



ROOM 443

ACTS

AND

RESOLVES

PASSED BY THE

General Court of Massachusetts

IN THE YEAR

1935

TOGETHER WITH

RETURNS OF VOTES UPON QUESTIONS SUBMITTED TO VOTERS,
TABLES SHOWING CHANGES IN THE STATUTES, ETC.

PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH



BOSTON
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1935

ACTS AND RESOLVES

OF

MASSACHUSETTS

1935

 The General Court, which was chosen November 6, 1934, assembled on Wednesday, the second day of January, 1935, for its first annual session.

The oaths of office were taken and subscribed by His Excellency JAMES M. CURLEY and His Honor JOSEPH L. HURLEY on Thursday, the third day of January.

ACTS.

AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO LAY OUT AND CONSTRUCT A PUBLIC WAY OVER A PORTION OF WATERSIDE CEMETERY IN SAID TOWN. *Chap. 1*

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

SECTION 1. The town of Marblehead, in laying out and constructing a public way between Jersey street and the junction of Green and Beacon streets therein, is hereby authorized to lay out and construct said way upon a portion of Waterside Cemetery, said portion being a strip of not exceeding ten feet along the entire length of the south-easterly side of said cemetery.

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

Approved January 22, 1935.

AN ACT PLACING THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF MILLIS UNDER THE CIVIL SERVICE LAWS. *Chap. 2*

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Millis 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 police officers in towns, 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, however, that Arthur F. Scholl, 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 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-five, entitled 'An Act placing the office of chief of police of the town of Millis under the civil service laws', 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 January 28, 1935.

Chap. 3 AN ACT ESTABLISHING THE BASIS OF APPORTIONMENT OF STATE AND COUNTY TAXES.

Emergency
preamble.

Whereas, The deferred operation of this act would cause great inconvenience in the determination of local tax rates, 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 number of polls, the amount of property and the proportion of every thousand dollars of state tax, including polls at one tenth of a mill each, for each city and town in the several counties of the commonwealth, as contained in the following schedule, are hereby established, and shall constitute a basis of apportionment for state and county taxes until another is made and enacted by the general court, to wit:—

POLLS, PROPERTY AND APPORTIONMENT OF STATE AND COUNTY TAX OF \$1,000.
BARNSTABLE COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	2,742	\$24,288,596	\$3 27
Bourne	1,033	10,104,730	1 35
Brewster	232	2,254,434	30
Chatham	673	6,060,832	82
Dennis	659	3,613,299	51
Eastham	205	1,250,808	17
Falmouth	2,091	21,990,396	2 92
Harwich	783	6,307,873	86
Mashpee	121	917,719	13
Orleans	484	3,811,303	52
Provincetown	1,196	4,457,839	67
Sandwich	458	2,815,373	39
Truro	170	1,591,876	21
Wellfleet	306	2,080,124	29
Yarmouth	642	5,029,136	68
Totals	11,795	\$96,574,338	\$13 09

BERKSHIRE COUNTY.

Adams	3,613	\$10,792,259	\$1 69
Alford	79	303,405	05
Becket	254	916,067	14
Cheshire	493	1,441,828	23
Clarksburg	435	812,904	14
Dalton	1,309	8,436,518	1 17

BERKSHIRE COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Egremont	186	\$974,871	\$0 14
Florida	139	1,455,937	19
Great Barrington	1,965	9,414,781	1 36
Hancock	133	453,935	07
Hinsdale	382	1,012,421	16
Lanesborough	377	1,255,905	19
Lee	1,263	5,199,817	77
Lenox	964	6,712,781	92
Monterey	118	864,606	12
Mount Washington	21	225,191	03
New Ashford	29	158,547	02
New Marlborough	311	1,399,771	20
North Adams	6,503	24,522,658	3 68
Otis	141	592,621	09
Peru	49	312,590	04
Pittsfield	14,390	64,856,706	9 44
Richmond	220	773,723	12
Sandisfield	169	701,124	10
Savoy	127	200,424	04
Sheffield	548	1,516,631	24
Stockbridge	685	5,548,116	75
Tyringham	86	500,982	07
Washington	86	220,773	04
West Stockbridge	361	1,312,691	20
Williamstown	1,414	8,103,821	1 14
Windsor	122	504,895	07
Totals	36,972	\$161,499,299	\$23 61

BRISTOL COUNTY.

Acushnet	1,173	\$3,580,356	\$0 56
Attleboro	6,726	26,500,139	3 94
Berkley	335	864,130	14
Dartmouth	2,840	11,900,714	1 75
Dighton	907	3,836,684	56
Easton	1,791	5,645,645	88
Fairhaven	3,275	11,665,456	1 77
Fall River	34,313	114,257,342	17 53
Freetown	540	1,472,811	24
Mansfield	2,087	7,727,072	1 16
New Bedford	33,536	125,227,296	18 80
North Attleborough	3,274	10,383,858	1 61
Norton	849	2,383,997	38
Raynham	662	1,845,817	29
Rehoboth	860	2,513,453	40
Seekonk	1,358	5,121,696	77
Somerset	1,668	13,033,059	1 77
Swansea	1,332	4,648,350	71
Taunton	11,016	37,747,185	5 76
Westport	1,352	5,856,596	86
Totals	109,894	\$396,211,656	\$59 88

COUNTY OF DUKES COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Chilmark	96	\$709,010	\$0 10
Edgartown	445	4,965,719	66
Gay Head	44	147,555	02
Gosnold	54	1,385,000	18
Oak Bluffs	560	5,335,023	71
Tisbury	498	5,645,951	75
West Tisbury	93	913,580	12
Totals	1,790	\$19,101,838	\$2 54

ESSEX COUNTY.

Amesbury	3,303	\$9,815,557	\$1 54
Andover	3,150	18,884,941	2 65
Beverly	8,035	45,895,474	6 47
Boxford	235	1,516,627	21
Danvers	3,457	14,163,373	2 09
Essex	530	2,019,404	30
Georgetown	634	2,008,318	31
Gloucester	7,767	41,402,594	5 89
Groveland	736	1,662,553	28
Hamilton	692	6,016,008	81
Haverhill	14,910	57,045,222	8 53
Ipswich	1,815	7,045,589	1 05
Lawrence	25,310	106,559,876	15 68
Lynn	31,132	145,888,476	21 11
Lynnfield	612	4,035,834	56
Manchester	877	12,266,880	1 60
Marblehead	3,228	20,689,698	2 88
Merrimac	752	1,539,185	27
Methuen	6,365	20,366,021	3 15
Middleton	462	2,155,927	31
Nahant	660	6,252,371	84
Newbury	519	2,220,924	33
Newburyport	4,445	13,373,451	2 09
North Andover	2,288	9,383,269	1 39
Peabody	6,886	24,530,289	3 72
Rockport	1,353	6,075,539	88
Rowley	487	1,503,696	23
Salem	12,416	61,142,467	8 79
Salisbury	802	3,541,512	52
Saugus	4,787	15,713,854	2 42
Swampscott	3,304	27,268,571	3 69
Topsfield	364	4,012,594	53
Wenham	393	4,011,097	53
West Newbury	458	1,513,561	23
Totals	153,164	\$701,520,752	\$101 88

FRANKLIN COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Ashfield	309	\$1,311,918	\$0 19
Bernardston	294	956,704	15
Buckland	495	3,096,637	43
Charlemont	296	1,204,352	18
Colrain	499	1,548,080	24
Conway	309	1,007,778	16
Deerfield	913	4,083,436	60
Erving	377	2,251,699	32
Gill	318	935,708	15
Greenfield	5,030	29,813,607	4 18
Hawley	107	250,033	04
Heath	98	400,137	06
Leverett	208	506,057	08
Leyden	89	301,431	05
Monroe	96	1,262,899	17
Montague	2,308	10,397,227	1 51
New Salem	161	476,257	07
Northfield	628	2,044,050	31
Orange	1,767	5,257,129	83
Rowe	94	776,432	11
Shelburne	526	3,021,212	43
Shutesbury	74	453,636	06
Sunderland	324	1,210,785	18
Warwick	132	382,963	06
Wendell	116	1,014,141	14
Whately	347	1,158,881	18
Totals	15,915	\$75,123,189	\$10 88

HAMPDEN COUNTY.

Agawam	2,198	\$9,736,254	\$1 42
Blandford	152	851,858	12
Brimfield	319	963,058	15
Chester	478	1,458,554	23
Chicopee	11,329	42,446,529	6 37
East Longmeadow	1,038	4,025,347	60
Granville	228	2,015,693	27
Hampden	296	706,200	12
Holland	65	214,411	03
Holyoke	16,473	90,893,212	12 86
Longmeadow	1,523	13,105,622	1 77
Ludlow	2,197	8,531,062	1 27
Monson	1,155	3,590,617	56
Montgomery	67	301,711	04
Palmer	2,669	8,564,981	1 32
Russell	382	4,464,829	59
Southwick	472	2,250,633	32
Springfield	43,947	306,672,880	42 23
Tolland	52	402,469	05
Wales	137	378,361	06
West Springfield	5,143	26,244,480	3 75
Westfield	5,729	19,874,158	3 02
Wilbraham	844	3,109,577	47
Totals	96,893	\$550,802,505	\$77 62

HAMPSHIRE COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Amherst	1,859	\$10,144,491	\$1 44
Belchertown	701	1,573,920	26
Chesterfield	156	680,450	10
Cummington	195	557,488	09
Easthampton	3,105	10,497,268	1 61
Enfield	183	457,048	07
Goshen	84	365,673	05
Granby	329	1,005,790	16
Greenwich	79	603,163	08
Hadley	743	3,028,755	45
Hatfield	711	2,731,693	41
Huntington	450	1,013,236	17
Middlefield	87	321,631	05
Northampton	6,053	28,352,152	4 10
Pelham	155	753,185	11
Plainfield	102	353,522	05
Prescott	8	26,012	01
South Hadley	2,000	9,033,148	1 31
Southampton	299	1,006,746	15
Ware	2,383	5,421,078	91
Westhampton	119	411,400	06
Williamsburg	556	1,231,024	21
Worthington	172	652,289	10
Totals	20,529	\$80,221,162	\$11 95

MIDDLESEX COUNTY.

Acton	873	\$4,116,517	\$0 60
Arlington	11,878	62,778,463	8 93
Ashby	355	1,044,572	16
Ashland	763	2,958,051	44
Ayer	929	3,685,717	55
Bedford	555	2,929,301	42
Belmont	7,263	51,493,324	7 08
Billerica	2,095	9,853,115	1 43
Boxborough	134	375,037	06
Burlington	625	2,521,831	37
Cambridge	32,733	196,554,808	27 52
Carlisle	235	1,112,623	16
Chelmsford	2,293	7,107,516	1 11
Concord	1,989	10,614,011	1 51
Dracut	1,922	4,126,021	70
Dunstable	141	465,184	07
Everett	14,153	75,943,336	10 79
Framingham	6,592	37,316,726	5 26
Groton	835	5,615,291	78
Holliston	905	4,025,305	59
Hopkinton	813	3,037,636	46
Hudson	2,552	7,228,465	1 15
Lexington	3,326	23,247,085	3 20
Lincoln	512	3,510,696	48
Littleton	556	3,032,768	43
Lowell	27,359	110,546,594	16 88

MIDDLESEX COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Malden	17,540	\$74,147,773	\$10 90
Marlborough	4,956	16,796,903	2 57
Maynard	2,399	6,974,281	1 10
Medford	18,249	83,506,372	12 13
Melrose	7,299	39,434,535	5 60
Natick	4,411	21,324,136	3 07
Newton	19,504	167,301,170	22 59
North Reading	677	2,652,467	39
Pepperell	948	3,103,862	48
Reading	3,200	17,125,038	2 43
Sherborn	345	2,511,648	34
Shirley	646	2,102,089	32
Somerville	30,862	122,288,229	18 17
Stoneham	3,279	15,198,900	2 20
Stow	390	1,497,471	22
Sudbury	487	3,027,593	42
Tewksbury	946	4,605,585	66
Townsend	647	2,600,179	39
Tyngsborough	440	1,652,468	25
Wakefield	5,046	22,257,445	3 25
Waltham	11,464	59,728,360	8 52
Watertown	10,767	56,246,222	8 02
Wayland	949	6,294,521	87
Westford	1,068	4,458,384	66
Weston	1,352	10,554,209	1 44
Wilmington	1,246	4,412,259	67
Winchester	3,854	32,855,092	4 44
Woburn	5,938	21,821,641	3 29
Totals	281,295	\$1,441,718,825	\$206 02

NANTUCKET COUNTY.

Nantucket	1,218	\$13,149,697	\$1 74
Totals	1,218	\$13,149,697	\$1 74

NORFOLK COUNTY.

Avon	725	\$1,985,440	\$0 32
Bellingham	910	2,548,844	41
Braintree	4,980	28,785,745	4 05
Brookline	12,931	165,924,500	21 76
Canton	1,754	9,173,244	1 31
Cohasset	1,032	10,670,224	1 42
Dedham	4,561	26,424,812	3 72
Dover	426	5,276,539	69
Foxborough	1,440	6,011,992	89
Franklin	2,256	9,606,739	1 41
Holbrook	1,000	3,529,479	54
Medfield	744	2,757,392	41

NORFOLK COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000. including Polls at one tenth of a mill each.
Medway	980	\$3,504,641	\$0 53
Millis	646	3,427,864	49
Milton	5,383	38,777,417	5 32
Needham	3,619	25,942,164	3 56
Norfolk	417	1,667,516	25
Norwood	4,784	27,145,060	3 83
Plainville	511	1,653,844	26
Quincy	22,948	130,982,970	18 46
Randolph	1,910	6,164,390	95
Sharon	1,143	6,503,801	92
Stoughton	2,593	9,584,997	1 44
Walpole	2,281	15,459,028	2 14
Wellesley	3,525	40,516,841	5 35
Westwood	815	5,371,615	74
Weymouth	6,808	49,677,156	6 81
Wrentham	763	3,844,339	55
Totals	91,885	\$642,918,593	\$88 53

PLYMOUTH COUNTY.

Abington	1,831	\$5,983,883	\$0 92
Bridgewater	2,043	5,979,292	94
Brockton	20,119	80,020,975	11 88
Carver	525	3,188,745	45
Duxbury	748	7,393,436	99
East Bridgewater	1,165	5,387,198	78
Halifax	264	1,492,251	21
Hanover	887	3,953,481	58
Hanson	785	2,843,908	43
Hingham	2,057	16,099,731	2 19
Hull	941	18,720,207	2 40
Kingston	923	4,483,307	65
Lakeville	505	1,424,772	23
Marion	574	5,366,763	72
Marshfield	631	7,928,706	1 04
Mattapoisett	562	4,036,617	55
Middleborough	2,732	9,440,403	1 44
Norwell	550	2,134,378	32
Pembroke	545	2,952,122	42
Plymouth	4,301	26,153,489	3 66
Plympton	199	758,378	11
Rochester	406	1,353,334	21
Rockland	2,560	8,542,480	1 31
Scituate	1,361	13,149,772	1 76
Wareham	2,249	13,251,879	1 86
West Bridgewater	1,026	3,161,259	49
Whitman	2,435	8,703,040	1 32
Totals	52,924	\$263,903,806	\$37 86

SUFFOLK COUNTY.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Boston	240,916	\$1,861,089,890	\$253 72
Chelsea	12,851	50,860,851	7 56
Revere	9,851	38,032,446	5 68
Winthrop	5,397	25,611,026	3 70
Totals	269,015	\$1,975,594,213	\$270 66

WORCESTER COUNTY.

Ashburnham	690	\$1,764,207	\$0 29
Athol	3,331	11,806,947	1 79
Auburn	1,923	6,307,138	97
Barre	1,130	3,186,361	51
Berlin	348	1,072,282	17
Blackstone	1,072	2,414,543	41
Bolton	271	1,152,067	17
Boylston	382	950,680	16
Brookfield	410	1,417,098	22
Charlton	695	1,907,350	30
Clinton	3,421	11,910,562	1 81
Dana	136	488,307	07
Douglas	676	1,960,423	31
Dudley	1,267	3,453,978	55
East Brookfield	308	1,159,871	17
Fitchburg	12,315	53,721,118	7 86
Gardner	5,949	24,071,973	3 56
Grafton	1,704	4,648,260	74
Hardwick	751	1,833,293	30
Harvard	356	2,600,092	36
Holden	1,160	3,378,038	53
Hopedale	976	8,498,780	1 15
Hubbardston	362	781,981	13
Lancaster	710	3,503,782	50
Leicester	1,225	3,453,742	55
Leominster	6,699	28,081,725	4 13
Lunenburg	666	2,322,446	35
Mendon	400	1,373,598	21
Milford	4,360	15,852,783	2 39
Millbury	2,094	6,241,121	98
Millville	583	1,072,005	19
New Braintree	158	522,926	08
North Brookfield	961	2,488,891	40
Northborough	655	2,108,465	33
Northbridge	3,116	10,074,770	1 55
Oakham	154	451,309	07
Oxford	1,277	3,162,907	52
Paxton	243	976,903	14
Petersham	227	1,556,034	21
Phillipston	123	401,220	06
Princeton	249	1,329,947	19
Royalston	274	856,710	13
Rutland	563	1,352,257	22
Shrewsbury	2,082	9,449,091	1 37
Southborough	669	3,839,873	54

WORCESTER COUNTY — CONCLUDED.

CITIES AND TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Southbridge	4,673	\$10,867,870	\$1 81
Spencer	2,083	4,539,024	77
Sterling	506	1,988,930	30
Sturbridge	627	1,413,655	24
Sutton	688	1,793,420	29
Templeton	1,227	3,306,220	53
Upton	656	1,468,848	25
Uxbridge	1,932	8,368,263	1 23
Warren	1,123	2,599,728	43
Webster	4,031	11,048,452	1 77
West Boylston	613	2,303,435	35
West Brookfield	420	1,470,146	22
Westborough	1,331	4,869,972	73
Westminster	532	1,784,166	27
Winchendon	2,045	5,741,929	91
Worcester	57,771	326,016,713	46 00
Totals	147,379	\$640,538,625	\$93 74

RECAPITULATION.

COUNTIES.	Polls.	Property.	Tax of \$1,000, including Polls at one tenth of a mill each.
Barnstable	11,795	\$96,574,338	\$13 09
Berkshire	36,972	161,499,299	23 61
Bristol	109,894	396,211,656	59 88
Dukes	1,790	19,101,838	2 54
Essex	153,164	701,520,752	101 88
Franklin	15,915	75,123,189	10 88
Hampden	96,893	550,802,505	77 62
Hampshire	20,529	80,221,162	11 95
Middlesex	281,295	1,441,718,825	206 02
Nantucket	1,218	13,149,697	1 74
Norfolk	91,885	642,918,593	88 53
Plymouth	52,924	263,903,806	37 86
Suffolk	269,015	1,975,594,213	270 66
Worcester	147,379	640,538,625	93 74
Totals	1,290,668	\$7,058,878,498	\$1,000 00

Approved January 29, 1935.

AN ACT FURTHER EXTENDING THE PERIOD OF OPERATION OF CERTAIN LAWS AUTHORIZING DOMESTIC CORPORATIONS TO CONTRIBUTE TO CERTAIN FUNDS FOR THE BETTERMENT OF SOCIAL AND ECONOMIC CONDITIONS. Chap. 4

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 eight of the acts of nineteen hundred and thirty-three is hereby amended by striking out section three, as amended by chapter nine of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 3.* This act shall become inoperative at the expiration of three years from its effective date.

Approved February 8, 1935.

AN ACT RELATIVE TO THE OPEN SEASON ON DEER IN NANTUCKET COUNTY. Chap. 5

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and nine of chapter one hundred and thirty-one of the General Laws, as most recently amended by section two of chapter one hundred and ninety-two of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fifth line, the words "Nantucket and", — so as to read as follows: — *Section 109.* Subject to the restrictions and provisions hereinafter contained, any person duly authorized to hunt in the commonwealth may hunt a deer, by the use of a shotgun or bow and arrow, in all counties except Barnstable, between one half hour before sunrise and one half hour after sunset of each day beginning with the first Monday in December and ending with the following Saturday, and in any or all of the counties of Berkshire, Franklin, Hampden and Hampshire, if the additional hunting period hereinafter specified is authorized in such county or counties by the director, as evidenced by an order filed in his office and advertised in a newspaper or newspapers published in such county or counties not less than ten days prior to the first Monday in December, between one half hour before sunrise and one half hour after sunset of each day, beginning with the second Monday in December and ending with the following Saturday. No person shall, except as provided in the preceding section, kill more than one deer. No deer shall be hunted on land posted in accordance with section one hundred and twenty-three, or on land under control of the metropolitan district commission, or in any state reservation subject to section one hundred and fourteen except as provided therein. No person shall make, set or use any

G. L. (Ter. Ed.), 131, § 109, etc., amended.

Open season for deer. Penalty.

trap, torch light or jack light, salt lick or other device for the purpose of ensnaring, enticing, taking, injuring or killing a deer. No person shall use or carry on his person an arrow adapted for hunting purposes unless it is plainly marked with his name and permanent address. Whoever wounds or kills a deer shall, within forty-eight hours thereafter, send to the director a written report, signed by him, of the facts relative to the wounding or killing. Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

G.L. (Ter. Ed.), 131, § 112, etc., amended.

Hunting of birds or mammals, regulated.

SECTION 2. Section one hundred and twelve of said chapter one hundred and thirty-one, as most recently amended by section three of said chapter one hundred and ninety-two, is hereby further amended by striking out, in the second line, the words "Nantucket or", — so as to read as follows: — *Section 112.* No person shall in any county except Barnstable between one half hour before sunrise on the first Monday in December and one half hour after sunset on the following Saturday, or, in Berkshire, Franklin, Hampshire or Hampden county, between one half hour before sunrise on the second Monday in December and one half hour after sunset on the following Saturday, if such additional period for hunting deer is authorized in such county under section one hundred and nine, hunt a bird or mammal with a rifle, revolver or pistol or by the aid of a dog, or have in his possession, or under his control, in any wood or field, a rifle, revolver or pistol, or a dog adapted to the hunting or pursuing of birds or mammals, or, while in pursuit of birds or mammals, have in his possession, or under his control, on any highway, any such firearm or dog.

Additional open season on deer in Nantucket county in the current year.

SECTION 3. There shall be an open season on deer in Nantucket county in the current year between one half hour before sunrise and one half hour after sunset of each day beginning with February eleventh and ending with February sixteenth, in addition to the regular open season provided by said section one hundred and nine, as amended by this act, and all the restrictions and provisions contained in said sections one hundred and nine and one hundred and twelve, as respectively amended by this act, shall apply during the open season established by this section.

SECTION 4. This act shall take effect upon its passage.
Approved February 8, 1935.

Chap. 6 AN ACT PLACING THE OFFICE OF CHIEF OF POLICE OF THE TOWN OF DEERFIELD UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of chief of police of the town of Deerfield 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 police officers in towns, 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, however, 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 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-five, entitled 'An Act placing the office of chief of police of the town of Deerfield under the civil service laws', 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 15, 1935.

AN ACT AUTHORIZING THE APPOINTMENT IN THE TOWN OF WEST SPRINGFIELD OF A TOWN PHYSICIAN. Chap. 7

Be it enacted, etc., as follows:

SECTION 1. The board of health of the town of West Springfield may, annually in April, appoint a registered physician to be the town physician of said town, who shall serve for one year from May first following his appointment and until the qualification of his successor. Said town physician shall receive such compensation as the town may annually vote at its annual town meeting, and such appointment shall not bar him from the general practice of his profession. All medical services furnished by the town to indigent persons resident or commorant therein shall be performed by said town physician. The appointment herein authorized shall be in addition to that authorized by section twenty-seven of chapter one hundred and eleven of the General Laws.

SECTION 2. This act shall be submitted for acceptance to the registered voters of said town present and voting thereon by ballot in their respective precincts at the annual town meeting in the current year in the form of the following question, which shall be placed on the official ballot to be used for the election of the town officers at said election: — "Shall an act passed by the general court in the year nineteen hundred and thirty-five entitled 'An Act authorizing the appointment in the town of West Springfield of a town physician', be accepted?" If a majority of the votes cast thereon are in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved February 15, 1935.

Chap. 8

AN ACT DISSOLVING CERTAIN CORPORATIONS.

Emergency
preamble.

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.

Be it enacted, etc., as follows:

Certain
corporations
dissolved.

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: —

A. A. Coburn Company, The, A. Anastasi Plastering Company, Inc., A & P Construction Co. Inc., A & S Luncheonette, Inc., A. Atkins & Son Inc., A. C. Kiley Company, Inc., A. C. Peters Co., Inc., A. C. Stone Hardware Co., A. De Stefano & Son, Inc., A. E. Little Company, A. H. Morrison & Sons Company, A. H. Weeks Co., Inc., A. J. Anderson, Incorporated, A. J. Beaumier Sons, Inc., A. J. Brown & Co., Inc., A. J. Sansone, Inc., A. J. Stebbins & Sons, Inc., A. L. Dargis Co., Inc., A. M. Davis Co., The, A. N. Nobis Company, Inc., A. R. Hopkins Corporation, A. R. Metcalfe Company, The, A. S. Campbell Co., A. S. Gurney Co., A. T. Hart Co., Abbott-Jones Co., Abbott Sales Corporation, Abell Drive Company, Inc., Accounting Systems Corporation, Acme Construction Corporation, Acushnet Drug Co., Inc., Adair Sales Co. Inc., Adams Distributing Co., Adams Shoe Company, Advertising Stores Association, Inc., Aeronautical Service Incorporated, Aerotype, Inc., Aetna Mills Realty Company, Agriculture Sales Company, Alba Metal Products Company, Albany Cash Market, Incorporated, The, Albert Winslow Company, Albion Flower Shop, Inc., Alcoholic Beverage Dealers Association of Massachusetts, Inc., The, Alden Knit Mills Incorporated, Alden Paper Company, Alert Motor Sales, Inc., Alford Bros., Inc., Algonquin Engraving Company, Allen Engineering Sales Company, Allied Florists of New England, Inc., Allison Realty and Mortgage Corporation, Alton Rubber Company, Amalgamated Booking Exchange, Inc., Amalgamated Leather Companies Inc. of Massachusetts, Amazon Oil Company, American Beef Co., Inc., American Cake Company, American Candy Corporation, American Combustion Equipment Co., American Consumers Service, Inc., American Cranberry Products Co., American Diesel Truck Corporation, American Dry Plate Company, The, American Highways Association, Inc., American Home Owners Service Bureau, Inc., American Law and Collection Agency, Inc., American Markets, Inc., American Powder Company, American Sales Corporation, American Theatre Company

of Danvers, American Tile & Rubber Company, American Utilities Corporation, American Waste & Wool Exchange Company, Inc., Amesbury Shoe Co., Inc., Amherst Corporation, The, Amine Corporation, The, Amsterdam Cafe, Inc., Anastos Bros., Inc., Ancona Realty Company, The, Andover Machine Co., Andrew Howarth & Son, Incorporated, Andrew Square Terminal Corporation, Andrews-Jenne Motor Co., Inc., Ann Howe Shoes, Inc., Anzac Company, Appleton & Thurlow, Inc., Arch Aid Shoe Shop, Inc., Arlington Steam Laundry Co. Inc., Armand Specialty Shops, Inc., Armenian American Markets, Incorporated, Arnold Hartmann, Inc., Aro Products Company, Inc., Arrow Battery Products Company, Arrowhead Construction Corporation, Art Home Construction Company, Art Stone Trucking Company, The, Arthur E. Clifford Corp., Arvedon Investment Co. Inc., Asbestos and Rubber Products Corporation, Ashmont Coal & Coke Company, Ashton-de Veer Inc., Aspinwall & Harding, Inc., Aspinwall Drug Company, Inc., Assabet Country Club, Inc., Assets Corporation, Assets Liquidating Company, Associated Packing Company, Inc., Athol Improvement Company, Athol-Orange Farmers Cooperative Exchange, Atkins & Company, Inc., Atkinson-Shawmut Co., Atlantic Airways Inc., Atlantic Chair Company, Atlantic Distributors, Inc., Atlantic Moving Corporation, Atlantic Rubber Company, Atlantic Smoked Fish Co., Inc., Atlantic Smoked Fish Corporation, Atlas Amusement Co., Inc., Atlas Radio Co. Inc., Atlas Terminal Stores, Inc., Atlasta Shoes, Inc., Aubin Transfer Corporation, Austen's, Inc., Auto Radiator & Supply Corp., Automatic Combustion Engineering Co., Automatic Gas Valve Company, Automotive Maintenance Co., Avery & Woodbury Co., Avery-Ogston, Inc., Avon Shoe Corporation, Axlo Company, Ayers-Lyon Corporation.

B. A. Banks Company, The, B & B Transportation Co., B. & L. Realty Company Inc., B. I. P. of N. E. Inc., B. W. Brown Grain Company, Babbitt, Manwaring Foundation Inc., The, Babcock-Laird Co., Baby Furniture Shop, Inc., The, Baby-Maid Products, Inc., Back Bay Finance Company, Baird Lumber Company, Baker Cabinet Company, Inc., Balfour Importing Company, Balfour Motor Co., Bancroft Beverage, Inc., Bancroft Steel Company, Band Box Dry Cleansing Units, Inc., The, Bankers Grill, Inc., The, Barbara Laundry Stores, Inc., Bardu Products Inc., Barger's Furniture Store, Inc., Barnard, Clogston & Company, Inc., Barnett's, Inc., Barney, Capen & Denham Company, Batchelder Mill, The, Baxter Drug, Inc., Bay State Mushroom Co., Bay State Stevedoring Company, The, Bayside Motors Incorporated, Bazos Bros. Cafeteria Incorporated, Beach-Wetmore Company, Beacon Auto Sales, Inc., Beacon Burner Manufacturing Corp., Beacon Coat Manufacturing Company, Beacon Dye House, Inc., Beacon Electric Supply Company, Beacon Enameled

Products, Inc., Beacon Falls Rubber Shoe Company, The, Beacon Hill Cab, Inc., Beacon Hill Investment Company, Beacon Kosher Market, Inc., Beacon Shoe Company, Inc., The, Beaconsfield Laundries, Inc., Bear Island Tennis Camp, Inc., Beaver Manufacturing Company, Beebe Laboratories Inc., Belden Corporation, The, Bell & Nelson, Inc., Belmont Drug Co., Inc., Belmont Yellow Cab Co., Belmore Store, Inc., The, Bemis-Keith Operating Corporation, Benjamin's Inc., Benmore Manufacturing Co., Ben's Sandwich Shop Inc., Berfin Amusement, Inc., Berkshire Manufacturing Company of Pittsfield, Besse Block of Brockton, Inc., Bickford Baking Company, Biddle and Smart Company, The, Big Bear Floral Company, Inc., Bijou Theatre Company of Holyoke, Massachusetts, Biltmore Realty Corporation, Birnie Paper Company, Black and White Cigarette Company, The, Black & White Company, Black Cat Garage, Inc., Black Rock House, Inc., Blackstone Garage, Inc., Blakeslee Company Incorporated, Blanchard Motor Transport, Inc., Bliss Street Garage, Inc., Bloom, South & Gurney, Inc., Blossom Hill, Inc., Blue Hog Breeding Company, The, Boiler Appliance Mfg. Co., Bonds, Incorporated, Bonds Spa, Inc., Bonelli-Adams Investment Corporation, Bonnell Brothers & Jewett, Inc., Bordett Shoe Co. Inc., Bossir Corporation, Bostock Shoe Manufacturing Co. Inc., Boston Air Conditioning Company, Boston Auto Laundry Co., Boston Cash Market Inc., Boston Cigar Makers Association, Inc., Boston Clothing Store Inc., Boston Coat Front Co., Inc., Boston Commercial Motor Vehicle Association, Incorporated, Boston Contracting Co., Inc., Boston Corset Manufacturing Co. Inc., The, Boston District Steam Company, Boston Electrotype Company, Boston Floor Company, Limited, Boston Hotel Company, Boston Institute of Advertising, Inc., Boston Marine Hardware Company, Inc., Boston Marshmallow Company, Inc., Boston Motors, Inc., Boston Pants Corporation, Boston Scale Repairing Co., Inc., Boston Terminal Refrigerating Company, Boston Theatre Association, Inc., The, Boston Theatre Program Corporation, Boston Tile, Inc., Boston Union Company, Boulevard Amusement Company, Bourque Jewelry Company, Inc., Bowdoin Cabinet Company, Inc., Bowdoin Shoe Co., Inc. (1928), Brackett Margeson Co. Inc., Brackett Wood Heel Co., Bradley Shoe Corporation, Brattle Candy Shops Inc., Braude-Goodman Shoe Co., Breezy Meadows, Inc., Brenton Shoe Co., Brentwood Shoe Store, Inc., Bria-Shaps Company, Inc., Bridge Air Conditioning Corporation, Briggs and Allyn Manufacturing Company, Brighton Construction Company, Brighton Contracting Company, Brighton Motor Sales, Inc., Brighton Square Development Co., Britton-Stevens Motors Company, Broad Finance Corporation, Broadway Furniture Corp., Broadway Office Supply Company, Inc., The, Broadway Smart Shop, Inc., Brocks, Inc., Brockton Times Publish-

ing Co., Bronze Weather Strip Co., Brookbend Tavern Club Inc., Brookdale Mills, Inc., Brookline Building and Investment Trust, Inc., Brookline Delicatessen Inc., Brookline Taxi Cab Co. Inc., Brookline Theatre Company, Brooks Market, Inc., Brown Laboratories, Inc., Buchholz Sign Company, Buffalo Gekco Company, The, Burrell's Shoe Stores, Inc., Burrill St. Pharmacy, Inc., Business Aid and Finance Corporation, Butler and Quint Upholstery Shop Inc., Butterfly Box, Inc., The, Buzzell-Schacht Motor Co. Inc.

C. A. Bryant Company, C. A. Goodnow Shoe Company, C & B, Incorporated, C. & C. Excavating Co., C & E Motor Transport Corporation, C. & G. Corporation, The, C & H Sales Corporation, C & J Herscovitz Company, C. & R. Poultry Company, Inc., C. & S. Products Company, C. B. Yule & Sons, Inc., C. Carlson Company, Inc., C. F. Benner Co. Inc., C. F. Hale & Sons, Inc., C. H. Shanks Co. Inc., C. H. Spring Company, C. J. and R. J. Decker, Inc., C. O. Olsson Co., C. Romano & Co., Inc., C. V. Watson Co., Cable Corporation, The, Cadillac LaSalle Sales, Incorporated, The, Cafeteria Company, Caldwell Incorporated, Caldwell Rum Distillery, Inc., The, Calendar Publications, Inc., California Cleansers & Dyers, Inc., Cambridge Chronicle, Inc., Cambridge Evening Journal Company, Canoe Club Beverage Co. Inc., Canterbury Art Guild, Inc., Canterbury Corporation, The, Cape Ann Country Club, Inc., Cape Ann Dairy, Inc., Cape Cod Fruit Co., Capital Fish Co., Capitol Lunch Co. of Lynn Inc., Carl-Curtis Co., Carl F. Virchow, Inc., Carol's Inc., Cascade Dress Corp., Casino House-Boat, Inc., Castype Company of New England, Central Investment Company, Central Mortgage Company, Central Securities Corporation, Central Shipping Corporation, Centre Jewelry Company, Inc., Century Shoe Co., Certified Industries, Incorporated, Cetlin Realty Company, Chakalis Bros. Inc., Chamberlain and Burnham, Inc., Champion Oil Burner Sales Corporation, Champomme, Inc., Charles D'Avolio, Inc., Charles F. Murphy Company, Chas. G. Clapp Housing Company, Charles H. Sisson, Inc., Charles Hudson, Incorporated, Charles K. Meek, Inc., Charles L. Archdeacon and Co. Inc., Charles R. Field Manufacturing Company (Inc.), Charles R. Pratt, Inc., Charles W. Young & Sons, Inc., Charlesgate Building, Inc., Chart of Knowledge Company of America Inc., Chateau, Inc., Chattel Loan Company, Chelsea Auto Tire Co. Inc., Chelsea Moving and Trucking Co., Inc., Chelsea Relief Clinic Inc., Cheltenham Press, Inc., of Boston, Chemical Associates, Inc., Chemical Process Company, Chicopee Falls Finance Association, Inc., Chicopee Warehouse Corporation, Chilean Products Manufacturing Company, Inc., Chums' Lunch, Inc., City Feed Company, City News Company, City Sand & Gravel Co., Inc., City Taxi of Haverhill, Inc., The, Claremont Despatch, Inc., Clark-Crowley Motors, Inc., Clark's Spas, Inc., Clifford

S. Cobb Company, Clifford S. Cobb Inc., Clifford S. Cobb Realty Company, Clinton Chemical Works, Inc., Clinton E. Hobbs Company, Cloverdale Company, The, Coast to Coast Markets Inc., Cobb Associates Inc., Cobban Bros., Incorporated, Cobb's Inc., Cocoanut Grove, Inc., Codman Square Hospital Inc., Colbert Bros. Co. of Somerville, Mass., Coleman Corporation, Colgate & Lamb, Inc., College Travel Club, Inc., Collegiate Press Corporation, Collins Development Company, Inc., Colloidal Phosphate Sales Co. of New England, Colonial Acceptance Corporation, Colonial Carriers Inc., Colonial Fast Freight Systems, Inc., Colonial Realty Corporation of Brookton, Mass., Colonial Reproductions Inc., Colorgraph Co., Inc., Colt Shoe Company, Inc., Columbia Motor Mart, Inc., Columbia Plumbing Supply Co., Columbus Avenue Garage, Inc., Colvule Rubber Company, Comfort Drug Company, Incorporated, Commercial Bankers of Springfield, Inc., Commercial Collections & Credits Inc., Commercial Welding and Machine Company, Commonwealth Collection & Credit Corporation, Commonwealth Investment Co., Comptroller Inc., Concord Theatre Operating Company, Inc., Condensation Products, Inc., Conger Bros. Company, Inc., Connecticut Mills Company, Connecticut Valley Sales Co. Inc., Conservative Credit System of Mass., Inc., Consolidated Biscuit Co., Consolidated Finance Corporation, Consolidated Heel Corporation, Consolidated Investors, Inc., Consolidated Sales & Manufacturing Corporation, Consolidated Steel & Wire Company, Consumers Dairy Association, Inc., Continental Baking Company, Continental Operating Company, Contoocook Mills Corporation, Contractors Equipment and Service Corporation, Cook Electric Company, Cook-Moreau Inc., Coolidge Garage, Inc., The, Cooper Lane Company, Cooper Tire Company, Cooperative Novelty Shoe Company, Cooperative Oil Union, Cooperative Produce Brokers of New England, Inc., Coöperative Realty Company, Corden, Inc., Corman Building and Contracting Co. Inc., Cornish Insurance Agency, Inc., The, Cort Supply Company, Inc., Cottage Beverage Company, Cottage Farm Motor Sales, Inc., Cotter Shoe Company, Cotton Brothers Taxi Service, Inc., County Fair Products Co., Court House Pharmacy, Inc., Cove Ice Company, Craftsman Folding Box Company, Inc., Craig's Bakeries, Inc., Crandon Bros. Inc., Crane Construction Company, Credit Reporting Company of New England, Creeden Plumbing & Heating Company, Cremer Furniture Co., Inc., Crescent Tanning Company, Inc., Crest Amusement Company, Crest Restaurants Inc., Crocker Cadillac-LaSalle Co., Crosby Milling Company, Cross Pharmacy, Inc., Crown Furniture Co. Inc., Crown Shield Opener Co., Inc., Cuetara Brothers Company, Cummings Bros. Co., Cunningham Publishing Co., Curay Company, Inc., Curtin's Inn Inc., Curtis and

Cameron Incorporated, Curtis Corporation, Curtis-Proctor Co.

