: — The clerk, and a majority of the directors elected at such first meeting, shall make, sign and make oath to, articles in duplicate, setting forth —

(a) A true copy of the agreement of association, the names of the subscribers thereto, and the name, residence and post office address of each of the officers of the company;

(b) The date of the first meeting and the successive adjournments thereof, if any.

SECTION 5. Said chapter one hundred and seventy-two is hereby amended by striking out section eleven, as so appearing, and inserting in place thereof the following: —

Section 11. When the whole capital stock has been issued, a new list of the stockholders, with the name, residence and post office address of each, and the number in each class of shares held by each, shall be filed with the board of bank incorporation, which list shall be verified by the clerk of the corporation. Upon receipt of such list said board shall cause an examination to be made of the method of payment of the capital stock, of the personnel of the corporation, including the officers and directors thereof, and if, after such examination, it appears that the whole capital stock has been paid in in cash, that all requirements of law have been complied with, and that the qualifications of the personnel are satisfactory, said board shall, if satisfied that the public convenience and advantage will be promoted thereby, issue a certificate authorizing such corporation to begin the transaction of business. It shall be unlawful for any such corporation to begin the transaction of business until such a certificate has been granted.

SECTION 6. Said chapter one hundred and seventy-two is hereby further amended by striking out section twelve, as so appearing, and inserting in place thereof the following: — *Section 12.* The officers of such corporation shall be a president, clerk or secretary, a board of not less than seven nor more than twenty-five directors, as shall be determined by the stockholders, a treasurer, and such other officers as

Agreement of association.
Classes of stock.

G. L. (Ter. Ed.), 172, § 9, amended.

First meeting.

G. L. (Ter. Ed.), 172, § 10, amended.

Certificate of organization and incorporation.

G. L. (Ter. Ed.), 172, § 11, amended.

Certificate permitting business.

G. L. (Ter. Ed.), 172, § 12, amended.

Officers.

may be prescribed by law or its by-laws, and they shall be sworn to the faithful performance of their duties.

The president of such corporation shall be a member of the board of directors and shall be the chairman thereof, but the board may designate a director in lieu of the president to be chairman of the board, who shall perform such duties as the board may prescribe.

Each such corporation shall have an executive committee of not less than three members, who shall be elected by and from the directors and shall hold office during their pleasure.

G. L. (Ter.
Ed.), 172,
§ 13,
amended.

Choice of
officers.

SECTION 7. Said chapter one hundred and seventy-two is hereby further amended by striking out section thirteen, as so appearing, and inserting in place thereof the following: — *Section 13.* The affairs of such corporation shall be managed by the directors, who, with the clerk or secretary, shall be elected by the stockholders at their annual meeting. The directors shall elect the president, treasurer and such other officers as may be required by law or by-law, who shall hold their respective offices during the pleasure of the directors, and shall give to the corporation bond in such amounts and with such surety or sureties and conditions as the commissioner may prescribe. The president and treasurer and any of the other officers and employees required to give bond may be included in one or more blanket or schedule bonds; provided, that such bonds are approved by the commissioner as to the amounts and conditions thereof, and as to the sureties thereon. The board of directors may fill, until the next annual meeting, any vacancies in offices that may occur.

G. L. (Ter.
Ed.), 172,
§ 14,
amended.

Directors.

SECTION 8. Said chapter one hundred and seventy-two is hereby further amended by striking out section fourteen, as so appearing, and inserting in place thereof the following: — *Section 14.* Every director shall be the bona fide owner in his own right of shares of capital stock of such corporation having a par value in the aggregate of not less than one thousand dollars. From and after January first, nineteen hundred and thirty-five, no director, officer or employee of any such corporation shall be at the same time a director, officer or employee of a corporation, other than a mutual savings bank, co-operative bank, Morris Plan Company or credit union, or a member of a partnership organized for any purpose whatsoever which makes a business of making loans secured by stock or bond collateral or shall at the same time be individually engaged in such business; provided, that nothing in this section shall prohibit a director, officer or employee of any such corporation from being at the same time an officer, director or employee of another such corporation or national banking association, if, in such case, there is in force a permit therefor issued by the commissioner, who is hereby authorized to issue such permit if, in his judgment, it is not incompatible with the public interest, and to revoke any such permit whenever he finds, after reasonable notice and opportunity to be heard, that the public interest re-

quires its revocation. The directors shall hold office for such term as is provided in the by-laws, and until their successors are selected and have qualified. Any director who ceases to be the owner of the required number of shares of stock, or who becomes in any other manner disqualified, shall vacate his office forthwith. Any vacancy in the board of directors may be filled by appointment by the remaining directors, and any director so appointed shall hold his office until the next election. Three fourths of the directors of any such corporation shall be citizens of and resident in the commonwealth.

Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, faithfully perform the duties of his office and that he is the owner in good faith and in his own right of the amount of stock required by this section standing in his name on the books of such corporation, and that the same is not hypothecated or in any way pledged as security for any loan or debt. The oath shall be taken before a notary public or justice of the peace, who is not an officer of such corporation, and a record of the oath shall be made a part of the records of such corporation.

SECTION 9. Said chapter one hundred and seventy-two is hereby further amended by inserting after section fourteen, as so appearing, the following new section:— *Section 14A*. The board of directors of every such corporation shall meet at least once in each calendar month. The treasurer or such other officers as may be designated by vote of the board shall submit to each such meeting a written report, over his signature, relative to the affairs of such corporation for the periods hereinafter described, which shall be filed with the records of such meeting. Such report shall contain the following information for each period covered thereby:—

1. All changes in investments, including a list of the securities purchased or sold.

2. All changes in any reserve or contingency account, however designated, and an itemized list of the credits and debits to profit and loss and reserve accounts.

3. A list of all outstanding loans payable on demand, the date thereof and the date on which interest has been paid, setting forth the total liabilities of the borrower to the corporation, both secured and unsecured.

4. A list of all loans, secured or unsecured, and discounts of any borrower including both direct and indirect liabilities made during such period which brings the aggregate of the liabilities of such borrower to an amount in excess of one thousand dollars, with a notation of any line of credit possessed by such borrower.

At the directors' meeting first occurring after the effective date of this section, such report shall cover the period from the last prior directors' meeting to a date not more than one week prior to the meeting so occurring, and subsequent reports shall cover the period running from the last date

G. L. (Ter. Ed.), 172, new section 14A, added.

Directors' meetings, reports, etc.

covered by the next prior report to a date not more than seven days prior to the meeting at which such a subsequent report is to be rendered.

G. L. (Ter. Ed.), 172, § 15, amended.
By-laws.

SECTION 10. Said chapter one hundred and seventy-two is hereby further amended by striking out section fifteen, as so appearing, and inserting in place thereof the following: — *Section 15.* The corporation may adopt by-laws for the proper management of its affairs, may establish regulations controlling the assignment and transfer of its shares and may determine what number of shares shall be represented at any meeting to constitute a quorum. If the quorum is not so determined, a majority in interest of the stockholders entitled to vote shall be a quorum. A copy of the by-laws and a copy of any regulations established hereunder shall be transmitted by the corporation to the commissioner. A copy of any change in or amendment to any such by-law or regulation shall be transmitted to the commissioner forthwith upon adoption. To all said copies shall be appended a written statement signed by the clerk or secretary, and the president, declaring that said copies are true and correct copies of the originals and said written statement shall contain or be verified by a written declaration that it is made under the penalties of perjury. Said copies shall be kept in a suitable place by the commissioner and shall be competent evidence in all cases, equally with the originals thereof.

G. L. (Ter. Ed.), 172, § 16, amended.

Certain officers not to borrow from corporation.

SECTION 11. Section sixteen of said chapter one hundred and seventy-two, as so appearing, is hereby amended by adding at the end thereof the following new paragraph: —

No executive officer of such corporation shall borrow from or otherwise become indebted to such corporation, and no such corporation shall make any loan or extend credit in any other manner to any of its own executive officers. No state bank examiner shall borrow, directly or indirectly, from any such corporation, without the prior written assent of the commissioner.

G. L. (Ter. Ed.), 172, § 18, amended.

Capital stock; amount, issue, increase.

SECTION 12. Said chapter one hundred and seventy-two is hereby further amended by striking out section eighteen, as so appearing, and inserting in place thereof the following: — *Section 18.* The capital stock of such corporation may consist of common stock and one or more classes of preferred stock, all issued, except as hereinafter provided, in such amount and with such par value, as shall be approved by the commissioner. The preferred stock may contain such provisions relative to preferences, voting powers, retirement, dividend and conversion rights and participation in control and management, as the by-laws and articles of organization, with the approval of the commissioner, may provide; but the holders thereof shall not be held individually responsible as such holders for any debts, contracts or engagements of such corporation and shall not be liable for assessments to restore impairments in its capital.

In case dividends on the preferred stock are to be cumulative, no dividends shall be declared or paid on common

stock until all such cumulative dividends shall have been paid in full and all requirements of any retirement fund shall have been met; and if such corporation is placed in voluntary liquidation, or a conservator is appointed therefor, or possession of its property and business has been taken by the commissioner, no payments shall be made to the holders of the common stock until the holders of the preferred stock shall have been paid in full the par value of such stock plus all accumulated unpaid dividends.

The common stock of such corporation shall be not less than two hundred thousand dollars, except that in a city or town whose population numbers not exceeding fifty thousand but exceeding six thousand the common stock may be not less than one hundred thousand dollars, and in a town whose population numbers not exceeding six thousand, not less than fifty thousand dollars. No business shall be transacted by such corporation until the whole amount of its common stock is subscribed for and actually paid in. No stock of such corporation specified in its original agreement of association shall be issued under this section unless and until the par value thereof shall be fully paid in in cash, and no stock in addition thereto, whether common or preferred, shall so be issued unless and until the par value thereof shall be fully paid in in cash or such other good and valuable consideration as shall be approved by the commissioner or is in its possession as surplus; provided, that no stock shall be issued against surplus unless the surplus remaining after such issue shall amount to at least fifty per cent of the total common stock of the bank after such increase. Any such corporation may, subject to the approval of the commissioner, increase or reduce its capital stock in the manner provided by section forty-one, section forty-four, and the first sentence of section forty-five, all of chapter one hundred and fifty-six; provided, that in the case of a reduction as aforesaid the common stock as so reduced shall not be less than the amount required by this section; and provided, further, that in the case of a reorganization of any such corporation in possession of the commissioner under section twenty-two of chapter one hundred and sixty-seven or in possession of a conservator under section eighteen of this chapter, the capital stock outstanding at the time of possession taken by the commissioner or conservator, may be cancelled in whole or in part or other disposition thereof made in accordance with any plan of reorganization approved by the commissioner and the supreme judicial court. Any such corporation may change the par value of its shares in the manner provided by sections forty-one and forty-three of said chapter one hundred and fifty-six.

SECTION 13. Section nineteen of said chapter one hundred and seventy-two, as so appearing, is hereby amended by adding at the end thereof the following: — Each such corporation shall prepare an annual report which shall contain a statement of condition as shown by its books and a profit

G. L. (Ter.
Ed.). 172,
§ 19,
amended.

and loss statement, both in such form as may be approved by the commissioner. Such report shall at all reasonable times be open for inspection to stockholders or their agents thereunto duly authorized in writing, — so as to read as follows: — *Section 19.* The books of such corporation shall at all reasonable times be open for inspection to the stockholders and to beneficiaries under any trust held by such corporation. Each such corporation shall prepare an annual report which shall contain a statement of condition as shown by its books and a profit and loss statement, both in such form as may be approved by the commissioner. Such report shall at all reasonable times be open for inspection to stockholders or their agents thereunto duly authorized in writing.

Books open
for inspection.

G. L. (Ter.
Ed.), 172.
§ 24,
amended.

Liability of
stockholders.

SECTION 14. Said chapter one hundred and seventy-two is hereby further amended by striking out section twenty-four, as so appearing, and inserting in place thereof the following: — *Section 24.* The holders of common stock of any such corporation shall be personally liable, equally and ratably and not one for another, for all contracts, debts and engagements of the corporation, to the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares, and no stockholder shall be allowed to set off any claim as a depositor in or creditor of either the commercial or savings department of the corporation against such liability. Sections forty-six to fifty-four, inclusive, of chapter one hundred and fifty-eight shall apply to and regulate the enforcement of such liability by creditors of the corporation. The liability imposed by this section shall not apply with respect to shares of common stock issued by such corporation after June first, nineteen hundred and thirty-four, including any of such stock of a trust company at any time in possession of the commissioner under section twenty-two of chapter one hundred and sixty-seven or of a conservator under section eighty-seven issued after June first, nineteen hundred and thirty-four pursuant to a reorganization of such trust company and whether or not in lieu of capital stock cancelled in whole or in part under section eighteen.

G. L. (Ter.
Ed.), 172.
§ 25,
amended.

Enforcement
of liability.

SECTION 15. Section twenty-five of said chapter one hundred and seventy-two, as so appearing, is hereby amended by inserting before the word "stockholders" in the fifth line and before the word "stockholder" in the eighth line, in each instance, the word: — common, — so as to read as follows: — *Section 25.* Any such corporation whose capital stock has, in the opinion of the commissioner, become impaired by losses or otherwise, shall, within three months after receiving notice from the commissioner, pay the deficiency in the capital stock by assessment upon the common stockholders pro rata to the shares held by each. If such corporation shall fail to pay such deficiency in its capital stock for three months after receiving such notice, the commissioner may apply to the supreme judicial court for an injunction; and if a common stockholder of such corporation neglects or refuses, after

three months' notice, to pay the assessment as provided in this section, the board of directors shall cause an amount of his stock sufficient to make good his assessment to be sold by public auction, after thirty days' notice given by posting such notice in the office of the corporation and by publishing it in a newspaper of the city or town where the corporation is located or in a newspaper published nearest thereto; and the balance, if any, shall be returned to such delinquent stockholder. This section shall not take away the right of creditors to enforce the liability of stockholders in such corporations, as provided in the preceding section, or the right of the commissioner to enforce such liability as provided in section twenty-four of chapter one hundred and sixty-seven, nor increase the general liability of such stockholders.

SECTION 16. Section twenty-six of said chapter one hundred and seventy-two, as so appearing, is hereby amended by inserting after the word "stock", in the eighth line, the words:— and the classes into which it is divided,— by striking out, in the fifth line, the words "or actuary" and by inserting after the word "kind" in the twentieth line the words:—, and the amount of securities pledged to secure deposits as provided in sections thirty-one, fifty-four and sixty-two,— so as to read as follows:— *Section 26.* Such corporation shall at such times as the commissioner orders, but not exceeding five times within any calendar year, and within ten days after a day designated in the order, make a return to the commissioner, signed and sworn to by its president and secretary, treasurer and not less than four of its board of directors, showing accurately the condition of such corporation at the close of business on the day designated, and said return shall specify: capital stock and the classes into which it is divided; amount of all money and property in detail in the possession or charge of said corporation as deposits; amount of deposits payable on demand or within ten days; amount of trust guaranty fund; trust funds and funds for purposes of investment; number of depositors; investments in authorized loans of the United States or any of the New England states, counties, cities or towns; investments in bank stock, railroad stock and railroad bonds, stating amount in each; loans on notes of corporations; loans on notes of individuals; loans on mortgages of real estate; cash on hand; rate, amount and date of dividends since last return; and such other information as the commissioner orders. Such return shall be in the form of a trial balance of its books and shall specify the different kinds of its liabilities and assets, with the amount of each kind, and the amount of securities pledged to secure deposits as provided in sections thirty-one, fifty-four and sixty-two in accordance with a blank form furnished by the commissioner and shall be published by and at the expense of such corporation in a newspaper of the city or town where such corporation is located, at such times and in such manner as may be directed by the commissioner.

G. L. (Ter. Ed.), 172, § 26, amended.

Returns to commissioner of banks.

G. L. (Ter. Ed.), 172, § 30A, amended.
Transfers.

SECTION 17. Section thirty A of said chapter one hundred and seventy-two, as so appearing, is hereby amended by adding at the end thereof the following: — This section shall not apply in case of assets transferred under section fifty-four or sixty-two.

G. L. (Ter. Ed.), 172, § 31, amended.

Deposits.

SECTION 18. Said chapter one hundred and seventy-two is hereby amended by striking out section thirty-one, as so appearing, and inserting in place thereof the following: — *Section 31.* Such corporation may receive on deposit, storage or otherwise, money, government securities, stocks, bonds, coin, jewelry, plate, valuable papers and documents, evidences of debt, and other property of any kind, upon terms or conditions to be agreed upon, and at the request of the depositor may collect and disburse the interest or income, if any, upon said property received on deposit and collect and disburse the principal of such of said property as produces interest or income when it becomes due, upon terms to be prescribed by the corporation. Such deposits shall be general deposits, and may be made by corporations and persons acting individually or in any fiduciary capacity. Such corporation shall not give collateral or other security for a deposit of money received under this section, except that the corporation may make such a deposit of securities as may be required by the laws of the United States or the rules and regulations of the trustees of the postal savings system as security for deposits of postal savings funds made with such corporation and may give such collateral or other security for deposits of public or other funds as may be required by any public authority making such deposits or controlling the terms upon which they may be made and except as provided in sections fifty-four and sixty-two. The provisions of section thirty-four of chapter one hundred and sixty-eight relative to deposits in trust in savings banks and of sections forty-two and forty-three of said chapter applicable to unclaimed deposits in savings banks shall apply in all respects to similar deposits in trust or unclaimed deposits in all departments of trust companies.

G. L. (Ter. Ed.), 172, § 34, amended.

Loans on property regulated.

SECTION 19. Said chapter one hundred and seventy-two is hereby further amended by striking out section thirty-four, as so appearing, and inserting in place thereof the following: — *Section 34.* No such corporation in its commercial department shall advance money or credits upon notes secured by deed of trust or by mortgage, except notes secured by first mortgages upon improved real estate, including improved farm lands, situated within the commonwealth and within a radius of fifty miles of the main office of such corporation, or within a radius of twenty-five miles of the main office of such corporation without regard to state boundaries. The amount of any such mortgage shall not exceed sixty per cent of the value of the improved real estate, or fifty per cent of the value of improved farm lands, and shall not be made for a period extending beyond three years from the date of the note, except in the case of loans on improved farm

lands, when the period may be five years. The foregoing limitations as to locality and amount shall not apply to (a) loans made prior to June first, nineteen hundred and thirty-four; (b) mortgages taken in good faith by way of security for debts to such corporation previously contracted; (c) loans made by such corporation to secure the payment of a portion of the purchase price of real estate acquired by such corporation by foreclosure, or otherwise. No loan or mortgage shall be made except upon written application showing the date, name of applicant, amount asked for, security offered and assessed valuation, nor except upon the report of a majority of the executive committee or real estate committee, if any, who shall certify on said application, according to their best judgment, the value of the premises to be mortgaged; and such application shall be filed and preserved with the records of such corporation.

SECTION 20. Said chapter one hundred and seventy-two is hereby further amended by striking out section forty-three, as so appearing, and inserting in place thereof the following: — *Section 43.* No such corporation shall invest in more than ten per cent of the capital stock of any other trust company or national banking association, nor, except with the written approval of the commissioner, in more than ten per cent of the capital stock of any other corporation or voluntary association having transferable shares, nor shall the aggregate of its investments in the capital stock of trust companies, national banking associations, other corporations or voluntary associations having transferable shares exceed the total of its capital and surplus.

SECTION 21. Said chapter one hundred and seventy-two is hereby further amended by striking out section forty-five, as so appearing, and inserting in place thereof the following: — *Section 45.* Any such corporation, if the aggregate total of its capital and surplus account is not less than one tenth of its aggregate deposit liability, may, with the approval of the board of bank incorporation, establish and operate one or more branch offices in the town where its main office is located, or in any other town within the same county, not having commercial banking facilities. No such corporation shall maintain a branch office except as provided in this and the following two sections, but the restrictions in this section shall not extend to branch offices authorized prior to June first, nineteen hundred and thirty-four.

SECTION 22. Said chapter one hundred and seventy-two is hereby further amended by striking out section forty-six, as so appearing, and inserting in place thereof the following: — *Section 46.* Any office or offices of a trust company the business of which has been taken over under section forty-four or forty-four A by such a trust company whose main office is located in the same county, or any office or offices of a national banking association the whole or a substantial part of the assets of which is purchased or otherwise acquired by a trust company so located, may, with the approval of the

G. L. (Ter. Ed.), 172, § 43, amended.

Holding of stock in other trust company or national bank.

G. L. (Ter. Ed.), 172, § 45, amended.

Branch offices.

G. L. (Ter. Ed.), 172, § 46, amended.

Office of merged company maintained as branch office.

commissioner, be maintained as a branch office or offices of such corporation, if the aggregate total of its capital and surplus account is not less than one tenth of its aggregate deposit liability, except that upon the reorganization of any trust company in possession, on June first, nineteen hundred and thirty-four, or thereafter, of the commissioner or of a conservator, the commissioner may authorize such trust company, notwithstanding the foregoing restrictions, to maintain such office or offices as branch offices under such conditions as he may approve.

G. L. (Ter. Ed.), 172, § 48, amended.

May acquire stock of Federal Reserve Bank.

SECTION 23. Said chapter one hundred and seventy-two is hereby further amended by striking out section forty-eight, as so appearing, and inserting in place thereof the following:— *Section 48.* (a) Any such corporation may subscribe for and acquire stock issued by the Federal Reserve Bank of Boston for the purpose of qualifying for membership in the federal reserve system under the United States "Federal Reserve Act", approved December twenty-third, nineteen hundred and thirteen, or any acts in amendment thereof, and while a member of such system may have and exercise any and all of the corporate powers and privileges which may be exercised by member banks under said act or acts.

May acquire stock issued under "Banking Act of 1933".

(b) Any such corporation may purchase stock issued under the provisions of the United States "Banking Act of 1933" approved June sixteenth, nineteen hundred and thirty-three, or any acts in amendment thereof, for the purpose of qualifying for membership in the Federal Deposit Insurance Corporation, and during membership therein may have and exercise any and all corporate powers and privileges which may be exercised by members of said insurance corporation.

G. L. (Ter. Ed.), 172, § 54, amended.

SECTION 24. Section fifty-four of said chapter one hundred and seventy-two, as so appearing, is hereby amended by adding at the end the following:— ; provided, however, that funds held in trust in the trust department awaiting investment or distribution may be deposited in the commercial department if such corporation shall first transfer to said trust department to be held as security therefor bonds, notes, bills and/or certificates of indebtedness of the United States or of this commonwealth of an aggregate value of not less in amount than funds so deposited, and shall at all times maintain the value of such security to such amount,— so as to read as follows:— *Section 54.* Money, property or securities received, invested or loaned under the provisions of sections fifty to fifty-two, inclusive, shall be a special deposit in such corporation, and the accounts thereof shall be kept separate. Such funds and the investment or loans thereof shall be specially appropriated to the security and payment of such deposits, shall not be mingled with the investments of the capital stock or other money or property belonging to such corporation, or be liable for the debts or obligations thereof; provided, however, that funds held in trust in the trust department awaiting investment or distribution may be deposited in the commercial department if such corporation

Trust funds to be kept as special deposit, etc.

shall first transfer to said trust department to be held as security therefor bonds, notes, bills and/or certificates of indebtedness of the United States or of this commonwealth of an aggregate value of not less in amount than funds so deposited, and shall at all times maintain the value of such security to such amount.

SECTION 25. Said chapter one hundred and seventy-two is hereby further amended by striking out section fifty-seven, as so appearing, and inserting in place thereof the following: —

Section 57. In all proceedings in the probate court or elsewhere, connected with any authority exercised under section fifty or fifty-two, or under any similar provision of law, all accounts, returns and other papers may be signed and sworn to, in behalf of such corporation by any officer thereof duly authorized by it, who has knowledge of the subject matter covered therein, and the answers and examinations under oath of said officer shall be received as the answers and examinations of such corporation. The court may order and compel an officer of such corporation to answer and attend said examination in the same manner as if he, instead of the corporation, were a party to the proceeding.

SECTION 26. Section sixty of said chapter one hundred and seventy-two, as so appearing, is hereby amended by adding at the end the following: — No such corporation shall accept in its savings department new deposit accounts in excess of ten thousand dollars, and no account in such department shall be permitted to exceed ten thousand dollars by additional deposits or credits, except by accumulation of interest, — so as to read as follows: — *Section 60.* Every such corporation soliciting or receiving deposits (a) which may be withdrawn only on presentation of the pass book or other similar form of receipt which permits successive deposits or withdrawals to be entered thereon, or (b) which at the option of such corporation may be withdrawn only at the expiration of a stated period after notice of intention to withdraw has been given, or (c) in any other way which might lead the public to believe that such deposits are received or invested under the same conditions or in the same manner as deposits in savings banks, shall have a savings department in which all business relating to such deposits shall be transacted. Every such corporation subject to this section shall have an investment committee of not less than three members, elected by and from the board of directors, and such committee shall hold meetings at least once in each month. No such corporation shall accept in its savings department new deposit accounts in excess of ten thousand dollars, and no account in such department shall be permitted to exceed ten thousand dollars by additional deposits or credits, except by accumulation of interest.

SECTION 27. Section sixty-two of said chapter one hundred and seventy-two, as so appearing, is hereby amended by adding at the end the following: — ; provided, that the savings department of any such corporation subject to the

G. L. (Ter. Ed.), 172, § 57, amended.

Signing of returns, etc.

G. L. (Ter. Ed.), 172, § 60, amended.

Savings department. Limit on individual deposits.

G. L. (Ter. Ed.), 172, § 62, amended.

Savings
deposits to be
kept separate.

reserve requirement of section eighty-one may make deposits in its commercial department not exceeding in the aggregate at any one time the amount of reserve such corporation is required to maintain under said section eighty-one against its savings deposits; and, provided, further, that the commercial department shall first transfer to the savings department to be held as security for such deposits, bonds, notes, bills and/or certificates of indebtedness of the United States or of this commonwealth, or such other assets as the commissioner may, as to any specific deposit, approve, of an aggregate value of not less in amount than funds so deposited, and shall at all times maintain the value of such security to such amount, — so as to read as follows: — *Section 62*. Such deposits and the investments or loans thereof shall be appropriated solely to the security and payment of such deposits, shall not be mingled with the investments of the capital stock or other money or property belonging to or controlled by such corporation, or be liable for the debts or obligations thereof until after the deposits in said savings department have been paid in full. The accounts and transactions of said savings department shall be kept separate and distinct from the general business of the corporation; provided, that the savings department of any such corporation subject to the reserve requirement of section eighty-one may make deposits in its commercial department not exceeding in the aggregate at any one time the amount of reserve such corporation is required to maintain under said section eighty-one against its savings deposits; and, provided, further, that the commercial department shall first transfer to the savings department to be held as security for such deposits, bonds, notes, bills and/or certificates of indebtedness of the United States or of this commonwealth, or such other assets as the commissioner may, as to any specific deposit, approve, of an aggregate value of not less in amount than funds so deposited, and shall at all times maintain the value of such security to such amount.

G. L. (Ter.
Ed.), 172,
§ 74,
amended.

Composition
of reserve.

SECTION 28. Section seventy-four of said chapter one hundred and seventy-two, as so appearing, is hereby amended by striking out, in the second line, the words "gold certificates," — so as to read as follows: — *Section 74*. Not less than one fifth of the required reserve shall consist of lawful money of the United States, silver certificates, or notes and bills issued by any lawfully organized national banking association or federal reserve bank. The remainder, if any, shall consist of balances payable on demand due from any trust company authorized to act as reserve agent as provided in the following section, or from any member of the federal reserve system located in this commonwealth, in a reserve city in the second, third or fourth federal reserve district or in a central reserve city, as designated by or under authority of act of congress, and/or bonds, notes, bills and certificates of indebtedness of the United States, or of this commonwealth, computed at their fair market value, which are the

absolute property and under the control of such corporation; provided, that not more than two fifths of the minimum reserve required shall consist of such bonds, notes, bills and certificates of indebtedness.

SECTION 29. Said chapter one hundred and seventy-two is hereby further amended by striking out section seventy-five, as so appearing, and inserting in place thereof the following: — *Section 75.* The commissioner may authorize any trust company in Boston to act as reserve agent for trust companies doing business in the commonwealth; provided, that a trust company shall not keep any part of its reserve in a trust company so authorized to act as reserve agent without first obtaining the written consent of the commissioner. Not less than one half of the reserve of such trust company acting as reserve agent shall consist of lawful money of the United States, silver certificates or notes and bills issued by any lawfully organized national banking association, and the remainder of such reserve may consist of balances, payable on demand, due from any trust company in Boston authorized to act as reserve agent as herein provided, or from any national banking association doing business either in this commonwealth, or in the cities of New York, Philadelphia or Chicago. No trust company shall keep on deposit with any bank not designated as reserve agent a sum in excess of ten per cent of its own capital stock, surplus account and guaranty fund. The commissioner may revoke the authority of any trust company to act as reserve agent. Notwithstanding the provisions of this section and of sections seventy-three and seventy-four, if the governor declares that a banking emergency exists, the commissioner may by regulation during such emergency increase or decrease from time to time, in his discretion, the reserve balances required to be maintained against either demand or time deposits.

G. L. (Ter. Ed.), 172, § 75, amended.

Corporation may act as reserve agent.

SECTION 30. Section seventy-six of said chapter one hundred and seventy-two, as so appearing, is hereby amended by inserting after the word “may” in the sixth line the words: — appoint a conservator of such corporation as provided in section eighty-three, or he may, — and by striking out the last sentence, — so as to read as follows: — *Section 76.* If the reserve of any trust company is at any time less than the amount which it is required to keep on hand, such corporation shall not make any new loans or investments until the required proportion between the aggregate amount of its deposits and reserve shall be restored. The commissioner may notify such corporation to make good such reserve, and if it fails so to do for thirty days thereafter, he may appoint a conservator of such corporation as provided in section eighty-three, or he may proceed to take possession of its property and business and liquidate its affairs in the manner provided in sections twenty-two to thirty-five, inclusive, of chapter one hundred and sixty-seven.

G. L. (Ter. Ed.), 172, § 76, amended.

Proceedings if reserve less than required.

SECTION 31. Said chapter one hundred and seventy-two is hereby further amended by striking out section eighty, as so

G. L. (Ter. Ed.), 172, § 80, amended.

Dividends.

appearing, and inserting in place thereof the following:—
Section 80. Commencing January first, nineteen hundred and thirty-six, after payment of dividends on its preferred stock, if any, and after complying with the requirements of any preferred stock retirement fund, if any, each such corporation shall, unless the sum total of its capital stock, surplus and guaranty fund equals in the aggregate ten per cent of its deposit liability, carry its net profits to its surplus account until the same, together with its guaranty fund, shall amount to fifty per cent of its common stock. Thereafter, the directors of such corporation, after payment of dividends on its preferred stock, if any, and complying with the requirements of the preferred stock retirement fund, if any, may declare dividends on its common stock of so much of the net profits of the corporation as they shall judge expedient, but such corporation shall, unless the sum total of its capital stock, surplus and guaranty fund equals in the aggregate ten per cent of its deposit liability, before the declaration of such dividend from the net profits, carry one half part of its net profits of the preceding period for which said dividend is to be paid to its surplus account until the same, together with its guaranty fund, shall amount to one hundred per cent of its capital stock. No such corporation or stockholder thereof shall, during the time it continues its banking operations, withdraw or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. No dividend shall be paid by any such corporation, while it continues its banking operations, to an amount greater than its net profits then on hand, exclusive of the surplus account provided for in this section, after deducting from such net profits its losses and bad debts. All debts due to any such corporation on which interest is due and unpaid for a period of six months, unless the same are well secured and in process of collection, shall be considered bad debts within the meaning of this section. But nothing in this section shall prevent the reduction of the capital stock as provided for in section eighteen.

Operation of
 certain
 section of
 law.

SECTION 32. So much of section eighty of said chapter one hundred and seventy-two, as so appearing, as in effect immediately preceding the effective date of this act, as is inconsistent with the provisions of said section eighty as revised by this act, shall continue to be operative until the first day of January, nineteen hundred and thirty-six.

Approved June 29, 1934.

AN ACT RELATIVE TO THE MEMBERSHIP OF THE BOARD OF PAROLE AND ESTABLISHING THE SALARIES OF THE MEMBERS THEREOF.

Chap.350

Whereas, The deferred operation of this act would in part defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency Preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty-seven of the General Laws is hereby amended by striking out section five, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 5.* There shall be in the department a board of parole, consisting of three members. Upon the expiration of the term of office of a member, his successor shall be appointed by the governor, with the advice and consent of the council, for three years. The governor shall designate the chairman of the board. The chairman shall receive such salary, not exceeding fifty-five hundred dollars, and each other member such salary, not exceeding forty-five hundred dollars, as the governor and council may determine. The members of the board shall be reimbursed by the commonwealth for actual expenses incurred by them in the performance of their official duties. With the approval of the commissioner, said board may expend annually from the appropriation for contingent and other expenses of the department a sum not exceeding two hundred dollars for examinations by physicians of prisoners whose cases come before said board for action.

G. L. (Ter. Ed.), 27, § 5, amended.

Board of parole.

SECTION 2. A deputy commissioner of correction shall continue to be a member of said board of parole as heretofore provided by said section five until the qualification of the additional appointive member of said board provided for by this act who shall, as soon as may be after this act takes effect, be appointed by the governor, with the advice and consent of the council, to serve for three years.

Temporary provisions.

SECTION 3. Salaries established by this act shall be subject to chapter one hundred and five of the acts of nineteen hundred and thirty-three, as affected by chapter one hundred and ninety-four of the acts of the current year.

Salaries.

SECTION 4. No new salary or increase in salary provided for by this act shall be effective until sufficient appropriations therefor have been made. *Approved June 29, 1934.*

Same subject.

AN ACT PROVIDING SECURITY FOR PAYMENT FOR CERTAIN EQUIPMENT AND APPLIANCES EMPLOYED IN THE CONSTRUCTION OF PUBLIC BUILDINGS AND OTHER PUBLIC WORKS.

Chap.351

Be it enacted, etc., as follows:

Chapter thirty of the General Laws is hereby amended by striking out section thirty-nine, as appearing in the Ter-

G. L. (Ter. Ed.), 30, § 39, amended.

Construction or repair of public buildings, etc. Security for payment for labor and materials.

centenary Edition, and inserting in place thereof the following: — *Section 39.* Officers or agents contracting in behalf of the commonwealth for the construction or repair of public buildings or other public works shall obtain sufficient security, by bond or otherwise, for payment by the contractor and sub-contractors for labor performed or furnished and for materials used or employed in such construction or repair, and for the rental or hire of vehicles, steam shovels, rollers propelled by steam or other power, concrete mixers, tools and other appliances and equipment employed in such construction or repair; but in order to obtain the benefit of such security, the claimant shall file with such officers or agents a sworn statement of his claim, within sixty days after the claimant ceases to perform labor or furnish labor, materials, appliances and equipment as aforesaid, and shall, within one year after the filing of such claim, file a petition in the superior court for the proper county to enforce his claim or intervene in a petition already filed; and the provisions of chapter two hundred and fifty-eight shall apply to such petitions.

Approved June 29, 1934.

Chap. 352 AN ACT RE-ESTABLISHING THE DIVISION OF SMOKE INSPECTION IN THE DEPARTMENT OF PUBLIC UTILITIES AND DEFINING ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.) 25. new sections 12C, 12D and 12E, added.

Division of smoke inspection. Director.

SECTION 1. Chapter twenty-five of the General Laws is hereby amended by adding, under the heading DIVISION OF SMOKE INSPECTION, after section twelve B, as appearing in the Tercentenary Edition, the following three new sections:— *Section 12C.* There shall be in the department, and under its supervision and control, a division of smoke inspection consisting of a director, who shall have charge of said division. The commission, with the approval of the governor and council, shall appoint said director for a term of five years, and fix his compensation. The commission, with like approval, or the governor, may remove said director at any time for cause. Said director shall not engage in any other business, and he shall be an experienced engineer.

Functions of division. Inspectors.

Section 12D. Said division shall perform such of the functions in relation to the administration and enforcement of chapter six hundred and fifty-one of the acts of nineteen hundred and ten, and acts in amendment thereof or in addition thereto, as have been vested in the commission by said chapter and acts as the commission may from time to time determine by order duly recorded in the office of the commission and open to public inspection. The commission may employ such inspectors, assistants and other employees to serve in said division as may be necessary.

Salaries, etc.

Section 12E. The salaries of the director and all employees of the division and the expenses incurred in the performance of its functions shall be apportioned annually by the state treasurer among the cities and towns comprising the district

defined by said chapter six hundred and fifty-one, and acts in amendment thereof and in addition thereto, in proportion to their last annual taxable valuation, and the amount so apportioned shall be added to their proportion of the state tax.

SECTION 2. Section nine A of said chapter twenty-five, inserted therein by section two of chapter seventy-six of the acts of nineteen hundred and thirty-three, is hereby repealed; and all smoke inspectors, deputy inspectors, assistants and other employees employed in the department of public utilities under authority of said section nine A upon the effective date of this act are hereby transferred to the division of smoke inspection, established by section one of this act, without impairment of their civil service status or retirement rights.

G. L. (Ter. Ed.), 25, § 9A, repealed.

SECTION 3. Section ten of said chapter twenty-five, as most recently amended by section three of said chapter seventy-six, is hereby further amended by striking out, in the third line, the word "four" and inserting in place thereof the word:— three, — so as to read as follows:— *Section 10.* The commission may assign to all officers and employees appointed or employed under the three preceding sections such duties as it shall from time to time deem advisable, but all acts of such officers and employees shall be done under the supervision and control of, and subject to revision by, the commission.

G. L. (Ter. Ed.), 25, § 10, etc., amended.

Control over officers and employees.

SECTION 4. Section ten A of said chapter twenty-five, inserted therein by section four of said chapter seventy-six, is hereby repealed.

G. L. (Ter. Ed.), 25, § 10A, repealed.

Approved June 29, 1934.

AN ACT AUTHORIZING THE CANCELLATION OF CERTAIN CLAIMS OR DEBTS AND THE ABATEMENT OF CERTAIN ASSESSMENTS OR TAXES IN THE CITY OF BOSTON.

Chap. 353

Be it enacted, etc., as follows:

SECTION 1. The collector of the city of Boston may, at any time, give notice in writing to the auditor of said city that a claim which accrued, or a debt, assessment or tax which became due and payable, to said city not less than seven years prior to his giving said notice, is in his opinion uncollectable or that collection would not be advisable because of the expense which it might entail. The auditor upon receipt of such notice may order the cancellation of such claim or debt or the abatement of such assessment or tax, which order, if approved by the mayor of said city, shall be delivered to the collector in the case of a claim or debt or to the board or department which levied such assessment or tax in the case of an assessment or tax; whereupon the collector or such board or department, as the case may be, shall forthwith cancel the claim or debt or abate the assessment or tax described in such order. Upon the cancellation of such claim or debt or the abatement of such assessment or tax the collector, to the extent that he may have been charged with the

collection thereof, shall be discharged from further obligation to collect the same; provided, however, that nothing in this act shall authorize the abatement of any assessment or tax which is a lien on real estate; and provided, further, however, that nothing herein contained shall affect the provisions of section eight of chapter fifty-eight and sections seventy-one and seventy-two of chapter fifty-nine of the General Laws (Tercentenary Edition).

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

Approved June 29, 1934.

Chap. 354 AN ACT PERMITTING THE RETAIL SALE OF ICE AND OF FUEL ON THE LORD'S DAY.

Emergency
provision.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 136,
§ 6, etc.,
amended.

Section six of chapter one hundred and thirty-six of the General Laws, as most recently amended by section seven of chapter three hundred and twenty-eight of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "cream" in the fifth line of the fourth paragraph, as appearing in chapter ninety-six of the acts of nineteen hundred and thirty-two, the words: — , or the retail sale of ice or of fuel, — so that said fourth paragraph will read as follows: —

Certain
occupations,
etc., permitted
on Lord's day.
Retail sale
of ice and
fuel.

Nor shall it prohibit the preparation, printing and publication of newspapers, or the sale and delivery thereof; the wholesale or retail sale and delivery of milk, or the transportation thereof, or the delivery of ice cream, or the retail sale of ice or of fuel; the making of butter and cheese; the keeping open of public bath houses; the making or selling by bakers or their employees, before ten o'clock in the forenoon and between the hours of four o'clock and half past six o'clock in the afternoon, of bread or other food usually dealt in by them; whenever Rosh Hashonah, or the Day of Atonement, begins on the Lord's day, the retail sale and delivery of fish, fruit and vegetables before twelve o'clock noon of that day; the selling or delivering of kosher meat by any person who, according to his religious belief, observes Saturday as the Lord's day by closing his place of business during the day until six o'clock in the afternoon or the keeping open of his shop on the Lord's day for the sale of kosher meat between the hours of six o'clock and ten o'clock in the forenoon.

Approved June 29, 1934.

AN ACT RELATIVE TO THE INVESTMENT OF THE SINKING FUNDS OF THE COMMONWEALTH. Chap.355

Whereas, The deferred operation of this act would tend to defeat its purpose, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section fifty-one of chapter forty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting before the word "indebtedness" in the second line the word:— net, — so as to read as follows:— *Section 51.* No part of the sinking funds of the commonwealth shall be loaned to a city or town the net indebtedness of which exceeds five per cent of the last preceding annual valuation for the assessment of taxes of the taxable property therein, or to a city or town not complying with this chapter; but the certificate of the treasurer of a city or town as to the percentage of its indebtedness, and as to such compliance, shall justify the state treasurer in making any such loan, unless he has reasonable cause to suppose that its statements are untrue.

G. L. (Ter. Ed.), 44, § 51, amended.

Loans from state sinking funds not to be made to certain cities and towns.

Approved June 29, 1934.

AN ACT RELATIVE TO REFUNDING SECURITIES IN FUNDS OVER WHICH THE COMMONWEALTH HAS EXCLUSIVE CONTROL. Chap.356

Whereas, The deferred operation of this act would tend to defeat its purpose, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Section thirty-eight of chapter twenty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following new subdivision:—

G. L. (Ter. Ed.), 29, § 38, amended.

(h) The state treasurer, with the approval of the attorney general and of the governor and council, may consent to any refunding plan relative to securities held in funds over which the commonwealth has exclusive control and may do such incidental acts as may be necessary in connection with such refunding.

Refunding securities of the commonwealth.

Approved June 29, 1934.

AN ACT RELATIVE TO THE COST OF ABOLISHING GRADE CROSSINGS OF RAILROADS AND PUBLIC WAYS. Chap.357

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 159,
§ 70,
amended.

Manner and
limits of
grade crossing
abolitions.

SECTION 1. Chapter one hundred and fifty-nine of the General Laws is hereby amended by striking out section seventy, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 70.* The department of public works shall proceed to consider the abolition of grade crossings in the order established by the program orders as adopted and amended or revised under section sixty-five, and shall hold public hearings on each such grade crossing abolition, due notice of which shall be given to such railroad corporations, counties, cities and towns as may be required by law to bear part of the cost of abolition. After hearing as aforesaid, it shall by order determine the manner and limits of the grade crossing abolition, what part, if any, of an existing public or private way shall be discontinued, and whether or not a new way shall be substituted therefor, the grade for the railroad and the way, the changes to be made in the location and grades of a street railway having a location in the part of such public way where the crossing exists or in ways connecting therewith, the general method of construction, and what land or other property it considers necessary to be taken, including, in its discretion, an easement in land adjoining the location of a public or private way, or of a railroad, consisting of a right to have the land of the location protected by having the surface of such adjoining land slope from the boundary of the location in a manner specified by it; provided, that so much of any such order as relates to the foregoing shall not be effective unless the consent of the department of public utilities thereto shall first be obtained, but no consent shall be given by said department to an order requiring a change in the grade of a railroad or street railway until the carrier interested, if it so requests, has been given an opportunity to be heard before said department on the sole question of such change. The department of public works shall determine in such order when the work shall be commenced, who shall do the work and how much shall be done by each. All such work not done in whole or in part by the department of public works shall be done under its general supervision. Except as otherwise provided in this section and section eighty, the total cost of the alterations aforesaid, including therein, in addition to the cost of construction, all damages on account thereof, but excluding the actual cost to a street railway of changing its railway or location to conform to the order of abolition, which shall be borne by it, and also moneys allotted under the provisions of the national industrial recovery act or other federal statutes and enabling state legislation for expenditure on such alterations from funds designated by the federal authorities exclusively for grade crossing abolitions shall be apportioned, by a board of five members constituted as hereinafter provided, among the railroad or railroads affected, the commonwealth, the county and the city or town where the crossing is situated, equitably

and in accordance with the relative benefit to be derived by each from such alterations; provided, that if in any case funds sufficient to cover the said total cost are allotted as aforesaid under the provisions of the said national industrial recovery act or other federal statutes and enabling state legislation, no such apportionment shall be made; and, provided further, that any of said parties aggrieved by said apportionment may petition the supreme judicial court, which shall appoint three commissioners to make such apportionment, subject to the approval of the court. Said board shall consist of the attorney general, the chairman of the commission having supervision and control of the department of public utilities and another member of said commission designated by said chairman, and the commissioner of public works and one of his associate commissioners designated by said commissioner. If the crossing is of a railroad and a private way, and no crossing of a public way is abolished in connection therewith, the total cost as aforesaid shall be paid by the parties affected by the abolition in such proportion as said department of public works may establish. Said department may require the railroad corporation or corporations and the cities, towns and counties affected by any such grade crossing abolition, or any of them, to cause to be prepared and submitted to it plans, specifications and estimates of the cost of such abolition. A copy of any order made under this section, after so much thereof as is required hereby to be consented to by the department of public utilities has been consented to as hereinbefore provided, shall be filed in the office of the department of public works and of the department of public utilities, and a copy thereof shall be served on the state comptroller, the railroad corporation or corporations, the county and city or town affected by such abolition. The department of public works shall include in its budget estimate in each year a sum sufficient to meet the cost of such portion of any abolition or abolitions of grade crossings, to be undertaken during the following year, as is to be paid by the commonwealth, counties and municipalities.

SECTION 2. Section eighty of said chapter one hundred and fifty-nine, as so appearing, is hereby amended by striking out, in the thirtieth to thirty-second lines, inclusive, the words “, not exceeding, in case of an abolition of a crossing of a railroad and a public way other than a state highway, forty per cent of the total cost of the alterations, as defined in section seventy,” and by inserting after the word “seventy-seven” in the fifty-second line the words: — , unless the parties agree otherwise, — so as to read as follows: — *Section 80.* If the board of aldermen of a city or the selectmen of a town where a public way and a railroad cross each other and the directors of the railroad corporation deem it necessary for the security and convenience of the public that alterations should be made in such crossing, in the approaches thereto, in the location of the railroad or public way or in the grades thereof, or in a bridge at such crossing, or that such crossing should be dis-

G. L. (Ter. Ed.), 159, § 80, amended.

Proceedings upon agreement as to alterations.

continued with or without building a new way in substitution therefor, and they agree as to the alterations to be made, a written instrument signed, in behalf of a city, by the mayor, authorized by the board of aldermen, or in behalf of a town, by the chairman of the selectmen, authorized by vote of the town, and by the president of the railroad corporation, authorized by its directors, specifying the manner and limits within which the alterations shall be made, and by which party the work shall be done, or how it shall be apportioned between the city or town and the railroad corporation, the general method of construction, the grades for the railroad and the public way, and also what land or other property it is necessary to take, and what portion, if any, of an existing public way is to be discontinued, and how the cost thereof shall be apportioned between the city or town and the railroad corporation, shall be valid and binding on the city or town and the railroad corporation, respectively, and have the same force and effect as an order of the department of public works under section seventy, if the department of public utilities, after notice to all parties interested by advertisement and a public hearing, approves of the alterations set forth in the agreement as necessary for the convenience and security of the public; provided, that the department of public works, acting on behalf of the commonwealth, may, if in its judgment it seems advisable, join in such an agreement to abolish any grade crossing, thereby engaging the commonwealth to pay to the parties entitled thereto under the agreement, such amount as said department deems just, and such an agreement in which the commonwealth so joins shall be valid and binding on the commonwealth as well as the other parties thereto, and shall have the same force and effect as an order of said department under said section seventy, after approval as aforesaid by the department of public utilities. Said agreement, when approved by the department of public utilities and filed in its office, shall establish the locations as thus altered, and if it is necessary to take land or an easement therein to provide such new locations, the department of public works, in case of the abolition of a grade crossing to the cost of which the commonwealth is to contribute, otherwise the department of public utilities, shall take the same by eminent domain on behalf of the commonwealth, of the city or town, and of the railroad corporation, respectively, under chapter seventy-nine. Except as otherwise provided in this section, so much of section seventy-four as relates to the taking of land, and so much of section seventy-five as relates to the right of any person to recover damages sustained in consequence of such taking or of the alterations made in pursuance of said order shall apply to the taking of land and to damages sustained under an agreement made pursuant to this section. The crossing and approaches shall be maintained and kept in repair as provided in section seventy-seven, unless the parties agree otherwise. If the agreement provides for the abolition of a grade crossing to the

cost of which the commonwealth is to contribute, the department of public works shall keep itself informed of the progress and character of the work and of the amounts reasonably expended for work done or for damages, so far as rendered necessary for the abolition of the grade crossing; and for that purpose it may employ any necessary agents, and, from time to time, as it may consider proper, shall issue certified statements of the amount legally and properly expended for such abolition of a grade crossing. A street railway company or county or other party which would be affected by the alteration of a crossing as aforesaid may join in any agreement under this section.

Approved June 29, 1934.

AN ACT EXPEDITING THE ARRAIGNMENT OF PERSONS CHARGED WITH CRIMES OTHER THAN THOSE PUNISHABLE BY DEATH BY PERMITTING THEM TO WAIVE INDICTMENT PROCEEDINGS.

Chap. 358

Be it enacted, etc., as follows:

Chapter two hundred and sixty-three of the General Laws is hereby amended by inserting after section four, as appearing in the Tercentenary Edition, the following new section: — *Section 4A.* A person committed or bound over under section thirty of chapter two hundred and eighteen or section twenty of chapter two hundred and nineteen for trial in the superior court upon a complaint charging a crime not punishable by death, who desires to waive indictment may apply in writing to the superior court for prompt arraignment upon such complaint. Upon the filing of such an application, the district attorney may, with the approval of the court, proceed against the defendant by complaint, and in such case he shall be held to answer and the court shall have as full jurisdiction of the complaint as if an indictment had been found. The arraignment of the defendant shall be at such time as the court may designate.

G. L. (Ter. Ed.), 263, new section 4A, added.

Waiver of indictment proceedings.

Every person when so committed or bound over upon such a complaint shall be notified by the court of his right to apply for waiver of indictment and prompt arraignment as aforesaid.

If the district attorney desires to charge a defendant making application hereunder with a crime or crimes not punishable by death, other than a crime charged in the complaint upon which he has been so committed or bound over, the district attorney may, before consenting to such application, prepare a complaint or complaints charging such other crime or crimes and serve the same upon the defendant in order that he may have an opportunity to waive indictment upon such other charges. If an application for waiver of indictment as to any such other charge is subsequently filed, the court shall, before approving such application, require an affidavit of service upon the defendant as part of the record of the case.

The superior court shall by rule establish forms for application to waive indictment hereunder and may by rule make such other regulations of procedure hereunder as justice may require.

Approved June 29, 1934.

Chap. 359 AN ACT FURTHER REGULATING THE SALE, RENTAL AND LEASING OF CERTAIN WEAPONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 140, § 121, amended.

Sale, etc., of firearms. Definitions.

SECTION 1. Section one hundred and twenty-one of chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth and sixth lines, the words "does not exceed twelve" and inserting in place thereof the words:— is less than eighteen,— and by inserting after the words "thirty-one A" in the thirteenth line and after the word "inclusive" in the seventeenth line, in each instance, the words:—, and section ten B of chapter two hundred and sixty-nine,— so as to read as follows:— *Section 121.* In sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, "firearms" includes a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel, not including any revolving, detachable or magazine breech, is less than eighteen inches, and a machine gun, irrespective of the length of the barrel. Any gun of small arm calibre designed for rapid fire and operated by a mechanism, or any gun which operates automatically after the first shot has been fired, either by gas action or recoil action, shall be deemed to be a machine gun for the purposes of said sections, and of sections one hundred and thirty-one and one hundred and thirty-one B. As used in this section and in sections one hundred and twenty-two to one hundred and thirty-one A, and section ten B of chapter two hundred and sixty-nine, the words "purchase" and "sale" shall include exchange, the word "purchaser" shall include exchanger, and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense. Said sections one hundred and twenty-two to one hundred and twenty-nine, inclusive, and section ten B of chapter two hundred and sixty-nine, shall not apply to antique firearms incapable of use as firearms nor to sales of firearms at wholesale.

G. L. (Ter. Ed.), 269, new section 10B, added. Restrictions on sale of firearms.

SECTION 2. Chapter two hundred and sixty-nine of the General Laws is hereby amended by inserting after section ten A, as so appearing, the following new section:— *Section 10B.* Any dealer in firearms, as such term is defined in section one hundred and twenty-one of chapter one hundred and forty, and/or in rifles or shotguns, shall, before delivery of a rifle or shotgun make or cause to be made a true entry in a sales record book to be furnished by the licensing authorities, as defined in section one of chapter one hundred and forty, of his town and to be kept for that purpose, specifying the description of the rifle or shotgun, the make, number, whether single barrel or magazine, whether sold, rented or leased, the date and hour of such delivery, and shall, before delivery as aforesaid, require the purchaser, renter or lessee

personally to write in said sales record book his full name, sex, residence and occupation. The said book shall be open at all times to the inspection of said licensing authorities and of the police, and such dealer shall, once a week, send a copy of the record of sales, rentals and leases made by him for the preceding seven days to said licensing authorities and to the commissioner of public safety. Whoever violates any provision of this section shall be punished by imprisonment for not less than six months nor more than two years, and whoever in purchasing, renting or leasing a rifle or shotgun gives a false or fictitious name or address shall be punished by a fine of not less than twenty-five nor more than one hundred dollars or by imprisonment for not more than one year, or both.