D. A. Meister Company, D & D Refrigerated Sales Inc., D. D. & S. Realty Co. Inc., D. E. B. Rayon Mfg. Company, D. Frank Ryan, Incorporated, D. T. Pepin Lumber Company, Inc., Dadian & Healer, Inc., Dairy Farm, Inc., Dairy Service Company, Dalton Motors, Inc., Daly's Golden Rule Wood Heel Co., Damon, Incorporated, Dana Realty Company, Inc., Daniel Webster Stages, Inc., Dartmouth & Westport Fish & Lobster Company, Incorporated, Dartmouth Manufacturing Corporation, David C. Coe, Inc., David T. Meskill Co. Inc., Day & Company, Inc., Daylight Garage Corporation, Day's Clothes, Inc., De Cody Corset Company, Inc., DeSoto Development Company, Dean Motor Car Co., Dean Penney Company, Dedham Filling Stations, Inc., Dedham Flower Shop, Inc., Dedham Lumber Company, Delaney and Waldron, Incorporated, Delaney Construction Company, Inc., Dell's Sea Grill, Inc., Delta Manufacturing Company, Dennis & Hoyle Steel Treating Co., Derby Company, Inc., Designers' Art School, Inc., The, Desplaines 5 & 10¢ to \$1.00 Stores, Inc., Dessell's, Inc., Development-Service Corporation, Devereux Mansion, Incorporated, Devices Corporation, Di Pesa Realty Corporation, Diamond Bell Cleansers & Dyers, Inc., Diamond Brothers Co., Inc., Diesel Marine Equipment Co., Dill's, Inc., Display Center of Boston, Incorporated, Distributors Coal Corporation, Dr. A. Reed Cushion Shoe Co., Doctor & Gaull Inc., Dr. Rothenberg's Family Dentists, Inc., Dr. Rudolph's Appliances, Inc., Dodge Wood Heel Co., Inc., Domestic Finance Corporation, Door-Motive Corporation, Dorchester Cement Stone Company, Dore Manufacturing Corporation, Dorrance, Kenyon & Company, Inc., Dover Saddle & Bridle Club, Inc., Downing Realty Company, Drake's System, Inc., Du Pree Vibrator, Inc., Duane Shoe Mfg. Co., Duchess Lingerie Inc., Ducon, Inc., Dukelow and Walker Company, Duncan-Chase Motor Company, Duplex Yarn Company, Durall Company, Durkee Associates Inc., Durso & Delany, Inc., Dutch Girl Cleansers Inc., Dwight R. Winter, Inc.

E. & R. Cleansing & Dyeing Company, E. Brunel Studios, Inc., E. H. Bailey Co., Inc., E. L. Fletcher Company, E. L. Whitney's, Inc., E. S. Stacy Supply Company, The, E. V. Babbitt Co., Inc., E. W. Larson Co., Eagle Confectionery Company, Inc., Eagle Hotel Corporation of Spencer, Eagle Progressive Associates, Inc., East Arlington Realty Trust Inc., East Coast Gas & Fuel Corporation, The, East Coast Sound Pictures Corporation, East Coast Theatres, Inc., Eastern Cities Realty Co., Eastern Maine Grain Co., Eastern Metal Fireproofing Co., Eastern Talking Machine Company of Massachusetts, Eaton Paper Company, Economy Curtain Co., Inc., Eddie Fitzgerald Music Service, Inc., Edgar Heap Inc., Edgartown Drug

Store, Inc., Edgewater Mfg. Co., Inc., Edison Chemical Company, Educator Oil Co. Inc., Edwin S. Pickert Company, Eggemoggin Wharf Company, 88 Birnie Ave. Corp., Elbee Advertising Agency, Incorporated, Elbee Apparel Shop of Woburn, Inc., Eleanor Nickerson, Inc., The, Electracraft Corporation, Electric Refrigeration & Oil Burner Corp., Electric Therapeutic Company, Inc., Electric Utilities Corporation, Elliott, Thompson, Inc., Ellison Bros. Inc., Ellison Sprinkler Co., Elm Park Plumbing and Heating, Inc., Elm Realty Co., Inc., Emerson Drug Store, Inc., The, Emery Laundries Inc. Watertown Division, Empire Electric Supply Company, Empire Service Bureau Inc., Endean Farm, Inc., Endicott Farms, Inc., The, Engineers Incorporated, Engineers Investment Corporation, Enterprise Co. Inc., Equipment Sales Corporation, Ernest F. Light Field Company, Ervin E. Smith Company, Eskimo Corporation, Essex Burner Inc., Essex Die Co., Essex Drug Co., Essex Motor Express, Inc., Essex Stove Repair Co., Euclid Productions Corp., Eureka Research Laboratories, Inc., Evans-McNally Distributing Corp., Evens Bros. Garage, Inc., Everett-Rialto Theatre Corporation, Everett Wood Heel Co., Excel Manufacturing Co. Inc., Excel Plumbing & Heating Co. Inc., Exeter School of Art Inc., The.

F. A. Lane Company, Incorporated, F. & M. Sand & Gravel Co., F. & S. Curtain Manufacturing Company, Inc., F. & W. Lighting Co., F. B. Washburn & Co. Corporation, The, F. P. Amusement Corporation, F. Paul Welsch Organization, Inc., The, F. T. Woodman Company, F. Vorenberg Company, F. W. Aldrich Realty Company, Inc., Fabric-Finishing Liquidating Corp., Fair Bag Company, Fairbank-Wirth Company, Fairfield Holding Corp., Fairways Construction Co., Fall Mountain Electric Company, Fall River Auto Parts Co., Fall River Civic Theatre Corporation, Falls Realty Company, Inc., Famous Brands, Inc., Faneuil Commercial Agency, Inc., Faneuil Hall Nurseries Inc., Fannon's Inc., Farragut Auto Renting Co., Farrington Printing Company, Fashion Bag Company, Fay-Barry Motor Co., Federal Laundry, Inc., Federal Mortgage & Loan Corporation, Federal National Company, Federal Oil Co. of Massachusetts, Federal Trading Company, Fenwood Cafeteria, Inc., Fields Corner Realty Co. Inc., Filter Fabrics, Inc., Fine Shoe Company, Finegan, Keefe Co., Fire Control Inc., Fisher Hill Company Inc., Fisher's Ginger Ale Co., Inc., Fitchburg Co-operative Farmers' Exchange, The, Fitchburg Farmers Cooperative Exchange, Fitchburg Farmers' Corporation, The, Fitchburg Mattress Co., Fitzgerald Graham Corporation, 541 Commonwealth Avenue, Inc., Flintkote Corporation, The, Floorantile Company, Florida Lee, Inc., Floyd Milk Company, Flynn Florists Incorporated, Flynn-Robinson Roofing Company, Fogg Engineering Corp., Fogg-Farnsworth Flying Service, Inc., Fogol Mfg. Co., Forbes Dry Goods Company, Inc.,

Foss Edmands Company, Foster-McDonald Company, Foster Transportation Co., Inc., Fowler Oil Burner Co., Fox, Fultz & Co., Inc., Foxboro Ice Co., Inc., Framingham Builders Finish Company, Inc., Franco-New England Printing Corporation, Frank L. Harris, Inc., Frank Orlando Construction Co., Frank P. Brown Company, Frank Ryan Brewing Company, Franklin County Sheep Breeders Co-operative Association, Franklin Film Co., Franklin Fish Company, Inc., Franklin Furniture Co., Franklin Holding Company, Franklin Machine and Tool Company, Franklin Operating Co., Franklin Restaurant Inc., The, Fraternal Building Corporation, Fraternal Thrift Stores Association, Inc., Fred A. Glazier Motor Sales, Inc., Fred K. Chaffee, Inc., Fred P. Lambert Co., Fred W. Young, Inc., Freeman Furniture Co. Inc., Fresh Pond Parkway Realty Company of Cambridge, Fresko Incorporated, Friedmont Realty Corporation, The, Frye & Crawford Drug Company, The, Fuel Testing Laboratories, Inc., Fuller Electrical and Plumbing Co. Inc., Fuller-Thurber Company, Furniture Manufacturers Warehouse Inc.

G & H Lunch, Inc., G & M Motors, Inc., G. C. Realty Corporation, G. R. & H. Drug Company, Gadoxin Company, Galvin Amusement Company, Garden City Cafe & Grill, Inc., Garden City Fruit Co. Inc., Gardner Industrial Corporation, Garton Music Co. Incorporated, Gaston Motor Mart, Inc., Geller Shoe Co., Inc., General Appliance Co., Inc., General Automotive Service Company, General Bedding Corporation, General Estates Corporation, General Leather Waste Company, General Magazines Corporation, General Milk Delivery, Inc., General Oil Burners, Inc., George A. Baker Company, Inc., George A. Williams Co., Inc., George B. Morse & Son Co., The, George C. Gordon & Son, Incorporated, George C. Vaughan Realty Company, George Construction Company, Geo. E. Keith Stores Company, Geo. F. Watts Corporation, George F. Watts Equipment Corporation, George L. Walker, Inc., George Peirce, Incorporated, George Poulos Company, Inc., George R. Winsor Inc., George W. Carr Company, The, George W. Rollins, Inc., Giant Liquor Stores, Inc., Gilbert-Chenoweth Shoe Co., Giles Motor Company, Glaz, Inc., Glenwood Works, Glidden Company of Massachusetts, The, Globe Tomato Company, Gloucester Products Company, Gold Parrot, Inc., Golden Crest Baking Co., Inc., Golden Theatres, Inc., Good Grade Clothing Company, Good Value Co-operative Stores, Inc., Goodrich Garment Co., Inc., Gordon Bros. Mfg. Co., Gosnold Shoe Company, Inc., The, Goulds Pumps N. E., Inc., Gounaris Confectionery, Inc., Gra-Mar Manufacturing Corporation, Graham-Paige Company of New England, Granada Gold Mines Corporation, Granite Mortgage Corporation, The, Grant Securities, Inc., Graphic Analysis Company, Great Barrington Flying Service, Inc., Grecian and Roman Art Iron Company, Greek-American Fruit & Candy Company,

The, Green-Freedman Baking Company, Inc., Greene Brothers & Co. Inc., Greene Corporation, The, Greenough Avenue Garage, Inc., Greentex Co., Inc., Grey's System Inc., Griffin-Bordiere Construction Co., Grossman Jewelry Co., Inc., Grove Hall Chevrolet, Inc., Grove Hall Used Car Sales Co. Inc., Groveland Lumber Company, Guaranty Mortgage and Securities Corporation, Guaranty Security Corporation, Guaranty Service Corporation, Guard Amusement Enterprises, Inc., Guidara & Terenzio Inc., Guilford, Kendrick and Ladd, Incorporated.

H. & R. Rubber Company, H. Bolusky Sales Corporation, H. E. Kaplan Investment Company, H-I Tanning Company, Incorporated, H. L. Foss Box Co., H. L. Handy Company, H. L. MacLean & Company, Inc., H. M. Parker Chevrolet Co., Inc., H. S. & M. W. Snyder, Inc., Hadley Ice and Supply Company, Haigh Engineering Company, Hair Removing Machine Company, Hale Fish Co. Inc., Hale's Orchards, Inc., Hall & Edwards Inc., Hall-Lucier Sign Co., Hallwood Corporation, The, Halpern Shoe Co., Hamel Bros., Inc., Hamilton Realty Corporation, Hampden Automotive Products, Inc., Hampshire Cooperative Farmers' Exchange, Hampshire Farmers Cooperative Exchange, Hancock Book Shop, Incorporated, Hancock Milk Company, Handy-Flanders Company, Handy Lunch, Inc., of Springfield, The, Hanover Furniture Company Inc., Hanover Furniture Corporation, Hanover Holding Corporation, Hanover Shoe Shop, Inc., Hanson Gates Company, Incorporated, Harbor Development Company, Harbor Importing Co., Harding Clothing Co., Hardwick Paper Mills Corporation, Hardy Construction Co., Harold Realty Trust Incorporated, Harold Shoe Mfg. Company, Harold Whitman Company, Inc., Harper's Investment Review, Inc., Harris & Sprague, Inc., Harris Hardware Co., Inc., Harris Waste Co., Harrison Woolen Company, Harry A. Goff Inc., Harry Mason, Inc., Hart Private Hospital, Inc., The, Harvard Market Inc., Harvard Products Company, Inc., Harvey B. Greene, Inc., Haskell & Wiltshire, Inc., Haskell Operating & Investment Corporation, Haskins & Warner Investment Corporation, Hastings Motor Co. Inc., The, Hauschildt Brewing Co., The, Hawthorne Corporation, Hawthorne System, Inc., Haymarket Dry Goods Company, Inc., Haynes & Hernandez, Inc., Hayward Drug Shop Inc., Hayward Furniture Inc., Hazen-Brown Cement Company, Headway Shoe Company, Inc., Hebert-Schneider, Inc., Heffler's Express, Inc., Henderson & Nolan, Inc., Hennessey Brass Works, Inc., Henry & Wright Manufacturing Company, The, Henry Bottling Co., Henry Neville, Inc., Henry R. Arnold Co., Inc., Henry Real Estate Corporation, Henry Richer, Incorporated, Henry Textile Associates, Inc., Henry W. Berry Company, Henry's Bakery Inc., Herbert Hall Hospital Co., Herman Construction Company, Inc.,

Heyman Bros. Inc., Hicks Gallery, Inc., High Street Garage, Inc. of Holyoke, Highland Company, The, Highland Shoe, Inc., Highway Crushed Stone Company, Hill Crossing Association, Inc., Hingham Taxi Service, Inc., Hinman Cooling Corporation, Hodder Company, The, Hodgdon & Son Inc., Hodgman and Brown, Inc., Hodgson-Gladwin Co., Holdin Realty Corporation, Hollow Tile Company, Hollywood Shop, Inc., The, Hollywood Theatres Corporation, Holmberg and Arvidson, Inc., Holmberg's, Inc., Holmes Manufacturing Company, Holyoke Box and Lumber Company, Holyoke Community Mortgage Loan Corporation, Home Buyers Society Incorporated, Home Electric Light & Power Equipment Company, Home Market, Incorporated, The, Home Owners Electrical Association, Inc., The, Home Service Tea Co., Hooper & Buffinton, Inc., Hotel Taunton Inc., Hotel Worthy Incorporated, House of Overlock, Inc., The, House on the Hill Corporation, The, Household Electrical Company, Howard-Erickson Company, Howard Hodgkins Company, Howe & Norton Last Company, Hub Cleansers, Inc., Hub Wood Heel Co., Hudson Fur Shop, Inc., Hull Amusement Company, Hull Beacon Inc., Humboldt Baking Company, Inc., Humboldt Real Estate Company, Hunt Wood Heel Company, Inc., Hy-Grade Clothing Co., Hyde Park Amusement Co., Hydro Electric Devices, Inc., Hydropel Process Company, Hygienic Distributors, Inc., Hymar Realty Corporation.

I. Brockman & Co., Inc., I. F. Woodbury & Sons Co., I. M. Freedman Company, Ice Cream Shop Inc., The, Ideal Products Manufacturing Company, Inc., Ideal Shoe Company, Imperial Health Pillow Corporation, Independence Investment Corporation, Independent Beverages Company, Independent Fireworks Mfg. Co., Independent Hardware Alliance, Inc., Independent Jewelers Association Inc., Independent Realty Corporation, Independent Trucking Corporation, Industrial Investment Corporation, Industrial Oil Laboratories, Inc., International Automatic Coupling, Inc. (1933), International Chemical Company, International Dairy Co., Inc., International Distributors Corp., International Film Foundation, Inc., International Shoe Supply Company, Interstate Commercial School, Inc., Interstate Textile Corporation, Investment Bond Associates, Incorporated, Investor Publishing Company, Irving Smelting and Refining Corporation.

J. A. Butler Company, J. A. Jonas Shoe Co., J. A. Patenaude Company, J. & M. Lenhoff, Inc., J. B. Gregoire Furniture Company, J. B. O'Rourke Contracting, Inc., J. E. Cochrane & Sons, Inc., J. F. and W. H. Cushing Company, J. F. Rogers Nash Co., J. F. White Contracting Company, J. Freedman Co., J. H. Jackerott Inc., J. H. Spiers Company Inc., J. J. Casey & Sons, Inc., J. J. McLaughlin Machine Co., J. J. Theatrical Enterprises, Inc., J. L. Jacobson, Inc., J. L. Spencer Motor Company, J. M.

Hartwell Inc., J. M. McMorrow Co., Inc., J. Puccia & Co. Inc., J. R. Bowman Company, Inc., J. R. Whipple Corporation, J. S. Harrington, Inc., J. S. Lovering & Company, Inc., J. Swartz, Inc., J. W. Johnson Company, J. W. Kane & Co., Inc., Jack Stearns, Inc., Jackson Construction Co., The, Jacobs Clothes, Inc., James E. Gray, Inc., James H. Tarr Company Limited, James I. Brooks, Inc., James M. Maxwell & Son, Inc., James W. Brine Company, Japan Art Shade Co., Inc., Jason Weiler-Baird North Co., Jersey City Cold Storage Co., Jessup & Moore Paper Co., The, John A. Cooney, Inc., The, John A. White, Inc., John B. White, Inc., John D. Curtis & Company, Inc., John F. Collins, Inc., John F. Rooney Co., John G. Brown, Inc., John H. Grant, Inc., John H. Morris & Sons, Inc., John H. Nichols & Son, Inc., John J. Campbell Company, John M. Kelly Co., Inc., John W. Cosden & Company Inc., Johnson Granite Co. Inc., Johnson-Kerstein Co., Johnson Motor Co. Inc., Jones Leather Company. Incorporated, Joseph M. Enos Company, Joseph S. Greenwood Inc., Joseph W. Woods & Sons Co., Jourdan Process Corporation, Joyland Bathing Beach and Ball Room, Inc., Judson Package Freight Service, Inc., Julius Radding, Inc.

Kaffeman & Arnold, Inc., Kapinos Motor Express, Inc., Katches Inc., Katz Hosiery Co., Inc., Kay Dress Shops, Inc., Keeley-King Aircraft Corporation, Kehoe and McDonald Lumber Company, Keith-Smith Corporation, Kernwood Hotel & Cafe Inc., The, Keyser Worsted Mill, Inc., Khoury Cigarette Company, Inc., Kiddie-Kutie Wear, Inc., King Furriers Inc., King Insurance Agency, Inc., Kinne & Sullivan, Inc., Kleen-Heet, Incorporated, Knights Mfg. Co., Koch Sanitary Slipper Co., Krisp Nut Machine Sales Corp., Kruger Fabric Co., Kudisch Brothers Peerless Fur Shop Inc., Kushner Realty Company.

L. A. Barkin, Inc., L. A. Hirshberg Co., L. D. Tucci Granite Co., Inc., L. F. Plummer Machine Company, Inc., L. Greenstein Furniture Co. Inc., L. J. Co., L. M. Garrity & Company, Inc., L. Q. White Co-operative Company, L. S. Avak & Co., Inc., L. W. Bigelow's Sons Furniture Company, L. Z. L. Estates, Inc., La Bella Shoe Company, Inc., La Boheme, Inc., La Compagnie Gentin, Ltd., LaFrance Construction Company, La France Hat Corporation, LaMode Millinery, Inc., La Mode Shoe Manufacturers Incorporated, LaRocque Service Station Inc., La Touraine Shoe Co., Ladin Dress Co., Lafayette Jewelry Co. Inc., Lafayette Square Garage, Inc., Laird & Co., Inc., Lancaster Realty Company, Lander Brintnall Cutlery Company, Lane & Co. Inc., Lanes Cove Lobster Co., Laporte and Baily, Incorporated, Larkin, Inc., Lawrence Factories, Inc., Lawrence Realty Corporation, Lawrence Tire Rebuilding Company, Inc., Le Blanc, Cleansers & Dyers, Inc., Le Bœuf Fountain Pen Company, Inc., LeBœuf Novelty Company, Le Clair-Ross Manufacturing Chemists, Inc., LeComte's Dairy, Inc., Leary-Wickes

Company, Lee Hosiery Shops, Inc., Lee's, Inc., Leland Powers School Inc., Leo Reisman Orchestras, Inc., The, Leominster Worsted Company, Leonard's Galleries Inc., Leslie Drug, Inc., Lesser's Bakery, Inc., Lester E. Smith Company, Letoile Roofing Co., Inc., Lew Conrad Orchestras, Inc., Lewis-Cleaners and Dyers, Inc. (1929), Lewis Street Garage, Inc., Lexington Cafeteria Inc., The, Lexington Plumbing and Heating Co., Inc., Libby's Drug Store, Inc., Liberatore Contracting Co., Liberman's Daylight Bakery, Incorporated, Liberty Investment & Finance Corporation, Liberty Paper Company, Liberty Sales Corporation, Liberty Wall Paper Company, Inc., Life Insurance Agencies, Inc., Liggett Company, Inc., Lila's Specialty Shoppe, Inc., Lilly Leather Company, Lincoln Development Corporation, Lincoln Machine Company, Lincoln Mortgage Company, Lincoln Park Amusement Company, Lincoln Rock Excavating Co. Inc., Lincoln Sand & Gravel Co. Inc., Lincoln Square Garage, Inc., Liset & Luce, Inc., Lite-Crete Products Company, Inc., Litehouse Lunches, Inc. Store No. 2, Little Madrid Inc., Little Point Co., Inc., Little's Diners, Inc., Lobster Inn Inc., Longwood Sweets, Inc., Loometal Products Inc., Loon Pond Associates, Inc., Lopez Badge & Novelty Co., Lorays Plantation, Incorporated, Lord and Company, Incorporated, Louis Effenson Co., Louis Fitterman Co., Inc., Louis Jolles Co., Inc., Louis S. Rubin Company, Louis Stern, Inc., Lowell Machine Company, Lowenstein's, Inc. (1932), Lynn Coal Company, Lynn Egg Auction Inc., Lynn Manufacturers and Merchants Mutual Fire Insurance Company, Lynn Mortgage Loan Corporation, Lynn Peerless Brick Company, Inc., Lynn Remedial Loan Society, Lyon Corporation, The, Lyons Inc., Lyric Amusement Corporation.

M & H Shoe Stores, Inc., M & M Construction Corp., M. Bennett & Co., Inc., M. C. Barron Co., Inc., M. C. Myers, Inc., M. F. Stinson Company, M. G. Realty Corporation, M. Green Company, Incorporated, M. J. Doyle Printing Company, M. J. Mulkern Company Inc., M. J. Sullivan Company, Inc., M. Kapstein Company, M. M. A. Chemical Company, M. M. & S. Motor Lines Inc., M. P. Toohy, Incorporated, M. Richmond Co., M. Sharaf Co., Ma Burns Med. Co. Inc., MacDonald & Co. Inc., MacElwee & Associates Inc., MacKay Galleries, Inc., Mac Manny's, Inc., MacMillen Wallpaper Stores, Inc., Maccar Springfield Trucks Inc., Macolene Oil Company, Madden Insurance Agency, Inc., Madison Lamp Shade Manufacturing Company, Inc., Magee Products Co., Magnolia Holding Company, Maguire-Inc., Main Plumbing & Heating Supply Co., Maine Coast & Canada Steamship Co., Maine Farmers Exchange, Inc., Maine Land Stages, Inc., Maintenance, Inc., Majestic Films Inc., Majestic Stores System, Inc., Malden Leather Handle Co., Maloney Oil Company, Inc., Managers Engineering Company, Manahan

Co., Inc., Mandell Furs, Inc., Manhattan Collar Co., Mann Bros. Co. of Boston, Manomet Cranberry Company, Mansfield Hatchery Company, Manufacturers' & Jobbers' Clearing House Inc., Manufacturers' & Jobbers' Credit Bureau, Inc., The, Maplewood Products Company, Marathon Amusement Co. Inc. of Somerville, Marcia Simmons, Inc., Margaret P. Blodgett Corporation, Marian's Quality Bakery, Inc., Marifran Realty Corporation, Marilyn Dress Shoppe, Inc., Marine Park Association, Inc., Marion Stores Company, Maritime Lumber Company, Maritime Salvaging Corporation, Mark D. Golden Company, Marks-Chandler Co., Marlborough Pharmacy, Inc., Marlboro Shoe Company, Inc., Marlboro Shoe Corporation, Marmon Boston Company, Marshall Chromium Plating Works, Inc., Marshall Jones Company, The, Marshall Jones Company, Inc., Marshall's Clothing Company, Marston Management Corporation, Martha's Vineyard Estates, Inc., Martin Company, Martin J. Joel-White, Wilker Corp., Martin J. Shufro Company, Martino Willow Furniture Co., Marvel Shoe Mfg. Co. Inc., Marvela Products Inc., Masco Laboratories, Inc., Mascoc Manufacturing Co., Inc., Mascott Shoe Company, Mascott Wood Heel Company, Mass. Avenue Cafeteria, Inc., Massachusetts Casket Company, Inc., The, Massachusetts Chemical Products Co., Massachusetts Cornice Co. Inc., Massachusetts Live Poultry Company, Massachusetts Packing & Belting Company, Massachusetts Research Laboratories Inc., Massachusetts Stoker Corp., Massey & Wendell, Inc., Master Woodworkers, Inc., Mastercraft Colors, Inc., Mathews Motor Company, Mattapan Ice Co., Inc., Maverick Plumbing Co., Inc., Max Linsky Company, Max Raphael, Inc., Maxine's Beauty Parlor, Inc., Mayfair Restaurant Co. Inc., The, Mayflower Baking Company, Mayflower Mens Wear Corporation, Maykel Company, Inc., Maynard Amusement Company, Inc., Maynard Motor Car Co., Mayo Woolen Mills Co., The, Mazze-Sharff Corp., McCarrie School of Mechanical Dentistry of Boston, Inc., McCarthy & Caton Co., Inc., McCauliff Quarry Company, Inc., McClean Realty Co. Inc., McClellon Locomotive Boiler Company, McHugh Realty Company, McKey Humphreys Lithographic Co., McLean & Cousens Company, McLean Store Fixture Corporation, McMillan, Inc., McNeel's Financial Service, Inc., Medical Drug Co., Medway Shoe Company, Inc., Mellen's Investment Service, Inc., Mellish & Byfield Manufacturing Company, The, Meloc Company, The, Melrose Home Sector Publishing Company, Melrose Shade and Screen Company, Melville Manufacturing Co., Inc., Melville Plumbing & Heating Company, Mengel's Garage Incorporated, Merchants Advertising Co. Inc., The, Merchants' Finance Company, Merchants Holding Company, Merchants Shoe Company, Inc., Merrill & Mayo, Inc., Merrill C. Nutting Company, Inc., Merrimac Valley Despatch Inc., Merrimack Valley

Service Incorporated, Merton Amusement Co., Metalcraft Rol-Screen Co., Metro Machinery Manufacturing Co., Inc., Metropolitan Bond and Mortgage Corporation, Metropolitan Builders Supply Co., Metropolitan Distributing Company, Inc., Metropolitan Electric Supply Co., Metropolitan Investment Corporation, Meyer's Cloak & Suit Shop, Inc., Michigan Fish and Fruit Company, Michigan Investment Corporation, The, Midwest Corporation, Milano Provision Co., Inc., Milhender Radio Company, Mill Properties Inc., Millard Leather Company, Miller Manufacturing Company, Milton Associates, Inc., Milton Motors, Inc., Milton Realty Corporation, Minerva Shoe Company, Minnehan Trucking Company, Modern Family Laundry Inc., Modern Reed & Willow Co. Inc., Modern Wood Heel Company, Inc., Mogavero Construction Company, Mohawk Press Corporation, The, Monahan's Men's Shop, Inc., Monarch Electro-Plating & Polishing Works, Inc., Monatiquot Building Co., Monitor Awning Supply Company, Mo-nosnoc Quarries, Inc., Monterey Country Club, Inc., Montfen, Inc., Montrose Cement Block and Construction Company, The, Montvale Realty Corporation, Moody Hardware and Electrical Company, Moore Heel Co., Moorish Castle, Inc., Moran Hotels, Inc., Mordt Company, The, Moreland Realty Company, Morgan-Drinan Company, Morin Transportation Co., Morrill Apartments Inc., Morris Balter Trucking Co., Inc., Morris N. Berkovich, Inc., Morris Roofing Company, Incorporated, Morrison Motors Company, Morse & Bigelow Store, Inc., The, Morse Upholstered Furniture Co., Mortgage and Finance Corporation of Massachusetts, Moscow Art Beauty Parlor, Inc., Moss Realty, Inc., Mother Hubbard's Candies, Inc., Motion Picture Improvement Company, Motor List Corporation, Motor Parts Company, Motoreze Oil Company, Inc., Moulded Rubber Co., The, Moulin Rouge, Inc., Mt. Bowdoin Motor Mart, Inc., Mount Hope Flying Service, Inc., Mt. Hope Motor Sales, Inc., Mt. Zircon Spring Water Co. of Massachusetts, Mover Investment Corporation, Moving Picture Appliance Company, Mulberry Realty Corporation, The, Multi-Hydro Washing Machine Company, Munroe & Westcott, Inc., Munroe Construction Corporation, Murray Adjustment Company, Murray Chocolate Co. Inc., Mutual Grocery Company, Mutual Realty Company, Mutual Sales Co., Inc., Mutual Trust Distributors, Inc., Myers-Gerson Construction Co., Inc., Mylady Shoe Co., Inc., Mysticside Apartments Inc.

N. R. Reed Company, Nantasket Marine Speedway, Inc., Narragansett Heights Realty Company, Inc., Nathan Katz Shoe Co., National Aerial Advertising Company, Inc., National Automatic Corporation, National Beef Co. Inc., National Beer Sales Corporation, National Brake Service Company of Worcester, National Candy Stores, Inc., National Cheque Service Inc., National Department

Store, Inc., The, National Drug Stores Company, National Features, Inc., National Fruit and Produce Company, National Heliopore Floor Corporation, National Kosher Meat Market Inc., National Laundry Securities Company, National Loan Society of Boston, Inc., National Loan Society of Cambridge, Inc., National Loan Society of Malden, Inc., National Publishing Company, Inc., National Pyrotechnic Corporation, National Separator & Machine Company, National Shoe Co. of Boston, National Shoe Supply Co., National Sign Co., National Stamping Co., Inc., National Tire Company, Inc., National Upholstered Products Co., Natures Art Inc., Navasota Inc., Neapolitan Ice Cream Sales Corporation, Neilan Co., Ltd., Neptune-Empire Motor Sales Company, Neville's Express Inc., New Bedford Civic Theatre Corporation, New Bedford Roofing Company, Inc., New Bedford Soccer Club, Inc., New Boston Music Hall, New England Annealing & Tool Company, New England Auto Renting, Inc., New England Bakery Company, New England Beef Incorporated, New England Chemists Products & Supply Co., New England Coffee Shop Incorporated, New England Food Shop and Lunch Co. Inc., New England Foods Institute, Inc., The, New England Fur Industries, Inc., New England Hotels Publishing Corporation, New England Iron Works Co., New England Lamp & Shade Co., Inc., New England Landscape Service, Inc., New England Machine Co., of Brockton, New England Manufacturers Bureau Inc., New England Merchandising Corporation, New England Metal Art Co., Inc., New England Patent Fire Escape Company, New England Publications, Inc., New England Securities Corporation, New England Service Corporation, New England Sign Advertising Co., Inc., New England Sportsman Publishing Company, New England Stevedoring Corporation, New Era Markets, Inc., New Home Baking Co., Inc., New Idea Products, Inc., New Method Die & Cut-Out Company, Inc., New System Cleansers and Dyers, Inc., New York Bargain Store, Inc., New York Dress & Fur Company, New York Hotel & Restaurant Co., New York Outlet, Inc., New York Stylists, Inc., Newfoundland Development Corporation, Newfoundland Finance Corporation, Newlife Mining and Milling Corporation, Newton Builders Supply Company, Newton Building Company, Newton Ferrule Co. Inc., Newton Journal Publishing Company, Newton Mortgage Corporation, Newton Public Market, Incorporated, The, Newton Wool Scouring Company, Nicholson, Ferris & Sheehy Plastering Co., Nickerson the Haberdasher, Inc., 1933 Realty Corporation, Nobska Realty Co., Inc., Norad Mills, Nordblom-Reliance Management Corporation, Norfolk Theatres, Inc., Norfolk Woolen Company, Normandy Beach Properties Corporation, North American Import Corporation, North Atlantic Grain Company, North Ave. Market Inc., North Cambridge Hudson-Essex Co., North Packing &

Provision Company, North Shore Cafe, Inc., North Shore Golf & Tennis Club, Incorporated, North Shore Hardware Co., Inc., North Shore Playlands, Inc., North Shore Publishing Co., North Star Mines & Power Corporation, North Station Fur Shop, Inc., Northampton Construction Company, Northampton Iron Works, Northampton Tavern, Inc., Northboro Brush Co., Northeastern Lines Inc., Northeastern Stages Incorporated, The, Northern Rubber Company, Northern Securities Corporation, Northern Woolen Company, Inc., Northfield Farmers Cooperative Exchange, Novelty Comb Company, Novelty Counter Company, Noyes Bros. Inc., Noyes Walton Comb Co., Nu-Glo Products Company, Inc., Nupat Shoe Company, Inc.

O & J Labeling Machine Company, The, O. B. Deane, Inc., O'Brien Bros. Builders, Inc., O'Carroll Advertising Company, Ocean Export & Supply Co., Off Centric Propeller Corp., Office Appliance Co., The, Office Appliance Sales Co., O'Hara Kennedy Company, Old Boston Coffee House Incorporated, Old Colonial School Incorporated, Old Colony Filling Station, Inc., Old Colony Press, Old Colony-Rynak Leather Co., Old Colony Transportation Company, Inc., Old Deerfield Inn, Incorporated, O'Leary and Tracy Inc., Olsen Farms Inc., Olympia Studio Music Bureau, Inc., Olympia Sweet Shops, Inc., 114 Central Street Corporation, Oriental Bed Company of Boston, Oriole, Inc., The (1924), Oriole, Inc., The (1932), Orpheum Amusement Company, Osborne and Byers, Inc., Outlet Furniture Company, Overland Express Company, Inc., Owen Garage, Inc., Owl Restaurant, Inc., Owl Trading Post, Inc.

P. C. De Luca & Sons, Inc., P. G. Bleaching Water Co., P. Guarino & Co., Inc., P. J. Beauchesne, Inc., P. J. Sullivan, Incorporated, P. T. Foley & Co., Inc., Pack Shops of Boston, Inc., Packard Upholstering Company, Packard Winchester, Inc., Page, Inc., Page Mayonnaise Company, Palais D'Or Inc., Paragon Construction Co., Paramount Cafeteria, Inc., Paramount Open Air Tea Room, Inc., Paris Cloak Store, Inc., Park Drug Company, Inc., Park Engineering Co., Park View, Inc., Parker Motor Company, Parker Terrace Realty Company, Incorporated, Parkers Fashion Shop, Inc., Parkway Construction Company, Parkway Hardware Company Inc., Parkway Motor Sales Inc., Pattison Lumber & Coal Co., Patton Manufacturing Company, Inc., Paul Revere Silver Co. Inc., Pava Candy Co., Inc., Pax, Inc., Peabody Amusement Co., Peabody Cash Market, Inc., Peabody Gas & Oil Company, Peabody Leather Coat Company, Pearl's Shoppes, Incorporated, Pease Manufacturing Company, Inc., Peck Shoe Company, Pemberton Inn Company, Inc., Pemberton Shoe Company, Inc., Pembroke Hat Company, The, Pennacchio & Son, Incorporated, Pennrock Lubricants Corporation of Massachusetts, Pennsylvania Textile Company, Pennsyl-

vania Tile and Brick Company, Penomoket Camps, Inc., Pentucket Industrial Company, Peoples Amusement Corporation, Peoples Coal Company, Pequossette Company, The, Perfect Hemstitcher Manufacturing Co. Inc., Perfection Machine Company, Perin Automotive Engineering Co., Perin "Roloff" Company, Perkins Manor, Inc., Perlys Hats Inc., Perry, Buxton, Doane Company, The, Perry Service Company, Peter Pan Nut Shops, Inc., Petroleum Transfer Company, Philip Goldstein Company, Phillips & Roberts Upholstering Co., Phillips Manufacturing Co., Phinney Company, The, Phoenix Realty Company, Phoenix Wood Heel Company, Inc., Physician-Dentist Service Corporation, Pilgrim Importing Company, Pilgrim Road Pharmacy, Inc., Pilgrim Shoe Company, Pinehurst Golf Club Inc., Pioneer Radio and Hardware Co., Pichers' Garage, Inc., Pitt's Radio, Inc., Pittsfield Co-operative Farmers' Exchange, Pittsfield Farmers' Cooperative Exchange, Pittsfield Industrial Loan, Inc., Pittsfield Millinery Co. Inc., The, Planet Manufacturing Company, Plaster Craft Corporation, Pleasant Restaurant, Inc., Plumas Eureka Corporation, Pneumatic Filler Co. Inc., Pocasset Wine Co., The, Polish-American Commercial Association, Incorporated, Polish National Home Incorporated, Pollard Slipshell Company, Incorporated, The, Pompeo Motor Sales, Inc., Pompeo Transporting Corporation, Poor's Incorporated, Popular Finance, Inc., Port News, Inc., Postindex Company, Inc., Powder House Chocolate Co. Inc., Pratt & Whitney Company of Massachusetts, Premier Register Table Company, Pressure Filling & Capping Company, Incorporated, Pretzel Delicatessen & Restaurant Inc., The, Prime Furniture Co., Primrose Auto Parts Co., Prince-McCann Company, Incorporated, Princess Garment, Inc., Princess Manufacturing Co., Princess-Marlboro Theatre Company, Inc., Principal Distributing Company, Incorporated of New England, Priscilla Mfg. Co. Inc., Produce Box Exchange, Inc., Professional & Business Service, Inc., Professional Survey Bureau, Inc., Progressive Amusement Co., Inc., Progressive Confectionery Company, Inc., Progressive Sales Inc., Progressive Shoe Company, Protective Products Co., Inc., The, Protectolize Manufacturing Company, Providence-New York Airways, Inc., Public Insurance Agency, Inc., Publix Meat Chain Inc., Publix Oil Company, Pumps, Incorporated, Pure Oil Corporation of Massachusetts, The, Pure Products Co., Inc., Puritan Beverage Distributors, Inc., Puritan Cafeteria, Inc., Puritan Laundry of Brighton, Inc., The, Puritan Lunch, Inc., Puritan Lunch of Springfield, Inc., Putnam Square Motor Service, Inc., Pyro Talc Company.