Approved June 29, 1934.

AN ACT TO ALLOW CREDIT TO MEMBERS OF THE STATE RETIREMENT SYSTEM FOR CERTAIN EMPLOYMENT BY A CITY, TOWN OR COUNTY OF THE COMMONWEALTH.

Chap. 360

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "seven" in the forty-ninth line the following new paragraph:—

G. L. (Ter. Ed.), 32, §1, amended.

In the case of any member who, not more than ten days before entering the service of the commonwealth or the metropolitan district commission, was an active member of a contributory retirement association established in accordance with law for the employees of a county, city or town in the commonwealth and maintained by public funds, credit shall be given for all periods of service with which he was credited as a member of such association, and such service shall be counted as a part of his continuous service under sections one to five, inclusive, of this chapter; provided, that this paragraph shall not apply to any such member who was formerly a member of such a contributory retirement association unless the full amount of his account in such association has been transferred to the state treasurer as provided in paragraph (2) A (c) of section four.

State retirement, credit in for employment by a city, etc.

SECTION 2. Paragraph (2) A (c) of section four of said chapter thirty-two, as so appearing, is hereby amended by adding at the end thereof the following:— In case any member of a contributory retirement association established in accordance with law for employees of a county, city or town in the commonwealth and maintained by public funds shall, not later than ten days after the date of termination of his county, city or town service, enter the service of the commonwealth or of the metropolitan district commission and shall become a member of this association, such county, city or town shall, upon written notice from the state board of retirement, pay to the state treasurer, and he shall receive, the full amount of any account of such member in the an-

G. L. (Ter. Ed.), 32, §4, amended.

Same subject.

nunity fund of the county, city or town retirement association, and this account shall thereby become part of his deposits in the annuity fund of this association and shall be treated in all respects the same as his deposits under paragraph (2) A of this section.

G. L. (Ter. Ed.), 32, §5, amended.

Administration of funds.

SECTION 3. Paragraph (2) C (c) of section five of said chapter thirty-two, as so appearing, is hereby amended by adding at the end thereof the following new paragraph:—

Any member entitled to retire under sections one to five, inclusive, who is under section one entitled to have any period of his service for a county, city or town, as a teacher or otherwise, counted as a part of his service for the commonwealth or for the metropolitan district commission, shall receive at retirement, in addition to the annuity and pension provided for by paragraphs (2) B and (2) C (a) of this section, an extra pension for that part of any such period of service for such county, city or town prior to June first, nineteen hundred and twelve which shall be computed in the manner provided for by paragraph (2) C (b) of this section, as though such service had been for the commonwealth and contributions under section four had been made at the rate of five per cent upon his salary or wages received during such period as provided in said section; and such member shall also receive at retirement a further pension, computed in the manner provided in the preceding paragraph, for that part of any such service rendered for such county, city or town after said June first and up to the date of his membership in the contributory retirement association thereof.

G. L. (Ter. Ed.), 32, §5, further amended.

Same subject.

SECTION 4. Said section five of said chapter thirty-two, as so appearing, is hereby further amended by adding at the end thereof the following new paragraph:—

H. When any retired member receives a pension under paragraph (2) C (c) of this section for county, city or town service, the commonwealth shall be reimbursed by it for the full amount of that part of the pension incurred on account of such service, as hereinafter provided. The board shall annually in January certify to the state treasurer a statement showing the amount of reimbursement due hereunder from any county, city or town for the state fiscal year ending on the preceding November thirtieth. The state treasurer shall, forthwith upon receipt of any such statement relating to any county, notify the treasurer thereof of the amount set forth in such statement, and the county treasurer shall pay the same into the state treasury on or before November twentieth following. The state treasurer shall, forthwith upon receipt of any such statement relating to a city or town, notify the treasurer thereof of the amount set forth in such statement, and the said amount shall be assessed and collected as a part of the next state tax. All sums received hereunder shall be credited to the general revenue of the commonwealth.

Application of act.

SECTION 5. This act shall apply in the case of any present member of the state retirement association, formerly a member of a county, city or town contributory retirement asso-

ciation established in accordance with law and maintained by public funds, who would have been entitled to the benefits conferred by the foregoing provisions of this act if they had been in effect at the time of his entry into the service of the commonwealth, and if at the date of entry as aforesaid his account in the annuity fund of such county, city or town contributory retirement association had been transferred to the state treasurer to become a part of his account in the annuity fund of the state retirement association; provided, that such member, prior to the expiration of five years from the effective date of this act, pays to the state retirement association in one sum, or by monthly instalments, equal as nearly as may be, the amount of such account and a further amount or amounts which shall be equal to the interest which would have been earned on the amount of such account if it had been transferred at the time of entry as aforesaid; and provided, further, that all payments hereunder shall be made before said member attains age sixty.

Approved June 29, 1934.

AN ACT RELATIVE TO THE EFFECT OF CERTAIN MISSTATEMENTS
IN APPLICATIONS FOR REGISTRATION OF MOTOR VEHICLES OR
TRAILERS OR POLICIES OF INSURANCE COVERING THE SAME.

Chap. 361

Be it enacted, etc., as follows:

Section nine of chapter ninety of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the thirtieth line, the words "engine, serial or maker's number thereof" and inserting in place thereof the words:— type of such vehicle or trailer or to the engine, serial or maker's number thereof, or any mistake in the statement of residence of the applicant contained in said application or certificate, — so as to read as follows:—

Section 9. No person shall operate any motor vehicle or draw any trailer, and the owner or custodian of such a vehicle shall not permit the same to be operated upon or to remain upon any way except as authorized by section three, unless such vehicle is registered in accordance with this chapter and carries its register number displayed as provided in section six, and, in the case of a motor vehicle, is equipped as provided in section seven, except that any motor vehicle or trailer may, if duly registered, be operated or remain upon any way between the hours of twelve o'clock noon on December thirty-first of one year and twelve o'clock noon on January first of the following year if it carries its register number of either year displayed as provided in section six, and except that a tractor or trailer may be operated without such registration upon any way for a distance not exceeding one half mile, if said tractor or trailer is used exclusively for agricultural purposes, or for a distance not exceeding three hundred yards, if such tractor or trailer is used for industrial purposes other than agricultural purposes, for the purpose of

G. L. (Ter.
Ed.), 90, § 9,
amended.

Operation of
unregistered
or improperly
equipped
motor vehicles.

going from property owned or occupied by the owner of such tractor or trailer to other property so owned or occupied; but violation of this section shall not constitute a defence to actions of tort for injuries suffered by a person, or for the death of a person, or for injury to property, unless it is shown that the person injured in his person or property or killed was the owner or operator of the motor vehicle the operation of which was in violation of this section, or unless it is shown that the person so injured or killed, or the owner of the property so injured, knew or had reasonable cause to know that this section was being violated. A motor vehicle or trailer shall be deemed to be registered in accordance with this chapter notwithstanding any mistake in so much of the description thereof contained in the application for registration or in the certificate required to be filed under section thirty-four B as relates to the type of such vehicle or trailer or to the engine, serial or maker's number thereof, or any mistake in the statement of residence of the applicant contained in said application or certificate. *Approved June 29, 1934.*

Chap.362 AN ACT RELATIVE TO THE EXEMPTION FROM TAXATION OF DEPOSITS IN SAVINGS BANKS AND SAVINGS DEPARTMENTS OF TRUST COMPANIES IN SO FAR AS INVESTED IN SECURITIES OF THE HOME OWNERS' LOAN CORPORATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 63, § 12, amended.

Taxation of bonds, etc., of Home Owners' Loan Corporation, exempted in certain cases.

Section twelve of chapter sixty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following:—

(h) Bonds and certificates of indebtedness of the Home Owners' Loan Corporation, if acquired in exchange for loans secured by mortgage of real estate taxable in this commonwealth or in exchange for any real estate title to which was acquired by foreclosure or purchase and held under clause twelfth of section fifty-four of chapter one hundred and sixty-eight or such bonds or certificates obtained through conversion of bonds or certificates so acquired pursuant to the provisions of the act of congress known as the Home Owners' Loan Act of 1933, as amended by an act effective April twenty-seventh, nineteen hundred and thirty-four.

Approved June 29, 1934.

Chap.363 AN ACT RELATIVE TO THE DETERMINATION FOR PURPOSES OF TAXATION OF THE GAIN OR LOSS INVOLVED IN DEALINGS IN CERTAIN SHARES OF STOCK OF CORPORATIONS AND OF CERTAIN PARTNERSHIPS, ASSOCIATIONS AND TRUSTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 62, §5, amended.

SECTION 1. Section five of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out paragraph (c) and inserting in place thereof the following:—

(c) The excess of the gains over the losses received by the taxpayer from purchases or sales of intangible personal property, whether or not said taxpayer is engaged in the business of dealing in such property, shall be taxed at the rate of three per cent per annum. When shares of new stock of the company, or of a partnership, association or trust the beneficial interest in which is represented by transferable shares, issuing the same received as a stock dividend, or shares of stock which were the basis of such stock dividend are sold, the basis of determination of the gain or loss shall be the cost, when acquired by purchase, or value when acquired by gift, of the stock which was the basis of such dividend, or the value when acquired, of the new stock received as a dividend. For the purpose of this clause, the cost of rights to subscribe to corporate securities and similar rights issued by unincorporated associations shall be taken as zero, except that when acquired by actual purchase in the open market the amount actually paid therefor shall be taken as their cost. Any trustee or other fiduciary may charge any taxes paid under this paragraph against principal in any accounting which he makes as such trustee. If, in any exchange of shares upon the reorganization of one or more corporations or of one or more partnerships, associations or trusts, the beneficial interest in which is represented by transferable shares, the new shares received in exchange for the shares surrendered represent the same interest in the same assets, no gain or loss shall be deemed to accrue from the transaction until a sale or further exchange of such new shares is made.

Tax on excess of gains, etc., of certain corporations.

SECTION 2. This act shall apply to income received in the current year and thereafter.

Approved June 29, 1934.

AN ACT RELATIVE TO THE DISPOSITION OF FINES IMPOSED UNDER THE LAWS RELATIVE TO MOTOR VEHICLES.

Chap. 364

Be it enacted, etc., as follows:

SECTION 1. Section thirty-four of chapter ninety of the General Laws, as most recently amended by section three of chapter one hundred and ninety-seven of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the first and sixth lines, respectively, the words "and fines", — so that the first paragraph, as appearing in the Tercentenary Edition, will read as follows: — The fees received under the preceding sections, together with all other fees received by the registrar or any other person under the laws of the commonwealth relating to the use and operation of motor vehicles and trailers, shall be paid by the registrar or by the person collecting the same into the treasury of the commonwealth, and said fees, together with all contributions and assessments paid into the state treasury by cities, towns or counties for maintaining, repairing, improving and constructing ways, whether before or after the work is completed, and all refunds and rebates made on account of expenditures

G. L. (Ter. Ed.), 90, § 34, etc., amended.

Disposition of motor vehicle fees and fines.

on ways by the department of public works, and all receipts paid into the treasury of the commonwealth under the provisions of chapter sixty-four A, shall be credited on the books of the commonwealth to a fund to be known as the Highway Fund. Said Highway Fund, subject to appropriation, shall be used as follows:

G. L. (Ter. Ed.), 280, §2, amended.

SECTION 2. Section two of chapter two hundred and eighty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence.

Effective date.

SECTION 3. This act shall take effect as of December first of the current year.

Approved June 29, 1934.

Chap. 365

AN ACT TO REGULATE RATES AND CHARGES FOR FURNISHING GAS AND ELECTRICITY FOR DOMESTIC USE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 164, § 119, amended.

Meter rentals.

Chapter one hundred and sixty-four of the General Laws is hereby amended by striking out section one hundred and nineteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 119.* No charge for the use of a meter or for other similar purpose covering any portion of twelve consecutive months in connection with the supply of gas or electricity for domestic use only shall be made by a corporation, other than a municipality, furnishing the same, in addition to the charge for the gas or electricity delivered, if the consumer during such time uses electricity to the value of nine dollars or gas to the value of seven dollars; provided that, subject to the approval of the department, rates may be graduated according to the quantities of gas or electricity used, and, subject to like approval, such a charge may be made to customers furnished gas or electricity seasonally or under promotional rates or room or area rates. Whoever makes a charge contrary to this section shall be punished by a fine of not more than one hundred dollars. This section shall not apply to charges for sale or rental of appliances.

Approved June 29, 1934.

Chap. 366

AN ACT RELATIVE TO THE AMOUNT OF STATE AID FOR THE REPAIR AND IMPROVEMENT OF PUBLIC WAYS IN SMALL TOWNS.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 81, § 26, amended.

Section twenty-six of chapter eighty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "hundred" in the eighth line the words: — and fifty, — so as to read as follows: —

Section 26. There may be expended for the repair and improvement of public ways, other than state highways, in towns having valuations of less than five million dollars, as established by the last preceding valuation made for the purpose of apportioning the state tax, and in which the proportionate amount paid by such towns of every million dollars of such tax as so established, divided by the number of miles of such public ways, hereinafter known as the road mileage ratio, is less than twelve dollars, such sums not exceeding one hundred and fifty dollars per mile as the general court may appropriate therefor; provided, that such towns shall contribute or make available for use in connection therewith the following amounts for each mile of such public ways within their respective limits, according to the following schedule based on their road mileage ratio: —

Repair and improvement of public ways in small towns.

1. Less than one dollar and forty cents, fifteen dollars.
2. One dollar and forty cents and less than two dollars, twenty-five dollars.
3. Two dollars and less than two dollars and eighty cents, forty dollars.
4. Two dollars and eighty cents and less than three dollars and fifty cents, fifty dollars.
5. Three dollars and fifty cents and less than five dollars and fifty cents, seventy-five dollars.
6. Five dollars and fifty cents and less than seven dollars, one hundred dollars.
7. Seven dollars and less than nine dollars, one hundred and twenty-five dollars.
8. Nine dollars and less than twelve dollars, one hundred and fifty dollars.

The amounts appropriated as aforesaid and contributed by the towns shall be expended under the direction of the department of public works on such ways as said department and the selectmen of the towns may agree upon.

Approved June 29, 1934.

AN ACT PROVIDING FOR THE REPAIR, CONTROL AND MAINTENANCE OF THE SLADE'S FERRY BRIDGE, SO CALLED, OVER THE TAUNTON RIVER BETWEEN THE CITY OF FALL RIVER AND THE TOWN OF SOMERSET.

Chap. 367

Whereas, The deferred operation of this act would cause substantial inconvenience, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. The department of public works, hereinafter called the department, is hereby authorized and directed to repair and render safe and adequate for public travel and use for highway purposes the bridge over the Taunton river between the city of Fall River and the town of Somerset, commonly called the Slade's Ferry bridge; provided, that the

New York, New Haven and Hartford Railroad Company contributes and pays into the state treasury toward the cost of said work such sum as will, when added to the total of the sums expended by said company in removing the damaged span and cylinders and other wreckage from said bridge and in repairing, relaying and protecting cables, wires and other property on account of the damage to the bridge, amount to not exceeding forty thousand dollars. The draw in said bridge, if altered hereunder, shall be in such location and of such width and construction as the department may determine, subject to the approval of the proper federal authorities.

SECTION 2. The cost of the work hereunder shall not exceed two hundred thousand dollars. Fifty per cent of said cost shall be paid by the commonwealth, and of the balance of said cost over and above the amounts payable by the commonwealth and by said railroad as aforesaid, seventy-four per cent shall be paid by the city of Fall River, fifteen per cent by the town of Somerset and eleven per cent by the town of Swansea. The share of the commonwealth in said cost, and, in the first instance, the shares of said city and towns therein, shall be paid by the commonwealth from item five hundred and seventy-four of chapter one hundred and sixty-two of the acts of the current year. Upon the completion of the work herein authorized, the amounts payable by said city and towns as aforesaid shall be added to their respective quotas of the state tax, one half thereof in the year following the year in which so completed and one half in the next succeeding year.

SECTION 3. Upon said completion of work, the department shall have control of said bridge and the cost of maintenance thereof shall be assessed as follows: — seventy-four per cent upon the city of Fall River, fifteen per cent upon the town of Somerset and eleven per cent upon the town of Swansea and said assessments shall be made and collected by the state treasurer as a part of the annual state tax, and any obligation of the New York, New Haven and Hartford Railroad Company or of the Eastern Massachusetts Street Railway Company, successor to the Globe Street Railway Company, with respect to the maintenance of said bridge or the payment of damages for property damage, personal injury or death caused by any defect or want of repair in said bridge shall cease, notwithstanding any contrary provision in any special law.

SECTION 4. Chapter three hundred and fifty-eight of the acts of nineteen hundred and thirty-three is hereby repealed.

SECTION 5. This act shall take full effect upon its acceptance by the mayor and city council of the city of Fall River, by the selectmen of the towns of Swansea and Somerset and by the directors of the New York, New Haven and Hartford Railroad Company, and the filing of certified copies of such acceptances in the office of the state secretary.

Approved June 29, 1934.

AN ACT TO PROVIDE FOR THE NON-CRIMINAL DISPOSITION OF
CHARGES FOR VIOLATION OF MOTOR VEHICLE PARKING
RULES, REGULATIONS, ORDERS, ORDINANCES AND BY-LAWS.

Chap. 368

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety of the General Laws is hereby amended by inserting after section twenty, as appearing in the Tercentenary Edition, the following new section:—

Section 20A. It shall be the duty of any police officer who takes cognizance of a violation of any provision of any rule, regulation, order, ordinance or by-law regulating the parking of motor vehicles established by any city or town or by any commission or body empowered by law to make such rules or regulations therein, forthwith to give to the offender a notice to appear before the clerk of the district court having jurisdiction, at any time during office hours not later than five days after the time of said violation. Such notice shall be made in triplicate, and shall contain the name and address of the offender and the number of his license, if any, to operate motor vehicles; the registration number of the vehicle involved, the time and place of the violation, the specific offence charged, and the time and place for appearance. Such notice shall be signed by the officer, and shall be signed by the offender whenever practicable in acknowledgment that the notice has been received. The officer shall if possible deliver to the offender at the time and place of the violation a copy of said notice. Whenever it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be sent by the officer within twenty-four hours of the offence by registered mail directed to the address of the registrant of the motor vehicle involved, as appearing in the records of the registry of motor vehicles. At the completion of each tour of duty the officer shall give to his commanding officer two copies of each notice delivered or mailed as aforesaid. Said commanding officer shall retain and safely preserve one of said copies, and shall, at a time not later than the beginning of the next court day, deliver the other copy remaining in his possession to the clerk of the court before whom the offender has been notified to appear.

The clerk of each district court shall maintain a separate docket of all such notices to appear. In case any offender fails to appear in accordance with such notice issued to him, the clerk shall notify the registrar, who shall forthwith revoke the right of such person to operate motor vehicles, or his license, if any, to operate the same, and shall not reinstate such right, or issue another such license to such person until after notice from the clerk of the court disposing of the resulting criminal case that the same has been disposed of in accordance with law.

Any person notified to appear before the clerk of a district court as provided herein, instead of appearing personally may appear through any person duly authorized by him in

G. L. (Ter. Ed.), 90, new section 20A, added.

Non-criminal disposition of certain violations of motor vehicle rules, etc.

writing. Any such offender, or in his absence a person authorized, may request the clerk of the court that the offence charged be taken for confessed, and unless it appears that it is the fourth or subsequent offence charged against such person for a violation of any provision mentioned in this section committed within the jurisdiction of such court within a period of twelve months, may pay said clerk such fine or forfeiture as may be established for such violation by standing order of the chief justice of the municipal court of the city of Boston for said court, and by standing order of the administrative committee of district courts as created by section forty-three A of chapter two hundred and eighteen for district courts other than said municipal court, not exceeding the maximum fine or forfeiture provided by law. The payment of the fine or forfeiture to the clerk of the court in the manner herein provided shall operate as a final disposition of the case, and the proceedings shall not be deemed criminal.

Should any person notified to appear as provided herein fail to appear and pay the fine or forfeiture as required, or having appeared shall desire not to avail himself of the benefits of the procedure established by this section, or should the charge be the fourth or subsequent offence charged against such person for a violation of any provision mentioned in this section committed within the jurisdiction of the district court within a period of twelve months, the clerk shall as soon as may be notify the officer concerned, who shall forthwith make a complaint and follow the procedure established for criminal cases. The clerk of any court finally disposing of such a criminal case instituted because of failure to appear and pay the fine or forfeiture as hereinbefore provided shall forthwith notify the registrar that such case has been so disposed of. The notice to appear, provided herein, shall be printed in such form as the chief justice of the municipal court of the city of Boston may prescribe for said court and as the administrative committee of district courts as created by section forty-three A of chapter two hundred and eighteen may prescribe for district courts other than said municipal court. The clerks of the district courts shall distribute such notices to the commanding officers of police departments upon request, and shall take a receipt therefor.

SECTION 2. This act shall take effect on October first of the current year.

Approved June 29, 1934.

Effective
date.

Chap. 369 AN ACT TO PROVIDE FOR THE RECONSTRUCTION OF THE FALLS BRIDGE OVER THE MERRIMACK RIVER AT BROADWAY IN THE CITY OF LAWRENCE.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Essex, subject to the provisions of all laws which may be applicable, are hereby authorized to reconstruct, of such type

and dimensions as they may determine, the Falls bridge, so-called, over the Merrimack river at Broadway in the city of Lawrence, including the approaches thereto, and as a part of said reconstruction may provide any necessary temporary accommodations for foot travel over said river, at or near the site of the present bridge, in such manner and by such means as they deem best, and may provide in the new bridge any necessary structural supports upon which the said city may lay a water main.

The county commissioners may, if they deem it advisable, reconstruct the said bridge and approaches, or any part thereof, in co-operation with the federal government under the provisions of any federal act providing for such co-operation, and may comply with any conditions or requirements necessary for securing the same.

SECTION 2. The costs and expenses incurred under this act shall not exceed the sum of three hundred thousand dollars and shall be paid in the first instance by the county of Essex. The said county commissioners may borrow by a temporary loan or loans, on the credit of the county, such sums not exceeding the said amount as may from time to time be required for the costs and expenses aforesaid, including interest, and may issue bonds or notes of the county therefor bearing interest or discounted as may be deemed advisable, and the county treasurer of said county may sell such bonds or notes at public or private sale upon such terms and conditions as the county commissioners may deem proper. The notes may be renewed from time to time for such period as may be necessary. All money so borrowed shall be deposited in the county treasury and the county treasurer shall pay out the same as ordered by the said commissioners and shall keep a separate, accurate account of all money so borrowed and expended, including interest or discount, as the case may be.

SECTION 3. From time to time after April first, nineteen hundred and thirty-five and upon the completion of said bridge and the approaches thereto, the county commissioners shall file in the office of the clerk of the courts of said county a detailed statement certified under their hands of the actual costs and expenses of reconstructing said bridge and the approaches thereto including the costs and expenses paid by said county on account of alterations at the grade crossing of the Boston and Maine Railroad and including interest or discount, as the case may be, on all money borrowed under authority of section two. Within three months after the filing of any such statement of the costs and expenses of said bridge and the approaches thereto, the county commissioners shall, after such notice as they may deem proper and a hearing, apportion and assess upon said county an amount equal to fifty per cent of said costs and expenses, and shall apportion and assess upon the city of Lawrence an amount equal to fifty per cent of said costs and expenses. The county commissioners shall file in the office of the clerk of the courts of

said county the report of the said apportionment and assessment, and the said clerk shall transmit a true and attested copy thereof to the mayor of the said city; and the said city shall pay its proportion of the said costs and expenses, determined by the county commissioners as aforesaid, into the treasury of said county within sixty days thereafter; and if said city shall refuse or neglect to pay any proportion determined as aforesaid, said county commissioners shall, after notice to the city, issue a warrant against said city for its proportion determined as aforesaid, with interest and costs of the notice and warrant, and the same shall be collected in the same manner as executions in actions at law, and paid into the treasury of the county of Essex. For the purpose of paying the county's ultimate share of said costs and expenses, the county treasurer, with the approval of the county commissioners, may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred and twenty-five thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, County of Essex, Falls Bridge Loan, Act of 1934. Such loans shall be payable by such annual payments, beginning not more than one year after the respective dates thereof, as will extinguish each loan within twenty years from its date, and the amount of such annual payment in any year shall not be less than the amount of the principal of the loan payable in any subsequent year. Each authorized issue shall constitute a separate loan. For the purpose of paying the amount assessed against the city of Lawrence, the said city may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, one hundred and twenty-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Falls Bridge Loan, Act of 1934. Each authorized issue shall constitute a separate loan, and such loans shall be payable within twenty years from their dates. Indebtedness incurred by said city under this act shall be in excess of the statutory limit, but shall, except as otherwise provided herein, be subject to chapter forty-four of the General Laws. The said county and city may sell the said securities at public or private sale upon such terms as they may deem proper but not for less than their par value, and the proceeds of the loans issued by the county shall be used only to pay temporary loans in accordance with the provisions of section two or for the said bridge construction, and the proceeds of the securities issued by said city shall be paid into the county treasury to be applied to payment of notes or bonds issued by the county in accordance with section two.

The amount to be permanently assessed upon the said county and the said city shall be the balance after deducting from the total costs and expenses the costs and expenses permanently assumed by the federal government or paid from funds contributed therefor by the commonwealth, and the amount to be apportioned and assessed upon the county and

the amount to be apportioned and assessed upon the city shall for the said county be fifty per cent of said balance, and for the said city fifty per cent of said balance.

SECTION 4. The trustees of the Eastern Massachusetts Street Railway Company, its successors or assigns may enter into an agreement with the county commissioners of Essex county to pay the added cost of providing accommodations for a track street railway on a center location on the new bridge and to keep that part of the roadway upon said bridge and approaches between the tracks and rails of the company and eighteen inches outside thereof in repair and safe for public travel, and if said agreement in form satisfactory to the commissioners be entered into before the time set by the commissioners for the opening of the bids for the superstructure of the bridge, or before such later date as the county commissioners may designate, and if payment of the amount named in said agreement be made to the county within thirty days after the completion of said bridge, said company shall thereupon have and is hereby granted a location upon said bridge for the construction of two lines of track and for the maintenance of its tracks, poles, and wires and the operation of its railway thereon, and the location herein granted shall not be revoked except by the said county commissioners after public notice and a hearing and with the approval of the department of public utilities. Such added cost so paid by the street railway company may be in excess of the total amount authorized by section two and shall not be included in the costs and expenses apportioned and assessed upon the said county and the said city, but the amount of such added cost so paid to the county may be applied in payment of any obligation on the part of the county hereunder.

SECTION 5. The county commissioners may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such lands, or rights or easements, as may be required to carry out the provisions of this act, and they may, without petition, order and make specific repairs and lay out, alter or relocate and discontinue, as provided in chapters eighty-two and one hundred and sixty of the General Laws, such ways or parts of ways as may be necessary to provide proper approaches to the new bridge or for any other purpose consistent herewith, and may construct the same. The costs and expenses incidental to the takings and purchase of lands, rights and easements and the costs and expenses incidental to any other acts authorized by this section shall be included as a part of the costs and expenses of the work authorized by this act.

SECTION 6. The county commissioners, as a part of the reconstruction of said bridge and approaches, may, without petition, determine as provided in section fifty-nine of chapter one hundred and fifty-nine of the General Laws the manner and limits within which alterations shall be made at the crossing at grade of said Broadway by the tracks of said Boston and Maine Railroad. The determination as to which

party shall carry such decision into effect and which party shall pay the charges and expenses of making such alterations and the future charges for keeping the crossing in repair shall be determined in accordance with the provisions of sections sixty-one and sixty-three of said chapter one hundred and fifty-nine by a commission of three disinterested persons appointed by the superior court as provided in section sixty-two of said chapter. Only such charges and expenses as are required to be paid by the county of Essex as determined by said special commission shall be included in the cost of reconstructing the bridge and approaches.

SECTION 7. Upon the completion of the reconstruction of said bridge, the said county commissioners shall have full control of the bridge and the provisions of chapter four hundred and thirty-four of the acts of nineteen hundred and ten shall apply to the new bridge. The approaches, except as otherwise determined by the special commission referred to in section six, shall be maintained by the city of Lawrence.

SECTION 8. This act shall take effect upon its acceptance by the county commissioners of the county of Essex and the municipal council of the city of Lawrence; provided, that such acceptances occur prior to December thirty-first in the current year.

Approved June 29, 1934.

Chap. 370 AN ACT MAKING SUNDRY CHANGES IN THE LAWS RELATING TO ALCOHOLIC BEVERAGES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 138,
§ 12, etc.,
amended.

Granting of
certain
innholders',
etc., licenses.

SECTION 1. The first paragraph of section twelve of chapter one hundred and thirty-eight of the General Laws, as amended by section two of chapter one hundred and twenty-one of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the last sentence and inserting in place thereof the following: — During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter, the authority to grant innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be vested in the local licensing authorities. If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for further cause, in case such disposition is in favor of the appellant.

SECTION 2. Said section twelve, as amended by said section two of said chapter one hundred and twenty-one, is hereby further amended by striking out the sentence contained in the forty-second to the fifty-third lines, inclusive, as printed in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, in no case less than two hundred and fifty nor, except as hereinafter provided, more than seven hundred and fifty dollars for a tavern license or twenty-five hundred dollars for any other license hereunder for the sale of all alcoholic beverages, and in no case less than one hundred nor, except as hereinafter provided, more than one thousand dollars for the sale of wines and malt beverages only; provided, that the minimum license fee in the case of a club license for the sale of all alcoholic beverages shall be one hundred dollars.

G. L. (Ter. Ed.), 138, § 12, etc., amended.

License fee, how determined.

SECTION 3. Section fourteen of said chapter one hundred and thirty-eight, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by striking out, in the fourth line, the words "malt beverages only" and inserting in place thereof the words:— wines and malt beverages only, or either of them, — so as to read as follows:— *Section 14.* In a city or town wherein the granting of licenses to sell all alcoholic beverages or wines and malt beverages only is authorized under this chapter, special licenses for the sale of wines and malt beverages only, or either of them, may be issued by the local licensing authorities, to the responsible manager of any indoor or outdoor activity or enterprise. Special licenses for the dispensing of malt beverages in dining halls maintained by incorporated educational institutions authorized to grant degrees may be granted by the local licensing authorities in such a city or town to such institutions; provided, that such beverages shall be served only at tables reserved for persons over twenty-one years of age. The fees for licenses granted under this section shall be fixed from time to time by the local licensing authorities and need not be uniform.

G. L. (Ter. Ed.), 138, § 14, etc., amended.

Special licenses.

SECTION 4. Section fifteen of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following:—

G. L. (Ter. Ed.), 138, § 15, etc., amended.

Any sale of such beverages shall be conclusively presumed to have been made in the store wherein the order was received from the customer. The fee for such a license shall not be less than seventy-five nor, except as hereinafter provided, more than one thousand dollars in case the license is for the sale of wines and malt beverages only, nor less than one hundred nor, except as hereinafter provided, more than fifteen hundred dollars in case the license is for the sale of all alcoholic beverages. The local licensing authorities shall

License fee.

fix the amount of the license fee within the aforesaid limits, for the shop or other place of business designated in the license, such amount being subject to change from year to year by said authorities as they shall deem just and proper in view of the location of the licensee's place of business, his probable volume of sales, or of his actual volume of sales in the previous year. Any holder of a license under this section shall be permitted to make sales in accordance with the terms of his license at any time except between eleven o'clock post meridian and eight o'clock ante meridian and except when prohibited by section thirty-three.

G. L. (Ter. Ed.), 138, new section 15A, added.

Publication of notice of application.

SECTION 5. Said chapter one hundred and thirty-eight is hereby further amended by inserting after section fifteen, as so appearing, the following new section:— *Section 15A.* Notice of all applications for original licenses under section twelve, fifteen or thirty A shall, at the expense of the applicant, to be paid in advance, be published at least ten days before the local licensing authorities act thereon, at least once in a newspaper published in the city or town in which the premises for which the license is asked are situated, or if no newspaper is printed in such city or town, then in some newspaper published in the county. Such notice shall set forth the name of the applicant in full, the kind of license applied for, a particular description of the premises on which the license is sought to be exercised, designating the building or part of the building to be used and, if practicable, the street and number.

G. L. (Ter. Ed.), 138, § 23, etc., amended.

Cancellation of license, etc., in case of death of licensee.

SECTION 6. Section twenty-three of said chapter one hundred and thirty-eight, as amended by chapter two hundred and forty-five of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end of the fourth paragraph, as printed in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, the following new sentence:— In the case of the death of the holder of any license under this chapter, such license, unless earlier surrendered or revoked, shall authorize the executor or administrator of the deceased licensee to exercise all authority conferred upon such licensee by such license until the termination thereof.

G. L. (Ter. Ed.) 138, § 30A, etc., amended.

Druggists' licenses.

SECTION 7. Said chapter one hundred and thirty-eight is hereby further amended by striking out section thirty A, as so appearing, and inserting in place thereof the following:— *Section 30A.* A registered pharmacist in a city or town wherein the granting of licenses to sell all alcoholic beverages is authorized may be licensed by the local licensing authorities to sell alcoholic liquors for medicinal, mechanical or chemical purposes without a physician's prescription subject to the limitations contained in section thirty-three, the said sales to be recorded in the manner prescribed in section thirty E. The fee for such license shall be not less than fifty nor more than three hundred dollars.

G. L. (Ter. Ed.), 138, § 32, etc., amended.

SECTION 8. Section thirty-two of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by

inserting after the word "chapter" in the seventh line the following: — , and all sales thereof by a licensee under section eighteen or nineteen, — so as to read as follows: — *Section 32.* No holder of a license or permit under this chapter shall himself or through an agent or employee go from town to town or from place to place in the same town selling, bartering, hawking or peddling, or exposing or carrying for sale, barter, hawking or peddling, any alcoholic beverages from a vehicle. All sales of such beverages under section fifteen of this chapter, and all sales thereof by a licensee under section eighteen or nineteen, where transportation and delivery are required, shall be made only upon orders actually received at the licensed place of business prior to the shipment thereof. Violation of this section shall be punished by a fine not exceeding two hundred dollars or by imprisonment for not more than six months, or both.

Peddling, etc., of alcoholic beverages prohibited.

SECTION 9. Said chapter one hundred and thirty-eight is hereby further amended by striking out section thirty-three, as so appearing, and inserting in place thereof the following: — *Section 33.* No licensee under section twelve shall sell and no licensee under section fifteen shall sell or deliver any alcoholic beverages, and no registered pharmacist acting under section twenty-nine and no licensee under section thirty A shall sell any alcoholic beverages or alcohol without a physician's prescription, during polling hours on any day on which a state or municipal election, caucus or primary is held in the city or town in which such licensed place is conducted; provided, that the foregoing restrictions shall not apply in the case of such an election, primary or caucus if the local licensing authorities issue an order to that effect applicable alike to all licensees of every class subject to such restrictions. No holder of a tavern license shall sell any alcoholic beverages on Sundays, no other licensee under section twelve shall sell any such beverages on Sundays between the hours of two o'clock ante meridian and one o'clock post meridian, no registered pharmacist acting under section twenty-nine and no licensee under section thirty A shall sell any alcoholic beverages or alcohol without a prescription on Sundays or legal holidays and no licensee under any other section of this chapter for the sale of alcoholic beverages not to be drunk on the premises shall sell or deliver any such beverages or alcohol on Sundays or legal holidays.

G. L. (Ter. Ed.), 138, § 33, etc., amended.

Sales on Sundays regulated.

SECTION 10. Section forty-six of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by inserting after the word "constable" in the third line the words: — or inspector of the commission, — so as to read as follows: — *Section 46.* A sheriff, deputy sheriff, city marshal, chief of police, deputy chief of police, deputy or assistant marshal, police officer, including a state police officer, or constable or inspector of the commission who, without a search warrant duly committed to him, searches for or seizes alcoholic beverages in a dwelling shall be punished by a fine of not less than five nor more than one hundred dollars.

G. L. (Ter. Ed.), 138, § 46, etc., amended.

Penalty for search or seizure without a warrant.

G. L. (Ter. Ed.), 138, new section 10B, added.
Removal of members of local licensing boards.

SECTION 11. Said chapter one hundred and thirty-eight is hereby further amended by inserting after section ten A, as so appearing, the following new section: — *Section 10B.* The commission shall have authority to declare the office of any member of a licensing board vacant regardless of how he was appointed, if he engages directly or indirectly in the manufacture or sale of alcoholic beverages in the event the local authority fails to act. Any such member affected by action of the commission hereunder shall have the same right of review as is provided in section five in the case of a member removed thereunder.

Approved June 29, 1934.

Chap. 371 AN ACT AUTHORIZING THE LICENSING AND CONDUCTING OF THE GAME COMMONLY CALLED BEANO, OR ANY SIMILAR GAME, IN CONNECTION WITH WHICH PRIZES MAY BE WON BY CHANCE.

Emergency preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 271, § 22A, amended.

Charity whists, etc., game of beano, permitted, when.

Chapter two hundred and seventy-one of the General Laws is hereby amended by striking out section twenty-two A, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 22A.* Nothing in this chapter shall authorize the prosecution, arrest or conviction of any person for conducting or promoting, or for allowing to be conducted or promoted, a game of cards commonly called whist or bridge or the game commonly called beano, or substantially the same game under another name, in connection with which prizes are offered to be won by chance; provided, that the proceeds of the charges for admission to, and/or participation in, such game are donated solely to charitable, civic, educational, fraternal or religious purposes; and provided, further, that said game called beano, or substantially the same game under another name, is conducted under a license hereby authorized to be granted by the mayor of the city or the selectmen of the town in which such game is to be conducted, and upon such terms and conditions as the mayor or selectmen may prescribe.

Approved June 29, 1934.

Chap. 372 AN ACT RELATIVE TO METHYL OR WOOD ALCOHOL, SO CALLED, AND CERTAIN PREPARATIONS CONTAINING SUCH ALCOHOL.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 138, §§ 72-75, inc., as appearing, etc., repealed.

SECTION 1. Sections seventy-two to seventy-five, inclusive, of chapter one hundred and thirty-eight of the General Laws, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, are hereby repealed.

SECTION 2. Said chapter one hundred and thirty-eight is hereby further amended by striking out section seventy-six, as so appearing, and inserting in place thereof the following:

— *Section 76.* The licensing authorities of a town where a person has his principal place of business may annually grant to him a license for the sale anywhere within the commonwealth of denatured alcohol, other than alcohol described in section three hundred and three A of chapter ninety-four, for mechanical, manufacturing, chemical or other commercial purposes only, the fee for which shall be one dollar. The commission may annually grant licenses for the manufacture, transportation, importation, exportation and sale of alcohol, other than alcohol described in said section three hundred and three A, for mechanical, manufacturing or chemical purposes only, or for sale to any person holding a license under section eighteen or nineteen or to any registered pharmacist holding a certificate of fitness, or to any hospital or educational or scientific institution for use other than for beverage purposes. Licenses shall be granted under this section only if it appears that the applicant therefor is a proper person to receive such a license. The fee for a license issued by the commission hereunder shall be one hundred dollars. Nothing contained in said section eighteen shall limit the scope of a license issued under this section.

G. L. (Ter. Ed.), 138, § 76, etc., amended.

Licenses to dealers in paints, etc.

SECTION 3. Chapter ninety-four of the General Laws is hereby amended by inserting after section three hundred and three, as appearing in the Tercentenary Edition, under the heading, METHYL OR WOOD ALCOHOL, the following five new sections: — *Section 303A.* No person other than a registered druggist shall engage in the business of manufacturing, buying, selling, transporting, importing, exporting or dealing in methyl alcohol, or wood alcohol, so called, or any preparation used for manufacturing or commercial purposes which contains more than three per cent of methyl alcohol and is intended for use other than as a beverage, without being licensed so to do as provided in section three hundred and three B.

G. L. (Ter. Ed.), 94, new sections 303A to 303E, added.

Sale of methyl or wood alcohol regulated.

Section 303B. The board of health of a town may issue to properly qualified persons licenses to engage therein in the business described in section three hundred and three A. The fee for such a license shall be one dollar, which shall be paid into the town treasury. The department of public health may issue licenses to such persons to engage in such business anywhere within the commonwealth upon payment of a fee of ten dollars, which shall be paid into the state treasury. All licenses issued under this section shall expire on the thirty-first day of December following, and may at any time be suspended or revoked, for cause, by the issuing authority. Such authority shall keep a record of all licenses granted, suspended or revoked by it.

Licenses, how issued.

Section 303C. Every barrel or keg containing methyl alcohol or wood alcohol, so called, or any drug or medicine intended for external use containing methyl alcohol, shall

Containers to be marked.

bear in capital letters not less than three fourths nor more than one and one half inches in height, stencilled thereon or printed upon a label affixed thereto, the words "POISON, NOT FOR INTERNAL USE". Every other container of any such alcohol, drug or medicine shall bear a label of white paper on which shall be printed in red capital letters not less than one fourth of an inch in height, the words "DEADLY POISON", the name and place of business of the vendor, and the statement that he is a registered druggist or, if licensed under section three hundred and three B, the number of his license, and, in legible type, the words "NOT FOR INTERNAL USE, CAUSES BLINDNESS. KEEP FROM THE EYES". Whoever, himself or by his servant or agent, sells, exchanges or delivers any such alcohol, drug or medicine in any container not conforming to this section shall be punished by a fine of not less than fifty nor more than two hundred dollars.

The department of public health may suspend such of the requirements of this section as it may determine, after public hearing, to be substantially covered by federal law or regulation and may, after hearing, revoke such suspension.

Penalty for
unlicensed
sales.

Section 30D. The sale of methyl alcohol or wood alcohol, so called, or any preparation containing methyl alcohol as described in section three hundred and three A by a person not licensed as required by sections three hundred and three A and three hundred and three B, or by a licensee to a person under sixteen years of age or to any person without reasonable investigation and inquiry to determine that the same is not to be used for drinking purposes, shall constitute the offence of unlawful sale of alcohol and may be described as such in any complaint or indictment without more; but a person so charged shall be entitled to a bill of particulars in accordance with section forty of chapter two hundred and seventy-seven.

Penalty.

Section 30E. Except as otherwise provided in section three hundred and three C, violation of any provision of sections three hundred and three A to three hundred and three D, inclusive, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

G. L. (Ter.
Ed.), 138,
§ 2, etc.,
amended.

SECTION 4. Said chapter one hundred and thirty-eight is hereby amended by striking out section two, as most recently amended by chapter three hundred and five of the acts of the current year, and inserting in place thereof the following: —

Regulation of
sale and
manufacture
of alcoholic
beverages, etc.

Section 2. No person shall manufacture, with intent to sell, sell or expose or keep for sale, transport, import or export alcoholic beverages or alcohol, other than alcohol described in section three hundred and three A of chapter ninety-four, except as authorized by this chapter; but the provisions of this chapter shall not apply to sales or transportation by a person or public officer under a provision of law which requires him to sell personal property, or to sales or transportation by executors, administrators, receivers and trustees duly

authorized by proper judicial order or decree. Assignees under voluntary assignments for the benefit of creditors if such assignees are authorized by special permit of the commission, and insurers and their agents in disposing of such beverages or alcohol damaged by fire or other casualty if authorized by such a permit, may sell and transport alcoholic beverages or alcohol. Any holder of a license under this chapter may pledge or mortgage to secure a loan or debt any alcoholic beverages or alcohol which he is authorized to sell and the pledgee or mortgagee acting in conformity with the terms of such pledge or mortgage may sell and transport such alcoholic beverages or alcohol subject to such conditions and restrictions as the commission may prescribe. Violation of this section shall be punished except as provided in section twenty-two by a fine of not less than one hundred nor more than one thousand dollars or by imprisonment for not more than one year, or both.

Approved June 29, 1934.

AN ACT FURTHER REGULATING THE MANUFACTURE AND SALE OF FROZEN DESSERTS AND ICE CREAM MIX.

Chap. 373

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public health.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-four of the General Laws is hereby amended by striking out sections sixty-four to sixty-five B, sixty-five E and sixty-five F, as appearing in the Tercentenary Edition, and the caption above said section sixty-four, and inserting in place thereof, under the caption, FROZEN DESSERTS AND ICE CREAM MIX, the following thirteen new sections:— *Section 65G*. For the purposes of sections sixty-five G to sixty-five S, inclusive, the following words and phrases shall have the following meanings:—

G. L. (Ter. Ed.), 94, §§ 64 to 65B, 65E and 65F, stricken out, and new sections 65G to 65S, inserted.

“Department”, the department of public health.

Definitions.

“Frozen custard”, includes French ice cream, French custard ice cream, ice custard, parfaits and similar frozen products, and is defined to be a clean, wholesome product made from a combination of eggs, milk or cream or other milk product, water and sugar, with harmless flavoring and harmless coloring and with or without added stabilizer, in the manufacture of which product freezing has been effected with or without agitation of the ingredients. It shall contain not more than one half of one per centum by weight of stabilizer, not less than ten per centum by weight of milk fat, and not less than eighteen and five tenths per centum by weight of total milk solids. Each ninety pounds of frozen custard shall contain not less than sixty clean, wholesome egg yolks, or one and five tenths pounds of wholesome, dry egg yolk containing not more than seven per centum of moisture, or three

Definitions.

pounds of wholesome, frozen egg yolk containing not more than fifty-five per centum of moisture, or an amount of egg yolk in any other form equivalent in food solids to sixty clean, wholesome egg yolks; and any lesser amount of frozen custard shall contain such ingredients in the same proportions. In no case shall any frozen custard contain less than one and six tenths pounds of total food solids per gallon.

"Frozen desserts", ice cream, frozen custard, ice milk, milk sherbet, and water ice or ice sherbet.

"Ice cream", a pure, clean, frozen product made from a combination of milk or cream or other milk product, with or without eggs, but with water, sugar, and harmless flavoring and harmless coloring, and with or without added stabilizer, in the manufacture of which product freezing has been effected with or without agitation of the ingredients. It shall contain not more than one half of one per centum by weight of stabilizer, not less than ten per centum by weight of milk fat, and not less than eighteen and five tenths per centum by weight of total milk solids; provided, that when fruit, fruit juices, nuts, coffee, cocoa or chocolate, maple syrup, cakes or confections are used for the purpose of flavoring, it shall contain not less than ten per centum by weight of milk fat and not less than eighteen and five tenths per centum by weight of total milk solids, except for such reduction in milk fat and in total milk solids as is due solely to the addition of such flavoring; but in no such case shall it contain less than eight per centum by weight of milk fat nor less than sixteen and five tenths per centum by weight of total milk solids, nor in any case less than one and six tenths pounds of total food solids per gallon.

"Ice cream mix", a pure, clean product made from a combination of milk or cream or other milk product, with or without eggs, but with water and sugar, and with or without harmless flavoring, harmless coloring and added stabilizer. It shall contain not more than one half of one per centum by weight of stabilizer, not less than ten per centum by weight of milk fat and not less than eighteen and five tenths per centum by weight of total milk solids; provided, that, when cocoa or chocolate is used for the purpose of flavoring, the percentage of milk fat and total milk solids may be reduced solely as a result of the addition of such flavoring; but in no case shall it contain less than eight per centum by weight of milk fat nor less than sixteen and five tenths per centum by weight of total milk solids.

"Ice milk", a pure, clean frozen product made from a combination of milk or cream or other milk product, with or without eggs, but with water and sugar, and with harmless flavoring and harmless coloring, and with or without added stabilizer, in the manufacture of which product freezing has been effected with or without agitation of the ingredients. It shall contain not more than one half of one per centum by weight of stabilizer, not less than three and thirty-five one hundredths per centum nor more than ten

per centum by weight of milk fat, and not less than fourteen per centum by weight of total milk solids, and shall in no case contain less than one and three tenths pounds of total food solids per gallon.

“Imitation frozen dessert”, any frozen substance, mixture or compound, regardless of the name under which it is sold or exchanged, or offered or exposed for sale or exchange, or advertised, which is made in imitation or semblance of any frozen dessert, or is prepared or frozen in the manner in which any frozen dessert is customarily prepared or frozen, and which is not ice cream, frozen custard, ice milk, milk sherbet, or water ice or ice sherbet, as defined herein.

“Milk product”, includes pure, clean and wholesome milk fat, butter, evaporated milk, skimmed milk, condensed milk, sweetened condensed milk, condensed skimmed milk, sweetened condensed skimmed milk, dried milk and dried skimmed milk.

“Milk sherbet”, a pure, clean, frozen product made from a combination of milk or cream or other milk product, and sugar, with or without water, but with harmless fruit or fruit juice flavoring and harmless coloring, and with not less than thirty-five one hundredths of one per centum of fruit or lactic acid, as determined by titrating with standard alkali and the result expressed as lactic acid, and with or without added stabilizer, in the manufacture of which product freezing has been effected with or without agitation of the ingredients. It shall contain not less than four per centum by weight of milk solids.

“Stabilizer”, pure gelatine or vegetable gums.

“Water ice or ice sherbet”, such pure, clean, frozen water ices, with or without sugar or harmless flavoring, as are not hereinbefore defined. They shall contain no milk solids.

Section 65H. Every person manufacturing within the commonwealth frozen desserts and ice cream mix, or either, in this paragraph called products, shall, during the month of February in each year, file with the board of health of each town in which he manufactures, or proposes to manufacture, such products, upon a form prescribed and furnished by the department, an application for a license to manufacture such products in such town, herein and in the eleven following sections called a license, for the year commencing with the following March first, and with the application shall tender the proper fee. Such application shall state that the applicant will manufacture such products only from pure and wholesome ingredients and only under sanitary conditions; shall show the location of each plant in such town at which such products are to be manufactured; and the name of the brand or brands, and the trade or corporation name or names, if any, under which the same are to be sold.

Every person manufacturing frozen desserts and ice cream mix, or either, for the use of his patrons, guests or servants shall, except as hereinafter otherwise provided, obtain a license therefor. The provisions of the preceding

Definitions.

Application
for license to
manufacture
frozen des-
serts, etc.

paragraph shall, so far as applicable, apply to licenses issued hereunder.

If the owner of a plant for the manufacture of frozen desserts and or ice cream mix located without the commonwealth desires to sell his product within the commonwealth he shall apply to the department for a permit to sell within the commonwealth frozen desserts and or ice cream mix, herein and in the eleven following sections called a permit, and with the application shall tender the proper fee. The department may issue to any suitable applicant therefor such a permit if it is satisfied after inspection that the plant named in the application is maintained in accordance with the standards of sanitation prescribed by its rules and regulations. Such permit shall be in lieu of a license referred to in the first paragraph; shall be subject to all sanitary requirements provided for such a license; shall apply only to one such plant; shall be valid throughout the commonwealth; and may be suspended or revoked by the department as provided by section sixty-five J. The department may inspect any plant of an applicant covered by his or its application for a permit. No part of any such fee shall be returned to an applicant whether or not the permit is granted.

Nothing in sections sixty-five G to sixty-five S, inclusive, shall be deemed to require any person manufacturing frozen desserts in his home for the sole use of his family, servants and guests, or any person owning or operating a boarding house or hospital and manufacturing frozen desserts for the sole use of his family and or his or its patrons, guests, patients or servants, or any farmer selling frozen desserts manufactured by him, whereof the milk or cream or other milk product is the product only of his own cows, to obtain any license or permit therefor.

Granting of
license,
inspection of
premises of
licensee, etc.

Section 65I. The local board of health, if satisfied after inspection that the plant referred to in an application for a license or a permit, as the case may be, is maintained in accordance with the standards of sanitation prescribed in the rules and regulations promulgated by the department, may grant to any suitable applicant therefor a license, or may certify to the department an application for a permit when said local board has been requested by the department to make such an inspection. No license or permit shall be issued if any statement in the application is false or misleading, or if the brand name or any label or advertisement of the frozen dessert or of the ice cream mix referred to in the application gives a false indication of its origin, character, composition or place of manufacture, or is otherwise false or misleading in any particular. No person shall engage within the commonwealth in the business of manufacturing frozen desserts and or ice cream mix without a license so to do from the board of health of the town where his plant is or is to be located, and no person engaged in the business of manufacturing frozen desserts and or ice cream mix without the commonwealth shall sell any such product within the commonwealth without a permit from the department.

Section 65J. Any license may be revoked by the local board of health which issued it, and any permit may be revoked by the department, after notice to the holder of the license or permit by mail or otherwise and opportunity to be heard, if it appears that any statement in reliance upon which such license or permit, as the case may be, was issued was false or misleading, or for violation of any of the provisions of the license or permit or of said sections sixty-five G to sixty-five S, inclusive.

Revocation of
license, etc.

A license or permit may, after similar notice and hearing, be suspended by the local board or the department which issued the same, for any of the foregoing reasons, until the holder of such license or permit complies with the conditions prescribed by the department for its reinstatement.

Section 65K. Any person aggrieved by a decision of a local board of health or of the department in refusing to grant or to reinstate, or in revoking or suspending, a license or permit, as the case may be, may, within fifteen days after the entry of such decision, bring a petition in the supreme judicial court for a writ of certiorari to correct errors of law therein, and the provisions of section four of chapter two hundred and forty-nine shall, except as herein provided, apply to said petition. No costs shall be allowed against the local board of health or the department, as the case may be, unless the court finds that it acted with gross negligence or in bad faith.

Section 65L. (a) No person shall sell or exchange, deliver, advertise, or offer or expose for sale or exchange, or attempt to deliver, or have in his possession with intent so to do, any frozen dessert or ice cream mix unless the manufacturer thereof is the holder of a license or permit then in full force.

Penalties.

(b) No person shall sell or exchange, offer for sale or exchange, or advertise for sale, any frozen dessert and or ice cream mix, if the brand name of the frozen dessert or ice cream mix or the label upon it or the advertising accompanying it shall give a false indication of its origin, character, composition or place of manufacture, or is otherwise false or misleading in any particular.

(c) No person shall sell or offer or expose for sale ice milk, unless contained in a package, or enclosed in a wrapper, upon which shall be conspicuously printed in the English language the words "Ice Milk".