R. A. Lohnes, Inc., R. & G. Store Front Construction Co., R. & J. Farquhar Company, R & R Construction Company, R & S Amusement Corporation, RCA Victor Company (Mass.), R. C. Stanley Shoe Co., R. D. Marson, Inc.,

R. Dietz Leather Co. Inc., R. Dunkel, Inc., R. E. Cox Coal Co., Inc., The, R. H. Scales, Inc., R-K-R Wholesale Grocers, Inc., R. P. Williams Lumber Corporation, R. Silverman & Co., Inc., R. T. Berry Co., R. W. Bickford Company, Inc., Rabbit City, Inc., Racing Syndicate, Inc., Radiator Furniture Co., Radio Installation & Service Co., Rainbow Inn, Inc., Rainsford Springless Shade Roller Co., Ralph Johnson & Co., Inc., Ralph T. Harnden, Inc., Ralton Corporation, The, Ramby Specialty Company, Randall Stores, Inc., Ranesk Products, Inc., Rapid Cleansers & Dyers, Inc., Rapids Enterprises, Inc., Rapkin-Miller Co., Raymond Shoe Company, Raynham Nurseries, Inc., Reading Soft Water Laundry, Inc., Real Estate Investors of Massachusetts, Inc., Realty Supplies, Inc., Red Wing Oil Company, Red Wing Orchards, Inc., Reedy Specialty Co., Inc., Reid Piston Company, Reid's Candies, Incorporated, Relay House, Inc., Reliable Cosmetic Co., Reliable Turn Shoe Co. Inc., Reliable Upholstering Co., Reliance Machine and Specialty Company, Reliance Shoe Company, Reliance Specialty Co., Inc., Remington Pictures of N. E. Inc., Rénaud et Cie of America, Rendle Corporation, The, Reproductions Company, Retail Merchants Credit Association of Brockton, Inc., Revere Bath House & Amusement Company, Revere Mop Corporation, Remy Bedding Company, Rhodes-Shea Co., Inc., Rice-De Angelis Co., Richard D. Canty Company, Richard Henry Company, Richards & Brennan Co., Richards & Co., Incorporated, Richardson Pharmacy, Inc., Richdale Community Service Station of Melrose, Inc., Richmond Banana Co. Inc., Richmond Shoe Company, Rickard Shoe Company, Rite-Fit Shoe Company, Inc., Riverside Paint & Varnish Company, Riverway Realty Corporation, Robbins & Moulton Company, Inc., Robbins Motors, Inc., Robbio, Inc., Robert A. Nordblom Company Inc., Robert C. Allen Construction Co., Robert G. Pease, Inc., Roberts Furniture Corporation, Roberts Shoe Co., Robinson Automotive Corporation, The, Robinson Dress Company, Inc., Robinson, Harmon & Company, Incorporated, Robinson Management Association, Inc., Robinson's, Inc., Rock Island Land Company, Rockwood Franklin Co., Inc., Roger T. Fay Incorporated, Rogers Furniture Corporation, Rollins Apparel Shoppe, Inc., Rosh Waste Paper Company, Roslindale-Nash, Inc., Roslindale Public Market, Inc., Rosoff & Company, Incorporated, Ross Co. Bedding Stores, Inc., The, Rounds Talking Picture Shows, Inc., Roxbury Crossing Motor Mart, Inc., Roxbury Free Press, Inc., Roxbury Garage, Inc., Roxbury System Inc., Roy, Clair Co., Inc., Royal Bag Co., Royal Bottling Company, Royal Date Company, Royal Market, Inc., Royal Spaghetti Palace Inc., Royal Worcester Polish Co., Rubberhide Company, Rudell's, Inc., Rudo Corporation, Russell and Burman,

Inc., Russell Rapid Contract, Inc., Rutland Cafeteria, Inc., Ryco Sales Company, Ryder Grain Company.

S. A. Shiepe Co., S. & B. Construction Company, S. and J. Corporation, S. Arthur Shaw Co., Incorporated, The, S. E. Berman Co., S. Gray Company, The, S. K. Pierce & Son Co., S. S. Realty Company, S. Sullo Extract Company, S. W. Dow, Incorporated, S. W. Straus & Co., Incorporated, Sablet Corporation, Safety Blue Flame Oil Burner Company, Inc., Safety Clear Vision, Inc., Sagamore Beach Development Company, Sagamore Distributing Co. Inc., Sagamore Real Estate Trust, Inc., St. Albans Grain Company, St. Jean Baptiste Corporation, Salco Lock Corporation, Salem Wood Heel Co. Inc., Salem Wood Heel Corporation, Sales, Tires and Repairs Company, Salisbury Beach Athletic Association, Inc., Salsterol Laboratories Inc., Sam Dubin and Son, Inc., Sam Salovitch, Inc., Sāmors, Incorporated, Sampson Construction Co., Inc., Sampson Press Inc., Samuel D. Viets Insurance Agency, Inc., Samuel Shoe Corp., Samuel Wasser Shoe Co., Samuels Process Corporation, Sanborns Diner Inc., Sani Wash Laundry Corporation, Sargent Textile Company, Savage Boat Co., Ltd., Savannah Food Products Company, Inc., The, Sawyer & Day, Inc., Sawyer Card and Paper Co. Inc., Sawyer, Fiske & Spencer, Incorporated, Sawyer, Fiske & Spencer Securities, Inc., Sawyer Products Co., Sch. Beauty St. Joseph, Inc., Sch. Louis A. Thebaud, Inc., Schneider Stabilizer, Incorporated, Schroeder Corporation, Schupbach and Zeller, Inc., Schwartz Fruit & Produce Co., Inc., Scott Shoemakers, Inc., Scott's Inn, Inc., Scully Sand & Gravel Co., Seaboard Service Corporation, Sears and Son Company, Seaver Shoe Company, Inc., Securities Co. Inc., The, Securities Trend Counsel, Inc., Security Corporation of Springfield, The, Securotex Company, Selden Slipper Co., Seligman Department Store, Inc., Selwyn Shoe Corporation, Selwyn Shoe, Inc., Service Express, Inc., Service Station Equipment Company, Seville Drug Store, Inc., Shapiro Bros. & Gordon, Inc., Sharfman's Jewelry Mart, Inc., Sharon Parcel Delivery Inc., Shaw-Annis Woodworking Company, Shawmut Automotive and Battery Manufacturing Corporation, Shawmut Beverage Distributing Co., Inc., Shawmut Leather Company, Inc., Shawsheen Associates, Inc., The, Shea Realty Company, Shelburne Co-operative Creamery, The, Shelburne Falls Co-operative Farmers' Exchange, Shepard Company, The, Shepard Stores, Incorporated, The, Sherman Looms, Inc., Sherwin-Sheppard Co., Sherwood, Wilder, Sherwood Inc., Shipways, Inc., Shoe City Wood Heel Company, Shore Motor Transportation Company, Short Wave and Television Laboratory, Inc., Shubert Grill, Inc., Sibulkin & Friedman Inc., Siff, Allman & Tamny Co., Signal Shoe Company, Silver Lake Associates, Inc., Silverstein and Lewis Inc., Simmons Furniture Company, Simmons Hardware Company, Simplimus, Inc., Sirianni Construction

Co., Skelly Detective Service, Inc., Slovin-Goodwin Pants Co., Smith & Varney, Inc., Smith & Whiting Inc., Smith-Babcock Silver Company, Smith-Crawford Shoe Corporation, Smith Engineering Corporation, Smith Iron Foundry, Incorporated, The, Smith, Scott & Company, Inc., Smith's Bell Farm Stores, Inc., Smith's Inc., Snap-Pee Shoe Co., Snappit Springs Cranberry Company, Snow Sheen Corporation, Solly Genstil Shoe Company, Inc., Solrex Co., Inc., The, Som Toy Food Products Co., Inc., Sombeo Incorporated, Somerville Evening News Co., Somerville Nash Co. Inc., Sommer's Transfer Co., Inc., Sorosis Manufacturing Company, Souhegan Electrical Company, South Boston Land Company, South End Market, Inc., South Shore Engineering Company, South Shore Grocery and Beverage Company, South Shore Newspaper Company, South Shore Realty Company, South Shore Restaurants, Inc., South Shore Transportation Company, Southgate Press, The, Souvenir Shoe Company, Specialties Sales, Incorporated, Spencer Motor Company, Inc., Spencer Trucking Company, Spindle City Nash, Inc., Splendid Cafeteria, Inc., Splendid View Realty Co., Sprague & Reynolds Company, Spring Coal & Coke Co., Spring Street Canoe House, Inc., Springfield Air Lines, Inc., Springfield Aircraft Co., Springfield Asia Restaurant Inc., Springfield Brake Shop, Inc., Springfield Central Realty Co., Springfield Exhibition Company, Inc., Springfield Property Company, Springfield State Building Corporation, Stake-Tite Company, The, Stakolite Corporation, The, Stamler & Chertok Company, Standard Action Co., Standard Candle Manufacturing Company of New England, Inc., Standard Foundations of New England, Inc., Standard Office Equipment Company, Standard Rim & Wheel Company, Standfast Shoe Company Inc., Stanley H. Willis, Inc., Star Credit Clothing Company, Star Department Store Inc., Star Wool Waste Co., Inc., State Lunch Co. Inc., State Theatre Ball Room Inc., The, Statler Tire & Supply Co., Inc., Steel Needle Company, Steeves-Berringer Co., Inc., Stein Realty Corporation, Stephen M. Moran, Inc., Sterling Cafeteria, Inc., Sterling Motor Products, Inc., Sterling Products Company, Sterling Silk Underwear Mills, Inc., Sterling Upholstering Co., Stets Company, Incorporated, Stevens Manufacturing Corporation, Stewart Company, Inc., Stone-Lyons Shoe Co., Inc., Stop & Shop Market, Inc., Strand Leather Company, Stronglite Company, Inc., Stroum Furniture Co., Inc., Stuart-Marshall Realty Company, Stuart's Stores, Inc., Students' Furniture Exchange, Inc., Style-Rite Shoe Co., Style Wood Heel Company, Styler Sales Co., Suburban Hardware and Automobile Supply Co., Sudanette Company, Inc., Suffolk Investment Corporation, Sullivan & Mogul Inc., Sunkiss Poultry Farm Inc., Sunrayed Limeshell Products Company, Sunrise Confectionery Company, Incorporated, Superior Comb Company, Superior Knitting Co., Superior Yeast Co. Inc.,

Supremacy Pen and Ink Company, Supreme Wood Heel Co., Surety Finance Corporation, Swan Rigging & Trucking Co., Sweeney Motor Trucking & Contracting Company, The, Sweet's Market, Inc., Swift River Trout Pond Co. Inc., Sword Brothers Inc., Sycle Shoe Co., Inc., Sykes and Sykes Incorporated.

T. B. Forsyth Inc., T. E. Moseley Co., T. F. Hooley & Co. Inc., T. F. Moran Co. Inc., T. G. Frothingham & Co. Incorporated, T. G. Jewett Co., Inc., T. J. McCue Construction Co., Inc., T. L. R. Products Company, Taber Chevrolet, Inc., Taber Motor Sales, Inc., Tappan Shoe Co., Inc., Tappey Leather Corporation, Tarbell's Candy Shoppes, Inc., Taunton Cotton Mills Company, Taunton Silks Corporation, Tavel Dress Company, Inc., Tavern Corporation, The, Taylor-Wheeler Corporation, The, Telegram-Sun Inc., Temperature, Inc., Ten Men, Inc., The, Tenney and Porter, Inc., Tenney Food Products Corp., The, Tenrug Liquidating Corporation, Teplow Service Corporation, Terminal Fumigating Company, Terney Drug, Inc., Tex Corporation, Textile Label Company, Inc., Thibodeau Specialty Company, Thomas-Cervera, Gagunen, Inc., Thomas F. Hayes Inc., Thomas F. Phelan Company, Thomas F. Santolucito Inc., Thomas H. Carritte, Inc., Thomas Leyland Machinery Company, Thompson Building Company, Thompson Coal Co., Thompson Specialties, Inc., The, Thompson Warren Company, Three Millers Products, Inc., Thrift Garage, Incorporated, Thunderbolt Co. Inc., Tidd Recording Clock Company, Incorporated, Tidewater Oil Company, Times-Herald Publishing Co., Timpany's, Inc., Tire Sales Corporation, Tixim Polish Co., To-Ho-Ne, Inc., Tom Cushing, Inc., Tom Wilson, Limited, Touraine Glove Company, Inc., Tower & Co., Incorporated, Tower Hill Greenhouses, Incorporated, Townsend Products, Inc., Traders Finance Company, Traders Mercantile Service, Inc., Trading Fund Inc., The, Travello Company, Trawler Leretha, Inc., Trawler Marietta B. Co., Inc., Treadway Realty Corporation, Tremont Construction Co. Inc., Tri-State Realty Co. Inc., Tri-Tan Leather Co., Triallied Service, Inc., Trimount Operating Co. Inc., Trio Dresses Inc., Trojan Pictures, Inc., Trotter and Poor, Inc., Trowbridge The Druggist, Inc., Troy, Galassi, Butler, Inc., Trustee Associates, Incorporated, Try-Cone Company, Tucker-Innersole Inc., Tung-Sol Lamp Works Inc. (New England Division), Tuohey Company, The, Turner Engineering Corporation, 25 Cent Beauty Salon, Inc., Twin Electric, Inc., Two Brothers Chemical Company, Two Eight Six Chestnut Street Corporation, Tyler Publishing Company, Inc., The, Typodex Company.

U. S. Postal Meter Corp. of New England, Underwriters' Finance Corporation, Unger Trading Company, The, Ungvarsky & Co., Inc., Union Ice Company, Union Market Corporation, Union Square Garage, Inc., United Auto Supply Corporation, United Cast Magnet Corpora-

tion, United Diners, Inc., United Electrical Corporation, United Hardware Stores, Inc., United Industries, Inc., United Motor Sales, Inc., United Neon Sign Corp., United Productions, Inc., United States Mortgage Corporation, Unity Shoemakers, Inc., Universal Aid, Inc., Universal Building Maintenance Co., Universal Detective Service Inc., Universal Machine Company, Universal Motor Sales Co., Universal Pressed Steel Company, Universal Profit-Sharing Coupon Company, Universal 16-MM Corporation, University Amusement Company, Inc., University Manufacturing Company, Upper Land Farm, Inc., Upstar Holding Corporation, Uptown Garage, Inc., Uxbridge Coal Co.

V. F. Company, Valley Chevrolet, Inc., Varsity Delicatessen Co., The Vendit, Incorporated, Vermont Lumber Co., Inc., Vialle Motor Company, Vina Corporation, The, Vincent Sandwich Shop, Inc.

W. B. Rice Shoe Co., Inc., W. E. Coffin, Inc., W. F. Parsons, Inc., W. H. Welch Company, W. J. Woods Company, Incorporated (1917), W. M. Evatt Company, W. M. Rosenfield Transportation Inc., W. O. Simmons Company, W. S. Rees Teaming and Rigging Co. Inc., W. V. Flynn Company, Inc., W. W. Boynton, Inc., Waban Hotel Company, Wachusett Spring Beverage Co., Inc., Wachusett Trap Rock Co., Wakefield "All-Steel" Wrench Co. Inc., Wakefield Garage Mfg. Company, Wakefield Milling Co., Wakefield Motor Sales and Service Inc., Wakefield Storage Company, Wakefield Trust Associates Inc., Waldo Bros. and Bond Company, Wallace Grain Company, Wallace-Roberts, Incorporated, Walter Emery Co., Walter S. & Needle Inc., Walter's Drug Company, Waltham Dairy Company, Waltham Lumber Company, Walton Garage, Inc., Wanderer, Inc., The, Wareham Cranberry Company, Warner Company, Warren-Allen Carpet Company, Inc., Warren County Gas Corporation, Warren H. Manning Offices Inc., Warren Shoe Company, Warren Woolen Mills, Warrenwood, Inc., Washburn Manufacturing Company, Waters, Inc., Watertown Lumber Company, Watson and Briggs Company, The, Watson Brothers, Inc., Watson Shoes Inc., Wawpano Products Co., Inc., Wear Well Tie Co., Inc., Webster Live Poultry Corporation, Webster Lumber Corporation, Webster's Drug Stores, Inc., Weeden Engineering Co., Weetamoe Mills, Weld Golf Course Trust, Inc., Weldona Corporation, Wellfleet Grain Co., Wellington-Foote, Inc., Wellington Realty Corporation, Wellman, Oakes & Higgins, Inc., Welson Realty Corporation, Wendall Company, The, Wendell, Holbrook Company, West & Dodge Thread Gauge Co., Inc. (1927), West Barnstable Brick Company, West Bridgewater Grain Company, West End Drug Company, The, West Lynn 5 and 10 cent Store Inc., West Warren Realty Corp., Westbury Company, Western Mass. Realty Co., Inc., Western Produce Company, Westfield Community Mortgage Loan Corporation, Westwood Mills,

Inc., Weymouth Cafeteria Inc., Weymouth Manufacturing Company, Inc., Whale Confections, Inc., White Entertainment Bureau, Whitehouse Fish Market, Inc., Whitney Furniture Co. Inc., Whitney Machine Company, Wholesalers & Retailers Protective Association, Inc., Widger & Miller Company, Wilben Bottling Company, Wilber Realty Corporation, Wilbraham Business Corporation, Wilcox & MacLean Company, Wiley-Bickford-Sweet Company, The, William A. Davis Company, The, William D. Rowe, Inc., William Fox Furniture Co. Inc., William J. Comeau, Inc., William L. Roper Company, William Morris Theatrical Exchange Corp., William Rosnosky Company, William W. Drummey, Inc., Williams & Davis Inc., Willmorey Realty Company, Inc., Willoughby-Scott, Inc., Wilson Oil Burner Corporation, Win-Shine Company, The, Winall Co., Winchester Country Day School, Inc., Winchester News Co., Windo-Art Display Company, Inc., Window Novelty Co., Inc., Winer-Kane Shoe Co., Winnisimmet Finance Corporation, Winona Realty Company, Wiscasset Grain Company, Wit Shoe Corporation, Woburn Furniture Co., Inc., Woburn Woodworking Co., Inc., Wolfe Golub Leather Co., Wollaston Land and Construction Company, Woman's Quality Shop, Inc., The, Wonder-Heat Burner Co., Wood Square Garage Incorporated, Wood Square Motors, Inc., Woodcraft Enamel Co., The, Woods Construction Company, Woodstock Realty Corp., Wooleather Slipper Company, Worcester Brick Company, Inc., Worcester Curtain Company, Worcester Development Trust, Inc., Worcester Dress Manufacturing Company, Worcester Farms Creamery, Inc., Worcester Index Bureau, Inc., Worcester Neckwear Corporation, Worcester Syndicate, Incorporated, The, Woronoak Farms Company, Worthington Candy Kitchen, Inc., Worthington Lunch, Inc., Worthley Furniture Company Inc., Wright-Harding Company, Wright Wire Company.

Y D Motors of Boston, Inc., Y-D Sawdust & Shavings Co., Yankee, Inc., The, Ye Piccadilly, Inc., Yellow Cab Co. of Worcester, Mass., York Drug Co., Young & Johnson Co. (Inc.), Young Sherman Co., Youngberg & Landberg, Inc., Young's Market Inc.

Z. A. Ward Wood-working Company, ZYX Company, Za-Rex Company Inc., The, Zanditon Motors, Incorporated.

CHARITABLE AND OTHER CORPORATIONS.

Abraham Lincoln Post, Veterans of the World War.
 Balboa Limited, Inc.
 Burgess Yacht Club.
 Cape Cod Central Club, The.
 Cerle Canadien of New Bedford, Inc.
 Crompton & Knowles Athletic Association.
 Dedham Boat Club.
 Essex County Dairymen's Association, Inc.

Gloucester Unemployment Relief Committee, Inc.
 Greek Orthodox Community.
 Harbor View Social and Athletic Association, The.
 Ladyhouse Incorporated.
 Leyden Club Corporation, The.
 Major How G. A. R. Association.
 Merchants Club of Boston.
 Miss Mills's School, Inc.
 Nayasset Club.
 Neighborhood Club of Swampscott Inc., The.
 Princeton Country Club.
 St. Agnes School Association of Arlington.
 Saint Charles Roman Catholic Lithuanian Society of
 Holyoke, Mass.
 Seabury House, Incorporated.
 Shuh-Shuh-Gah Canoe Club.
 South Ashburnham Social and Athletic Association.
 University Film Foundation.
 Worthen Street Baptist Church of Lowell.

PUBLIC SERVICE CORPORATION.

New Salem Electric Company.

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.

Pending suits not affected, 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 defence of which he might have availed himself in a suit upon a claim by the corporation, had it not been dissolved by this act.

Suits upon choses in action, how brought, 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 year nineteen hundred and thirty-five 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.

Obligation to file tax returns, etc.

SECTION 5. This act shall be operative as of January first, nineteen hundred and thirty-five.

When operative.

Approved February 15, 1935.

- Chap.* 9 AN ACT AUTHORIZING THE TOWN OF DENNIS TO VOTE AT ITS CURRENT ANNUAL TOWN MEETING ON THE QUESTION OF GRANTING LICENSES FOR THE SALE IN SAID TOWN OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Dennis are hereby authorized and directed to insert in the warrant for its annual town meeting in the current year an article or articles enabling the voters of said town to vote at said meeting on the questions contained in section eleven 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 the votes at said meeting on said questions shall have the same force and effect from and after said meeting as if taken at the last biennial state election.

SECTION 2. The votes under section one shall be taken by ballots prepared by the town clerk which shall set forth said questions and the directions to the voters, all as provided in said section eleven. The ballots shall be distributed at the polling places under the direction of the town clerk, and the polls shall be open for voting on said questions not less than four hours. The provisions of the General Laws relative to the ascertainment of the result of the voting at state elections and returns thereof shall, so far as practicable, apply to the vote taken hereunder.

SECTION 3. The votes taken in the town of Dennis at the last biennial state election under the provisions of said section eleven, shall have no further force or effect.

SECTION 4. This act shall take effect upon its passage.
Approved February 15, 1935.

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- Chap.* 10 AN ACT DESIGNATING THE CHIEF ENGINEER OF THE FIRE DEPARTMENT OF THE TOWN OF CLINTON AS CHIEF OF THE FIRE DEPARTMENT OF SAID TOWN, AND PLACING THE OFFICE OF SAID CHIEF UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

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

SECTION 2. The office of chief of the fire department of the town of Clinton 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 towns, 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 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 of the general court passed in the current year, entitled 'An Act designating the Chief Engineer of the Fire Department of the Town of Clinton as Chief of the Fire Department of said Town, 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 February 15, 1935.

AN ACT ESTABLISHING NON-PARTISAN MUNICIPAL ELECTIONS Chap. 11
IN THE TOWN OF SOUTH HADLEY.

Be it enacted, etc., as follows:

SECTION 1. No ballot used at any election of town officers in the town of South Hadley shall have printed thereon any party or political designation or mark, and there shall not be appended to the name of any candidate on such a ballot any party or political designation or mark, or anything indicating his views or opinions, except that to the name of a candidate for re-election there may be added the words "candidate for re-election".

SECTION 2. Nomination papers of candidates at any such election shall be signed by not less than twenty-five registered voters of the town and filed with the town clerk at least fifteen days before the election. Except as otherwise provided in this act, the provisions of the General Laws governing town elections and nomination of candidates therefor shall apply to town elections in said town.

SECTION 3. This act shall be submitted to the registered voters of said town at its annual town election in the current year. The vote shall be taken in precincts in accordance with the provisions of general law, so far as the same shall be applicable, in answer to the following question, which shall be placed upon the official ballot to be used at such election:—"Shall an act passed by the General Court in the year nineteen hundred and thirty-five, entitled 'An Act establishing Non-Partisan Municipal Elections in the Town of South Hadley,' be accepted?" If a majority of the votes cast thereon are in the affirmative, this act shall take effect in said town beginning with the regular or special municipal election next following. If not accepted at said current town election, this act may again be submitted at any annual or special election held within two years of its passage upon petition of not less than five per centum of the registered voters of said town.

Approved February 15, 1935.

Chap. 12 AN ACT RELATIVE TO THE RENEWAL OF CERTAIN TEMPORARY REVENUE LOANS BY CITIES AND TOWNS.

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:

Any city or town, with the approval of the board specified in clause nine of section eight of chapter forty-four of the General Laws, may extend, for a period or periods not exceeding in the aggregate six months beyond the maximum term provided by law for an original revenue loan, any loan issued in anticipation of the revenue of the year nineteen hundred and thirty-four, nineteen hundred and thirty-five or nineteen hundred and thirty-six, and the approval as aforesaid of any such extension shall authorize the issue of renewal notes for the period or periods so approved, notwithstanding the provisions of said chapter forty-four. During the time that any such revenue loan, extended as aforesaid, remains outstanding, none of the receipts from the collection of taxes assessed by such city or town for the year against the revenue of which such loan was issued or for prior years shall be appropriated for any purpose without the approval of the board.

Approved February 15, 1935.

Chap. 13 AN ACT REMOVING CERTAIN RESTRICTIONS ON THE HUNTING OF QUAIL IN MIDDLESEX AND WORCESTER COUNTIES.

Be it enacted, etc., as follows:

G.L. (Ter.
Ed.), 131,
§ 85, etc.,
amended.

Close season
for quail.

Section eighty-five of chapter one hundred and thirty-one of the General Laws, as most recently amended by chapter twenty-eight of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the fifth and sixth lines, the words “, Middlesex, Nantucket or Worcester” and inserting in place thereof the words: — or Nantucket, — so as to read as follows: — *Section 85.* Except as provided in section seventy-eight, no person, except between the twentieth of October and the twentieth of November, both inclusive, shall hunt a quail, nor shall any person hunt a quail at any time in Berkshire, Essex, Franklin, Hampden, Hampshire or Nantucket county.

Approved February 20, 1935.

Chap. 14 AN ACT AUTHORIZING THE ESTABLISHMENT OF A PUBLIC GOLF COURSE IN D. W. FIELD PARK IN THE CITY OF BROCKTON.

Be it enacted, etc., as follows:

SECTION 1. The city of Brockton, acting through its board of park commissioners, hereinafter called the board, may use not more than two hundred acres of land in the

public park in said city, known as D. W. Field Park, for the purpose of establishing and maintaining therein a public golf course, and may install and construct on the land so used, such equipment and buildings for shelters, the sale of refreshments and other purposes conducive to its beneficial use as a public golf course as may be necessary, and may charge fees for the use of said course and for admission thereto.

SECTION 2. Said public golf course shall be under the exclusive care, management and control of the board, which shall make such rules and regulations, not inconsistent with law, in relation to the use and management thereof as it shall deem necessary or expedient. The powers and duties given to and imposed upon the board in relation to said public golf course by this act shall, except as expressly provided therein, be in addition to and not in any sense in derogation of its authority over said land, under chapter forty-five of the General Laws.

SECTION 3. In the discharge of its duties hereunder, the board shall have authority to employ such clerical and other assistants at such rates of pay as the board shall deem reasonable and proper. The appointment and removal of such assistants shall be exempt from the provisions of chapter thirty-one of the General Laws, and the rules and regulations made thereunder.

SECTION 4. This act shall take effect upon its passage.
Approved February 21, 1935.

AN ACT TO GRANT CERTAIN POWERS TO SUFFOLK LAW SCHOOL. *Chap. 15*

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 trustees of Suffolk Law School, a corporation created by chapter one hundred and forty-five of the acts of nineteen hundred and fourteen, are hereby empowered to confer the degree of master of laws and to establish and maintain a college of liberal arts with power to confer the degrees usually awarded by colleges of liberal arts in this commonwealth except the degrees of doctor of philosophy and doctor of laws.
Approved February 21, 1935.

AN ACT RELATIVE TO THE ELECTION OF THE PRESIDENT OF THE CITY COUNCIL OF THE CITY OF WESTFIELD. *Chap. 16*

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter two hundred and ninety-four of the acts of nineteen hundred and twenty, as affected by chapter seventy-four of the acts of nineteen hundred and twenty-four and by chapter one hundred and

three of the acts of nineteen hundred and thirty, is hereby amended by striking out, in the third line, the word "annually", — so that the second sentence will read as follows: — One of its members shall be elected by the council as its president.

SECTION 2. This act shall take effect upon its acceptance during the current year by vote of the city council of the city of Westfield, subject to the provisions of its charter.
Approved February 21, 1935.

Chap. 17 AN ACT AUTHORIZING THE COUNTY OF MIDDLESEX TO CONTRIBUTE TOWARD THE RECONSTRUCTION OF A PORTION OF BEACON STREET IN THE CITY OF NEWTON.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of contributing, together with the commonwealth, to the cost of reconstructing that portion of Beacon street in the city of Newton lying between a point on Beacon street four hundred yards west of Walnut street in the city of Newton and the Newton-Boston line, so called, the county of Middlesex is hereby authorized to make an allotment out of the then current appropriation for highways and bridges for said county.

SECTION 2. This act shall take effect upon its acceptance during the current year by the county commissioners of said county.
Approved February 21, 1935.

Chap. 18 AN ACT RELATIVE TO THE CAPITAL STOCK OF TRUST COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 172, § 18, etc., amended.

Section eighteen of chapter one hundred and seventy-two of the General Laws, as amended by section twelve of chapter three hundred and forty-nine of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in lines twenty-five, twenty-eight, thirty-three, forty-four and fifty, the word "common" and inserting in place thereof, in each instance, the word: — capital, — and by striking out, in the fifty-fifth line, the word "eighteen" and inserting in place thereof the word: — eighty-three, — so as to read as follows: — *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

Trust companies, capital stock; amount, issue, increase of.

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 capital 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 capital 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 capital 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 capital 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 capital 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 eighty-three 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.

Approved February 23, 1935.

- Chap.* 19 AN ACT REPEALING CERTAIN PROVISIONS OF LAW RELATIVE TO EXPENDITURES BY THE SCHOOL COMMITTEE OF THE CITY OF BOSTON FOR ATHLETIC PURPOSES.

Be it enacted, etc., as follows:

Chapter one hundred and eleven of the acts of nineteen hundred and thirty-one is hereby repealed.

Approved February 23, 1935.

- Chap.* 20 AN ACT AUTHORIZING THE TOWN OF DENNIS TO TAKE OVER THE PROPERTIES AND TO ASSUME THE OBLIGATIONS OF THE DENNIS SOUTH IMPROVEMENT DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis is hereby authorized to take over all the property, rights and privileges of the Dennis South Improvement District established in nineteen hundred and twenty-four under authority of chapter forty of the General Laws, and to assume all the duties and obligations of said district, and shall thereby become in all respects the lawful successor of said district.

SECTION 2. This act shall take effect upon its acceptance by a majority of the voters in the Dennis South Improvement District present and voting thereon and by a majority of the voters of the town of Dennis present and voting thereon, at a meeting called under a regular warrant as required for any town meeting.

Approved February 23, 1935.

- Chap.* 21 AN ACT RELATIVE TO CONFERRING THE DEGREE OF MASTER OF EDUCATION IN STATE TEACHERS COLLEGES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 73, § 7, etc., amended.

Degrees.

Chapter seventy-three of the General Laws is hereby amended by striking out section seven, as most recently amended by section seventeen of chapter one hundred and twenty-seven of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 7.* The department may grant the degree of Bachelor of Education or of Bachelor of Science in Education to any person completing a four-year course in a Massachusetts state teachers college and may grant the degree of Master of Education to graduates of colleges or universities who have satisfactorily completed a graduate course of instruction in any such teachers college.

Approved February 23, 1935.

AN ACT RELATIVE TO THE GRANTING OF MASTERS' DEGREES *Chap. 22*
AT THE LOWELL TEXTILE INSTITUTE.

Be it enacted, etc., as follows:

Section forty-seven E of chapter seventy-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following new paragraph: —

The board may also grant the degrees of master of science in textile chemistry and master of science in textile engineering to students who have completed satisfactorily graduate work of not less than one year resident instruction as prescribed by the board and approved by the commissioner.

Approved February 23, 1935.

AN ACT RELATIVE TO THE OBSERVANCE EACH YEAR OF THE *Chap. 23*
ANNIVERSARY OF THE BATTLE OF NEW ORLEANS.

Be it enacted, etc., as follows:

Chapter six of the General Laws is hereby amended by inserting after section twelve E, inserted by chapter one hundred and ninety-one of the acts of nineteen hundred and thirty-four, the following new section: — *Section 12F.* The governor shall annually issue a proclamation setting apart January eighth as New Orleans 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 services of the soldiers and sailors of the war of eighteen hundred and twelve, and the lessons to be learned from the successes and failures of our arms in that war, may be perpetuated, and the governor shall annually cause a national salute to be fired on Boston Common at noon of said day.

Approved February 23, 1935.

AN ACT MAKING AGAIN AVAILABLE CERTAIN BENEFITS IN *Chap. 24*
CONNECTION WITH THE GRANTING OF CERTAIN CERTIFICATES AND PERMITS FOR MOTOR VEHICLES TRANSPORTING PROPERTY FOR HIRE.

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 person who applies for a certificate or permit under chapter one hundred and fifty-nine B of the General Laws, inserted therein by section one of chapter two hundred and sixty-four of the acts of nineteen hundred and thirty-four, within sixty days after the effective date of this act shall be entitled to all the benefits of section eight of said chapter one hundred and fifty-nine B to which he

would have been entitled if he had made such an application within sixty days from the effective date of said section, whether or not such an application has previously been made by him or such a certificate or permit previously granted to him.

Approved February 27, 1935.

Chap. 25 AN ACT SUBJECTING THE OFFICE OF AGENT FOR PUBLIC WELFARE OF THE TOWN OF MARBLEHEAD TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of agent for public welfare of the town of Marblehead 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 such incumbent 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 as such without taking a civil service examination.

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

Approved February 27, 1935.

Chap. 26 AN ACT MAKING JUNE SEVENTEENTH A LEGAL HOLIDAY IN SUFFOLK COUNTY.

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.), 4, § 7,
etc., amended.

June 17, a
legal holiday.

Clause eighteenth of section seven of chapter four of the General Laws, as most recently amended by chapter two hundred and eighty-three of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end thereof the following: — "Legal holiday" shall also include, with respect to Suffolk county only, June seventeenth, or the day following when June seventeenth occurs on Sunday, and the public offices in said county shall be closed on said day.

Approved March 1, 1935.

Chap. 27 AN ACT EXTENDING THE TIME FOR THE ACCEPTANCE BY THE VOTERS OF THE TOWN OF NORWELL OF AN ACT AUTHORIZING SAID TOWN TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The provisions of sections one to nine, inclusive, of chapter one hundred and forty-nine of the acts of nineteen hundred and thirty-one shall take effect upon their acceptance by a majority of the voters of the town of Norwell present and voting thereon at a meeting called for the purpose within six years after the passage of said

chapter, notwithstanding the expiration of the time provided for such acceptance in section ten of said chapter; but the number of meetings so called in any year shall not exceed three.

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

Approved March 1, 1935.

AN ACT AUTHORIZING CITIES AND TOWNS TO APPROPRIATE MONEY NECESSARY TO CO-OPERATE WITH THE FEDERAL GOVERNMENT IN CERTAIN UNEMPLOYMENT RELIEF AND OTHER PROJECTS.

Chap. 28

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 five of chapter forty of the General Laws, as most recently amended by section one of chapter one hundred and fifty-four of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the paragraph inserted by said section one the following new paragraph:—

G. L. (Ter. Ed.), 40, § 5, etc., amended.

(39) For providing co-operation with the federal government in unemployment relief and other projects, of direct or indirect benefit to the town or its inhabitants.

Power of towns, etc., to make appropriations.

Approved March 1, 1935.

AN ACT MAKING THE PROVISIONS OF THE CIVIL SERVICE LAWS APPLICABLE TO THE TOWN OF DEDHAM WITH RESPECT TO ITS HIGHWAY DEPARTMENT.

Chap. 29

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 Dedham 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-five, entitled 'An Act making the Provisions of the Civil Service Laws Applicable to the Town of Dedham with Respect to its Highway Department', be accepted?" If a majority of the votes cast in answer to said question are in the affirmative, then this act shall thereupon take full effect, but not otherwise.

Approved March 1, 1935.