(d) No person shall sell or exchange, deliver, advertise, or offer or expose for sale or exchange, or attempt to deliver, or have in his possession with intent so to do, any imitation frozen dessert.

(e) No person shall sell or exchange, deliver, advertise, or offer or expose for sale or exchange, or attempt to deliver, or have in his possession with intent so to do, any frozen dessert and or ice cream mix if it contains any paraffin, oils or fats, other than milk fats, except such fats or oils as are naturally contained in the flavors lawfully used.

(f) No person shall sell or exchange, or deliver or offer or expose for sale or exchange, or attempt to deliver, or have in his custody or possession with intent so to do, frozen dessert and/or ice cream mix in a package, wrapper or other covering which does not legibly bear the name of the manufacturer of said frozen dessert and/or ice cream mix and/or a brand, trade or corporation name, set forth in the manufacturer's application for a license or permit, or subsequently recorded with the local board of health or the department issuing the same.

This and the following seven sections shall not apply to any frozen dessert and/or ice cream mix in the course of interstate commerce.

Milk, etc.,
to be
pasteurized.

Section 65M. All milk, cream and milk products used in the manufacture of ice cream, frozen custard, ice milk or milk sherbet, or the entire mix with or without flavor or color, shall be pasteurized in accordance with rules and regulations of the department, if so required by regulations made under authority of law by the board of health of the town wherein such frozen dessert or ice cream mix is to be sold.

Premises
to be kept
clean, etc.

Section 65N. No person shall sell or exchange, or offer or expose for sale or exchange, or deliver, or attempt to deliver, or have in possession with intent so to do, frozen desserts or ice cream mix which have been manufactured in unclean, unsanitary or unhealthful premises or in an unclean, unsanitary or unhealthful manner, nor shall any person manufacture, or sell or exchange, or offer or expose for sale or exchange, or deliver, or attempt to deliver, or have in possession with intent so to do, frozen desserts or ice cream mix in any unclean, unsanitary or unhealthful premises or in any unclean, unsanitary or unhealthful manner.

Frozen
desserts,
adulteration of.

Section 65O. Frozen desserts and/or ice cream mix shall be deemed to be adulterated:

First. If containing saccharin or any preservative, mineral or other substance or compound deleterious to health; provided, that this clause shall not be construed to prohibit the use of harmless coloring matter when not used for fraudulent purposes; or

Second. If made in whole or in part from, or containing frozen desserts and/or ice cream mix for any reason unfit for food.

No person shall manufacture, sell or exchange, or offer or expose for sale or exchange, or deliver, or attempt to deliver, or have in his possession with intent so to do, any frozen dessert or ice cream mix not conforming to the definitions contained in section sixty-five G, or manufactured, sold, exchanged and/or delivered in violation of any provision of section sixty-five N, or adulterated within the meaning of this section.

Containers,
how labeled.

Section 65P. (a) No person shall sell or exchange, or offer or expose for sale or exchange, or deliver or attempt to deliver, frozen desserts in any container which is falsely

labeled as to the name of the manufacturer or place of manufacture, or in any other respect.

(b) No person shall misrepresent in any manner the name of the manufacturer or the place of manufacture of frozen desserts.

(c) No person shall use or cause or permit to be used, for the purpose of preserving or holding frozen desserts, any cabinet, can, container or other equipment owned in whole or in part by any other person, without the written consent of such owner.

(d) No person shall place any frozen desserts of one manufacturer in the cabinet, can, container or other equipment belonging in whole or in part to another manufacturer.

(e) No person, other than the owner or a person thereto authorized by him, shall remove, erase, obliterate, cover or conceal the owner's name or any distinguishing mark or device which may appear or be placed on any such cabinet, can, container or other equipment.

Section 65Q. The department, and the local boards of health within their respective jurisdictions, shall enforce sections sixty-five G to sixty-five S, inclusive. The department shall from time to time, after inquiry and public hearing, adopt, amend and promulgate rules and regulations to supplement and give full effect to the provisions of said sections. Such rules and regulations shall, in addition to any other subjects, establish bacterial standards for frozen desserts and/or ice cream mix, hereinafter referred to as products, sanitary regulations pertaining to the manufacture and distribution of such products, including the sanitary condition of premises and buildings wherein such products are manufactured, and the sanitary condition of containers in which such products are held or shipped. Such rules and regulations shall be filed at the office of the department and of each of the boards of health within the commonwealth, shall be open for public inspection, and shall have the force of law.

Enforcement
of certain
sections.

Local boards of health may make rules and regulations relative to such products not inconsistent with rules or regulations of the department, or with law.

Section 65R. Whoever violates any provision of sections sixty-five G to sixty-five Q, inclusive, or of any rule or regulation made under authority thereof, shall for the first offense be punished by a fine of not less than fifteen nor more than five hundred dollars, or by imprisonment for not more than six months, and for each subsequent offense by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than six months, or both.

Penalty.

Section 65S. The fees for licenses and permits shall be as follows: —

Fees for
licenses
or permits.

License for retail manufacturer, five dollars for each plant;
License or permit for wholesale manufacturer, to manufacture within the commonwealth or to sell within the commonwealth, as the case may be, not more than twenty-five

thousand gallons, not less than five nor more than twenty-five dollars; more than twenty-five thousand but not more than one hundred thousand gallons, fifty dollars; more than one hundred thousand but not more than two hundred and fifty thousand gallons, one hundred dollars; more than two hundred and fifty thousand but not more than five hundred thousand gallons, one hundred and fifty dollars; more than five hundred thousand gallons, two hundred dollars. In every case where the department requests an inspection of the premises of the applicant to be made by a local board of health, the local board shall comply with said request.

G. L. (Ter. Ed.), 94, § 60, amended.

Complaints for violations of certain sections.

SECTION 2. Said chapter ninety-four is hereby further amended by striking out section sixty and inserting in place thereof the following:— *Section 60.* Each inspector of milk shall institute complaints for the violation of any provision of sections forty-nine to fifty-eight, inclusive, sixty-two or sixty-five G to sixty-five S, inclusive, except subsections (c) to (e), inclusive, of section sixty-five P, on the information of any person who lays before him satisfactory evidence to sustain such complaint, if he has reasonable cause to believe that said provision has been violated. He may enter each place where butter, cheese or imitations thereof, or frozen desserts or ice cream mix as defined in section sixty-five G, are stored or kept for sale, and shall take samples of suspected butter, cheese or imitations thereof, or frozen desserts or ice cream mix, and cause them to be analyzed or otherwise satisfactorily tested, and shall record and preserve as evidence the result of such analysis or test. Before commencing the analysis of any sample in any proceeding for violation of any provision of sections forty-nine to fifty-one, inclusive, and sixty-five G to sixty-five S, inclusive, the analyst shall reserve and seal a portion of the sample, and, upon complaint made against the person from whom such sample was taken, such reserved portion of the sample alleged to be adulterated shall, upon application, be delivered to such person or to his attorney. The expense of such analysis or test, not exceeding twenty dollars in any one case, may be included in the expense of such prosecution.

G. L. (Ter. Ed.), 98, § 20, amended.

Containers for sale of ice cream, capacity, sealing, marking.

SECTION 3. Section twenty of chapter ninety-eight of the General Laws, as so appearing, is hereby amended by inserting after the word "cream" in the second and in the fifth lines the words:— or other frozen desserts and/or ice cream mix,— so as to read as follows:— *Section 20.* All cans, moulds or other containers used in the sale of ice cream or other frozen desserts and/or ice cream mix by measure shall be of the capacity of Massachusetts standard liquid measure. Such cans, moulds or other containers shall be sealed, as hereinafter provided, by the manufacturer thereof, or by a sealer, and shall not be legal measures except for ice cream or other frozen desserts and/or ice cream mix. When sealed by the manufacturer, such containers shall be marked with his name, initials or trade mark. They may also be marked with any other designating mark assigned to him by the director;

provided, that he has agreed to conform to the regulations made by the director relative thereto. When such containers have not been sealed by the manufacturer, they shall be sealed, before they are used, by a sealer, and the dealer who intends to use them shall bring such containers to the office of such sealer for that purpose, but no fee shall be charged for sealing them. The sealing of such containers by the manufacturer shall not be held to exempt the user from the laws relating to the giving of false or insufficient measure, or the using of a false measure, or having in his possession a false measure with intent to use.

SECTION 4. Section twenty-one of said chapter ninety-eight, as so appearing, is hereby amended by inserting after the word "cream" in the fifth line the words: — or other frozen desserts and/or ice cream mix, — so as to read as follows: — *Section 21.* Sealers shall inspect at least semi-annually all cans, moulds or other containers sealed in accordance with the preceding section, and shall make a record of such inspection. If a container has once been sealed as aforesaid, it shall not be necessary to have it sealed again while it is used for the sale of ice cream or other frozen desserts and/or ice cream mix as long as it remains in the same condition as when first sealed.

G. L. (Ter. Ed.), 98, § 21, amended.

Sealers to inspect containers.

SECTION 5. Section twenty-one of chapter one hundred and ten of the General Laws, as so appearing, is hereby amended by striking out, in the third line, the words "ice cream" and inserting in place thereof the words: — frozen desserts and/or ice cream mix, — so as to read as follows: — *Section 21.* A person engaged in buying, selling or dealing in milk or cream in cans, or who uses cans, tubs or cabinets in the sale, transportation or storage of frozen desserts and/or ice cream mix, with his name and the word "registered" produced in a permanent manner in or upon such cans, tubs or cabinets, may register such articles by filing in the office of the clerk of the town where his principal place of business is situated, and also in the office of the state secretary, a description of the name so used by him, and shall publish such description once in each of four successive weeks in a newspaper published in the town where the description has been filed.

G. L. (Ter. Ed.), 110, § 21, amended.

Registering milk cans, etc.

SECTION 6. Chapter one hundred and thirty-six of the General Laws is hereby amended by striking out section six, as most recently amended by chapter three hundred and fifty-four of the acts of the current year, and inserting in place thereof the following: — *Section 6.* The preceding section shall not prohibit the manufacture and distribution of steam, gas or electricity for illuminating purposes, heat or motive power; the distribution of water for fire or domestic purposes; the use of the telegraph or the telephone; the manufacture and distribution of oxygen, hydrogen, nitrogen, acetylene and carbon dioxide; the retail sale of drugs and medicines, or articles ordered by the prescription of a physician, or mechanical appliances used by physicians or surgeons.

G. L. (Ter. Ed.), 136, § 6, etc., amended.

Sale of certain merchandise and food on Lord's day.

Sale of certain
merchandise
and food on
Lord's day.

Nor shall it prohibit the retail sale of tobacco in any of its forms by licensed innholders, common victuallers, druggists and newsdealers whose stores are open for the sale of newspapers every day in the week; the retail sale of bread, before ten o'clock in the forenoon and between the hours of four o'clock and half past six o'clock in the afternoon by licensed innholders and by licensed common victuallers authorized to keep open their places of business on the Lord's day and by persons licensed under the following section to keep open their places of business as aforesaid; the retail sale of frozen desserts and/or ice cream mix, soda water and confectionery by licensed innholders and druggists, and by such licensed common victuallers as are not also licensed to sell alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, and who are authorized to keep open their places of business on the Lord's day; the sale of frozen desserts and/or ice cream mix, soda water, confectionery or fruit by persons licensed under the following section or the keeping open of their places of business for the sale thereof.

Nor shall it prohibit work lawfully done by persons working under permits granted under section nine; the sale by licensed innholders and common victuallers of meals such as are usually served by them, consisting in no part of alcoholic beverages, as so defined, which meals are cooked on the premises but are not to be consumed thereon; the operation of motor vehicles; the sale of gasoline and oil for use, and the retail sale of accessories for immediate necessary use, in connection with the operation of motor vehicles, motor boats and aircraft; the letting of horses and carriages or of boats; unpaid work on pleasure boats; the running of steam ferry boats on established routes; the running of street railway cars; the running of steamboat lines and trains or of steamboats, if authorized under section nineteen.

Nor shall it prohibit the preparation, printing and publication of newspapers, or the sale and delivery thereof; the wholesale or retail sale and delivery of milk, or the transportation thereof, or the delivery of frozen desserts and/or ice cream mix, or the retail sale of ice or of fuel; the making of butter and cheese; the keeping open of public bath houses; the making or selling by bakers or their employees, before ten o'clock in the forenoon and between the hours of four o'clock and half past six o'clock in the afternoon, of bread or other food usually dealt in by them; whenever Rosh Hashonah, or the Day of Atonement, begins on the Lord's day, the retail sale and delivery of fish, fruit and vegetables before twelve o'clock noon of that day; the selling or delivering of kosher meat by any person who, according to his religious belief, observes Saturday as the Lord's day by closing his place of business during the day until six o'clock in the afternoon or the keeping open of his shop on the Lord's day for the sale of kosher meat between the hours of six o'clock and ten o'clock in the forenoon.

Nor shall it prohibit the performing of secular business and

labor on the Lord's day by any person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath and actually refrains from secular business and labor on that day, if he disturbs no other person thereby; the carrying on of the business of bootblack before eleven o'clock in the forenoon, unless prohibited in a city or town by ordinance or by-law; the digging of clams; the icing and dressing of fish; the cultivation of land, and the raising, harvesting, conserving and transporting of agricultural products during the existence of war between the United States and any other nation and until the first day of January following the termination thereof; such unpaid work in or about private gardens or private grounds, adjacent to a dwelling house, as shall not cause unreasonable noise, having regard to the locality where such work is performed.

Nor shall it prohibit the sale of catalogues of pictures and other works of art in exhibitions held by societies organized for the purpose of promoting education in the fine arts or the exposure of photographic plates and films for pleasure, if the pictures to be made therefrom are not intended to be sold and are not sold.

Nor shall it prohibit the conduct of any enterprise lawfully conducted under section four A.

SECTION 7. Said chapter one hundred and thirty-six is hereby further amended by striking out section seven, as most recently amended by section eight of chapter three hundred and twenty-eight of the acts of the current year, and inserting in place thereof the following:— *Section 7.* In Boston, and in any other city or town which accepts this and the following section or has accepted corresponding provisions of earlier laws, in a city by its city council or in a town by the voters of the town at an annual town meeting, the licensing board or officer in such city or town, or if there is no such board or officer the aldermen of a city, or if there are no aldermen the city council, with the approval of the mayor, or the selectmen of a town, may grant, to any reputable person who on secular days is a retail dealer in frozen desserts and/or ice cream mix, confectionery, soda water or fruit and who does not hold a license for the sale of alcoholic beverages, as defined in section one of chapter one hundred and thirty-eight, a license to keep open his place of business on the Lord's day for the sale of frozen desserts and/or ice cream mix, confectionery, soda water or fruit.

SECTION 8. Nothing in this act shall be deemed to affect any prosecution or other legal proceeding pending upon the effective date hereof and commenced or brought by virtue of any provision of sections sixty-four, sixty-four A, sixty-five, sixty-five A, sixty-five B, sixty-five E and sixty-five F of chapter ninety-four of the General Laws as in effect immediately prior to such effective date, and for the purpose only of such prosecutions or other legal proceedings said sections shall be deemed to have remained in full force notwithstanding the enactment of this act. *Approved June 29, 1934.*

Sale of certain merchandise and food on Lord's day.

G. L. (Ter. Ed.), 136, § 7, etc., amended.

Same subject.

Act not to affect pending prosecution of violations of law.

Chap. 374 AN ACT AUTHORIZING THE LICENSING OF HORSE AND DOG RACES ON WHICH THE PARI-MUTUEL SYSTEM OF BETTING SHALL BE PERMITTED.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 6, § 17,
etc., amended.

SECTION 1. Section seventeen of chapter six of the General Laws, as most recently amended by section one of chapter three hundred and thirty-six of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "library" in the ninth line the words: —, the state racing commission, — so as to read as follows: — *Section 17*. The armory commissioners, the art commissioner, the commission on administration and finance, the commissioner of state aid and pensions, the commissioners on uniform state laws, the public bequest commission, the state ballot law commission, the board of trustees of the Soldiers' Home in Massachusetts, the milk regulation board, the alcoholic beverages control commission, the trustees of the state library, the state racing commission and the Greylock reservation commission shall serve under the governor and council, and shall be subject to such supervision as the governor and council deem necessary or proper.

Certain
officers to
serve under
governor and
council.
State racing
commission.

G. L. (Ter.
Ed.), 6, new
section 48,
added.

SECTION 2. Said chapter six is hereby further amended by inserting after section forty-seven, inserted therein by section two of said chapter three hundred and thirty-six, under the heading "STATE RACING COMMISSION", the following new section: — *Section 48*. There shall be a commission to be known as the state racing commission, to consist of three persons to be appointed by the governor, with the advice and consent of the council. Not more than two of such members shall be members of the same political party. Said members shall be designated in their original appointments to serve for one, two and three years, respectively, from December first in the year of appointment. Upon the expiration of the term of a member, his successor shall be appointed in the manner aforesaid for three years.

State racing
commission.

Each member shall hold office until the appointment and qualification of his successor. The governor shall, from time to time, designate one of the members as chairman and, with the advice and consent of the council, may remove any member for cause and, with like advice and consent, shall fill any vacancy for the unexpired term. Whenever any action by the commission is required to be in writing, such writing shall be sufficient when signed by any two of the members. The commission shall make an annual report in January of each year to the general court.

The chairman shall receive a salary of five thousand dollars and each other member shall receive a salary of four

thousand dollars. The members shall also receive their necessary expenses incurred in the discharge of their official duties.

The commission may appoint and remove a secretary and other assistants who shall be exempt from the provisions of chapter thirty-one. The commission, subject to the approval of the governor and council, may fix the salary of such secretary.

SECTION 3. The General Laws are hereby amended by inserting after chapter one hundred and twenty-eight, as appearing in the Tercentenary Edition, the following new chapter: —

G. L. (Ter. Ed.), new chapter 128A, added.

CHAPTER 128A.

HORSE AND DOG RACING MEETINGS.

Section 1. Terms used in this chapter shall, unless the context otherwise requires, be construed as follows: —

Definitions.

“Racing meeting” shall include every meeting within the commonwealth where horses or dogs are raced and where any form of betting or wagering on the speed or ability of horses or dogs shall be permitted, but shall not include any meeting where no such betting or wagering is permitted even though horses or dogs or their owners, are awarded certificates, ribbons, premiums, purses, prizes or a portion of gate receipts for speed or ability shown.

“Race track” shall include the track, grounds, auditorium, amphitheatre and/or bleachers, if any, and adjacent places used in connection therewith, where a horse or dog racing meeting may be held.

Section 2. Any person desiring to hold or conduct a horse or dog racing meeting within the commonwealth shall make an application to the state racing commission, hereinafter called the commission, for a license so to do. Such application shall state

License for race meeting, application for, form of, etc.

(1) The name of the applicant.

(2) The post office address of the applicant, and if a corporation, the name of the state under the laws of which it is incorporated, the location of its principal place of business and the names and addresses of its directors and stockholders.

(3) The location of the race track where it is proposed to hold or conduct such meeting.

(4) The days on which it is intended to hold or conduct such meeting, which days shall be successive week days, Saturday and Monday being considered successive week days.

(5) The hours of each day between which it is intended to hold or conduct racing at such meeting, which hours shall be not before twelve o'clock noon nor later than seven o'clock post meridian for horse racing, and not before seven o'clock post meridian nor later than twelve o'clock midnight for dog racing.

(6) Answers to such other questions as the commission may prescribe, and

(7) That the applicant will comply, in case such license be issued, with all applicable laws and with all applicable rules and regulations prescribed by the commission.

Such application shall be filed with the commission at least ten days prior to the first day of the racing meeting which the applicant proposes to hold or conduct. Such application shall be signed and sworn to, if made by an individual, by such individual, if made by two or more individuals or a partnership, by one of such individuals or by a member of such partnership, as the case may be, if made by a trust, by a trustee of such trust, and if made by an association or corporation, by the president or vice-president thereof. The commission may prescribe forms to be used in making such application.

With such application there shall be delivered to the commission a certified check or bank draft, payable to the commission, weekly in advance for the full amount of the license fee required by this chapter.

Section 3. If any application for a license, filed as provided by section two, shall be in accordance with the provisions of this chapter, the commission may issue a license to the applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the race track specified in such application.

Such license shall state —

- (1) The name of the person to whom the same is issued,
- (2) The location of the race track where the racing meeting thereby authorized is to be held,
- (3) The days on which such meeting may be held or conducted,
- (4) The hours of each day between which racing may take place at such meeting, and
- (5) That the required license fee has been received by the commission.

No license shall be issued which would permit a racing meeting to be held or conducted except under the following conditions:

(a) Such meeting shall be on a week day or on successive week days, Saturday and Monday being considered successive week days.

(b) Horse racing at such meeting may be between the hours of twelve o'clock noon and seven o'clock post meridian only.

(c) Dog racing at such meeting may be between the hours of seven o'clock post meridian and twelve o'clock midnight only.

(d) Such horse racing meetings may be held only between the eighteenth day of April and the thirty-first day of October, both dates inclusive, in any year; provided, that no horse racing meeting shall be held between the fifteenth day of August and the thirtieth day of September, both dates inclusive, except in connection with a state or county fair.

(e) Such dog racing meetings may be held only between

the eighteenth day of April and the thirty-first day of October, both dates inclusive, in any year; provided, that no dog racing meeting shall be held between the fifteenth day of August and the thirtieth day of September, both dates inclusive, except in connection with a state or county fair.

(f) No licenses shall be issued for more than an aggregate of seventy racing days in any one year at all running horse race meetings combined, not including running horse racing meetings at state and county fairs.

(g) No licenses shall be issued for more than an aggregate of two hundred racing days in any one year at all dog racing meetings combined, not including dog racing meetings at state and county fairs.

(h) No licenses shall be issued to permit running horse racing meetings to be held or conducted, except in connection with a state or county fair, at the same time at more than one race track within the commonwealth, nor at any time at a race track located within fifty miles of another race track, one mile or more in circumference.

(i) No licenses shall be issued to permit dog racing meetings to be held or conducted, except in connection with a state or county fair, at the same time at more than one race track within the same county or within twenty-five miles of another dog race track, nor at any time at more than four race tracks within the commonwealth, nor at a dog race track having a racing strip of less than three sixteenths of a mile for outdoor tracks and one tenth of a mile for indoor tracks.

(j) No licenses shall be issued for more than an aggregate of forty-two racing days in any one year at the harness horse racing meetings combined, not including harness horse racing meetings at state or county fairs.

(k) No license shall be issued to any person who is in any way in default, under the provisions of this chapter, in the performance of any obligation or in the payment of any debt to the commission.

(l) No license shall be issued to any person who has, within ten years of the time of filing the application for such license, been convicted of violating the provisions of section five of this chapter in retaining more than ten and fifteen per cent of sums deposited by patrons as wagers at a horse or dog racing meeting plus breaks, as defined in said section.

(m) No license shall be transferable, except with the approval of the commission.

No license shall be issued to any person to hold or conduct a horse or dog racing meeting in connection with a state or county fair, or any exhibition for the encouragement or extension of agriculture, under the reduced license fee provided in section four, unless the applicant shall first satisfy the commission that the main purpose of such fair or exhibition is the encouragement or extension of agriculture and that the same constitutes a bona fide exhibition of that character. No such license shall be issued to any person to hold or conduct such a horse or dog racing meeting for more than six days in any calendar year.

No license shall be issued unless the person applying therefor shall have executed and delivered to the commission a bond, payable to the commission, in such amount, not exceeding thirty-five thousand dollars, as the commission may determine, with a surety or sureties approved by the commission conditioned upon the payment of all sums which may become payable to the commission under this chapter; provided that the amount of such bond, in the case of any person holding or conducting a harness horse racing meeting in connection with a state or county fair, any exhibition for the encouragement or extension of agriculture, or a grand circuit harness horse racing meeting shall not exceed five thousand dollars.

Every license shall be recorded in the office of the clerk of the city or town in which such racing meeting is held or conducted at a time not less than five days before the first day of such meeting or forthwith upon the issuance of such license if the same shall be issued after such time. After such license is so recorded, a duly certified copy thereof shall forthwith be conspicuously displayed and shall be kept so displayed continuously during said racing meeting in the principal business office at the race track where such meeting is held and at all reasonable times shall be exhibited to any person requesting to see the same.

Fee.

Section 4. The fee for the license provided for in section three shall not exceed one thousand dollars for each day of any running horse racing meeting nor exceed two hundred dollars for each day of any harness horse or dog racing meeting; provided, that the reduced fee, applicable to a license to any person holding or conducting a horse or dog racing meeting in connection with a state or county fair, or any exhibition for the encouragement or extension of agriculture, shall not exceed one hundred dollars for each day of such horse or dog racing meeting.

If for any reason or cause, beyond the control of and through no fault or neglect of any licensee and while such licensee is not in default, it should become impossible or impracticable to conduct racing upon any day or successive days specified in a license issued by the commission, the commission at the request of the licensee may, and upon proper showing shall, request the state treasurer to refund to the licensee an amount equal to the license fees paid for days on which such licensee does not hold or conduct a racing meeting under the terms of the license issued for such purpose. Upon receipt of such request, the state treasurer shall forthwith pay such amount to such licensee.

No other license fee or excise, except as provided in this chapter, shall be assessed or collected from such licensee by the commonwealth or any political subdivision thereof.

Pari-mutuel
system
of wagering
authorized.

Section 5. Any licensee holding or conducting a racing meeting may provide a place or places, on the grounds where such meeting is held or conducted, but not elsewhere, at which such licensee may conduct and supervise the pari-

mutuel or certificate system of wagering on the speed or ability of horses or dogs performing in the races held or conducted by such licensee at such meeting and such pari-mutuel or certificate method of wagering upon such races so conducted shall not under any circumstances be held or construed to be unlawful, other statutes of the commonwealth to the contrary notwithstanding.

No other place or method of betting, pool making, wagering or gambling shall be used or permitted by the licensee, nor shall this chapter be deemed to authorize or legalize the pari-mutuel or certificate system of wagering on any races except horse and dog races at the race track where such pari-mutuel or certificate system of wagering is conducted. Each licensee conducting a racing meeting shall become the custodian or depository for such sums as may be deposited with such licensee by patrons as wagers on the speed or ability of any one or more horses or dogs in a race or races and such licensee shall be responsible for such sum so deposited and shall return to the winning patrons so wagering on the speed or ability of any one or more horses or dogs in a race or races all sums so deposited as an award or dividend, according to the acknowledged and recognized rules and method under which such pari-mutuel or certificate system has been operated, less an amount not to exceed ten per cent of the total amount so deposited by the patrons wagering on the speed or ability of horses, and fifteen per cent on the speed or ability of dogs, in a race or races and less the so-called breaks, as defined in this section.

Each licensee shall pay to the commission on the day following each day of a horse or dog racing meeting, a sum equal to three and one half per cent of the total amount deposited on the preceding day by the patrons so wagering, said three and one half per cent to be paid from the ten and fifteen per cent retained, as provided in this section, from the total amount wagered. Each licensee may retain not to exceed six and one half and eleven and one half per cent plus such breaks as the licensee's commission on the total of all sums so deposited, such six and one half and eleven and one half per cent to be retained from the ten and fifteen per cent retained, as provided in this section, from the total amount wagered.

One half of the odd cents over any multiple of ten cents otherwise payable to a patron wagering shall be retained by the licensee, and one half shall be paid to the commission, on the day following each day of a horse or dog racing meeting. Such odd cents shall in this chapter be called the "breaks".

Section 6. Accurate records and books shall at all times be kept and maintained by each licensee, showing the number, nature and amount of all wagers made in connection with such meeting. The commission, or its duly authorized representatives, shall at all reasonable times have access to the records and books of any licensee for the purpose of examining and checking the same, and ascertaining whether or

Records, etc.,
to be kept.

not the proper amount has been or is being paid to the commission as herein provided.

The commission may also from time to time require sworn statements of such wagers and may prescribe blanks upon which such reports shall be made. Any licensee failing or refusing to make such report as herein provided, or failing or refusing to pay the amount found to be due as provided in this chapter, shall be deemed guilty of larceny and upon conviction shall be punished by a fine of not less than one thousand nor more than ten thousand dollars.

Representatives
of commission
to attend
race meetings.

Section 7. The commission may appoint one or more representatives to attend each racing meeting held or conducted under a license issued under this chapter, and the appointment of said representatives shall not be subject to chapter thirty-one. The compensation of each such representative shall be fixed by the commission.

Each such representative appointed by the commission to attend a racing meeting shall have full and free access to the space or enclosure where the pari-mutuel or certificate system of wagering is conducted or supervised for the purpose only of ascertaining whether or not the provisions of this chapter are being properly observed. He shall also, for the same purpose only, have full and free access to the books, records and papers pertaining to such pari-mutuel or certificate system of wagering. He shall investigate, ascertain and report to the commission in writing under oath as to whether or not he has discovered any violation at such meeting of any of the provisions of this chapter, and, if so, the nature and character of such violations. Such report shall be made within ten days after the termination of the duties of such representative at any racing meeting.

If any such report shows any violation of this chapter, the commission shall transmit a copy of such report to the attorney general for such action as he shall deem proper.

Local police
to attend
race meetings.

Section 8. The commission may apply to the local police authorities for, and said authorities shall thereupon assign, such number of police officers to be on duty at any racing meeting permitted by this chapter as the commission may deem proper. Police officers so assigned shall report to the commission and shall perform such duties as may be required by the commission. The licensee shall pay to the commission a sum equal to the salaries of police officers so assigned for the period of such racing meeting. The commission shall also fix an amount to cover the necessary expenses of each police officer so assigned not exceeding ten dollars per diem. A certified check or bank draft, payable weekly in advance to the commission, for the full amount of such salaries and expenses shall be delivered to the commission before twelve o'clock noon of the first day of such racing meeting.

Rules and
regulations.

Section 9. The commission shall have full power to prescribe rules, regulations and conditions under which all horse or dog races at horse or dog racing meetings shall be conducted in the commonwealth.

The commission shall have power to prescribe special rules, regulations and conditions applicable to horse and dog racing meetings held under licenses granted hereunder in connection with a state or county fair, or any exhibition for the encouragement or extension of agriculture.

Rules and regulations so prescribed shall be printed by the commission and furnished in reasonable numbers to any one who may request them.

Any person violating any such rule or regulation shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than one year, or both.

Section 10. Any licensee permitting any minor to participate in the pari-mutuel or certificate system of wagering at a racing meeting held or conducted by such licensee shall be punished by a fine of not more than one hundred dollars. No licensee shall employ any one, in operation of a pari-mutuel or certificate system of wagering at a racing meeting held or conducted by such licensee, except a citizen of the commonwealth.

Minors
not to be
employed, etc.

Section 11. The commission shall have full discretion to refuse to grant a license to any applicant for a license or to suspend or revoke the license of any licensee. If any license is suspended or revoked, the commission shall make a record of its reasons for doing so and such record shall be made available to any person requesting to inspect the same.

Suspension,
etc., of license.

Section 12. No person shall hold or conduct, or assist, aid or abet in holding or conducting, any horse or dog racing meeting within the commonwealth unless such person shall comply with the provisions of this chapter.

Penalty for
holding un-
licensed race
meeting, etc.

Any person holding or conducting or any person aiding or abetting in holding or conducting, any horse or dog racing meeting within the commonwealth in violation of any of the provisions of this chapter shall, unless some other penalty for such violation is provided in this chapter, be punished for each such offence by a fine of not more than ten thousand dollars or by imprisonment for not more than one year, or both. For the purpose of this section, each day on which any horse or dog racing meeting shall be held or conducted in violation of any of the provisions of this chapter shall be considered a separate and distinct offence.

Section 13. Any person making a handbook, at any race track within the commonwealth, or holding or conducting a gambling pool or managing any other type of wagering or betting on the results of any horse or dog race, or aiding or abetting any of the foregoing types of wagering or betting, except as permitted by this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars and imprisonment for not more than one year, and for a subsequent offence by a fine of not more than ten thousand dollars and imprisonment for not more than two years. Any jockey, trainer or owner of horses participating in horse or dog racing, if found guilty by the commission of unfair riding or crooked tactics, shall be barred from further participation in racing throughout the commonwealth.

Penalty for
conducting
unauthorized
wagering, etc.

Referendum
to counties.

Section 14. Licenses shall not be granted under this chapter for the holding or conducting of any horse racing meeting or any dog racing meeting within any county unless a majority of the registered voters of such county voting on the questions of granting such licenses when said questions were last submitted to them, as hereinafter provided, have voted in the affirmative.

The state secretary shall cause to be placed on the official ballot to be used in the cities and towns at the biennial state election in the year nineteen hundred and thirty-four the following questions: —

1. Shall the pari-mutuel system of betting on licensed horse races be permitted in this county?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

2. Shall the pari-mutuel system of betting on licensed dog races be permitted in this county?

YES.	<input type="checkbox"/>
NO.	<input type="checkbox"/>

Upon petition of five per cent of the registered voters of any county filed with the state secretary not less than thirty days prior to a biennial state election after the year nineteen hundred and thirty-six the state secretary shall also cause said questions to be placed on the official ballot to be used in the cities and towns in said county at said biennial election; provided, that said questions shall not be submitted under this section to the voters of any county oftener than once in four years.

If a majority of the votes cast in a county in answer to question 1 are in the affirmative, such county shall be taken to have authorized the licensing of horse races therein at which the pari-mutuel system of betting shall be permitted.

If a majority of the votes cast in a county in answer to question 2 are in the affirmative, such county shall be taken to have authorized the licensing of dog races therein at which the pari-mutuel system of betting shall be permitted.

Receipts of
state, how
distributed.

Section 15. Twenty-five per cent of the receipts paid into the state treasury under this chapter, after deducting therefrom the amount of expenses incurred by the commission in carrying out the provisions of this chapter, shall, on or before December first each year be distributed by the state treasurer to the several cities and towns, in proportion to the amounts of state tax imposed upon such cities and towns in that year and one half of all money received by cities and towns hereunder shall be expended by it for the old age assistance and one half to public welfare relief.

Constitutionality.

Section 16. The invalidity of any section or sections or parts of any section or sections of this chapter shall not affect the validity of the remainder of this chapter.

Approved June 29, 1934.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO
WIDEN AND RECONSTRUCT OCEAN AVENUE IN THE CITY OF
REVERE.

Chap. 375

Be it enacted, etc., as follows:

SECTION 1. Subject to the conditions herein imposed, the department of public works, hereinafter called the department, is hereby authorized and directed to widen and reconstruct Ocean avenue in the city of Revere from its intersection with Beach street to its intersection with Revere street, and to make such changes in said Revere street as may be necessary to make a suitable connection of said Ocean avenue with the Revere Beach parkway.

SECTION 2. The cost of the work provided for by section one, including any damages awarded or paid on account of any taking of land or property therefor, or for injury to the same, and any sums paid for lands or rights purchased, and all other expenses incurred in carrying out the provisions of this act, shall be deemed to be the cost of the work; provided, such cost shall not exceed, in the aggregate, the sum of five hundred and sixty thousand dollars.

SECTION 3. The department may take by eminent domain under chapter eighty A of the General Laws but not otherwise, or may acquire by purchase, lands and easements and rights therein necessary for such improvement; provided, that if not later than ten days after final determination of the aggregate amount of compensation and damages to which all persons are entitled under proceedings which may have been brought under said chapter, it appears that the aggregate amount necessary for purchases hereunder and for such compensation and damages exceeds three hundred thousand dollars, no such purchases shall be consummated and the department shall forthwith and before final judgment of condemnation in any such proceedings abandon the proposed improvement and discontinue the proceedings as provided in section eleven of said chapter eighty A.

SECTION 4. If it appears that the land, or rights or easements therein, necessary for the improvement provided for by section one can be acquired as hereinbefore provided at a total cost of not exceeding three hundred thousand dollars, but not otherwise, the department is hereby authorized to make contracts and to incur expenses for said improvement within the total sum of five hundred and sixty thousand dollars authorized by section two, notwithstanding the provisions of section twenty-seven of chapter thirty of the General Laws.

SECTION 5. Of the total cost of the work provided for by section one, one half shall be paid by the commonwealth from such appropriations as may hereafter be made, not exceeding two hundred thousand dollars being paid from the Highway Fund of nineteen hundred and thirty-four, and the balance from the Highway Fund of nineteen hundred and

thirty-five; one fourth by the city of Revere; and one fourth by the municipalities of the metropolitan parks district, including the city of Revere, in proportion to the respective taxable valuations of the property of said municipalities as defined in section fifty-nine of chapter ninety-two of the General Laws, the same to be assessed on said municipalities in the year nineteen hundred and thirty-five.

SECTION 6. That portion of the cost of the work provided for by section one which is to be paid by said city of Revere, other than the proportionate part of such cost payable on account of its membership in the metropolitan parks district, shall, from time to time during the progress of said work, be certified by the department to the state treasurer, and shall be assessed and collected by him in the apportionment and assessment of the annual state tax. To meet said payments said city may borrow outside its limit of indebtedness, as fixed by law, such sums as may be necessary, and may issue bonds or notes therefor, which shall be payable in not more than ten years; and such indebtedness shall, except as herein provided, be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof, as appearing in the Tercenary Edition.

Approved June 29, 1934.

Chap.376 AN ACT CREATING A MILK CONTROL BOARD AND DEFINING ITS POWERS AND DUTIES.

Be it enacted, etc., as follows:

SECTION 1. It is hereby declared (1) that the production and distribution of milk is an industry of the commonwealth affected with a paramount public interest in that the health of the public, and especially of infants and children, imperatively requires an uninterrupted continuance of an abundant supply of pure milk; (2) that such a supply is threatened by conditions adversely affecting the prosperity and even the continuance of such industry, largely because of the disparity between the price of milk received by the producers and the prices said producers are required to pay for other essential commodities; (3) that such conditions also seriously impair agricultural assets and therefore the credit structure of the commonwealth and its political subdivisions, — accordingly, to meet the grave public emergency involved in the foregoing premises, this act is enacted as an emergency measure, but for such period only as such emergency shall continue.

The intention and purpose of this act is hereby declared to extend to the regulation of the milk marketing industry and to the control in general of all milk sold or offered or exposed for sale to the inhabitants of the commonwealth to the full extent permitted by the constitutions of the commonwealth and of the United States, respectively, as applied to

legislation enacted under the emergency conditions described in this act.

SECTION 2. This act shall be known as the Massachusetts Milk Control Law.

SECTION 3. The following words as used in this act, unless the context otherwise requires, shall have the following meanings:

“Affiliate”, any person, or any subsidiary thereof, having, either directly or indirectly, actual or legal control of or over a distributor, whether by stock ownership or in any other manner.

“Board”, the milk control board, established under section four.

“Books and records”, books, records, accounts, contracts, memoranda, documents, papers, correspondence or other data pertaining to the business of the person in question.

“Consumer”, any person, other than a milk dealer, who purchases milk for consumption.

“Licensee”, a milk dealer licensed under section twelve of this act.

“Market”, one or more cities or towns or any portions thereof designated by the board as a natural marketing area.

“Market production zone”, the dairy farms in a geographical area designated by the board as such and approved by local board or boards of health having jurisdiction over the territory comprised within the market, in which area a supply of milk from producers having permits from such local boards of health under section forty-three of chapter ninety-four of the General Laws may be obtained at the shortest practical distance and/or in the shortest reasonable period of time to meet the consumer demand of such market for milk.

“Milk” includes fluid milk and cream, and fresh, sour or storage skimmed milk and buttermilk, irrespective of whether or not any such milk is flavored.

“Milk dealer”, any person, including in such term, any corporation and any subsidiary and affiliate of such corporation, irrespective of whether such person is also a producer or an association of producers, engaged within the commonwealth in the business of purchasing, pasteurizing, bottling, processing, distributing or otherwise handling milk for sale. No owner or operator of a hotel or restaurant who sells only milk to be consumed on the premises where sold, and does not purchase milk from producers, and no producer who delivers raw milk only to a milk dealer, shall be deemed a milk dealer for the purposes of this act.

“Producer”, a person producing milk for sale within the commonwealth.

“Store” includes a grocery store, hotel, restaurant, soda fountain, dairy products store or any similar mercantile establishment at which milk is sold.

“Subsidiary”, any person of or over whom a distributor or an affiliate of a distributor has, or several distributors and/or

their respective affiliates collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

Any reference in this act to any quantity of milk shall be construed to include its whole milk equivalent.

SECTION 4. There shall be in the department of agriculture a milk control board, hereafter in this act called the board, consisting of three persons, citizens of the commonwealth, to be appointed by the governor, with the advice and consent of the council. The governor, with like advice and consent, may remove any member and shall fill any vacancy in the membership of the board. The board shall annually elect one of its members as chairman. Any action or order of the board shall require the approval of at least two members thereof. Each member of the board shall receive from the commonwealth as compensation the sum of ten dollars for each day's attendance at board meetings and his actual expenses for necessary travel; provided, that any such member who is otherwise regularly employed by the commonwealth shall not receive compensation, but may be allowed his actual expenses for necessary travel.

SECTION 5. The board, subject to the approval of the governor and council, may appoint and fix the compensation of an administrator, who may be a member of the board and whose duties shall be defined thereby. The board, subject to appropriation, may also appoint and fix the compensation of such other employees and make such expenditures as may be necessary in order to execute effectively the functions vested in it. Persons employed under authority of this section as accountants, investigators and technical experts shall be exempt from the provisions of chapter thirty-one of the General Laws and the rules and regulations made thereunder.

SECTION 6. The board shall administer this act and shall also have the following specific powers and duties: —

(1) To designate and, in co-operation with local boards of health, to establish and maintain market production zones and enforce all orders, rules and regulations relating thereto, and to supervise and regulate the milk industry of the commonwealth, including market production zones within and, in so far as such zones supply milk for consumption within the commonwealth, without the commonwealth, and the production, delivery and sale of milk and milk products within the commonwealth, and/or to the control of unreasonable and burdensome surplus of milk in any market coming from either within or without the commonwealth; provided, that any such order, rule or regulation pertaining to the sale of milk shall be subject to section fifteen; and provided, further, that nothing in this act shall be construed to repeal or affect any law or local ordinance, by-law, rule or regulation affecting the public health.

(2) To investigate and regulate, as the emergency permits or requires, all matters pertaining to market production zones, and to the production, manufacture, processing,

storage, transportation, disposal, distribution and sale of milk and milk products within the commonwealth, and to the establishment of reasonable trade practices; provided, that such matters pertaining to the sale of milk shall be limited to those within the purview of the provisions of section fifteen.

(3) If the producers within a market production zone delivering milk for sale in a particular market within such zone fail, for any cause, to furnish a sufficient supply of milk to meet the consumer demand of such market, the board, while such failure continues or during any emergency, may permit milk dealers in such market to purchase milk from such sources outside such zone in such amounts and for such period of time as the board may approve.

(4) The board, or any member or authorized agent thereof, may hold hearings at such places and at such times as it deems necessary to administer this act.

No provision of this act conferring a general power upon the board shall be deemed to be impaired or qualified by the granting to the board by this act of any specific power or powers.

SECTION 7. The board may compel the attendance of witnesses, and the production of books and records for any purpose relative to its administration of this act.

Any member of the board, or the administrator or his secretary, may administer oaths to all such witnesses as may so appear or be brought before the board.

SECTION 8. The board may act as mediators and arbitrators in any controversy or issue among or between producers and milk dealers either as individuals or as groups, associations or corporations.

SECTION 9. The board may adopt and enforce all rules, regulations and orders, not inconsistent with law, necessary or desirable to administer this act. Every such general rule, regulation or order shall be posted for public inspection in the main office of the board at least three days before it shall become effective, and a copy thereof shall be mailed to each licensee deemed to be affected thereby, and shall be further published by advertisement in a newspaper or otherwise, as the board deems advisable. Every such rule, regulation or order applying only to one or more persons named therein shall be served on the person or persons affected. Such service shall be by personal delivery of a certified copy thereof, or by mailing as first class mail, postage prepaid, such a certified copy to the last known address of each person affected thereby, or, in the case of a corporation, to any officer or agent of the corporation upon whom a summons may legally be served. A rule, regulation or order of the board, duly posted, mailed, served or published as provided by this section, shall have the force and effect of law.

SECTION 10. For the purpose of administering this act, any member of the board, or any employee designated for the purpose, may enter, at all reasonable hours, every place

where milk or any product thereof is being produced, stored, bottled, processed, manufactured, sold or otherwise handled. Any such person may also, at all reasonable hours, inspect all books and records relating to milk in any place within the commonwealth for the purpose of ascertaining facts to enable the board to administer this act. The information obtained by any such inspection or by reports required by this act shall be treated as confidential and shall not be disclosed by any person except as may be required in the proper administration of this act; provided, that the board may use such information together with other similar information, for compilation and publication of statistics of the milk industry in this commonwealth. Such statistics shall not contain the name of, or disclose, by inference or otherwise, information obtained from the books and records of, any milk dealer.

SECTION 11. Whoever violates any provision of this act or of any rule, regulation or order of the board lawfully made thereunder, except as herein otherwise expressly provided, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or both, and such fine may be imposed for each day during which such violation shall continue. A violation of any provision of this act may be reported to the board by any person and every such complaint shall be acted upon by the board, which may institute such action at law or in equity as may be necessary to enforce compliance with any provision of this act or any rule, regulation or order of the board made thereunder, and, in addition to any other remedy, may seek relief by injunction, if necessary to protect the public interest, without being compelled to allege or prove that an adequate remedy at law does not exist.

SECTION 12. (A) No milk dealer required by this act to be licensed shall buy milk from producers or others for sale within the commonwealth, or sell or distribute milk therein, unless he is duly licensed as provided in this act, and no milk dealer shall buy milk from or sell milk to another milk dealer who, being required by this act to be licensed, is not so licensed, or in any way deal in or handle milk which he has reason to believe has previously been dealt in or handled in violation of any provision of this act, or of any rule, regulation or order lawfully made thereunder. The board, provided it shall first determine that such action will not adversely affect market conditions relative to milk, may by its order exempt from the operation of all or any portion of this act the following:

(1) Any milk dealer handling daily less than fifty quarts of milk, such milk being purchased from a licensed milk dealer or dealers, and whose only sales of milk are at a store or stores from which no milk is delivered to consumers; and

(2) Any milk dealer, who is also a producer, selling to consumers not more than fifty quarts of milk daily.

(B) No milk dealer shall distribute or sell in any market within the commonwealth milk obtained from a producer or

from another milk dealer if such milk was acquired from the producer at a cost less than the price fixed by the board to be paid for milk to be distributed in such market.

(C) Each person, before commencing to engage in business as a milk dealer, shall make application to the board for a license hereunder, which the board is hereby authorized to grant. Such application shall state the nature of the business to be conducted, the full name of the applicant, and, if a firm or association, the full name of each member thereof, or, if a corporation, the names and addresses of all officers and directors thereof, and in any case the name of the municipality in which the business is to be conducted, that the applicant has complied with all pertinent rules, regulations and orders of the board, and such other facts with respect to the license as may be required by the board. Licenses issued hereunder shall expire on June thirtieth in each year, but may be renewed if application is made therefor on or before June fifteenth in such year. Any person engaged in business as a milk dealer on the effective date of this act may continue to engage in such business pending the granting, or refusal to grant, of a license hereunder; provided, that application therefor is made within thirty days after said effective date. Every application for a license hereunder shall be acted upon by the board within thirty days after its receipt thereof. Every such license shall expressly state that it is subject to the provisions of this act, and the original license or a certified copy thereof shall be conspicuously displayed by the licensee in each place of business conducted by him in this commonwealth.

(D) The board, after a hearing or an opportunity to be heard, may decline to grant a license or may grant a conditional or limited license to an applicant for a license as a milk dealer, or may suspend or revoke a license already granted to a milk dealer, when satisfied of the existence of any of the following:

(1) That he has without reasonable cause refused to accept and/or to pay for milk purchased by him from a producer, or has without reasonable cause or reasonable advance notice refused to accept and/or to pay for milk delivered to him by or on behalf of a producer in ordinary continuance of a previous course of dealing, except where the contract has been lawfully terminated;

(2) That he has failed without reasonable cause to account and make payment for any milk purchased by him;

(3) That he has committed any act which may demoralize the price structure of milk or interfere with an ample supply of milk for the inhabitants of the commonwealth;

(4) That he has engaged in a course of action such as to indicate his inability or unwillingness properly to conduct the business of a milk dealer;

(5) That he has been, or is, a party to a combination to fix or maintain prices contrary to any provision of this act;

(6) That he has engaged in a course of action such as to

indicate an intent to deceive or defraud customers, producers or consumers;

(7) That he has failed either to keep records or to furnish the statements or information required by the board under any provision of this act;

(8) That he has made a general assignment for the benefit of creditors, or has been adjudged a bankrupt, within the current license year;

(9) That any statement made by a milk dealer and in reliance upon which, to any degree, his license was granted, has been found to have been false or fraudulent in any material particular;

(10) That such applicant or milk dealer is a partnership or a corporation, and that any natural person holding any position, owning any substantial interest, or having any power or control, in such partnership or corporation, has within the current license year been responsible, in whole or in part, for any act on account of which a license might be denied, suspended or revoked pursuant to any provision of this act; or

(11) That he has violated any provision of this act or any rule, regulation or order of the board made under authority thereof.

(E) Before declining to grant a license, or granting a conditional or limited license, or suspending or revoking a license, the board shall give reasonable notice to the applicant or licensee, personally or by mail addressed to his last known address, and afford to him an opportunity to appear and be heard with respect thereto at a time and place specified in such notice. Such applicant or milk dealer may be so heard in person or by attorney, and may offer evidence pertinent to the subject of the hearing, and to that end may request the board to exercise its powers with respect to the compulsory attendance of witnesses and the production of books and records.

A duly certified copy of the order of the board upon such hearing shall be served upon the applicant or the licensee in the manner provided by section nine.

(F) Any applicant or milk dealer deeming himself aggrieved by any action or order of the board taken or promulgated pursuant to any provision of this act may, within thirty days after notice, appeal to the superior court of the county wherein he resides, and the decision of said court shall be final.

SECTION 13. Each milk dealer licensed under this act shall annually pay a license fee, in an amount to be determined by the board, but not more than five dollars, and, on or before the tenth day of each month, shall pay to the board, for the month immediately preceding, such an amount, equivalent to not more than two cents per hundredweight of the milk distributed or sold by him during such month in any market or markets subject to this act, irrespective of where such milk was produced, as the board deems equitable

for such market or markets. One half of any such payment by any milk dealer may be deducted rateably by him from amounts due from him to producers for such milk. In case the same milk is handled by more than one milk dealer, the first milk dealer handling the same within the commonwealth shall be deemed the milk dealer within the meaning of this section.

SECTION 14. Licensees, their affiliates and subsidiaries, shall severally, from time to time, furnish to the board such information as it may request, upon and in conformity to forms of reports to be supplied by the board, for the purpose of enabling the board to ascertain and determine the extent to which this act and the orders, rules and regulations made by the board thereunder are being effectuated. All such reports shall be verified by the informant by oath or by written declaration that they are made under the penalties of perjury.

SECTION 15. (A) The board shall ascertain, by such examination or investigation as the situation may permit or warrant, what prices, terms and conditions relative to milk in the several localities and markets in the commonwealth, under the varying conditions therein, will be most beneficial to the public interest and will best protect the milk industry. In every such examination or investigation the board shall take into consideration all the conditions affecting the milk industry, including the amount necessary to yield a reasonable return to the producer and to the milk dealer.

(B) The board, after making an examination or conducting an investigation as provided by paragraph (A) of this section shall by its order fix the minimum prices to be paid by milk dealers to other milk dealers, and to producers and other persons, for milk purchased, stored, manufactured, processed or distributed within the commonwealth for sale and the terms and conditions under which such prices are to be paid. Such orders relative to such minimum prices shall apply to the locality in which the milk in question is produced and to the market or markets in which such milk is sold, and may vary in different localities, market production zones or markets according to the varying and differing conditions therein. Each such order may classify such milk by forms, classes, grades or uses as the board may deem advisable and may specify the minimum prices therefor, and each producer of such milk shall be paid for all such milk on the basis of the class, grade or use in which it is ultimately sold by the milk dealer.

(C) If twenty-five per cent of the Massachusetts producers within any market production zone, by petition in writing, request the board to establish minimum resale prices for milk for the market or markets within such market production zone, and if, in the judgment of the board, after making such examination and investigation as is authorized by this act, the price to the producer established under authority of this act or by any agreement, license, regulation or order made or issued pursuant to any federal law,

cannot be maintained, the board may, after a public hearing, fix, by official order, minimum wholesale and/or retail prices for milk sold within the market or markets affected irrespective of where such milk is produced. The board may, in like manner, but without petition as aforesaid, alter, revise, amend or rescind the prices so fixed. The prices so fixed, altered, revised or amended shall be fair, just and reasonable, and shall be given publicity by the board by advertising the same in the principal newspapers, and otherwise, in the zone or zones affected.

(D) After the board shall have fixed prices to be charged or paid for milk, whether by form, class, grade or use, no milk dealer shall sell or buy, or offer to sell or buy, milk at any price less than such price or prices as shall have been so made applicable to the particular transaction, and no method or device shall be lawful whereby milk is bought or sold, or offered to be bought or sold, at a price less than such price or prices whether by discount, rebate, free service, advertising allowance, or by a combined price for such milk together with another commodity or commodities, or service or services, as a result of which the total price for the milk and such other commodity or commodities, or service or services, is less than the aggregate of the prices for the same when sold or offered for sale, or performed, separately or otherwise.

(E) No person shall sell within the commonwealth any milk or render any service in connection with milk at a price less than the cost of such milk or service, including in the case of milk sold the original purchase price thereof and in every instance all regular direct and indirect elements of cost of service, physical handling and financial investment in the milk in question. No milk dealer shall use any method or device, whether by discount or rebate, free service, advertising allowance, or by a combined price for such milk together with another commodity or commodities, or service or services, as a result of which the total price for the milk and other commodity or commodities, or service or services, is less than the aggregate of the prices for the same when sold or offered for sale, or performed, separately or otherwise. In the case of any person effecting sales of milk which he has not purchased, there shall be included as a part of the cost of such milk, in lieu of the original purchase price thereof, an amount equal to the purchase price which would have been payable under the terms of this act and the orders, rules and regulations of the board made thereunder if such person had purchased such milk within the commonwealth.

(F) The board, upon its own motion or upon application, may from time to time alter, revise or amend any order at any time made by it with respect to the prices to be paid for milk and the terms and conditions upon which such prices shall be paid. After making such investigation as it deems necessary, and before making, revising, or amending any such order, the board shall hold a hearing thereon after having given reasonable notice thereof to interested parties of

whom the board has notice, and, in addition, to the public by advertisement in such newspaper or newspapers as, in the judgment of the board, will afford sufficient notice and publicity thereof.

(G) The handling within the commonwealth of milk from any market production zone or any other source by a milk dealer licensed or required to be licensed under this act shall be deemed to be affected with a public interest and to be a subject of regulation by the commonwealth in the exercise of its police power and the provisions of this act and all orders, rules and regulations made thereunder shall apply to all such milk and any sale within the commonwealth by any such milk dealer of any such milk acquired at a price less than the minimum price fixed by the board to be paid to producers for such milk shall be a violation of this act. Continued violation of any provision of this act by any person may be enjoined by the supreme judicial or superior court upon petition therefor by the board.

SECTION 16. Nothing in this act shall be deemed to prohibit a co-operative association of producers or co-operative corporation organized under the laws of the commonwealth or of any other state, to act for its members in processing and marketing milk; provided, that, if such association or corporation is a milk dealer, it shall comply with all orders, rules and regulations of the board made hereunder and applicable to milk dealers. Nothing in this act shall be deemed to prevent any milk dealer from contracting for his milk with such co-operative association or corporation; provided, that all such contracts shall be upon the basis of the prices and handling charges fixed by the board, to the end that the net price received for milk by such co-operative association or corporation shall be commensurate with such prices and handling charges; and provided, further, that no milk dealer shall receive from a co-operative association or corporation directly or indirectly any discounts, rebates or compensation, through rentals or otherwise, for the purpose or with the effect of reducing the net cost to such milk dealer for milk purchased by or through a co-operative association or corporation. All terms and conditions affecting the net price for milk to be paid by co-operative associations or corporations in cases where a producer member of such association or corporation receives a price for raw milk, as distinguished from any return for processing or subsequent handling thereof, which is less than the net price required to be paid to producers of milk who are not members of a co-operative association or corporation shall, before becoming effective, be submitted in writing to the board and shall be approved by the board, and a detailed statement of such terms and conditions shall accompany every such payment to a producer member.

SECTION 17. The board may confer with legally constituted authorities of other states and of the United States with respect to uniform milk control within the several

states and among such states; may conduct joint investigations, hold joint hearings and issue joint or current orders; and may enter into one or more compacts for such uniform milk control, subject to such federal approval as may be authorized or required by law.

SECTION 18. If any section, or part or subdivision of a section, of this act shall be declared unconstitutional or inoperative the validity of the remaining sections, or parts or subdivisions of sections, of this act shall not be affected thereby, except only to the extent that an entire section, or a part or subdivision of a section, may be inseparably connected in meaning and effect with the section, or part or subdivision of a section, so declared unconstitutional or inoperative.

SECTION 19. Licenses required by this act shall be in addition to any other license required by law.

SECTION 20. This act shall not apply to certified milk. This act shall not apply to cream to be used for manufacturing purposes, including the manufacture of butter, cheese, ice cream and ice cream mix; provided, that said cream complies with the relevant Massachusetts legal standard established by section twelve of chapter ninety-four of the General Laws. The board, subject to the approval of the governor and council, may make reasonable regulations to provide against the diversion of such cream to use as table or fluid cream.

SECTION 21. When any agreement, license, rule, regulation or order made or issued pursuant to any relevant federal law shall be in effect in any market or geographical area within the commonwealth, the provisions of this act, insofar as inconsistent or in conflict with such agreement, license, rule, regulation or order, shall not apply to such market or area; but, subject to the foregoing, the provisions of this act shall be in effect throughout the commonwealth including every such market and area.

SECTION 22. The board shall continue with all the duties and responsibilities prescribed and imposed by this act and all provisions thereof until June thirtieth, nineteen hundred and thirty-six, and thereafter only if and during such period of time as the governor, after investigation, shall declare that the emergency still exists. Upon the termination of this act, any and all obligations which shall have arisen or which may hereafter arise in connection therewith, and any violations which may have occurred prior to such termination shall be deemed not to be affected, waived or terminated by reason thereof.

Approved June 29, 1934.

The Commonwealth of Massachusetts

Executive Department

State House, Boston

July 2, 1934

HONORABLE FREDERIC W. COOK

Secretary of the Commonwealth

State House

Sir:

I, Joseph B. Ely, by virtue of and in accordance with the provisions of the Forty-eighth Amendment to the Constitution, "The Referendum II, Emergency Measures" do declare that in my opinion the immediate preservation of the public peace, health, safety and convenience requires that the law passed on the twenty-ninth day of June, in the year nineteen hundred and thirty-four, entitled "An Act creating a Milk Control Board and defining its Powers and Duties" should take effect forthwith, that it is an emergency law, and that the facts constituting the emergency are as follows:

Because its delayed operation will result in serious consequences to the marketing of milk within the Commonwealth, will serve to unsettle conditions throughout the industry, and effect hardship to the citizens, both producers and consumers, whose welfare it is the intention of this act to safeguard.

Yours very truly,

JOSEPH B. ELY

Office of the Secretary, Boston, July 3, 1934.

I hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at four o'clock and seven minutes, P.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter three hundred and seventy-six, acts of nineteen hundred and thirty-four.

F. W. COOK,

Secretary of the Commonwealth.

AN ACT TRANSFERRING A PORTION OF THE PROCEEDS OF THE GASOLINE TAX FROM THE HIGHWAY FUND TO THE GENERAL FUND.

Chap. 377

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

The state treasurer is hereby authorized and directed to transfer the sum of ten million dollars from the Highway Fund to the General Fund.

Approved June 30, 1934.

Chap.378 AN ACT PROVIDING FOR A BRANCH SEWER FOR THE SOUTH METROPOLITAN SEWERAGE SYSTEM FROM THE PRESENT SEWER IN MILTON ACROSS THE NEPONSET RIVER TO HYDE PARK.

Be it enacted, etc., as follows:

SECTION 1. The metropolitan district commission shall construct and maintain a branch sewer extending from the main sewer of the south metropolitan sewerage system located in Milton at Brush Hill road across the Neponset river to a point in Hyde Park in the vicinity of Paul's bridge near the Milton-Boston boundary line, and, for this purpose, may exercise all the powers conferred upon it by chapter ninety-two of the General Laws relative to the construction, maintenance and operation of systems of sewage disposal.

SECTION 2. To meet the expenditures necessary to carry out the work provided for by section one, said commission may expend a sum not exceeding twenty-five thousand dollars, a part of which sum shall consist of the unexpended balances remaining from the proceeds of bonds or notes issued under authority of section four of chapter five hundred and forty-six of the acts of nineteen hundred and ten, as amended or affected by section two of chapter three hundred and ninety-eight of the acts of nineteen hundred and thirty and section four of chapter four hundred and nineteen of the acts of nineteen hundred and thirty, and under authority of section four of chapter two hundred and forty of the acts of nineteen hundred and twenty-eight, as amended by said chapter four hundred and nineteen, not required for the purposes of said chapters, and the remainder of which sum, but not exceeding twenty thousand dollars, shall be assessed upon the cities and towns of the metropolitan sewerage district, south system, as a part of the cost of maintenance of said system for the current year.

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

Approved June 30, 1934.

Chap.379 AN ACT REQUIRING INSURANCE COMPANIES GIVING NOTICE OF CANCELLATION OF COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE POLICIES OR BONDS TO STATE UPON REQUEST THE REASONS FOR SAID CANCELLATION.

**Emergency
preamble.**

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

Section one hundred and thirteen D of chapter one hundred and seventy-five of the General Laws, as most recently amended by chapter forty-six of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end thereof the following new paragraph: —

Within two days after the receipt of written request made by any person aggrieved by the issue by any company of a written notice purporting to cancel such a policy or bond, such company shall, in a notice sent to such person by registered mail, postage prepaid, addressed to him at his residence or business address stated in the policy, specify the particular reasons for such cancellation. Failure of the company so to furnish such reasons shall render such notice void. A copy of this paragraph shall be appended to every such notice.

Approved June 30, 1934.

G. L. (Ter. Ed.), 175, § 113D, etc., amended.

Compulsory motor vehicle liability insurance policies, etc., cancellation of.

AN ACT AUTHORIZING THE CONSTRUCTION OF AN OVERPASS OVER HUNTINGTON AVENUE AT OR NEAR ITS INTERSECTION WITH RIVERWAY AND JAMAICAWAY IN BOSTON AND BROOKLINE.

Chap. 380

Be it enacted, etc., as follows:

SECTION 1. The department of public works, hereinafter called the department, is hereby authorized to construct an overpass for vehicular traffic over Huntington avenue at or near its intersection with the Riverway and Jamaica way in the city of Boston and the town of Brookline with such connecting roadways and alterations to existing roadways in said city and in said town as the department may deem necessary and to make necessary alterations to street railway tracks and to make such changes as it may deem necessary in the location of Muddy river and in the bridge carrying Huntington avenue over said river, together with necessary extensions of said bridge.

SECTION 2. The department may, on behalf of the commonwealth, take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, such public or private lands and enter upon and occupy such public lands as it may deem necessary for carrying out the provisions of this act.

SECTION 3. The cost of the work authorized in section one, including any damages awarded or paid on account of any taking of land or property, or any injury to the same, and any sums paid for lands or rights purchased, shall not exceed in the aggregate three hundred and twenty-five thousand dollars. The department may make a contract or contracts for said work not exceeding the amount herein authorized if the federal authorities give proper assurance that the federal government will furnish the funds necessary to meet the cost of the construction involved in the work, notwithstanding the provisions of section twenty-seven of chapter twenty-

nine of the General Laws, as appearing in the Tercentenary Edition.

SECTION 4. So much of the cost of the work herein authorized as represents the cost of land takings, including any damages awarded or paid on account of any taking of land or property, or any injury to the same, and any sums paid for lands or rights purchased, shall be paid by the municipality wherein such land and/or property is situated. This cost shall, in the first instance, be paid by the commonwealth from the appropriation for the construction of state highways and whenever any payment is made the department shall ascertain and certify to the state treasurer the amount due from each municipality aforesaid to meet its share of the amount then certified. The amounts due as aforesaid from said municipalities shall be assessed and collected by the state treasurer in the apportionment and assessment of the annual state tax and shall be credited on the books of the commonwealth to the Highway Fund.

SECTION 5. When the work authorized herein shall have been completed, so much of the overpass, bridge over Muddy river and connecting ways as lie within the city of Boston shall be maintained by said city, and so much thereof as lie in the town of Brookline shall be maintained by said town; and all land or rights in land acquired by the department in connection with the work shall be conveyed by the department to the municipalities within which such land lies.

Approved June 30, 1934.

Chap. 381

AN ACT RELATIVE TO THE ISSUE OF TEMPORARY RESTRAINING ORDERS IN CASES INVOLVING OR GROWING OUT OF LABOR DISPUTES, AND RELATIVE TO PRELIMINARY INJUNCTIONS IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 214, § 9, amended.

Section nine of chapter two hundred and fourteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "notice" in the sixth line the following: — , but if the bill discloses that relief is sought in a case involving or growing out of a labor dispute, no such order shall issue unless it shall appear by affidavit that notice in writing has been given to the opposite party of the time and place of the hearing of the application for such order, — by striking out, in the same line, the words "such a" and inserting in place thereof the word: — any, — and by striking out, in line seven, the words "without notice", — so as to read as follows: — *Section 9.* No preliminary injunction shall be granted without notice to the opposite party. No temporary restraining order shall be granted without notice to the opposite party, unless it shall clearly appear from specific facts, shown by affidavit or by the verified bill, that immediate and irreparable loss or damage will result to the applicant before the matter can be heard on notice, but if the bill discloses that relief is sought

Preliminary injunctions, etc., in labor disputes.

in a case involving or growing out of a labor dispute, no such order shall issue unless it shall appear by affidavit that notice in writing has been given to the opposite party of the time and place of the hearing of the application for such order. If in any case a temporary restraining order is granted, notice of the application for a preliminary injunction shall be made returnable at the earliest possible time, and in no event later than ten days from the date of the order, and shall take precedence of all matters except older matters of the same character. When the matter comes up for hearing, the party who obtained the temporary restraining order shall proceed with his application for a preliminary injunction, and if he does not do so the court shall dissolve the temporary restraining order. Upon two days' notice to the party obtaining such temporary restraining order, the opposite party may appear and move the dissolution or modification of the order, and in that event the court or judge shall proceed to hear and determine the motion as expeditiously as the ends of justice may require. Every temporary restraining order shall be filed or noted forthwith in the clerk's office. This section shall not apply to proceedings in the probate courts.

Approved June 30, 1934.

AN ACT RELATING TO THE APPLICATION OF TRAFFIC LAWS AND REGULATIONS TO FIRE APPARATUS AND OTHER EMERGENCY VEHICLES.

Chap. 382

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter eighty-nine of the General Laws is hereby amended by inserting after section seven A, as appearing in the Tercentenary Edition, the following new section: — *Section 7B*. The driver of a vehicle of a fire, police or recognized protective department shall be subject to the provisions of any statute, rule, regulation, ordinance or by-law relating to the operation or parking of vehicles, except that a driver of fire apparatus while going to a fire or responding to an alarm, or the driver of a vehicle of a police or recognized protective department, in an emergency and while in the performance of a public duty, may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection.

G. L. (Ter. Ed.), 89, new section 7B, added.

Application of traffic law, etc., to fire apparatus, etc.

Approved June 30, 1934.

Chap.383 AN ACT RATIFYING AN INTERSTATE COMPACT FOR ESTABLISHING UNIFORM STANDARDS FOR CONDITIONS OF EMPLOYMENT, PARTICULARLY WITH REGARD TO THE MINIMUM WAGE, IN STATES RATIFYING THE SAME.

Whereas, The general court, by chapter forty-four of the resolves of nineteen hundred and thirty-three, established a commission on interstate compacts affecting labor and industries to meet with like commissions appointed with like authority on the part of certain specified states, or any of them, for the purpose of negotiating or agreeing upon a joint report; and

Whereas, The said commission, in conference with commissions and delegates appointed for the same purpose by six of the states named in said chapter forty-four, has agreed upon and signed a joint report in the form of a compact "for establishing uniform standards for conditions of employment, particularly with regard to the minimum wage, in states ratifying the same"; and

Whereas, The said compact is recommended by said commission to the general court for ratification, and

Whereas, The general court has enacted a mandatory minimum wage law as chapter three hundred and eight of the acts of the current session, and said law conforms to the standards prescribed by the compact aforesaid. *Now, therefore,*

Be it enacted, etc., as follows:

SECTION 1. The compact heretofore described, entitled "Compact for establishing Uniform Standards for Conditions of Employment, Particularly with Regard to the Minimum Wage, in States Ratifying the Same", signed by commissioners and delegates from seven states at Concord, New Hampshire, on the twenty-ninth day of May, nineteen hundred and thirty-four, as set forth in Appendix A of House document numbered sixteen hundred and forty-one of the current year, whereof a copy is on file in the office of the state secretary, is hereby approved and ratified on the part of the commonwealth of Massachusetts.

SECTION 2. The governor shall give notice of this act of ratification to the governor of each of the other signatory states and to the president of the United States as soon as practicable after approval of the same.

Approved June 30, 1934.

AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT
 MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS
 CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES
 AND PROJECTS.

Chap.384

Be it enacted, etc., as follows:

SECTION 1. To provide for supplementing certain items in the general appropriation act, and for certain new activities and projects, the sums set forth in section two, for the particular purposes and subject to the conditions stated therein, are hereby appropriated from the general fund or ordinary revenue of the commonwealth, unless some other source of revenue is expressed, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

Appropriations to supplement certain items contained in general appropriation act, and for other state activities.

SECTION 2.

Service of the Legislative Department.

Item		
7	For such additional clerical assistance to, and with the approval of, the clerk of the house of representatives, as may be necessary for the proper despatch of public business, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	\$400 00
31	For contingent expenses of the senate and house of representatives, and necessary expenses in and about the state house, with the approval of the sergeant-at-arms, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	500 00
	Total	\$900 00

Service of the Legislative Investigations.

32c	For expenses of the commission on interstate compacts affecting labor and industries, as authorized by chapter twenty-five of the resolves of the current year, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$5,000 00
32d	For certain expenses in connection with the interstate legislative assembly and the commission on conflicting taxation, as authorized by chapter five of the resolves of the current year, a sum not exceeding one thousand dollars	1,000 00
	Total	\$6,000 00

Service of the Judicial Department.

	Supreme Judicial Court, as follows:	
37	For law clerks, stenographers and other clerical assistance for the justices, a sum not exceeding thirty-six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	\$3,600 00
	Superior Court, as follows:	
45	For traveling allowance and expenses, a sum not exceeding thirty-two hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,240 00

Item		
	Probate and Insolvency Courts, as follows:	
55	For the salaries of judges of probate of the several counties, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	\$2,000 00
	For clerical assistance to Registers of the several counties, as follows:	
68	Hampden, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	400 00
	Total	\$9,240 00
	<i>Service of Special Military Expenses.</i>	
128a	For the expense of preparing records of Massachusetts troops in the War of 1812, as authorized by chapter one hundred and fifty-three of the acts of the current year, a sum not exceeding four hundred dollars	\$400 00
	<i>Service of the State Quartermaster.</i>	
135	For the maintenance of armories of the first class, including the purchase of certain furniture, a sum not exceeding seventeen thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$17,500 00
	<i>Service of the Commission on Administration and Finance.</i>	
145	For other expenses incidental to the duties of the commission, a sum not exceeding forty-seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose.. . . .	\$4,750 00
	<i>Expenses on Account of Wars.</i>	
156a	For expenses of the Grand Army of the Republic, Department of Massachusetts, as authorized by chapter ten of the resolves of the current year, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$2,000 00
	<i>Service of the Commissioners on Uniform State Laws.</i>	
161	For expenses of the commissioners, a sum not exceeding two hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	\$250 00
	<i>Service of the State Emergency Public Works Commission.</i>	
164	For expenses of the board appointed to formulate projects or perform any act necessary to enable the commonwealth to receive certain benefits provided by the National Industrial Recovery Act, a sum not exceeding thirty-six hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,675 00
	<i>Service of the Superintendent of Buildings.</i>	
169	For personal services of the superintendent and office assistants, a sum not exceeding fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$50 00
176	For telephone service in the building and expenses in connection therewith, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	2,000 00

Item

177	For services, supplies and equipment necessary to furnish heat, light and power, a sum not exceeding nine thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$9,000 00
	Total	\$11,050 00

Service of the Secretary of the Commonwealth.

184	For services other than personal, traveling expenses, office supplies and equipment, for the arrangement and preservation of state records and papers, and for advertising the purpose of sections twenty-eight A to twenty-eight D of chapter six of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding eighteen hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,850 00
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Service of the Treasurer and Receiver-General.

206	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding ten hundred and eighty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,085 00
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State Board of Retirement:

213	For requirements of annuity funds and pensions for employees retired from the state service under authority of law, a sum not exceeding six thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	6,000 00
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Board of Tax Appeals:

215	For services other than personal, traveling expenses, office supplies and equipment, and rent, a sum not exceeding fifty-five hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,550 00
	Total	\$12,635 00

Service of the Auditor of the Commonwealth.

220	For personal services of deputies and other assistants, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,000 00
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Service of the Attorney General's Department.

223	For the compensation of assistants in his office, and for such other legal and personal services as may be required, a sum not exceeding thirty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,500 00
225	For the settlement of certain small claims, as authorized by section three A of chapter twelve of the General Laws, as appearing in the Tercentenary Edition thereof, including the claim of George A. Lawrence, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
	Total	\$4,500 00

Service of the Department of Agriculture.

Item		
231	For services other than personal, printing the annual report, office supplies and equipment, and printing and furnishing trespass posters, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	\$1,000 00
	Division of Markets:	
240	For personal services, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	800 00
	Total	\$1,800 00

Service of the State Reclamation Board.

249	For expenses of the board, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	\$1,000 00
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Service of the Department of Conservation.

	Division of Forestry:	
256a	For the expense of publishing information relative to state forests, a sum not exceeding one thousand dollars . . .	\$1,000 00
	Salisbury Beach Reservation:	
266a	For the development of parking spaces at Salisbury Beach reservation, a sum not exceeding twenty-five thousand dollars, the same to be assessed upon the cities and towns of the commonwealth, exclusive of those comprising the metropolitan parks district, but including Cohasset, in the manner provided in section four of chapter one hundred and thirty-two A of the General Laws, as appearing in the Tercentenary Edition thereof.	25,000 00
	Protection of wild life:	
279	For expenses incurred in the protection of certain wild life, including expenditures under authority of chapter one hundred and seventy-three of the acts of the current year, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	1,800 00
	State Supervisor of Marine Fisheries:	
280	For personal services of the state supervisor of marine fisheries and his assistants, a sum not exceeding four hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	450 00
	Enforcement of shellfish and other marine fishery laws:	
282	For personal services for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding twenty-one hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,160 00
283	For other expenses for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding thirty-one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,100 00
284a	For expenditures in assisting cities and towns in certain projects for reseeding depleted shellfish areas, a sum not exceeding one thousand dollars.	1,000 00
284b	For the expense of exterminating enemies of shellfish, as authorized by chapter one hundred and eighty-six of the acts of the current year, a sum not exceeding five thousand dollars.	5,000 00

Item

Division of Animal Industry:

290	For traveling expenses of veterinarians and agents, including the cost of any motor vehicles purchased for their use, a sum not exceeding twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	\$2,500 00
	Total	\$42,010 00

Service of the Department of Banking and Insurance.

Division of Insurance:

301	For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment, and rent of offices, a sum not exceeding forty-seven hundred and four dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$4,704 00
	Board of Appeal on Fire Insurance Rates:	
302	For expenses of the board, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	400 00
	Total	\$5,104 00

Service of the Department of Corporations and Taxation.

Corporations and Tax Divisions:

309	For other services, necessary office supplies and equipment, travel, and for printing the annual report, other publications and valuation books, a sum not exceeding forty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	\$4,500 00
	Income Tax Division (the following appropriation is to be made from the receipts from the income tax):	
310	For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,000 00
	Division of Accounts:	
312	For personal services, a sum not exceeding forty-seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,750 00
313	For other expenses, a sum not exceeding seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	750 00
315	For services and expenses of auditing and installing systems of municipal accounts, the cost of which is to be assessed upon the municipalities for which the work is done, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	1,000 00
317	(This item omitted.)	
	Total	\$16,000 00

Service of the Department of Education.

333	For aid to certain pupils in state teachers' colleges, under the direction of the department of education, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$2,000 00
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Item		
	Division of the Blind:	
350	For aiding the adult blind, subject to the conditions provided by law, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$4,000 00
	For the maintenance of state teachers' colleges, with the approval of the commissioner of education, and to be in addition to any appropriations heretofore made for the purposes, as follows:	
359	State teachers' college at Bridgewater, a sum not exceeding twenty-eight hundred and twenty dollars	2,820 00
361	State teachers' college at Fitchburg, a sum not exceeding thirteen hundred and eighty-five dollars	1,385 00
363	State teachers' college at Framingham, a sum not exceeding nineteen hundred and fifty-six dollars	1,956 00
366	State teachers' college at Hyannis, a sum not exceeding three hundred and sixty-two dollars	362 00
368	State teachers' college at Lowell, a sum not exceeding seven hundred and thirty-six dollars	736 00
369	State teachers' college at North Adams, a sum not exceeding seven hundred and eighteen dollars	718 00
371	State teachers' college at Salem, a sum not exceeding five hundred and seventy dollars	570 00
372	State teachers' college at Westfield, a sum not exceeding ten hundred and twenty-six dollars	1,026 00
374	State teachers' college at Worcester, a sum not exceeding three hundred and fifty dollars	350 00
	Textile Schools:	
376	For the maintenance of the Bradford Durfee textile school of Fall River, with the approval of the commissioner of education and the trustees, a sum not exceeding two hundred and ninety-two dollars, the same to be in addition to any amount heretofore appropriated for the purpose	292 00
377	For the maintenance of the Lowell textile institute, with the approval of the commissioner of education and the trustees, a sum not exceeding twenty-four hundred and twenty-four dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,424 00
378	For the maintenance of the New Bedford textile school, with the approval of the commissioner of education and the trustees, a sum not exceeding three hundred and four dollars, the same to be in addition to any amount heretofore appropriated for the purpose	304 00
	Massachusetts State College:	
379	For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, a sum not exceeding nine thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	9,000 00
382a	For the expense of certain additional grading at the Massachusetts state college, a sum not exceeding five thousand dollars.	5,000 00
	Total	\$32,943 00

Service of the Department of Civil Service and Registration.

	Division of Civil Service:	
385	For other personal services of the division, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	\$1,800 00

Item

386	For other services and for printing the annual report, and for office supplies and equipment necessary for the administration of the civil service law, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,000 00
	Division of Registration:	
389	For services of the division other than personal, printing the annual reports, office supplies and equipment, except as otherwise provided, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	1,000 00
	Board of Registration in Pharmacy:	
398	For traveling expenses, a sum not exceeding three hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	300 00
	Total	\$6,100 00

Service of the Department of Labor and Industries.

423	For personal services for the statistical service and for services other than personal, printing report and publications, traveling expenses and office supplies and equipment for the statistical service, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$200 00
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Service of the Department of Mental Diseases.

436	For personal services of officers and employees, a sum not exceeding eight hundred and seventy dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$870 00
439	For other services, including printing the annual report, traveling expenses and office supplies and equipment, a sum not exceeding forty-eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,800 00
	For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Diseases:	
441	Boston psychopathic hospital, a sum not exceeding two thousand and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	2,050 00
442	Boston state hospital, a sum not exceeding nineteen thousand one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	19,100 00
443	Danvers state hospital, a sum not exceeding twenty-one thousand one hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	21,125 00
444	Foxborough state hospital, a sum not exceeding thirteen thousand and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	13,025 00
445	Gardner state colony, a sum not exceeding twelve thousand four hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	12,425 00
446	Grafton state hospital, a sum not exceeding six thousand and fifteen dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	6,015 00

Item		
447	Medfield state hospital, a sum not exceeding ten thousand one hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$10,175 00
447a	For the cost of making certain changes in piping for the water supply at the Medfield state hospital, a sum not exceeding six thousand dollars	6,000 00
448	Metropolitan state hospital, a sum not exceeding fifteen thousand one hundred and thirty-three dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	15,133 00
449	Northampton state hospital, a sum not exceeding eleven thousand seven hundred and fifty-one dollars, the same to be in addition to any amount heretofore appropriated for the purpose	11,751 00
450	Taunton state hospital, a sum not exceeding sixty-nine hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	6,900 00
451	Westborough state hospital, a sum not exceeding fourteen thousand six hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	14,675 00
452	Worcester state hospital, a sum not exceeding eighteen thousand six hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	18,675 00
453	Monson state hospital, a sum not exceeding fifty-seven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,750 00
454	Belchertown state school, a sum not exceeding fifty-four hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	5,475 00
455	Walter E. Fernald state school, a sum not exceeding eighty-six hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	8,675 00
456	Wrentham state school, a sum not exceeding eighty-six hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	8,675 00
	Total	\$191,294 00

Service of the Department of Correction.

459	For services other than personal, including printing the annual report, necessary office supplies and equipment, a sum not exceeding eleven hundred and seventy dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,170 00
460	For traveling expenses of officers and employees of the department when required to travel in the discharge of their duties, a sum not exceeding twenty-one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,100 00
462	For assistance to discharged prisoners, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	100 00
	For the maintenance of and for certain improvements at the following institutions under the control of the Department of Correction:	
465	State farm, a sum not exceeding twenty-two thousand two hundred and sixty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	22,265 00

Item

465a	(This item included under deficiencies.)	
465b	For improvement of the sewage disposal system at the state farm, a sum not exceeding twenty thousand dollars	\$20,000 00
466	State prison, a sum not exceeding thirty-three hundred and thirty-eight dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,338 00
467	Massachusetts reformatory, a sum not exceeding thirteen thousand one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	13,100 00
468	Prison camp and hospital, a sum not exceeding twenty-one thousand two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose. Any unexpended balance remaining at the time of removal of all prisoners to the state prison colony at Norfolk may be transferred to the appropriation for maintenance of said colony, and the supplies and equipment then remaining at the prison camp and hospital may be transferred to said prison colony, or otherwise disposed of, with the approval of the commissioner of correction	21,200 00
469	Reformatory for women, a sum not exceeding seventy-four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	7,400 00
469a	For miscellaneous improvements at the reformatory for women, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	10,000 00
470	State prison colony, a sum not exceeding twelve thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	12,500 00
470b	For the construction of a cow barn and dairy unit at the state prison colony, a sum not exceeding eight thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	8,000 00
470c	For the purchase and installation of laundry machinery at the state prison colony, a sum not exceeding seventy-eight hundred dollars.	7,800 00
470d	For the purchase and installation of additional kitchen equipment and for additional cold storage facilities at the state prison colony, a sum not exceeding twenty thousand dollars.	20,000 00
470e	For the purchase and installation of a turbine and generator at the state prison colony, a sum not exceeding twenty thousand dollars	20,000 00
	Total	<u>\$168,973 00</u>

Service of the Department of Public Welfare.

- 474 (This item omitted.)
- 475 (This item omitted.)

For the maintenance of the institutions under the control of the trustees of the Massachusetts training schools, with the approval of said trustees, and to be in addition to any amounts heretofore appropriated for the purposes, as follows:

497	Industrial school for boys, a sum not exceeding thirty-six hundred dollars	\$3,600 00
498	Industrial school for girls, a sum not exceeding twenty-four hundred and seventy-five dollars	2,475 00
499	Lyman school for boys, a sum not exceeding forty-nine hundred dollars	4,900 00

Item		
	Massachusetts Hospital School:	
500	For the maintenance of the Massachusetts hospital school, to be expended with the approval of the trustees thereof, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,500 00
	State Infirmiry:	
501	For the maintenance of the state infirmiry, to be expended with the approval of the trustees thereof, a sum not exceeding thirty-three thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	33,500 00
	Total	\$45,975 00
	<i>Service of the Department of Public Health.</i>	
	Administration:	
504	For services other than personal, a sum not exceeding two hundred and fifty-two dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$252 00
	Service of Adult Hygiene (cancer):	
506	For other expenses of the division, including cancer clinics, a sum not exceeding fourteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	1,400 00
	Inspection of Food and Drugs:	
519	For personal services of the director, analysts, inspectors and other assistants, a sum not exceeding eight hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	840 00
520	For other services, including traveling expenses, supplies, materials and equipment, a sum not exceeding four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	400 00
	Water Supply and Disposal of Sewage, Division of Laboratories:	
525	For personal services of laboratory director, chemists, clerks and other assistants, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	700 00
	For the maintenance of sanatoria, and to be in addition to any appropriations heretofore made for the purposes, as follows:	
532	Lakeville state sanatorium, a sum not exceeding fifty-five hundred dollars	5,500 00
536	North Reading state sanatorium, a sum not exceeding twenty-five hundred and seventy-five dollars.	2,575 00
537	Rutland state sanatorium, a sum not exceeding sixty-five hundred dollars	6,500 00
540	Westfield state sanatorium, a sum not exceeding twenty-six hundred dollars	2,600 00
	Pondville Cancer Hospital:	
541	For maintenance of the Pondville cancer hospital, including care of radium, a sum not exceeding fifty-six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,600 00
	Total	\$26,367 00

Service of the Department of Public Safety.

Item	Administration:	
545	For contingent expenses, including printing the annual report, rent of district offices, supplies and equipment, and all other things necessary for the investigation of fires and moving picture licenses, as required by law, and for expenses of administering the law regulating the sale and resale of tickets to theatres and other places of public amusement by the department of public safety, a sum not exceeding fifty-two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$5,200 00
545a	For the purchase of equipment to be used in the bureau of criminal identification, a sum not exceeding fifty-five hundred dollars	5,500 00
	Division of State Police:	
547	For personal services of civilian employees, a sum not exceeding eight hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$840 00
548	For other necessary expenses of the uniformed division, including traveling expenses of detectives, a sum not exceeding forty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,500 00
	Total	<u>\$16,040 00</u>

Service of the Department of Public Works.

	Functions of the department relating to highways, to be paid from the Highway Fund:	
569a	(This item omitted.)	
569b	For certain expenses incurred on account of the C. W. A. project "Study of Accidents", a sum not exceeding fifteen hundred dollars	\$1,500 00
574	For the construction and repair of town and county ways, a sum not exceeding one hundred fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	150,000 00
574a	For the cost of studies relative to the bridges across the Connecticut river at Turners Falls, a sum not exceeding ten thousand dollars	10,000 00
575	For aiding towns in the repair and improvement of public ways, a sum not exceeding four hundred fifty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	450,000 00
	Registration of Motor Vehicles:	
581	For services other than personal, including traveling expenses, purchase of necessary supplies and materials, including cartage and storage of the same, and for work incidental to the registration and licensing of owners and operators of motor vehicles, a sum not exceeding forty thousand dollars, the same to be paid from the Highway Fund; provided, that the department is hereby authorized to expend in the current year such sum as is hereby made available for incorporating in the number plates for motor vehicles a device to protect the revenues of the commonwealth against the transfer of such number plates from one such vehicle to another, and, provided further, that the department may also continue expenditures for this purpose after November thirtieth of the current year in anticipation of a further appropriation	40,000 00

Item		
	Functions of the department relating to waterways and public lands:	
590	For the operation and maintenance of the New Bedford state pier, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$2,000 00
593a	For the construction of an addition to the breakwater off the shore at Winthrop, as authorized by chapter two hundred and eighty-six of the acts of the current year, a sum not exceeding sixty-four thousand dollars, of which sum sixteen thousand dollars is to be paid from the Highway Fund	64,000 00
594	For the operation and maintenance of the Cape Cod Canal pier, a sum not exceeding seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose.	700 00
	Total	\$718,200 00

Service of the Department of Public Utilities.

608	For services other than personal, printing the annual report, office supplies and equipment, a sum not exceeding thirty-six hundred twenty-three dollars and sixty-five cents, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,623 65
609a	For the administration of the law relative to the regulation of motor truck traffic, as authorized by chapter two hundred and sixty-four of the acts of the current year, a sum not exceeding ten thousand dollars	10,000 00
612	For other services, printing the annual report, for rent of offices and for necessary office supplies and equipment, a sum not exceeding three thousand and forty-five dollars, to be assessed upon the gas and electric companies, and to be in addition to any amount heretofore appropriated for the purpose	3,045 00
	Sale of Securities:	
618	For expenses other than personal in administering the law relative to the sale of securities, a sum not exceeding twenty-five hundred sixty-seven dollars and thirty-nine cents, the same to be in addition to any amount heretofore appropriated for the purpose	2,567 39
	Total	\$19,236 04

Miscellaneous.

	The following items are to be paid from the Highway Fund, with the approval of the Metropolitan District Commission:	
622a	For the extension of Mystic Valley parkway, so called, as authorized by chapter one hundred and seventy-two of the acts of the current year, a sum not exceeding fifty thousand dollars.	\$50,000 00
622b	For payment of a certain award to Boston University on account of land damages, a sum not exceeding one hundred eighty-two thousand three hundred fourteen dollars and fifty-five cents, the same to be in addition to any amount heretofore appropriated for the purpose.	182,314 55
	Total	\$232,314 55

Unclassified Accounts and Claims.

630	For the payment of certain annuities and pensions of soldiers and others under the provisions of certain acts	
-----	---	--

Item	and resolves, a sum not exceeding twelve hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	\$1,275 00
634	For reimbursement of persons for funds previously deposited in the treasury of the commonwealth on account of unclaimed savings bank deposits, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	500 00
635	For the payment of claims authorized by certain resolves of the current year, a sum not exceeding twenty thousand sixty-seven dollars and ninety-eight cents. Said payments shall be certified by the comptroller of the commonwealth only upon the filing of satisfactory releases or other evidence that the payments are accepted in full compensation on the part of the commonwealth in respect thereto . . .	20,067 98
	Total . . .	\$21,842 98

Metropolitan District Commission.

The following items are to be assessed upon the several districts in accordance with the methods fixed by law, unless otherwise provided, and to be expended under the direction and with the approval of the metropolitan district commission:

638a	For certain improvements of the Aberjona river, as authorized by chapter one hundred and ninety-three of the acts of the current year, a sum not exceeding six thousand dollars . . .	\$6,000 00
638b	For the extension of Mystic Valley parkway, so called, as authorized by chapter one hundred and seventy-two of the acts of the current year, a sum not exceeding fifty thousand dollars, the same to be in addition to the amount appropriated in item six hundred and twenty-two A . . .	50,000 00
638c	For payment of a certain award to Boston University on account of land damages, a sum not exceeding one hundred eighty-two thousand three hundred fourteen dollars and fifty-six cents, the same to be in addition to the amount appropriated in item six hundred and twenty-two B . . .	182,314 56
638d	For the construction of an addition to the breakwater off the shore at Winthrop, as authorized by chapter two hundred and eighty-six of the acts of the current year, a sum not exceeding sixteen thousand dollars, the same to be in addition to the amount appropriated in item five hundred and ninety-three a . . .	16,000 00
643a	For the payment of a certain claim or claims, as authorized by chapter one hundred and ninety-two of the acts of the current year, a sum not exceeding ten thousand dollars, to be in addition to any amount heretofore appropriated for the purpose, and to be assessed as a part of the cost of maintenance of the south metropolitan sewerage system . . .	10,000 00
644	For the maintenance and operation of the metropolitan water system, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	4,000 00
	Total . . .	\$268,314 56

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Item		
<i>Legislative Investigations.</i>		
For expenses of the special commission appointed to investigate relative to public expenditures, the sum of forty dollars and sixty-five cents		\$40 65
<i>Department of Education.</i>		
For the reimbursement of certain towns for the payment of tuition of pupils attending high schools outside the towns in which they reside, as provided by law, the sum of thirty-one hundred ninety-one dollars and seventy-three cents		\$3,191 73
<i>Department of Public Works.</i>		
For the maintenance and repair of state highways, including care of snow on highways, expenses of traffic signs and lights; for payment of damages caused by defects in state highways, with the approval of the attorney general; for care and repair of road-building machinery; and for the maintenance of a nursery for roadside planting, the sum of one hundred forty-four dollars and seventy-seven cents, to be paid from the Highway Fund		\$144 77
For the purpose of enabling the department of public works to secure federal aid for the construction of highways, the sum of six hundred twelve dollars and eighty-one cents, to be paid from the Highway Fund		612 81
For the construction and repair of town and county ways, the sum of three dollars and seventy-five cents, to be paid from the Highway Fund		3 75
For removing the abandoned hulks or wrecks lying along the waterfront of East Boston and in Chelsea Creek, the sum of twenty-nine dollars and fifty-eight cents		29 58
<i>Department of Correction.</i>		
For maintenance of the state farm, the sum of seventy-one dollars		\$71 00
<i>Metropolitan District Commission.</i>		
For deficiencies on account of appropriations of nineteen hundred and thirty-two paid from the metropolitan parks expense fund, the sum of sixteen dollars and sixty-five cents		\$16 65
For deficiencies on account of appropriations of nineteen hundred and twenty-nine and nineteen hundred and thirty-one paid from the metropolitan parks maintenance fund, the sum of sixty dollars		60 00
For deficiencies on account of appropriations of nineteen hundred and thirty-two paid from the metropolitan water maintenance fund, the sum of one hundred thirty-nine dollars and fourteen cents		139 14
Total		\$4,310 08
<i>Other Appropriations.</i>		
18 For personal services of the counsel to the senate and assistants, a sum not exceeding six hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose		\$650 00
19 For personal services of the counsel to the house of representatives and assistants, a sum not exceeding six hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose		650 00

Item		
30	For office expenses of the counsel to the house of representatives, a sum not exceeding one hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	\$125 00
32e	For expenses of the joint board to investigate relative to improving the sanitary condition of Lake Quinsigamond and its watershed, a sum not exceeding fifteen hundred dollars, the same to be in addition to the further sums of fifteen hundred dollars to be assessed upon the city of Worcester and fifteen hundred dollars to be assessed upon the town of Shrewsbury, as authorized by chapter thirty-two of the resolves of the current year . . .	1,500 00
32f	For expenses of an investigation by a special commission of the advisability of licensing contractors and builders, which was revived and continued by chapter thirty-four of the resolves of the current year, a sum not exceeding one hundred dollars . . .	100 00
32g	For expenses of an investigation by a special commission relative to discrimination against certain persons on account of age, and relative to old age assistance, as authorized by chapter thirty-nine of the resolves of the current year, a sum not exceeding three thousand dollars . . .	3,000 00
32h	For expenses of an investigation by a special commission relative to unemployment insurance, reserves and benefits, as authorized by chapter forty-two of the resolves of the current year, a sum not exceeding fifteen hundred dollars . . .	1,500 00
422a	For personal services of the division of occupational hygiene, established by chapter three hundred and thirty-one of the acts of the current year, a sum not exceeding thirteen hundred and thirty dollars, and in addition thereto there is hereby transferred from Item 422 of chapter one hundred and sixty-two of the acts of the current year the sum of three hundred and sixty dollars . . .	1,330 00
422b	For laboratory and office equipment and other expenses of the division of occupational hygiene, established by chapter three hundred and thirty-one of the acts of the current year, a sum not exceeding forty-eight hundred dollars . . .	4,800 00
574b	For the construction by the department of public works of a traffic circle near the northerly end of Neponset River bridge, as authorized by chapter three hundred and forty-one of the acts of the current year, a sum not exceeding ninety thousand dollars, the same to be paid from the Highway Fund . . .	90,000 00
574c	For the commonwealth's proportion of the cost of certain repairs to the Chelsea North bridge, as authorized by chapter three hundred and forty-two of the acts of the current year, a sum not exceeding one hundred thirty-five thousand dollars, the same to be paid from the Highway Fund . . .	135,000 00
387	For the salary of the director of the division of registration, a sum not exceeding two hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose, and to be subject to the approval required by law . . .	275 00
638e	For the cost of providing a bath house and other facilities on the Charles River reservation in the West Roxbury district, as authorized by chapter three hundred and thirty-two of the acts of the current year, a sum not exceeding thirty thousand dollars, the same to be	

Item		
	assessed upon the metropolitan parks district in accordance with the methods fixed by law, and to be expended under the direction and with the approval of the metropolitan district commission	\$30,000 00
638f	For the acquisition by the metropolitan district commission of certain land for recreational purposes in the towns of Saugus and Wakefield, as authorized by chapter three hundred and thirty-eight of the acts of the current year, a sum not exceeding forty thousand dollars, the same to be assessed upon the metropolitan parks district in accordance with the methods fixed by law, and to be expended under the direction and with the approval of the metropolitan district commission . .	40,000 00
644a	For the cost of water supply improvements for Belmont, Watertown and Arlington, as authorized by chapter three hundred and thirty-three of the acts of the current year, a sum not exceeding fifty thousand dollars, the same to be assessed as a part of the cost of the metropolitan water maintenance	50,000 00
458	For personal services of the members of the board of parole and advisory board of pardons, as authorized by chapter three hundred and fifty of the acts of the current year, a sum not exceeding twenty-nine hundred dollars	2,900 00
504a	For expenditures by the department of public health in administering the act relative to frozen desserts, as authorized by chapter three hundred and seventy-three of the acts of the current year, a sum not exceeding seven hundred dollars	700 00
374d	For the reconstruction of Ocean avenue in the city of Revere, as authorized by chapter three hundred and seventy-five of the acts of the current year, a sum not exceeding two hundred thousand dollars, to be paid from the Highway Fund	200,000 00
244a	For expenses of the milk control board, as authorized by chapter three hundred and seventy-six of the acts of the current year, a sum not exceeding fifteen thousand dollars	15,000 00
179a	For expenses of the state racing commission, as authorized by chapter three hundred and seventy-four of the acts of the current year, a sum not exceeding two thousand dollars; provided, that after November thirtieth in the current year said commission may incur expenses in anticipation of an appropriation in such sum as may be approved by the governor and council	2,000 00
600b	For expenses of the Boston Port Authority and the state commissioner of public works, acting jointly, to make certain investigations and studies as authorized by a resolve of the current year, a sum not exceeding five thousand dollars.	5,000 00
643a	For expenses of constructing a branch sewer from Milton across the Neponset river to Hyde Park, the same to be assessed as a part of the cost of maintenance of the south metropolitan sewerage system, a sum not exceeding twenty thousand dollars	20,000 00
32i	For expenses of a joint board for an investigation relative to the sewage problem in the South Essex sewerage district, a sum not exceeding one thousand dollars, the same to be in addition to the amount to be contributed from other sources, as authorized by chapter forty-nine of the resolves of the current year	1,000 00
100	In further addition to the sums heretofore made available by this item for transfers to cover deficiencies, there is hereby authorized the further sum of fifteen thousand	

Item	dollars for use particularly in appropriations for maintenance of hospitals and other state institutions when made necessary by increased prices for commodities	\$15,000 00
600a	For a contribution by the commonwealth towards the cost of constructing a sea wall and other shore protection in the Hough's Neck district of the city of Quincy, as authorized by chapter three hundred and twenty-two of the acts of the current year, a sum not exceeding ten thousand dollars	10,000 00
644b	For the cost of providing certain outdoor bathing facilities in the towns of Holden, Rutland and Sterling, as authorized by chapter three hundred and forty-six of the acts of the current year, a sum not exceeding twelve thousand dollars, the same to be assessed as a part of the cost of the metropolitan water maintenance	12,000 00
100	In addition to the sums heretofore made available by this item for transfers to cover deficiencies, there is hereby authorized the further sum of forty-five thousand dollars for use particularly in appropriations for maintenance of hospitals and other state institutions when made necessary by increased prices for commodities	45,000 00
101a	For expenses of the governor's committee on highway safety, a sum not exceeding ten thousand dollars, to be paid from the Highway Fund, with the approval of the governor and council, the same to be used in addition to other sums contributed from private sources	10,000 00
262a	The department of conservation is hereby authorized to proceed under authority of sections thirty to thirty-six, inclusive, of chapter one hundred and thirty-two of the General Laws, as appearing in the Tercentenary Edition thereof, to incur expenses, for the purchase of land, not exceeding one hundred thousand dollars, of which sum fifty thousand dollars is hereby appropriated, and said department may make payments, after December first in the current year, for such purchases in anticipation of a further appropriation of fifty thousand dollars to be made in the succeeding fiscal year, notwithstanding any provisions of the General Laws to the contrary.	50,000 00
	General and Highway Funds	\$2,222,773 86
	Metropolitan District Commission	420,530 35

SECTION 3. The following amendments and transfers are hereby authorized in appropriations previously made:

Militia.

A transfer in the sum of sixteen hundred and seventy-five dollars is hereby made from Item 106 of chapter one hundred and sixty-two of the acts of the present year, which sum shall be apportioned and added to certain other appropriations, made under authority of said chapter one hundred and sixty-two, as follows:

- Item 108, one thousand dollars
- Item 126, six hundred and seventy-five dollars

Supervisor of Loan Agencies.

A transfer in the sum of one hundred and twenty-five dollars is hereby made from Item 297 of chapter one hundred and sixty-two of the acts of the present year, and said sum is hereby added to Item 298 of said chapter one hundred and sixty-two.

Board of Registration of Barbers.

A transfer in the sum of six hundred dollars is hereby made from Item 414 of chapter one hundred and sixty-two of the acts of the present year, and said sum is hereby added to Item 388 of said chapter one hundred and sixty-two.

Department of Labor and Industries.

A transfer in the sum of one thousand dollars is hereby made from Item 426 of chapter one hundred and sixty-two of the acts of the present year, and said sum is hereby added to Item 432 of said chapter one hundred and sixty-two.

Department of Mental Diseases.

The unexpended balance of the appropriation made by Item 482 of chapter one hundred and fifteen of the acts of nineteen hundred and thirty, for the purchase of additional land for the Northampton state hospital, and reappropriated by chapter one hundred and seventy of the acts of nineteen hundred and thirty-two, is hereby again reappropriated.

The appropriation heretofore made by Item 531 of chapter one hundred and fifteen of the acts of nineteen hundred and thirty, for the purchase of certain land at the Wrentham state school, and reappropriated by chapter one hundred and seventy of the acts of nineteen hundred and thirty-two, is hereby again reappropriated.

Department of Correction.

The department of correction is hereby authorized to transfer the sum of seven thousand dollars from the Industries Fund at the state prison to the Industries Fund at the Massachusetts reformatory.

Department of Public Welfare.

The emergency finance board, created under chapter forty-nine of the acts of nineteen hundred and thirty-three, is hereby authorized, in making the third distribution of federal funds under authority of chapter three hundred and forty-four of the acts of nineteen hundred and thirty-three, conformably to such rules, regulations and instructions as the federal government may issue, to withhold the sum of nineteen thousand dollars from said distribution, and to certify to the state treasurer that said sum be paid, on approval by the state department of public welfare, for the services and expenses of persons employed by said department as emergency investigators in order that approximately sixty-two hundred welfare cases, which are pending in said department and have remained uninvestigated over a period of several months because of lack of personnel, may be investigated.

Department of Public Works.

The department of public works is hereby authorized to rebate the rent of certain spaces in the public works building occupied by the Traffic Accident Survey organization during their employment under a certain C. W. A. project.

The department of public works is hereby authorized to charge the cost of maintenance and repair of the Myles Garrison House in the town of Swansea to Item 576 of chapter one hundred and sixty-two of the acts of the present year.

The appropriations made available during the current year for the construction and repair of town and county ways shall be considered available for use in connection with the repair or reconstruction of certain bridges and certain other highway projects which have been authorized by special legislation.

Department of Public Utilities.

A transfer in the sum of twelve hundred dollars is hereby made from Item 616 of chapter one hundred and sixty-two of the acts of the present year, and said sum is hereby added to Item 615 of said chapter one hundred and sixty-two.

Department of Corporations and Taxation.

The appropriation made by Item 149 of chapter one hundred and sixty-two of the acts of the present year is hereby transferred and made a part of the appropriation made by Item 317 of said chapter one hundred and sixty-two.

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

Approved June 30, 1934.

AN ACT MAKING ADDITIONAL SUNDRY CHANGES IN THE LAWS
RELATING TO ALCOHOLIC BEVERAGES.

Chap. 385

Whereas, The deferred operation of this act would tend to defeat its purpose, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter one hundred and thirty-eight of the General Laws, as amended by section one of chapter one hundred and twenty-one of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the eighth paragraph, as printed in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:—

G. L. (Ter.
Ed.). 138.
§1, etc.,
amended.

“Club”, a corporation chartered for any purpose described in section two of chapter one hundred and eighty, whether under federal or state law, including any body or association lawfully operating under a charter granted by a parent body so chartered, and including also any organization or unit mentioned in clause twelfth of section five of chapter forty, owning, hiring, or leasing a building, or space in a building, of such extent and character as may be suitable and adequate for the reasonable and comfortable use and accommodation of its members; provided, that its affairs and management are conducted by a board of directors, executive committee, or similar body chosen by the members at its annual meeting, and that no member or any officer, agent or employee of the club is paid, or directly or indirectly receives in the form of salary or other compensation, any profits from the disposition or sale of alcoholic beverages beyond the amount of such salary as may be fixed and voted annually within two months after January first in each year by the members or by its directors or other governing body and as shall in the judgment of the local licensing authorities and the commission be reasonable and proper compensation for the services of such member, officer, agent or employee. Such club shall file with the local licensing authorities and the commission annually within three months after January first in each year a list of the names and residences of its officers, together with the amount of salary or compensation received by each employee engaged in the handling or selling of alcoholic beverages.

“Club”
defined.

G. L. (Ter. Ed.), 138, §4, etc., amended.

Licensing boards, appointment, etc.

SECTION 2. Section four of said chapter one hundred and thirty-eight, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "mayor" in the third line the words: — , subject to confirmation by the board of aldermen or, if there is no such board, by the city council, — so as to read as follows: — *Section 4.* In each city which is not exempt by the provisions of section ten there shall be a licensing board appointed by the mayor, subject to confirmation by the board of aldermen or, if there is no such board, by the city council, consisting of three persons, who shall not be engaged, directly or indirectly, in the manufacture or sale of alcoholic beverages, who have been residents of the city in which they are appointed for at least two years immediately preceding their appointment, and who shall not hold any other public office except that of notary public and justice of the peace. One member shall be appointed from each of the two leading political parties and the third member may also be appointed from one of said parties. If any member of said board engages directly or indirectly in such manufacture or sale, his office shall immediately become vacant.

G. L. (Ter. Ed.), 138, §12, etc., amended.

Granting of licenses.

SECTION 3. Said chapter one hundred and thirty-eight is hereby amended by striking out section twelve, as most recently amended by sections one and two of chapter three hundred and seventy of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 12.* A common victualler duly licensed under chapter one hundred and forty to conduct a restaurant, an innholder duly licensed under said chapter to conduct a hotel and a keeper of a tavern as defined by this chapter, in any city or town wherein the granting of licenses to sell all alcoholic beverages or only wines and malt beverages, as the case may be, is authorized by this chapter, subject however, in the case of a tavern, to the provisions of section eleven A, may be licensed by the local licensing authorities, subject to the prior approval of the commission except as provided in section twenty-three, to sell to travelers, strangers and other patrons and customers not under twenty-one years of age, such beverages to be served and drunk, in case of a hotel or restaurant licensee, only in the dining room or dining rooms and in such other public rooms or areas of a hotel as the local licensing authorities may deem reasonable and proper, and approve in writing, and, in the case of a hotel, restaurant or tavern licensee, only served to and drunk by patrons sitting at tables or sitting at counters equipped with stools; provided, that no alcoholic beverage shall be served to or drunk by a woman in a tavern; and provided, further, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made by licensed innholders to registered guests occupying private rooms in their hotels. During such time as the sale of such alcoholic beverages is authorized in any city or town under this chapter,

the authority to grant innholders' and common victuallers' licenses therein under chapter one hundred and forty shall be vested in the local licensing authorities.