Chap. 30 AN ACT RELATIVE TO THE OPERATION ON THE WAYS OF THE COMMONWEALTH OF VEHICLES HAVING THREE AXLES AND OF CERTAIN OTHER HEAVY VEHICLES.

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.), 85, § 30,
amended.

Section thirty of chapter eighty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out all after the word "fourteen" in the fifth line down to and including the word "commissioner" in the fifteenth line and inserting in place thereof the following: — tons, or, in the case of a vehicle equipped with pneumatic tires, more than fifteen tons, without a permit from the board or officer having charge of such way, or, in case of a state highway, or a way determined by the department of public works to be a through route, from the commissioner of public works; provided, that no such permit shall be required for the operation of a semi-trailer unit or a vehicle having three axles, whether or not so equipped, which does not weigh more than twenty tons, — so as to read as follows: — *Section 30.* No vehicle shall travel or object be moved, on any public way, which has any device attached to or made a part of its wheels or the rollers or other supports on which it rests, which will injure the surface of the way; nor shall any vehicle travel or object be moved, on any public way, which weighs more than fourteen tons, or, in the case of a vehicle equipped with pneumatic tires, more than fifteen tons, without a permit from the board or officer having charge of such way, or, in case of a state highway, or a way determined by the department of public works to be a through route, from the commissioner of public works; provided, that no such permit shall be required for the operation of a semi-trailer unit or a vehicle having three axles, whether or not so equipped, which does not weigh more than twenty tons. No vehicle shall travel or object be moved on any public way, outside of the metropolitan parks or sewerage districts, the weight of which resting on the surface of such way exceeds eight hundred pounds upon any inch of the tire, roller or other support, without such a permit. Such a permit may limit the time within which it shall be in force and the ways which may be used and may contain any provisions or conditions necessary for the protection of such ways from injury. If, in the opinion of the board or officer having charge of any public way, the travel or moving thereon at any season of the year of any vehicle or object which weighs more than ten thousand pounds would cause injury to such way more serious than the ordinary

Traction
engines and
other heavy
vehicles,
regulation of.

wear and tear which the type of construction of such way is designed to withstand, such board or officer may by regulation prohibit such vehicle or object from passing over such way during such season without a permit therefor. All such regulations shall, when affecting ways which are determined by the department of public works to be through routes, be subject to the approval of such department. Such regulations shall be published and shall take effect as provided in case of rules and orders under section twenty-two of chapter forty and shall be posted in a conspicuous place at both ends of the part of said way from which traffic is prohibited thereby. Any person driving, operating or moving a vehicle or object in violation of this section or of any regulation adopted hereunder, or the owner thereof, shall be liable in tort to the body politic or corporate having charge of the way for any injury to the way thereby caused. All the aforesaid limitations as to weight shall be inclusive of the load.

Approved March 2, 1935.

AN ACT AUTHORIZING THE TOWNS TO PENSION MEMBERS OF THEIR TEMPORARY POLICE FORCES INCAPACITATED THROUGH INJURIES RECEIVED IN THE PERFORMANCE OF POLICE DUTY.

Chap. 31

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 thirty-two of the General Laws is hereby amended by striking out section eighty-five A, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 85A*. Upon the acceptance of this section by a town at its annual town meeting by a two thirds vote, the provisions of section eighty-five relative to the retirement of permanent members of the fire department and police department for incapacity shall apply to call members of its fire department and to police officers appointed under section ninety-six of chapter forty-one, except that a person retired hereunder shall annually receive from the town a pension at such rate, not exceeding five hundred dollars a year, as the town may authorize.

G. L. (Ter. Ed.), 32, §85A, amended.

Retirement of certain members of police and fire departments in certain towns.

SECTION 2. The provisions of said section eighty-five A, as in effect immediately prior to the effective date of this act, shall, notwithstanding the provisions of this act, continue in full force and effect in any town which has accepted said section, until its acceptance of said section as amended hereby.

Provisions of prior law effective in certain cases.

Approved March 2, 1935.

- Chap. 32* AN ACT PERMITTING THE USE OF FACSIMILE SIGNATURES OF THE MAYOR OF SPRINGFIELD UPON BONDS, NOTES, SCRIP AND CERTIFICATES OF INDEBTEDNESS ISSUED BY SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. The mayor of the city of Springfield may, by duplicate writings, one to be filed in the office of the treasurer thereof and one in the office of the clerk thereof, each bearing the written signature of the mayor, authorize said treasurer to cause to be engraved or printed on any bond, note, scrip or certificate of indebtedness which said city is authorized to issue, a facsimile of the mayor's signature, and may, in like manner, authorize the said treasurer to stamp a facsimile of such signature upon any such instrument, and such facsimile signature so engraved or printed or when stamped thereon by the mayor or the said treasurer shall have the same validity and effect as the mayor's written signature. The writing filed in the office of the city clerk as aforesaid shall be open to public inspection.

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

Approved March 2, 1935.

- Chap. 33* AN ACT AUTHORIZING THE CITY OF MEDFORD TO APPROPRIATE MONEY FOR THE CELEBRATION OF THE CENTENARY OF THE MEDFORD HIGH SCHOOL.

Be it enacted, etc., as follows:

SECTION 1. The city of Medford may appropriate, during the current year, for the purpose of celebrating the centenary of the Medford High School, a sum, not exceeding eight hundred dollars. Money so appropriated shall be expended under the direction of the board of aldermen of said city.

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

Approved March 2, 1935.

- Chap. 34* AN ACT EMPOWERING THE HEBREW WOMEN'S SEWING SOCIETY, LOCATED IN BOSTON, TO TRANSFER ITS PROPERTY TO THE ASSOCIATED JEWISH PHILANTHROPIES, INC.

Be it enacted, etc., as follows:

SECTION 1. The Hebrew Women's Sewing Society, a charitable corporation incorporated under general law and located in Boston, is hereby empowered to transfer, assign, set over, and convey all funds and property held by it to the Associated Jewish Philanthropies, Inc., incorporated under general law, and the said Associated Jewish Philanthropies, Inc. 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 Hebrew Women's Sewing Society 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 March 2, 1935.

AN ACT RELATIVE TO THE FILLING OF VACANCIES IN THE SCHOOL COMMITTEE IN THE CITY OF SOMERVILLE. Chap. 35

Be it enacted, etc., as follows:

Section twenty-eight of chapter two hundred and forty of the acts of eighteen hundred and ninety-nine, as most recently amended by section one of chapter two hundred and ninety-seven of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the twelfth line, the word "resident" and inserting in place thereof the words:—qualified voter,—so as to read as follows:—*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 qualified voter of the ward entitled to the new member, and to hold office for the remainder of the unexpired term.

Approved March 2, 1935.

AN ACT EXTENDING THE TIME DURING WHICH THE COUNTY OF BARNSTABLE MAY CONTRIBUTE TO THE COST OF CONSTRUCTING SEA WALLS OR OTHER WORKS TO BE BUILT BY THE DEPARTMENT OF PUBLIC WORKS. Chap. 36

Be it enacted, etc., as follows:

Chapter two hundred and seventy-five of the acts of nineteen hundred and thirty-three is hereby amended by striking out section one and inserting in place thereof the

following:—*Section 1.* The county of Barnstable is hereby authorized to contribute to the cost of constructing sea walls or other works to be built by the department of public works during the years nineteen hundred and thirty-three, nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six and nineteen hundred and thirty-seven under the provisions of section eleven of chapter ninety-one of the General Laws for the protection of the shores of the towns in said county from erosion by the sea, and the treasurer of said county, with the approval of the county commissioners, may pay the county's proportion of such cost from the highway appropriation or, for the purpose of so contributing, may borrow from time to time on the credit of the county such sums as may be necessary, not exceeding, in the aggregate, thirty-four thousand dollars, and may issue bonds or notes of the county therefor, which shall bear on their face the words, Barnstable County Shore Protection Loan, Act of 1933. 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 such 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 under this act shall, except as herein provided, be subject to chapter thirty-five of the General Laws.

Approved March 2, 1935.

Chap. 37 AN ACT RELATIVE TO THE REGISTRATION OF VOTERS PRIOR TO PARTY PRIMARIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 51, § 26, etc., amended.

Sessions of registrars of voters.

SECTION 1. Section twenty-six of chapter fifty-one of the General Laws, as most recently amended by section one of chapter forty-eight of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the ninth and tenth lines, the words "presidential primary" and inserting in place thereof the words:— party primaries, — so as to read as follows:—*Section 26.* The registrars, for the purpose of registering voters in the manner hereinafter provided, shall hold such day and such evening sessions as the town by by-law or the city by ordinance shall prescribe, and such other sessions as they deem necessary; but, except as provided in sections thirty-four and fifty, there shall be no registration of voters between ten o'clock in the evening on the twentieth day preceding, and the day following, the biennial state primary, the party primaries and the biennial state election, nor in any city between ten o'clock in the evening on the twentieth day preceding and the day following the city

election, nor in any town between ten o'clock in the evening on the Wednesday next but one preceding and the day following the annual town meeting. The time and place of registration shall be the same for male and female applicants.

SECTION 2. Section twenty-seven of said chapter fifty-one, as most recently amended by section two of said chapter forty-eight, is hereby further amended by striking out, in the fifth line, the words "presidential primary" and inserting in place thereof the words:— party primaries, —so as to read as follows:— *Section 27.* They shall hold at least one session at some suitable place in every city or town on or before the last day for registration preceding the biennial state primary and the party primaries, and on or before the Wednesday next but one preceding a city or town primary, except a primary preceding a special city or town election.

G. L. (Ter. Ed.), 51, § 27, etc., amended.

Sessions before primaries.

Approved March 2, 1935.

AN ACT RELATIVE TO NOMINATION PAPERS AND THE NUMBER OF SIGNATURES REQUIRED THEREON.

Chap. 38

Be it enacted, etc., as follows:

Section forty-four of chapter fifty-three of the General Laws, as most recently amended by section twelve of chapter three hundred and ten of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the fourteenth line, the word "or", the first time it appears, and inserting in place thereof the words:— and each,— so as to read as follows:— *Section 44.* The nomination of candidates for nomination at state primaries shall be by nomination papers or by endorsement for nomination by state convention as provided in section fifty-four. The nomination of candidates for election at party primaries shall be by nomination papers only. In the case of offices to be filled by all the voters of the commonwealth nomination papers shall be signed in the aggregate by at least one thousand voters, not more than two hundred and fifty to be from any one county. Such papers for all other offices to be filled at a state election, and for members of committees and delegates to conventions, shall be signed by a number of voters equal in the aggregate to five voters for each ward and each town in the district or county, but in no case shall more than two hundred and fifty be required. *Approved March 2, 1935.*

G. L. (Ter. Ed.), 53, § 44, etc., amended.

Nomination papers, number of signatures.

Chap. 39 AN ACT REGULATING THE TAKING OF FISH BY MEANS OF TORCHES OR OTHER ARTIFICIAL LIGHT IN THE WATERS OF IPSWICH.

Be it enacted, etc., as follows:

SECTION 1. It shall be unlawful for any person to display torches or other lights designed or used for the purpose of taking herring or other fish in any waters of the town of Ipswich; provided, however, that the selectmen of said town may grant permits for the display of torches or other lights for the purpose aforesaid within the limits of the town, with such restrictions as in their judgment will prevent the same from constituting a nuisance; and they may at any time revoke any such permit.

SECTION 2. Whoever violates any provision of this act shall be punished for a first offence by a fine of not less than fifty nor more than two hundred dollars or by imprisonment for not less than six nor more than twelve months, or by both such fine and imprisonment, and for a second or subsequent offence by both such fine and imprisonment.

Approved March 2, 1935.

Chap. 40 AN ACT RELATIVE TO THE ELIGIBILITY REQUIREMENTS FOR DIRECTORS, OFFICERS AND EMPLOYEES OF TRUST COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 172, §14, etc., amended.

Eligibility requirements for directors, etc., of trust companies.

Chapter one hundred and seventy-two of the General Laws is hereby amended by striking out section fourteen, as amended by section eight of chapter three hundred and forty-nine of the acts of nineteen hundred and thirty-four, 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, organized for any purpose whatsoever, which makes a business of making loans secured by stock or bond collateral, other than a mutual savings bank, co-operative bank, corporation licensed by or subject to the supervision of the commissioner pursuant to sections ninety-six to one hundred and fourteen, inclusive, of chapter one hundred and forty, Morris Plan Company or credit union, or a member of a partnership so organized which engages in such business 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 requires 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. *Approved March 4, 1935.*

AN ACT REMOVING CERTAIN RESTRICTIONS RELATIVE TO THE SALE OF ALCOHOLIC BEVERAGES NEAR THE NANTASKET BEACH RESERVATION.

Chap. 41

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 section one of chapter three hundred and sixteen of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the last sentence.

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

(The foregoing was laid before the governor on the twenty-seventh day of February, 1935, 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 PROHIBITING THE SALE OF ARTIFICIAL FLOWERS AND MINIATURE FLAGS BY HAWKERS AND PEDLERS.

Chap. 42

Be it enacted, etc., as follows:

Chapter one hundred and one of the General Laws is hereby amended by striking out section sixteen, as appearing in the Tercentenary Edition, and inserting in place

G. L. (Ter. Ed.), 101, § 16, amended.

Sale of certain articles, etc., by hawkers and pedlers prohibited.

thereof the following: — *Section 16.* The sale by hawkers or pedlers of jewelry, furs, wines or spirituous liquors, artificial flowers or miniature flags is prohibited. Nothing in this section shall be construed to prevent the granting of temporary licenses under section thirty-three for the sale of artificial flowers or miniature flags.

Approved March 6, 1935.

Chap. 43 AN ACT ELIMINATING CERTAIN REQUIREMENTS AS TO THE SIZE OF NUMERALS ON NUMBER PLATES OF MOTOR VEHICLES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 1, etc., amended.

Section one of chapter ninety of the General Laws, as most recently amended by sections one and two of chapter three hundred and thirty-two of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the definition of "Register number" as contained in the forty-first to the forty-fifth lines, inclusive, as appearing in the Tercentenary Edition of said laws, and inserting in place thereof the following: — "Register number", the number or mark assigned by the registrar to a motor vehicle, whether or not such number or mark includes a letter or letters; and said number shall always be in separate Arabic numerals.

Register number of motor vehicles defined.

Approved March 6, 1935.

Chap. 44 AN ACT SUBJECTING THE OFFICE OF CHIEF OF POLICE OF THE CITY OF MARLBOROUGH TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter thirty-one of the General Laws, and the rules and regulations made thereunder, relating to permanent police officers in cities other than Boston, shall apply to the office of chief of police of the city of Marlborough; provided, that the incumbent of said office upon the effective date of this act may continue to hold such office without taking a civil service examination.

SECTION 2. This act shall be submitted for acceptance to the voters of said city at the biennial 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 year nineteen hundred and thirty-five, entitled 'An Act subjecting the Office of Chief of Police of the City of Marlborough to the Civil Service Laws', be accepted?"

If the majority of the votes cast on said question are in the affirmative, this act shall thereupon take effect, but not otherwise.

Approved March 6, 1935.

AN ACT AUTHORIZING THE CITY OF NEWBURYPORT TO INCUR INDEBTEDNESS FOR HIGH SCHOOL PURPOSES. *Chap. 45*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and seventy-eight of the acts of nineteen hundred and thirty-four is hereby amended by striking out section one and inserting in place thereof the following: — *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, not exceeding twenty-five 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 section shall be in excess of the statutory limit and shall, except as provided in this section, 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. For the purposes mentioned in section one, said city may also 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, four hundred and seventy-five thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Newburyport High School Loan, Act of 1935. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than fifteen years from their dates. Indebtedness incurred under this section shall be in excess of the statutory limit and shall, except as provided in this section, be subject to chapter forty-four of the General Laws.

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

Approved March 7, 1935.

AN ACT SUBJECTING THE OFFICE OF INSPECTOR OF BUILDINGS IN THE CITY OF QUINCY TO THE CIVIL SERVICE LAWS. *Chap. 46*

Be it enacted, etc., as follows:

SECTION 1. The office of inspector of buildings 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 next biennial state election, 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-five, entitled ‘An Act subjecting the Office of Inspector of Buildings 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 March 7, 1935.

Chap. 47 AN ACT RELATIVE TO THE FUNCTIONS OF SCHOOL PATROL LEADERS IN SAFEGUARDING SCHOOL PUPILS AGAINST TRAFFIC DANGERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 71, § 48A, amended.

Section forty-eight A of chapter seventy-one of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by striking out, in the third and fourth lines, the words “to be used by pupils aiding in the directing of traffic as a means of providing additional safeguards for pupils crossing public ways”, — and inserting in place thereof the words: — to be used by school patrol leaders in safeguarding the passage of pupils to and from school; provided, that such school patrol leaders shall not direct vehicular traffic, — so as to read as follows: — *Section 48A.* School committees may make expenditures, from funds appropriated for school purposes, for the purchase of traffic belts, so-called, to be used by school patrol leaders in safeguarding the passage of pupils to and from school; provided, that such school patrol leaders shall not direct vehicular traffic. *Approved March 7, 1935.*

School patrol leaders, use of traffic belts authorized.

Chap. 48 AN ACT CHANGING THE DATE OF REPORTS IN CRIMINAL CASES BY CLERKS OF COURTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 124, § 8, amended.

SECTION 1. Section eight of chapter one hundred and twenty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the first line, the word “October” and inserting in place thereof the word: — January, — and by striking out, in the fourth line, the words “September thirtieth”, and inserting in place thereof the words: — December thirty-first, — so as to read as follows: — *Section 8.* Clerks of courts shall annually, on or before January fifteenth, make

Reports of criminal cases

reports to the commissioner of all criminal cases commenced in the superior court in the several counties during the year ending on December thirty-first, and of all criminal cases entered therein on appeal during such time. Clerks of district courts and trial justices shall annually, at the same time and for the same period, make like reports of criminal cases in which such courts or justices have exercised jurisdiction, and shall state whether such jurisdiction was final or otherwise. Blank forms for such reports shall be prepared and furnished by the commissioner. Whoever refuses or neglects to make the report required of him by this section shall forfeit two hundred dollars.

by clerks of courts and trial justices.

SECTION 2. The said clerks and justices shall include in their first annual report under this act, but as a separate part thereof, a like report for the period beginning October first, nineteen hundred and thirty-four, and ending the following December thirty-first.

Approved March 7, 1935.

AN ACT RELATIVE TO THE HOLDING OF PROFESSIONAL SPORTS AND GAMES, SO CALLED, ON THE LORD'S DAY AT AMERICAN LEGION FIELD IN THE TOWN OF WHITMAN.

Chap. 49

Be it enacted, etc., as follows:

SECTION 1. So much of the provisions of section twenty-two of chapter one hundred and thirty-six of the General Laws, as appearing in the Tercentenary Edition, as provides that "no sport or game shall be permitted in a place other than a public playground or park within one thousand feet of any regular place of worship" shall not apply in case of American Legion Field, so called, in the town of Whitman.

SECTION 2. This act shall take effect upon its acceptance by vote of the inhabitants of said town at a town meeting held during the current year. *Approved March 7, 1935.*

AN ACT RELATIVE TO THE SENTENCING AND REMOVAL TO THE STATE PRISON OF CERTAIN PERSONS CONVICTED OF MURDER IN THE FIRST DEGREE.

Chap. 50

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 safety.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Upon request of the sheriff of a county in a jail whereof a male person convicted of murder in the first degree committed prior to October first of the current year is or shall be confined while awaiting sentence, or while awaiting execution of sentence, the commissioner of correction may, if in his opinion the public safety requires, order that the person so confined be removed as speedily

Temporary provisions of law authorizing the removal to state prison of persons convicted of murder.

as possible and as secretly as may be to the state prison, but no such order shall authorize the removal as aforesaid of such a convicted person while awaiting execution of sentence for murder in the first degree, after the beginning of the period of ten days preceding the first day of the week appointed for the execution of such sentence. Every such order of removal shall be signed by said commissioner or his deputy and shall be directed to such sheriff or any of his deputies. Any person so ordered to be removed shall be conveyed to the state prison in accordance with the terms of the order of removal by the sheriff or by a deputy designated by him, notwithstanding any other provision of law, and shall, together with said order, be delivered to the warden of the state prison or to the officer performing his duties. Unless lawfully discharged from such confinement, a person so removed shall be kept in a place of safe keeping designated by the warden as hereinafter provided until such time within ten days of the first day of the week appointed for the execution of his sentence as the warden may determine, and shall then be transferred to and thereafter kept in a cell provided for the purpose under authority of section forty-four of chapter two hundred and seventy-nine of the General Laws until sentence of death is executed upon him, subject to the restrictions contained in said section relative to access to persons kept in such cells and subject also to the provisions of said section relative to change of place of confinement in case a sentence of death is respited or otherwise delayed by process of law; provided, that a person so removed shall be produced by the warden, or officer performing his duties, before the superior court at any time upon its order; and provided, further, that the superior court may make any order relative to the custody of a person so removed in case he is granted a new trial. The warden of the state prison, from time to time as occasion may arise, shall designate sections or enclosures in the state prison which shall be used as places for the safe keeping of persons convicted of murder in the first degree who are removed to the state prison as provided in this section. If a person convicted of murder in the first degree has, prior to sentence therefor, been removed to the state prison under this section, the warrant under section forty-three of chapter two hundred and seventy-nine of the General Laws shall, immediately upon sentence, be made out, signed and delivered to the warden of the state prison instead of to the sheriff and no certified copy thereof need be transmitted to the warden. If removal of a person so convicted is sought hereunder after the issue of a warrant for the execution of sentence upon him, the judge imposing sentence may revise the warrant or make any other necessary order.

SECTION 2. Section three A 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 fourth line, the words "not punishable by death", — so as to read as follows:— *Section 3A.* Not later than seven days after a plea of guilty or after a verdict of guilty and in any event before adjournment of the sitting at which such plea or verdict has been taken and recorded in a case of felony wherein no question of law has been reported for decision by the supreme judicial court, the district attorney shall move for sentence.

Expedition
of sentence.

SECTION 3. Said chapter two hundred and seventy-nine, as so appearing, is hereby further amended by striking out section four and inserting in place thereof the following:— *Section 4.* Sentence shall be imposed upon conviction of a crime, although exceptions have been alleged or an appeal taken. If sentence is imposed upon conviction of a crime not punishable by death, the reservation, filing or allowance of exceptions or the entry of an appeal shall not stay the execution of the sentence unless the justice imposing it, or a justice of the supreme judicial court, files a certificate that in his opinion there is reasonable doubt whether the judgment should stand; and if execution of sentence is so stayed, the justice may at the same time make an order relative to the custody of the prisoner or for admitting him to bail. If sentence is imposed upon conviction of a crime punishable by death, the justice imposing the sentence, or a justice of the supreme judicial court, shall stay the execution of the sentence for definite and stated periods, pending the filing of any claim of appeal, and any justice of the superior court or supreme judicial court shall further stay the execution of the sentence from time to time for definite and stated periods and may modify the order of stay, pending the final disposition of any such appeal. Forthwith upon the making or modification of any such order, the clerk of the court shall transmit a certified copy thereof to the warden of the state prison.

G. L. (Ter.
Ed.), 279, § 4,
amended.

Sentence not-
withstanding
appeal, etc.

SECTION 4. Said chapter two hundred and seventy-nine, as so appearing, is hereby further amended by striking out section forty-three and inserting in place thereof the following:— *Section 43.* In pronouncing sentence of death upon a person convicted of a capital crime, the court shall appoint a week within which the sentence shall be executed. The clerk of the court shall as soon as may be or, if appellate proceedings are pending, as soon as they have been determined, make out and deliver to the governor a certified copy of the whole record of the conviction and sentence, including any rescripts from the supreme judicial court; and the clerk shall, immediately upon sentence, make out, sign and deliver to the sheriff of the county where the conviction was had a warrant under the seal of the court stating the conviction and sentence, and the week appointed for the execution thereof, and shall at the same time transmit to the warden of the state prison a certified copy of the warrant. Such warrant shall be

G. L. (Ter.
Ed.), 279, § 43,
amended.

Appointment of
time for execu-
tion of death
sentence.

directed to the warden of the state prison commanding him to cause execution to be done in accordance with the provisions of such sentence upon a day within the week so appointed.

G. L. (Ter. Ed.), 279, § 44, amended.

Confinement of prisoner under sentence of death.

SECTION 5. Said chapter two hundred and seventy-nine is hereby further amended by striking out section forty-four, as so appearing, and inserting in place thereof the following:— *Section 44.* Within seven days after a convict has been sentenced to the punishment of death, he shall, at a time chosen by the sheriff of the county in a jail whereof he is confined, be conveyed by the sheriff or a deputy designated by him, as secretly as may be, to the state prison and shall, with the warrant, be delivered to the warden thereof or to the officer performing his duties. Within ten days of the first day of the week appointed for the execution of his sentence, such convict shall be transferred to and, unless lawfully discharged from such imprisonment, be thereafter kept in a cell provided for the purpose until the sentence of death is executed upon him, and no person shall be allowed access to him without an order of the court, except the officers and employees of the prison, his counsel, and such physicians, priest or minister of religion as the warden may approve, and the members of his family who are identified to the satisfaction of the warden. If the execution of the sentence of death is respited by the governor, or is otherwise delayed by process of law, the convict may, in the discretion of the warden, be confined in a cell used for solitary confinement. The superior court may make any order relative to the custody of a person confined in the state prison under this section in case he is granted a new trial.

Effective date.

SECTION 6. Section one of this act shall take effect upon its passage. Sections two to five, inclusive, of this act shall take effect on October first of the current year and shall apply only in case of persons convicted of capital crimes committed on or after said October first. Notwithstanding the provisions of said sections two to five, the provisions of law effective as to a capital crime committed before said October first shall continue in effect thereafter with respect to such crime, except as provided in section one.

Approved March 8, 1935.

Chap. 51 AN ACT RELATIVE TO THE ERECTION AND EQUIPMENT OF A NEW HOUSE OF CORRECTION AND JAIL FOR BARNSTABLE COUNTY AND CERTAIN BUILDINGS FOR USE IN CONNECTION THEREWITH.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and thirty of the acts of nineteen hundred and thirty-four is hereby amended by striking out section one and inserting in place thereof the following:— *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, farm buildings to be used in connection therewith and a dwelling house for the master and keeper thereof, may demolish the present house of correction and jail buildings in said county and the present dwelling house of the master and keeper thereof, 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 for the erection of said buildings, but the cost of the work and equipment authorized hereunder shall not exceed one hundred and ninety-eight thousand dollars.

SECTION 2. Section two of said chapter two hundred and thirty is hereby amended by striking out, in the seventh line, the word "sixty" and inserting in place thereof the word: — ninety-eight, — so as to read as follows: —
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 ninety-eight 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. This act shall take effect upon its passage.

Approved March 8, 1935.

AN ACT RELATIVE TO THE MAKING OF CONTRACTUAL PROVISION FOR THE CARE AND MAINTENANCE AT THE HAMPSHIRE COUNTY SANATORIUM OF RESIDENTS OF THE TUBERCULOSIS HOSPITAL DISTRICTS OF THE COUNTIES OF HAMPDEN, BERKSHIRE AND FRANKLIN SUFFERING FROM TUBERCULOSIS.

Chap. 52

Be it enacted, etc., as follows:

SECTION 1. Upon submission to the department of public health of a certain instrument dated October first, nineteen hundred and thirty-four, purporting to be a renewal contract, whereby the tuberculosis hospital districts of the counties of Hampden, Berkshire and Franklin, acting by the county commissioners of the respective counties, purportedly contracted with the tuberculosis hospital district of the county of Hampshire, acting by the county commissioners of said county, for the care and treatment of their tubercular patients in the tuberculosis hospital of the last named district, so modified in its terms that all contractual relations thereunder will expire on September thirtieth, nineteen hundred and thirty-six, or at such later date as the general court may fix, the said department may approve such contract as so modified, and such arrangement, if so approved, shall be satisfactory compliance by the county commissioners of the counties of

Hampden, Berkshire and Franklin with the requirements of section seventy-eight of chapter one hundred and eleven of the General Laws for the period extending from October first, nineteen hundred and thirty-four to October first, nineteen hundred and thirty-six. All action heretofore taken and all acts done under the assumed authority of such instrument are hereby validated to the same extent as if such instrument had been approved by said department within six months prior to October first, nineteen hundred and thirty-four.

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

Approved March 8, 1935.

Chap. 53 AN ACT AUTHORIZING THE PROVIDENT INSTITUTION FOR SAVINGS IN THE TOWN OF BOSTON TO MAKE FURTHER INVESTMENTS IN THE PURCHASE AND IMPROVEMENT OF REAL ESTATE IN THE CITY OF BOSTON TO BE USED FOR THE TRANSACTION OF ITS BUSINESS.

Be it enacted, etc., as follows:

SECTION 1. The Provident Institution for Savings in the Town of Boston, incorporated by an act passed in the year eighteen hundred and sixteen, may, subject to the approval of the commissioner of banks, invest in the purchase of land and buildings in the city of Boston to be used for the convenient transaction of its business, or in the erection, preparation, alteration or renovation of a building or buildings on said land, to be devoted in whole or in part to such use, a sum not exceeding one hundred and fifty thousand dollars in addition to any sums which said bank has heretofore been authorized to invest in land or buildings for such use, and may so invest any sums which said bank may from time to time hereafter receive by reason of sale or taking of the whole or any part of such land or buildings; provided, however, that nothing contained herein shall be construed as authorizing a total investment by said bank in real estate for such use exceeding in the aggregate the sum of one million seven hundred and fifty thousand dollars at any one time.

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

Approved March 8, 1935.

Chap. 54 AN ACT EXTENDING THE TIME DURING WHICH CO-OPERATIVE BANKS MAY CONSOLIDATE.

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.), 170, § 50,
etc., amended.

Section fifty 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 second line, the word "thirty-five" and inserting in place thereof the word: — thirty-seven, — so that the first paragraph of said section will read as follows: — At any time prior to June first, nineteen hundred and thirty-seven, any two or more such corporations may consolidate into a single corporation, upon such terms as shall have been agreed upon by vote of two thirds of the board of directors of each corporation and as shall have been approved in writing by the commissioner, provided such action is approved at a special meeting of the shareholders of each corporation called for that purpose, by a vote of at least two thirds of those shareholders present, qualified to vote, and voting. Notice of such special meeting, setting forth the terms agreed upon, shall be sent by the clerk of each corporation to each shareholder thereof by mail, postage prepaid, at least thirty days before the date of the meeting. Notice of the meeting shall also be advertised three times in one or more newspapers published in each town in which the main office of any of said corporations is situated, and if there be no such newspaper, then in a newspaper published in the county where the town is situated, the last publication to be at least one day before the meeting. A certificate under the hands of the presidents and clerks of all such corporations, setting forth that each of said corporations has complied with all the requirements of this section, shall be submitted to the commissioner, who, if he shall approve such consolidation, shall endorse his approval upon such certificate, and thereupon such consolidation shall become effective. Upon consolidation of any such corporation with another, as herein provided:

Co-operative
banks, con-
solidation of.

Approved March 8, 1935.

AN ACT RELATIVE TO THE DECLARATION IN CITIES OF
ELECTION RESULTS AT STATE ELECTIONS.

Chap. 55

Be it enacted, etc., as follows:

Section one hundred and thirty-seven of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the words "state or", — so as to read as follows: — *Section 137.* The aldermen shall not declare the result of an election for city officers or of a vote upon any question submitted to the voters until the time for filing a petition for a recount of ballots has expired, or, if such petition has been filed, until the ballots have been recounted and the returns amended, notwithstanding any special act relating to their city. After the ballots have been recounted and the records amended, they shall forthwith declare the result of the election, and the city clerk shall thereupon issue certificates of their election to the persons elected. No person elected to a city office shall act in an official capacity by virtue of such election before his certificate of election has been issued.

G. L. (Ter.
Ed.), 54, § 137,
amended.

Declaration
of election
results in cities,
regulated.

Approved March 8, 1935.

Chap. 56 AN ACT RELATIVE TO THE DURATION OF WATER LIENS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 40, § 42B, amended.

Municipal water liens, when to take effect.

SECTION 1. Section forty-two B of chapter forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the words "one year" in the seventh line and inserting in place thereof the words: — two years, — so as to read as follows: — *Section 42B.* Such lien shall take effect upon the filing for record in the registry of deeds for the county where the real estate lies of a statement by the board or officer in charge of the water department that the rates and charges for water supplied to the real estate therein described, including interest and costs, to an amount therein specified, have remained unpaid for sixty days after the due date, and said lien shall continue for two years from the first day of October next following. Such statement shall contain the name of the owner of record of such real estate and a description thereof sufficiently accurate for identification. The register of deeds shall receive and record or, in case of registered land, file and register, said statement. Such lien may be dissolved by filing for record in such registry of deeds a certificate from the collector of taxes of the city or town in which such real estate is situated that all rates and charges for which such lien attached, together with interest and costs thereon, have been paid or legally abated.

Dissolution.

Application of act.

SECTION 2. This act shall apply to liens attaching on or after July first, nineteen hundred and thirty-five.

Approved March 8, 1935.

Chap. 57 AN ACT RELATIVE TO THE REGISTRATION OF BURIALS AND THE ISSUANCE OF DISINTERMENT PERMITS WITH RESPECT TO THE NEW SWEDISH CEMETERY, SO CALLED, LOCATED IN WORCESTER AND AUBURN.

Be it enacted, etc., as follows:

For burial registration purposes and the issuing of permits for disinterment that part of the New Swedish Cemetery that lies in the town of Auburn shall be considered as a part of the city of Worcester. *Approved March 8, 1935.*

Chap. 58 AN ACT PROVIDING RETIREMENT ALLOWANCES AND DISABILITY AND DEATH BENEFITS BASED ON ANNUITY AND PENSION CONTRIBUTIONS FOR REGULAR POLICE OFFICERS OF THE TOWN OF MILFORD.

Be it enacted, etc., as follows:

PURPOSE OF ACT.

SECTION 1. The purpose of this act is to improve the efficiency of the public service of the town of Milford, hereinafter called the town, by the retirement of disabled or superannuated police officers.

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 (1A) of this section.

(1A) "Employee", any person who is regularly employed by the town as a police officer.

(1B) "Department", the police department of the town.

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

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

(4) "Service", service as an employee as described in paragraph (1A) of this section and paid for by the town.

(5) "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.

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

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

(8) "Pensioner", any person in receipt of a pension, an annuity, a retirement allowance or other benefit as provided by this act, who has thereby ceased to be a member as defined in subsection (2) of this section.

(9) "Beneficiary", any person having an insurable interest in the life of a member or pensioner and designated by him as the person entitled to receive such benefits as may be due at the death of such member or pensioner.

(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 a reduction shall not affect any payments or credits made prior to the date of the change in rate.

(11) "Accumulated contributions", 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 contributions of a member. "Annuity-certain", annual payments for a definite term independent of life derived from the accumulated contributions of a member. All annuities and annuities-certain shall be

paid in monthly instalments, due on the first day of each month. Annuities shall not be apportioned for a fractional part of a month.

(13) "Pension", annual payments for life derived from contributions made by the town. All pensions shall be paid in monthly instalments, due on the first day of the month, and shall not be apportioned for a fractional part of a month.

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

(15) "Regular compensation", the annual compensation determined by the head of the department for the individual service of each employee in the department.

(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 the town. The retirement system so created shall have the powers and privileges of a corporation and shall be known as the "Police Department Retirement System of the Town of Milford", 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 April following the acceptance of this act in accordance with the provisions of section twenty-two.

MEMBERSHIP.

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

(a) All persons who become employees of, 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 department on or after the day 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 pensioners 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 town, nor shall they be required to make contributions to any other pension or retirement system of the town, 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 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 town, 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) The head of the department shall submit to the retirement board a statement showing the name, title, compensation, duties, date of birth and length of service of each member of the department, and such information regarding other employees therein as the retirement board may require.

(3) 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 contributions or become a pensioner 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 member who was an employee on the date this retirement system becomes operative, or during the year prior thereto, who becomes a member on or prior to the expiration of the first year of

operation of the retirement system, 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.

(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 within one year from the date of issuance or modification of such certificate it may, after hearing, be modified or corrected.

When membership ceases, except upon retirement for superannuation or disability, 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 (3) 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 the 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 the department shall be entitled to a notice of such applica-

tion 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 respective ages, or after this system becomes operative, if such respective ages were 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 contributions at the time of his retirement, and

(b) A pension for membership service 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 contributions which would have resulted from contributions made during the period of his creditable prior service had the system then been in operation, and

(d) If the member was over sixty years of age at the time the retirement system was established, an additional pension which is the actuarial equivalent of the accumulation of four per cent contributions from the date the member attained the age of sixty to the date when the system was established but not beyond the age of seventy, with interest to the date of retirement but not beyond the age of seventy.

The total pension of any member payable under the provisions of this section shall not, however, exceed two thousand dollars nor shall it exceed one half his average annual regular compensation during the five fiscal 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 the amount which, added to his annuity, shall make his total retirement allowance equal to four hundred and eighty dollars per annum; nor shall the total pension of any member who upon attaining age seventy 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 at such age equal

to one half of his average annual regular compensation during the five years immediately preceding his retirement.

ORDINARY DISABILITY RETIREMENT.

Conditions for Allowance.

SECTION 7. (1) Upon the application of a member in service or of the head of the 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 a physician of the retirement board, 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-certain equal to ten per centum per annum of his accumulated contributions at the time of his retirement or to twenty dollars per month, whichever is greater, which shall be payable in equal monthly instalments until such accumulated contributions together with regular interest on the unexpended balance shall be exhausted, and

(b) A pension of ninety per centum of the pension that would have been provided by the town for the member had he remained without further change of compensation in the service of the town 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 the 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 a physician of the retirement board, 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-certain equal to ten per centum per annum of his accumulated contributions at the time of his retirement or to twenty dollars per month, whichever is greater, which shall be payable in equal monthly instalments until such accumulated contributions together with regular interest on the unexpended balance shall be exhausted, and

(b) A pension equal to one half of the average rate of his regular annual compensation for the fiscal year immediately preceding the date of the accident.

RE-EXAMINATION OF PENSIONERS 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 pensioner who has not yet attained age sixty to undergo a medical examination by a physician or physicians designated by the retirement board and approved by the board of selectmen, such examination to be made at the place of residence of said pensioner or other place mutually agreed upon. Should any disability pensioner 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 pensioner 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-certain 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 pensioner together with his annuity-certain equals the amount of his final regular compensation. A pensioner 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 pensioner 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 balance of the fund held for the payment of his annuity-certain which has not been expended at the time he is restored to full active service as a member shall be credited to his account in the Annuity Savings Fund. 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.

(4) Should a disability pensioner die before the annuity-certain has expired, the balance of the fund held for the payment of his annuity-certain which has not been expended at the time of his death shall be paid to his designated beneficiary, if living, otherwise to his legal representative, subject to the proviso contained in subsection (2) of section ten.

RETURN OF ACCUMULATED CONTRIBUTIONS.

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 under the provisions of this act shall be paid the amount of his accumulated contributions.

(2) Should a member die while an employee, his accumulated contributions 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 at some definite

time and place while the member was in the 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 contributions under subsection (2) of section ten or to any unexpended balance under subsection (4) of section nine, an accidental death benefit consisting of a pension equal to one half the average regular annual compensation received by the deceased member for the fiscal year preceding the date of the accident, said pension to be paid: —

(a) To the dependent husband or wife of the deceased member during life or until remarriage; or

(b) If there be no husband or wife or if the 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 dependent husband or wife, or child under the age of eighteen years, surviving such deceased member, then to either his 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. (1) Subject to the provisions that no optional election shall be effective in case a pensioner dies within thirty days after retirement, and that such a pensioner 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 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 the pensioner dies before having received in annuity payments an amount equal to the present value of the annuity at the date of the member's retirement, the balance shall be paid to such surviving beneficiary as the pensioner shall have nominated by written designation duly acknowledged and filed with the retirement board, or, if there be no beneficiary living, then to the legal representative of the pensioner, without change in the amount of the pension; or

Option 2. — Upon the death of the pensioner, the lesser retirement allowance shall be continued throughout the life of and paid to such surviving beneficiary as the pensioner shall have nominated by written designation duly acknowledged and filed with the retirement board at the date of the member's retirement; or

Option 3. — Upon the death of the pensioner, one half of the lesser retirement allowance shall be continued throughout the life of and paid to such surviving beneficiary as the pensioner shall have nominated by written designation duly acknowledged and filed with the retirement board at the date of the member's retirement.

(2) If the member be an incompetent at the date of retirement, the election of one of the optional benefits provided in this section may be made by the member's wife or husband, or if there be no wife or husband, then by the member's conservator or guardian.

COMPENSATION BENEFITS OFFSET.

SECTION 13. Any amounts paid or payable by the town 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 town 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 treasurer of the town,

(b) One person who shall not be a member of the retirement system and who shall be appointed by the board of selectmen to 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 board of selectmen, 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 office 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 receive such compensation as the board of selectmen shall determine and they 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 services 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 town. The retirement board shall submit an estimate of such costs to the board of selectmen not later than January fifteenth 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 town.

(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 transactions of the retirement system for the preceding fiscal 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 board of selectmen and shall furnish copies thereof to the town clerk for distribution.

Legal Adviser.

(7) The town counsel shall be the legal adviser of the retirement board.

Medical Examinations.

(8) The retirement board, subject to the approval of the board of selectmen, shall appoint a physician and fix his compensation, and said physician 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 pensioners 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 town 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 town 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 mem-

bers 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 re-deposit 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 more than one half of his salary at age sixty. Such additional amounts so deposited shall be treated as a part of his accumulated contributions, 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 contributions 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 contributions 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

pensioner, 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, any unexpended balance of the fund held for the payment of his annuity-certain 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 town, 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 town, 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 three and eighty-two hundredths per centum, and the accrued liability contribution shall be five and twenty 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 pensioners 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 town 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 town, 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 pensioner, 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 dis-

ability pensioner 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 town 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 fifteenth day of January in each year the retirement board shall certify to the board of selectmen the amount of the appropriations required for the current calendar year to maintain the funds for all the benefits provided under this act and items of appropriation providing for 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 shall invest the funds of the retirement system in such securities as are approved from time to time by the bank commissioner for the investment of the funds of savings banks under the laws of the commonwealth and in deposits in such banks.

(2) The retirement board shall annually allow regular interest on the average balance for the preceding fiscal 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 town during the ensuing fiscal year. Any deficiency shall be paid by the town during the ensuing fiscal year.

(3) The treasurer of the town shall be custodian of the several funds. All payments from said funds shall be made by him only upon vouchers signed by one member of the retirement board and approved by the town accountant and the board of selectmen. A duly attested copy of a resolution of the retirement board designating such member and bearing upon its face a specimen signature of such member 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 valuation.

(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 retirement 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 an obligor for moneys loaned by or borrowed from the retirement system.

(7) The retirement board may at any time in its discretion, with the approval of the commissioner of insurance, elect to have underwritten and guaranteed by an insurance company or companies approved by him any or all of the benefits included in the retirement system. Any payment of premium to an insurance company in consideration of the insurance company's guarantee to fulfill certain obligations assumed shall be deemed not inconsistent with the provisions of the retirement plan relating to management and investment of funds under the retirement system.

(8) Each member of the retirement board, and the treasurer of the town 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 selectmen.

EXEMPTION OF FUNDS FROM TAXATION AND EXECUTION.

SECTION 17. The pensions, annuities and retirement allowances and the accumulated contributions 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 other 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 pensioner 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 department in a time of public emergency, rendered by him to the town 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 pensioner may be employed, for periods of not exceeding one year at a time, with the approval of the board of selectmen, and may receive compensation from the town for the services so rendered; provided, that the annual rate of compensation paid, together with the retirement allowance received, shall not exceed the regular compensation of the said pensioner 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 town 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 town 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 any act or parts of acts inconsistent herewith shall, on and after the effective date of this act, apply only to such employees of the town 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.

DATE ACT EFFECTIVE.

SECTION 22. This act shall take full effect upon its acceptance by the town of Milford by a majority vote of the town meeting members present and voting thereon at any town meeting called within two years of the passage of this act, but not otherwise. *Approved March 8, 1935.*

AN ACT MAKING CERTAIN PERFECTING AMENDMENTS IN THE
ELECTION LAWS INCIDENT TO THE CHANGE OF DATE FOR
THE ASSESSMENT OF LOCAL TAXES.

Chap. 59

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and thirty-five of chapter fifty-four of the General Laws, as most recently amended by chapter two hundred and seventy of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the first paragraph and inserting in place thereof the following: —

G. L. (Ter. Ed.), 54, § 135, etc., amended.

If, on or before five o'clock in the afternoon on the third day following an election in a ward of a city or in a town, ten or more voters of such ward or town, except Boston, and in Boston fifty or more voters of a ward, shall sign in person, adding thereto their respective residences on the preceding January first, and cause to be filed with the city or town clerk a statement, bearing a certificate by the registrars of voters of the number of names of subscribers which are names of registered voters in such ward or town, and sworn to by one of the subscribers, that they have reason to believe and do believe that the records, or copies of records, made by the election officers of certain precincts in such ward or town, or in case of a town not voting by precincts, by the election officers of such town, are erroneous, specifying wherein they deem them to be in error and that they believe a recount of the ballots cast in such precincts or town will affect the election of one or more candidates voted for at such election, specifying the candidates, or will affect the decision of a question voted upon at such election, specifying the question, the city or town clerk shall forthwith transmit such statement and the envelope containing the ballots, sealed, to the registrars of voters, who shall, without unnecessary delay, but not before the last hour for filing requests for recounts as aforesaid, open the envelopes, recount the ballots and determine the questions raised; but upon a recount of votes for town officers in a town where the selectmen are members of the board of registrars of voters, the recount shall be made by the moderator, who shall have all the powers and perform all the duties conferred or imposed by this section upon registrars of voters.

Recount of votes, how and by whom conducted.

SECTION 2. Section one hundred and twelve of chapter fifty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the word "April" and inserting in place thereof the word: — January, — so as to read as follows: — *Section 112.* If before five o'clock in the afternoon of the second day next succeeding the day of a caucus, ten or more voters of any town or ward shall sign, adding thereto their respective residences on January first of that year, and file with the city or town clerk a sworn statement that the

G. L. (Ter. Ed.), 53, § 112, amended.

Recount of ballots at caucuses, etc.

records and returns made by the caucus officers of such town or ward are erroneous, specifying the error, or that challenged votes were cast by persons not entitled to vote therein, said city or town clerk shall forthwith transmit such statement to the registrars of voters with the sealed package containing the ballots and voting lists, and said registrars shall give written notice to the person affected, fixing a place and time, as early as may be, at which said ballots will be recounted, and at such place and time shall open the packages containing the ballots and voting lists and recount said ballots and determine the questions raised, and shall reject any challenged vote cast by a person found not to have been entitled to vote; and such recount shall stand as the true result of the vote cast in such caucus. Each candidate affected may be present during such recount, or may be represented by an agent appointed by him in writing. If it shall appear upon a recount that persons were nominated or elected other than those declared to have been nominated or elected, certificates of such change shall be made as in the case of the original certificate.

Approved March 8, 1935.

Chap. 60 AN ACT PROVIDING A PENALTY FOR INTERFERING WITH THE DIRECTOR AND INSPECTORS OF STANDARDS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES IN ALL CASES WHERE NOT ALREADY PROVIDED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 23, § 9, amended.

Inspectors of standards.

Bonds.

SECTION 1. Chapter twenty-three of the General Laws is hereby amended by striking out section nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 9.* Inspectors of standards appointed under section four shall aid the director in the performance of his duties, shall have all necessary powers therefor and shall give bond for the faithful performance of their duties. Whoever hinders, obstructs or in any way interferes with the director or an inspector in the performance of any official duty imposed by law shall, except as otherwise provided, be punished by a fine of not more than three hundred dollars or by imprisonment for not more than two months.

G. L. (Ter. Ed.), 98, § 30, repealed.

G. L. (Ter. Ed.), 98, § 32, amended.

Tests and inspection of local standards, etc.

SECTION 2. Section thirty of chapter ninety-eight of the General Laws, as so appearing, is hereby repealed.

SECTION 3. Section thirty-two of said chapter ninety-eight, as so appearing, is hereby amended by striking out all after the word "sealers" in the sixteenth line down to and including the word "months" in the nineteenth line, — so as to read as follows:— *Section 32.* At least once in three years, the standards of apothecaries' weights and of apothecaries' liquid measures in the custody of town treasurers and at least once in ten years, or oftener if the director deems it necessary, the other standard weights, measures and balances of each town shall be tested, ad-

justed and sealed or certified under his direction. He shall also see that such standards are kept in good order and condition, and may at any time, and shall on request of a town treasurer, cause an inspection of the standards to be made. The director and his inspectors may also inspect any weighing or measuring devices used for buying, selling or exchanging goods, wares, merchandise or other commodity, or for public weighing in a town, and, if found inaccurate, shall forthwith inform the mayor or selectmen, who shall cause the law relating thereto to be enforced. If the director or an inspector discovers a violation of law, he may make and prosecute a complaint and shall have therefor the same statutory powers relative to the enforcement of laws pertaining to weights and measures as are vested in local sealers. Every treasurer neglecting to have the standards in his care sealed as provided in this section shall forfeit not more than fifty dollars.

Approved March 8, 1935.

AN ACT AUTHORIZING THE ESTABLISHMENT OF A POLICE TRAINING SCHOOL AND BUREAU OF CRIMINAL IDENTIFICATION IN THE COUNTY OF BARNSTABLE.

Chap. 61

Be it enacted, etc., as follows:

The county of Barnstable may provide and maintain a school for the training of deputy sheriffs, constables and police officers and a bureau of criminal investigation under the direction of the sheriff of said county. Said school and bureau of criminal investigation shall be suitably provided with necessary instructors and equipment for the furnishing of instruction to deputy sheriffs, constables and police officers within said county in the use of firearms, criminal investigation and detection, the prosecution of criminal cases in court, and such other instruction as may be necessary for the thorough training of men in the prevention, detection and prosecution of crime.

Approved March 8, 1935.

AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO BORROW MONEY FOR TOWN WHARF PURPOSES.

Chap. 62

Be it enacted, etc., as follows:

SECTION 1. For the purpose of reconstructing the town wharf and public landing in the town of Plymouth, 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, forty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Plymouth Public Landing Loan, Act of 1935. 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.

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

Approved March 11, 1935.

Chap. 63 AN ACT AUTHORIZING THE TOWN OF ERVING TO CONTRIBUTE TOWARD THE PAYMENT OF RENT OF QUARTERS FOR THE POST OF THE VETERANS OF FOREIGN WARS IN THAT PART OF THE TOWN OF MONTAGUE KNOWN AS MILLERS FALLS.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter fifty-six of the acts of nineteen hundred and twenty-eight is hereby amended by inserting after the word "Legion" in the fifth line the words: — and of the post of the Veterans of Foreign Wars, — so as to read as follows: — *Section 1.* For the purpose of promoting patriotism and loyalty to country, the town of Erving may annually appropriate money for the purpose of contributing toward the payment of the rent of the quarters of the post of The American Legion and of the post of the Veterans of Foreign Wars in that part of the town of Montague known as Millers Falls to the same extent as if said quarters were situated within the limits of said town of Erving.

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

Approved March 12, 1935.

Chap. 64 AN ACT RELATIVE TO THE TIME OF INAUGURAL OF THE CITY GOVERNMENT OF THE CITY OF EVERETT.

Be it enacted, etc., as follows:

Section eleven of chapter three hundred and fifty-five of the acts of eighteen hundred and ninety-two, as most recently amended by chapter one hundred and thirty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fifth line, the words "twelve o'clock, noon" and inserting in place thereof the words: — eight o'clock in the evening, — so as to read as follows: — *Section 11.* The mayor elect and the members elect of the city council shall, on the first Monday in the January succeeding their election, except when said first Monday falls on a legal holiday, in which event on the following day, at eight o'clock in the evening, assemble together and be sworn to the faithful discharge of their duties. The oath may be administered to the mayor by the city clerk, or by a judge of a court, or by a justice of the peace, and the oath may be administered to the members of the city council by the mayor, or by the city clerk,

or by a justice of the peace. In case of the absence of the mayor elect on said day, or if a mayor shall be subsequently elected, the oath of office may at any time thereafter be administered to him in the presence of the city council; and at any time after said day the oath of office may be administered in the presence of either branch of the city council to a member of such branch who was absent thereon or who shall be subsequently elected. A certificate that such oath has been taken by the mayor shall be entered in the journal of both branches of the city council, and in the journal of each branch shall be entered a certificate that the oath has been so taken by the members of that branch.

Approved March 12, 1935.

AN ACT EXCLUDING LOAN ORDERS BY THE CITY OF GARDNER FROM CERTAIN PROVISIONS OF ITS CHARTER RELATING TO PUBLICATION OF MEASURES AND THEIR SUBJECTION TO REFERENDUM. Chap. 65

Be it enacted, etc., as follows:

SECTION 1. Section twenty-nine of chapter one hundred and nineteen of the acts of nineteen hundred and twenty-one is hereby amended by striking out, in the first line, the words "or loan order", — so as to read as follows: — *Section 29.* Every proposed ordinance, except emergency measures as hereinbefore defined, shall at least ten days before its final passage, be published in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance.

After final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall so be published at the earliest practicable moment.

SECTION 2. Section forty-eight of said chapter one hundred and nineteen is hereby amended by inserting after the word "measure" in the second line the words: —, other than a loan order, — so as to read as follows: — *Section 48.* If within twenty days after the final passage of any measure, other than a loan order, by the city council or by the school committee, a petition signed by registered voters of the city, equal in number to at least twelve per cent of the total number of registered voters, be presented to the city council or to the school committee, as the case may be, protesting against such measure or any part thereof taking effect, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof be not entirely annulled, repealed or rescinded, the city council shall submit the same, by the method herein provided, to a vote of the

qualified voters of the city, either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the qualified voters voting on the same at such election shall vote in favor thereof. The petition provided for by this section shall be termed a referendum petition.

The procedure in respect to the referendum petition shall be the same as that provided by section forty-five of this act, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace the word "measure" in that section wherever it may occur, and that the word "referendum" shall be understood to replace the word "initiative" in that section.

SECTION 3. This act shall take effect upon its acceptance by the city council of the city of Gardner, with the approval of the mayor, not later than June first of the current year.

Approved March 12, 1935.

Chap. 66 AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF ROCKPORT TO APPOINT ANNUALLY THREE MEMBERS OF THE BOARD OF HEALTH.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Rockport shall, after this act becomes effective, annually appoint for the term of one year three members of the board of health, one of whom shall be a physician, which shall have and exercise within said town all the powers and duties vested from time to time in local boards of health by general law.

SECTION 2. No contract in force or liability incurred prior to the effective date of this act shall be affected by the provisions hereof, and such board of health after the appointment of its members by the selectmen, shall in all respects be the lawful board of health for said town.

Approved March 12, 1935.

Chap. 67 AN ACT RELATIVE TO THE ELIGIBILITY OF APPLICANTS FOR EXAMINATION FOR SECOND CLASS ENGINEERS' LICENSES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 146, § 50, amended.

Qualifications of licensees.

Section fifty of chapter one hundred and forty-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "engineer" in the twentieth line the words: — or chemical engineer, — so as to read as follows: — *Section 50.* To be eligible for examination for a first class fireman's license, a person must have been employed as a steam engineer or fireman in charge of or operating boilers for not less than one year, or he must have held and used a second class fireman's license for not less than six months. To be eligible for examination for a third class engineer's license, a person

must have been employed as a steam engineer or fireman in charge of or operating boilers for not less than one and one half years, or he must have held and used a first class fireman's license for not less than one year. To be eligible for examination for a second class engineer's license, a person must have been employed as an engineer in charge of a steam plant or plants having at least one engine of over fifty horse power for not less than two years, or he must have held and used a third class engineer's license either as an engineer, assistant engineer or fireman for not less than one year, or have held and used a special license to operate a first class plant for not less than two years; except that any person who has served three years as apprentice to the machinist or boiler making trade in stationary, marine or locomotive engine or boiler works and who has been employed for one year in connection with the operation of a steam plant, or any person graduated as a mechanical engineer or chemical engineer from a duly recognized school of technology who has been employed for one year in connection with the operation of a steam plant, shall be eligible for examination for a second class engineer's license. To be eligible for examination for a first class engineer's license, a person must have been employed for not less than three years as an engineer in charge of a steam plant or plants having at least one engine of over one hundred and fifty horse power, or he must have held and used a second class engineer's license in a second class or first class plant for not less than one and one half years.

Approved March 12, 1935.

AN ACT EXCLUDING REVENUE LOAN ORDERS BY CITIES FROM CERTAIN PROVISIONS OF THEIR CHARTERS RELATING TO PUBLICATION OF CERTAIN MEASURES AND THEIR SUBJECTION TO REFERENDUM.

Chap. 68

Be it enacted, etc., as follows:

SECTION 1. Section twenty-three of chapter forty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "defined" in the second line the words: — and revenue loan orders, — so as to read as follows:— *Section 23.* Every proposed ordinance or loan order, except emergency measures as hereinbefore defined and revenue loan orders, shall be published once in full in at least one newspaper of the city, and in any additional manner that may be provided by ordinance, at least ten days before its final passage. After such final passage, it shall, in the same manner as before, again be published once, as amended and completed, except in the case of an emergency ordinance which may be passed as hereinbefore provided and which shall take effect on its passage, and shall be so published at the earliest practicable moment; provided, that if any ordinance or proposed ordinance, or codification of or-

G. L. (Ter. Ed.), 43, § 23, amended.

City ordinances, etc., publication of.

dinances or proposed ordinances, shall exceed in length eight octavo pages of ordinary book print, then, in lieu of the advertising required by this section, the same may be published by the city council in a municipal bulletin or printed pamphlet, and if so published in full at least ten days before its final passage, and thereafter, as amended and completed, again published in such bulletin or pamphlet, said publications shall be deemed sufficient without the newspaper publication as herein required.

G. L. (Ter. Ed.), 43, § 42, amended.

Referendum petitions.

SECTION 2. Section forty-two of said chapter forty-three, as so appearing, is hereby amended by inserting after the word "measure" in the second line the words: — , except a revenue loan order, — so as to read as follows: — *Section 42.* If, within twenty days after the final passage of any measure, except a revenue loan order, by the city council or by the school committee, a petition signed by registered voters of the city, equal in number to at least twelve per cent of the total number of registered voters, is presented to the city council or to the school committee, as the case may be, protesting against such measure, or any part thereof, taking effect, the same shall thereupon and thereby be suspended from taking effect; and the city council or the school committee, as the case may be, shall immediately reconsider such measure or part thereof; and if such measure or part thereof is not entirely rescinded, the city council shall submit the same, by the method herein provided, to a vote of the registered voters of the city, either at the next regular city election, or at a special election which may, in its discretion, be called for the purpose, and such measure or part thereof shall forthwith become null and void unless a majority of the registered voters voting on the same at such election vote in favor thereof.

The petition described in this section shall be termed a referendum petition and section thirty-eight shall apply to the procedure in respect thereto, except that the words "measure or part thereof protested against" shall for this purpose be understood to replace "measure" in said section wherever it may occur, and "referendum" shall be understood to replace the word "initiative" in said section.

G. L. (Ter. Ed.), 44, new section 4A, added.
Publication limited.

SECTION 3. Chapter forty-four of the General Laws, as so appearing, is hereby amended by inserting after section four the following new section: — *Section 4A.* Any provision of the charter of a city requiring the publication of a measure or subjecting a measure to referendum shall not apply to any loan order passed under the preceding section.

G. L. (Ter. Ed.), 44, § 5A, amended.

Cities may borrow to meet certain liabilities

SECTION 4. Section five A of said chapter forty-four, as so appearing, is hereby amended by striking out, in the sixth and seventh lines, the words "and any period for filing a petition for a referendum thereon shall have expired", — so as to read as follows: — *Section 5A.* To provide the necessary funds to meet liabilities authorized by section thirty-four, the treasurer of a city, with the

approval of the official whose approval is required by the city charter in the borrowing of money, may borrow on notes of the city, during any one month between the beginning of the financial year and the time when the revenue loan order shall become finally effective, a sum not exceeding one twelfth of the amount obtained by adding the previous year's tax levy to the sum received from the commonwealth on account of the income tax during the preceding year. The amount so borrowed shall be deemed a part of the amount which may be borrowed under section four. The provisions of city charters relative to loan orders shall not otherwise apply to loans issued under this section.

in anticipation of appropriations.

Approved March 12, 1935.

AN ACT RELATIVE TO THE RETURNS REQUIRED TO BE MADE TO THE STATE SECRETARY OF ACTION BY BODIES POLITIC OR CORPORATE WITH REGARD TO THE OPERATION OF CERTAIN STATUTES.

Chap. 69

Be it enacted, etc., as follows:

Chapter four of the General Laws is hereby amended by striking out section five, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 5.* If a statute is to take effect upon action by a body politic or corporate or by any board or officer of such a body, or to become or cease to be operative, in whole or in so far as it affects such a body, upon action as aforesaid, a return of the result of any action so taken shall be made by the clerk of such body, or officer having like powers, to the state secretary within thirty days thereafter. If a statute prescribes a time within which such action may be taken, and within the time limited no action is taken thereon, said clerk or other officer shall, within thirty days after the expiration of the time so limited, make to the state secretary a return to that effect.

G. L. (Ter. Ed.), 4, § 5, amended.

Return to be made to state secretary of acceptance or rejection of certain acts and resolves.

Approved March 12, 1935.

AN ACT DEFINING THE TERM "DOMESTIC ANIMALS" AS USED IN THE ANIMAL INDUSTRY LAWS.

Chap. 70

Be it enacted, etc., as follows:

Section one of chapter one hundred and twenty-nine of the General Laws, as most recently amended by section twelve of chapter three hundred and forty of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "agriculture" in the twelfth line the following new paragraph:—

G. L. (Ter. Ed.), 129, § 1, etc., amended.

"Domestic animals", all animals including poultry that are kept or harbored as domesticated animals. Poultry as used in this section shall include chickens, roosters, capons, hens, turkeys, pigeons, guinea fowl, and ducks and geese other than wild species. *Approved March 12, 1935.*

"Domestic animals" defined.

Chap. 71 AN ACT AUTHORIZING THE APPOINTMENT OF AN ADDITIONAL COURT OFFICER FOR THE THIRD DISTRICT COURT OF EASTERN MIDDLESEX.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 218, § 62, amended.

Court officers, number established.

SECTION 1. Section sixty-two of chapter two hundred and eighteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "appointed" in the seventh line the following:— ; in the third district court of Eastern Middlesex three court officers may be appointed,— and also by striking out, in the tenth and eleventh lines, the words "the third district court of Eastern Middlesex,— so as to read as follows:— *Section 62.* In the municipal court of the city of Boston the court officers appointed shall not exceed ten for criminal business and five for civil business and one of such court officers for criminal business shall be designated by the chief justice as chief court officer of said court for criminal business, and one of such court officers for criminal business shall be designated as an assistant chief court officer; in the municipal court of the Roxbury district four court officers may be appointed; in the third district court of Eastern Middlesex three court officers may be appointed; in the municipal court of the South Boston district, of the Charlestown district, of the Dorchester district and of the West Roxbury district, the East Boston district court, the district court of Chelsea and the district court of East Norfolk two court officers for each court may be appointed; and in each of the other district courts in the commonwealth one court officer may be appointed.

Acceptance of act.

SECTION 2. This act shall take effect upon its acceptance during the current year by the county commissioners of Middlesex county; but not otherwise.

Approved March 13, 1935.

Chap. 72 AN ACT FURTHER MODIFYING THE REQUIREMENTS FOR MAKING CERTAIN RAILROAD BONDS LEGAL INVESTMENTS FOR SAVINGS BANKS, INSTITUTIONS FOR SAVINGS AND TRUST COMPANIES IN THEIR SAVINGS DEPARTMENTS.

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. Chapter one hundred and eleven of the acts of nineteen hundred and thirty-three, as amended by chapter seventy-nine of the acts of nineteen hundred and thirty-four, is hereby repealed.

SECTION 2. 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, nineteen hundred and thirty-three, and nineteen hundred and thirty-four shall be excluded from the count if the inclusion of such years or any one or more of them 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-six, become eligible for such investment, shall continue to be eligible for such investment until April first, nineteen hundred and thirty-six; 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-six, 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 14, 1935.

AN ACT RELATIVE TO THE CONTROL, MAINTENANCE AND USE
OF CERTAIN WHARF PROPERTY IN THE TOWN OF ORLEANS.

Chap. 73

Be it enacted, etc., as follows:

SECTION 1. The town of Orleans is hereby authorized to maintain and operate the wharf property in said town known as the Timber Bulkhead and Platform as a wharf and public landing and may lease portions of such property for periods not exceeding one year.

SECTION 2. The powers conferred by this act may be exercised by the selectmen, who shall have charge and control of the maintenance and management of said property and shall also have power to make rules and regulations governing the use thereof, subject, however, to such rules and regulations as the town may from time to time fix by vote.

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

Approved March 14, 1935.

AN ACT CHANGING THE PERIOD OF THE OPERATING YEAR IN
CONNECTION WITH THE OPERATION AND MAINTENANCE OF
THE SUMNER TUNNEL IN THE CITY OF BOSTON.

Chap. 74

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine is hereby amended by striking out, in the tenth line, the word "June" and inserting in place thereof the word: — March, — so as to read as follows: — *Section 11.* If at any time during the operation of the tunnel the receipts from tolls and charges as established under sec-

tion nine or twelve are insufficient to meet the operating costs, including for sinking fund requirements, however, only such amount as is required by section eight, the treasurer of the city is hereby authorized and directed to make payments on account of the same from any funds in the treasury of the city, including temporary tax loan funds but excluding trust funds. If for any year ending on the last day of March the operating costs, including for sinking fund requirements, however, only such amount as is required by section eight, exceed the receipts from such tolls and charges, the said treasurer shall notify the assessors of the city of the amount of such excess and the same amount shall be added to the amount to be raised by the city in the next annual tax levy. Any such amount shall be in excess of the limit imposed by law on the amount to be raised for municipal purposes by taxation in said city.

SECTION 2. Section twelve of said chapter two hundred and ninety-seven, as amended by section five of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the first line, the word "June" and inserting in place thereof the word: — March, — so as to read as follows: — *Section 12.* Whenever as of the last day of March in any year the receipts from tolls and charges as established under section nine or under this section exceed the operating costs, excluding for this purpose interest and sinking fund requirements in respect of the said three million dollars of bonds but including sinking fund requirements in respect of the said sixteen million dollars of bonds on a basis of the payment of all of the said sixteen million dollars of bonds at the expiration of twenty years after their respective dates, said excess shall be transferred to the general funds of the city so far as necessary to reimburse it for any amounts raised by taxation under section eleven, exclusive of any amounts so raised for interest or sinking fund requirements in respect of the said three million dollars of bonds. If any such excess occurs after the city shall have been reimbursed in full for all amounts so raised by taxation, exclusive of amounts for interest and sinking fund requirements in respect of the said three million dollars of bonds, the public works department shall, subject to the provisions of section nine, establish a reduced schedule of tolls and charges, sufficient, however, to meet the operating costs; provided, however, that until all of the said three million dollars of bonds shall become payable, whether at their final maturity or when called as hereinbefore provided, any such excess not so needed for such reimbursement shall be paid into the said supplemental sinking fund to be applied by the treasurer to the payment of the interest and principal of the said three million dollars of bonds. In case it shall be determined that all of such excess cannot be so paid without impairing rights secured by the constitution of the United

States to holders of any of the said sixteen million dollars of bonds heretofore sold and paid for, then such part only of such excess as can be so paid without such impairment shall be paid into the said supplemental sinking fund as hereinbefore provided. If the amounts so directed to be contributed to the said supplemental sinking fund shall be more than necessary to meet the interest on the said three million dollars of bonds and to retire the principal thereof at the expiration of twenty years after their respective dates, the public works department shall establish the said reduced schedule as hereinbefore provided.

SECTION 3. This act shall take effect upon its passage.
Approved March 14, 1935.

AN ACT AUTHORIZING CO-OPERATIVE BANKS TO INCLUDE CERTAIN BONDS OF THE HOME OWNERS' LOAN CORPORATION IN THEIR RESERVES. Chap. 75

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 seventy of the General Laws is hereby amended by striking out section forty-seven, as appearing in chapter one hundred and forty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 47.* Every such corporation shall establish and at all times maintain, as a reserve to meet withdrawals of shares and applications for share loans, an amount equal to not less than three per cent of its total resources. Such reserve shall consist of any or all of the following: (a) cash on hand; (b) balances payable on demand due from any trust company incorporated in this commonwealth or national banking association having its principal place of business within this commonwealth; (c) bonds of the United States; (d) such bonds of the Home Owners' Loan Corporation created by the act of Congress, known as the Home Owners' Loan Act of 1933, as are guaranteed both as to principal and interest by the United States; (e) bonds and notes of this commonwealth or (f) deposits in The Co-operative Central Bank in accordance with chapter forty-five of the acts of nineteen hundred and thirty-two. If at any time the reserve of any such corporation falls below the amount herein required, such corporation shall not make any real estate loans, except additional loans and re-loans upon property already mortgaged to such corporation, until such reserve shall have been fully restored. G. L. (Ter. Ed.), 170, § 47, etc., amended.
Co-operative banks, reserve required.

Approved March 14, 1935.

- Chap. 76* AN ACT RELATIVE TO THE PURCHASE BY CO-OPERATIVE BANKS OF MORTGAGES HELD BY OTHER SUCH BANKS WHICH ARE IN POSSESSION OF THE CO-OPERATIVE CENTRAL BANK.

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 seven of chapter seventy-three of the acts of nineteen hundred and thirty-four is hereby amended by adding at the end thereof the following:— Any member bank may purchase any mortgage held by any such bank which is in possession of the corporation hereunder, at such price and upon such terms as the corporation and the board of directors of such purchasing bank may agree upon, subject to the approval of the commissioner.

Approved March 14, 1935.

- Chap. 77* AN ACT AUTHORIZING THE TOWN OF STERLING TO TAKE OVER THE PROPERTIES AND TO ASSUME THE OBLIGATIONS OF THE STERLING WATER DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The town of Sterling is hereby authorized to take over all the property, rights and privileges of the Sterling Water District, established by chapter seventy-five of the acts of nineteen hundred and twenty-five, and to assume all the duties and obligations of said district, and shall thereby become in all respects the lawful successor of said district.

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

Approved March 14, 1935.

- Chap. 78* AN ACT PERMITTING DANCING AT WEDDINGS ON THE LORD'S DAY.

Be it enacted, etc., as follows:

Section two of chapter one hundred and thirty-six of the General Laws, as most recently amended by chapter sixty-three of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "tennis" in the ninth line the words:— or dancing at a wedding if no charge is made for being present or for dancing,— 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

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

Dancing at
weddings on
the Lord's day
permitted.

course, so called, or except a game of tennis or dancing at a wedding if no charge is made for being present or for dancing, 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 14, 1935.

AN ACT AUTHORIZING THE CITY OF MEDFORD TO USE CERTAIN PARK LAND IN SAID CITY FOR GENERAL MUNICIPAL PURPOSES. Chap. 79

Be it enacted, etc., as follows:

The city of Medford is hereby authorized to use for general municipal purposes the property located on Salem street in said city, known as Medford Common, and now used for park purposes, and thereafter said property shall be controlled by the mayor and board of aldermen of said city in such manner as they shall deem for the best interests of said city.

Approved March 14, 1935.

AN ACT RELATIVE TO THE APPLICATION OF CERTAIN PROVISIONS OF GENERAL LAW WHILE THE CO-OPERATIVE CENTRAL BANK IS IN POSSESSION OF ANY CO-OPERATIVE BANK. Chap. 80

Be it enacted, etc., as follows:

Section ten of chapter seventy-three of the acts of nineteen hundred and thirty-four is hereby amended by adding at the end thereof the following:— During such time as the corporation is in possession of any member bank hereunder, the provisions of section twenty-one of chapter one hundred and seventy of the General Laws shall not apply to such bank. The provisions of section fifty-two of said chapter one hundred and seventy relative to set-off or recoupment of shares in co-operative banks shall apply in the case of any member bank in possession of the corporation hereunder for the purpose of liquidation.

Approved March 14, 1935.

Chap. 81 AN ACT RELATIVE TO THE GRANTING OF CERTAIN SEASONAL LICENSES, SO CALLED, FOR THE SALE OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 138, § 17, etc., amended.

Number of licenses to sell alcoholic beverages.

Section seventeen of chapter one hundred and thirty-eight of the General Laws, as most recently amended by section seven of chapter three hundred and eighty-five of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the twenty-first and twenty-second lines, and in the twenty-fifth and twenty-sixth lines, respectively, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, the words "October thirty-first" and inserting in place thereof, in each instance, the words:— November thirtieth,—so that the first paragraph will read as follows:— Except as otherwise provided in this chapter, the number of licenses granted by the local licensing authorities in any city or town under sections twelve and fifteen shall not exceed in the aggregate one for each population unit of one thousand or fraction thereof; provided, that the total number of licenses granted under section fifteen in any city or town shall not exceed one for each population unit of five thousand or fraction thereof; 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, and provided, further, that, in the city of Boston licenses under section twelve may be granted up to a total not exceeding one thousand and licenses under section fifteen up to a total not exceeding three hundred and fifty, and provided, further, that in any city or town which has an increased resident population during the summer months, the local licensing authorities may make an estimate prior to April first in any year of such temporary resident population as of July tenth following, and one additional license, under section twelve to be effective from April first to November thirtieth, only, may be granted for each unit of one thousand, or additional fraction thereof, of such population as so estimated, and one additional license under section fifteen to be effective from April first to November thirtieth, only, may be granted for each population unit of five thousand or additional fraction thereof, of such population as so estimated; and provided, further, that said authorities may grant in addition seasonal licenses under section twelve to duly incorporated clubs in any city or town if deemed by them to be in the public interest. Any license issued under section twelve or fifteen for the sale of wines or malt beverages only or both shall not be included in the number of licenses that may be granted in any city or town as provided in this section.

Seasonal licenses.

Approved March 14, 1935.

AN ACT EXTENDING THE DURATION OF THE CO-OPERATIVE CENTRAL BANK. *Chap. 82*

Be it enacted, etc., as follows:

Section one of chapter forty-five of the acts of nineteen hundred and thirty-two is hereby amended by striking out, in the fifth line, the word "five" and inserting in place thereof the word:—ten,—so that the first paragraph will read as follows:—All the co-operative banks now established under the laws of the commonwealth and subject to the provisions of chapter one hundred and seventy of the General Laws, hereinafter referred to as member banks, are hereby constituted a corporation for the term of ten years, under the name of The Co-operative Central Bank, hereinafter referred to as the central bank, and every co-operative bank hereafter so established during said term shall thereupon become a member bank thereof. It shall be the purpose of the central bank to promote the elasticity and flexibility of the resources of the co-operative banks of the commonwealth by centralizing their reserve funds. *Approved March 14, 1935.*

AN ACT MAKING CERTIFICATES OF FITNESS CO-TERMINOUS WITH DRUGGISTS' LICENSES AND DRUG STORE PERMITS. *Chap. 83*

Be it enacted, etc., as follows:

SECTION 1. Section thirty 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 fifth and sixth lines, the words "not be valid after one year from its date" and inserting in place thereof the following:—expire on the thirty-first day of December of the year for which or part of which the same was issued, — so as to read as follows:—*Section 30.* The board of registration in pharmacy may, upon the payment of a fee of not more than five dollars by a registered pharmacist who desires to exercise the authority conferred by section twenty-nine, issue to him a certificate of fitness, which shall expire on the thirty-first day of December of the year for which or part of which the same was issued, stating that in the judgment of said board he is a proper person to be intrusted with such authority and that the public good will be promoted by the granting thereof. The board and the local licensing authorities may, after giving a hearing to the parties interested, revoke or suspend such certificate for any cause which they may deem proper, and such revocation or suspension shall revoke or suspend all authority conferred by section twenty-nine.