If a license granted under this section to a person holding a license as an innholder or common victualler is suspended or revoked for any particular cause, no action shall be taken on account thereof by such authorities with respect to such innholder's or common victualler's license prior to the expiration of the period provided for an appeal under section sixty-seven in case no such appeal is taken, or prior to the disposition of any such appeal so taken, nor thereafter, except for further cause, in case such disposition is in favor of the appellant. Any club in any city or town wherein the granting of licenses to sell alcoholic beverages, or only wines and malt beverages, as the case may be, is authorized under this chapter may be licensed by the local licensing authorities, subject to the approval of the commission, to sell such beverages to its members only, and also, subject to regulations made by the local licensing authorities, to guests introduced by members, and to no others; provided, that such beverages shall be served to and drunk by members or guests only sitting at tables or sitting at counters equipped with stools.

The local licensing authorities may determine in the first instance, when originally issuing and upon each annual renewal of licenses under this section, the amount of the license fee, in no case less than two hundred and fifty nor, except as hereinafter provided, more than seven hundred and fifty dollars for a tavern license or twenty-five hundred dollars for any other license hereunder for the sale of all alcoholic beverages, and in no case less than one hundred nor, except as hereinafter provided, more than one thousand dollars for the sale of wines and malt beverages only; provided, that the minimum license fee in the case of a club license for the sale of all alcoholic beverages shall be one hundred dollars. Before issuing a license to any applicant therefor under this section, or before a renewal of such license, the local licensing authorities shall cause an examination to be made of the premises of the applicant to determine that such premises comply in all respects with the appropriate definition of section one and that the applicant is not less than twenty-one years of age and a person of good character in the city or town in which he seeks a license hereunder.

The local licensing authorities may accept the surrender of a license issued under this section and may issue in place thereof to the same licensee any other form of license authorized under this section, and may allow as a credit on the fee for the new license the license fee paid for the license surrendered but no refund shall be authorized. Different licenses issued as aforesaid for any portion of the same license year to the same licensee shall count as one license for the purposes of section seventeen.

The hours during which sales of such alcoholic beverages may be made by any licensee as aforesaid shall be fixed by the

local licensing authorities either generally or specially for each licensee; provided, that no such sale shall be made on any day between the hours of two and eight o'clock ante meridian and that, except as provided in section thirty-three, no such licensee shall be barred from making such sales on any day after eleven o'clock ante meridian and before eleven o'clock post meridian, and that no tavern shall be kept open on any day after eleven o'clock post meridian.

No person, firm, corporation, association or other combination of persons, directly or indirectly, or through any agent, employee, stockholder, officer or other person, or any subsidiary whatsoever, licensed under the provisions of section fifteen, eighteen or nineteen shall be granted a license under this section.

No licensee under this section, or any employee of such licensee, shall serve any alcoholic beverage to any customer or other person in the licensed premises without charge.

In cities and towns which vote to authorize under section eleven the granting of licenses for the sale of all alcoholic beverages, specific licenses may nevertheless be granted under this section for the sale of wines or malt beverages only, or both. The licensing authorities may refuse to grant licenses under this section in certain geographical areas of their respective cities or towns, where the character of the neighborhood may warrant such refusal.

Possession on the licensed premises by a licensee under this section for the sale of wines or malt beverages only, or both, of any alcoholic beverage other than one that he is authorized to sell under such license shall be prima facie evidence that such other beverage is kept for sale in violation of this chapter.

All malt beverages sold by a licensee under this section containing not more than three and two tenths per cent of alcohol by weight shall be expressly sold as such.

SECTION 4. Section thirteen of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out the last two sentences.

SECTION 5. Section fifteen of said chapter one hundred and thirty-eight, as so appearing and as amended by section four of chapter three hundred and seventy of the acts of nineteen hundred and thirty-four, is hereby amended by striking out, in the twenty-first and twenty-second lines as printed in said section two of said chapter three hundred and seventy-six, the words "after investigation" and also by striking out the last three sentences of the first paragraph and inserting in place thereof the following: — Every licensee hereunder shall keep conspicuously posted in each room where any alcoholic beverages are sold a price list of such beverages but shall not display any price list or matter relating to the prices of beverages sold therein, in the windows or in any other place where visible from outside the licensed premises. Sales by such licensees shall be made only in the original manufacturer's or wholesaler's and importer's pack-

G. L. (Ter. Ed.), 138, §13, etc., amended.

G. L. (Ter. Ed.), 138, §15, etc., amended.

Licenses for sale, etc., not to be drunk on the premises.

age. All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled.

SECTION 6. Said chapter one hundred and thirty-eight is hereby further amended by striking out section sixteen A, as so appearing, and inserting in place thereof the following: — *Section 16A.* The holder of a license under section twelve or fifteen who applies prior to December first in any licensing period for a license of the same class for the next succeeding licensing period shall be prima facie entitled thereto if the number of such licenses issuable under section seventeen is not less than the number of such holders so applying. If in any year the number of such licenses so issuable is less than the number of holders so applying, such applicants shall be prima facie entitled to a renewal in the order of the dates of their respective applications, to the extent that the same are issuable under section seventeen. Any such application may, however, be rejected for cause, subject to appeal under section sixty-seven. A person whose application has so been rejected by the local licensing authorities shall for the purposes of section seventeen be deemed to have been granted such a license until the period for such an appeal has expired or until his appeal has been dismissed.

G. L. (Ter. Ed.), 138, §16A, etc., amended.

Limitation of licenses.

SECTION 7. Section seventeen of said chapter one hundred and thirty-eight, as amended by chapter eighty-three of the acts of the current year, is hereby further amended by striking out, in the eleventh line as printed in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, the word “fifteen” and inserting in place thereof the words:— twelve of classes limited in number hereunder and also two licenses under section fifteen, —so that the second proviso will read as follows:— and provided, further, that the licensing authorities in any town may grant two licenses under section twelve of classes limited in number hereunder and also two licenses under section fifteen, irrespective of population.

G. L. (Ter. Ed.), 138, §17, etc., amended.

Number of licenses.

SECTION 8. Section eighteen of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by inserting after the first paragraph the following two new paragraphs:—

G. L. (Ter. Ed.), 138, §18, etc., amended.

Sales of wines and malt beverages may be made in kegs, casks or barrels by any licensee under this section to licensees authorized to sell such beverages under section twelve, thirteen or fourteen and for the sole purpose of resale in the containers in which the same were delivered, to licensees under section fifteen. No licensee under section fifteen shall resell beverages delivered to him in kegs, casks or barrels under this section, except in such containers.

Wholesalers' and importers' licenses.

Every licensed wholesaler and importer of alcoholic beverages shall keep such records in such detail and affording such information as the commission may from time to time prescribe, and shall file with the commission, whenever and as often as it may require, duplicates of copies of such records; and the commission shall at all times, through its designated

officers or agents, have access to all books, records and other documents of every licensed wholesaler and importer relating to the business which he is licensed hereunder to conduct.

G. L. (Ter. Ed.), 138, §19, etc., amended.

SECTION 9. The second paragraph of section nineteen of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out all after the word "manufacturer" in the fourteenth line thereof and inserting in place thereof the following: — licensed under this section to licensees authorized to sell such beverages under section twelve, thirteen or fourteen and, for the sole purpose of resale in the containers in which the same were delivered, to licensees under section fifteen. No licensee under section fifteen shall resell beverages delivered to him in kegs, casks or barrels under this section, except in such containers, — so as to read as follows: —

Licenses to manufacture alcoholic beverages.

Subject to such regulations as may be prescribed by the commission, licensees under this section may rectify or blend, but only upon such premises and under such conditions as the commission shall approve, alcoholic beverages manufactured by them. All alcoholic beverages sold by any manufacturer thereof shall be sold and delivered in such manner, and under such conditions, and with such labels or other marks to identify the manufacturer, as the commission shall from time to time prescribe by regulations; provided, that sales of such beverages may be made in kegs, casks, barrels or bottles, to holders of wholesalers' and importers' licenses; and provided, further, that sale of wines and malt beverages may be made in kegs, casks or barrels by any manufacturer licensed under this section to licensees authorized to sell such beverages under section twelve, thirteen or fourteen and, for the sole purpose of resale in the containers in which the same were delivered, to licensees under section fifteen. No licensee under section fifteen shall resell beverages delivered to him in kegs, casks or barrels under this section, except in such containers.

G. L. (Ter. Ed.), 138, §19, etc., amended.

SECTION 10. The last paragraph of said section nineteen of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by adding at the end thereof the following: — ; provided, that the license fee for each manufacturer of cider or other alcoholic beverage made from apples shall be such sum as the commission shall deem just and proper, but no such fee shall be collected from any such manufacturer for the making of cider, the sale of which is authorized by section three without a license, — so as to read as follows: —

License fees.

The license fee for each manufacturer of alcoholic beverages, in respect of each plant, shall be such sum, not less than two thousand nor more than five thousand dollars, as under the circumstances of the licensee's probable volume of sales under this section, the capacity of his plant and the location thereof, the commission shall deem just and proper; provided, that the license fee for each manufacturer of cider or other alcoholic beverage made from apples shall be such sum as the commission shall deem just and proper, but no

such fee shall be collected from any such manufacturer for the making of cider, the sale of which is authorized by section three without a license.

SECTION 11. Said chapter one hundred and thirty-eight is hereby further amended by inserting after section nineteen, as so appearing, the following new section: — *Section 19A*. The commission may annually grant to individual citizens of the commonwealth employed as salesmen for licensees under section eighteen or nineteen permits which shall authorize such salesmen on behalf of their employers to solicit orders for alcoholic beverages from any licensee under this chapter, and the fee for each such permit shall be ten dollars. The commission may make and enforce rules and regulations covering the granting of licenses under this section and regulating the exercise of the authority granted under such licenses.

G. L. (Ter. Ed.), 138, new section 19A, added.

Salesmen, licenses of.

Whoever acts as salesman as aforesaid without having a permit hereunder, or whoever having such a permit violates any provision of this section or of any condition or stipulation of his permit, shall be subject to the penalties prescribed by section two.

SECTION 12. Said chapter one hundred and thirty-eight is hereby further amended by striking out section twenty, as so appearing, and inserting in place thereof the following: — *Section 20*. The commission may grant to any holder of a manufacturer's or wholesaler's and importer's license under this chapter a permit to store alcoholic beverages in any city or town, provided that there shall not be granted to such manufacturer or wholesaler and importer, in the aggregate, more than three such permits in the commonwealth, nor more than one such permit in any city or town. A permit so granted to the holder of such a license shall authorize him to transport and deliver such beverages from any place of storage for which he has such a permit upon orders received by him at the premises covered by his manufacturer's or wholesaler's and importer's license and transmitted to the place of storage covered by the permit. The commission may establish annual fees therefor not exceeding five hundred dollars for any one permit.

G. L. (Ter. Ed.), 138, §20, etc., amended.

Storage permits.

Special warehouse permits may be granted by the commission for the storage of alcoholic beverages in a duly licensed bonded warehouse. A special permit so granted shall authorize the holder thereof to transport such beverages between any premises for which he has such special permit and any premises covered by his manufacturer's or wholesaler's and importer's license. The fee for such a special permit shall be not less than fifty nor more than two hundred dollars.

Special seasonal permits may be granted by the commission upon payment of a fee of twenty-five dollars for each such permit, which shall authorize any licensee under section eighteen or nineteen to store malt beverages in the same city or town in which their licensed premises are located; pro-

vided, that such storage shall be in a place properly equipped for the refrigeration of malt beverages and that such an authorization shall be effective only for the period between April first and October thirty-first in any year.

The commission may make and enforce rules and regulations covering the storage and transportation of beverages under permits granted under this section.

G. L. (Ter.
Ed.), 138,
§21, etc.,
amended.

Excise.

SECTION 13. Said chapter one hundred and thirty-eight is hereby further amended by striking out section twenty-one, as so appearing, and inserting in place thereof the following:— *Section 21.* Every licensed manufacturer of alcoholic beverages and every holder of a wholesaler's and importer's license for the sale thereof shall, in addition to the license fees elsewhere provided in this chapter, be liable for and pay to the commonwealth an excise, for the privilege enjoyed by him as such manufacturer or wholesaler and importer, to be levied on sales of alcoholic beverages within the commonwealth as follows:

For each barrel of thirty-one gallons, or fractional part of a barrel aforesaid, of malt beverages, at the rate of one dollar per barrel aforesaid;

For each wine gallon, or fractional part thereof, of wine, including vermouth, at the rate of ten cents per wine gallon;

For each wine gallon, or fractional part thereof, of all other alcoholic beverages containing twenty-four per cent or less of alcohol by volume at sixty degrees Fahrenheit, at the rate of fifteen cents per wine gallon;

For each wine gallon, or fractional part thereof, of all other alcoholic beverages containing more than twenty-four per cent but not more than fifty per cent of alcohol by volume at sixty degrees Fahrenheit, at the rate of forty cents per wine gallon;

For each proof gallon, or fractional part thereof, of all other alcoholic beverages containing more than fifty per cent of alcohol by volume at sixty degrees Fahrenheit, at the rate of forty cents per proof gallon. The words "proof gallon" when used in this section shall be held to be a gallon of alcoholic beverage which contains one half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit.

Returns to be
made by
licensees.

Every person subject to this section shall keep a true and accurate account of all alcoholic beverages sold by him and shall make a return thereof to the commissioner of corporations and taxation, hereinafter called the commissioner, within ten days after the last day of each month, covering his sales during such month, and shall at the time of such return make payment to the commissioner of the amount due under this section for such sales in such month. The commissioner shall assess on the basis of any available information any deficiency in the amount so payable which remains unpaid and shall notify the person so assessed who may within thirty days of the date of the notice make application for abatement thereof. Such assessment may be made at any

time within five years after the making of the earliest sale included in such assessment. If the commissioner shall determine that a deficiency so assessed should be abated or, upon application filed within thirty days of the making of the return that an overpayment has been made, he shall certify the amount of such abatement or overpayment to the state treasurer, who shall repay the amount so certified if paid, without further appropriation therefor. The commissioner is hereby authorized to prescribe rules and regulations governing the method of keeping accounts, making returns and paying the excise provided for in this section. Such rules and regulations shall provide for the waiver of payment of the excise in respect to any alcoholic beverages if it appears that an excise has already been paid under the provisions of this section in respect thereto; provided, however, that alcoholic beverages manufactured within or imported into the commonwealth and exported therefrom shall be exempt from such excise tax.

The books, accounts, records and papers of every licensee shall at all times be open to the inspection of the commissioner and his agents and upon summons issued by the commissioner shall be produced at such time and place as he shall designate for the inspection of himself or his agents.

Licensees to
keep records.

If any licensee fails to file a return under this chapter within the time prescribed therein, the sum of five dollars for every day during which such licensee is in default shall be added to, and become a part of the tax, as an additional tax; but the commissioner may, in his discretion, abate any such additional tax in whole or in part.

Whoever files a fraudulent return, and whoever, having failed to file a return or having filed an incorrect or insufficient return without reasonable excuse fails to file a return within twenty days after receiving notice from the commissioner of his delinquency, shall be punished by a fine of not less than one hundred nor more than ten thousand dollars, or by imprisonment for not more than one year, or both.

Sums due to the commonwealth under this section may be recovered by the attorney general in an action brought in the name of the commissioner. The commission may suspend the license of a person subject to this section, at the suggestion of the commissioner, for failure to pay such sums when due. The commissioner shall have the same powers and remedies with respect to the collection of said sums as he has with respect to the collection of income taxes under chapter sixty-two.

Any licensee aggrieved by the refusal of the commissioner to abate, in whole or in part, a tax imposed by this section, may appeal therefrom, within thirty days after the mailing of a notice of the decision of the commissioner, by filing a petition with the clerk of the board of tax appeals. If, on hearing, said board finds that the licensee making the appeal was entitled to an abatement of the tax assessed, it shall make such abatement as it sees fit.

G. L. (Ter. Ed.), 138, §22, etc., amended.

Transportation permits.

SECTION 14. Said chapter one hundred and thirty-eight, as so appearing, is hereby further amended by striking out section twenty-two and inserting in place thereof the following: — *Section 22.* Any person may, but only for his own use and that of his family and guests, transport alcoholic beverages, without any license or permit, but not exceeding in amount, at any one time, eight gallons of malt beverages, or three gallons of any other alcoholic beverages, or their measured equivalents; provided, that any person may, without any license or permit, transport from his place of residence to a new place of residence established by him, wines manufactured by him for his own private use. Licensees for the sale of alcoholic beverages may transport and deliver anywhere in the commonwealth alcoholic beverages lawfully bought by or lawfully sold by them, in vehicles operated under the control of themselves or of their employees; provided, that the owner of every such vehicle shall have obtained for such vehicle from the commission a vehicle permit for the transportation of alcoholic beverages. The fee for each vehicle permit shall be one dollar for each vehicle. Copies of such permits shall be furnished by the commission for one dollar each. All permits issued under this section shall expire on the thirty-first day of December of the year of issue unless earlier suspended or revoked by the commission. Every person operating such a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a copy thereof for each vehicle operated by him and shall, upon demand of any constable, policeman, member of the state police, or any investigator of the commission or of the registry of motor vehicles, produce such permit or copy for inspection; and failure to produce such permit or copy shall constitute prima facie evidence of unlawful transportation and shall in the discretion of the commission be sufficient cause for the suspension or revocation of such permit. Except as herein provided, alcoholic beverages may be transported within the commonwealth only by a railroad or steamboat corporation, or an individual or corporation regularly and lawfully conducting a general express or trucking business, and in each case holding a transportation permit in full force and effect issued by the commission and valid for one year unless earlier suspended or revoked. The fee for each such transportation permit shall be five dollars, and each vehicle other than a railroad car, used in the transportation of alcoholic beverages under such transportation permit shall carry a certified copy thereof. Each certified copy shall be issued by the commission for a fee of one dollar; provided, that the transportation fee payable by a railroad or steamship company covering all the cars or vessels thereof, shall be one hundred dollars. Whoever knowingly transports within the commonwealth any alcoholic beverages except as authorized by this section shall be punished by a fine not exceeding two hundred dollars or by imprisonment for not more than six months, or both.

SECTION 15. Said chapter one hundred and thirty-eight is hereby further amended by inserting after section twenty-two, as so appearing, the following new section: — *Section 22A.* Upon payment of a fee to be fixed by the commission in each case and subject to such terms and conditions as it may prescribe, it may grant any permit referred to in section two or may grant to any holder or former holder of a license issued by the local licensing authorities who ceases for any reason to conduct the licensed business, or to any suitable individual on his behalf, a permit which shall authorize the holder thereof to sell to any licensee under this chapter any alcoholic beverages the sale of which is or was authorized under his license or former license, or may grant to any person, resident of the commonwealth, lawfully possessing any such beverages a permit which shall authorize him to sell such alcoholic beverages to any licensee under this chapter, or may grant to any individual a permit which shall authorize him to import any alcoholic beverages specified therein which are acquired otherwise than by purchase and are not intended for sale.

G. L. (Ter. Ed.), 138, new section 22A, added.

Special permits for sale of alcoholic beverages.

SECTION 16. Said chapter one hundred and thirty-eight is hereby further amended by striking out section twenty-three, as so appearing and as most recently amended by section six of chapter three hundred and seventy of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 23.* The terms licenses and permits, wherever employed as substantives in this chapter, are used in their technical sense of a license or permit, non-transferable except as otherwise expressly provided in this chapter, and revocable at pleasure and without any assignment of reasons therefor by the granting authority, the commonwealth, acting through the same officers or agents and under the same delegated authority, as authorized the issue of such licenses or permits. The provisions for the issue of licenses and permits hereunder imply no intention to create rights generally for persons to engage or continue in the transaction of the business authorized by the licenses or permits respectively, but are enacted with a view only to meet the reasonable demand of the public for pure alcoholic beverages and, to that end, to provide, in the opinion of the local licensing authorities, an adequate number of places at which the public may obtain, in the manner and for the kind of use indicated, the different sorts of beverages for the sale of which provision is made.

G. L. (Ter. Ed.), 138, §23, etc., amended.

Terms licenses and permits, defined. Expiration of licenses, etc.

No holder of such a license or permit hereunder shall have any property right in any document or paper evidencing the granting of such license or permit and issued by the licensing authorities, and said authorities, upon the expiration, suspension, revocation or cancellation of such a license or permit shall be entitled upon demand to the immediate possession thereof. The superior court shall have jurisdiction in equity, on petition of the licensing authorities, to enforce this provision.

No such licensee or permittee shall have any vested or monetary right in the continuance of his license or permit. Whenever it appears by sale of premises in connection with which a license has been issued, by probate or bankruptcy proceedings, or otherwise, that such license has acquired any monetary value in excess of the license fee, the licensing authorities may increase the amount of the license fee correspondingly, notwithstanding any maximum limitation herein upon fees for that class of licenses, or may take other action deemed by them appropriate to divest the license of such monetary value or to make such value inure to the benefit of the city or town instead of the licensee or his estate or his assigns.

No license issued under section twelve, fourteen or fifteen shall authorize the sale of any alcoholic beverages other than those purchased from a licensee under section eighteen or nineteen or from a holder of a special permit to sell issued under section twenty-two A.

Whenever, in the opinion of the local licensing authorities, any applicant for a license under section twelve, fourteen or fifteen fails to establish to their satisfaction his compliance with the requirements of this chapter, or any other reasonable requirements which they may from time to time make with respect to licenses under said sections respectively, or to the conduct of business by any licensee thereunder, said authorities may refuse to issue or reissue to such applicant any such license; and whenever in their opinion any holder of such a license fails to maintain such compliance or whenever it shall appear to them that the nature of the business, or of the equipment of and service of any hotel, restaurant, club or tavern no longer satisfies the definition thereof contained in this chapter, or that alcoholic beverages are being or have been sold and served therein over, and drunk by customers standing at, a bar or counter, instead of being drunk sitting at tables or sitting at counters equipped with stools in dining or other rooms or quarters as contemplated by or authorized under the provisions of this chapter, they may, after hearing or opportunity therefor modify, suspend, revoke or cancel such license.

Whenever, in the opinion of the commission, any holder of a license or permit originally issuable by it fails to maintain compliance with the requirements of this chapter, or any other reasonable requirements which it may from time to time make with respect to any such license or permit or to the conduct of business by any such licensee or permittee, it may, after hearing or opportunity therefor, modify, suspend, revoke or cancel such license or permit.

In case of modification, suspension, revocation or cancellation of a license issued by the licensing authorities or of a permit issued by the commission, no abatement or refund of any part of the fee paid therefor shall be made.

All licenses and permits granted under this chapter, unless otherwise provided therein, shall expire on the thirty-first day

of December of the year of issue, subject, however, to cancellation or revocation within such term; provided, that the licensing authorities may, when first issuing licenses under this chapter, provide that they shall be temporary only for such less period than the period ending the thirty-first day of December in the year nineteen hundred and thirty-four as the licensing authorities may determine in order to enable said authorities to make such further and more complete investigation of the fitness of applicants to whom such temporary licenses are issued, as to the premises in which the licensee's business is to be conducted, and for any other purposes deemed by the licensing authorities material.

In the case of the death of the holder of any license under this chapter, such license, unless earlier surrendered or revoked, shall authorize the executor or administrator of the deceased licensee to exercise all authority conferred upon such licensee by such license until the termination thereof.

The provisions of sections twelve and fifteen requiring the prior approval of the commission to the granting of licenses thereunder shall not apply to licenses first granted under said sections; but no such license not approved by the commission on or before the first day of July, nineteen hundred and thirty-four, shall be valid after said date until so approved, and if disapproved by the commission prior to said date shall thereupon become void. The fee for licenses first granted under said sections, if for the entire calendar year nineteen hundred and thirty-four and for any additional period prior to January first of said year, shall not be increased by reason of said additional period.

The holder of a license first granted in the year nineteen hundred and thirty-four under section twelve or fifteen which is disapproved by the commission under this section shall be entitled to a rebate of that part of the fee paid therefor proportionate to the unexpired term of the license, and authority is hereby granted to any city or town from whose treasury such a rebate is payable to pay the same from any available funds.

SECTION 17. Section thirty-six of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by inserting after the word "contain" in the twelfth line the following: — and, if the commission so requests, of the composition and quality of such beverages as shown by the samples submitted, — so as to read as follows: — *Section 36.* The analyst or assistant analyst of the department of public health shall upon request make, free of charge, an analysis of all alcoholic beverages sent to it by the licensing authorities or by police officers or other officers authorized by law to make seizures of alcoholic beverages, if the department is satisfied that the analysis requested is to be used in connection with the enforcement of the laws of the commonwealth. The said department shall return to such police or other officers, as soon as may be, a certificate, signed by the analyst or assistant analyst making such analysis, of the percentage

G. L. (Ter. Ed.), 138, §36, etc., amended.

Analysis of alcoholic beverages by state department of public health.

of alcohol which such samples of beverages contain, and, if the commission so requests, of the composition and quality of such beverages as shown by the samples submitted. Such certificate shall be prima facie evidence of the composition and quality of the alcoholic beverages to which it relates, and the court may take judicial notice of the signature of the analyst or the assistant analyst, and of the fact that he is such.

G. L. (Ter. Ed.), 138, §37, etc., amended.

Certificate to accompany sample.

SECTION 18. Said chapter one hundred and thirty-eight is hereby further amended by striking out section thirty-seven, as so appearing, and inserting in place thereof the following: — *Section 37.* A certificate shall accompany each sample of beverages sent for analysis by an officer to the department of public health stating by whom the beverages were seized, the date of the seizure and the name and residence of the officer who seized said beverages. Said department shall note upon said certificate the date of the receipt and the analysis of said alcoholic beverages and the percentage of the alcohol or the composition and quality of said beverages, as the case may be, as required by the preceding section. Said certificate shall be in the following form: —

ss. CITY OF (OR TOWN OF) 19 .

To the Department of Public Health.

SIRS: — I send you herewith a sample of taken from alcoholic beverages seized by me (date) 19 .

Ascertain the percentage of alcohol it contains or the composition and quality thereof, as the case may be, and return to me a certificate herewith upon the annexed form.

Member or Authorized Employee of the Alcoholic Beverages Control Commission
Constable of
Police Officer of

COMMONWEALTH OF MASSACHUSETTS.
DEPARTMENT OF PUBLIC HEALTH,
BOSTON, 19 .

This is to certify that the received by this department with the above statement and analyzed by me contains per cent of alcohol or is composed of the following constituents in the following percentages and that its quality is

Received 19 .
Analysis made 19 .

DEPARTMENT OF PUBLIC HEALTH,
By.....
Analyst.

G. L. (Ter. Ed.), 138, §63, etc., amended.

SECTION 19. Section sixty-three of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof

the following: — The local licensing authorities or their agents may at any time enter upon the premises of a person who is licensed by them, and the commission or its agents may enter upon the premises of any person licensed under this chapter, to ascertain the manner in which such licensee conducts his business.

Local
licensing
authorities
may enter
premises.

SECTION 20. Said chapter one hundred and thirty-eight is hereby further amended by striking out section sixty-four, as so appearing, and inserting in place thereof the following: — *Section 64.* The licensing authorities after notice to the licensee and reasonable opportunity for him to be heard by them, may modify, suspend, revoke or cancel his license upon satisfactory proof that he has violated or permitted a violation of any condition thereof, or any law of the commonwealth. If the license is revoked, the licensee shall be disqualified to receive a license for one year after the expiration of the term of the license so revoked, and if he is the owner of the premises described in such revoked license, no license shall be issued to be exercised on said premises for the residue of the term thereof.

G. L. (Ter.
Ed.), 138.
§64, etc.,
amended.

Forfeiture of
license.
Hearing.

If it appears to the commission that a license has been issued under this chapter by the local licensing authorities in excess of the quota prescribed by section seventeen or in violation of section sixteen A or any other provision of this chapter, the commission shall, after notice to said authorities and to the holder of such license and after reasonable opportunity for them to be heard by it, revoke such license, whereupon such license shall be surrendered to said authorities, and the decision of the commission shall be final and conclusive. The holder of a license so revoked shall not be subject to prosecution for any sales theretofore made by him under such license on the ground that such license was illegally issued. The city or town whose licensing authorities issued any license so revoked shall forthwith refund to the holder thereof the entire fee paid therefor and authority is hereby granted to such city or town to pay the same out of any funds available.

SECTION 21. Section sixty-seven of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out, in the eighteenth and nineteenth lines, the words "revoke or modify" and inserting in place thereof the words: — modify, suspend, revoke or cancel, — so as to read as follows: — *Section 67.* Any applicant for a license who is aggrieved by the action of the local licensing authorities in refusing to grant the same or by their failure to act within the period of thirty days limited by section sixteen B, or any one who is aggrieved by the action of such authorities in suspending, cancelling, revoking or declaring forfeited the same, may appeal therefrom to the commission within five days following notice of such action or the expiration of said period, and the decision of the commission shall be final; but pending a decision on the appeal, the action of the local licensing authorities shall have the same force and effect as

G. L. (Ter.
Ed.), 138.
§67, etc.,
amended.

Appeal on
refusals, etc.,
to grant
license.

if the appeal had not been taken. Upon the petition of twenty-five persons who are taxpayers of the city or town in which a license has been granted by such authorities or registered voters in the voting precinct or district wherein the licensed premises are situated, or upon its own initiative, the commission may investigate the granting of such license and may, after a hearing, modify, suspend, revoke or cancel such license if, in its opinion, circumstances warrant.

If the local licensing authorities fail to grant a license or to perform any other act when lawfully ordered so to do by the commission upon appeal or otherwise, within such time as it may prescribe, the commission may itself issue such license or perform such act, with the same force and effect as if granted or performed by the local licensing authorities.

G. L. (Ter. Ed.), 138, §76, etc., amended.

Fee for certain licenses to dealers in paints, etc.

G. L. (Ter. Ed.), 138, §27, etc., amended.

Certain receipts from licenses, etc., to be used to reimburse cities and towns.

SECTION 22. Section seventy-six of said chapter one hundred and thirty-eight, as so appearing and as amended by section two of chapter three hundred and seventy-two of the acts of the current year, is hereby amended by striking out the next to the last sentence and inserting in place thereof the following:— The fee for a license issued by the commission hereunder shall be not less than three hundred nor more than five hundred dollars.

SECTION 23. Section twenty-seven of said chapter one hundred and thirty-eight, as so appearing and as amended by section one of chapter three hundred and one of the acts of the current year, is hereby further amended by inserting after the word "chapter", the third time such word appears in said section as so amended, the words:—, and any balance remaining shall be used to reimburse cities and towns for assistance to said aged persons and be distributed on the same basis.

Approved June 30, 1934.

Chap.386 AN ACT TO APPORTION AND ASSESS A STATE TAX OF TEN MILLION DOLLARS.

Emergency preamble.

Whereas, A delay in the taking effect of this act would cause great inconvenience in the collection of the state tax, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted, etc., as follows:

State tax apportioned and assessed.

SECTION 1. Each city and town in the commonwealth shall be assessed and pay the sum with which it stands charged in the following schedule, that is to say:—

Abington, ninety-three hundred dollars	\$9,300 00
Acton, fifty-seven hundred dollars	5,700 00
Acushnet, fifty-three hundred dollars	5,300 00
Adams, nineteen thousand one hundred dollars	19,100 00
Agawam, thirteen thousand seven hundred dollars	13,700 00
Alford, four hundred dollars	400 00
Amesbury, seventeen thousand dollars	17,000 00

Amherst, thirteen thousand five hundred dollars	\$13,500 00	State tax apportioned and assessed.
Andover, twenty-six thousand one hundred dollars	26,100 00	
Arlington, eighty-seven thousand three hundred dollars	87,300 00	
Ashburnham, twenty-nine hundred dollars	2,900 00	
Ashby, fifteen hundred dollars	1,500 00	
Ashfield, seventeen hundred dollars	1,700 00	
Ashland, forty-three hundred dollars	4,300 00	
Athol, seventeen thousand four hundred dollars	17,400 00	
Attleboro, thirty-eight thousand seven hundred dollars	38,700 00	
Auburn, ninety-three hundred dollars	9,300 00	
Avon, thirty-four hundred dollars	3,400 00	
Ayer, fifty-five hundred dollars	5,500 00	
Barnstable, thirty thousand nine hundred dollars	30,900 00	
Barre, five thousand dollars	5,000 00	
Becket, thirteen hundred dollars	1,300 00	
Bedford, forty-one hundred dollars	4,100 00	
Belchertown, twenty-four hundred dollars	2,400 00	
Bellingham, four thousand dollars	4,000 00	
Belmont, sixty-three thousand four hundred dollars	63,400 00	
Berkley, thirteen hundred dollars	1,300 00	
Berlin, sixteen hundred dollars	1,600 00	
Bernardston, fourteen hundred dollars	1,400 00	
Beverly, sixty-seven thousand six hundred dollars	67,600 00	
Billerica, thirteen thousand two hundred dollars	13,200 00	
Blackstone, four thousand dollars	4,000 00	
Blandford, eleven hundred dollars	1,100 00	
Bolton, seventeen hundred dollars	1,700 00	
Boston, two million five hundred eighty thousand eight hundred dollars	2,580,800 00	
Bourne, twelve thousand five hundred dollars	12,500 00	
Boxborough, six hundred dollars	600 00	
Boxford, sixteen hundred dollars	1,600 00	
Boylston, fourteen hundred dollars	1,400 00	
Braintree, thirty-six thousand two hundred dollars	36,200 00	
Brewster, twenty-seven hundred dollars	2,700 00	
Bridgewater, ninety-four hundred dollars	9,400 00	
Brimfield, seventeen hundred dollars	1,700 00	
Brockton, one hundred eighteen thousand nine hun- dred dollars	118,900 00	
Brookfield, twenty-one hundred dollars	2,100 00	
Brookline, two hundred twenty-four thousand one hundred dollars	224,100 00	
Buckland, thirty-nine hundred dollars	3,900 00	
Burlington, thirty-seven hundred dollars	3,700 00	
Cambridge, two hundred eighty thousand three hun- dred dollars	280,300 00	
Canton, thirteen thousand three hundred dollars	13,300 00	
Carlisle, fifteen hundred dollars	1,500 00	
Carver, forty-one hundred dollars	4,100 00	
Charlemont, sixteen hundred dollars	1,600 00	
Charlton, twenty-seven hundred dollars	2,700 00	

State tax apportioned and assessed.	Chatham, seventy-six hundred dollars	\$7,600 00
	Chelmsford, ninety-five hundred dollars	9,500 00
	Chelsea, seventy-nine thousand two hundred dollars	79,200 00
	Cheshire, twenty-four hundred dollars	2,400 00
	Chester, twenty-three hundred dollars	2,300 00
	Chesterfield, nine hundred dollars	900 00
	Chicopee, sixty-six thousand two hundred dollars	66,200 00
	Chilmark, nine hundred dollars	900 00
	Clarksburg, thirteen hundred dollars	1,300 00
	Clinton, twenty thousand seven hundred dollars	20,700 00
	Cohasset, fourteen thousand one hundred dollars	14,100 00
	Colrain, twenty-three hundred dollars	2,300 00
	Concord, thirteen thousand nine hundred dollars	13,900 00
	Conway, fifteen hundred dollars	1,500 00
	Cummington, eight hundred dollars	800 00
	Dalton, ninety-three hundred dollars	9,300 00
	Dana, nine hundred dollars	900 00
	Danvers, nineteen thousand dollars	19,000 00
	Dartmouth, sixteen thousand seven hundred dollars	16,700 00
	Dedham, thirty-five thousand one hundred dollars	35,100 00
	Deerfield, six thousand dollars	6,000 00
	Dennis, forty-seven hundred dollars	4,700 00
	Dighton, sixty-two hundred dollars	6,200 00
	Douglas, twenty-nine hundred dollars	2,900 00
	Dover, fifty-two hundred dollars	5,200 00
	Dracut, sixty-six hundred dollars	6,600 00
	Dudley, fifty-four hundred dollars	5,400 00
	Dunstable, seven hundred dollars	700 00
	Duxbury, ninety-five hundred dollars	9,500 00
	East Bridgewater, seventy-eight hundred dollars	7,800 00
	East Brookfield, sixteen hundred dollars	1,600 00
	East Longmeadow, fifty-eight hundred dollars	5,800 00
	Eastham, seventeen hundred dollars	1,700 00
	Easthampton, fourteen thousand six hundred dollars	14,600 00
	Easton, eighty-eight hundred dollars	8,800 00
	Edgartown, sixty-four hundred dollars	6,400 00
	Egremont, thirteen hundred dollars	1,300 00
	Enfield, nine hundred dollars	900 00
	Erving, thirty-three hundred dollars	3,300 00
	Essex, twenty-four hundred dollars	2,400 00
	Everett, one hundred three thousand seven hundred dollars	103,700 00
	Fairhaven, eighteen thousand one hundred dollars	18,100 00
	Fall River, one hundred eighty thousand five hundred dollars	180,500 00
	Falmouth, twenty-eight thousand one hundred dollars	28,100 00
	Fitchburg, eighty-two thousand six hundred dollars	82,600 00
	Florida, eighteen hundred dollars	1,800 00
	Foxborough, eighty-nine hundred dollars	8,900 00
	Framingham, fifty thousand three hundred dollars	50,300 00
	Franklin, thirteen thousand seven hundred dollars	13,700 00
	Freetown, twenty-five hundred dollars	2,500 00
	Gardner, thirty-five thousand two hundred dollars	35,200 00

Gay Head, two hundred dollars	\$200 00	State tax apportioned and assessed.
Georgetown, twenty-nine hundred dollars	2,900 00	
Gill, fourteen hundred dollars	1,400 00	
Gloucester, fifty-six thousand five hundred dollars	56,500 00	
Goshen, five hundred dollars	500 00	
Gosnold, seventeen hundred dollars	1,700 00	
Grafton, sixty-nine hundred dollars	6,900 00	
Granby, sixteen hundred dollars	1,600 00	
Granville, twenty-six hundred dollars	2,600 00	
Great Barrington, thirteen thousand nine hundred dollars	13,900 00	
Greenfield, thirty-nine thousand dollars	39,000 00	
Greenwich, nine hundred dollars	900 00	
Groton, sixty-five hundred dollars	6,500 00	
Groveland, twenty-four hundred dollars	2,400 00	
Hadley, forty-three hundred dollars	4,300 00	
Halifax, twenty-one hundred dollars	2,100 00	
Hamilton, seventy-six hundred dollars	7,600 00	
Hampden, one thousand dollars	1,000 00	
Hancock, six hundred dollars	600 00	
Hanover, fifty-seven hundred dollars	5,700 00	
Hanson, forty-two hundred dollars	4,200 00	
Hardwick, forty-three hundred dollars	4,300 00	
Harvard, thirty-one hundred dollars	3,100 00	
Harwich, seventy-eight hundred dollars	7,800 00	
Hatfield, forty-one hundred dollars	4,100 00	
Haverhill, eighty-seven thousand six hundred dollars	87,600 00	
Hawley, four hundred dollars	400 00	
Heath, six hundred dollars	600 00	
Hingham, twenty thousand eight hundred dollars	20,800 00	
Hinsdale, fifteen hundred dollars	1,500 00	
Holbrook, fifty-four hundred dollars	5,400 00	
Holden, fifty-two hundred dollars	5,200 00	
Holland, three hundred dollars	300 00	
Holliston, fifty-five hundred dollars	5,500 00	
Holyoke, one hundred forty-nine thousand seven hundred dollars	149,700 00	
Hopedale, seventy-six hundred dollars	7,600 00	
Hopkinton, forty-six hundred dollars	4,600 00	
Hubbardston, fourteen hundred dollars	1,400 00	
Hudson, eleven thousand two hundred dollars	11,200 00	
Hull, twenty-two thousand seven hundred dollars	22,700 00	
Huntington, sixteen hundred dollars	1,600 00	
Ipswich, ten thousand seven hundred dollars	10,700 00	
Kingston, sixty-three hundred dollars	6,300 00	
Lakeville, twenty-one hundred dollars	2,100 00	
Lancaster, forty-six hundred dollars	4,600 00	
Lanesborough, nineteen hundred dollars	1,900 00	
Lawrence, one hundred sixty-five thousand five hun- dred dollars	165,500 00	
Lee, seventy-six hundred dollars	7,600 00	
Leicester, fifty-seven hundred dollars	5,700 00	
Lenox, eighty-seven hundred dollars	8,700 00	

State tax apportioned and assessed.	Leominster, thirty-six thousand five hundred dollars	\$36,500 00
	Leverett, eight hundred dollars	800 00
	Lexington, twenty-nine thousand dollars	29,000 00
	Leyden, five hundred dollars	500 00
	Lincoln, forty-one hundred dollars	4,100 00
	Littleton, thirty-six hundred dollars	3,600 00
	Longmeadow, sixteen thousand two hundred dollars	16,200 00
	Lowell, one hundred seventy-one thousand two hundred dollars	171,200 00
	Ludlow, twelve thousand seven hundred dollars	12,700 00
	Lunenburg, thirty-three hundred dollars	3,300 00
	Lynn, two hundred six thousand two hundred dollars	206,200 00
	Lynnfield, forty-eight hundred dollars	4,800 00
	Malden, one hundred five thousand six hundred dollars	105,600 00
	Manchester, sixteen thousand five hundred dollars	16,500 00
	Mansfield, eleven thousand three hundred dollars	11,300 00
	Marblehead, twenty-seven thousand three hundred dollars	27,300 00
	Marion, sixty-eight hundred dollars	6,800 00
	Marlborough, twenty-four thousand two hundred dollars	24,200 00
	Marshfield, ninety-seven hundred dollars	9,700 00
	Mashpee, eleven hundred dollars	1,100 00
	Mattapoissett, fifty-two hundred dollars	5,200 00
	Maynard, ten thousand two hundred dollars	10,200 00
	Medfield, forty-three hundred dollars	4,300 00
	Medford, one hundred sixteen thousand eight hundred dollars	116,800 00
	Medway, fifty-one hundred dollars	5,100 00
	Melrose, fifty-two thousand one hundred dollars	52,100 00
	Mendon, two thousand dollars	2,000 00
	Merrimac, thirty-two hundred dollars	3,200 00
	Methuen, thirty thousand two hundred dollars	30,200 00
	Middleborough, thirteen thousand five hundred dollars	13,500 00
	Middlefield, five hundred dollars	500 00
	Middleton, twenty-seven hundred dollars	2,700 00
	Milford, twenty-three thousand one hundred dollars	23,100 00
	Millbury, ninety-six hundred dollars	9,600 00
	Millis, forty-four hundred dollars	4,400 00
	Millville, twenty-two hundred dollars	2,200 00
	Milton, forty-nine thousand nine hundred dollars	49,900 00
	Monroe, thirteen hundred dollars	1,300 00
	Monson, fifty-five hundred dollars	5,500 00
	Montague, seventeen thousand five hundred dollars	17,500 00
	Monterey, eleven hundred dollars	1,100 00
	Montgomery, four hundred dollars	400 00
	Mount Washington, three hundred dollars	300 00
	Nahant, seventy-eight hundred dollars	7,800 00
	Nantucket, sixteen thousand four hundred dollars	16,400 00
	Natick, twenty-eight thousand three hundred dollars	28,300 00
	Needham, thirty-two thousand three hundred dollars	32,300 00
	New Ashford, two hundred dollars	200 00

		State tax apportioned and assessed.
New Bedford, two hundred nineteen thousand nine hundred dollars	\$219,900 00	
New Braintree, eight hundred dollars	800 00	
New Marlborough, nineteen hundred dollars	1,900 00	
New Salem, seven hundred dollars	700 00	
Newbury, thirty-two hundred dollars	3,200 00	
Newburyport, twenty-one thousand dollars	21,000 00	
Newton, two hundred seventeen thousand dollars	217,000 00	
Norfolk, twenty-five hundred dollars	2,500 00	
North Adams, thirty-five thousand four hundred dollars	35,400 00	
North Andover, thirteen thousand dollars	13,000 00	
North Attleborough, fifteen thousand nine hundred dollars	15,900 00	
North Brookfield, four thousand dollars	4,000 00	
North Reading, thirty-four hundred dollars	3,400 00	
Northampton, forty thousand four hundred dollars	40,400 00	
Northborough, thirty-two hundred dollars	3,200 00	
Northbridge, fifteen thousand one hundred dollars	15,100 00	
Northfield, twenty-nine hundred dollars	2,900 00	
Norton, thirty-eight hundred dollars	3,800 00	
Norwell, three thousand dollars	3,000 00	
Norwood, thirty-eight thousand eight hundred dollars	38,800 00	
Oak Bluffs, sixty-eight hundred dollars	6,800 00	
Oakham, seven hundred dollars	700 00	
Orange, eighty-five hundred dollars	8,500 00	
Orleans, fifty-three hundred dollars	5,300 00	
Otis, eight hundred dollars	800 00	
Oxford, fifty-one hundred dollars	5,100 00	
Palmer, fifteen thousand seven hundred dollars	15,700 00	
Paxton, fourteen hundred dollars	1,400 00	
Peabody, thirty-eight thousand one hundred dollars	38,100 00	
Pelham, nine hundred dollars	900 00	
Pembroke, four thousand dollars	4,000 00	
Pepperell, forty-seven hundred dollars	4,700 00	
Peru, four hundred dollars	400 00	
Petersham, twenty-two hundred dollars	2,200 00	
Phillipston, six hundred dollars	600 00	
Pittsfield, ninety-two thousand seven hundred dollars	92,700 00	
Plainfield, five hundred dollars	500 00	
Plainville, twenty-five hundred dollars	2,500 00	
Plymouth, thirty-seven thousand seven hundred dollars	37,700 00	
Plympton, one thousand dollars	1,000 00	
Prescott, one hundred dollars	100 00	
Princeton, eighteen hundred dollars	1,800 00	
Provincetown, sixty-five hundred dollars	6,500 00	
Quincy, one hundred eighty thousand three hundred dollars	180,300 00	
Randolph, eighty-eight hundred dollars	8,800 00	
Raynham, twenty-eight hundred dollars	2,800 00	
Reading, twenty-two thousand three hundred dollars	22,300 00	
Rehoboth, thirty-four hundred dollars	3,400 00	

State tax apportioned and assessed.	Revere, fifty-eight thousand four hundred dollars	\$58,400 00
	Richmond, eleven hundred dollars	1,100 00
	Rochester, two thousand dollars	2,000 00
	Rockland, twelve thousand five hundred dollars	12,500 00
	Rockport, eighty-two hundred dollars	8,200 00
	Rowe, one thousand dollars	1,000 00
	Rowley, twenty-one hundred dollars	2,100 00
	Royalston, thirteen hundred dollars	1,300 00
	Russell, sixty-three hundred dollars	6,300 00
	Rutland, twenty-two hundred dollars	2,200 00
	Salem, eighty-four thousand three hundred dollars	84,300 00
	Salisbury, forty-four hundred dollars	4,400 00
	Sandisfield, one thousand dollars	1,000 00
	Sandwich, thirty-eight hundred dollars	3,800 00
	Saugus, twenty-one thousand eight hundred dollars	21,800 00
	Savoy, four hundred dollars	400 00
	Scituate, seventeen thousand three hundred dollars	17,300 00
	Seekonk, seventy-one hundred dollars	7,100 00
	Sharon, nine thousand dollars	9,000 00
	Sheffield, twenty-three hundred dollars	2,300 00
	Shelburne, forty-one hundred dollars	4,100 00
	Sherborn, twenty-seven hundred dollars	2,700 00
	Shirley, thirty-two hundred dollars	3,200 00
	Shrewsbury, thirteen thousand dollars	13,000 00
	Shutesbury, six hundred dollars	600 00
	Somerset, seventeen thousand six hundred dollars	17,600 00
	Somerville, one hundred eighty-one thousand six hundred dollars	181,600 00
	South Hadley, eleven thousand seven hundred dollars	11,700 00
	Southampton, thirteen hundred dollars	1,300 00
	Southborough, fifty-three hundred dollars	5,300 00
	Southbridge, nineteen thousand dollars	19,000 00
	Southwick, twenty-eight hundred dollars	2,800 00
	Spencer, seventy-six hundred dollars	7,600 00
	Springfield, four hundred seventeen thousand six hundred dollars	417,600 00
	Sterling, twenty-seven hundred dollars	2,700 00
	Stockbridge, seventy-four hundred dollars	7,400 00
	Stoneham, twenty-one thousand seven hundred dollars	21,700 00
	Stoughton, thirteen thousand eight hundred dollars	13,800 00
	Stow, twenty-two hundred dollars	2,200 00
	Sturbridge, twenty-three hundred dollars	2,300 00
	Sudbury, thirty-five hundred dollars	3,500 00
	Sunderland, eighteen hundred dollars	1,800 00
	Sutton, twenty-five hundred dollars	2,500 00
	Swampscott, thirty-five thousand two hundred dollars	35,200 00
	Swansea, sixty-five hundred dollars	6,500 00
	Taunton, fifty-seven thousand four hundred dollars	57,400 00
	Templeton, fifty-two hundred dollars	5,200 00
	Tewksbury, fifty-six hundred dollars	5,600 00
	Tisbury, eight thousand dollars	8,000 00

Tolland, five hundred dollars	\$500 00	State tax apportioned and assessed.
Topsfield, four thousand dollars	4,000 00	
Townsend, thirty-seven hundred dollars	3,700 00	
Truro, twenty-one hundred dollars	2,100 00	
Tyngsborough, eighteen hundred dollars	1,800 00	
Tyringham, six hundred dollars	600 00	
Upton, twenty-three hundred dollars	2,300 00	
Uxbridge, eleven thousand two hundred dollars	11,200 00	
Wakefield, thirty-two thousand six hundred dollars	32,600 00	
Wales, six hundred dollars	600 00	
Walpole, twenty-three thousand five hundred dollars	23,500 00	
Waltham, eighty-two thousand six hundred dollars	82,600 00	
Ware, ten thousand one hundred dollars	10,100 00	
Wareham, seventeen thousand six hundred dollars	17,600 00	
Warren, five thousand dollars	5,000 00	
Warwick, six hundred dollars	600 00	
Washington, three hundred dollars	300 00	
Watertown, seventy-eight thousand one hundred dol- lars	78,100 00	
Wayland, seventy-eight hundred dollars	7,800 00	
Webster, seventeen thousand one hundred dollars	17,100 00	
Wellesley, forty-eight thousand six hundred dollars	48,600 00	
Wellfleet, twenty-eight hundred dollars	2,800 00	
Wendell, sixteen hundred dollars	1,600 00	
Wenham, five thousand dollars	5,000 00	
West Boylston, thirty-three hundred dollars	3,300 00	
West Bridgewater, forty-eight hundred dollars	4,800 00	
West Brookfield, two thousand dollars	2,000 00	
West Newbury, seventeen hundred dollars	1,700 00	
West Springfield, forty thousand seven hundred dol- lars	40,700 00	
West Stockbridge, eighteen hundred dollars	1,800 00	
West Tisbury, twelve hundred dollars	1,200 00	
Westborough, sixty-eight hundred dollars	6,800 00	
Westfield, thirty thousand seven hundred dollars	30,700 00	
Westford, sixty-two hundred dollars	6,200 00	
Westhampton, six hundred dollars	600 00	
Westminster, twenty-one hundred dollars	2,100 00	
Weston, twelve thousand five hundred dollars	12,500 00	
Westport, eighty-four hundred dollars	8,400 00	
Westwood, sixty-eight hundred dollars	6,800 00	
Weymouth, sixty-five thousand three hundred dollars	65,300 00	
Whately, seventeen hundred dollars	1,700 00	
Whitman, thirteen thousand three hundred dollars	13,300 00	
Wilbraham, forty-five hundred dollars	4,500 00	
Williamsburg, two thousand dollars	2,000 00	
Williamstown, ten thousand one hundred dollars	10,100 00	
Wilmington, sixty-two hundred dollars	6,200 00	
Winchendon, ninety-one hundred dollars	9,100 00	
Winchester, forty-three thousand four hundred dol- lars	43,400 00	
Windsor, seven hundred dollars	700 00	
Winthrop, thirty-six thousand dollars	36,000 00	

Woburn, thirty-four thousand three hundred dollars	\$34,300 00
Worcester, four hundred eighty thousand five hundred dollars	480,500 00
Worthington, nine hundred dollars	900 00
Wrentham, fifty-four hundred dollars	5,400 00
Yarmouth, sixty-five hundred dollars	6,500 00
	\$10,000,000 00

State treasurer
to issue
warrant.

SECTION 2. The state treasurer shall forthwith send his warrant, according to the provisions of section twenty of chapter fifty-nine of the General Laws to the selectmen or assessors of each city and town taxed as aforesaid, requiring them respectively to assess the sum so charged, and to add the amount of such tax to the amount of city, town and county taxes to be assessed by them respectively on each city and town.

Payments of
assessments
by cities
and towns.

SECTION 3. The state treasurer in his warrant shall require the selectmen or assessors to pay, or issue severally their warrant or warrants requiring the treasurers of their several cities and towns to pay to the state treasurer, on or before November twentieth in the year nineteen hundred and thirty-four, 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 state treasurer at some time before September first in the year nineteen hundred and thirty-four.

Notice to
treasurers of
delinquent
cities and
towns.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the state treasurer within the time specified, then the state 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 the delinquency from and after November twentieth in the year nineteen hundred and thirty-four; and if the same remains unpaid after December first in the year nineteen hundred and thirty-four, an information may be filed by the state treasurer 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 the court, or the justice thereof before whom the hearing is had shall order. Nothing herein contained shall be construed to prevent the state treasurer from deducting at any time, from any moneys which may be due from the commonwealth to the delinquent city or town, the whole or any part of said tax, with the interest accrued thereon, which shall remain unpaid.