G. L. (Ter. Ed.), 138, § 30, etc., amended.

Certificate of fitness, issuance of.

SECTION 2. The terms of all certificates of fitness granted under said section thirty of said chapter one hun-

Certain certificates to continue in effect.

dred and thirty-eight during the month of December, nineteen hundred and thirty-four, shall continue in force until December thirty-first of nineteen hundred and thirty-five.

Approved March 14, 1935.

Chap. 84 AN ACT AUTHORIZING THE FIRST BAPTIST CHURCH OF LAWRENCE, MASSACHUSETTS, TO MERGE IN AND UNITE WITH THE FIRST-CALVARY BAPTIST CHURCH OF LAWRENCE, MASSACHUSETTS.

Be it enacted, etc., as follows:

SECTION 1. The First Baptist Church of Lawrence, Massachusetts, a Massachusetts corporation organized under general law, is hereby authorized to merge in and unite with the First-Calvary Baptist Church of Lawrence, Massachusetts, a corporation established under the name of Calvary Baptist Church of Lawrence, Massachusetts, under chapter two hundred and twenty-five of the acts of nineteen hundred and twenty-two, and whose name was changed under general law to its present one December fourteenth, nineteen hundred and thirty-four.

SECTION 2. The corporation resulting from said merger and union shall in all respects be a continuance of, and the lawful successor to, the corporations hereby merged and united, and all bequests, devises, conveyances and gifts hereafter or heretofore made to either of said corporations, however described, and all powers and privileges thereof, shall vest in said First-Calvary Baptist Church of Lawrence, Massachusetts, and all trusts now or hereafter vested in either of said corporations and all powers relating thereto shall have full force and effect in said First-Calvary Baptist Church of Lawrence, Massachusetts.

SECTION 3. Said First-Calvary Baptist Church of Lawrence, Massachusetts shall have and enjoy all franchise powers, privileges, property, and rights of every kind, now belonging to said First Baptist Church of Lawrence, Massachusetts, subject to the uses and trusts upon which the same are now held, and shall assume and be subject to all their duties and liabilities.

SECTION 4. Upon said merger and union, the treasurer of the said First Baptist Church of Lawrence, Massachusetts is hereby authorized to execute and deliver all papers and documents that may be deemed necessary and proper for effecting the transfer of its property of every kind to the said First-Calvary Baptist Church of Lawrence, Massachusetts.

SECTION 5. The proceedings and votes of the said First Baptist Church of Lawrence, Massachusetts and the First-Calvary Baptist Church of Lawrence, Massachusetts prior and subsequent to its change of name relating to the merger of said churches, and acts and doings thereunder, are hereby ratified and confirmed, any informalities, errors or omissions to the contrary notwithstanding.

SECTION 6. Upon the acceptance of this act by a majority vote of the members of each of said corporations present and voting at meetings duly called for the purpose, certified copies of the respective votes of acceptance, sworn to by the respective clerks or recording officers of said corporations, shall be filed for record in the registry of deeds for the northern district of the county of Essex, and upon such filing, said union and merger shall be complete, and thereupon the persons who are then members of said First Baptist Church of Lawrence, Massachusetts shall be and become members of said First-Calvary Baptist Church of Lawrence, Massachusetts.

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

Approved March 19, 1935.

AN ACT PROVIDING FOR CERTAIN PAYMENTS BY THE CITY OF BOSTON TO CERTAIN PERSONS NOW OR FORMERLY EMPLOYED AS TEACHERS IN THE PUBLIC SCHOOLS OF SAID CITY. *Chap. 85*

Be it enacted, etc., as follows:

SECTION 1. The city of Boston is hereby authorized and directed to pay, from the appropriation of the school committee of said city for general school purposes, on or prior to June first, nineteen hundred and thirty-five, to the following named persons, who were employed April twenty-first, nineteen hundred and thirty-three, as teachers in the public schools of Boston the following sums of money, in addition to such sums as such persons may otherwise be entitled to have paid them as teachers, namely: —

(a) To Margaret J. Griffith, employed as a teacher at the Girls' Latin School, five hundred and ninety-four dollars and sixty-one cents.

(b) To Gertrude E. Rockwood, employed as a teacher at the Brighton High School, three hundred and fifty-seven dollars and eleven cents.

(c) To Anna L. O'Brien, employed as a teacher at the Brighton High School, three hundred and two dollars and thirty-seven cents.

(d) To Anna M. Coveney, employed as a teacher at the Brighton High School, four hundred and forty-one dollars and eighty cents.

(e) To William F. Walsh, employed as a teacher at the High School of Commerce, six hundred and eighty-one dollars and seventy cents.

(f) To Mary F. O'Connell, employed as a teacher at the Bigelow School, two hundred and eighty-eight dollars and thirty-nine cents.

(g) To Mabel L. Josselyn, employed as a teacher at the Emerson School, one hundred and ninety-eight dollars and seventy-one cents.

(h) To Maud J. Bray, employed as a teacher at the

Theodore Roosevelt School, two hundred and twenty-nine dollars and eighty-seven cents.

(i) To Louisa W. Burgess, a retired teacher, ninety-four dollars and twenty-nine cents.

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

Approved March 19, 1935.

Chap. 86 AN ACT RELATIVE TO THE MORTGAGING OF CERTAIN CLASSES OF PERSONAL PROPERTY.

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.), 255, new sections 7A to 7E, added.

Mortgages on crops, etc.

SECTION 1. Chapter two hundred and fifty-five of the General Laws is hereby amended by inserting after section seven, as appearing in the Tercentenary Edition, the five following new sections:— *Section 7A*. Any person engaged in the business of oyster growing, farming, tillage of the soil, crop production, or the raising, breeding, fattening or marketing of livestock, may mortgage personal property of any kind, including oysters growing or to be planted in leased, licensed or owned beds, annual and perennial crops of every description, including fruits, berries, emblems, nursery stock and industrial growing crops, whether any of such crops are grown or growing, or are to be planted within one year from the execution of such mortgage.

Mortgaged property may be consumed for certain purposes.

Section 7B. No mortgage made under section seven A shall be invalid, nor shall the extent of the lien thereof be affected, because of any provision that the mortgagor may use and consume mortgaged food stuffs in preserving and preparing for market any livestock covered thereby. If so provided in the mortgage, property of the same class as is described in the mortgage which is acquired by the mortgagor subsequent to the execution of the mortgage and prior to its cancellation, and additional amounts of money that may be advanced by the mortgagee to the mortgagor within a period of one year from the date of the execution of the mortgage, not exceeding, in the aggregate, the amount of money stated in the mortgage, shall be covered and secured by such mortgage to the same extent as the property originally described in, and the amount of money originally advanced under, the mortgage.

Application of proceeds of sale of mortgaged property.

Section 7C. Any such mortgage may provide that the mortgagor, with the permission of the mortgagee, may sell or exchange any of the mortgaged property under the conditions stated in the mortgage if the proceeds of such sale or exchange are (1) applied upon the mortgage debt, or (2) used for the purchase of property to be included in

the mortgage lien, or (3) used for the purpose of paying the expense of cultivating, harvesting, preparing for market, processing, marketing, and/or otherwise preserving or rendering marketable or salable the remaining property covered by the mortgage; and no such provision shall in any way render invalid or affect the lien of the mortgage or its preference or priority. Any such sale or exchange may be made in accordance with the provisions of the mortgage without notice to or consent of any person claiming right in or to the mortgaged property, but no right of any prior lienor shall be affected thereby.

Section 7D. No assignment of, or agreement affecting, the rights or interest of a landlord or owner of real property, occupied by a tenant or person planting on shares, in crops growing or to be grown on such real property, or agreement for the subordination of a prior lien or encumbrance on real or personal property, shall be valid except as between the parties thereto unless and until recorded or registered as hereinafter provided. Each such instrument affecting real property shall be recorded or registered in the registry of deeds for each district in which any portion of such real property is situated, and each such instrument relative to the subordination of a prior lien or encumbrance upon personal property shall be recorded in each office where the instrument subordinated is recorded. A reference to the record of any deed or other instrument affected or subordinated contained in any instrument recorded or registered under authority of this section shall be noted upon the margin of each record of such deed or other instrument.

Assignments,
etc., effect of.

Section 7E. If any clause, sentence, paragraph or part of sections seven A to seven D, inclusive, shall for any reason be adjudged invalid, such judgment shall not affect, impair or invalidate the remainder of said sections, but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered. Said sections shall be liberally construed to effectuate the purposes thereof.

Constitutionality of certain provisions not affected, when.

SECTION 2. Section three of said chapter two hundred and fifty-five, as so appearing, is hereby amended by adding at the end thereof the following: —, but the maximum fee for recording mortgages given under sections seven A shall be one dollar, — so as to read as follows:

G. L. (Ter. Ed.), 255, § 3, amended.

—*Section 3.* Town clerks shall, upon payment of their fees, record in books kept for the purpose mortgages of personal property, bills of sale given for security and assignments of future earnings delivered to them, noting in such books and on each such instrument the time when it is received; and it shall be held to be recorded at the time when it is left for that purpose in the clerk's office. The fees for recording and for all other services relative thereto shall be the same as are allowed to registers of deeds for like services,

Town clerks to record mortgages, etc.

Fees.

but the maximum fee for recording mortgages given under section seven A shall be one dollar.

Approved March 19, 1935.

Chap. 87 AN ACT RELATIVE TO THE APPOINTMENT OF GYPSY MOTH SUPERINTENDENTS IN TOWNS.

Be it enacted, etc., as follows:

G.L. (Ter. Ed.), 132, § 13, amended.

Local gypsy moth superintendents, appointment, power and duties.

Chapter one hundred and thirty-two of the General Laws is hereby amended by striking out section thirteen, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 13.* The mayor in cities and the selectmen in towns shall annually appoint a local superintendent for the suppression of gypsy and brown tail moths. In cities such appointment shall be made in January, and, in towns, within ten days after the organization of the board of selectmen. Said superintendents shall, under the advice and general direction of the forester, destroy the eggs, caterpillars, pupæ and nests of the gypsy and brown tail moths within their respective jurisdictions, except in parks and other property under the control of the commonwealth, and except in private property, save as otherwise provided herein. The appointment of a local superintendent shall not take effect unless approved by the forester; and when so approved notice of the appointment shall be given by the mayor or the selectmen to the person so appointed.

Approved March 19, 1935.

Chap. 88 AN ACT REQUIRING DEALERS IN MILK TO OBTAIN PERMITS FROM LOCAL BOARDS OF HEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, § 43, etc., amended.

Permits for sale of milk, etc.

Section forty-three of chapter ninety-four of the General Laws, as amended by section four of chapter three hundred and five of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "of" in the second line the following:— or dealer in, — and by inserting after the word "produced" in the twenty-seventh line the words:— or dealt in, — so as to read as follows:— *Section 43.* No producer of or dealer in milk shall sell or deliver for sale in any town any milk produced or dealt in by him without first obtaining from the board of health of such town a permit authorizing such sale or delivery. Said board of health may issue such permit after an inspection of the milk, and of the place where and the circumstances under which it is produced and handled, has been made by it or its authorized agent, but no producer shall be entitled to such a permit unless, as to the dairy farm producing such milk, a certificate of registration has been issued by the director under section sixteen C and is in full force and effect; provided, that no such certificate shall be required for the production or sale of cream com-

plying with the proper legal standard for cream established by section twelve or milk produced elsewhere than at a dairy farm, as defined in section sixteen.

Any permit so granted may contain such reasonable conditions as said board deems suitable for protecting the public health, and may be revoked for failure to comply with any of such conditions. After a permit has been revoked, it may be reissued in the same manner in which the original permit was issued. The board revoking or reissuing said permit shall immediately send notice thereof to the department of public health, which may enforce this provision. The department shall at once inform the board of health of any other town where, in its judgment, milk produced or dealt in by the person to whom the permit relates would be likely to be sold or delivered for sale, and it shall also give notice of such revocation or reissue to any dealer in milk who in its judgment would be likely to purchase milk from such person; and after receipt of notice of revocation no dealer so notified shall sell or offer for sale such milk. If the board of health of any town refuses to issue a permit under this section or a permit previously issued is revoked by it, an appeal may be taken to the said department, whose decision shall be final. Violation of any provision of this section shall be punished by a fine of not more than one hundred dollars.

Approved March 19, 1935.

AN ACT PROVIDING FOR A FIFTH ASSISTANT CLERK OF COURTS
FOR THE COUNTY OF ESSEX.

Chap. 89

Be it enacted, etc., as follows:

SECTION 1. Section four of chapter two hundred and twenty-one 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 a comma, — and by inserting after the word "assistant" in the eighth line the words: — and a fifth assistant, — so as to read as follows: — *Section 4.* The justices of the supreme judicial court shall appoint for a term of three years from the date of their appointment, and may remove, assistant clerks of courts, as follows:

For the county of —

Barnstable, an assistant;

Bristol, an assistant;

Essex, an assistant, a second assistant, a third assistant, a fourth assistant and a fifth assistant;

Hampden, an assistant, a second assistant and, subject to the approval of the county commissioners, a third assistant;

Middlesex, an assistant, a second assistant, a third assistant and a fourth assistant;

Norfolk, an assistant;

Plymouth, an assistant;

G. L. (Ter.
Ed.), 221, § 4,
amended.

Assistant clerks
of courts.
Fifth assistant
for Essex
county.

Suffolk, an assistant of the supreme judicial court;
 Worcester, an assistant, a second assistant, a third
 assistant and a fourth assistant.

Assistant clerks of courts except in Suffolk county shall
 act as assistant clerks of the supreme judicial court, the
 superior court and the county commissioners.

Acceptance
 of act.

SECTION 2. This act shall take effect upon its accep-
 tance, prior to December thirty-first in the current year,
 by the county commissioners of the county of Essex.

Approved March 19, 1935.

Chap. 90 AN ACT RELATIVE TO TEMPORARY EMERGENCY UNEM-
 PLOYMENT FUNDS IN TOWNS.

Emergency
 preamble.

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

Be it enacted, etc., as follows:

During the calendar years nineteen hundred and thirty-
 five and nineteen hundred and thirty-six any town may by
 two thirds vote appropriate money to be set apart and
 administered as a general unemployment relief fund, for
 expenditure by or under the direction of the boards and
 officers in charge of town departments, subject to the
 approval of a board of administration consisting of such
 town officers *ex officio* as the town shall by its vote deter-
 mine, for the construction, improvement, or repair of pub-
 lic ways, public parks, sewerage and water supply systems,
 municipal buildings and other municipal works or under-
 takings, whereby employment may be afforded citizens
 of the town who shall be determined, in such manner as
 the town shall by its vote prescribe, to be in need thereof,
 or for the purchase or hire of materials, supplies and
 equipment and the employment of labor for the further-
 ance of, or as the contribution of the town to, any federal
 unemployment relief project undertaken or to be under-
 taken within the town.

In any town which has established a reserve fund under
 the provisions of section six of chapter forty of the General
 Laws, the finance or appropriation committee, if the town
 has such a committee, or, if it has not such a committee,
 the selectmen may make transfers therefrom to an approp-
 riation made for the aforesaid purpose if the unexpended
 balance thereof, with other available funds, is insufficient
 therefor.

Approved March 21, 1935.

AN ACT AUTHORIZING THE TOWN OF ESSEX TO BORROW MONEY FOR HIGH SCHOOL AND TOWN HALL PURPOSES. *Chap. 91*

Be it enacted, etc., as follows:

SECTION 1. For the purpose of purchasing and installing a new heating plant in the high school building and of making certain alterations in the town hall, the town of Essex 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, fifteen thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Essex High School and Town Hall Loan, Act of 1935. 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 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 March 21, 1935.

AN ACT AUTHORIZING THE TOWN OF LUNENBURG TO EXPEND CERTAIN FUNDS FOR THE PURCHASE OF APPARATUS AND OTHER EQUIPMENT FOR ITS FIRE AND HIGHWAY DEPARTMENTS. *Chap. 92*

Be it enacted, etc., as follows:

SECTION 1. Notwithstanding the provisions of section sixty-three of chapter forty-four of the General Laws, the town of Lunenburg may expend, for the purchase of apparatus and other equipment for its fire and highway departments, certain moneys, amounting, in the aggregate, to approximately seventy-five hundred dollars, which it received from the sale of certain parcels of real estate, one of which it had acquired by foreclosure of a tax title and the remainder of which had formerly been used by it for certain municipal purposes.

SECTION 2. This act shall take effect upon its passage.
Approved March 21, 1935.

AN ACT PROVIDING FOR EXTENSIONS OF THE BOUNDARIES OF THE WEST GROTON WATER SUPPLY DISTRICT. *Chap. 93*

Be it enacted, etc., as follows:

SECTION 1. Chapter six hundred and forty-one of the acts of nineteen hundred and eleven, as affected by chapter two hundred and sixty of the acts of nineteen

hundred and twenty-seven, is hereby amended by adding at the end thereof the following new section:— *Section 14.* 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 a 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 2. This act shall take effect upon its passage.

Approved March 21, 1935.

Chap. 94 AN ACT AUTHORIZING THE TOWN OF NORWOOD TO SELL AND CONVEY CERTAIN PARK LAND OWNED BY IT.

Be it enacted, etc., as follows:

SECTION 1. The town of Norwood may sell and convey the whole or any part of each of the parcels of land hereinafter described, held for park purposes and no longer needed for public use, to the person owning the land bordering on said parcel.

The parcels hereinbefore referred to are three certain parcels of land situated in said town, shown on a plan entitled "Plan of Land in Norwood Massachusetts Scale 1 in. = 20 ft. A. W. Thompson Town Engineer Dec. 28, 1934", which are bounded and described as follows: —

Parcel 1. Southwesterly by Bond street, eighty-three and forty-six one hundredths feet; northwesterly by land of the town of Norwood, thirty-eight and twenty-five one hundredths feet; northeasterly by land of Sarah W. Williamson, seventy-nine feet; and southeasterly by Parcel 2 hereinafter described, eleven and fifty one hundredths feet. Containing one thousand eight hundred and forty square feet.

Parcel 2. Southwesterly by said Bond street, eighty-eight and sixty-six one hundredths feet; northwesterly by Parcel 1 hereinbefore described and by said land of Sarah W. Williamson, thirty-three feet; northeasterly by land of Hugo B. C. Riemer, eighty and eighty-five one hundredths feet; and southeasterly by Parcel 3 hereinafter described, seven and twenty-four one hundredths feet. Containing one thousand seven hundred and ninety-two square feet.

Parcel 3. Southwesterly by said Bond street, one hundred and seventeen and fifty-eight one hundredths feet; northwesterly by Parcel 2 hereinbefore described, seven and twenty-four one hundredths feet; and north-easterly by land of Henry M. Field and Florence M. Field, one hundred and thirteen feet, more or less. Containing four hundred and seventy-two square feet.

SECTION 2. Action hereunder may be taken by the town at a town meeting held 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.

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

Approved March 21, 1935.

AN ACT FURTHER REGULATING THE SALE OF FUEL OILS.

Chap. 95

Be it enacted, etc., as follows:

Chapter ninety-four of the General Laws is hereby amended by inserting after section three hundred and three E, inserted therein by section three of chapter three hundred and seventy-two of the acts of nineteen hundred and thirty-four, under the heading "FUEL OILS", the following new section:— *Section 303F.* Whoever sells fuel oil in quantities of ten gallons or over for heating or cooking purposes shall cause a certificate or memorandum to be issued and delivered to the purchaser or his agent at the time of delivery of such oil. Such certificate or memorandum shall include the names and addresses of the seller and of the purchaser, and a statement of the quantity of oil delivered, in terms of gallons and fractions thereof, if any. Whoever violates any provision of this section shall be punished by a fine of not more than fifty dollars.

G. L. (Ter. Ed.), 94, new section 303F, added.

Certificate of purchase of fuel oil to be delivered.

Penalty.

Approved March 21, 1935.

AN ACT PROVIDING FOR AN ANNUAL PROCLAMATION BY THE GOVERNOR RELATIVE TO AMERICAN EDUCATION WEEK.

Chap. 96

Be it enacted, etc., as follows:

Chapter six of the General Laws is hereby amended by inserting after section twelve F, inserted by chapter twenty-three of the acts of nineteen hundred and thirty-five, the following new section:— *Section 12G.* The governor shall annually issue a proclamation calling for proper observance of American Education Week as a period for special attention to the work of our schools. *Approved March 21, 1935.*

G. L. (Ter. Ed.), 6, new section 12G, added.

American Education Week, observance of.

AN ACT REQUIRING MEATS AND POULTRY TO BE SOLD BY NET WEIGHT.

Chap. 97

Be it enacted, etc., as follows:

Chapter ninety-four of the General Laws, as appearing in the Tercentenary Edition thereof, is hereby amended by inserting after section ninety-two A under the heading

G. L. (Ter. Ed.), 94, new section 92B, added.

Meats and poultry, sale of, by weight.

“MEATS AND POULTRY”, the following new section:—
Section 92B. All meats and poultry shall be sold at retail only by weight and, except when sold in package form bearing a plain and conspicuous statement of quantity of contents as provided in section one hundred and eighty-one, such weight shall be determined at the time of sale. Whoever himself or by his servant or agent violates any provision of this section shall be punished by a fine of ten dollars.
Approved March 21, 1935.

Chap. 98 AN ACT AUTHORIZING THE USE OF CERTAIN TRAPS FOR THE PURPOSE OF CATCHING FISH BAIT IN THE INLAND WATERS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 131, new section 73A, added.

Fish traps, use of, regulated.

Chapter one hundred and thirty-one of the General Laws is hereby amended by inserting after section seventy-three, as appearing in the Tercentenary Edition, the following new section:—*Section 73A.* Fish traps with openings not over one inch in diameter may be used for the purpose of catching bait in any of the inland waters of the commonwealth; provided, that, if upon inspection of any such trap any fish the taking of which for bait is not authorized by section seventy-one are found in such trap they shall forthwith be returned alive to the waters whence they were taken. Whoever violates any provision of this section shall be punished by a fine of not less than ten nor more than twenty-five dollars.

Approved March 21, 1935.

Chap. 99 AN ACT RELATIVE TO THE DATES AS OF WHICH AMOUNTS TO BE PAID OR REPAID ON ACCOUNT OF DEFICITS IN THE COSTS OF OPERATION OF THE BOSTON ELEVATED RAILWAY COMPANY SHALL BE DETERMINED.

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen, as amended by chapter two hundred and forty-four of the Special Acts of nineteen hundred and nineteen, is hereby further amended by inserting after the word “thereafter” in the second and third and in the thirteenth lines the words:— to and including the last day of June in the year nineteen hundred and thirty-four, or as of the last day of March in any year after the year nineteen hundred and thirty-four,— so as to read as follows:— *Section 11.* If, as of the last day of June in the year nineteen hundred and nineteen, or the last day of any June thereafter to and including the last day of June in the year nineteen hundred and thirty-four, or as of the last day of March in any year after the year nineteen hundred and thirty-four, the amount remaining in the reserve fund shall be insufficient to meet the deficiency mentioned in section

nine, it shall be the duty of the trustees to notify the treasurer and receiver general of the commonwealth of the amount of such deficiency, less the amount, if any, in the reserve fund applicable thereto, and the commonwealth shall thereupon pay over to the company the amount so ascertained. Pending such payment it shall be the duty of the trustees to borrow such amount of money as may be necessary to enable them to make all payments, including dividend payments, as they become due. If, as of the last day of any June thereafter to and including the last day of June in the year nineteen hundred and thirty-four, or as of the last day of March in any year after the year nineteen hundred and thirty-four, during the period of public operation, the reserve fund shall exceed the amount originally established, the trustees shall apply the excess, so far as necessary, to reimbursing the commonwealth for any amounts which it may have paid to the company under the provisions hereof, and the commonwealth shall thereupon distribute the amount so received among the cities and towns in which the company operates, in proportion to the amounts which they have respectively been assessed as provided in section fourteen.

In order to meet any payment required of the commonwealth under the provisions of this section the treasurer and receiver general may borrow at any time, in anticipation of the assessments to be levied upon the cities and towns, such sums of money as may be necessary to make said payments, and he shall repay any sums so borrowed as soon after said assessments are paid as is expedient.

SECTION 2. This act shall take effect upon its acceptance by the Boston Elevated Railway Company by vote of its board of directors and upon the filing of a certificate of such acceptance with the state secretary, provided such acceptance and filing occur before April thirtieth of the current year.

Approved March 21, 1935.

AN ACT PROVIDING FOR MODIFICATION OF THE TERMS AND CONDITIONS UNDER WHICH THE BOSTON ELEVATED RAILWAY COMPANY IS USING CERTAIN ALTERATIONS IN AND EXTENSIONS TO THE BOYLSTON STREET SUBWAY AND MAKING CERTAIN CHANGES RELATIVE TO PAYMENTS IN CONNECTION WITH SUCH USE.

Chap. 100

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter three hundred and forty-one of the acts of nineteen hundred and twenty-five, as amended by section one of chapter three hundred and ninety-four of the acts of nineteen hundred and thirty, is hereby further amended by striking out all after the word "aforesaid" in the eighty-second line down to and including the word "levy" in the one hundred and eleventh line and inserting in place thereof the following:—The rental shall be payable annually on the twenty-fifth day of July

in each year to and including the year nineteen hundred and thirty-four and on the twenty-fifth day of April in each year thereafter. Any alteration or extension made under this act shall be deemed a part of the Boylston Street subway. Such contract for use shall provide that the company shall pay to the city of Boston for each full year ending with the last day of June to and including the last day of June, nineteen hundred and thirty-four, and ratably for the nine months period commencing on July first, nineteen hundred and thirty-four and ending with the last day of March, nineteen hundred and thirty-five, and for each full year ending with the last day of March thereafter, and ratably for any portion of a year, an annual rental, which shall be sufficient to provide an amount equal to one half of one per cent of the net cost of such alterations and extensions in addition to the annual amount of interest on the subway bonds issued to pay for said net cost, but not less than four and one half per cent of said net cost in any event; provided, however, that said annual rental shall be payable by the company in any year only if and to the extent that the reserve fund provided for by section five of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen exceeds on the last day of June in any year to and including the year nineteen hundred and thirty-four or on the last day of March in any year thereafter, the amount originally established, such excess to be determined and obligation to pay such rental to accrue in priority to any reimbursement of the commonwealth under sections eleven and thirteen of said chapter one hundred and fifty-nine. If by virtue of the foregoing proviso the company does not make the full rental payments as above provided, the commonwealth shall, during the term of said contract and until the subway bonds issued by the city of Boston under this section shall have been paid, or a sinking fund accumulated sufficient to pay the same at maturity, pay to the city of Boston on or before August first in each year to and including the year nineteen hundred and thirty-four and on or before May first in each year thereafter, one half of any amounts so unpaid, and the city of Boston shall place the other half in its next ensuing tax levy.

SECTION 2. Said chapter three hundred and forty-one is hereby further amended by striking out section three, as amended by section two of said chapter three hundred and ninety-four, and inserting in place thereof the following: — *Section 3.* If, as of the last day of June in any year to and including the year nineteen hundred and thirty-four or as of the last day of March in any year thereafter during the period of public operation of the company under the provisions of said chapter one hundred and fifty-nine, the reserve fund provided for in said chapter shall, after deducting the amount of the rental herein provided for, exceed the amount originally established, the trustees of

the Boston Elevated Railway Company shall apply the excess, so far as necessary, to reimburse the commonwealth for all amounts paid by the commonwealth to the city of Boston under the provisions of section two of this act, and in priority to any reimbursement of the commonwealth under sections eleven and thirteen of said chapter one hundred and fifty-nine.

SECTION 3. Said chapter three hundred and forty-one is hereby further amended by striking out section five, inserted by section three of said chapter three hundred and ninety-four, and inserting in place thereof the following: — *Section 5.* Upon and after such termination of public operation, the company shall, on or before the thirtieth day of April in each year, report to the state treasurer the amount, if any, by which said reserve fund on the preceding thirty-first day of March, after deducting the amount of the rental herein provided for, exceeded the amount originally established, and the company shall thereupon pay over such excess in so far as necessary to reimburse the commonwealth for all amounts paid after such termination of public operation, by the commonwealth to the city of Boston under the provisions of section two of this act. If the state treasurer or the attorney general is not satisfied as to the correctness of said report, either may, at any time within sixty days after its receipt, petition the department of public utilities for a determination of such excess and said department shall determine the same. If the amount of such excess, so determined, is greater than the amount originally reported, the balance shall be paid by the company to the commonwealth within twenty days from the date of such determination.

SECTION 4. The acceptance of this act by the company and the city as hereinafter provided, shall constitute an agreement on the part of the city and the company to execute a contract modifying in accordance with the provisions of this act, the existing contract between the city and the company for the use of the alterations and extensions of the Boylston Street subway made pursuant to the provisions of said chapter three hundred and forty-one as amended by said chapter three hundred and ninety-four.

SECTION 5. 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 filing of certificates of such acceptances with the state secretary; provided that such acceptances, approval and filing occur before April thirtieth of the current year.

Approved March 21, 1935.

Chap. 101 AN ACT RELATIVE TO THE NUMBER OF GUARDS ON PASSENGER TRAINS OPERATED BY STREET RAILWAY COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 161, new section 91A, added.

Guards on street railway trains.

Chapter one hundred and sixty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after section ninety-one the following new section: — *Section 91A*. Every company shall, during the operation by it of any passenger train consisting of more than one car, cause to be stationed thereon one guard, or employee having similar duties, for every two cars of such train. For each violation of this section, the offending company shall forfeit the sum of five hundred dollars to the commonwealth.

Approved March 21, 1935.

Chap. 102 AN ACT MAKING CERTAIN AMUSEMENT LICENSES OF INN-HOLDERS AND COMMON VICTUALLERS CO-TERMINOUS WITH LICENSES GRANTED FOR THE SALE OF 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.), 140, § 183A, amended.

Licensing of innholders, etc., conducting certain amusements in connection with their business, regulated.

SECTION 1. Section one hundred and eighty-three A of chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the eighteenth line, the words "April thirtieth" and inserting in place thereof the words: — December thirty-first, — so as to read as follows: — *Section 183A*. No innholder, common victualler or person owning, managing or controlling a café, restaurant or other eating or drinking establishment shall, as a part of his usual business, offer to view, set up, set on foot, maintain or carry on a concert, dance, exhibition, cabaret or public show of any description at which food or drink or other refreshment is sold for cash, or in connection with which, after free admission, music or other amusement is provided or furnished upon payment or deposit of money, either as a cover charge or in payment for food, drink or other refreshment, unless and until a license therefor, to be exercised on week days only, has been issued by the licensing authorities, who may upon written application and upon such terms and conditions as they may prescribe, grant such a license for any or all of the purposes hereinbefore described and may, after written notice to the licensee, suspend or, after hearing revoke the same. Licenses granted under this section shall specify the street and

number where the licensed business is to be carried on or give some particular description thereof, and shall not protect a licensee who carries on his business in another place. Such licenses, unless sooner revoked, shall expire on December thirty-first of each year. The fee for any such license or for any renewal thereof shall not exceed five dollars, but no fee shall be chargeable for any such license, or for the approval of the commissioner of public safety under section one hundred and eighty-three B, to a person who, for the period covered by such license, is also licensed under section two.

SECTION 2. The terms of all licenses granted under section one hundred and eighty-three A 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-six; 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 one hundred and eighty-three A.

Approved March 26, 1935.

AN ACT RELATIVE TO THE CONSTRUCTION OF PARTICULAR SEWERS AND CONNECTING DRAINS IN THE TOWN OF CANTON. Chap. 103

Be it enacted, etc., as follows:

SECTION 1. The town of Canton, acting through its board of sewer commissioners established under authority of chapter forty-one of the General Laws, may, upon the written request of the owner of land in said town, construct a particular sewer or connecting drain from a common sewer or main drain to a house or building on such land. The expenses of such construction shall be paid out of any appropriation made therefor by the town.

SECTION 2. The cost of constructing any particular sewer or connecting drain hereunder shall be assessed by said board upon the estate benefited thereby, and the provisions of sections twenty-seven and twenty-eight of chapter eighty-three of the General Laws shall apply in such case to the same extent as if such construction had been done within the limits of a public way and assessments therefor had been authorized by said chapter. All assessments heretofore made for the cost of constructing particular sewers or connecting drains, if made in accordance with the provisions of chapter eighty of the General Laws and if otherwise lawful, are hereby validated, and in such case all the provisions of said chapter eighty shall apply to such assessments.

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

Approved March 26, 1935.

Chap. 104 AN ACT PERMITTING INDOOR HOCKEY GAMES ON THE LORD'S DAY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 136, § 21, amended.

Indoor hockey on the Lord's day.

Chapter one hundred and thirty-six of the General Laws is hereby amended by striking out section twenty-one, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 21.* In any city which accepts sections twenty-one to twenty-five, inclusive, by vote of its city council and in any town which accepts said sections by vote of its inhabitants, it shall be lawful to take part in or witness any athletic outdoor sport or game on the Lord's day between the hours of one thirty and six thirty post meridian, or any indoor hockey game on the Lord's day between the hours of one thirty and eleven post meridian, as hereinafter provided.

Approved March 26, 1935.

Chap. 105 AN ACT AUTHORIZING THE TRUSTEES OF MOUNT HOLYOKE COLLEGE TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:—

Section one of chapter ninety of the acts of eighteen hundred and ninety-four, as amended by section one of chapter one hundred and two of the acts of nineteen hundred and ten, by chapter one hundred and twenty-two of the Special Acts of nineteen hundred and seventeen, and by section one of chapter one hundred and eighty of the acts of nineteen hundred and twenty-one, is hereby further amended by striking out, in the third line, the word "ten" and inserting in place thereof the word: — fifteen, — so as to read as follows:— *Section 1.* The Trustees of Mount Holyoke College are hereby authorized to hold real and personal estate to an amount not exceeding fifteen million dollars.

Approved March 26, 1935.

Chap. 106 AN ACT AUTHORIZING TOWNS TO INSURE AGAINST LOSSES TO MEMBERS OF POLICE AND FIRE DEPARTMENTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 40, § 5, etc., amended.

Cities and towns may insure against

Clause (1) of section five of chapter forty of the General Laws, as amended by section three of chapter three hundred and eighteen of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end thereof the following: — , or to pay a proper charge for effecting insurance providing indemnity for or protection to any of the officers or employees of the town named in section one hundred of chapter forty-one against loss by reason of any expenses or damages within the provisions of the said section, — so as to read as follows:— (1) To pay a proper charge of an insurance company for acting as

surety on the official bond of any town officer, or to pay a proper charge for effecting insurance providing indemnity for or protection to any officer or employee of the town against loss by reason of his liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, caused by the operation, within the scope of his official duties or employment, of motor or other vehicles owned by the town, to an amount not exceeding five thousand dollars on account of injury to or death of one person, or to pay a proper charge for effecting insurance providing indemnity for or protection to any of the officers or employees of the town named in section one hundred of chapter forty-one against loss by reason of any expenses or damages within the provisions of the said section.

losses to members of police and fire departments.

Approved March 26, 1935.

AN ACT RELATIVE TO THE TRAPPING OF MAMMALS ON SUNDAY.

Chap. 107

Be it enacted, etc., as follows:

Chapter one hundred and thirty-one of the General Laws is hereby amended by striking out section eighty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 83.* Sunday shall be close season on all wild birds and mammals, except as hereinafter provided. No person on Sunday shall hunt any bird or mammal of any kind or carry on that day upon his person a rifle or shotgun in any place where birds or mammals might be found.

G. L. (Ter. Ed.), 131, § 83, amended.

Trapping on Sunday prohibited.

This section shall not prohibit the killing or attempted killing of a bird or mammal actually damaging or likely to damage property, subject, however, to the same conditions and restrictions as would render such killing or attempted killing lawful on a secular day; nor shall it render unlawful the possession or carrying of a rifle or shotgun for such purpose or for the purpose of using the same in a sport or game lawfully conducted under the provisions of law authorizing sports and games on Sunday; nor shall it prohibit the taking of mammals by means of traps.

Exceptions.

Approved March 26, 1935.

AN ACT AUTHORIZING CERTAIN LOANS BY THE CITY OF WORCESTER FOR THE PURPOSE OF CONSTRUCTING JUNIOR HIGH SCHOOL OR COMBINED SENIOR AND JUNIOR HIGH SCHOOL BUILDINGS.

Chap. 108

Be it enacted, etc., as follows:

SECTION 1. The words "high school buildings", as used in chapter two hundred and eleven of the Special Acts of nineteen hundred and sixteen and any amendment thereof, shall include junior high school or combined senior and junior high school buildings.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Worcester at its 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 passed by the general court in the year nineteen hundred and thirty-five, entitled 'An Act authorizing certain loans by the City of Worcester for the purpose of constructing junior high school or combined senior and junior high school buildings', 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 26, 1935.

Chap. 109 AN ACT PROVIDING FOR THE MERGER OF TWO FRATERNAL BENEFIT SOCIETIES IN THE CITY OF LAWRENCE, TO BE KNOWN AS THE TEANESE SOCIETY OF MUTUAL RELIEF, UNION AND FRATERNITY OF LAWRENCE, MASSACHUSETTS, INCORPORATED.

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:

The Teano Benefit Society, Luigi Tansillo, and the Teanese Society of Mutual Relief, Union and Fraternity of Lawrence, Massachusetts, Incorporated, both domestic fraternal benefit societies, of said Lawrence, are hereby authorized to merge under the name of The Teanese Society of Mutual Relief, Union and Fraternity of Lawrence, Massachusetts, Incorporated, agreeably to the provisions of General Laws, chapter one hundred and seventy-six, section twelve, any provision of law to the contrary notwithstanding.

Approved April 1, 1935.

Chap. 110 AN ACT RELATIVE TO THE POWERS OF ALDERMEN OF CITIES AS TO THE CONTROL, REGULATION OR PROHIBITION OF THE TAKING OF SEAWORMS.

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.), 130, § 48,
etc., amended.

Section forty-eight 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, is hereby amended by inserting after the word "towns" in the eleventh line the following: — ; provided, that, notwithstanding the foregoing provision, the aldermen of any city may so control, regu-

late or prohibit the taking of seaworms within its limits, in the absence of any instruction by such city relative to the taking thereof, — so that the first paragraph will read as follows:— Except as provided in sections forty-two to forty-six, inclusive, and except in the case of shellfish on private grants licensed under section fifty-seven, or shellfish on areas closed for municipal cultivation under section fifty-five, and except that the private rights of any person shall not be impaired thereby, the aldermen or the selectmen, if so instructed by their respective cities or towns, in addition to any action authorized by section fifty-one, in their discretion may from time to time control, regulate or prohibit the taking of eels and any or all kinds of shellfish and seaworms within such cities and towns; provided, that, notwithstanding the foregoing provision, the aldermen of any city may so control, regulate or prohibit the taking of seaworms within its limits, in the absence of any instruction by such city relative to the taking thereof. For the purpose of such control, regulation or prohibition the aldermen or the selectmen may, from time to time, without other or special authority therefor, make any regulations not contrary to law in regard to said fisheries that they deem expedient, including the times, places, methods, purposes, uses, sizes, quantities or any other particulars of such taking, and may grant permits, subject to the exceptions hereinabove mentioned and subject also to any such regulations, then or thereafter in force, for the taking of eels and such shellfish and seaworms within such cities and towns. Any such instructions hereunder shall continue in force until subsequent action of such city or town shall alter, amend, rescind or repeal the same. Any regulations made under any such instruction shall continue in force, as far as such instruction shall continue to authorize the same, until the aldermen or selectmen of said city or town shall alter, amend, rescind or repeal the same.

Taking of seaworms and shellfish regulated.

Local regulation.

Approved April 1, 1935.

AN ACT PROVIDING FOR THE DISPOSITION OF CERTAIN PRISONERS CONFINED IN THE PRISON CAMP AND HOSPITAL PRIOR TO ITS DISCONTINUANCE.

Chap. 111

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:

All prisoners removed from the state prison to the prison camp and hospital formerly located in the town of Rutland who, on November thirtieth, nineteen hundred and thirty-four, had escaped therefrom, or were absent under a permit to be at liberty, shall, for the purpose of such future disposition as may be necessary, be treated, from and after said

date, as having escaped, or as being absent under a permit to be at liberty, from the state prison.

Approved April 1, 1935.

- Chap. 112** AN ACT AUTHORIZING THE ASHFIELD BURIAL GROUND ASSOCIATION TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, etc., as follows:

Section six of chapter two hundred and fifty-two of the acts of eighteen hundred and eighty-nine is hereby amended by striking out, in the third line, the word "ten" and inserting in place thereof the word:— thirty-five, — so as to read as follows:— *Section 6.* Said corporation may hold real and personal estate for the purposes expressed in section one to the value of thirty-five thousand dollars.

Approved April 1, 1935.

- Chap. 113** AN ACT RELATIVE TO THE TRANSFER OF CERTAIN PRISONERS FROM THE MASSACHUSETTS REFORMATORY TO THE STATE PRISON.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 127, new section 109B, added.

Prisoners, removal to state prison.

SECTION 1. Chapter one hundred and twenty-seven of the General Laws is hereby amended by inserting after section one hundred and nine A, as appearing in the Tercentenary Edition, the following new section:— *Section 109B.* He may remove to the state prison a person convicted upon indictment for a felony and sentenced to the Massachusetts reformatory, and may at any time return him to the place of imprisonment from which he was removed.

Application of act.

SECTION 2. This act shall apply only to persons convicted upon indictment for a felony committed after its effective date.

Approved April 1, 1935.

- Chap. 114** AN ACT EXTENDING THE RIGHT TO PROSECUTE FOR VIOLATION OF THE LAWS REGULATING ADVERTISING FOR EMPLOYEES DURING A STRIKE OR OTHER LABOR TROUBLE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 149, § 23, amended.

Advertising for employees during strikes.

Section twenty-three of chapter one hundred and forty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the twelfth line, the words "After investigation by and upon complaint of the department, any", and inserting in place thereof the word:— Any, — so as to read as follows:— *Section 23.* 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 procure or attempt to procure, or assist in any way in procuring or attempting to procure, persons to fill the places of employees involved in such strike, lockout or other labor

trouble, if such persons are or have been solicited by means of advertisements or oral or written statements in which it has not been plainly and explicitly mentioned that a strike, lockout or other labor trouble exists in the establishment where such persons are to be employed. This provision shall apply whether such advertisements or oral or written solicitations were made within or without the commonwealth.

Any person violating any provision of this or the preceding section shall be punished by a fine of not more than one hundred dollars. Penalty

Approved April 1, 1935.

AN ACT CHANGING THE NAME OF THE TRUSTEES OF ABBOTT ACADEMY AND RELATIVE TO THE NUMBER AND TENURE OF OFFICE OF THE TRUSTEES OF SAID CORPORATION.

Chap. 115

Be it enacted, etc., as follows:

The name of The Trustees of Abbott Academy, a corporation established by special law under the name of Trustees of Abbot Female Academy, and whose name was later changed by special law to its present one, is hereby changed to Trustees of Abbot Academy. Said corporation shall have full power and discretion from time to time to fix the number of its trustees, not to exceed eighteen, and the tenure of office for such trustees and their successors. Nothing herein shall be construed to require that the tenure of the various trustees of said corporation be uniform.

Approved April 1, 1935.

AN ACT PROVIDING FOR THE PROTECTION OF WILD AZALEAS, WILD ORCHIDS AND CARDINAL FLOWERS.

Chap. 116

Be it enacted, etc., as follows:

Chapter two hundred and sixty-six of the General Laws is hereby amended by inserting after section one hundred and sixteen, as appearing in the Tercentenary Edition, the following new section:— *Section 116A.* No person shall pull up or dig up the plant of a wild azalea, wild orchid or cardinal flower (*lobelia cardinalis*), or any part thereof, or injure any such plant or any part thereof except in so far as is reasonably necessary in procuring the flower therefrom, within the limits of any state highway or any other public way or place, or upon the land of another person without written authority from him, and no person shall buy or sell, or offer or expose for sale, any such flower, or the whole or any part of the plant thereof, knowing, or having reasonable cause to believe, that in procuring such flower or plant the foregoing provisions have been violated. Violation of any provision of this section shall be punished by a fine of not more than five dollars.

G. L. (Ter. Ed.), 266, new section 116A, added.

Protection of certain wild flowers.

Approved April 1, 1935.

Chap. 117 AN ACT EXEMPTING SCALLOPS FROM CERTAIN PROVISIONS OF LAW RELATIVE TO THE TAKING AND MARKETING OF SHELLFISH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 130, § 73, etc., amended.

Scallops, taking of, regulated.

Section seventy-three 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, is hereby amended by inserting after the word "shellfish" in the third line the words:— other than scallops, — and by inserting before the word "shellfish" in the eighth line the word:— such, — so as to read as follows:— *Section 73.* Except as provided in sections seventy-one and seventy-two, no person shall, for commercial use, dig or take shellfish other than scallops in the commonwealth without a bed certificate, stating that the tidal waters and flats from which said shellfish are or are to be dug or taken, and the shellfish therein and thereon, are free from contamination, and no firm, corporation or other person shall engage in the distribution of such shellfish commercially in the commonwealth without a dealer's certificate. Such bed certificates and dealers' certificates shall be issued by the supervisor under rules and regulations as hereinafter provided. The supervisor, upon the request of and the payment of a fee of ten dollars by a person who buys, or maintains an establishment for packing, shellfish, except scallops, and desires to ship the same outside the commonwealth, and, upon the request of and the payment of a fee of two dollars by a person who digs or takes such shellfish and desires to ship the same outside the commonwealth, may annually issue certificates relative to the condition of the establishment or equipment of such person. The supervisor shall promulgate rules and regulations relative to the form, contents and use of all certificates issued by him under this section, in such manner as will most effectively safeguard the public health and meet the provisions of the laws, rules, regulations or requirements of the United States as to interstate commerce in shellfish and of other states in relation to the importation, inspection and consumption of shellfish within their respective limits. Said rules and regulations shall be subject to the approval of the department of public health in so far as sanitary requirements are concerned. At the request of the commissioner of public health, or of his own motion, the supervisor shall revoke and cancel and require the surrender of any certificate issued by him under this section, if, in his opinion, after a hearing by him or some person designated by him, the holder thereof is guilty of violating any such rule or regulation, or any provision of this or the preceding section, or upon a change in the facts and conditions set forth in such certificate. Pending the hearing the certificate shall be deemed to be suspended. The

provisions of this section and of the rules and regulations made hereunder shall be enforced, and any violation thereof shall be punished or restrained, as provided in the preceding section.

Approved April 1, 1935.

AN ACT RELATIVE TO THE ADVANCEMENT FOR SPEEDY TRIAL IN THE SUPERIOR COURT OF ACTIONS AGAINST PHYSICIANS AND OTHERS FOR MALPRACTICE, ERROR OR MISTAKE.

Chap. 118

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and thirty-one of the General Laws is hereby amended by inserting after section fifty-nine B, as appearing in the Tercentenary Edition, under the caption SPEEDY TRIAL OF CERTAIN ACTIONS FOR MALPRACTICE, ERROR OR MISTAKE, the following new section:— *Section 59C*. An action of contract or tort for malpractice, error or mistake against a physician, surgeon, dentist, optometrist, hospital or sanitarium, pending in the superior court, shall, at the request of a defendant, be advanced by the court so that it may be heard and determined with as little delay as possible.

G. L. (Ter. Ed.), 231, new section 59C, added.

Advancement for trial of suits for malpractice, etc.

SECTION 2. This act shall apply to all such actions pending on or after the effective date thereof.

Approved April 1, 1935.

AN ACT RELATIVE TO ABATEMENT OF TAXES UPON INTERESTS OF INDIVIDUALS AND PARTNERSHIPS IN CERTAIN SHIPS AND VESSELS.

Chap. 119

Be it enacted, etc., as follows:

SECTION 1. Section eight of chapter fifty-nine of the General Laws, as most recently amended by section twenty-six of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by adding at the end thereof the following new paragraph:—

G. L. (Ter. Ed.), 59, § 8, etc., amended.

In case the owner of any such interest fails to make a return within the time herein provided, the assessors may abate the tax upon such interest if he shows to the assessors a reasonable excuse for the failure to file such return as aforesaid and if the return is filed on or before December thirty-first of the year in which the tax is assessed; but no abatement hereunder shall be made which will reduce the tax on any such interest to an amount less than the sum of said excise plus fifty per cent thereof.

Abatement of taxes on ships, etc.

SECTION 2. This act shall apply in the case of any tax or excise assessable under said section eight in the current year or thereafter.

Application of act.

Approved April 1, 1935.

Chap. 120 AN ACT RELATIVE TO THE TAKING AND POSSESSION OF
HORNED POUT AND YELLOW PERCH.

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.), 131, § 68,
amended.

Restrictions on
taking horned
pout and yellow
perch.

Chapter one hundred and thirty-one of the General Laws is hereby amended by striking out section sixty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 68.* No person shall take or have in possession more than thirty horned pout or thirty yellow perch taken from the waters of the commonwealth in any period of twenty-four consecutive hours, nor shall he take from said waters or have in possession horned pout or yellow perch between March first and April fifteenth in any year.

Approved April 1, 1935.

Chap. 121 AN ACT RELATIVE TO THE TENURE OF OFFICE OF THE CITY
MARSHAL OF THE CITY OF GLOUCESTER AND TO THE MODE
OF APPOINTMENT AND REMOVAL OF SAID OFFICER.

Be it enacted, etc., as follows:

SECTION 1. The municipal council of the city of Gloucester shall, from time to time, as any term expires or vacancy occurs, appoint a city marshal, who shall hold office for a term of three years; provided, that he may at any time be removed by the municipal council for sufficient cause, after a hearing at which he shall have the right to be represented by counsel.

SECTION 2. All provisions of chapter two hundred and forty-six of the acts of eighteen hundred and seventy-three, and acts in amendment thereof and in addition thereto, which are inconsistent with this act are hereby repealed.

SECTION 3. The foregoing sections of this act shall be submitted for acceptance to the registered voters of the city of Gloucester at its annual 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 relative to the tenure of office of the city marshal of the city of Gloucester and to the mode of appointment and removal of said officer', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, said sections shall thereupon take effect, but not otherwise.

SECTION 4. If sections one and two of this act are accepted under the provisions of section three, the term of office of the city marshal of said city holding office at the time of such acceptance shall be extended to January first,

nineteen hundred and thirty-eight, but he shall be subject to removal as provided in section one.

Approved April 1, 1935.

AN ACT RELATIVE TO THE TERMINATION OF LIABILITY OF SURETIES ON BONDS FURNISHED BY PUBLIC WAREHOUSEMEN.

Chap. 122

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and five of the General Laws is hereby amended by inserting after section two, as appearing in the Tercentenary Edition, the following two new sections:— *Section 2A.* A surety upon a bond given by a public warehouseman as a condition of holding a license referred to in section one, who desires to be discharged from liability thereunder shall give written notice to that effect to the state secretary and to the state treasurer, in such form as the said secretary may prescribe, specifying a date, not earlier than sixty days after the giving of such notice, upon which his liability is to terminate in respect to further deposits for storage with such warehouseman. The state secretary shall, upon receipt of such notice, forthwith send written notification, in such form as he may prescribe, to such warehouseman that his license will be revoked on the date specified unless prior thereto a new bond, approved as provided in section one, is given by him to the state treasurer. Failure to give a new bond as aforesaid shall operate as a revocation of the license of such warehouseman, effective on said date, and the state treasurer shall forthwith notify the governor and council and the state secretary thereof in writing. The written notification required to be sent by the state secretary shall be deemed sufficient if sent by registered mail, postage prepaid, to the last business or residence address of the licensee appearing in the records of the office of the state secretary; and the affidavit of the state secretary or of any person authorized by him to give such notice that it has been sent in accordance with this section shall be prima facie evidence that the notice was duly given.

G. L. (Ter. Ed.), 105, new sections 2A and 2B, added.

Public warehousemen, sureties of, termination of liability of.

Such revocation of the license of a public warehouseman shall terminate the liability of the surety or sureties on his bond except for claims for or on account of goods, wares or merchandise deposited with him for storage prior to such revocation.

Section 2B. After the revocation of his license, the warehouseman shall accept for storage no more goods, wares or merchandise. Forthwith upon such revocation, he shall offer to return to the person or persons entitled thereto all goods, wares and merchandise then deposited for storage with him, upon payment in full of all lawful charges due him and the surrender of the warehouse or other proper receipts. Said warehouseman may, at any time after such revocation, store any goods, wares or

Return of goods upon revocation of license.

merchandise in his possession with another public warehouseman, licensed as provided in section one, in the name and for the account of the person or persons entitled thereto; and, if within sixty days after such revocation, the warehouseman whose license is revoked so stores any goods, wares or merchandise, and transmits therewith a bill setting forth the accrued charges for storage thereon, he shall continue to have a lien therefor which shall be enforceable for his account by the licensed warehouseman with whom he places them in storage, otherwise he shall lose his lien for such charges.

G. L. (Ter. Ed.), 105, § 6, amended.

State secretary to give notice of revocation of license, etc.

SECTION 2. Said chapter one hundred and five is hereby further amended by striking out section six, as so appearing, and inserting in place thereof the following: — *Section 6.* The state secretary shall, at the expense of each warehouseman, give notice of his license and qualification, of the amount of the bond given by him and of any discontinuance of his license and shall, at the expense of any surety on his bond proceeding under section two A, give notice of the revocation of his license, by publishing such notice once in each week for three successive weeks in some newspaper published in the city or town where the warehouse is located.

Application of act.

SECTION 3. This act shall apply in the case of bonds given prior to the time this act takes effect, as well as in the case of those given thereafter.

Approved April 2, 1935.

Chap. 123

AN ACT RELATIVE TO CERTAIN LICENSES FOR STORING, MANUFACTURING AND SELLING CERTAIN EXPLOSIVES AND INFLAMMABLE MATERIALS AND TO FEES FOR PERMITS FOR STORING CERTAIN INFLAMMABLE FLUIDS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 148, § 13, etc., amended.

SECTION 1. Section thirteen of chapter one hundred and forty-eight of the General Laws, as amended by section one of chapter twenty-two of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "commissioner" in the twenty-seventh line the words: —, or in Cambridge, with the board of license commissioners, — and by striking out, in the thirty-fifth to the thirty-seventh lines, the words "ammunition, crude petroleum or any of its products or of any other inflammable fluid or compound, that may be kept for private use" and inserting in place thereof the following: — any of the articles named in section nine that may be kept, — so as to read as follows: — *Section 13.* No building or other structure shall, except as provided in section fourteen, be used for the keeping, storage, manufacture or sale of any of the articles named in section nine, except fireworks, firecrackers and torpedoes, unless the local licensing authority shall have granted a license therefor after a public hearing, notice of the time and place

Licenses for storing, manufacturing, etc., explosives.

Term, fee, revocation, appeal.

of which hearing shall have been given, at the expense of the applicant, by the clerk of the city or of the local licensing authority, by publication, not less than seven days prior thereto, in a newspaper published in the English language in the city or town wherein the land on which such license is to be exercised is situated, if there is any so published therein, otherwise in the county in which such city or town lies, and also by the applicant by registered mail, not less than seven days prior to such hearing, to all owners of real estate abutting on said land, and unless the application for such license shall have endorsed thereon the certificate of approval or disapproval of the head of the fire department; provided, that any building or other structure once used under a license granted as aforesaid, or any building or other structure lawfully used for any of said purposes, may be continued in such use from year to year if the owner or occupant thereof shall annually, on or before April thirtieth, while such use continues, file for registration with the clerk of the city or town where such building or other structure is situated, or in Boston, with the fire commissioner, or in Cambridge, with the board of license commissioners, a certificate reciting such use and occupancy; and provided, further, that any building used as a garage for storing not more than three vehicles, when once used under such a license, or lawfully used for such purpose, may be continued in such use from year to year without such annual registration, and continuous use and occupancy thereof for such purpose shall be presumed. The department may by regulation prescribe the amount of any of the articles named in section nine that may be kept in a building or other structure without a license and registration, or either of them. Every license issued hereunder shall expire on April thirtieth following the date of issue, and registrations hereunder shall be effected on or before April thirtieth to take effect on May first following. Such fee as may be established from time to time by ordinance or by-law may be charged for any such license, registration or certificate of the head of the fire department, respectively; provided, that the fee for such registration shall be not more than one half of the amount of the fee for such a license.

The right to use a building or other structure for any of said purposes may be revoked for cause, after notice and a hearing given to such owner or occupant, by the local licensing authority, or by the marshal. Such building or structure shall always be subject to such alterations in construction and to such regulations of its use in respect to protection against fire or explosion as the department may prescribe.

Any person aggrieved by the granting of a license hereunder on the ground that the exercise thereof would constitute a fire or explosion hazard may, within ten days after the granting thereof, appeal to the marshal who,

after notice and hearing, shall finally determine whether such a hazard would result. If, in his opinion, such a hazard would result he shall notify the authority granting the license, who shall forthwith revoke the same.

G. L. (Ter. Ed.), 148, § 23, amended.

Keeping, using and storage of inflammable fluids.

SECTION 2. Section twenty-three of said chapter one hundred and forty-eight, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following: — A fee of not more than fifty cents may be charged for any permit granted under the authority of this section, — so as to read as follows:— *Section 23.* No volatile inflammable fluid except an amount not exceeding one quart contained in an approved safety can and no non-volatile inflammable fluid except an amount not exceeding ten gallons for domestic use shall be kept, used or stored in any part of any building used for habitation, and no volatile inflammable fluid in quantity exceeding one gallon contained in an approved safety can, and no non-volatile inflammable fluid in quantity exceeding thirty gallons, shall be kept, used or stored, except in the tank of an automobile, motor boat or stationary engine, within fifty feet of any building used for habitation, unless a permit has first been obtained therefor from the head of the fire department under such terms and conditions as he may prescribe. A fee of not more than fifty cents may be charged for any permit granted under the authority of this section.

Approved April 2, 1935.

Chap. 124 AN ACT AUTHORIZING THE TRANSFER OF THE TAGGART FUND, SO CALLED, TO THE TOWN OF BLANDFORD.

Be it enacted, etc., as follows:

SECTION 1. The corporation incorporated by an act passed March ninth, eighteen hundred and eight and entitled "An Act to incorporate certain persons trustees, to manage a fund for the permanent support of a school in District Number Three, in the Town of Blandford, in the county Hampshire", said fund being commonly known as the Taggart Fund, is hereby empowered to transfer, assign, set over and convey all funds and property held by it to the town of Blandford, and said town is hereby empowered to receive the same and to hold, manage and dispose of all such funds and property upon the same trusts, uses and purposes as if the same had continued to be held by 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 Hampden, 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 corporation, by vote of the trustees thereof, and by the town, by vote of its board of

selectmen, and copies of the respective votes of acceptance shall have been filed with the state secretary.

Approved April 2, 1935.

AN ACT RELATIVE TO THE APPOINTMENT OF A SUPERINTENDENT OF PUBLIC WORKS BY THE SELECTMEN OF THE TOWN OF BILLERICA.

Chap. 125

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and twenty-one of the acts of nineteen hundred and thirty is hereby amended by striking out, in the first line, the word "shall" and inserting in place thereof the word:— may, — so as to read as follows:— *Section 2.* The selectmen may appoint, and fix the compensation of, a superintendent of public works, who shall administer, under the supervision and direction of the selectmen, such departments of the town under their control as they may designate. He shall be responsible for the efficient administration of all such departments and shall hold office subject to the will of the selectmen. 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 bond for the faithful performance of his duties, in such sum and with such surety or sureties as the selectmen may require, and shall, subject to the approval of the selectmen, appoint such assistants, agents and employees as the performance of the duties of such departments may require. He shall keep full and complete records of the doings of his office and render to the selectmen as often as they may require a full report of all operations under his control during the period reported upon; and annually, or from time to time as required by the selectmen, he shall make a synopsis of all such reports for publication. He shall keep the selectmen fully advised as to the needs of the town within the scope of his duties and shall furnish to the selectmen, on or before January fifth in each year, a carefully prepared and detailed estimate in writing of the appropriations required during the ensuing fiscal year for the proper conduct of all departments of the town under his supervision.

SECTION 2. This act shall be submitted to the voters of said town at the annual town meeting in the year nineteen hundred and thirty-six 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-five, entitled 'An Act relative to the Appointment of a Superintendent of Public Works by the Selectmen of the Town of BillERICA', 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 April 2, 1935.

Chap. 126 AN ACT DEFINING THE WORD "PRODUCERS" WITH RESPECT TO THE LICENSING AND BONDING OF DEALERS IN MILK OR CREAM.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, § 42A, etc., amended.

Milk, dealers in.
Bond, amount of.

Section forty-two A of chapter ninety-four of the General Laws, inserted by section two of chapter three hundred and thirty-eight of the acts of nineteen hundred and thirty-three, is hereby amended by striking out, in the second line, the word "producers" and inserting in place thereof the words:— Massachusetts producers, in this section and in sections forty-two B to forty-two K, inclusive, called producers, — so as to read as follows:— *Section 42A.* No person buying milk or cream from Massachusetts producers, in this section and in sections forty-two B to forty-two K, inclusive, called producers, shall operate any milk plant or manufactory unless licensed to operate such plants and manufactories by the commissioner of agriculture, in this section and in sections forty-two B to forty-two K, inclusive, called the commissioner. Application for such license shall be made on or before January first in each year, for the license year beginning March first following, or at any time later than January first in any year for the balance of the license year after the date of issue of the license, which date shall be at least two months subsequent to the filing of the application. Such application shall be made upon a form prescribed by the commissioner, and shall contain a statement of such information as he may require to aid him in fixing the amount of the bond hereinafter required. Such statement shall be made under the penalties of perjury by the applicant, if an individual, and, if the applicant is a corporation, by its president and treasurer. A license shall not be issued unless the applicant shall execute and file at the time of filing the application, or within such further time as the commissioner may allow, a bond or other security satisfactory to the commissioner or shall be relieved therefrom as provided in section forty-two E. The commissioner, if satisfied with the financial responsibility and good faith of the applicant and with the bond or other security filed with him, shall issue to such applicant, upon payment of a fee of five dollars, a license entitling the applicant to operate milk plants and manufactories within the commonwealth for the license year or balance thereof, as the case may be.

Approved April 2, 1935.

AN ACT RELATIVE TO THE CONTROL OF DUDLEY POND IN THE *Chap. 127*
TOWN OF WAYLAND.

Be it enacted, etc., as follows:

SECTION 1. The town of Wayland, through its board of selectmen, may from time to time make rules and regulations as to the erection, maintenance and control of all public bath houses on the shores of Dudley pond in said town.

SECTION 2. The board of selectmen of said town may from time to time make rules and regulations governing fishing, boating, bathing, skating and other recreational activities in or on Dudley pond in said town. Such rules and regulations relative to fishing shall be subject to the approval of the division of fisheries and game of the state department of conservation, and such other rules and regulations shall be subject to the approval of the state department of public works, and when so approved shall have the force of law.

SECTION 3. Any police officer of said town may patrol any part of the waters of said lake and shall have authority to arrest any person violating any law of the commonwealth in, on or adjacent to the waters of said pond or violating any rule or regulation established under this act.

SECTION 4. The violation of any rule or regulation established under this act shall be punished by a fine of not more than twenty dollars.

SECTION 5. Nothing in this act shall be construed to abridge the powers and duties of said department of public works under chapter ninety-one of the General Laws.

Approved April 2, 1935.

AN ACT RELATIVE TO THE GRANTING OF DEGREES BY THE *Chap. 128*
TRUSTEES OF NORTHEASTERN UNIVERSITY OF THE BOS-
TON YOUNG MEN'S CHRISTIAN ASSOCIATION.

Be it enacted, etc., as follows:

Chapter ninety-three of the acts of nineteen hundred and twenty-three, as amended by chapter twenty-two of the acts of nineteen hundred and thirty, is hereby further amended by striking out all after the word "commonwealth" in the fifth and sixth lines and inserting in place thereof the words: —, but excepting medical and dental degrees, and to grant diplomas therefor, — so as to read as follows: — The trustees of Northeastern University of the Boston Young Men's Christian Association, a corporation organized under general law, are hereby authorized to confer such degrees as are usually conferred by colleges and universities in this commonwealth, but excepting medical and dental degrees, and to grant diplomas therefor.

Approved April 2, 1935.

Chap. 129 AN ACT CHANGING THE NAME OF THE MIDDLESEX COLLEGE OF MEDICINE AND SURGERY, INC., TO MIDDLESEX COLLEGE AND AUTHORIZING SAID COLLEGE TO GRANT THE DEGREE OF BACHELOR OF SCIENCE.

Be it enacted, etc., as follows:

The name of The Middlesex College of Medicine and Surgery, Inc., an educational institution incorporated under chapter twenty-eight of the acts of eighteen hundred and forty-nine, as affected by chapter one hundred and forty-two of the acts of eighteen hundred and fifty, under the name of the Worcester Medical Institution, and whose name was changed to its present one under general law December fifteenth, nineteen hundred and fourteen, is hereby changed to Middlesex College; and said corporation is hereby authorized and empowered, in addition to its present powers, to conduct and maintain in the county of Middlesex a college for academic education and to provide therein instruction in such of the sciences, liberal arts, and languages as the trustees of said corporation shall determine; and said corporation is hereby further authorized to confer the degree of bachelor of science on such of its graduates as are properly accredited and recognized by the majority of its trustees; provided, that the course of instruction leading to such degree shall occupy the same number of years as are required in similar institutions granting said degree.

Approved April 2, 1935.

Chap. 130 AN ACT AUTHORIZING THE CITY OF SOMERVILLE TO APPROPRIATE MONEY FOR THE USE OF THE SCHOOL SAVINGS BANK OF THE CITY OF SOMERVILLE.

Be it enacted, etc., as follows:

SECTION 1. The city of Somerville may appropriate such sums, not exceeding, in the aggregate, fourteen thousand dollars, for use of the school savings bank of said city in paying to each depositor in such bank a sum equivalent to that part of the amount standing to his credit on the pass book issued to him by said city which was deposited by said school savings bank in the Somerville Institution for Savings on or before February second, nineteen hundred and thirty-two. All dividends received by or on behalf of said city on account of deposits made in said institution for savings in the name of "school savings bank city of Somerville" shall be paid forthwith into the treasury of said city.

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

(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, March 29, 1935, and, in concurrence, by the Senate, April 2, 1935, 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 EXTENSIONS OF THE BOUNDARIES OF THE NORTH CHELMSFORD FIRE DISTRICT, RELATIVE TO EXEMPTING CERTAIN PROPERTY THEREIN FROM TAXES ASSESSED BY IT AND AUTHORIZING SAID DISTRICT TO MAKE AN ADDITIONAL WATER LOAN. Chap. 131

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and nineteen of the acts of nineteen hundred and six, as affected by chapter three hundred and fourteen of the acts of nineteen hundred and ten, chapter one hundred and ten of the Special Acts of nineteen hundred and seventeen and chapter forty of the acts of nineteen hundred and twenty-six, is hereby amended by adding at the end thereof the two following new sections:—*Section 17.* 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 18. The board of water commissioners, shall, in each year in which a tax is duly voted by said district, prepare a list of the real estate in the district, which is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or, which is so situated that the buildings thereon or the buildings that might be constructed thereon in any ordinary or reasonable manner could not be supplied with water from the said system; and the clerk, when he sends a certified copy of the vote authorizing a tax levy to the assessors of said town of Chelmsford, shall also send a certified copy of the list of real estate made by the board of water commissioners as herein provided, and no real estate listed as aforesaid shall be subject to any tax assessed on account of the system of water supply for the year in which said list is certified.

SECTION 2. For the purpose of meeting the expense of laying mains and pipes, said district may borrow from time to time such sums as may be necessary, not exceeding,

in the aggregate, twenty-three thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, North Chelmsford Fire District Loan, Act of 1935. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than fifteen years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws.

SECTION 3. The said district shall, at the time of authorizing the said loan or loans, provide for the payment thereof in accordance with section two 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 the water works and interest as it accrues on bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under this act, shall without further vote, be assessed upon the said district by the assessors of the town of Chelmsford annually thereafter until the debt incurred by said loan or loans is extinguished.

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

Approved April 5, 1935.

Chap. 132 AN ACT PROVIDING FOR ADDITIONAL STATUTORY COURT SESSIONS OF THE PROBATE COURT FOR NORFOLK COUNTY AND REPEALING CERTAIN PROVISIONS OF LAW RELATIVE TO ACCOMMODATIONS IN THE CITY OF BOSTON FOR THE USE OF SAID COURT.

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.), 215, § 62,
etc., amended.

Section sixty-two of chapter two hundred and fifteen of the General Laws, as most recently amended by section one of chapter one hundred and seventy-five of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the paragraph contained in the forty-fifth to the fifty-first lines, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—

Probate court
sessions in
Norfolk
county.

Norfolk, at Dedham, the first and fifth Wednesdays of each month except August, and the third Wednesday of each month; at Quincy, the second Wednesday of each month except August; at Brookline, the fourth Wednesday of each month except August.

Approved April 5, 1935.

AN ACT RELATIVE TO THE WAREHAM FIRE DISTRICT.

*Chap. 133**Be it enacted, etc., as follows:*

SECTION 1. The annexation to the Wareham Fire District of territories, and the inhabitants thereof, in those parts of the town of Wareham sometimes known as Pinehurst Beach, Pine Point, Hamilton Beach, Swift's Neck, Swift's Beach and East Wareham, and more fully described in votes annexing said territories to the district adopted at its annual meeting held March eleventh, in the current year, is hereby validated and confirmed. The boundaries of the territories so annexed shall be as set forth in said votes of annexation.

SECTION 2. All taxable property in the territories referred to in section one of this act as having been annexed to said district shall be subject to all taxes assessed by or on behalf of said district in the calendar year nineteen hundred and thirty-five and thereafter.

SECTION 3. For the purpose of paying for enlargements of and extensions to its water supply system, said district may borrow from time to time such sums of money as may be necessary, not exceeding, in the aggregate, two hundred and eight thousand dollars, and may issue bonds or notes therefor. Each issue shall constitute a separate loan, and such loans shall be payable in not more than fifteen years from their respective dates. Indebtedness so incurred shall be subject to the provisions of chapter forty-four of the General Laws, as amended, so far as applicable to districts. The district may borrow and issue bonds or notes as aforesaid pursuant to votes adopted by more than two thirds of the voters of the district present and voting thereon at its annual meeting held March eleventh, in the current year, which votes are hereby validated and confirmed as hereinafter provided; and no further vote of the voters of the district shall be necessary to authorize such borrowing or the issue of such bonds or notes. Any borrowings heretofore made and any bonds or notes heretofore issued pursuant to said votes and within the limitations aforesaid as to amount and maturity are hereby validated and confirmed; provided, that the bonds or notes so issued and the bonds or notes hereafter issued pursuant to said votes shall not exceed, in the aggregate, two hundred and eight thousand dollars.

SECTION 4. Said district may purchase all or any part of the property and franchises of any privately owned water system serving any part of the territories referred to in section one of this act as having been annexed to said district. The district may make such purchase or purchases pursuant to votes adopted at its annual meeting held March eleventh, in the current year, which votes are hereby validated and confirmed as hereinafter provided; and no further votes of the voters of the district shall be

necessary to authorize such purchase or purchases. The owners of any such water system are hereby authorized to sell all or any part of its property and franchises to the district. Any purchase or purchases heretofore made pursuant to said votes are hereby validated and confirmed.

SECTION 5. The election of officers and all other acts, proceedings and votes taken at the annual meeting of the district held March eleventh, in the current year, in so far as said meeting, election, acts, proceedings or votes may have been invalid by reason of any failure of the district legally to call and give notice of said annual meeting or by reason of permitting the voters of the territories referred to in section one of this act as having been annexed to said district to vote at said meeting, are hereby validated and confirmed.

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

Approved April 5, 1935.

Chap. 134 AN ACT EXTENDING THE CHARTER OF THE NAHANT LAND COMPANY.

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 Nahant Land Company shall continue to be a corporation for a further term of five years after the expiration of its charter as continued by the provisions of chapter twelve of the acts of nineteen hundred and twenty; and shall during such further term have the powers and privileges and be subject to the duties, liabilities and restrictions set forth in its charter and in all general laws now or hereafter in force relating to such corporations.

Approved April 5, 1935.

Chap. 135 AN ACT RELATIVE TO THE DIVISION OF THE CITY OF CAMBRIDGE INTO WARDS AND PRECINCTS.

Be it enacted, etc., as follows:

SECTION 1. The ward and precinct lines established in the city of Cambridge in the year nineteen hundred and thirty-four by the election commissioners of said city, as authorized and directed by chapters one hundred and one hundred and one of the acts of nineteen hundred and twenty-two, shall be used for the assessment of taxes in said city in the year nineteen hundred and thirty-five and for all purposes incidental thereto, notwithstanding the provisions of section four of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition.

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

Approved April 5, 1935.

AN ACT FURTHER REGULATING THE AMOUNT WHICH A MEMBER BANK MAY BORROW FROM THE CO-OPERATIVE CENTRAL BANK WITHOUT COLLATERAL. Chap. 136

Be it enacted, etc., as follows:

Section seven of chapter forty-five of the acts of nineteen hundred and thirty-two is hereby amended by striking out the second sentence of the first paragraph and inserting in place thereof the following sentence:— No member bank may borrow in excess of five per cent of its assets unless said loan is secured as required by the directors of the central bank, — so that said paragraph will read as follows:— The central bank may, in accordance with its by-laws, loan its funds to member banks only, and any loan so made shall constitute a debt against the borrowing member bank and, in the case of its liquidation, shall be satisfied before any distribution of its assets is made to shareholders. No member bank may borrow in excess of five per cent of its assets unless said loan is secured as required by the directors of the central bank.

Approved April 5, 1935.

AN ACT AUTHORIZING THE TOWN OF BURLINGTON TO CONVEY CERTAIN PARK LAND. Chap. 137

Be it enacted, etc., as follows:

SECTION 1. The town of Burlington is hereby authorized to sell and convey the whole or any part or parts of a certain parcel of land therein now held by it for park purposes, and no longer needed for public use, bounded by the present and former layouts of Cambridge street and by land now or formerly Church lane.

SECTION 2. This act shall take effect upon its acceptance by vote of the inhabitants of said town at the annual town meeting in the year nineteen hundred and thirty-six, but not otherwise. *Approved April 5, 1935.*

AN ACT RELATIVE TO THE SUPERINTENDENCE OF THE SCHOOLS IN THE TOWN OF GOSNOLD. Chap. 138

Be it enacted, etc., as follows:

SECTION 1. If for any year the town of Gosnold is unable to comply with the provisions of section sixty-one of chapter seventy-one of the General Laws, the school committee of said town shall employ a part time superintendent of schools, approved by the state department of education, on such terms as to amount of service, salary and expense of travel as may be approved by the department.

SECTION 2. When the secretary of the school committee of said town shall certify to the state comptroller on oath that a superintendent of schools has been employed in

accordance with the provisions of section one of this act for any year ending on June thirtieth, a warrant shall, upon the approval of the department, be drawn upon the state treasurer for the payment of two thirds of the amounts paid to the superintendent as salary and as reimbursement for expense of travel; provided, that the state reimbursement for these purposes shall not exceed two hundred dollars for any one year. *Approved April 5, 1935.*

Chap. 139 AN ACT RELATIVE TO THE ST. JEAN BAPTISTE SOCIETY OF NORTH ADAMS.

Be it enacted, etc., as follows:

The St. Jean Baptiste Society of North Adams, a fraternal benefit society incorporated under the laws of this commonwealth, may enter into a written agreement with L'Union St. Jean Baptiste d'Amérique, a fraternal benefit society incorporated under the laws of the state of Rhode Island, containing such terms, conditions and restrictions as the commissioner of insurance of this commonwealth may impose, providing for the admission to said L'Union St. Jean Baptiste d'Amérique, subject to its constitution and by-laws, of all members of said The St. Jean Baptiste Society of North Adams participating in its mortuary fund, and for the transfer of said fund, or so much thereof as may be deemed necessary, to said L'Union St. Jean Baptiste d'Amérique. Such agreement shall be executed by the principal executive officers of each of said societies under its corporate seal, if any, and shall be approved by vote of said The St. Jean Baptiste Society of North Adams at a regular or special meeting duly called for that purpose and by the General Board of said L'Union St. Jean Baptiste d'Amérique, and shall not be effective until approved in writing by said commissioner of insurance and a duplicate original thereof, authenticated and approved in a manner satisfactory to said commissioner, is filed in his office.