Approved June 30, 1934.

AN ACT GIVING DISTRICT COURTS EXCLUSIVE ORIGINAL JURISDICTION OF ACTIONS OF TORT ARISING OUT OF THE OPERATION OF MOTOR VEHICLES.

Chap.387

Be it enacted, etc., as follows:

SECTION 1. Section nineteen of chapter two hundred and eighteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first line, the word "District" and inserting in place thereof the words:— Except as herein otherwise provided, district, — and by adding at the end thereof the following:— District courts shall have exclusive original jurisdiction of actions of tort arising out of the operation of a motor vehicle, — so as to read as follows:— *Section 19.* Except as herein otherwise provided, district courts shall have original jurisdiction concurrent with the superior court of actions of contract, tort and replevin, and also of actions in summary process under chapter two hundred and thirty-nine and proceedings under section forty-one of chapter two hundred and thirty-one. District courts shall have exclusive original jurisdiction of actions of tort arising out of the operation of a motor vehicle.

G. L. (Ter. Ed.), 218, §19, amended.

Civil jurisdiction of district courts.

SECTION 2. Chapter two hundred and twenty-three of the General Laws is hereby amended by striking out section two, as so appearing, and inserting in place thereof the following:— *Section 2.* Except as provided in section twenty-one of chapter two hundred and eighteen and except as provided in this section, a transitory action in a district court shall be brought in the county where one of the defendants lives or has his usual place of business, or, if commenced by trustee process, in the county where all persons named in the writ as trustees live or have their usual places of business, and, in either case, in a court within whose judicial district one of the parties lives or has his usual place of business, except that an action commenced by trustee process may be brought in the municipal court of the city of Boston if any trustee resides or has his usual place of business in Suffolk county. An action of tort arising out of the operation of a motor vehicle shall be brought in a district court within whose judicial district one of the parties lives or in any district court in the same county, which adjoins the judicial district in which the defendant lives or has his usual place of business, provided, that if one of the parties to any such action lives in Suffolk county such action may be brought in the municipal court of the city of Boston.

G. L. (Ter. Ed.), 223, §2, amended.

Venue of certain actions in district courts.

Said courts shall have jurisdiction of a transitory action against a defendant who is not an inhabitant of the commonwealth, if personal service or an effectual attachment of property is made within the commonwealth; and such action may be brought in any of said courts in the county where the service or attachment was made.

SECTION 3. Chapter two hundred and thirty-one of the General Laws is hereby amended by inserting after section

G. L. (Ter. Ed.), 231, new section 102A, added.

Removal of certain actions of tort brought in district courts.

one hundred and two, as so appearing, the following new section: — *Section 102A*. A party bringing in a district court an action of tort arising out of the operation of a motor vehicle shall thereby be deemed to have waived a trial by jury and any right of appeal to the superior court, unless said action is removed to the superior court as provided in this section, but in case such action is so removed by any other party the plaintiff shall have the same right to claim a jury trial as if the action had been originally brought in the superior court. Not less than two nor more than four days after the entry of such an action in a district court, the plaintiff may file in said court a claim of trial by the superior court, with or without jury, and an affidavit by his counsel of record, if any, and if none, the affidavit of such party, that in his opinion there is an issue of fact or law requiring trial in the cause and that such trial is in good faith intended, together with the sum of three dollars for the entry of the cause in the superior court. The clerk shall forthwith transmit the papers in the cause and said entry fee to the clerk of the superior court, and the case shall proceed as though originally entered there.

No other party to such action shall be entitled to an appeal. In lieu thereof, any such other party may remove such action to the superior court and the pertinent provisions of sections one hundred and four to one hundred and ten, inclusive, shall apply thereto. If a trial by jury is claimed by any party such action may be marked for trial upon the list of causes advanced for speedy trial by jury.

G. L. (Ter. Ed.), 231, §141, etc., amended.

Sections applicable to civil actions in district courts.

SECTION 4. Section one hundred and forty-one of said chapter two hundred and thirty-one, as most recently amended by section three of chapter three hundred of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the words "one hundred and two" in the eighteenth and nineteenth lines the words: — , one hundred and two A,—so as to read as follows:—*Section 141*. Sections one, two, three, four, five, six, seven, ten, eleven, twelve, thirteen, thirteen A, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, forty-five, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-six, fifty-seven, fifty-eight, fifty-eight A, fifty-nine B, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy, seventy-two, seventy-three, seventy-four, seventy-five, seventy-nine, eighty-five, eighty-five A, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one, ninety-two, ninety-three, ninety-four, ninety-five, ninety-seven, ninety-eight, ninety-nine, one hundred and one, one hundred and two, one hundred and two A, one hundred and three, one hundred and four, one hundred and five, one

hundred and six, one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and thirty-five, one hundred and thirty-six, one hundred and thirty-seven, one hundred and thirty-eight, one hundred and thirty-nine, one hundred and forty, one hundred and forty A and one hundred and forty-seven shall apply to civil actions before district courts, and no other sections of this chapter shall so apply, except to the municipal court of the city of Boston under section one hundred and forty-three.

SECTION 5. This act shall take effect on October first of the current year and shall apply only to actions commenced thereafter.

Effective
date.

Approved June 30, 1934.

RESOLVES.

RESOLVE VALIDATING THE ACTS OF C. EDWARD ROWE OF Athol AS A NOTARY PUBLIC. *Chap.* 1

Resolved, That the acts of C. Edward Rowe of Athol as a notary public, between May nineteen, nineteen hundred and thirty-three and September one, nineteen hundred and thirty-three, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved February 13, 1934.

RESOLVE VALIDATING THE ACTS OF MARK E. PEARLMUTTER OF BOSTON AS A NOTARY PUBLIC. *Chap.* 2

Resolved, That the acts of Mark E. Pearlmuter of Boston as a notary public, between August twenty-fifth, nineteen hundred and thirty-three and November twenty-third, nineteen hundred and thirty-three, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved February 13, 1934.

RESOLVE VALIDATING THE ACTS OF SAMUEL PETER BRAEN OF BOSTON AS A NOTARY PUBLIC. *Chap.* 3

Resolved, That the acts of Samuel Peter Braen of Boston as a notary public, between May tenth, nineteen hundred and thirty-three and November twenty-third, nineteen hundred and thirty-three, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved February 13, 1934.

RESOLVE VALIDATING THE ACTS OF WILLARD WELSH OF MALDEN AS A JUSTICE OF THE PEACE. *Chap.* 4

Resolved, That the acts of Willard Welsh of Malden as a justice of the peace, between October thirteenth, nineteen hundred and twenty-eight, and January eleventh, nineteen hundred and thirty-four, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved February 23, 1934.

- Chap.* 5 RESOLVE RELATIVE TO CERTAIN EXPENSES IN CONNECTION WITH THE INTERSTATE LEGISLATIVE ASSEMBLY AND THE COMMISSION ON CONFLICTING TAXATION.

Resolved, That, subject to appropriation, there may be paid out of the state treasury a sum not exceeding one thousand dollars for defraying the expenses of delegates representing the general court in attendance upon sessions of the interstate legislative assembly held during the current year and for promoting the purposes of the commission on conflicting taxation authorized and created by the interstate legislative assembly. Delegates to future meetings shall not exceed three in number and shall represent both political parties.

Approved March 29, 1934.

- Chap.* 6 RESOLVE IN FAVOR OF THE TOWN OF DANVERS.

Resolved, That the department of education is hereby authorized to approve the payment to the town of Danvers, out of that part of the proceeds of the tax on incomes available for educational purposes under chapter seventy of the General Laws, of the sum of eighteen thousand dollars, being the aggregate amount, in addition to the sums already received, which the town would have received in nineteen hundred and thirty-one and nineteen hundred and thirty-two, under authority of said chapter seventy, except for errors in the claims for reimbursement filed with said department.

Approved April 3, 1934.

- Chap.* 7 RESOLVE AUTHORIZING THE COMMISSIONER OF EDUCATION TO RELEASE EASEMENTS IN CERTAIN STATE LAND IN THE TOWN OF FRAMINGHAM.

Resolved, That the commissioner of education, with the approval of the governor and council, upon such terms, conditions and considerations as said commissioner, with like approval, may determine, is hereby authorized to release in whole or in part, on behalf of the commonwealth, by instrument or instruments approved by the attorney general, any easement for the construction and maintenance of a well, windmill and pipe line for supplying water to the state teachers college in the town of Framingham and referred to in an instrument dated March twentieth, eighteen hundred and seventy-six, and recorded in Middlesex South District Registry of Deeds, Book 1388, Page 166.

Approved April 3, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE APPORTIONMENT OF THE EXPENSES OF THE METROPOLITAN WATER SYSTEM. *Chap. 8*

Resolved, That the metropolitan district commission is hereby authorized and directed to make an investigation and study relative to the apportionment to the cities and towns in the metropolitan water district of the expenses of the metropolitan water system with a view to determining the advisability of changing the present statutory method of such apportionment, particularly with respect to the proportions of such apportionment that are based and reckoned on the valuations and the water consumption of said cities and towns. Said commission shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before December first in the current year.

Approved April 17, 1934.

RESOLVE PROVIDING FOR A STUDY BY THE COMMISSIONER OF INSURANCE OF THE COMPULSORY MOTOR VEHICLE INSURANCE LAW, SO CALLED, WITH A VIEW TO PROVIDING RELIEF FOR CAREFUL OPERATORS OF MOTOR VEHICLES IN THE FORM OF A REDUCTION IN THE AMOUNT OF INSURANCE PREMIUMS PAID BY THEM UNDER SAID LAW. *Chap. 9*

Resolved, That the commissioner of insurance is hereby authorized and directed to make a study of the compulsory motor vehicle insurance law, so called, with a view to providing relief for careful operators of motor vehicles in the form of a reduction in the amount of insurance premiums paid by them under said law. Said commissioner shall consider particularly the advisability of adopting the so called demerit system as a means of furnishing such relief. He shall report to the general court his findings, and his recommendations, if any, together with drafts of legislation necessary for carrying said recommendations into effect, by filing the same with the clerk of the house of representatives on or before December fifteenth in the current year.

Approved April 17, 1934.

RESOLVE IN AID OF THE GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF MASSACHUSETTS. *Chap. 10*

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth a sum not exceeding two thousand dollars to aid in defraying the expenses of the Grand Army of the Republic, Department of Massachusetts. Payments for such aid shall be made upon

the presentation to the comptroller of vouchers therefor, approved by the assistant adjutant general and the commander of said department. *Approved April 17, 1934.*

- Chap. 11* RESOLVE DIRECTING THE ART COMMISSION FOR THE COMMONWEALTH TO CONSIDER FURTHER THE MATTER OF A SUITABLE MEMORIAL TO THE LATE CALVIN COOLIDGE.

Resolved, That the art commission for the commonwealth is hereby directed to further consider the matter of a suitable and fitting memorial to commemorate the notable career and public service of the late Calvin Coolidge. Said commission shall recommend a memorial other than that recommended in its report filed under chapter five of the resolves of nineteen hundred and thirty-three and prepare estimates of the approximate cost thereof. It shall report to the general court its findings and recommendations, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December of the current year. *Approved April 17, 1934.*

- Chap. 12* RESOLVE PROVIDING THAT THE SPECIAL COMMISSION DIRECTED TO STUDY THE USE OF CERTAIN LANDS AND WATERS IN THE COMMONWEALTH FOR RECREATIONAL PURPOSES CONTINUE THE INVESTIGATION AND STUDY FOR WHICH IT WAS ESTABLISHED.

Resolved, That the commissioner of conservation, the commissioner of public health and the chairman of the metropolitan district commission, acting as a special commission, shall continue the investigation and study relative to the use of certain lands and waters in the commonwealth for recreational purposes provided for by chapter ten of the resolves of nineteen hundred and thirty-three. Said commission shall further report to the general court the results of its investigation and study thereunder and hereunder and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before December first in the current year. *Approved April 17, 1934.*

- Chap. 13* RESOLVE VALIDATING THE ACTS OF WILLIAM J. BARRY OF LYNN AS A NOTARY PUBLIC.

Resolved, That the acts of William J. Barry of Lynn as a notary public, between March tenth, nineteen hundred and twenty-seven and March twenty-first, nineteen hundred and thirty-four, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office. *Approved April 18, 1934.*

RESOLVE VALIDATING THE ACTS OF WILLIAM R. LANDERS OF
MILTON AS A NOTARY PUBLIC. *Chap. 14*

Resolved, That the acts of William R. Landers of Milton as a notary public, between November third, nineteen hundred and thirty-three and March twenty-sixth, nineteen hundred and thirty-four, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of said office.

Approved April 18, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METRO-
POLITAN DISTRICT COMMISSION RELATIVE TO THE ADVISA-
BILITY AND COST OF CONSTRUCTING, OPERATING AND
MAINTAINING A DAM ACROSS THE SAUGUS RIVER BETWEEN
LYNN AND SAUGUS IN THE VICINITY OF THE EAST SAUGUS
BRIDGE. *Chap. 15*

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the advisability, and particularly the cost, of constructing, operating and maintaining a dam across the Saugus river between the city of Lynn and the town of Saugus in the vicinity of the East Saugus bridge, as set forth in house document number five hundred and twenty-five of the current year. The commission shall report the results of its investigation and recommendations, if any, together with drafts of legislation necessary for carrying such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved April 24, 1934.

RESOLVE IN FAVOR OF THE TOWN OF CHELMSFORD. *Chap. 16*

Resolved, That the department of education is hereby authorized to approve the payment to the town of Chelmsford, out of that part of the proceeds of the tax on incomes available for educational purposes under chapter seventy of the General Laws, of the sum of twelve thousand four hundred and fifty dollars, being the amount, in addition to the sums already received, which the town would have received in nineteen hundred and thirty-one and nineteen hundred and thirty-two under authority of said chapter seventy, except for errors in the claims for reimbursement filed with said department.

Approved April 27, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPART-
MENT OF PUBLIC WORKS RELATIVE TO A STATE HIGHWAY
BETWEEN THE CITIES OF LOWELL AND BOSTON. *Chap. 17*

Resolved, That the department of public works is hereby authorized and directed to investigate the advisability, feasi-

bility, most satisfactory route and estimated cost of laying out and constructing a state highway between the cities of Lowell and Boston, to accommodate as many lanes of traffic as may appear necessary. The department shall especially consider the expediency of laying out such a highway substantially along the location of the old Middlesex turnpike, so called, from East Lexington and through the towns of Burlington, Billerica and Chelmsford, including a new bridge over the Concord river in said town of Billerica. The department shall report to the general court the results of its investigation, and its recommendations, if any, together with drafts of legislation necessary to give effect to such recommendations, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year, and shall at the same time file a copy thereof with the budget commissioner. Nothing herein shall be construed to prevent the department from constructing before said date all or any part of such state highway if it deems such action advisable. *Approved May 10, 1934.*

Chap. 18

RESOLVE IN FAVOR OF THE TOWN OF MANSFIELD.

Resolved, That the department of education is hereby authorized to approve the payment to the town of Mansfield, out of that part of the proceeds of the tax on incomes available for educational purposes under chapter seventy of the General Laws, of the sum of seventy-six hundred and sixty dollars, being the amount, in addition to the sums already received, which the town would have received in nineteen hundred and thirty-one and in nineteen hundred and thirty-two, under authority of said chapter seventy, except for errors in the claims for reimbursement filed with said department. *Approved May 16, 1934.*

Chap. 19

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE ADVISABILITY OF WIDENING AND DEEPENING SHIRLEY GUT IN BOSTON HARBOR.

Resolved, That the department of public works is hereby authorized and directed to investigate the advisability of widening and deepening Shirley Gut in Boston Harbor between Winthrop and Deer Island as proposed in current house document numbered seven hundred and eighty-nine. Said department shall report to the general court the results of its investigation, and its recommendations, if any, by filing the same with the clerk of the house of representatives on or before December first in the current year.

Approved May 16, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL AS TO ACTIONS FOR LIBEL, AS TO SPECIAL JURIES, AS TO THE ATTACHMENT ON MESNE PROCESS IN CIVIL ACTIONS OF MOTOR VEHICLES REGISTERED UNDER THE LAWS OF THE COMMONWEALTH, AS TO COSTS IN CERTAIN CIVIL ACTIONS AND AS TO PERMITTING CONTRIBUTION BETWEEN NEGLIGENT CO-TORTFEASORS. *Chap. 20*

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered four hundred and twenty-nine, relative to actions for libel, the subject matter of current house document numbered seven hundred and ninety-one, relative to special juries, the subject matter of current senate document numbered one hundred and two, relative to the attachment on mesne process in civil actions of motor vehicles registered under the laws of the commonwealth, the subject matter of current senate document numbered one hundred and three, relative to costs in civil actions, and the subject matter of current house document numbered nine hundred and ninety-three, relative to permitting contribution between negligent co-tortfeasors; and to include its conclusions and recommendations in relation thereto, with drafts of such legislation as may be necessary to give effect to the same, in its annual report for the current year. *Approved May 16, 1934.*

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO A PUBLIC HIGHWAY ON PLUM ISLAND. *Chap. 21*

Resolved, That the department of public works is hereby directed to study and investigate the advisability, feasibility and probable cost of constructing a public highway on Plum Island in the city of Newburyport and the towns of Newbury, Rowley and Ipswich. Said department shall report to the general court the results of its study and investigation, and its recommendations, if any, together with drafts of legislation necessary for carrying such recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year. *Approved May 17, 1934.*

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DIVISION OF METROPOLITAN PLANNING RELATIVE TO THE ADVISABILITY OF EXTENDING THE CAMBRIDGE SUBWAY TO ARLINGTON AND THE RAPID TRANSIT SYSTEM OF THE BOSTON ELEVATED RAILWAY COMPANY FROM LECHMERE SQUARE IN CAMBRIDGE THROUGH SOMERVILLE TO ARLINGTON. *Chap. 22*

Resolved, That the division of metropolitan planning of the metropolitan district commission is hereby authorized and directed to investigate the advisability of extending the

Cambridge subway to the town of Arlington and of extending the rapid transit lines of the Boston Elevated Railway Company from Lechmere square in the city of Cambridge through Davis square in the city of Somerville to said town of Arlington. Said division shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of such legislation as may be necessary to carry its recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year.

Approved May 23, 1934.

Chap. 23

RESOLVE IN FAVOR OF JOHN B. ARONNE OF MILTON.

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth in the premises, and after an appropriation has been made therefor, there be allowed and paid out of the treasury of the commonwealth to John B. Aronne, of Milton, the sum of one hundred and sixty-five dollars on account of injuries sustained by him while operating an addressing machine in the department of education at the state house on December thirtieth, nineteen hundred and thirty-two.

(This resolve, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, May 22, 1934, and, in concurrence, by the Senate, May 29, 1934, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

Chap. 24

RESOLVE PROVIDING FOR THE PAYMENT FROM THE STATE TREASURY OF THE BALANCES OF THE ESTATES OF CERTAIN DECEASED PERSONS WHICH HAVE ESCHEATED TO THE COMMONWEALTH.

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth, under the direction of the attorney general, to the heirs at law or next of kin, or their legal representatives, of each of the deceased persons hereinafter named, such sum as may be found by the attorney general to have been paid into said treasury as the balance of the assets belonging to the estate of said deceased person, under the provisions of section ten of chapter one hundred and ninety-four of the General Laws, notwithstanding the expiration of the time limited by said section for the recovery of such sum:

Name of Deceased Person.	Date and Place of Death So Far as Known.
Abigail T. Brightman	In the early part of 1925, in New Bedford, Mass.
Riza Ahmeti	In 1917.
Juozas Kamarauskas, also known as Joseph Kamaraukas June 29, 1914.

Approved June 7, 1934.

RESOLVE EXTENDING THE AUTHORITY OF THE COMMISSION ON INTERSTATE COMPACTS AFFECTING LABOR AND INDUSTRIES. Chap. 25

Resolved, That the commission established by chapter forty-four of the resolves of nineteen hundred and thirty-three shall hereafter be known as the Commission on Interstate Compacts affecting Labor and Industries. It shall have authority to meet or negotiate, in such manner as circumstances may require, with commissions or representatives appointed or designated for the purposes specified in said chapter forty-four, by the states named therein, to formulate through such meetings and negotiations a compact or compacts intended to establish substantially uniform wages, hours of labor and conditions and standards of employment within such states as shall become parties thereto, and to make recommendations regarding such compacts to the general court. The commission is also authorized to undertake and conduct similar negotiations and to meet with commissions or representatives appointed for similar purposes by such states, in addition to those named in said chapter forty-four, as may desire to join in said compact or compacts, and to formulate compacts with such states.

The commission shall continue to report to the general court on December first of each year of its existence, and also whenever it shall have succeeded in securing the adoption of a compact by commissions or persons representing five states in addition to this commonwealth. For the continuation of its work, and the further negotiations authorized by this resolve, said commission may expend such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated therefor.

Approved June 12, 1934.

RESOLVE IN FAVOR OF CHARLES PEMBLETON OF NOVA SCOTIA. Chap. 26

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth in the premises, and after an appropriation has been made therefor, there be paid out of the treasury of the commonwealth to Charles Pembleton of Nova Scotia a sum not exceeding eighty-five dollars, to compensate him and members of his family for personal injuries sustained by them on August thirty-first, nineteen hundred and thirty-one, by reason of the running away of a horse owned by the One Hundred and Tenth Cavalry, Massachusetts National Guard.

(The foregoing was laid before the governor on the sixth day of June, 1934, 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. 27* RESOLVE RELATIVE TO THE CLAIM OF NAPOLEON BENOIT OF BELCHERTOWN FOR DAMAGES IN CONNECTION WITH THE RELEASE OF SEWAGE FROM THE BELCHERTOWN STATE SCHOOL SEWAGE DISPOSAL BEDS.

Resolved, That the attorney general is hereby authorized and directed to investigate the claim of Napoleon Benoit of Belchertown against the commonwealth, referred to in current house document numbered six hundred and sixty-five, and to find the facts in relation thereto and the amount of damages, if any, sustained. The attorney general shall report to the general court the results of his investigation, and his recommendations, if any, together with drafts of legislation necessary for carrying said recommendations into effect by filing the same with the clerk of the house of representatives on or before December first in the current year.

Approved June 13, 1934.

- Chap. 28* RESOLVE IN FAVOR OF THE CHILDREN OF WILLIAM P. HOGAN.

Resolved, That, for the purpose of discharging a moral obligation, there be paid from the treasury of the commonwealth to the guardian of the dependent minor children of William P. Hogan, who was killed at West Acton, July eighth, nineteen hundred and twenty-three, while in the performance of his duty as a member of the one hundred and first field artillery of the state military forces, annually for the further term of three years, the sum of one thousand dollars. All sums so paid shall be expended by said guardian for the maintenance and education of said children.

(The foregoing was laid before the governor on the eighth day of June, 1934, 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. 29* RESOLVE IN FAVOR OF HARRY A. PATTISON OF COHASSET.

Resolved, That, for the purpose of discharging a moral obligation and after an appropriation has been made therefor, there be allowed and paid out of the treasury of the commonwealth to Harry A. Pattison, of Cohasset, the sum of thirty-eight hundred ninety-one dollars and thirty cents to compensate him for damages to certain lobsters owned by him and located in Cohasset harbor, caused by the flow of fresh water into said harbor in connection with certain reclamation projects undertaken by the state reclamation board.

(This resolve, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, June 19, 1934, and, in concurrence, by the Senate, June 20,

1934, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC UTILITIES RELATIVE TO THE DEDHAM AND HYDE PARK GAS AND ELECTRIC LIGHT COMPANY AND THE BOSTON CONSOLIDATED GAS COMPANY.

Chap. 30

Resolved, That the department of public utilities is hereby authorized and directed to investigate the advisability and means of consolidating the Dedham and Hyde Park Gas and Electric Light Company with the Boston Consolidated Gas Company, or effecting such a reorganization of said Dedham and Hyde Park Gas and Electric Light Company that the whole or part of the territory now served by it would be served by said Boston Consolidated Gas Company. Said department shall report to the general court the results of its investigations, and its recommendations, if any, together with drafts of legislation necessary to carry the same into effect by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 23, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS OF THE ADVISABILITY OF CONSTRUCTING CERTAIN TRAFFIC IMPROVEMENTS IN BOSTON, CAMBRIDGE AND EVERETT.

Chap. 31

Resolved, That the department of public works is hereby authorized and directed to investigate the advisability of improving highway conditions by the construction of traffic improvements as follows:—

(a) A traffic circle with or without an overpass at the intersection of Bridge street and Commercial avenue in the city of Cambridge near the Cambridge end of the Charles river dam.

(b) A traffic circle at the intersection of West Roxbury parkway and Centre street in the city of Boston.

(c) An overpass carrying the Revere Beach parkway over Broadway and Main street or a by-pass and/or traffic circles in the city of Everett.

Said department shall determine, as to each of said projects the carrying out of which is deemed by it advisable, (1) the probable cost; (2) how the cost of construction and of land takings, if any, should be apportioned; and (3) by whom the traffic improvements should be maintained when constructed. Said department shall report to the general court its findings and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect by filing the same with the clerk of the house of representatives on or before December first in the current year, and shall at the same time file a copy thereof with the budget commissioner.

Approved June 23, 1934.

Chap. 32 RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE IMPROVEMENT OF THE SANITARY CONDITION OF LAKE QUINSIGAMOND AND THE WATERSHED OF SAID LAKE.

Resolved, That the department of public health and the department of public works, acting as a joint board, are hereby authorized and directed to investigate the matter of improving the sanitary condition of Lake Quinsigamond in the city of Worcester and the town of Shrewsbury and of the tributaries thereto in said city and the towns of Shrewsbury, Boylston and West Boylston. Said joint board shall determine whether said lake, because of pollution, is injurious to the public health and whether any source of pollution creates a public nuisance in said lake or its tributaries; shall consider the question of drawing down said lake and the effect, if any, upon its sanitary condition, of exposing extensive areas of flats along its shore line, and in this connection said joint board shall determine, with the advice of the attorney general, the proper lawful low-water mark of said lake and all water rights in said lake; and shall also consider the question of the growth of microscopic organisms in said lake and methods of relieving it of such growths. Said board shall make such surveys as may be necessary to determine the sources of pollution and the capacity of said lake. For the purpose of making an examination of the amount and character of any sewage and wastes discharged from the watershed of said lake any member or agent of said board may at any reasonable time enter upon any premises situated within said watershed, and shall have access to all plans and maps of said lake and of sewers within the watershed thereof which are on file in the offices of the several municipalities, any portion of whose territory lies within the area draining into said lake. For the purposes of this resolve, said joint board may expend such sum, not exceeding forty-five hundred dollars, as may hereafter be appropriated, of which one third shall be assessed, collected and paid over to the state treasurer by the city of Worcester in the same manner and at the same time as state taxes, and one third shall be assessed, collected and paid over to the state treasurer by the town of Shrewsbury in the same manner and at the same time as state taxes. Said joint board shall report to the general court its findings and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect and estimates of the probable cost of any improvements recommended by it, including the apportionment of such cost, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year, and shall at the same time file a copy thereof with the budget commissioner.

Approved June 23, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO EXTENDING THE EXISTING STATE HIGHWAY ACROSS CHELSEA CREEK BETWEEN BOSTON AND CHELSEA. *Chap. 33*

Resolved, That the department of public works is hereby authorized and directed to investigate the subject matter of current house document numbered twelve hundred and forty-five, relative to extending the existing state highway across Chelsea creek, so called, between the cities of Boston and Chelsea, at or near the location of the present Chelsea street bridge. Said department shall report to the general court the results of its investigation and its recommendations, if any, together with drafts of legislation necessary for carrying such recommendations into effect, by filing the same with the clerk of the senate on or before the first Wednesday of December in the current year, and shall at the same time file a copy thereof with the budget commissioner.

Approved June 23, 1934.

RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION ESTABLISHED TO MAKE AN INVESTIGATION OF THE ADVISABILITY OF LICENSING CONTRACTORS AND BUILDERS AND RELATIVE TO CERTAIN MATTERS RELATING TO CONTRACTS FOR AND THE EMPLOYMENT OF PERSONS ON PUBLIC WORKS. *Chap. 34*

Resolved, That the special commission, established by chapter thirty-three of the resolves of nineteen hundred and thirty-three, is hereby revived and shall continue the investigation of the advisability of licensing contractors and builders and relative to certain matters relating to contracts for and the employment of persons on public works, provided for by said chapter thirty-three. Said commission shall further report to the general court the results of its investigation thereunder and hereunder and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before December first in the current year.

Approved June 23, 1934.

RESOLVE TO VALIDATE THE ACTS OF KATHERINE W. SHEEHAN OF BOSTON AS A NOTARY PUBLIC. *Chap. 35*

Resolved, That the acts of Katherine W. Sheehan of Boston as a notary public, from March sixteenth, nineteen hundred and twenty-seven, to June first, nineteen hundred and thirty-four, inclusive, are hereby confirmed and made valid to the same extent as if during said time she had been qualified to discharge the duties of said office.

Approved June 23, 1934.

Chap. 36 RESOLVE VALIDATING THE ACTS OF WILLIAM E. CLAPP OF BROOKLINE AS A NOTARY PUBLIC.

Resolved, That the acts of William E. Clapp of Brookline as a notary public, between March third and June twentieth in the current year, both dates inclusive, are hereby confirmed and made valid to the same extent as if during said time he had been qualified to discharge the duties of the said office.

Approved June 23, 1934.

Chap. 37 RESOLVE IN FAVOR OF THE HEIRS AT LAW AND NEXT OF KIN OF MARIA NEVILLE.

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth, under the direction of the attorney general, to the heirs at law or next of kin of Maria Neville, sometimes called Maria Smith, who died in the city of Fall River on November first, nineteen hundred and twenty-one, or to their lawful representatives, such sum as may be found by the attorney general to have been paid into said treasury as the balance of the assets belonging to the estate of said deceased person, under the provisions of section ten of chapter one hundred and ninety-four of the General Laws, notwithstanding the expiration of the time limited by said section for the recovery of such sum.

Approved June 23, 1934.

Chap. 38 RESOLVE IN FAVOR OF THE HEIRS OR NEXT OF KIN OF THE LATE ALBERT L. BARTLETT.

Resolved, That, for the purpose of promoting the public good and in consideration of his meritorious service in the general court of this commonwealth, there be allowed and paid out of the treasury of the commonwealth to the heirs or next of kin of the late Albert L. Bartlett, who died while a member of the present house of representatives, the balance of the salary to which he would have been entitled had he lived and served until the end of the current session.

Approved June 23, 1934.

Chap. 39 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE MATTER OF PREVENTING DISCRIMINATION AGAINST CERTAIN PERSONS IN EMPLOYMENT ON ACCOUNT OF THEIR AGE AND RELATIVE TO OLD AGE ASSISTANCE, SO CALLED, AND CERTAIN RELATED MATTERS.

Resolved, That a special unpaid commission, to consist of one member of the senate to be designated by the president thereof, three members of the house of representatives to be designated by the speaker thereof, and three persons to be appointed by the governor, is hereby established to investigate and study the causes of the tendency toward discrimi-

nation by industry and business against persons in employment who have reached a certain age in early middle life, and to make such studies within the spirit of this resolve as shall be helpful in abolishing such discrimination and in eventually placing this class of persons again in employment in industry and business to the end that they may be self supporting, thereby preventing the possibility of their becoming public charges with the consequent problem of providing additional taxation, as set forth in current house document numbered three hundred and eighty-five. In making said investigation, said commission shall also consider the subject matter of current house document numbered seven hundred and eighty-four. Said commission is hereby further authorized and directed to investigate the subject matter of current house documents numbered two hundred and seven, three hundred and twenty-five, three hundred and twenty-six, three hundred and eighty-nine, four hundred and thirty-nine, five hundred and seven, six hundred and twenty-seven, six hundred and sixty-four, seven hundred and forty-nine, seven hundred and fifty, eight hundred and eighty-four, ten hundred and forty-four and eleven hundred and forty-six, relative to the granting of adequate assistance to certain aged citizens of the commonwealth, and certain related matters. Said commission shall hold hearings, shall be provided with quarters in the state house or elsewhere and shall avail itself of the services of the actuarial staff of the division of insurance for such actuarial assistance as it may need in the course of its investigation. Said commission shall have the power to summon witnesses, require the production of books, records, contracts and papers, and require the giving of testimony under oath. Said commission may expend for expenses and legal, clerical and other assistance such sums, not exceeding, in the aggregate, three thousand dollars, as may hereafter be appropriated. Said commission shall report to the general court the results of its investigations and its recommendations, if any, together with drafts of legislation necessary to carry said recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the current year.

Approved June 25, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DIVISION OF METROPOLITAN PLANNING RELATIVE TO THE ADVISABILITY OF EXTENDING THE RAPID TRANSIT SYSTEM IN THE CITY OF BOSTON FROM THE FOREST HILLS STATION TO THE DEDHAM LINE AND TO SPRING STREET IN THE WEST ROXBURY DISTRICT.

Chap. 40

Resolved, That the division of metropolitan planning of the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current senate document numbered two hundred and twenty-seven relative to the extension of the rapid transit system in the city of

Boston from the Forest Hills station to the Dedham line, and the subject matter of current house document numbered fifteen hundred and thirty-two relative to the extension of the rapid transit system in said city to Spring street in the West Roxbury district. Said division shall report to the general court the results of its investigation, including estimates of cost and also its recommendations, if any, together with drafts of such legislation as may be necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before December first in the current year.

Approved June 25, 1934.

Chap. 41 RESOLVE AUTHORIZING THE TRUSTEES OF THE SOLDIERS' HOME IN MASSACHUSETTS TO ENTER INTO CONTRACTS FOR THE CONSTRUCTION AND EQUIPMENT OF A DORMITORY BUILDING AND FOR OTHER IMPROVEMENTS AT SAID HOME.

Whereas, A contract has been entered into by the commonwealth and the Federal Public Works Administration providing that the commonwealth shall construct a dormitory building at the Soldiers' Home in Massachusetts to replace the existing frame dormitory and that the federal government shall contribute a part of the cost of such construction; and

Whereas, Plans and specifications for the said building have been prepared and have been approved by the Emergency Public Works Commission and the engineer of the Federal Public Works Administration; and

Whereas, The trustees of said Home have requested that funds be made available for the improvement of the heating and electric power facilities of said Home; and

Whereas, For many years the said Home has been supported and maintained by the commonwealth, assisted by moneys contributed by the United States government, and said Home is to become a state institution on December first, nineteen hundred and thirty-four, pursuant to the provisions of chapter four hundred and fifty-two of the acts of nineteen hundred and thirty-one; therefore, be it

Resolved, (1) That the said trustees of the Soldiers' Home in Massachusetts be and they are hereby authorized and empowered, subject to the approval of the Emergency Public Works Commission, to enter into one or more contracts in the name and behalf of the commonwealth for the construction of a new dormitory building at said Home, including the demolition of the existing frame building which is to be replaced by such new dormitory, and for the original equipment of such new dormitory building, for the payment of compensation in connection therewith to architects and engineers and for any other incidental expenses in connection therewith, and to completely construct and originally equip said building.

(2) That said trustees are hereby further authorized and empowered, subject to like approval, and only if said project

is approved by the Federal Public Works Administration, to enter into one or more contracts, in the name and behalf of the commonwealth, for the improvement of the heating and electric power facilities of said Home, for the payment of compensation in connection therewith to architects and engineers and for any other incidental expenses in connection therewith, and to complete all construction and the installation of all original equipment involved in the improvement of the said heating and power facilities. All vouchers covering expenditures authorized by paragraphs (1) and (2) hereof shall be approved by said trustees, and shall be filed with the comptroller and paid by the commonwealth.

(3) That said trustees may complete the work authorized by this resolve, and shall have full charge and control of all such construction and original equipment until the same is fully completed and installed, notwithstanding any provisions of chapter four hundred and fifty-two of the acts of nineteen hundred and thirty-one.

Approved June 25, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO UNEMPLOYMENT INSURANCE, RESERVES AND BENEFITS.

Chap. 42

Whereas, The General Court of Massachusetts firmly believes that suffering from unemployment must be minimized by providing adequate safeguards; and

Whereas, It is generally recognized that such safeguards, if adopted by one state alone, would penalize both the industry and the workers of that state; and

Whereas, It is improbable that the federal government will enact mandatory legislation during the current year to which the various states must conform; and

Whereas, There are now pending before said general court various measures proposing unemployment insurance, unemployment reserves and unemployment benefits as evidenced by current house documents numbered eleven hundred and sixteen, eleven hundred and eighty-seven, thirteen hundred and one and fifteen hundred and ninety-five; therefore be it

Resolved, That a special commission, to consist of one member of the senate to be designated by the president thereof and three members of the house of representatives to be designated by the speaker thereof and three persons to be appointed by the governor, with the advice and consent of the council, is hereby authorized to continue the investigation and study of the subjects of unemployment insurance, unemployment reserves and unemployment benefits, and particularly the subject matter of said house documents, with a view to determining the plan best suited for adoption in this commonwealth as a safeguard against unemployment. Said commission may expend for expenses and clerical and

other assistance such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may hereafter be appropriated, and shall report to the general court the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary for carrying said recommendations into effect, by filing the same with the clerk of the house of representatives on or before December first in the current year.

Approved June 27, 1934.

Chap. 43 RESOLVE IN FAVOR OF THE WIDOW OF HARRY W. WELCH.

Resolved, That, for the purpose of promoting the public good and subject to appropriation, there be allowed and paid out of the treasury of the commonwealth an annuity of three hundred dollars to the widow of Harry W. Welch, late of Cambridge, who was granted an annuity by the commonwealth on account of injuries sustained by him while on duty as a member of company D, first regiment infantry, Massachusetts volunteer militia, at the annual muster of the regiment in the year eighteen hundred and ninety-seven. The annuity hereby granted shall be payable to said widow in equal quarterly instalments, beginning as of January first, nineteen hundred and thirty-four, and shall cease upon her death or remarriage.

(This resolve, returned by the governor to the House of Representatives, the branch in which it originated, with his objections thereto, was passed by the House of Representatives, June 28, 1934, and, in concurrence, by the Senate, June 28, 1934, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

Chap. 44 RESOLVE REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRIES TO FURTHER REGULATE THE GRANITE INDUSTRY, SO CALLED.

Resolved, That the department of labor and industries is hereby directed, as soon as may be, to investigate employments and places of employment in the granite or silicious industry in the commonwealth to determine what suitable safety devices or other reasonable means or requirements for the prevention of accidents shall be adopted or followed in any or all such employments or places of employment; and also to determine what suitable devices or other reasonable means or requirements for the prevention of industrial or occupational diseases in said industry shall be adopted or followed in any or all such employments or places of employment; and to make reasonable rules, regulations and orders applicable to all persons engaged in said industry for the prevention of accidents and the prevention of industrial or occupational diseases therein.

Approved June 29, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO CERTAIN PROPOSED TRAFFIC ROUTES IN THE METROPOLITAN DISTRICT. *Chap. 45*

Resolved, That the department of public works is hereby authorized and directed to consider and investigate the location, construction cost and desirability of the following proposed highway projects in the metropolitan district:

(a) A route beginning at the Quincy shore drive near its intersection with East Squantum street in Quincy to the junction of the Old Colony boulevard and Freeport street in Boston, including a suitable bridge over the Neponset river; or any suitable substitute for said route;

(b) A route beginning at the southerly end of the Quincy Shore drive at Sea street, extending southwesterly across the marshes to the Southern artery; and

(c) A circle or grade separation at the intersection of the Arborway and Washington street in the Forest Hills section of Boston.

Said department shall report to the general court its findings and recommendations, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives not later than the first Wednesday of December in the current year, and shall at the same time file a copy of said report with the budget commissioner.

Approved June 29, 1934.

RESOLVE DESIGNATING A PORTION OF THE BROOK FARM PARKWAY OR TRAFFIC ROUTE, SO CALLED, IN THE CITY OF BOSTON AS THE VETERANS OF FOREIGN WARS PARKWAY. *Chap. 46*

Resolved, That so much of the Brook Farm parkway or traffic route as is located in the Roslindale and West Roxbury districts in the city of Boston be named the Veterans of Foreign Wars parkway, and that the metropolitan district commission is hereby authorized and directed to take appropriate action in accordance herewith.

Approved June 29, 1934.

RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE PROTECTION OF PROPERTY ALONG THE WATERFRONT IN THE BEACHMONT SECTION OF THE CITY OF REVERE. *Chap. 47*

Resolved, That the department of public works and the metropolitan district commission, acting as a joint board, are hereby authorized and directed to investigate the conditions causing the erosion of the shore and the flooding of adjacent property along the waterfront in the Beachmont section of the city of Revere with a view to determining the best means of relieving or improving said conditions by the construction of breakwaters, sea walls or other shore protection, or other-

wise. In this connection said board shall consider the subject matter of current house documents numbered two hundred and eighty and five hundred and sixty. Said board shall report to the general court the results of its investigation and its recommendations, if any, with plans and estimates and manner of apportionment of the cost of any work or improvements recommended by it, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday in December in the current year, and shall at the same time file a copy of said report with the budget commissioner.

Approved June 29, 1934.

Chap. 48 RESOLVE AUTHORIZING THE BOSTON PORT AUTHORITY AND THE STATE COMMISSIONER OF PUBLIC WORKS TO INVESTIGATE RELATIVE TO THE DESIRABILITY OF ESTABLISHING A FREE PORT IN THE PORT OF BOSTON, TO STUDY THE PROVISIONS OF CERTAIN FEDERAL LEGISLATION RELATIVE TO FOREIGN TRADE ZONES IN PORTS OF ENTRY OF THE UNITED STATES AND CERTAIN OTHER RELATED MATTERS.

Resolved, That the Boston Port Authority and the state commissioner of public works, acting jointly, are hereby authorized to investigate the desirability of establishing a free port in the port of Boston, to study the provisions of the recent Act of Congress entitled "An Act to provide for the establishment, operation and maintenance of foreign trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", to study possible sites for such a zone or zones in the port of Boston, and to make such other pertinent studies as the said Boston Port Authority and said commissioner may deem advisable. For the purposes of this resolve, the said Boston Port Authority and said commissioner, acting jointly as aforesaid may expend for expert and clerical assistance and other expenses, including travel within the United States, such sums, not exceeding five thousand dollars, as may hereafter be appropriated therefor.

Approved June 30, 1934.

Chap. 49 RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE SEWAGE PROBLEM IN THE SOUTH ESSEX SEWERAGE DISTRICT.

Resolved, That the department of public health and the department of public works, acting as a joint board, are hereby authorized and directed to investigate the sewage problem in the South Essex sewerage district, with special reference to the conditions existing in the waters of the Danvers river, Salem harbor, Beverly harbor and adjacent waters, with a view to determining whether and to what extent it may be necessary or desirable to change the present

method of treatment or disposal of said sewage, and to determining ways and means of preventing the accumulation of grease in and upon said waters and upon the shores of the cities of Salem and Beverly and the town of Danvers caused by the discharge of the said sewage and by the discharge of waste from manufacturing establishments, or otherwise. Said board shall also consider, in consultation with the attorney general, the advisability of filling in the North river canal and constructing along the line thereof a pipe line for the purpose only of carrying off the surface water that now is discharged into said canal. For the purpose of this resolve, said board may expend such sums, not exceeding, in the aggregate, three thousand dollars, as may hereafter be appropriated therefor, of which two thirds shall be assessed upon the cities and towns comprising the said district in the same proportions as other expenses of said district are assessed, and shall be collected and paid over to the state treasurer in the same manner and at the same time as state taxes. Said board shall report to the general court its findings and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect, by filing the same with the clerk of the house of representatives on or before the first Wednesday of December in the current year.

Approved June 30, 1934.

THE COMMONWEALTH OF MASSACHUSETTS

OFFICE OF THE SECRETARY,

BOSTON, October 15, 1934.

Petition filed
requesting
referendum on
chapter 275,
Acts of 1934.

Pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, "The Referendum. III. Referendum Petitions. Section 4", (Article 97 of the Rearrangement of the Constitution), a petition was filed in this office July 3, 1934, by the required number of qualified voters, asking for a referendum on Chapter 275, Acts of 1934, entitled, "An Act further regulating the use of traps and other devices for the capture of fur-bearing animals and providing for local option thereon", approved July 13, 1934, and requesting that said law be repealed.

Submission
to people.

Said petition was completed by the filing in this office September 6, 1934, of more than a sufficient number (14,002) of subsequent signatures of qualified voters of the Commonwealth. Said law will be submitted to the people at the state election November 6, 1934, for their approval or disapproval.

FREDERIC W. COOK,

Secretary of the Commonwealth.

NUMBER OF ACTS AND RESOLVES APPROVED,
APPROVAL WITHHELD, LIST OF ACTS VETOED
BY THE GOVERNOR AND PASSED OVER HIS
VETO AND ACTS DECLARED EMERGENCY
LAWS BY THE GOVERNOR UNDER AUTHORITY
OF THE CONSTITUTION.

The general court, during its second annual session held in 1934, passed 381 Acts and 44 Resolves, which received executive approval, and 3 Acts and 2 Resolves from which executive approval was withheld but have become law by virtue of chapter 1, section 1, Article 2 of the Constitution of the Commonwealth.

The governor returned 15 Acts and 6 Resolves with his objections thereto in writing. Upon 12 of said Acts and 3 of said Resolves his objections were sustained.

Three (3) Acts entitled, respectively, "An Act authorizing public relief and support notwithstanding the ownership of certain life insurance policies" (Chapter 124); "An Act authorizing the county of Hampden to provide a pension for the widow of Merritt W. Hayden" (Chapter 273) and "An Act authorizing the county of Middlesex to pay for medical attendance and hospital care on account of injuries sustained by Albert A. Waitt while employed at the house of correction in the town of Billerica" (Chapter 337); and two (2) Resolves entitled, respectively, "Resolve in favor of Charles Pembleton of Nova Scotia" (Chapter 26) and "Resolve in favor of the children of William P. Hogan (Chapter 28) were passed, but failed to receive executive approval; as, however, they were not returned, with objections thereto, within five days after they had been received in the executive department, the general court not having been prorogued in the meantime, said acts and resolves have the force of law, under the provisions of the Constitution governing such cases, and have been so certified.

Twelve (12) Acts entitled, respectively, "An Act repealing certain restrictions relative to the sale of intoxicating liquor near the Nantasket Beach reservation"; "An Act authorizing the University of Massachusetts Incorporated to grant the Degree of Bachelor of Science"; "An Act to increase the pension of Daniel C. McKenzie"; "An Act making appropriations for the maintenance of departments, boards, commissions, institutions and certain activities of the commonwealth, for interest, sinking fund and serial bond requirements, and for certain permanent improvements" in which act two sections and the amounts contained therein were disapproved; "An Act relative to the termination of liability of sureties on bonds furnished by public warehousemen"; "An Act exempting veterans of the war with Spain, the Philippine Insurrection and the China Relief Expedition from

certain requirements of the civil service laws"; "An Act providing for the construction of a certain beach on the Malden river in the city of Everett and the construction and maintenance of a bath house thereat"; "An Act authorizing and directing the city of Fall River to reimburse Marcus E. Wordell of Fall River"; "An Act authorizing the town of Ludlow to refund certain sewer assessments"; "An Act establishing a board of registration of hairdressers and regulating the occupation of hairdressing"; "An Act reducing the hours of labor of employees in state and county penal and reformatory institutions"; "An Act further regulating the manufacture and sale of articles of bedding and articles of upholstered furniture"; and three (3) Resolves entitled, respectively, "Resolve in favor of Virgil A. Miller of Sheffield"; "Resolve in favor of Charles A. Smith of Millis" and "Resolve in favor of Arthur W. Newcomb and others of Quincy" were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, and the vote being taken on their passage, the objections of the governor thereto notwithstanding, they were rejected, and said acts, sections and resolves thereby became void.

Three (3) Acts entitled, respectively, "An Act authorizing the city of Malden to pension Charles E. Bullard" (Chapter 222); "An Act authorizing the city of Malden to pension John Cullen" (Chapter 223); "An Act providing for the reinstatement in the police force of the metropolitan district commission of William J. Dunphy" (Chapter 311) and three (3) Resolves entitled, respectively, "Resolve in favor of John B. Aronne of Milton" (Chapter 23); "Resolve in favor of Harry A. Pattison of Cohasset" (Chapter 29) and "Resolve in favor of the widow of Harry W. Welch" (Chapter 43) were passed and laid before the governor for his approval; were returned by him with his objections thereto, to the branch in which they respectively originated; were reconsidered, agreeably to the provisions of the constitution, and the vote being taken on their passage, the objections of the governor thereto notwithstanding, they were passed, and said acts and resolves have thereby the force of law.

Two (2) Acts entitled, respectively, "An Act providing for the construction of an additional breakwater in the town of Winthrop" (Chapter 286) and "An Act creating a milk control board and defining its powers and duties" (Chapter 376) were declared to be emergency laws by the governor in accordance with the provisions of the forty-eighth amendment to the Constitution "The Referendum. II. Emergency Measures". Said Chapter 286 thereby took effect at 4.22 P.M. on June 13, 1934, and said Chapter 376 at 4.07 P.M. on July 3, 1934.

The general court was prorogued on Saturday, June 30, 1934, at fourteen minutes past four o'clock A.M., the session having occupied 179 days.

APPENDIX

The following table and the index to the Acts and Resolves of the current year have been prepared by WILLIAM E. DORMAN, Esq., and HENRY D. WIGGIN, Esq., counsel, respectively, to the Senate and House of Representatives, in accordance with section fifty-one of chapter three of the General Laws.

T A B L E

SHOWING

TO WHAT EXTENT THE GENERAL LAWS OF THE
COMMONWEALTH, AS APPEARING IN THE TER-
CENTENARY EDITION, HAVE BEEN AFFECT-
ED BY LEGISLATION ENACTED BY THE
GENERAL COURT SINCE JANUARY
FIRST, NINETEEN HUNDRED
AND THIRTY-TWO.*

Chapter 1. — Jurisdiction of the Commonwealth and of the United States.

Act granting to United States all rights of the commonwealth in and to great ponds within Fort Devens Military Reservation, and ceding jurisdiction over such ponds and certain other lands, 1933, 290.

SECT. 3 revised, 1933, 278 § 1.

Chapter 3. — The General Court.

SECTS. 12 and 13. For legislation establishing the salaries of the present clerk and assistant clerk of the senate, see 1932, 181.

Chapter 4. — Statutes.

SECT. 7, clause Eighteenth amended, 1934, 283. [See 1933, 260 (submitting to the voters of Suffolk county the question of making June 17th a legal holiday in said county).]

Chapter 5. — Printing and Distribution of Laws and Public Documents.

As to the distribution of the Tercentenary Edition of the General Laws, see 1932, Resolve 53; 1933, Resolve 19.

SECT. 1, last paragraph revised, 1932, 254.

SECT. 9 amended, 1933, 245 § 1.

Chapter 6. — The Governor, Lieutenant Governor and Council, Certain Officers under the Governor and Council, and State Library.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49, 104.

For temporary legislation establishing the emergency public works commission, and defining its powers and duties, see 1933, 365, as affected by 1933, 368.

SECT. 12B added, 1932, 14 (relative to the observance of the anniversary of the death of Brigadier General Casimir Pulaski).

SECT. 12C added, 1932, 153 (relative to the observance of the anniversary of the battle of Bunker Hill). (See 1933, 260.)

* For table showing changes in legislation made during the years 1921 to 1931, inclusive, see Table of Changes contained in pages 485-597 of the Acts and Resolves of 1932.

SECT. 12D added, 1932, 242 (relative to the observance of the anniversary of the Boston Massacre, etc.).

SECT. 12E added, 1934, 191 (relative to the observance of the anniversary of the death of Commodore John Barry).

SECT. 17 amended, 1932, 305 § 1; 1933, 120 § 1; 336 § 1; 1934, 374 § 1. (See 1933, 336 § 3.)

SECT. 28A amended, 1934, 208 § 1.

SECT. 28E added, 1934, 208 § 2 (relative to the dissemination of information concerning the public bequest fund).

SECT. 42 added, under caption "MILK REGULATION BOARD", 1932, 305 § 2.

SECTS. 43-45 added, 1933, 120 § 2 (relative to the alcoholic beverages control commission).

SECT. 43 amended, 1933, 375 § 1.

SECT. 44, first paragraph revised, 1933, 376 § 1.

SECTS. 46 and 47 added, 1933, 336 § 2 (relative to the Greylock reservation commission). (See 1933, 336 § 3.)

SECT. 48 added, under caption "STATE RACING COMMISSION", 1934, 374 § 2.

Chapter 7. — Commission on Administration and Finance.

SECT. 22, clause (17) revised, 1933, 353 § 1.

SECT. 23A added, 1933, 353 § 2 (providing a preference in the purchase of supplies and materials by contractors for certain state work in favor of domestic supplies and materials).

Chapter 8. — Superintendent of Buildings, and State House.

SECT. 10A revised, 1933, 170.

SECT. 17 amended, 1932, 188 § 1; 1933, 199 § 1.

SECT. 18 amended, 1932, 188 § 2; 1933, 199 § 2.

Chapter 9. — Department of the State Secretary.

SECT. 6 amended, 1934, 25 § 1.

SECT. 7 amended, 1934, 25 § 2.

SECT. 9 amended, 1934, 127.

SECT. 15 amended, 1934, 19.

SECT. 17 amended, 1934, 37.

Chapter 10. — Department of the State Treasurer.

For temporary legislation establishing an emergency finance board, and defining its powers and duties, see 1933, 49, 104.

For temporary legislation establishing the emergency public works commission, and defining its powers and duties, see 1933, 365, as affected by 1933, 368.

SECT. 8 amended, 1932, 180 § 1.

Chapter 12. — Department of the Attorney General, and the District Attorneys.

SECT. 2 amended, 1934, 133 § 1. (See 1934, 133 § 2.)

SECT. 3, last sentence amended, 1932, 180 § 2.

SECT. 3B amended, 1933, 318 § 1; 1934, 291 § 1. (See 1933, 318 § 9; 1934, 291 § 6.)

Chapter 13. — Department of Civil Service and Registration.

- SECT. 3 amended, 1932, 180 § 3.
 SECT. 8 amended, 1934, 329.
 SECT. 10 amended, 1932, 8.
 SECT. 17 revised, 1934, 339 § 1.
 SECT. 40 amended, 1933, 149 § 1; two sentences added at end, 1934, 299 § 1. (See 1934, 299 § 2.)

Chapter 18. — Department of Public Welfare.

SECTS. 17 and 18 added, under caption "STATE BOARD OF HOUSING", 1933, 364 § 1 (establishing within the department a state board of housing).

Chapter 19. — Department of Mental Diseases.

Division of examination of prisoners abolished, 1933, 77 § 4.

Chapter 20. — Department of Agriculture.

For temporary legislation establishing within the department a milk control board, and defining its powers and duties, see 1934, 376.

SECT. 4 amended, 1933, 74 § 1; revised, 1934, 340 § 1. (See 1934, 340 § 18.)

SECT. 6 added, 1934, 340 § 2 (experts and assistants in division of livestock disease control). (See 1934, 340 § 18.)

Chapter 21. — Department of Conservation.

SECT. 1 amended, 1934, 340 § 3. (See 1934, 340 § 18.)

SECT. 3 revised, 1933, 75 § 1; amended, 1934, 340 § 4. (See 1934, 340 § 18.)

SECTS. 3A and 3B repealed, 1932, 180 § 4.

SECT. 7 revised, 1933, 329 § 3.

SECT. 7A added, 1934, 173 § 1 (establishing the office of state ornithologist in the division of fisheries and game). (See 1934, 173 § 2.)

SECT. 8A revised, 1933, 329 § 4.

SECTS. 9 and 10 repealed, 1934, 340 § 5. (See 1934, 340 § 18.)

SECT. 11 revised, 1933, 75 § 2.

SECT. 12 revised, 1933, 75 § 3.

Chapter 22. — Department of Public Safety.

SECT. 9C added, 1933, 239 (relative to the uniform of members of the state police).

Chapter 23. — Department of Labor and Industries.

SECT. 3 amended, 1934, 331 § 1.

SECT. 4 amended, 1934, 331 § 2.

Caption before SECTS. 9A-9C changed to "THE MASSACHUSETTS INDUSTRIAL AND DEVELOPMENT COMMISSION", 1932, 99.

SECT. 9A revised, 1932, 99; repealed, 1933, 73.

SECT. 9B repealed, 1933, 73.

SECT. 9C revised, 1932, 187; repealed, 1933, 73.

SECT. 9H revised, 1933, 362.

SECT. 11A (and caption) added, 1934, 331 § 3 (Division of occupational hygiene).

Chapter 25. — Department of Public Utilities.

SECT. 9A added, 1933, 76 § 2 (providing for certain employees serving directly under the commission of the department to perform its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 2.

SECT. 10 amended, 1933, 76 § 3; 1934, 352 § 3.

SECT. 10A added, 1933, 76 § 4 (providing for the apportionment of expenses incurred by the department in the performance of its duties relative to smoke abatement in Boston and vicinity); repealed, 1934, 352 § 4.

SECT. 12B revised, 1932, 290 § 2.

SECTS. 12C-12F repealed, 1933, 76 § 1; new sections 12C-12E added, under caption "DIVISION OF SMOKE INSPECTION", 1934, 352 § 1.

Chapter 26. — Department of Banking and Insurance.

SECT. 8A revised, 1934, 2.

Chapter 27. — Department of Correction.

SECT. 5 revised, 1934, 350 § 1. (See 1934, 350 §§ 2-4.)

Chapter 29. — State Finance.

For temporary legislation as to emergency state financing, see 1933, 49, 104, 307, 341, 365, 367, 368; 1934, 41, 66, 313, 335.

SECT. 31, last sentence amended, 1932, 127 § 2.

SECT. 38, subdivision (*h*) added, 1934, 356.

Chapter 30. — General Provisions Relative to State Departments, Commissions, Officers and Employees.

For temporary act reducing the salary or other compensation of state officers and employees, see 1933, 105, as affected by 1933, 296. For temporary acts providing for restoration of one-third of reduction in salary or other compensation under 1933, 105, as so affected, see 1934, 194; 213 § 1.

Provisions relative to expenses incurred for midday meals by state employees, 1933, 174 § 8; 1934, 162 § 6.

SECT. 39 revised, 1934, 351.

Chapter 31. — Civil Service.

For acts, extending to May 15th, 1935, the existing preference in the classified labor service to persons with dependents, see 1932, 183; 1933, 194; 1934, 243. [For prior legislation, see 1930, 111; 1931, 316.]

SECT. 4, sixth paragraph revised, 1932, 282 § 1. (See 1932, 282 § 4.)

SECT. 6, sentence added at end, 1932, 260.

SECT. 15A added, 1933, 267 (restricting the appointment of persons for temporary employment under the civil service laws); amended, 1934, 105.

SECT. 17 amended, 1934, 94.

SECT. 19A added, 1932, 146 (relative to appointments to the regular fire forces in certain cities having reserve fire forces).

SECT. 21 amended, 1932, 89; revised, 1933, 137.

SECT. 45 amended, 1934, 249 § 2.

SECT. 45A added, 1934, 190 (providing a method of avoiding multiplicity of petitions for judicial review to determine seniority rights in the classified labor service).

SECT. 46 amended, 1932, 282 § 2; revised, 1934, 249 § 1.

SECTS. 46C and 46D added, 1933, 320 (providing for the reinstatement of certain municipal officers and employees).

SECT. 46C amended, 1934, 84.

SECT. 46E added, 1934, 207 (providing that a leave of absence of less than six months shall not be deemed a separation from the classified civil service in certain cases).

Chapter 32. — Retirement Systems and Pensions.

SECT. 1, new paragraph added, 1934, 360 § 1. (See 1934, 360 § 5.)

SECT. 3, paragraph (4) revised, 1932, 268.

SECT. 4, sentence added at end of paragraph (2)A (c), 1934, 360 § 2. (See 1934, 360 § 5.)

SECT. 5, paragraph added at end of paragraph (2) C (c), 1934, 360 § 3; paragraph H added at end, 1934, 360 § 4. (See 1934, 360 § 5.)

SECT. 7, paragraph (4) amended, 1932, 127 § 18.

SECT. 10, paragraph (2) revised, 1932, 255.

SECT. 20, paragraph added, 1934, 258 § 1.

SECT. 23, paragraph (5) revised, 1934, 258 § 2.

SECT. 44 revised, 1934, 135; paragraph added at end, 1934, 285 § 1.

SECT. 52 amended, 1932, 114 § 1.

SECT. 53 amended, 1932, 114 § 2.

SECT. 60, paragraph added at end, 1934, 285 § 2.

SECT. 60A, paragraph added at end, 1934, 285 § 3.

SECT. 66, paragraph added at end, 1934, 285 § 4.

SECT. 70, paragraph added at end, 1934, 285 § 5.

SECT. 75, paragraph added at end, 1934, 285 § 6.

SECT. 78A added, 1934, 285 § 7 (providing for the ultimate abolition of non-contributory pensions under general law for laborers).

SECT. 80, paragraph added at end, 1934, 285 § 8.

SECT. 81 amended, 1933, 103.

SECT. 85B added, 1932, 253 (regulating the retirement and pensioning of certain members of the police forces of park boards of cities and towns).

SECT. 85C added, 1934, 285 § 9 (providing for the ultimate abolition of non-contributory pensions under certain provisions of general law for policemen and firemen).

SECT. 89 revised, 1932, 276; amended, 1933, 340 § 1; 1934, 343. (See 1933, 340 § 2.)

Chapter 33. — Militia.

SECT. 6 revised, 1933, 254 § 1. (See 1933, 254 § 66.)

SECT. 18 amended, 1932, 15.

SECT. 48, subsection (a) revised, 1932, 161; same subsection amended, 1933, 166.

SECT. 60 amended, 1933, 153 § 1; 1934, 120.

SECT. 90, paragraph in lines 63-65 revised, 1934, 106; last sentence of paragraph (*k*) revised, 1933, 17.

SECT. 98, sentence added at end, 1933, 6.

Chapter 34. — Counties and County Commissioners.

SECT. 1 revised, 1933, 278 § 2.

SECT. 17 revised, 1932, 74.

SECT. 23 added, 1932, 297 (authorizing counties to receive certain gifts).

Chapter 35. — County Treasurers, State Supervision of County Accounts, and County Finances.

For temporary legislation relative to salary reductions in the several counties, see 1933, 121, 186; 1934, 228, 276, 289. (See also 1933, 322 § 3.)

Provisions relative to travel allowance of county officials and employees using their own cars on official business, 1933, 322 § 4.

SECT. 3 revised, 1932, 56.

SECT. 25 amended, 1933, 175 § 1.

SECT. 27 amended, 1933, 175 § 2.

SECT. 28 amended, 1933, 318 § 2; 1934, 291 § 2. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 37 amended, 1933, 28.

SECT. 37A amended, 1933, 29.

Chapter 37. — Sheriffs.

SECT. 22 amended, 1932, 180 § 5.

Chapter 38. — Medical Examiners.

SECT. 8 revised, 1932, 118 § 1.

Chapter 39. — Municipal Government.

SECT. 19 repealed, 1934, 39 § 1.

SECT. 20 amended, 1934, 39 § 2.

SECT. 23 amended, 1934, 39 § 3.

Chapter 40. — Powers and Duties of Cities and Towns.

SECT. 4, third paragraph revised, 1932, 271 § 6. (See 1932, 271 § 7.)

SECT. 5, clause (1) amended, 1933, 318 § 3 (see 1933, 318 § 9); clause (12) amended, 1932, 114 § 3; 1933, 153 § 2; 245 § 2; clause (38) added, 1934, 154 § 1 (authorizing appropriations for protection of interests in real estate held under tax title or taking).

SECT. 9 amended, 1933, 245 § 3.

SECT. 14 revised, 1933, 283 § 1.

SECT. 17 amended, 1933, 254 § 2. (See 1933, 254 § 66.)

SECTS. 25-33. See 1932, 143; 1933, 204; 1934, 210; for special zoning provisions for Boston.

SECTS. 25-30A stricken out, and new sections 25-30A (municipal zoning laws) inserted, 1933, 269 § 1. (See 1933, 269 § 4.)

SECT. 32 revised, 1933, 185 § 1. (See 1933, 185 § 2.)

SECT. 40 revised, 1933, 314.

SECT. 42A revised, 1932, 197 § 2. (See 1932, 197 § 3.)

SECT. 42E, last sentence amended, 1932, 180 § 6.

Chapter 41. — Officers and Employees of Cities, Towns and Districts.

For temporary legislation relative to salary reductions in Boston, see 1933, 121; 1934, 228, 289.

SECT. 1, paragraph in line 10 revised, 1934, 155 § 1.

SECT. 5 amended, 1934, 39 § 4.

SECT. 13A added, 1932, 289 § 5 (provisions relative to bonds of city clerks). [For prior legislation, see G. L. chapter 140 § 148, repealed by 1932, 289 § 6.]

SECT. 19A added, 1933, 70 § 1 (requiring the filing with the state secretary of certificates of appointment or election of clerks or assistant or temporary clerks of cities or towns, and granting authority to said secretary to authenticate attestations of any such officer). (See 1933, 70 § 2.)

SECT. 21, last paragraph revised, 1934, 155 § 2. (See 1934, 155 § 4.)

SECT. 37 revised, 1933, 82 § 2; amended, 1934, 259 § 2.

SECT. 66 revised, 1934, 155 § 3.

SECT. 91B added, 1933, 128 (further regulating the appointment of constables).

SECT. 99 amended, 1932, 124.

SECT. 100, sentence added at end, 1933, 324 § 3.

SECT. 100A amended, 1933, 318 § 4; 1934, 291 § 3. (See 1933, 318 §§ 8, 9; 1934, 291 § 6.)

SECT. 111 revised, 1932, 109.

SECT. 111A amended, 1934, 107.

Chapter 42. — Boundaries of Cities and Towns.

Boundary line between Saugus and Wakefield (portion) established, 1933, 298; between Woburn and Reading (portion) established, 1934, 177.

SECT. 1 revised, 1933, 278 § 3.

Chapter 43. — City Charters.

SECT. 15 amended, 1933, 313 § 7.

SECT. 44A amended, 1933, 313 § 8; last two sentences stricken out, and paragraph added at end, 1934, 30.

SECT. 44H amended, 1932, 180 § 7.

Chapter 43A. — Standard Form of Representative Town Meeting Government.

Act relative to Wellesley, 1932, 202; to Needham, 1932, 279; to Webster, 1933, 13; to South Hadley, 1933, 45; to Easthampton, 1933, 178; to Milford, 1933, 271.

Chapter 44. — Municipal Finance.

For temporary legislation establishing an emergency finance board in the department of the state treasurer, and providing for the borrow-

ing of money by cities and towns against certain tax titles, see 1933, 49, 104.

For temporary act authorizing cities and towns to borrow on account of public welfare and soldiers' benefits from the commonwealth and elsewhere, and authorizing the commonwealth to issue bonds or notes to provide funds therefor, see 1933, 307 (as changed by 1933, 344 §§ 3, 4; 1934, 335; and as affected by 1933, 367 § 1).

For temporary acts relative to funds granted under the federal emergency relief act of 1933, see 1933, 344; 1934, 163.

For emergency legislation incident to the National Industrial Recovery Act, see 1933, 366; 1934, 21.

For temporary legislation in aid of the town of Millville, see 1933, 341.

SECT. 4 amended, 1934, 11 § 1; affected, 1934, 11 §§ 2, 3.

SECT. 29. As to tax limit of Boston, see 1932, 125; 1933, 159; 1934, 201.

SECT. 46A added, 1932, 155 (making permanent certain provisions of law relative to investigations of municipal accounts and financial transactions by the director of accounts). [For prior temporary legislation, see 1926, 210; 1929, 335.]

SECT. 51 amended, 1934, 355.

SECT. 54 amended, 1933, 200.

SECT. 56A added, 1934, 229 § 1 (relative to the financial year of cities). (See 1934, 229 §§ 2, 3.)

Chapter 46. — Return and Registry of Births, Marriages and Deaths.

SECT. 1, third sentence of second paragraph revised, 1933, 280 § 1.

SECT. 2A added, 1933, 279 (regulating the impounding of birth records of children born out of wedlock).

SECT. 13, second paragraph amended, 1933, 280 § 2.

SECT. 17 revised, 1932, 12.

Chapter 48. — Fires, Fire Departments and Fire Districts.

For temporary act to enable districts, etc., to secure the benefits provided by the National Industrial Recovery Act, see 1933, 366 Part I § 6.

SECT. 15 amended, 1932, 180 § 8.

Chapter 50. — General Provisions relative to Primaries, Caucuses and Elections.

SECT. 2 amended, 1932, 141 § 1.

Chapter 51. — Voters.

SECT. 1, paragraph added at end, 1932, 206.

SECT. 2 amended, 1933, 254 § 3. (See 1933, 254 § 66.)

SECT. 3 amended, 1933, 254 § 4. (See 1933, 254 § 66.)

SECT. 4 amended, 1933, 254 § 5. (See 1933, 254 §§ 65, 66.)

SECT. 7 amended, 1933, 254 § 6. (See 1933, 254 §§ 65, 66.)

SECT. 8 amended, 1933, 254 § 7. (See 1933, 254 § 66.)

SECT. 9 amended, 1933, 254 § 8. (See 1933, 254 § 66.)

SECT. 14B added, 1933, 254 § 9 (amending special acts relative to the listing of voters in certain municipalities so as to conform to the change in taxing date from April 1 to January 1.) (See 1933, 254 §§ 65, 66.)

SECT. 26 amended, 1932, 48 § 1.

SECT. 27 revised, 1932, 48 § 2.

SECT. 32 amended, 1933, 254 § 10. (See 1933, 254 § 66.)

SECT. 34 amended, 1933, 254 § 11. (See 1933, 254 § 66.)

SECT. 36 amended, 1933, 254 § 12. (See 1933, 254 § 66.)

SECT. 37 amended, 1933, 254 § 13. (See 1933, 254 § 66.)

SECT. 43 amended, 1933, 254 § 14. (See 1933, 254 § 66.)

SECT. 55 amended, 1933, 254 § 15. (See 1933, 254 § 66.)

Chapter 52. — Political Committees.

SECT. 1 amended, 1932, 310 § 1; revised, 1934, 288 § 1. (See 1934, 288 § 5.)

SECT. 2 amended, 1932, 310 § 2; revised, 1934, 288 § 2. (See 1934, 288 § 5.)

SECT. 4 amended, 1934, 288 § 3. (See 1934, 288 § 5.)

SECT. 7 amended, 1934, 118; first paragraph stricken out, 1934, 288 § 4. (See 1934, 288 § 5.)

SECT. 9 amended, 1932, 310 § 3.

Chapter 53. — Nominations, Questions to be submitted to the Voters, Primaries and Caucuses.

SECT. 2 amended, 1932, 310 § 4; last sentence revised, 1934, 32 § 1.

SECT. 7 amended, 1933, 254 § 16. (See 1933, 254 § 66.)

SECT. 8, first paragraph amended, 1932, 135 § 4; section amended, 1933, 35 § 1.

SECT. 10, first paragraph amended, 1934, 111; second paragraph revised, 1933, 313 § 2.

SECT. 11, sentence added at end, 1933, 313 § 3.

SECT. 12A added, 1933, 305 (to prevent certain fraudulent nominations.)

SECT. 13, sentence added at end, 1933, 313 § 4.

SECT. 18 revised, 1934, 282.

SECT. 22A amended, 1932, 80.

SECT. 28 amended, 1932, 310 § 5; revised, 1933, 313 § 5; amended, 1934, 32 § 2; affected (during 1934), 1934, 89.

SECT. 32 amended, 1932, 310 § 6.

SECT. 34 revised, 1932, 310 § 7.

SECT. 35 amended, 1932, 310 § 8.

SECT. 40 revised, 1932, 30.

SECT. 41 revised, 1932, 310 § 9.

SECT. 42 amended, 1932, 310 § 10.

SECT. 43 amended, 1932, 310 § 11.

SECT. 44 revised, 1932, 310 § 12.

SECT. 45 amended, 1932, 310 § 13.

SECT. 47 amended, 1932, 310 § 14.

SECT. 48 amended, 1932, 310 § 15. (Temporarily affected, 1934, 165.)

SECT. 49 revised, 1932, 310 § 16.

SECT. 51 amended, 1932, 310 § 17.

- SECT. 52 amended, 1932, 310 § 18.
 SECT. 53 revised, 1932, 310 § 19.
 SECT. 53A amended, 1932, 310 § 20.
 SECT. 54 revised, 1932, 310 § 21.
 SECTS. 54A and 54B added, 1932, 310 § 22 (relative to proceedings at pre-primary conventions, to the form of certificates of nomination of candidates thereat, and to the acceptance of such nominations).
 SECTS. 65 to 70 (and caption) repealed, 1932, 310 § 23.
 SECT. 72A added, 1933, 313 § 6 (relative to caucuses before regular city elections in cities having absent voting).
 SECT. 117 amended, 1932, 141 § 2.
 SECT. 121 added, 1932, 141 § 3 (authorizing the nomination by caucuses other than those of political or municipal parties of two candidates for each town office).

Chapter 54. — Elections.

- SECT. 11 amended, 1932, 76 § 1; 1934, 158 § 1.
 SECT. 11A added, 1932, 76 § 2 (dispensing with the appointment of deputy election officers in certain cities).
 SECT. 12 amended, 1934, 158 § 2.
 SECT. 13 amended, 1934, 158 § 3.
 SECT. 19 amended, 1934, 158 § 4.
 SECT. 21 amended, 1934, 158 § 5.
 SECT. 41, third paragraph amended, 1933, 35 § 2.
 SECT. 42 amended, 1932, 135 § 5.
 SECT. 43 revised, 1932, 135 § 1.
 SECT. 64, last paragraph amended, 1934, 39 § 5.
 SECT. 65 revised, 1933, 289 § 1.
 SECT. 78 revised, 1932, 135 § 2.
 SECT. 103A added, 1933, 313 § 1 (providing for absent voting at regular city elections).
 SECT. 104 amended, 1934, 39 § 6.
 SECT. 132 amended, 1932, 33.
 SECT. 135, first paragraph amended, 1933, 254 § 17; section revised, 1933, 270. (See 1933, 254 § 66.)
 SECT. 151 amended, 1932, 135 § 3.
 SECT. 161 (except last paragraph) amended, 1934, 265.

Chapter 56. — Violations of Election Laws.

- SECT. 39 revised, 1933, 289 § 2.

Chapter 58. — General Provisions relative to Taxation.

- SECT. 1, fifth sentence amended, 1932, 180 § 9.
 SECT. 2 amended, 1933, 254 § 18. (See 1933, 254 § 66.)
 SECT. 3 amended, 1933, 254 § 19. (See 1933, 254 § 66.)
 SECT. 10 amended, 1934, 323 § 9. (See 1934, 323 § 11.)
 SECT. 13 amended, 1933, 254 § 20. (See 1933, 254 § 66.)
 SECT. 15 amended, 1933, 254 § 21. (See 1933, 254 § 66.)
 SECT. 18 revised, 1933, 350 § 7; affected, 1933, 357 § 4. (See 1933, 307 § 11; 350 § 9.)
 SECT. 21 amended, 1933, 254 § 22; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

- SECTS. 22 and 23 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)
SECT. 24 amended, 1933, 254 § 23. (See 1933, 254 § 66.)
SECT. 24A revised, 1934, 323 § 2. (See 1934, 323 § 11.)
SECT. 25 revised, 1934, 323 § 3. (See 1934, 323 § 11.)
SECT. 25A revised, 1934, 323 § 4. (See 1934, 323 § 11.)
SECT. 26 amended, 1933, 254 § 24; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

Chapter 58A. — Board of Tax Appeals.

For legislation temporarily increasing the membership of the board of tax appeals, see 1933, 321 § 1.

SECT. 6 amended 1932, 180 § 10; revised, 1933, 167 § 4; one word stricken out, 1934, 323 § 10. (See 1933, 167 § 5; 1934, 323 § 11.)

SECT. 7 revised 1933, 321 § 2. (See 1933, 321 § 9.)

SECT. 7A added, 1933, 321 § 3 (providing for the establishment of informal procedure before the board of tax appeals.) (See 1933, 321 §§ 8, 9.)

SECT. 8 revised, 1933, 321 § 4. (See 1933, 321 § 9.)

SECT. 10 revised, 1933, 321 § 5. (See 1933, 321 § 9.)

SECT. 12 amended, 1933, 321 § 6. (See 1933, 321 § 9.)

SECT. 13 revised, 1933, 321 § 7; one sentence revised, 1933, 350 § 8. (See 1933, 321 § 9; 350 § 9.)

Chapter 59. — Assessment of Local Taxes.

For temporary provisions relative to old age assistance taxes and state reimbursement of cities and towns for old age assistance given by them, see 1932, 259 §§ 1, 2. (For prior legislation, see 1931, 398.)

As to Boston, see 1932, 125; 1933, 159.

SECT. 5, clause Third, subsection (c) amended, 1933, 198 § 1. (See 1933, 198 § 2); clause Twenty-third amended, 1932, 114 § 4.

SECT. 6 amended, 1933, 254 § 25. (See 1933, 254 § 66.)

SECTS. 6 and 7. See 1934, 307.

SECT. 8 amended, 1933, 80; 254 § 26. (See 1933, 254 § 66.)

SECT. 9 amended, 1933, 254 § 27. (See 1933, 254 § 66.)

SECT. 10 amended, 1933, 254 § 28. (See 1933, 254 § 66.)

SECT. 11 amended, 1933, 254 § 29. (See 1933, 254 § 66.)

SECT. 18, opening paragraph and paragraphs First and Second amended, 1933, 254 § 30. (See 1933, 254 § 66.)

SECT. 19 amended, 1933, 254 § 31. (See 1933, 254 § 66.)

SECT. 20 revised, 1933, 254 § 32. (See 1933, 254 § 66.)

SECT. 21 revised, 1933, 254 § 33. (See 1933, 254 § 66.)

SECT. 29, last three sentences revised, 1933, 254 § 34. (See 1933, 254 § 66.)

SECT. 33 amended, 1933, 254 § 35. (See 1933, 254 § 66.)

SECT. 39 amended, 1933, 254 § 36. (See 1933, 254 § 66.)

SECT. 41 amended, 1933, 254 § 37. (See 1933, 254 § 66.)

SECT. 45 amended, 1933, 254 § 38; form appended to section amended, 1933, 254 § 39. (See 1933, 254 § 66.)

SECT. 47 amended, 1933, 254 § 40. (See 1933, 254 § 66.)

SECT. 49 amended, 1933, 254 § 41. (See 1933, 254 § 66.)

SECT. 57 amended, 1933, 151 § 1; revised, 1933, 254 § 42. (See 1933, 151 § 2; 254 § 66.)

SECT. 59, sentence added at end, 1933, 165 § 1; section revised, 1933, 254 § 43; 266 § 1; 1934, 136 § 2. (See 1933, 254 § 66; 266 § 2; 1934, 136 § 3.)

SECT. 61, last sentence revised, 1933, 165 § 2.

SECT. 64, first paragraph amended, 1933, 130 § 1.

SECT. 65 amended, 1933, 130 § 2; 167 § 1.

SECT. 65A added, 1932, 218 § 1 (providing that the sale or taking of real property for payment of unpaid taxes thereon shall not prejudice proceedings for the abatement of such taxes); revised, 1933, 325 § 18. (See 1932, 218 § 2; 1933, 325 § 19.)

SECT. 73 amended, 1933, 254 § 44. (See 1933, 254 § 66.)

SECT. 74 amended, 1933, 254 § 45. (See 1933, 254 § 66.)

SECT. 75 amended, 1934, 104.

SECT. 83 amended, 1933, 254 § 46. (See 1933, 254 § 66.)

SECT. 84 amended, 1933, 254 § 47. (See 1933, 254 § 66.)

SECT. 85 amended, 1933, 254 § 48. (See 1933, 254 § 66.)

SECT. 86 amended, 1933, 254 § 49. (See 1933, 254 § 66.)

Chapter 60. — Collection of Local Taxes.

Temporary acts providing for advance payments on account of taxes (for 1932, 1933 and 1934) in certain cities and towns, 1932, 94; 1933, 99.

SECT. 1, third paragraph revised, 1933, 164 § 1.

SECT. 3 revised, 1933, 254 § 50. (See 1933, 254 § 66.)

SECT. 3A added, 1934, 136 § 1 (requiring that certain information relative to abatement or exemptions be included in tax bills). (See 1934, 136 § 3.)

SECT. 5 revised, 1933, 168 § 2.

SECT. 15, first paragraph amended, 1934, 151 § 2.

SECT. 16 revised, 1933, 168 § 1; amended, 1933, 254 § 51. (See 1933, 168 § 4; 254 § 66.)

SECT. 18 repealed, 1932, 54 § 1.

SECT. 22 revised, 1933, 254 § 52; affected, 1933, 308. (See 1933, 254 § 66.)

SECT. 23 revised, 1932, 197 § 1.

SECT. 37 amended, 1933, 254 § 53; 325 § 1; 1934, 131 § 2; revised, 1934, 169. (See 1933, 254 § 66; 1934, 131 § 3.)

SECT. 38 amended, 1933, 254 § 54; 325 § 2. (See 1933, 254 § 66; 325 § 21.)

SECT. 39 amended, 1933, 325 § 3.

SECT. 42 revised, 1933, 164 § 2.

SECT. 43, last sentence revised, 1932, 54 § 2.

SECT. 45 amended, 1933, 325 § 4.

SECT. 46, paragraph added at end, 1934, 131 § 1.

SECT. 48 amended, 1933, 325 § 5. (See 1933, 325 § 20.)

SECT. 50 revised, 1933, 325 § 6.

SECT. 50A added, 1934, 154 § 2 (providing for protection of interests in real estate held under tax title or taking.)

SECT. 51 amended, 1933, 254 § 55. (See 1933, 254 § 66.)

SECT. 53 revised, 1933, 164 § 3. (See 1933, 325 § 20.)

SECT. 54 amended, 1933, 325 § 7.

SECT. 55 amended, 1933, 325 § 8.

SECT. 58 revised, 1932, 2.

SECT. 59 amended, 1933, 254 § 56. (See 1933, 254 § 66.)

SECT. 61 revised, 1933, 325 § 9; amended, 1934, 48. (See 1933, 325 20.)

SECT. 62 revised, 1933, 325 § 10; first paragraph amended, 1934, 218.

SECT. 63 amended, 1933, 325 § 11.

SECT. 65 amended, 1933, 325 § 12.

SECT. 78 amended, 1933, 325 § 13. (See 1933, 325 § 20.)

SECT. 79, second paragraph amended, 1933, 325 § 14.

SECT. 80 amended, 1933, 325 § 15.

SECT. 84A revised, 1933, 325 § 16.

SECT. 92 revised, 1933, 82 § 1; amended, 1934, 259 § 1.

SECT. 95 revised, 1933, 325 § 17; amended, 1934, 315 § 2. (See 1934, 315 § 3.)

SECT. 97 revised, 1934, 151 § 1.

SECT. 105 revised, 1933, 168 § 3.

Form 2 in schedule at end of chapter repealed, 1932, 54 § 1; schedule of forms at end of chapter stricken out, 1933, 168 § 3.

Chapter 61. — Taxation of Forest Products and Classification and Taxation of Forest Lands.

SECT. 3 amended, 1933, 254 § 57. (See 1933, 254 § 66.)

Chapter 62. — Taxation of Incomes.

For temporary legislation, discontinuing the income tax exemption as to dividends of certain corporations, see 1933, 307, 357.

SECT. 5, paragraph (c) revised, 1934, 363 § 1. (See 1934, 363 § 2.)

SECT. 33, paragraph added, 1932, 186.

SECT. 36 amended, 1933, 167 § 2.

SECT. 37 revised, 1933, 350 § 1. (See 1933, 350 § 9.)

SECT. 37A added, 1933, 350 § 2 (providing for the payment of income taxes in two installments). (See 1933, 350 § 9.)

SECT. 39, first sentence revised, 1933, 350 § 3. (See 1933, 350 § 9.)

SECT. 41 revised, 1932, 152; 1933, 350 § 4. (See 1933, 350 § 9.)

SECT. 43 amended, 1933, 350 § 5. (See 1933, 350 § 9.)

SECT. 46 revised, 1933, 350 § 6. (See 1933, 350 § 9.)

Chapter 63. — Taxation of Corporations.

SECT. 1, paragraph defining "Net income" revised, 1933, 327 § 1. (See 1933, 327 § 7.)

SECT. 2 amended, 1933, 327 § 2. (See 1933, 327 § 7.)

SECT. 3 amended, 1933, 254 § 58; 1934, 323 § 5. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 5 amended, 1933, 254 § 59; repealed, 1934, 323 § 1. (See 1933, 254 § 66; 1934, 323 § 11.)

SECT. 6 repealed, 1934, 323 § 1. (See 1934, 323 § 11.)

SECT. 12, paragraph (h) added at end, 1934, 362.

SECT. 30 paragraph contained in lines 48-51 amended, 1933, 58 § 3; paragraph contained in lines 70-74 amended, 1933, 58 § 4; paragraph 5 revised, 1933, 327 § 3; paragraphs contained in lines 52-69, and paragraph amended by 1933, 58 § 4, revised, 1934, 237 § 1. (See 1933, 58 § 5; 327 § 7; 1934, 237 § 2.)

- SECTS. 30-51. See 1934, 317 § 2.
 SECT. 32 revised, 1933, 342 § 1. (See 1933, 342 § 6.)
 SECT. 32A amended, 1933, 342 § 2. (See 1933, 342 § 6.)
 SECT. 33 revised, 1933, 303 § 1. (See 1933, 303 § 3.)
 SECT. 34 amended, 1933, 327 § 4. (See 1933, 327 § 7.)
 SECT. 35 revised, 1933, 58 § 1.
 SECT. 36 revised, 1933, 327 § 5. (See 1933, 327 § 7.)
 SECT. 38, paragraph 10 added at end, 1933, 342 § 3. (See 1933, 342 § 6.)
 SECT. 38B. For temporary legislation affecting the taxation, during 1934, 1935 and 1936, of corporations subject to this section, see 1934, 317 § 1.
 SECT. 39, last paragraph amended, 1933, 327 § 6; new paragraph added at end, 1933, 342 § 4. (See 1933, 327 § 7; 342 § 6.)
 SECT. 39A, section revised, 1933, 303 § 2; first paragraph amended, 1934, 134. (See 1933, 303 § 3.)
 SECT. 40 revised, 1933, 58 § 2.
 SECT. 42, last sentence amended, 1932, 180 § 11; section revised, 1933, 342 § 5. (See 1933, 342 § 6.)
 SECT. 43. See 1933, 307 § 9A.
 SECT. 45 amended, 1933, 195 § 1. (See 1933, 195 § 2.)
 SECT. 53, first paragraph amended, 1933, 254 § 60; clause Fourth revised, 1934, 323 § 6. (See 1933, 254 § 66; 1934, 323 § 11.)
 SECT. 54, paragraph in lines 9-17 amended, 1933, 254 § 61; same paragraph revised, 1934, 323 § 7; last paragraph amended, 1934, 323 § 7A. (See 1933, 254 § 66; 1934, 323 § 11.)
 SECT. 56A revised, 1934, 317 § 3. (See 1934, 317 § 4.)
 SECT. 59 amended, 1934, 323 § 8. (See 1934, 323 § 11.)
 SECT. 71 amended, 1933, 167 § 3.

Chapter 64A. — Taxation of Sales of Gasoline and Certain Other Motor Vehicle Fuel.

Chapter affected, 1932, 248.

Chapter 65. — Taxation of Legacies and Successions.

- SECT. 1, table revised, 1933, 293.
 SECTS. 24A-24F added, 1933, 319 (providing reciprocal relations in respect to death taxes upon estates of non-resident decedents).

Chapter 65A. — Taxation of Transfers of Certain Estates.

- SECT. 1, paragraph added at end, 1932, 284; second paragraph revised, 1933, 316 § 1. (See 1933, 316 § 2.)

Chapter 68. — Donations and Conveyances for Pious and Charitable Uses.

SECT. 10, sentence added at end, 1934, 238.

Chapter 69. — Powers and Duties of the Department of Education.

- SECT. 6 amended, 1932, 127 § 3.
 SECT. 8 amended, 1932, 127 § 4.

Chapter 70. — School Funds and Other State Aid for Public Schools.

- SECT. 2 amended, 1932, 127 § 5.
 SECT. 4, last paragraph amended, 1934, 143.
 SECT. 6 amended, 1932, 127 § 6.
 SECT. 18 amended, 1932, 127 § 7.

Chapter 71. — Public Schools.

- SECT. 42 revised, 1934, 123.
 SECT. 46A amended, 1932, 159.
 SECT. 52 amended, 1932, 90.
 SECT. 58 amended, 1932, 127 § 8.
 SECT. 68 revised, 1934, 97 § 1. (See 1934, 97 § 2.)

Chapter 73. — State Teachers Colleges (former title, State Normal Schools)

- Title changed, 1932, 127 § 9.
 SECT. 1 amended, 1932, 127 § 10.
 SECT. 2 amended, 1932, 127 § 11.
 SECT. 3 amended, 1932, 127 § 12.
 SECT. 4 amended, 1932, 127 § 13.
 SECT. 4A amended, 1932, 127 § 14.
 SECT. 5 amended, 1932, 127 § 15. (Temporarily affected, 1933, 233; 1934, 130.)
 SECT. 6 amended, 1932, 127 § 16.
 SECT. 7 amended, 1932, 127 § 17.

Chapter 74. — Vocational Education.

- SECT. 11 amended, 1933, 102 § 2. (See 1933, 102 § 4.)
 SECT. 23 repealed, 1933, 102 § 3. (See 1933, 102 § 4.)
 SECT. 31A added, 1934, 65 (authorizing the trustees of the Essex county agricultural school to pay transportation costs of certain pupils attending said school).

Chapter 77. — School Offenders and County Training Schools.

- For legislation requiring the closing of the Norfolk, Bristol and Plymouth union training school, see 1933, 295 § 2.
 SECT. 1 revised, 1933, 295 § 1.

Chapter 80. — Betterments.

- SECT. 1 amended, 1933, 254 § 62. (See 1933, 254 § 66.)
 SECT. 4 revised, 1933, 63 § 1.
 SECT. 5 amended, 1933, 157 § 2. (See 1933, 157 § 3.)
 SECT. 10 revised, 1933, 147.
 SECT. 10A added, 1933, 157 § 1 (providing that failure of a board of officers to take action upon a petition for abatement of a betterment assessment shall, for the purposes of appeal, be equivalent to refusal to abate the assessment). (See 1933, 157 § 3.)
 SECT. 13 amended, 1933, 63 § 2; 254 § 63; revised, 1934, 315 § 1. (See 1933, 254 § 66; 1934, 315 § 3.)

Chapter 81. — State Highways.

SECT. 19, last four sentences stricken out, 1933, 187 § 1. (See 1933, 187 § 2.)

SECT. 26 amended, 1934, 366.

Chapter 82. — The Laying Out, Alteration, Relocation and Discontinuance of Public Ways, and Specific Repairs Thereon.

SECT. 7 amended, 1933, 283 § 2.

SECT. 32B added, 1933, 283 § 3 (authorizing the taking of easements of slope, so called, by county, city or town officers in connection with the laying out, widening, altering or relocating of public ways).

Chapter 84. — Repair of Ways and Bridges.

SECT. 18 revised, 1933, 114 § 1.

SECT. 19 amended, 1933, 114 § 2.

SECT. 20 revised, 1933, 114 § 3.

SECT. 25. Temporarily affected, 1934, 163.

Chapter 85. — Regulations and By-Laws relative to Ways and Bridges.

SECT. 17B added, 1933, 43 (prohibiting riding upon the rear or on the side of street railway cars or motor buses without the consent of the persons in charge thereof).

Chapter 89. — Law of the Road.

SECT 2 revised, 1933, 301.

SECT. 7B added, 1934, 382 (relative to the application of traffic laws and regulations to fire apparatus and other emergency vehicles).

Chapter 90. — Motor Vehicles and Aircraft.

SECT. 1, paragraph defining "motor vehicles" amended, 1932, 182; paragraph (defining "school bus") added, 1932, 271 § 1; two paragraphs (defining "semi-trailer" and "semi-trailer unit") added, 1933, 332 § 1; paragraph in lines 52-56 stricken out, and two paragraphs (defining "tractor" and "trailer") inserted, 1933, 332 § 2. (See 1932, 271 § 7; 1933, 332 § 5.)

SECT. 1A amended, 1933, 372 § 3; 1934, 264 § 2.

SECT. 2, fourth paragraph revised, 1932, 5; last paragraph revised, 1933, 54.

SECT. 3, first sentence revised, 1933, 188.

SECT. 7 amended, 1932, 123 § 1; 1933, 51; second sentence amended, 1933, 109. (See 1932, 123 § 2.)

SECT. 7A revised, 1932, 41, 271 § 2. (See 1932, 271 § 7.)

SECT. 7B added, 1932, 271 § 3 (prerequisites to operation of school bus). (See 1932, 271 § 7.)

SECT. 8 amended, 1934, 103.

SECT. 9 amended, 1934, 361.

SECT. 9A revised, 1932, 168 § 1. (See 1932, 168 §§ 2, 3.)

SECT. 15 amended, 1932, 271 § 5; 1933, 26 § 1. (See 1932, 271 § 7.)

SECT. 17, sentence added at end, 1932, 271 § 4. (See 1932, 271 § 7.)

SECT. 19, last sentence revised, 1933, 332 § 3. (See 1933, 332 § 5.)

SECT. 20A added, 1934, 368 § 1 (providing for the non-criminal disposition of charges for violation of motor vehicle parking rules, regulations, orders, ordinances and by-laws). (See 1934, 368 § 2.)

SECT. 22, two paragraphs added at end, 1933, 191.

SECT. 22A added, 1932, 304 § 1 (requiring the suspension of licenses to operate motor vehicles issued to persons who do not satisfy judgments in motor vehicle accident cases involving property damage). (See 1932, 304 § 2.)

SECT. 23, new paragraph added at end, 1933, 69.

SECT. 24 amended, 1932, 26 § 1.

SECT. 29, last sentence amended, 1932, 26 § 2.

SECT. 32B repealed, 1934, 209 § 2. (See 1934, 209 § 3.)

SECTS. 32C-32F added, 1934, 209 § 1 (further regulating the business of leasing motor vehicles upon a mileage basis). (See 1934, 209 § 3.)

SECT. 33, paragraph in lines 21-41 amended, 1932, 180 § 12; same paragraph stricken out, and two paragraphs inserted, 1933, 332 § 4; first three paragraphs stricken out, and five new paragraphs inserted, 1932, 249 § 1; fourth paragraph (as appearing in 1932, 249 § 1) amended, 1933, 183 § 1. (See 1932, 249 § 2; 1933, 183 § 2; 332 § 5.)

SECT. 34, four words stricken out, 1933, 197 § 3; first paragraph amended, 1934, 364 § 1. (See 1934, 364 § 3.)

SECT. 34B, second paragraph revised, 1933, 83 § 1; fourth paragraph revised, 1933, 83 § 2. (See 1933, 83 § 3.)

SECT. 34C amended, 1932, 180 § 13.

SECT. 34H, first paragraph amended, 1933, 119 § 4; new paragraph inserted, 1933, 119 § 5. (See 1933, 119 § 6.)

SECT. 53, last sentence amended, 1932, 180 § 14.

Chapter 92. — Metropolitan Sewers, Water and Parks.

For legislation including a certain portion of Lexington in the north metropolitan sewerage system, see 1934, 225.

SECT. 48 amended, 1934, 266 § 1. (See 1934, 266 § 4.)

SECT. 56 revised, 1933, 197 § 1.

SECT. 57 amended, 1933, 197 § 2.

SECT. 93 amended, 1934, 266 § 2. (See 1934, 266 § 4.)

SECT. 94 amended, 1934, 266 § 3. (See 1934, 266 § 4.)

Chapter 94. — Inspection and Sale of Food, Drugs and Various Articles.

SECT. 1, paragraph in lines 128-132 (defining "pasteurized milk") revised, 1932, 158; section amended in part, 1933, 67 §§ 1-5; paragraph (defining "milk plant" and "manufactory") added, 1933, 338 § 1.

SECTS. 12-48A. For temporary legislation establishing within the department of agriculture a milk control board, and defining its powers and duties, see 1934, 376.

SECTS. 13, 14, 14A and 15 stricken out, and new sections 13-13E (relative to the grading of milk) inserted, 1933, 263 § 1. (See 1933, 263 § 3.)

SECT. 16 stricken out and sections 16-16I (regulating the production, sale and distribution of milk) inserted, 1932, 305 § 3. (See 1932, 305 § 5, 6.)

- SECT. 17A amended, 1933, 124.
SECT. 18 revised, 1933, 263 § 2. (See 1933, 263 § 3.)
SECT. 29A revised, 1933, 253.
SECT. 30 revised, 1933, 253.
SECT. 31 revised, 1933, 253.
SECT. 42A stricken out, and new sections 42A–42K (requiring dealers in milk or cream to be licensed and bonded) inserted, 1933, 338 § 2.
SECT. 42F revised, 1934, 180 § 1.
SECT. 42H, paragraph 2 revised, 1934, 180 § 2.
SECT. 43 revised, 1932, 305 § 4. (See 1932, 305 §§ 5, 6.)
SECT. 60 revised, 1934, 373 § 2.
SECTS. 64, 64A, 65, 65A, 65B, 65E and 65F, and the caption of said section 64, stricken out, and sections 65G–65S inserted, under caption “FROZEN DESSERTS AND ICE CREAM MIX”, 1934, 373 § 1. (See 1934, 373 § 8.)
SECT. 74 revised, 1933, 329 § 5.
SECT. 74A added, 1933, 329 § 6 (definition of “fish”).
SECTS 75 and 76 repealed, 1933, 329 § 7.
SECT. 77, first sentence stricken out, 1933, 329 § 8.
SECT. 77A added, 1934, 216 (regulating the importation of fresh swordfish).
SECT. 78 revised, 1933, 329 § 9.
SECT. 78A added, 1933, 329 § 10 (prohibiting certain misrepresentations in the sale of lobsters).
SECT. 79 repealed, 1933, 329 § 7.
SECT. 81 revised, 1933, 329 § 11.
SECT. 83 revised, 1933, 329 § 12.
SECT. 88A revised, 1933, 329 § 13.
SECT. 123 amended, 1932, 180 § 15.
SECT. 146, first paragraph amended, 1934, 340 § 6. (See 1934, 340 § 18.)
SECT. 148, second paragraph amended, 1934, 340 § 6A. (See 1934, 340 § 18.)
SECTS. 152A–152C added, 1934, 296 (relative to the sale and transportation of poultry).
SECT. 153A added, 1933, 116 (relative to the sale of meat and meat products containing certain preservatives); revised, 1933, 311.
SECT. 245 revised, 1933, 94 § 2.
SECT. 248 amended, 1934, 184.
SECT. 249G added, under caption “MATERIAL FOR ROAD CONSTRUCTION”, 1933, 94 § 1 (authorizing certain officers to direct the weighing of material for road construction).
SECT. 250 revised, 1933, 67 § 6.
SECT. 252 amended, 1933, 67 § 7.
SECT. 254 amended, 1933, 67 § 8.
SECT. 255 amended, 1933, 67 § 9.
SECT. 256 revised, 1933, 67 § 10.
SECT. 257 revised, 1933, 67 § 11.
SECT. 258 revised, 1933, 67 § 12.
SECT. 295A added, under heading “PETROLEUM PRODUCTS”, 1933, 228 (relative to prevention of fraud and misrepresentation in the sale of gasoline, lubricating oils and other motor fuels, and to prevention of the adulteration thereof).

SECT. 298 amended, 1934, 109 § 1.

SECT. 299 amended, 1934, 109 § 2.

SECTS. 303A-303E added, under caption "METHYL OR WOOD ALCOHOL", 1934, 372 § 3 (relative to such alcohol and to certain preparations containing such alcohol).

Chapter 98. — Weights and Measures.

SECT. 20 amended, 1934, 373 § 3.

SECT. 21 amended, 1934, 373 § 4.

SECT. 56, paragraph (*b* $\frac{1}{2}$) added, 1934, 98 (establishing fees for sealing certain liquid-measuring meters).

Chapter 100. — Auctioneers.

SECT. 5 amended, 1932, 156 § 1.

SECT. 14 revised, 1932, 156 § 2.

SECT. 16 revised, 1932, 156 § 3.

Chapter 101. — Transient Vendors, Hawkers and Pedlers.

SECT. 5 amended, 1933, 254 § 64. (See 1933, 254 § 66.)

SECT. 19 amended, 1934, 114.

SECT. 30 amended, 1934, 77.

Chapter 102. — Shipping and Seamen, Harbors and Harbor Masters.

SECT. 15 revised, 1932, 232 § 1.

SECT. 15A added, 1932, 232 § 2 (penalty for improper operation of motor and other boats).

SECT. 17 revised, 1932, 57.

Chapter 108A. — Partnerships.

SECT. 34, first paragraph amended, 1932, 180 § 16.

Chapter 110. — Labels, Trade Marks, Names and Registration Thereof.

SECT. 21 amended, 1934, 373 § 5.

Chapter 110A. — Promotion and Sale of Securities.

Chapter repealed and superseded by 1932, 290 § 1. (See 1932, 290 §§ 3, 4.)

Chapter 111. — Public Health.

SECT. 11 revised, 1934, 328 § 1.

SECT. 15 amended, 1934, 340 § 7. (See 1934, 340 § 18.)

SECT. 16 amended, 1934, 340 § 8. (See 1934, 340 § 18.)

SECT. 27A revised, 1932, 209.

SECT. 66 amended, 1934, 219.

SECTS. 78-90 affected (as to district of Chelsea, Revere and Winthrop), 1934, 78.

SECT. 83A added, 1933, 318 § 6 (relative to the indemnification or protection of officers and employees of tuberculosis hospital districts in connection with actions for personal injuries arising out of the opera-

tion of vehicles owned by such districts); amended, 1934, 291 § 5. (See 1933, 318 § 9; 1934, 291 § 6.)

SECT. 85A revised, 1932, 65.

SECT. 110, second sentence amended, 1932, 180 § 17.

SECT. 118 amended, 1933, 44.

SECT. 143 revised, 1933, 269 § 2.

SECT. 154 amended, 1934, 340 § 9. (See 1934, 340 § 18.)

Chapter 112. — Registration of Certain Professions and Occupations.

SECT. 2, second sentence revised, 1933, 171 § 1. (See 1933, 171 § 2.)

SECT. 9 revised, 1933, 152.

SECT. 24 amended, 1932, 227; 1933, 126.

SECT. 27 revised, 1934, 328 § 2.

SECT. 32 amended, 1934, 328 § 3.

SECT. 34 amended, 1934, 328 § 4.

SECT. 35 amended, 1934, 328 § 5.

SECT. 36 revised, 1934, 328 § 6.

SECT. 38 revised, 1934, 236.

SECT. 40 amended, 1934, 328 § 6A.

SECT. 45, second sentence amended, 1932, 180 § 18.

SECT. 46, clause Third amended, 1934, 108.

SECTS. 52A and 52B added, 1934, 281 (relative to methods and practices of dentists and dental hygienists).

SECTS. 66-73 stricken out, and new sections 66-73 inserted, 1934, 339 § 2.

SECT. 87F, paragraph contained in lines 4-9 revised, 1934, 260 § 1.

SECT. 87H, four sentences added at end, 1934, 260 § 2.

SECT. 87O amended, 1933, 149 § 2. (See 1933, 149 § 3.)

SECT. 87P amended, 1934, 260 § 3.

Chapter 114. — Cemeteries and Burials.

SECT. 25 amended, 1934, 85 § 1. (See 1934, 85 § 2.)

Chapter 115. — State and Military Aid, Soldiers' Relief, etc.

SECT. 2A added, 1932, 113 (requiring the furnishing of information to the commissioner of state aid and pensions by certain banks and other depositories relative to certain deposits therein).

SECT. 12A added, 1933, 363 (making certain Massachusetts veterans receiving hospital treatment outside the commonwealth eligible to receive military aid).

SECT. 15 amended, 1932, 106.

SECT. 17, paragraph added, 1932, 63.

SECT. 18, sentence added at end of first paragraph, 1933, 323; paragraph added at end, 1932, 270.

SECT. 19 amended, 1932, 250; 1934, 336 § 1.

SECT. 20 amended, 1932, 251; 1934, 336 § 2.

Chapter 116. — Settlement.

SECT. 2 revised, 1933, 213.

Chapter 117. — Support by Cities and Towns.

SECT. 1 amended, 1934, 124.

SECT. 2A added, 1933, 181 (authorizing local boards of public welfare to aid needy persons in the cultivation of vegetable gardens).

SECT. 18 amended, 1934, 45.

SECT. 35 amended, 1932, 180 § 19.

Chapter 118A. — Adequate Assistance to Certain Aged Citizens.

For temporary provisions relative to old age assistance taxes and state reimbursement of cities and towns for old age assistance given by them, see 1932, 259 §§ 1, 2. (For prior legislation, see 1931, 398.)

For legislation providing for the use of certain money received as fees under the beer bill, so called, for reimbursing the cities and towns of the commonwealth on account of assistance rendered under this chapter, see 1933, 120 § 17, as revised by 1933, 234 § 2. (See also 1933, 376 § 2 subsection 27; 1934, 301 § 1; 385 § 23.)

SECT. 1 amended, 1933, 219; revised, 1933, 328. (See 1934, 374 § 3 subsection 15.)

SECT. 2A added, 1933, 285 (providing for appeals by persons aggrieved by failure of cities and towns to render old age assistance).

SECT. 3 revised, 1932, 259 § 3.

Chapter 119. — Protection and Care of Children, and Proceedings against Them.

SECT. 12 revised, 1932, 180 § 20.

SECT. 63 revised, 1932, 95 § 1.

SECT. 65 amended, 1932, 95 § 2.

SECT. 74 amended, 1933, 196 § 1.

SECT. 75 amended, 1933, 196 § 2.

Chapter 120. — Massachusetts Training Schools.

SECT. 21, first sentence amended, 1932, 180 § 21.

Chapter 121. — Powers and Duties of the Department of Public Welfare, and the Massachusetts Hospital School.

SECT. 9A added, 1934, 167 (relative to the interstate transportation of poor and indigent persons.)

SECT. 23 (and caption) amended, 1933, 364 § 2. (See 1933, 364 § 8.)

SECT. 24 amended, 1933, 364 § 3. (See 1933, 364 § 8.)

SECT. 25 revised, 1933, 364 § 4. (See 1933, 364 § 8.)

SECT. 26 amended, 1933, 364 § 5. (See 1933, 364 § 8.)

SECTS. 26A-26H added, 1933, 364 § 6 (relative to the powers and duties of the state board of housing, and to limited dividend corporations under its control.) (See 1933, 364 § 8.)

SECT. 27 repealed, 1933, 364 § 7.

SECT. 42 amended, 1932, 180 § 22.

Chapter 122. — State Infirmiry.

SECT. 6 amended, 1933, 345.

Chapter 123. — Commitment and Care of the Insane and Other Mental Defectives.

SECT. 32 revised, 1933, 115.

SECT. 39B added, 1932, 204 (relative to the disposition of unclaimed belongings at certain state hospitals, known as "patients' valuables").

SECT. 39C added, 1933, 256 (relative to the disposition of moneys represented by certain bank books belonging to former patients of certain state hospitals).

SECT. 52 amended, 1932, 85.

SECT. 90, first sentence amended, 1932, 180 § 23.

SECT. 102 revised, 1934, 15.

Chapter 125. — Penal and Reformatory Institutions of the Commonwealth.

SECT. 4 amended, 1932, 282 § 3.

SECT. 30 amended, 1932, 180 § 24.

Chapter 127. — Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

SECT. 16, last sentence stricken out, 1933, 77 § 1.

SECT. 17 revised, 1933, 77 § 2.

SECT. 18 amended, 1933, 77 § 3.

SECT. 67A added, 1932, 252 § 1 (regulating the sale of prison made goods). (See 1932, 252 § 2.)

SECT. 111A added, 1933, 169 (relative to transfers of defective delinquents and drug addicts from one institution to another under the department of correction).

SECT. 133 revised, 1933, 134 § 1. (See 1933, 134 § 2.)

SECT. 146 revised, 1932, 221 § 1.

SECT. 151, last sentence amended, 1932, 180 § 25.

Chapter 128. — Agriculture.

SECT. 2, paragraph (*g*) added, 1933, 291 § 1.

SECT. 6 amended, 1933, 291 § 2.

SECT. 10 amended, 1934, 340 § 10. (See 1934, 340 § 18.)

SECT. 13 amended, 1934, 340 § 11. (See 1934, 340 § 18.)

SECT. 39 repealed, 1933, 74 § 2.

SECT. 42 revised, 1932, 166.

Chapter 128A. — Horse and Dog Racing Meetings.

Chapter added, 1934, 374 § 3.

Chapter 129. — Animal Industry.

SECT. 1 revised, 1934, 340 § 12. (See 1934, 340 § 18.)

SECT. 10 amended, 1934, 340 § 13. (See 1934, 340 § 18.)

SECT. 33 amended, 1934, 272.

SECT. 33B revised, 1934, 96.

SECT. 38 revised, 1934, 340 § 14. (See 1934, 340 § 18.)

Chapter 129A. — Marine Fish and Fisheries, Inland Fish and Fisheries, Birds and Mammals. General Provisions.

Chapter added, 1933, 329 § 1.

Chapter 130. — Marine Fish and Fisheries, including Crustacea and Shellfish (former title, Powers and Duties of the Division of Fisheries and Game. Fisheries).

Entire chapter repealed, and new chapter 130 (with new title) inserted, 1933, 329 § 2.

The following reference is to the original chapter 130:

SECT. 48A added, 1933, 118 (prohibiting the taking of certain herring or alewives from the waters of Plymouth harbor, Kingston bay, Duxbury bay and certain waters of Plymouth bay).

The following references are to the new chapter 130:

SECT. 6B added, 1934, 115 § 1 (providing for the filing with the supervisor of marine fisheries of copies of rules and regulations made by cities and towns under the marine fisheries laws, and for notifying him of permits and licenses issued under said laws). (See 1934, 115 § 2.)

SECT. 84A added, 1934, 129 (regulating the disposition of starfish caught in or taken from the coastal waters of the commonwealth).

Chapter 131. — Game and Inland Fisheries (former title, Powers and Duties of the Division of Fisheries and Game. Game and Inland Fisheries).

Title amended, 1933, 329 § 14.

SECTS. 1-4 repealed, 1933, 329 § 20.

SECT. 5 amended, 1932, 272 § 1; 1933, 214 § 1.

SECT. 6 revised, 1932, 272 § 2.

SECT. 7 revised, 1932, 272 § 3.

SECT. 8 revised, 1932, 272 § 4; new paragraph added (summer three-day fishing license), 1934, 156.

SECT. 8A added, 1933, 214 § 2 (establishing special fox hunting licenses for non-resident members and guests of clubs or associations conducting fox hunts.)

SECTS. 9-11 repealed, 1933, 329 § 20.

SECT. 12 amended, 1932, 272 § 5; revised, 1933, 214 § 3.

SECT. 13 revised, 1933, 329 § 15.

SECTS. 14-24 repealed, 1933, 329 § 20.

SECT. 24A added, 1932, 78 (relative to the establishment in certain brooks and streams of breeding areas for fish).

SECT. 25, paragraph added at end, 1934, 33.

SECTS. 27-34 repealed, 1933, 329 § 20.

SECT. 42 repealed, 1933, 329 § 20.

SECT. 44 revised, 1933, 329 § 16.

SECT. 45, sentence added at end, 1932, 77.

SECT. 49 amended, 1933, 329 § 17.

SECTS. 52-55 repealed, 1933, 329 § 20.

SECT. 56 amended, 1934, 51.

SECT. 57 amended, 1934, 149.

SECT. 61A added, 1933, 329 § 18 (regulating the taking of smelt in great ponds).

SECT. 66 amended, 1934, 40.

SECT. 74 revised, 1932, 272 § 6.

SECT. 77 revised, 1933, 154.

SECT. 85 amended, 1932, 28.

SECT. 86A added, 1932, 60 (authorizing the director of fisheries and game to suspend or modify the open season or bag limit as to ruffed grouse and quail).

SECT. 87A added, 1933, 122 (relative to the taking or killing of water-fowl and other migratory birds in certain cases).

SECT. 92 amended, 1932, 52.

SECT. 94 amended, 1934, 183.

SECT. 97 revised, 1934, 70.

SECT. 99 amended, 1932, 180 § 26.

SECT. 100A added, 1932, 82 (prohibiting the hunting of beavers).

SECT. 104 revised, 1933, 192 § 1.

SECT. 105A revised, 1933, 203; repealed, 1934, 275 § 2.

SECTS. 105B and 105C added, 1934, 275 § 1 (regulating the use of traps and other devices for the capture of fur-bearing animals and providing for local option thereon). (See 1934, 275 § 4.)

SECT. 109 revised, 1932, 264; 1933, 192 § 2.

SECT. 112 revised, 1933, 192 § 3.

SECT. 114A added, 1934, 275 § 3 (authorizing the commissioner of conservation to temporarily suspend, within certain specified territory, the provisions of section 105B).

SECT. 135 revised, 1932, 81; 272 § 7.

SECT. 137 added, 1933, 329 § 19 (relative to the protection of salmon fry in the Merrimack river).

Chapter 132. — Forestry.

SECT. 5 repealed, 1932, 180 § 27.

Chapter 132A. — State Parks and Reservations Outside of the Metropolitan Parks District.

SECT. 9 amended, 1933, 75 § 4.

Chapter 136. — Observance of the Lord's Day.

SECT. 2 amended, 1933, 150 § 1; 1934, 63.

SECT. 4A added, 1933, 150 § 2 (relative to the licensing of certain enterprises to be held on the Lord's day at amusement parks and beach resorts); revised, 1933, 309 § 1. (See 1933, 309 § 2.)

SECT. 6, second and third paragraphs amended, 1934, 328 § 7; fourth paragraph amended, 1932, 96; same paragraph amended, 1934, 354; paragraph added at end, 1933, 150 § 3; section revised, 1934, 373 § 6.

SECT. 7 amended, 1934, 328 § 8; revised, 1934, 373 § 7.

SECT. 13 amended, 1932, 105.

SECT. 17, sentence added at end, 1933, 150 § 4; section amended, 1934, 55.

SECT. 22. See 1933, 136.

Chapter 138. — Alcoholic Liquors (Old Title, Intoxicating Liquors and Certain Non-Intoxicating Beverages).

Beer bill, so called, 1933, 120 (amended by 1933, 216; 234; 346). (See also 1933, Res. 47.)

Act providing for a convention to act upon a proposed amendment to the constitution of the United States relative to the repeal of the eighteenth amendment, 1933, 132.

Acts further regulating the sale of alcoholic beverages within four hundred feet of the Nantasket Beach Reservation in the town of Hull, 1934, 199; 316.

The following references are to chapter 138, as appearing in the Tercentenary Edition:

SECT. 1, paragraph in lines 4-7 amended, 1933, 97 § 1. (See 1933, 97 § 3; 346 § 9.)

SECT. 2 affected, 1933, 120 § 53.

SECT. 3 amended, 1933, 97 § 2. (See 1933, 97 § 3; 346 § 9.)

Chapter stricken out, and new chapter 138 inserted, 1933, 376 § 2.

The following references are to the new chapter 138:

SECT. 1, sentence in lines 78-82 amended, 1934, 121 § 1; eighth paragraph ("Club") revised, 1934, 385 § 1.

SECT. 2 revised, 1934, 305; 372 § 4.

SECT. 4 amended, 1934, 385 § 2.

SECT. 10B added, 1934, 370 § 11 (authorizing the alcoholic beverages control commission to remove a member of a local licensing board under certain conditions).

SECT. 11A revised (in part), 1934, 142 § 1; paragraph added, 1934, 142 § 2; paragraph added at end, 1934, 142 § 3; section revised, 1934, 211 § 1. (See 1934, 142 § 4; 211 § 2.)

SECT. 12, first and second paragraphs amended, 1934, 121 § 2; last sentence of first paragraph revised, 1934, 370 § 1; sentence contained in lines 42-53 (as appearing in 1933, 376 § 2) revised, 1934, 370 § 2; section revised, 1934, 385 § 3.

SECT. 13, last two sentences stricken out, 1934, 385 § 4.

SECT. 14 amended, 1934, 370 § 3.

SECT. 15, last paragraph revised, 1934, 370 § 4; section further revised, 1934, 385 § 5.

SECT. 15A added, 1934, 370 § 5 (relative to the publication of applications for original licenses).

SECT. 16A revised, 1934, 385 § 6.

SECT. 17, last paragraph revised, 1934, 83; second proviso amended, 1934, 385 § 7.

SECT. 18, two paragraphs added, 1934, 385 § 8.

SECT. 18A added, under caption "SELLING AGENTS OF FOREIGN IMPORTERS AND MANUFACTURERS", 1934, 312.

SECT. 19, second paragraph amended, 1934, 385 § 9; last paragraph amended, 1934, 385 § 10.

SECT. 19A added, 1934, 385 § 11 (relative to the licensing of salesmen for manufacturers and for wholesalers and importers).

SECT. 20 revised, 1934, 385 § 12.

SECT. 21 revised, 1934, 385 § 13.

SECT. 22 revised, 1934, 385 § 14.

SECT. 22A added, 1934, 385 § 15 (providing for the granting by the alcoholic beverages control commission in certain cases of permits to sell alcoholic beverages).

SECT. 23, last paragraph amended, 1934, 245; sentence added at end of fourth paragraph, 1934, 370 § 6; section revised, 1934, 385 § 16.

SECT. 24, first sentence amended, 1934, 232.

SECT. 27 revised, 1934, 301 § 1; amended, 1934, 385 § 23.

SECT. 28 amended, 1934, 112.

SECT. 30A revised, 1934, 370 § 7.

SECT. 32 amended, 1934, 370 § 8.

- SECT. 33 revised, 1934, 370 § 9.
 SECT. 36 amended, 1934, 385 § 17.
 SECT. 37 revised, 1934, 385 § 18.
 SECT. 46 amended, 1934, 370 § 10.
 SECT. 63, first sentence revised, 1934, 385 § 19.
 SECT. 64 revised, 1934, 385 § 20.
 SECT. 67 amended, 1934, 385 § 21.
 SECT. 70 revised, 1934, 301 § 2.
 SECTS. 72-75 repealed, 1934, 372 § 1.
 SECT. 76 revised, 1934, 372 § 2; next to last sentence revised, 1934, 385 § 22.

Chapter 139. — Common Nuisances.

- SECT. 14, caption amended, 1934, 328 § 9; section amended, 1934, 328 § 10.
 SECT. 16 amended, 1934, 328 § 11.
 SECT. 16A amended, 1934, 328 § 12.
 SECT. 17 repealed, 1934, 328 § 13.
 SECT. 19 amended, 1934, 328 § 14.
 SECT. 20 amended, 1934, 328 § 15.

Chapter 140. — Licenses.

- SECT. 4 amended, 1934, 171 § 1.
 SECT. 12 revised, 1932, 86; 1933, 92.
 SECTS. 21E and 21F added, under caption "ORGANIZATIONS DISPENSING FOOD OR BEVERAGES TO MEMBERS AND GUESTS", 1933, 284 (providing for the regulation of such organizations). Sect. 21E, last sentence revised, 1934, 328 § 16; affected, 1934, 328 § 17.
 SECT. 51 amended, 1932, 275.
 SECT. 59 amended, 1934, 254 § 1. (See 1934, 254 § 2.)
 SECT. 90, three sentences added at end, 1934, 179 § 1.
 SECT. 96, sentence added at end, 1934, 179 § 2.
 SECT. 121 amended, 1934, 359 § 1.
 SECT. 131C added, 1934, 246 (prohibiting persons licensed to carry pistols and revolvers from carrying the same in vehicles unless said weapons are under their control therein.)
 SECT. 136A, under caption "DOGS", added, 1934, 320 § 1 (definitions of certain words and phrases in sections 137-175). (See 1934, 320 § 34.)
 SECT. 137 amended, 1932, 289 § 1; revised (and caption stricken out) 1934, 320 § 2. (See 1934, 320 § 34.)
 SECTS. 137A-137C added, 1934, 320 § 3 (relative to kennel licenses and regulating holders of such licenses). (See 1934, 320 § 34.)
 SECT. 138 revised, 1934, 320 § 4. (See 1934, 320 § 34.)
 SECT. 139 amended, 1934, 320 § 5. (See 1934, 320 § 34.)
 SECT. 140 repealed, 1934, 320 § 6. (See 1934, 320 § 34.)
 SECT. 141 revised, 1934, 320 § 7. (See 1934, 320 § 34.)
 SECTS. 142-144 repealed, 1934, 320 § 8. (See 1934, 320 § 34.)
 SECT. 145 amended, 1932, 289 § 2.
 SECT. 145A added, 1932, 289 § 3 (relative to the furnishing of anti-rabic vaccine); revised, 1934, 320 § 9. (See 1934, 320 § 34.)
 SECT. 146 revised, 1934, 320 § 10. (See 1934, 320 § 34.)
 SECT. 147 revised, 1932, 289 § 4; 1934, 320 § 11. (See 1934, 320 § 34.)

- SECT. 148 repealed, 1932, 289 § 6. (See G. L. chapter 41 § 13A, inserted by 1932, 289 § 5.)
- SECT. 150 revised, 1934, 320 § 12. (See 1934, 320 § 34.)
- SECT. 151 revised, 1934, 320 § 13. (See 1934, 320 § 34.)
- SECT. 151A added, 1934, 320 § 14 (powers and duties of dog officers under annual warrants from mayors or selectmen). (See 1934, 320, § 34.)
- SECT. 152 revised, 1934, 320 § 15. (See 1934, 320 § 34.)
- SECT. 153 revised, 1934, 320 § 16. (See 1934, 320 § 34.)
- SECT. 154 repealed, 1934, 320 § 17. (See 1934, 320 § 34.)
- SECT. 155 revised, 1934, 320 § 18. (See 1934, 320 § 34.)
- SECT. 156 revised, 1934, 320 § 19. (See 1934, 320 § 34.)
- SECT. 157 revised, 1934, 320 § 20. (See 1934, 320 § 34.)
- SECT. 158 revised, 1934, 320 § 21. (See 1934, 320 § 34.)
- SECT. 159 revised, 1934, 320 § 22. (See 1934, 320 § 34.)
- SECT. 160 revised, 1934, 320 § 23. (See 1934, 320 § 34.)
- SECT. 161, first two sentences amended, 1932, 289 § 7; section amended, 1934, 320 § 24. (See 1934, 320 § 34.)
- SECT. 161A added, 1934, 320 § 25 (reimbursement for damages by dogs regulated). (See 1934, 320 § 34.)
- SECT. 162 revised, 1934, 320 § 26. (See 1934, 320 § 34.)
- SECT. 163 amended, 1934, 320 § 27. (See 1934, 320 § 34.)
- SECT. 164 amended, 1934, 320 § 28. (See 1934, 320 § 34.)
- SECT. 165 revised, 1934, 320 § 29. (See 1934, 320 § 34.)
- SECT. 166 amended, 1934, 320 § 30. (See 1934, 320 § 34.)
- SECT. 170 amended, 1934, 320 § 31. (See 1934, 320 § 34.)
- SECT. 171 revised, 1934, 320 § 32. (See 1934, 320 § 34.)
- SECT. 172 revised, 1932, 289 § 8.
- SECT. 175 revised, 1932, 289 § 9; 1934, 320 § 33. (See 1934, 320 § 34.)
- SECT. 184 amended, 1934, 328 § 18.

Chapter 141. — Supervision of Electricians.

SECT. 3, clause (4) amended, 1934, 347 § 1.

Chapter 142. — Supervision of Plumbing.

SECT. 6 revised, 1934, 347 § 2.

SECT. 13 amended, 1934, 284.

Chapter 143. — Inspection and Regulation of, and Licenses for, Buildings, Elevators and Cinematographs.

Boston building laws, see 1934, 271.

Chapter 145. — Tenement Houses in Towns.

SECT. 17A added, 1934, 168 (relative to the erection of garages in the yards of certain tenement houses).

Chapter 146. — Inspection of Boilers, Air Tanks, etc., Licenses of Engineers' Firemen, and Operators of Hoisting Machinery.

SECT. 16 revised, 1932, 180 § 28.

Chapter 147. — State and Other Police, and Certain Powers and Duties of the Department of Public Safety.

SECT. 10 amended, 1934, 23.

SECT. 35 revised, 1934, 69.

SECT. 36 revised, 1932, 79.

Chapter 148. — Fire Prevention.

SECT. 1, definition of "local licensing authority" amended, 1932, 102.

SECT. 10A added, 1932, 75 (relative to the granting of certain permits and the making of certain inspections by municipal officers designated by the state fire marshal).

SECT. 13, first paragraph amended, 1932, 22 § 1. (See 1932, 22 § 2.)

SECT. 18 repealed, 1934, 182 § 2.

SECT. 27A added, 1932, 283 (relative to the protection of life and property from fire hazards incident to the present industrial emergency).

SECT. 49A added, 1934, 182 § 1 (relative to the inspection of kerosene or any product thereof kept for sale for illuminating, heating or cooking purposes).

Chapter 149. — Labor and Industries.

For legislation relative to interstate compacts affecting labor and industry, see 1933, Res. 44; 1934, 383 §§ 1, 2; Res. 25.

SECT. 6 amended, 1934, 132 § 1. (See 1934, 132 § 2.)

SECT. 20A added, 1933, 351 § 1 (relative to the judicial enforcement of certain contracts relative to membership in labor or employers' organizations). (See 1933, 351 § 2.)

SECT. 23A added, 1934, 233 (regulating the employment of armed guards in connection with strikes, lockouts and other labor troubles).

SECT. 24 amended, 1933, 272.

SECT. 50 revised, 1933, 225.

SECT. 56 amended, 1932, 110 § 1.

SECT. 57 amended, 1932, 110 § 2.

SECT. 59 amended, 1933, 193 § 1. (For temporary act, authorizing the commissioner of labor and industries to suspend certain provisions relative to the hours of employment of women in the textile and leather industries, see 1933, 347.)

SECT. 62, clause (13) amended, 1934, 328 § 19.

SECT. 66 amended, 1933, 193 § 2.

SECTS. 69-73. See 1934, 114.

SECT. 78 amended, 1934, 292 § 1.

SECT. 84 amended, 1932, 180 § 29.

SECT. 104 amended, 1932, 27.

SECT. 113 revised, 1934, 255.

SECT. 135 amended, 1933, 64.

SECTS. 142A-142F added, under caption "BENZOL AND MIXTURES CONTAINING BENZOL", 1933, 304 (regulating the sale, distribution, storage and use of benzol and its compounds).

SECT. 147A added, 1932, 234 (requiring the furnishing of certain information to the department of labor and industries with respect

to the performance of certain industrial work in tenements and dwelling houses).

SECT. 148, last sentence amended, 1932, 101 § 1.

SECT. 150, sentence added at end, 1932, 101 § 2.

SECT. 157A added, 1933, 268 (insuring to piece or job workers in factories and workshops information relative to their compensation).

SECT. 178A added, 1932, 175 (authorizing the payment of small amounts of wages or salary of intestate employees to certain next of kin without administration).

Chapter 151. — The Minimum Wage.

SECT. 8 amended, 1933, 110.

SECTS. 11A-11D added, 1933, 220 § 1 (relative to the more effective enforcement of decrees of the minimum wage commission). (See 1933, 220 § 2.)

Chapter stricken out, and new chapter 151 inserted, 1934, 308 § 1. (See 1934, 308 §§ 2, 3).

Chapter 152. — Workmen's Compensation.

SECT. 11 amended, 1932, 129 § 1.

SECT. 12, last paragraph amended, 1932, 117 § 1. (See 1932, 117 § 2.)

SECT. 13, sentence added at end, 1933, 68.

SECT. 15A amended, 1934, 252.

SECT. 28 amended, 1934, 292 § 2.

SECT. 31, first paragraph amended, 1934, 250.

SECT. 36, paragraph (*j*) revised, 1933, 257.

SECT. 55, second paragraph revised, 1934, 137 § 1.

SECT. 69 revised, 1933, 318 § 7.

SECT. 69A added, 1933, 315 (regulating workmen's compensation payments by the commonwealth).

SECT. 75 revised, 1932, 19.

Chapter 154. — Assignment of Wages.

SECT. 8 added, 1933, 96 (exempting orders for payment of labor or trade union or craft dues or obligations from the operation of the laws regulating assignments of wages).

Chapter 155. — General Provisions relative to Corporations.

SECT. 10 amended, 1933, 11.

SECT. 50 amended, 1933, 66.

Chapter 156. — Business Corporations.

SECT. 12, form of certificate revised, 1932, 67.

SECT. 41 revised, 1932, 136.

SECT. 54 amended, 1932, 180 § 30.

Chapter 157. — Co-operative Corporations.

SECT. 16, last sentence amended, 1932, 180 § 31.

Chapter 159. — Common Carriers.

- SECT. 59 revised, 1933, 326 § 1.
 SECT. 60 amended, 1933, 326 § 2.
 SECT. 61 amended, 1933, 326 § 3.
 SECT. 62 amended, 1933, 326 § 4.
 SECT. 70 revised, 1934, 357 § 1.
 SECT. 80 amended, 1934, 357 § 2.
 SECT. 103 amended, 1933, 10.

Chapter 159A. — Common Carriers of Passengers by Motor Vehicle.

[Title amended, and headings, "PART I.", "CARRIERS OF PASSENGERS BY MOTOR VEHICLE", inserted before section 1, 1933, 372 § 1].

[SECTS. 17-30 added, under headings, "PART II.", "CARRIERS OF PROPERTY BY MOTOR VEHICLE", 1933, 372 § 2 (regulating carriers of property by motor vehicle)].

NOTE:—1933, 372 repealed by 1934, 264 § 5.

Chapter 159B. — Carriers of Property by Motor Vehicle.

New chapter added by 1934, 264 § 1.

Chapter 160. — Railroads.

- SECT. 70 amended, 1932, 238.
 SECT. 70A revised, 1932, 236; amended, 1934, 264 § 3.
 SECT. 104 revised, 1933, 176.

Chapter 161. — Street Railways.

Name of metropolitan transit district changed to Boston Metropolitan District, and authority to issue notes and bonds defined, 1932, 147.

Temporary act, extending to January 15th, 1939, the period of public control and management of the Eastern Massachusetts Street Railway Company, 1933, 108.

Temporary acts relative to the purchase of bonds of the Boston Elevated Railway Company by the Boston Metropolitan District, 1933, 235; 1934, 334.

- SECT. 42, third sentence amended, 1934, 328 § 20.
 SECT. 44 amended, 1934, 264 § 4.
 SECT. 77 revised, 1934, 310 § 1.
 SECT. 86 revised, 1934, 310 § 2.

Chapter 163. — Trackless Trolley Companies.

SECT. 12 added, 1932, 185 (requiring trackless trolley companies to furnish security for civil liability on account of personal injuries or property damage caused by their vehicles).

Chapter 164. — Manufacture and Sale of Gas and Electricity.

For legislation authorizing compacts relative to the interstate transmission of electricity and gas, see 1933, 294.

SECT. 17A added, 1932, 132 (regulating the lending of money by gas and electric companies).

SECT. 33 amended, 1932, 180 § 32.

SECT. 84A added, 1934, 202 § 1 (requiring gas and electric companies to make additional annual returns).

SECT. 85A added, 1933, 202 § 1 (requiring the filing with the department of public utilities of certain contracts of gas and electric companies with affiliated companies).

SECT. 105A added, 1932, 119 (regulating the storage, transportation and distribution of gas).

SECT. 119 revised, 1934, 365.

Chapter 165. — Water and Aqueduct Companies.

SECT. 4A added, 1933, 202 § 2 (requiring the filing with the department of public utilities of certain contracts of water companies with affiliated companies).

Chapter 166. — Telephone and Telegraph Companies, and Lines for the Transmission of Electricity.

SECT. 12A added, 1934, 202 § 2 (requiring telephone and telegraph companies to make additional annual returns).

SECT. 22, second paragraph amended, 1932, 36.

SECT. 22A added, 1932, 266 (relative to the placing underground of certain wires); revised, 1933, 251.

Chapter 167. — Banks and Banking.

For temporary act, authorizing the commissioner of banks to borrow within two years from March 30th, 1932, funds for the payment of dividends in liquidation of certain closed banks, see 1932, 122; time increased to four years, 1934, 304.

For temporary act, operative until January 1st, 1938, authorizing savings banks and savings departments of trust companies to grant loans on proofs of claim of depositors in closed savings banks and in savings departments of closed trust companies, see 1932, 217.

For temporary act, authorizing the governor to proclaim the existence of a banking emergency, and providing for the further protection of depositors in banks and the maintenance of the banking structure of the commonwealth, see 1933, 59. (See also 1933, Res. 2.)

For temporary act, facilitating the reorganization of certain trust companies, and empowering certain holders of deposits in certain national banking associations to take in substitution therefor preferred stock in such associations, see 1933, 112.

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73.

SECT. 2 revised, 1934, 251.

SECT. 2A added, 1933, 310 (improving the method of examination of banks).

SECT. 4 amended, 1934, 270 § 1.

SECT. 5 revised, 1933, 337.

SECT. 11 revised, 1934, 270 § 2.

SECT. 14 revised, 1933, 334 § 1.

SECT. 17 repealed, 1933, 334 § 2.

SECT. 20 amended, 1933, 190.

SECT. 20A added, 1933, 292 (permitting certain public officers to participate in certain bank reorganizations).

SECTS. 22-36. See 1934, 43 § 11.

SECT. 22. See 1933, 59 § 5; 112 § 7.

SECT. 23. See 1933, 112 § 6.

SECT. 24 amended, 1932, 294; 1933, 41 § 4.

SECT. 31A added, 1933, 277 (authorizing payment of dividends on small deposits in closed banks to certain minors and to the next of kin of certain deceased persons without probate proceedings).

SECT. 35A added, 1933, 302 (authorizing the destruction of certain books, records and papers relating to closed banks).

SECT. 35B added, 1934, 241 (providing for semi-annual reports by the commissioner of banks as to progress of liquidation of certain banks).

Chapter 168. — Savings Banks.

For temporary act, establishing the Mutual Savings Central Fund, Inc., for the term of five years, see 1932, 44.

For temporary act, operative until January 1st, 1938, authorizing savings banks and savings departments of trust companies to grant loans on proofs of claim of depositors in closed savings banks and in savings departments of closed trust companies, see 1932, 217.

For temporary act, authorizing the governor to proclaim the existence of a banking emergency, and providing for the further protection of depositors in banks and the maintenance of the banking structure of the commonwealth, see 1933, 59. (See also 1933, Res. 2.)

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, providing for the establishment of a fund for the insurance of deposits in certain savings banks, see 1934, 43.

SECT. 1, two paragraphs (defining "deposit book [etc.]" and "savings bank") added at end, 1933, 334 § 3.

SECT. 2 revised, 1933, 334 § 4.

SECT. 2A added, 1933, 46 § 1 (authorizing savings banks to become members of the Federal Home Loan Bank established for the district of New England).

SECT. 11 amended, 1933, 334 § 5.

SECT. 13 amended, 1933, 334 § 6. (See 1933, 41 § 1.)

SECT. 17 revised, 1933, 334 § 7.

SECT. 25 revised, 1933, 334 § 8.

SECT. 25A added, 1933, 334 § 8 (authorizing the collection of savings from school children through principals, teachers, etc.).

SECT. 26 revised, 1933, 334 § 9.

SECT. 27 amended, 1933, 334 § 10.

SECT. 28 revised, 1933, 334 § 11.

SECT. 29 amended, 1933, 334 § 12.

SECT. 33A revised, 1933, 334 § 13.

SECT. 34 revised, 1933, 334 § 14.

SECT. 35 revised, 1933, 334 § 15.

SECT. 45 amended, 1933, 334 § 16.

SECT. 47 revised, 1933, 334 § 17.

SECT. 49 amended, 1933, 334 § 18.

SECT. 50 revised, 1933, 334 § 19.

SECT. 51 revised, 1932, 245 § 1.

SECT. 51A revised, 1933, 334 § 20.

SECT. 53 revised, 1933, 334 § 21.

SECT. 54, clause First, first two paragraphs revised, 1933, 334 § 22; clause Second, subdivisions (a), (e) and (f) revised, 1933, 334 § 23; subdivision (h) added, 1933, 334 § 24 (forbidding investment of funds in bonds or notes of county, etc., in default, and defining term "in default"); clause Third affected, 1933, 111; 1934, 79; clause Fourth amended, 1932, 112; clause Seventh, second paragraph revised, 1932, 220; clause Ninth, subdivision (c), paragraph (2) stricken out, 1933, 334 § 25; subdivision (e), paragraphs (2), (3) and (5) revised, 1933, 334 § 26; clause Sixteenth affected, 1933, 111; 1934, 79.

SECT. 55, paragraph added at end, 1933, 334 § 27 (authorizing the continuing of the offices of a merged savings bank as branch offices of the continuing bank).

SECT. 56 added, 1933, 41 § 1 (authorizing savings banks to purchase, loan upon or participate in loans upon the assets of certain closed and other banks).

SECT. 57 added, 1933, 334 § 28 (authorizing savings banks to become members of savings bank associations).

Chapter 169. — Deposits with Others than Banks.

For temporary act, authorizing the governor to proclaim the existence of a banking emergency, and providing for the further protection of depositors in banks and the maintenance of the banking structure of the commonwealth, see 1933, 59. (See also 1933, Res. 2.)

Chapter 170. — Co-operative Banks.

For temporary act, establishing the Co-operative Central Bank, for the term of five years, see 1932, 45.

For temporary act, authorizing the governor to proclaim the existence of a banking emergency, and providing for the further protection of depositors in banks and the maintenance of the banking structure of the commonwealth, see 1933, 59. (See also 1933, Res. 2.)

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

For temporary act, providing for the establishment of a fund for the insurance of shares in co-operative banks, see 1934, 73.

The following references are to Chapter 170, as appearing in the Tercenary Edition:

SECT. 16 revised, 1932, 292 § 1.

SECT. 19 amended, 1932, 292 § 2.

SECT. 20A added, 1932, 292 § 3 (authorizing payment to spouse or next of kin without administration in case value of shares does not exceed two hundred dollars).

SECT. 36A added, 1932, 292 § 4 (authorizing and regulating borrowings to meet withdrawals and to loan against shares).

SECT. 40, paragraph added at end, 1932, 233 § 1.

SECT. 41 amended, 1932, 233 § 2.

SECT. 42 amended, 1932, 233 § 3.

SECT. 45A added, 1933, 46 § 2 (authorizing co-operative banks to become members of the Federal Home Loan Bank established for the district of New England).

SECT. 50 added, 1932, 201 (authorizing co-operative banks to become members of certain leagues).

Chapter stricken out and new chapter inserted, 1933, 144.

The following references are to the new chapter 170:

SECT. 34 amended, 1934, 203 § 1.

SECT. 35, last paragraph stricken out, 1934, 203 § 2.

Chapter 171. — Credit Unions.

For temporary act, establishing the Central Credit Union Fund, Inc., for the term of five years, see 1932, 216, as amended by 1934, 221.

For temporary act, authorizing the governor to proclaim the existence of a banking emergency, and providing for the further protection of depositors in banks and the maintenance of the banking structure of the commonwealth, see 1933, 59. (See also 1933, Res. 2.)

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

SECT. 15, last sentence stricken out, and paragraph added at end, 1933, 163 § 1.

SECT. 21 amended, 1933, 163 § 2.

SECT. 24, paragraph added at end of subdivision (A), 1933, 163 § 3.

Chapter 172. — Trust Companies.

For temporary act, operative until January 1st, 1938, authorizing savings banks and savings departments of trust companies to grant loans on proofs of claim of depositors in closed savings banks and in savings departments of closed trust companies, see 1932, 217.

For temporary act, authorizing the governor to proclaim the existence of a banking emergency, and providing for the further protection of depositors in banks and the maintenance of the banking structure of the commonwealth, see 1933, 59. (See also 1933, Res. 2.)

For temporary act, facilitating the reorganization of certain trust companies, and empowering certain holders of deposits in certain national banking associations to take in substitution therefor preferred stock in such associations, see 1933, 112.

For temporary act, authorizing banks and credit unions to co-operate in action under the Federal Home Owners' Loan Act of 1933, see 1933, 343.

SECT. 1 revised, 1934, 349 § 1.

SECT. 7, clause Fourth revised, 1934, 349 § 2.

SECT. 9, fifth sentence amended, 1934, 349 § 3.

SECT. 10, first paragraph amended, 1934, 349 § 4.

SECT. 11 revised, 1934, 349 § 5.

SECT. 12 revised, 1934, 349 § 6.

- SECT. 13 revised, 1934, 349 § 7.
SECT. 14 revised, 1934, 349 § 8.
SECT. 14A added, 1934, 349 § 9 (relative to the submission of a monthly report by the treasurer of a trust company to its board of directors).
SECT. 15 revised, 1934, 349 § 10.
SECT. 16, paragraph added at end, 1934, 349 § 11.
SECT. 18 revised, 1934, 349 § 12.
SECT. 19 amended, 1934, 349 § 13.
SECT. 24 revised, 1934, 349 § 14.
SECT. 25 amended, 1934, 349 § 15.
SECT. 26 amended, 1934, 349 § 16.
SECT. 30A, sentence added at end, 1934, 349 § 17.
SECT. 31 revised, 1934, 349 § 18.
SECT. 34 revised, 1934, 349 § 19.
SECT. 43 revised, 1934, 349 § 20.
SECT. 44A added, 1933, 41 § 2 (authorizing trust companies to purchase, loan upon or participate in loans upon the assets of certain closed and other banks).
SECT. 45 revised, 1934, 349 § 21.
SECT. 46 revised, 1934, 349 § 22.
SECT. 48 revised, 1934, 349 § 23.
SECT. 54 amended, 1934, 349 § 24.
SECT. 57 revised, 1934, 349 § 25.
SECT. 60 amended, 1934, 349 § 26.
SECT. 61 amended, 1933, 41 § 3.
SECT. 62 amended, 1934, 349 § 27.
SECT. 66 revised, 1932, 245 § 2.
SECT. 67, paragraph added at end, 1933, 334 § 29 (regulating the declaration and payment of interest on deposits in savings departments of trust companies).
SECT. 74 amended, 1934, 349 § 28.
SECT. 75 revised, 1934, 349 § 29.
SECT. 76 amended, 1934, 349 § 30.
SECT. 80 revised, 1934, 349 § 31 (but see 1934, 349 § 32).
SECT. 82 added, under caption "SET-OFF OR RECOUPMENT OF DEPOSITS", 1932, 295 § 1. (See 1932, 295 § 2.)
SECTS. 83-89 added, under caption "CONSERVATORSHIP", 1933, 87 § 1.
SECTS. 83, 88. See 1933, 112 §§ 6, 9.
SECT. 90 added, 1933, 273 (relative to the enforcement of conservatorship proceedings in respect to trust companies).

Chapter 175. — Insurance.

For temporary act, relative to the support and regulation of the business of insurance companies during the bank emergency, see 1933, 65.

- SECT. 5 amended, 1933, 107 § 2.
SECT. 6, first paragraph amended, 1933, 107 § 3.
SECT. 11, first paragraph amended, 1934, 92 § 1; third paragraph amended, 1933, 5.
SECT. 19A amended, 1934, 137 § 2.
SECT. 25, last paragraph of Form A stricken out, 1934, 12; last paragraph of section amended, 1934, 92 § 2.

SECT. 50, third sentence amended, 1932, 180 § 33.

SECT. 54A added, 1932, 165 (permitting certain insurance companies to make outside the commonwealth contracts insuring personal property against all risks or hazards).

SECT. 79 revised, 1933, 23 § 1.

SECT. 87 repealed, 1934, 22.

SECT. 90B revised, 1933, 23 § 2.

SECT. 94, first two paragraphs stricken out, and new paragraph inserted, 1933, 81.

SECT. 97 amended, 1933, 31.

SECT. 99, clause Ninth revised, 1934, 95.

SECT. 102 amended, 1932, 174 § 1; revised, 1934, 110 § 1. (See 1932, 174 § 2; 1934, 110 § 2.)

SECT. 106 revised, 1932, 150 § 1. (See 1932, 150 § 4.)

SECT. 113A, provision (2) amended, 1933, 119 § 1; revised, 1933, 145 § 1; provision (2A) added, 1933, 145 § 2. (See 1933, 145 § 3.)

SECT. 113D, first paragraph revised, 1933, 119 § 2; paragraph added at end, 1933, 119 § 3; fourth paragraph revised, 1933, 146 § 1; sixth paragraph revised, 1933, 146 § 2; same paragraph amended, 1934, 46; paragraph added at end, 1934, 379. (See 1933, 119 § 6; 146 § 3.)

SECT. 113E added, 1934, 61 (prohibiting certain discrimination in the issuance or execution of motor vehicle liability policies or bonds).

SECT. 114 amended, 1932, 180 § 34.

SECT. 116A amended, 1932, 180 § 35.

SECTS. 125, 126. See 1933, 42.

SECT. 132, first paragraph revised, 1933, 101 § 1.

SECT. 140, third paragraph amended, 1933, 101 § 2.

SECT. 144, last paragraph revised, 1933, 101 § 3.

SECT. 151, clause Second amended, 1933, 107 § 1.

SECT. 155, clause First revised, 1932, 150 § 2. (See 1932, 150 § 4.)

SECT. 156A amended, 1933, 30.

SECT. 160A added, 1933, 25 § 1 (prohibiting the printing or publication of certain advertisements for or on behalf of unlicensed insurance companies).

SECT. 160B added, 1934, 14 § 1 (authorizing the commissioner of insurance to publish certain information relative to unlicensed foreign insurance companies or societies).

SECT. 167A amended, 1934, 137 § 3.

SECT. 181 revised, 1934, 160.

SECT. 185, second paragraph revised, 1932, 150 § 3.

SECT. 187C, first paragraph amended, 1934, 34.

Chapter 176. — Fraternal Benefit Societies.

For temporary act, relative to the support and regulation of the business of insurance companies during the bank emergency, see 1933, 65.

SECT. 5 amended, 1933, 25 § 2; 1934, 14 § 2.

SECT. 21 amended, 1934, 170.

SECT. 23 amended, 1932, 46.

SECT. 40, first two sentences amended, 1932, 180 § 36.

SECT. 45, second paragraph amended, 1932, 104.

SECT. 46B added, 1932, 47 § 1 (authorizing certain fraternal benefit

societies to acquire, hold, manage and dispose of real property, and confirming title to such property heretofore acquired by certain of such societies).

Chapter 178. — Savings Bank Life Insurance.

For temporary act, relative to the support and regulation of the business of insurance companies during the bank emergency, see 1933, 65.

SECT. 26 revised, 1932, 103.

Chapter 180. — Corporations for Charitable and Certain Other Purposes.

SECT. 5 amended, 1934, 328 § 21.

SECT. 10 amended, 1932, 180 § 37.

SECT. 26A added, 1933, 236 § 1 (requiring the filing of annual returns by certain incorporated clubs and other corporations). (See 1933, 236 § 2.)

SECT. 27 amended, 1934, 328 § 22.

Chapter 185. — The Land Court and Registration of Title to Land.

SECT. 1, paragraph (*j*¹/₂) added, 1934, 263 § 1 (granting to land court exclusive original jurisdiction to determine by declaratory judgment the validity and extent of municipal zoning ordinances, by-laws and regulations); paragraph (*k*) revised, 1934, 67 § 1. (See 1934, 67 § 2.)

SECT. 25A added, 1933, 55 (relative to the power of the land court to enforce its orders and decrees, and relative to service of its processes).

Chapter 192. — Probate of Wills and Appointment of Executors.

SECT. 1A added, 1934, 113 (requiring that the attorney general be made a party in certain proceedings relative to the probate of wills).

Chapter 194. — Public Administrators.

SECT. 7 revised, 1933, 100.

SECT. 9, last sentence amended, 1932, 180 § 38; section affected, 1932, 180 § 45.

Chapter 195. — General Provisions relative to Executors and Administrators.

SECTS. 1-4 repealed, 1933, 221 § 1. (See 1933, 221 § 8.)

SECT. 8 amended, 1933, 221 § 2. (See 1933, 221 § 8.)

Chapter 196. — Allowances to Widows and Children, and Advancements.

SECT. 2 amended, 1933, 36.

Chapter 197. — Payment of Debts, Legacies and Distributive Shares.

SECT. 2 amended, 1933, 221 § 3. (See 1933, 221 § 8.)

SECT. 9 amended, 1933, 221 § 4. (See 1933, 221 § 8.)

Chapter 201. — Guardians and Conservators.

SECT. 13, new sentence added at end, 1934, 204 § 1.

SECT. 18, new sentence added at end, 1934, 204 § 2.

Chapter 202. — Sales, Mortgages and Leases of Real Estate by Executors, Administrators, Guardians and Conservators.

SECT. 4A added, 1933, 129 (relative to the use and management of real estate of a decedent by his executor or administrator for the purpose of the payment of debts from the rents thereof).

SECT. 14 amended, 1934, 157 § 1.

SECT. 20 revised, 1933, 221 § 5. (See 1933, 221 § 8.)

Chapter 203. — Trusts.

SECT. 16 amended, 1934, 157 § 2.

SECT. 17A added, 1932, 50 (relative to the sale of real estate by foreign testamentary trustees).

Chapter 204. — General Provisions relative to Sales, Mortgages, Releases, Compromises, etc., by Executors, etc.

SECT. 26 amended, 1933, 221 § 6. (See 1933, 221 § 8.)

Chapter 207. — Marriage.

SECT. 20 amended, 1933, 127.

SECT. 38 revised, 1932, 162.

Chapter 208. — Divorce.

SECT. 19 revised, 1932, 3.

SECT. 21, sentence added at end, 1934, 181 § 1. (See 1934, 181 § 2.)

SECT. 38 revised, 1933, 288.

Chapter 209. — Husband and Wife.

SECT. 33 revised, 1933, 360.

Chapter 211. — The Supreme Judicial Court.

For provision for the publication and sale of advance sheets of the opinions and decisions of the supreme judicial court, see 1932, Res. 2.

SECT. 11 revised, 1933, 300 § 1. (See 1933, 300 § 4.)

Chapter 212. — The Superior Court.

For act further extending to January 1st, 1936, the operation of certain provisions of law relative to the more prompt disposition of criminal cases in the superior court, see 1932, 157.

For act relative to sittings and sessions of the superior court, see 1932, 144. (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECT. 14 revised, 1932 144 § 1. (For prior temporary legislation, see 1927, 306; 1928, 228.)

SECT. 14A added, 1932, 144 § 2 (regulating the establishing of sessions and sittings of the superior court). [For prior temporary legislation, see 1927, 306; 1928, 228.]

SECTS. 15-18 repealed, 1932, 144 § 3.

SECT. 22 amended, 1934, 287.

SECT. 25 amended, 1932, 144 § 4.

Chapter 213. — Provisions Common to the Supreme Judicial and Superior Courts.

SECT. 6 amended, 1932, 144 § 5.

Chapter 214. — Equity Jurisdiction and Procedure in the Supreme Judicial and Superior Courts.

SECT. 9 amended, 1934, 381.

Chapter 215. — Probate Courts.

SECT. 6 amended, 1933, 237 § 1.

SECT. 30A amended, 1934, 330.

SECT. 62, fifth paragraph revised, 1932, 107; paragraph in lines 29-33 revised, 1934, 24; paragraph in lines 34-37 amended, 1934, 54; same paragraph revised, 1934, 175 § 1; paragraph in lines 56 and 57 revised, 1933, 274. (See 1934, 175 § 2.)

Chapter 217. — Judges and Registers of Probate and Insolvency.

SECT. 2 amended, 1934, 290.

Chapter 218. — District Courts.

For act further extending to January 1st, 1936, the operation of certain provisions of law authorizing certain justices of district courts to sit in criminal cases in the superior court, see 1932, 157.

SECT. 1, first paragraph under caption "*Franklin*" revised, 1932, 87 § 1.

SECT. 9, sentence added at end, 1934, 217 § 1.

SECT. 10 amended, 1932, 160 § 1.

SECT. 19 amended, 1934, 387 § 1. (See 1934, 387 § 5.)

SECT. 29 amended, 1932, 55.

SECT. 62 amended,* 1932, 235 § 1; revised,* 1932, 247 § 1.

SECT. 76 amended, 1932, 269 § 1.

Chapter 219. — Trial Justices.

SECT. 28 amended, 1934, 328 § 23.

Chapter 220. — Courts and Naturalization.

SECTS. 16 and 17 repealed, 1932, 144 § 3.

SECT. 19 repealed, 1932, 16.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Courts.

SECT. 5 amended, 1932, 51.

SECT. 58 amended, 1932, 40 § 1.

SECT. 60 repealed, 1932, 40 § 2.

SECT. 94, first sentence amended, 1932, 180 § 39.

Chapter 223. — Commencement of Actions, Service of Process.

SECT. 2 revised, 1934, 387 § 2. (See 1934, 387 § 5.)

* Void for non-acceptance.

Chapter 228. — Survival of Actions and Death and Disabilities of Parties.

- SECT. 1 revised, 1934, 300 § 1. (See 1934, 300 § 2.)
 SECT. 5 amended, 1933, 221 § 7. (See 1933, 221 § 8.)

Chapter 230. — Actions By and Against Executors and Administrators.

- SECT. 5 amended, 1934, 116.

Chapter 231. — Pleading and Practice.

- SECT. 63 amended, 1932, 84 § 1.
 SECT. 69 amended, 1932, 177 § 1. (See 1932, 177 § 2.)
 SECT. 73 repealed, 1932, 180 § 40.
 SECT. 78 repealed, 1932, 180 § 40.
 SECT. 84A added, 1933, 247 § 1 (relative to the joint trial in the superior court of actions involving the same subject matter). (See 1933, 247 § 2.)
 SECT. 102A added, 1934, 387 § 3 (relative to the removal to the superior court of an action of tort arising out of the operation of a motor vehicle). (See 1934, 387 § 5.)
 SECT. 108, second sentence of third paragraph revised, 1933, 255 § 1. (See 1933, 255 § 2.)
 SECT. 133 amended, 1933, 300 § 2. (See 1933, 300 § 4.)
 SECT. 140A added, 1932, 130 § 1 (relative to the effect of a settlement by agreement of an action of tort growing out of a motor vehicle accident upon the right of a defendant in such action to maintain a cross action).
 SECT. 141 amended, 1932, 130 § 2; 1933, 300 § 3; 1934, 387 § 4. (See 1933, 300 § 4; 1934, 387 § 5.)

Chapter 233. — Witnesses and Evidence.

- SECT. 3A added, 1933, 262 (authorizing the commissioner of banks to respond to summonses or subpoenas by an employee or other assistant in his department.)
 SECT. 8 amended, 1933, 269 § 3; 376 § 3.
 SECT. 22 amended, 1932, 97 § 1.
 SECT. 26 amended, 1932, 71 § 1.
 SECT. 29 amended, 1932, 71 § 2.
 SECT. 30 amended, 1932, 71 § 3.
 SECT. 32 amended, 1932, 71 § 4.
 SECT. 33 amended, 1932, 71 § 5.
 SECT. 34 amended, 1932, 71 § 6.
 SECT. 45 amended, 1932, 71 § 7.
 SECT. 46 amended, 1932, 71 § 8.
 SECT. 47 amended, 1932, 71 § 9.
 SECT. 48 amended, 1932, 71 § 10.
 SECT. 49 amended, 1932, 71 § 11.

Chapter 234. — Juries.

- SECT. 11 amended, 1934, 150.

Chapter 240. — Proceedings for Settlement of Title to Land.

SECT. 14A added, 1934, 263 § 2 (providing for determination by the land court by declaratory judgment as to the validity and extent of municipal zoning ordinances, by-laws and regulations).

Chapter 246. — Trustee Process.

SECT. 28 temporarily affected, 1934, 74.

Chapter 250. — Writs of Error, Vacating Judgment, Writs of Review.

SECT. 16 amended, 1933, 244 § 1. (See 1933, 244 § 2.)

Chapter 255. — Mortgages, Conditional Sales and Pledges of Personal Property, and Liens thereon.

SECT. 1. See 1933, 142 (recording of federal crop loans to farmers).

Chapter 258. — Claims against the Commonwealth.

SECT. 3 revised, 1932, 180 § 41.

Chapter 260. — Limitation of Actions.

SECT. 4 amended, 1933, 318 § 5; 1934, 291 § 4. (See 1933, 318 § 9; 1934, 291 § 6.)

Chapter 262. — Fees of Certain Officers.

SECT. 5 amended, 1933, 201.

SECT. 25 amended, 1933, 162; 1934, 141.

SECT. 34 amended, 1933, 21.

SECT. 40 revised, 1934, 324 § 1. (See 1934, 324 § 2.)

Chapter 263. — Rights of Persons Accused of Crime.

SECT. 4A added, 1934, 358 (expediting the arraignment of persons charged with crimes not punishable by death by permitting them to waive indictment proceedings).

SECT. 6 amended, 1933, 246 § 1. (See 1933, 246 § 2.)

Chapter 264. — Crimes against Governments.

SECT. 5 revised, 1932, 298; amended, 1933, 153 § 3; 1934, 56.

SECT. 10A revised, 1933, 276.

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SECT. 25 revised, 1932, 211.

SECT. 26 amended, 1934, 1.

Chapter 266. — Crimes against Property.

SECT. 1 revised, 1932, 192 § 1.

SECT. 2 revised, 1932, 192 § 2.

SECTS. 3 and 4 repealed, 1932, 192 § 3.

SECT. 5 revised, 1932, 192 § 4.

SECT. 5A added, 1932, 192 § 5 (defining and providing penalties for attempts to commit arson).

SECT. 6 repealed, 1932, 192 § 3.

SECT. 8 revised, 1932, 192 § 6.

SECT. 10 revised, 1932, 192 § 7.

SECT. 52 amended, 1934, 270 § 3.

SECT. 54. See 1933, 59 § 3.

SECT. 70 amended, 1933, 245 § 4.

SECTS 75A and 75B added, 1932, 11 (penalizing the fraudulent operation of slot machines, coin-box telephones and other coin receptacles, and the manufacture and sale of devices intended to be used in such operation).

Chapter 268. — Crimes against Public Justice.

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SECT. 26 amended, 1934, 328 § 24.

SECT. 27 amended, 1934, 328 § 25.

SECT. 29 amended, 1934, 328 § 26.

Chapter 269. — Crimes against Public Peace.

SECT. 10B added, 1934, 359 § 2 (further regulating the sale, rental and leasing of rifles and shotguns).

Chapter 270. — Crimes against Public Health.

SECT. 5 amended, 1934, 328 § 27.

Chapter 271. — Crimes against Public Policy.

SECT. 22A revised, 1934, 371.

SECT. 23 amended, 1934, 235 § 3; 303 § 1.

Chapter 272. — Crimes against Chastity, Morality, Decency and Good Order.

SECT. 25 revised, 1933, 376 § 4.

SECT. 28 amended, 1934, 231.

SECTS. 79A and 79B added, 1934, 234 § 1 (relative to the cutting of the muscles or tendons of horses' tails and to the showing or exhibiting of horses whose tails have been so cut or have been docked). (See 1934, 234 § 2.)

SECT. 80 repealed, 1934, 234 § 1. (See 1934, 234 § 2.)

SECT. 92A added, 1933, 117 (preventing advertisements tending to discriminate against persons of any religious sect, creed, class, denomination or nationality by places of public accommodation, resort or amusement).

SECT. 97A added, 1934, 164 (prohibiting the use of documents drawn to imitate judicial process).

SECT. 98 amended, 1934, 138.

Chapter 273. — Desertion, Non-Support and Illegitimacy.

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Chapter 275. — Proceedings to prevent Crimes.

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Chapter 276. — Search Warrants, Rewards, Fugitives from Justice, Arrest, Examination, Commitment and Bail. Probation Officers and Commission on Probation.

SECT. 1, first paragraph amended, 1934, 303 § 2; clause Eleventh amended, 1934, 235 § 1.

SECT. 3 amended, 1934, 340 § 15. (See 1934, 340 § 18.)

SECT. 3A added, 1934, 247 (concerning the service of search warrants).

SECT. 7 amended, 1934, 235 § 2.

SECT. 37A added, 1932, 180 § 43 (relative to the assignment of counsel to appear, on behalf of a person accused of a capital crime, at his preliminary examination). [For prior legislation, see G. L. chapter 277 §§ 48, 49, repealed by 1932, 180 § 44.]

SECT. 89, sentence added at end, 1934, 217 § 2.

SECT. 98 amended, 1932, 145.

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SECT. 9 amended, 1932, 221 § 2.

SECT. 11 amended, 1934, 328 § 28.

Chapter 280. — Fines and Forfeitures.

SECT. 2, last sentence stricken out, 1934, 364 § 2. (See 1934, 364 § 3.)

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, NOVEMBER 15, 1934.

I certify that the acts and resolves contained in this volume are true copies of the originals on file in this department.

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 Joint Committee on Rules of the General Court, in accordance with the provisions of General Laws, Tercentenary Edition, chapter 3, section 51.

FREDERIC W. COOK,
Secretary of the Commonwealth.

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