Approved April 5, 1935.

Chap. 140 AN ACT RELATIVE TO CONTRIBUTIONS BY INSURANCE COMPANIES TO EMPLOYEES' SAVINGS FUNDS AND CONTRIBUTORY PENSION SYSTEMS ESTABLISHED BY THEM.

Be it enacted, etc., as follows:

Section thirty-six of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the second paragraph and inserting in place thereof the following: —

Any such company, with the written approval of the commissioner, may also establish an employees' savings fund or contributory pension system for the benefit of its aged or disabled employees, to which fund or system both the employees and the company shall contribute.

Approved April 5, 1935.

G. L. (Ter. Ed.), 175, § 36, amended.

Employees' savings fund, contribution to by insurance companies.

AN ACT PROVIDING FOR BIENNIAL MUNICIPAL ELECTIONS *Chap. 141*
IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and thirty-five, municipal elections in the city of Holyoke for the choice of mayor, aldermen, members of the school committee, city clerk and city treasurer shall be held biennially on the first Tuesday in December in each odd-numbered year.

SECTION 2. At the biennial municipal election to be held in the year nineteen hundred and thirty-five and at every biennial municipal election thereafter, the mayor, and the aldermen to be elected thereat, shall be elected for terms of two years from the first Monday in January following their election and until their successors are qualified. The aldermen at large elected in the year nineteen hundred and thirty-four shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and thirty-seven. The inauguration meeting of the city government shall be held on the first Monday of January following each biennial municipal election, or on the following day whenever said first Monday falls on a holiday.

SECTION 3. At the biennial municipal election to be held in the year nineteen hundred and thirty-five and at every second biennial municipal election thereafter, the city treasurer shall be elected for a term of four years from the first Monday in January following his election and until his successor is qualified. At the biennial municipal election to be held in the year nineteen hundred and thirty-seven and at every second biennial municipal election thereafter, the city clerk shall be elected for a term of four years from the first Monday in January following his election and until his successor is qualified.

SECTION 4. At the biennial municipal election to be held in the year nineteen hundred and thirty-five and at every biennial municipal election thereafter, each member of the school committee to be elected thereat at large shall be elected for a term of four years, and all members of said committee to be elected thereat by wards shall be elected for terms of two years, from the first Monday in January following their election and until their successors are qualified. The members of said committee elected in the year nineteen hundred and thirty-three shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and thirty-seven.

SECTION 5. If a vacancy occurs in the office of mayor before the last three months of the term of office, the board of aldermen shall order an election to fill the same for the

unexpired term. If a vacancy occurs in the board of aldermen before the last six months of the term of office, the remaining members of the board of aldermen shall fill the same for the unexpired term. If a vacancy occurs in the office of city clerk or city treasurer, the aldermen shall fill the same until the first Monday in January following the next regular municipal election, and if there would be a vacancy on said first Monday, it shall be filled at such regular municipal election for the unexpired term.

SECTION 6. So much of chapter four hundred and thirty-eight of the acts of eighteen hundred and ninety-six, and acts in amendment thereof and in addition thereto, as is inconsistent with this act, is hereby repealed.

SECTION 7. This act shall be submitted for acceptance to the qualified voters of said city 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 providing for biennial municipal elections in the city of Holyoke', be accepted?" 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 and the officers elected at said election shall respectively hold office for the terms now provided by law. *Approved April 5, 1935.*

Chap. 142 AN ACT PROVIDING FOR THE FILLING OF VACANCIES IN THE BOARD OF ALDERMEN OF THE CITY OF MEDFORD BY THE MEMBERS OF SAID BOARD.

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and forty-five of the acts of nineteen hundred and three is hereby amended by striking out section five and inserting in place thereof the following: — *Section 5.* If it shall appear that there is no choice of mayor, or if the person elected to that office shall refuse to accept or shall die before qualifying, or if a vacancy in the office shall occur more than four months previous to the expiration of the term of service of a mayor, the board of aldermen shall forthwith cause warrants, or orders, to be issued for a new election, and the same proceedings shall be had in all respects as are hereinbefore provided for the election of a mayor; and such proceedings shall be repeated until the election of a mayor is completed. In case a vacancy in the office of mayor shall occur within the four months previous to the expiration of his term of office, the board of aldermen may, in its discretion, order a new election to be held as aforesaid to fill the vacancy. Any vacancy in the board of aldermen shall be filled by election by said board by a majority vote of all its members. The person elected to fill such vacancy shall be a resident of the ward in which the vacancy occurs and shall have resided therein for not less than six months last preceding

such election. A person so elected shall, before entering upon the duties of the office, take oath before the city clerk faithfully to perform the same.

SECTION 2. This act shall be submitted for acceptance to the registered voters of the city of Medford at its 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 year nineteen hundred and thirty-five, entitled 'An Act providing for the filling of Vacancies in the Board of Aldermen of the City of Medford by the Members of said Board', 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 April 5, 1935.

AN ACT PROVIDING FOR AN ADDITIONAL COURT OFFICER FOR THE PROBATE COURT AND COURT OF INSOLVENCY OF THE COUNTY OF SUFFOLK AND RELATIVE TO THE APPOINTMENT OF COURT OFFICERS FOR SAID COURTS IN THE COUNTY OF MIDDLESEX.

Chap. 143

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and seventeen of the General Laws is hereby amended by striking out section thirty, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 30.* The judges of probate for the counties of Suffolk and Middlesex may appoint two officers to attend the sessions of the probate court and court of insolvency of their respective counties and the judge of probate for Plymouth county may appoint an officer to attend the sessions of the probate court and court of insolvency of said county. Such officers may be removed at the pleasure of the judges of probate for their respective counties, and the said judges may fill any vacancy caused by removal or otherwise. Each court officer appointed hereunder for Suffolk or Middlesex county shall give bond with sufficient sureties approved by a judge of his court for the faithful performance of his duties, in the sum of one thousand dollars, payable to the treasurer of Suffolk county or to Middlesex county, as the case may be. The court officer for Plymouth county shall, if required by the court, give a bond payable to said county for the faithful performance of his duties with sureties satisfactory to the court. Each officer appointed hereunder shall serve the orders, precepts and processes issued by the probate court for which he is appointed or by a judge thereof; and, except in Plymouth county, shall at the expense of his county be furnished with a uniform such as the court shall order, which he shall wear while in attendance on said courts.

G. L. (Ter. Ed.), 217, § 30, amended.

Additional court office for probate court in Suffolk county.

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

Approved April 8, 1935.

Effective date.

Chap. 144 AN ACT PLACING THE OFFICES OF CHIEF, DEPUTY AND DISTRICT CHIEFS OF THE FIRE DEPARTMENT OF THE CITY OF WORCESTER UNDER THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The offices of chief, deputy and district chiefs of the fire department of the city of Worcester shall, upon the passage of this act, become subject to the civil service laws and rules and regulations relating to the permanent members of the fire departments of cities, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws and rules and regulations; but the persons holding said offices on said effective date may continue to serve as such without taking a civil service examination.

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

Approved April 8, 1935.

Chap. 145 AN ACT RE-ESTABLISHING AND DEFINING A PORTION OF THE BOUNDARY LINE BETWEEN THE TOWNS OF OAK BLUFFS AND TISBURY.

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 described line shall hereafter be the dividing line between the towns of Oak Bluffs and Tisbury through the waters of Lagoon pond, so called. Beginning at Oak Bluffs-Tisbury 1, an unmarked point in the present boundary line and on the centre line of the new bridge between the said towns in latitude forty-one degrees, twenty-seven minutes, thirty-one and fourteen hundredths seconds and longitude seventy degrees, thirty-five minutes, thirteen and nineteen hundredths seconds and bearing north thirty-three degrees, thirty-nine minutes, twenty-two seconds east, true bearing, and two hundred forty-six feet distant, from a witness mark, which stands on the west side of channel, and five and five tenths feet east of Presbury Cromwell's house. The witness mark is a granite monument about five and five tenths feet high and eight inches square. Thence south fifteen degrees, twenty-six minutes, fifty seconds east, true bearing, one thousand two hundred nine feet to Oak Bluffs-Tisbury 1A, an unmarked point in Lagoon pond, in latitude forty-one degrees, twenty-seven minutes, nineteen and sixty-three hundredths seconds and longitude seventy degrees, thirty-five minutes, eight and ninety-seven hundredths seconds, thence south twenty-two degrees, ten minutes west, true bearing, three thousand six hundred fifty feet to Oak Bluffs-Tisbury 1B, an unmarked point in Lagoon pond,

in latitude forty-one degrees, twenty-six minutes, forty-six and twenty-three hundredths seconds and longitude seventy degrees, thirty-five minutes, twenty-seven and five hundredths seconds, thence south forty-nine degrees, ten minutes west, true bearing, one thousand three hundred seventy-five feet to Oak Bluffs-Tisbury 1C, an unmarked point in Lagoon pond, in latitude forty-one degrees, twenty-six minutes, thirty-seven and thirty-five hundredths seconds and longitude seventy degrees, thirty-five minutes, forty and seventy-one hundredths seconds, thence south twenty-seven degrees, twenty-nine minutes west, true bearing, four thousand six hundred sixty feet to Oak Bluffs-Tisbury 1D, an unmarked point in Lagoon pond, in latitude forty-one degrees, twenty-five minutes, fifty-six and fifty hundredths seconds and longitude seventy degrees, thirty-six minutes, eight and ninety-five hundredths seconds, thence south twenty-five degrees, twenty-two minutes east, one thousand twenty feet to Oak Bluffs-Tisbury 1E, an unmarked point in Lagoon pond, in latitude forty-one degrees, twenty-five minutes, forty-seven and forty hundredths seconds and longitude seventy degrees, thirty-six minutes, three and twenty-one hundredths seconds, thence south twenty-nine degrees, eight minutes west, true bearing, six hundred sixty feet to Oak Bluffs-Tisbury 1F, an unmarked point in Lagoon pond south of dike, in latitude forty-one degrees, twenty-five minutes, forty-one and seventy hundredths seconds and longitude seventy degrees, thirty-six minutes, seven and forty-three hundredths seconds, thence south seventy-one degrees, thirty minutes west, true bearing, four hundred sixty-five feet to Oak Bluffs-Tisbury 1G, an unmarked point in Lagoon pond south of dike, in latitude forty-one degrees, twenty-five minutes, thirty-five and eighty hundredths seconds and longitude seventy degrees, thirty-six minutes, thirteen and twenty-two hundredths seconds, thence south one degree, five minutes west, true bearing, four hundred fifty feet to Oak Bluffs-Tisbury 2, a granite monument 2.5 feet high and 10 x 11 inches in section, in latitude forty-one degrees, twenty-five minutes, thirty-five and eighty hundredths seconds and longitude seventy degrees, thirty-six minutes, thirteen and thirty-three hundredths seconds.

SECTION 2. The department of public works is hereby directed to locate and mark the line described in section one by setting such witness monuments as may be required. For this purpose there may be expended such sum, not exceeding five hundred dollars, as may hereafter be appropriated therefor.

SECTION 3. Upon the completion of the work herein provided for, said department shall file in the office of the state secretary and in the registry of deeds for the county of Dukes County, a plan showing the boundary line hereby established and the monuments marking the same.

Approved April 8, 1935.

Chap. 146 AN ACT RELATIVE TO THE PROCURING BY FALSE REPRESENTATION SALES OR DELIVERY OF ALCOHOLIC BEVERAGES TO MINORS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 138, new section 34A, added.

Sale, etc., of alcoholic beverages by minors, prohibited.
Penalty.

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 as amended, is hereby further amended by inserting after section thirty-four the following new section:— *Section 34A.* Whoever, being a minor, makes a false statement as to his age in order to procure a sale or delivery of alcoholic beverages, either for his own use or for the use of another, and whoever knowingly makes a false statement as to the age of a minor in order to procure a sale or delivery of such beverages to such minor, either for the use of the minor or for the use of some other person, and whoever induces a minor to make a false statement as to his age in order to procure a sale or delivery of such beverages to such minor, shall be punished by a fine of not less than ten nor more than one hundred dollars.

Approved April 8, 1935.

Chap. 147 AN ACT AUTHORIZING THE LANESBOROUGH VOLUNTEER FIREMEN'S ASSOCIATION, INC., TO EXTINGUISH FIRES.

Be it enacted, etc., as follows:

The Lanesborough Volunteer Firemen's Association, Inc., a corporation incorporated under the provisions of chapter one hundred and eighty of the General Laws, is hereby authorized and empowered to extinguish any fires in the town of Lanesborough, and all officers and members of said corporation, when so engaged in extinguishing fires or going to and from said fires, shall have the same authority and the same liabilities as members of fire departments organized under any provision of sections twenty-nine to forty-one, inclusive, of chapter forty-eight of the General Laws.

Approved April 8, 1935.

Chap. 148 AN ACT RELATIVE TO THE OBSERVANCE EACH YEAR OF THE ANNIVERSARY OF THE DEATH OF GENERAL MARQUIS DE LAFAYETTE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 6, new section 12H, added.

Lafayette day.

Chapter six of the General Laws is hereby amended by inserting after section twelve G, inserted by chapter ninety-six of the acts of nineteen hundred and thirty-five, the following new section:— *Section 12H.* The governor shall annually issue a proclamation calling for a proper observance of May twentieth, the anniversary of the death of General Marquis de Lafayette, revolutionary war hero,

in lasting recognition of his gallant and illustrious service in the war for American independence.

Approved April 8, 1935.

AN ACT RELATIVE TO EMPLOYMENT OF COUNSEL BY BOARDS OF ASSESSORS IN CERTAIN CASES.

Chap. 149

Be it enacted, etc., as follows:

Chapter forty-one of the General Laws is hereby amended by inserting after section twenty-six, as appearing in the Tercentenary Edition, the following new section: — *Section 26A.* The assessors, or selectmen acting as such, may employ counsel at the expense of the city or town to defend them in all proceedings under chapter fifty-eight A; provided, that if such city or town maintains a city solicitor or town counsel the assessors, or selectmen acting as such, shall not employ other counsel for such defense but shall use such solicitor or counsel therefor, whose expenses incurred in such defense shall be paid from his general appropriation.

G. L. (Ter. Ed.), 41, new section 26A, added.
Towns, employment of counsel by.

The foregoing restriction on the right of the assessors, or selectmen acting as such, to employ counsel for such purpose shall not apply in case the town has made an appropriation covering the employment of counsel therefor.

Approved April 8, 1935.

AN ACT RELATIVE TO THE DISCLOSURE OF CERTAIN TAX RETURNS.

Chap. 150

Be it enacted, etc., as follows:

Section seventy-one A of chapter sixty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "proceedings" in the first and second lines the words: — before the board of tax appeals or, — so as to read as follows: — *Section 71A.* Returns required by this chapter shall, except in proceedings before the board of tax appeals or to collect the taxes or enforce the penalties provided herein, be open only to the inspection of the commissioner, his deputies, clerks and assistants, and such other officers of the commonwealth as may have occasion to inspect them for the purpose of assessing or collecting taxes. *Approved April 8, 1935.*

G. L. (Ter. Ed.), 63, § 71A, amended.

Inspection of corporation tax returns.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO INCUR LIABILITIES AND MAKE EXPENDITURES IN ANTICIPATION OF APPROPRIATIONS.

Chap. 151

Be it enacted, etc., as follows:

SECTION 1. The city of Boston may incur liabilities and make expenditures 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 each of the years nineteen hundred and thirty-five and nineteen hundred and thirty-six, 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 2. This act shall take effect upon its passage.

Approved April 10, 1935.

Chap. 152

AN ACT RELATIVE TO VERIFICATION OF INCOME TAX RETURNS.

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.), 62, § 30, amended.

Verification of income tax returns.

Section thirty of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third and fourth lines, the words “, if he has reason to believe the return to be fraudulent or incorrect”, — so as to read as follows:— *Section 30.* In order to verify any return made pursuant to this chapter the commissioner may, within two years after September first of the year in which such return was due, direct by special authorization a deputy or other agent to verify the return; and for the purpose of such verification the books and papers of the person shall be open to the examining officer, or shall be produced for the purpose upon a summons, which the commissioner, or the examining officer, may issue. The person making the return may be examined by such officer on oath.

Approved April 10, 1935.

Chap. 153

AN ACT MAKING RESIDENCE IN THE CITY OF BOSTON A NECESSARY QUALIFICATION FOR APPOINTMENTS HEREAFTER MADE TO THE POLICE FORCE OF SAID CITY.

Be it enacted, etc., as follows:

SECTION 1. Section twelve of chapter two hundred and ninety-one of the acts of nineteen hundred and six is hereby amended by adding thereto the following new paragraph:—

No person shall be appointed as an officer or member of the Boston police force unless he has been a resident of said city for at least two years immediately preceding the date of his appointment.

SECTION 2. This act shall take effect upon its passage and shall apply only to appointments made thereafter.

Approved April 10, 1935.

AN ACT TO APPROVE, CONFIRM AND RATIFY CERTAIN ACTS OF THE COUNTY COMMISSIONERS AND COUNTY TREASURER OF BRISTOL COUNTY.

Chap. 154

Be it enacted, etc., as follows:

SECTION 1. The acts of the county commissioners of Bristol county in taking in fee the land of one John H. Seaman in New Bedford in said county under order of taking dated June nineteen, nineteen hundred and thirty-four, office of the county commissioners of Bristol county, for the purpose of altering or adding to the superior court house land or buildings in the city of New Bedford or for any other legal purpose and their approval of the payment to said John H. Seaman of the sum of ten thousand dollars in full and complete settlement and payment of damages for the said taking, and the acts of the county treasurer of Bristol county in paying to said Seaman the sum of ten thousand dollars in full and complete settlement for the taking of said land by said county commissioners and the settlement of all land damages in connection with said taking, are hereby ratified and confirmed, in so far as such acts may be invalid by reason of lack of authority to make such payment.

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

Approved April 10, 1935.

AN ACT RELATIVE TO TREATMENT BY CITIES AND TOWNS OF INDIGENT PERSONS SUFFERING FROM GONORRHEA OR SYPHILIS.

Chap. 155

Be it enacted, etc., as follows:

Chapter one hundred and eleven of the General Laws is hereby amended by striking out section one hundred and seventeen, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 117.* Each city or town shall provide for treatment, either in a hospital or as out-patients, of indigent persons suffering from gonorrhoea or syphilis. *Approved April 10, 1935.*

G. L. (Ter. Ed.), 111, § 117, amended.

Treatment of venereal diseases.

AN ACT AUTHORIZING THE CITY OF LYNN TO PAY AN ANNUITY TO OR FOR THE BENEFIT OF THE WIDOW AND CHILDREN OF JOHN F. SMITH.

Chap. 156

Be it enacted, etc., as follows:

SECTION 1. The city of Lynn may pay an annuity under the provisions of section eighty-nine of chapter thirty-two of the General Laws, as most recently amended by chapter three hundred and forty-three of the acts of nineteen hundred and thirty-four, to or for the benefit of the widow or for the benefit of the children of John F. Smith, who died on August ninth, nineteen hundred and thirty-four, from injuries received while in the performance of duty as a

member of its police department, to the same extent as if the injuries causing the death of said Smith had been received after January first, nineteen hundred and thirty.

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

Approved April 10, 1935.

Chap. 157 AN ACT MAKING CERTAIN CHANGES IN THE LAWS RELATIVE TO THE BUYING, SELLING AND TRANSPORTING OF LIVE POULTRY.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and fifty-two A of chapter ninety-four of the General Laws, inserted by chapter two hundred and ninety-six of the acts of nineteen hundred and thirty-four, is hereby amended by striking out, in the fifth line, the words "one year from the date of its issue" and inserting in place thereof the words: — on December thirty-first of the year or part thereof for which issued, — so as to read as follows: — *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 on December thirty-first of the year or part thereof for which issued 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 2. Said chapter ninety-four is hereby further amended by striking out section one hundred and fifty-two B, inserted by said chapter two hundred and ninety-six, and inserting in place thereof the following: — *Section 152B.* No person, other than a lawfully authorized common or contract carrier, shall transport live poultry in connection with the sale thereof, 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, or such information as will particularly describe such poultry and establish the proper ownership thereof.

Approved April 10, 1935.

G. L. (Ter. Ed.), 94, §152A, etc., amended.

Business of buying or selling poultry to be licensed.

G. L. (Ter. Ed.), 94, §152B, etc., amended.

Transportation of live poultry regulated.

AN ACT REDUCING THE RATES OF INTEREST ON UNPAID LOCAL TAXES. *Chap. 158**Be it enacted, etc., as follows:*

SECTION 1. Chapter fifty-nine of the General Laws is hereby amended by striking out section fifty-seven, as most recently amended by section forty-two of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 57.* Taxes shall be payable in every city, town and district in which the same are assessed, in two equal instalments, on July first and on October first of each year, and bills for the same shall be sent out not later than June fourteenth of each year. Interest shall be paid at the rate of five per cent per annum on all taxes remaining unpaid after November first of the year in which they are payable, computed from October first of such year, and, by way of penalty, at the additional rate of one and one half per cent per annum on so much of the taxes assessed to any taxpayer in any one city or town and remaining unpaid after December thirty-first of the year in which they are payable as is in excess of three hundred dollars, computed from October first of such year. Bills for taxes assessed under section seventy-five shall be sent out not later than December twenty-sixth, and such taxes shall be payable not later than December thirty-first. If they remain unpaid after that date, interest shall be paid at the rates above specified, computed from December thirty-first until the day of payment, but if, in any case, the tax bill is sent out later than December twenty-sixth, said taxes shall be payable not later than ten days from the day upon which said bill is sent out, and interest shall be computed from the fifteenth day following the date when the tax becomes due. In all cases where interest is payable it shall be added to and become a part of the tax.

G. L. (Ter. Ed.), 59, § 57, etc., amended.

Date for payment of taxes.

Interest on unpaid taxes reduced.

SECTION 2. This act shall apply only to taxes assessed in the current year and thereafter.

Application of act.

*Approved April 10, 1935.*AN ACT AUTHORIZING THE TOWN OF WARREN TO BORROW MONEY FOR BRIDGE PURPOSES. *Chap. 159**Be it enacted, etc., as follows:*

SECTION 1. For the purpose of repairing or rebuilding the East Main street bridge in Warren, the South street bridge in West Warren, and the Bridge street bridge over the Quaboag river, the town of Warren 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, sixty-five hundred dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Warren Bridges Loan, Act of 1935. Each author-

ized issue shall constitute a separate loan, and such loan 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 in the tax levy of the year when authorized or appropriated from available funds. Indebtedness incurred under this act shall be within the statutory limit and shall, except as provided herein, be subject to the provisions of 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 April 15, 1935.

Chap. 160 AN ACT AUTHORIZING THE FILENE COOPERATIVE ASSOCIATION BENEFIT SOCIETY OF BOSTON TO PROVIDE HOSPITALIZATION BENEFITS AND HOSPITALIZATION TO ITS MEMBERS.

Be it enacted, etc., as follows:

SECTION 1. The Filene Cooperative Association Benefit Society, of Boston, a corporation organized under the laws of the commonwealth of Massachusetts, is hereby authorized to provide hospitalization benefits and hospitalization, where such is necessary, to any and all of its members.

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

Approved April 15, 1935.

Chap. 161 AN ACT TO AUTHORIZE THE TOWN OF TISBURY TO BORROW MONEY FOR THE PURPOSE OF IMPROVING HARBOR FACILITIES BY CONNECTING TASHMOO LAKE WITH VINEYARD SOUND.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of improving harbor facilities by connecting Tashmoo lake with Vineyard sound, the town of Tisbury may borrow inside the debt limit 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 of the town therefor, which shall bear on their face the words, Tisbury Harbor Improvement Loan, Act of 1935. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates. Indebtedness incurred under this act shall be subject to chapter forty-four of the General Laws, including the limitation contained in the first paragraph of section seven thereof.

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

Approved April 15, 1935.

AN ACT AUTHORIZING BANKING INSTITUTIONS AND INSURANCE COMPANIES TO MAKE LOANS INSURED UNDER THE PROVISIONS OF THE NATIONAL HOUSING ACT. *Chap. 162*

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. Subject to such regulations as the commissioner of banks deems to be necessary or advisable in respect to trust companies, savings banks, co-operative banks or credit unions, and to such regulations as the commissioner of insurance deems to be necessary or advisable in respect to insurance companies, any trust company, savings bank, co-operative bank, credit union or insurance company doing business in this commonwealth is authorized for a period of three years from the effective date of this act:

(a) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are insured pursuant to Title I, section two, of an act of the congress of the United States of America entitled "National Housing Act", and to obtain such insurance.

(b) To make such loans secured by mortgages as are insured pursuant to Title II of such National Housing Act and to obtain such insurance.

(c) All trust companies, savings banks, co-operative banks, credit unions and insurance companies are hereby authorized to exercise any powers and to do any and all things incidental or necessary to give effect to this act.

SECTION 2. During the period that the provisions of this act are in force and effect, and with respect to the obligation of any contract entered into during said period under the provisions of this act, for the life of said obligation, no provisions of law limiting the ratio of the mortgage loan to the value of the property or the term of the mortgage shall apply to loans made pursuant to section one (a) and (b) of this act.

SECTION 3. Nothing contained in this act shall, unless otherwise expressly provided therein, be deemed to abridge any power or authority conferred upon the commissioner of banks or the commissioner of insurance by any other provision of law.

Approved April 15, 1935.

Chap. 163 AN ACT ABOLISHING THE REQUIREMENTS AS TO VISITS BY AGENTS OF THE DEPARTMENT OF MENTAL DISEASES TO CERTAIN PERSONS UNDER ITS CARE PLACED AT BOARD.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 123, § 19, repealed.

Section nineteen of chapter one hundred and twenty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby repealed.

Approved April 15, 1935.

Chap. 164 AN ACT REQUIRING NOTICE IN WRITING IN ORDER TO ESTABLISH MUNICIPAL LIABILITY FOR RELIEF OF NEEDY PERSONS IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 117, § 24, amended.

Cities and towns liable for support of certain indigent persons.

Chapter one hundred and seventeen of the General Laws is hereby amended by striking out section twenty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 24.* Every town shall be liable for any expense necessarily incurred under this chapter or under chapter one hundred and twenty-two for the relief of a person in need of public assistance therein by any person not liable by law for his support, after notice and request made in writing to one or more of the members of the board of public welfare thereof, and until provision is made by them.

Approved April 15, 1935.

Chap. 165 AN ACT AUTHORIZING THE TOWN OF HARWICH TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER.

Be it enacted, etc., as follows:

SECTION 1. The town of Harwich 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 may lease, or take by eminent domain under chapter seventy-nine of the General Laws, or acquire by 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 said 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 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. 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 work 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, two hundred thousand dollars, which shall bear on their face the words, Town of Harwich Water Loan, Act of 1935. 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 selectmen of said town shall serve as water commissioners until the election and qualification of water commissioners at the annual meeting in nineteen hundred and thirty-six or at such later date, if any, as the town may elect water commissioners. Whenever the phrase "said board of water commissioners" or "said board" or "said commissioners" occurs in this act it shall mean and

include the board of water commissioners or the selectmen acting as such, as the case may be. Said town shall at the annual meeting in nineteen hundred and thirty-six or at such later date, if any, as it may vote at a meeting called for the purpose elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year, from the next succeeding annual town meeting, to constitute a board of water commissioners; and at 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. After the election of a board of water commissioners under authority of this section, 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 the receipts and expenditures.

SECTION 10. This act shall take effect upon its acceptance by a majority of the voters of the town of Harwich 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 April 15, 1935.

Chap. 166 AN ACT AUTHORIZING THE TRUSTEES OF BOSTON UNIVERSITY TO MAKE CONTRACTS TO PAY ANNUITIES AND VALIDATING CERTAIN CONTRACTS ALREADY MADE BY SAID CORPORATION.

Be it enacted, etc., as follows:

SECTION 1. The Trustees of Boston University, a corporation established by law in this commonwealth, may, in consideration of the receipt of funds to be devoted to the purposes for which it is incorporated, bind itself to pay fixed yearly sums in one or more payments each year to such person or persons as may be agreed upon, for a term of years or for the life of such person or persons.

SECTION 2. Any such contracts made by said corporation prior to the effective date of this act, in so far as they are illegal for want of authority to make the same, are hereby validated.

Approved April 15, 1935.

Chap. 167 AN ACT REGULATING THE LIABILITY OF INNOLDERS FOR LOSS OF PROPERTY.

Be it enacted, etc., as follows:

Section ten of chapter one hundred and forty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the word "five" and inserting in place thereof the word:— three, — and by striking out, in the sixth line, the word "three" and inserting in place thereof the word:— one, — so as to read as follows:— *Section 10.* An innholder shall not be liable for losses sustained by a guest except of wearing apparel, articles worn or carried on the person, personal baggage and money necessary for traveling expenses and personal use, nor shall such guest recover of an innholder more than three hundred dollars as damages for any such loss; but an innholder shall be liable in damages to an amount not exceeding one thousand dollars for the loss of money, jewels and ornaments of a guest specially deposited for safe keeping, or offered to be so deposited, with such innholder, person in charge at the office of the inn, or other agent of such innholder authorized to receive such deposit. This section shall not affect the innholder's liability under any special contract for other property deposited with him for safe keeping after being fully informed of its nature and value, nor increase his liability in case of loss by fire or overwhelming force beyond that specified in the following section.

Approved April 15, 1935.

G. L. (Ter. Ed.), 140, § 10, amended.

Liability of innholder for loss of property.

AN ACT SUBJECTING THE OFFICE OF THE COMMISSIONER OF SOLDIERS' RELIEF AND STATE AND MILITARY AID OF THE CITY OF FITCHBURG TO THE CIVIL SERVICE LAWS. Chap. 168

Be it enacted, etc., as follows:

SECTION 1. The office of commissioner of soldiers' relief and state and military aid of the city of Fitchburg 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, subject, however, to such laws; 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 Fitchburg at its 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 year nineteen hundred and thirty-five, entitled 'An Act subjecting the Office of the Commissioner of Soldiers' Relief and State and Military Aid of the City of Fitchburg 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 effect, but not otherwise. *Approved April 15, 1935.*

AN ACT PERMITTING INDOOR BASKET BALL GAMES DURING CERTAIN HOURS ON THE LORD'S DAY. Chap. 169

Be it enacted, etc., as follows:

Chapter one hundred and thirty-six of the General Laws is hereby amended by striking out section twenty-one, as most recently amended by chapter one hundred and four of the acts of the current year, and inserting in place thereof the following:— *Section 21.* In any city which accepts sections twenty-one to twenty-five, inclusive, by vote of its city council and in any town which accepts said sections by vote of its inhabitants, it shall be lawful to take part in or witness any athletic outdoor sport or game on the Lord's day between the hours of one thirty and six thirty post meridian, or any indoor hockey game on the said day between the hours of one thirty and eleven post meridian, or any indoor basket ball game on the said day between the hours of three and seven post meridian, as hereinafter provided. *Approved April 15, 1935.*

G. L. (Ter. Ed.), 136, § 21, etc., amended.

Basket ball games on Lord's day.

Chap. 170 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 WORCESTER TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of commissioner of soldiers' relief and state and military aid and the office of supervisor of soldiers' and sailors' graves in the city of Worcester 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, subject, however, to such laws; 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 Worcester at the biennial 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 year nineteen hundred and thirty-five, 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 Worcester 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 15, 1935.*

Chap. 171 AN ACT MODIFYING CERTAIN BUILDING RESTRICTIONS ON CERTAIN LAND ADJACENT TO THE REVERE BEACH PARKWAY IN THE CITY OF EVERETT.

Be it enacted, etc., as follows:

The restriction imposed on land lying adjacent to the Revere Beach parkway, with respect to the erection of buildings and other structures thereon, by an instrument of taking executed by the metropolitan park commissioners, dated November eighth, eighteen hundred and ninety-nine, and recorded in the Middlesex south district registry of deeds, book two thousand seven hundred and eighty-six, page two hundred and ninety-four, and accompanied by the official plan, numbered two hundred and nineteen, of said commissioners, is hereby released and annulled in so far as it affects land bordering on the northerly side of said parkway in the city of Everett within a distance of one hundred and sixty-two feet westerly from the westerly boundary line of land described in said instrument of taking as belonging to P. Willner.

Approved April 15, 1935

AN ACT RELATIVE TO THE DEPOSIT IN THE COMMERCIAL DEPARTMENT OF TRUST COMPANIES OF CERTAIN FUNDS HELD IN THE TRUST DEPARTMENT.

Chap. 172

Be it enacted, etc., as follows:

SECTION 1. Section fifty-four of chapter one hundred and seventy-two of the General Laws, as amended by section twenty-four of chapter three hundred and forty-nine of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out all after the word "thereof" in the ninth line, — 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.

G. L. (Ter. Ed.), 172, § 54, etc., amended.

Trust funds to be kept as special deposit.

SECTION 2. Said chapter one hundred and seventy-two is hereby amended by inserting after said section fifty-four the following new section: — *Section 54A.* Notwithstanding any provision of section fifty-four, funds held in the trust department of any trust company, whether or not incorporated as such, awaiting investment or distribution may be deposited in its commercial department if such corporation shall first transfer to its trust department to be held as security therefor bonds, notes, bills and certificates of indebtedness of the United States or of this commonwealth, or any of them, of an aggregate value of not less in amount than funds so deposited, and shall at all times maintain the value of such security at such amount.

G. L. (Ter. Ed.), 172, new section 54A, added. Exceptions.

Approved April 15, 1935.

AN ACT RELATING TO SALE OF LANDS OF LOW VALUE HELD BY CITIES OR TOWNS UNDER TAX TITLES.

Chap. 173

Be it enacted, etc., as follows:

SECTION 1. Section seventy-nine of chapter sixty of the General Laws, as most recently amended by section fourteen 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 "sale" in the sixth line of the second paragraph, as appearing in said section fourteen, the following: — ; provided, that the treasurer at such auction may reject any bid which he deems inadequate, — and by inserting after the word "bidder" in the eleventh line the words: — whose bid has not been rejected as inadequate, — so that said second paragraph of said section seventy-nine will read as follows: —

G. L. (Ter. Ed.), 60, § 79, etc., amended.

Sale of lands
under tax
titles.

Upon the recording thereof the treasurer may sell all the parcels included therein, severally or together, at public auction to the highest bidder, first giving notice of the time and place of sale by posting a notice of the sale in some convenient and public place in the town fourteen days at least before the sale; provided, that the treasurer at such auction may reject any bid which he deems inadequate. If the sale under this section shall not be made within four years from said taking or purchase, it shall be made by the treasurer for the time being when he deems best, or at once upon service on him of a written demand by any person interested therein. The treasurer shall execute and deliver to the highest bidder whose bid has not been rejected as inadequate a deed, without covenant except that the sale has in all particulars been conducted according to law. Title taken pursuant to a sale under this section shall be absolute upon the recording of the deed of the treasurer in the proper registry of deeds within sixty days of its date.

G. L. (Ter.
Ed.), 60, § 80,
etc., amended.

Proceeding
upon lack of
bids, etc., at
sale.

SECTION 2. Said chapter sixty is hereby further amended by striking out section eighty, as most recently amended by section fifteen of said chapter three hundred and twenty-five, and inserting in place thereof the following:— *Section 80.* If no person bids at such a sale or if no bid deemed adequate by the treasurer is made thereat and if the sale has been adjourned one or more times, the treasurer shall then and there make public declaration of the fact, and if no bid or no bid deemed adequate as aforesaid is then made he shall give public notice that he purchases for the town by which the tax is assessed; or if the person to whom the land is sold does not within ten days pay to the treasurer the sum bid by him the sale shall be void and the town shall be deemed to be the purchaser of the land. If the town becomes the purchaser hereunder, the treasurer shall execute to it a deed which shall set forth the fact that no bid or no bid deemed adequate as aforesaid was made at the sale or that the purchaser failed to pay the amount bid, as the case may be. The title of the town to land conveyed by deed of the treasurer under this section shall be absolute upon the recording of said deed in the proper registry of deeds within sixty days of its date.

Approved April 15, 1935.

Chap. 174 AN ACT RELATIVE TO THE DEPOSIT OF FUNDS OF CO-OPERATIVE BANKS IN COMMERCIAL BANKS UNDER CERTAIN LIMITATIONS.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 170, § 25,
etc., amended.

Section twenty-five 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 adding at the end thereof the following new sentence:—

The corporation may deposit not more than two and one half per cent of its share liabilities or ten thousand dollars, whichever is the greater, in each and any banking association incorporated under the authority of the United States and located in this commonwealth, and in each and any trust company incorporated in this commonwealth; provided, that any such deposit, if it exceeds ten thousand dollars, shall not be more than twenty-five per cent of the capital stock and surplus fund of such association or trust company.

Co-operative banks, limit of deposits in commercial banks.

Approved April 15, 1935.

AN ACT AUTHORIZING THE TOWN OF BREWSTER TO APPROPRIATE MONEY FOR PUBLIC AMUSEMENTS.

Chap. 175

Be it enacted, etc., as follows:

SECTION 1. The town of Brewster may, by a two thirds vote, appropriate each year a sum not exceeding 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. This act shall take effect upon its acceptance by vote of the inhabitants of said town at a regular or special town meeting.

Approved April 15, 1935.

AN ACT PERFECTING PROVISIONS OF LAW REGULATING THE NON-CRIMINAL DISPOSITION OF PARKING VIOLATIONS, SO CALLED.

Chap. 176

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 safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter ninety of the General Laws is hereby amended by striking out section twenty A, as appearing in section one of chapter three hundred and sixty-eight of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following:—*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 ten 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, if served with notice in hand at the time of such violation, 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.

G. L. (Ter. Ed.), 90, § 20A, etc., amended.

Non-criminal disposition of certain parking violations.

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 suspend 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 license or issue a renewal thereof 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 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 if it appears that it is the first offence charged against such offender for a violation of any provision mentioned in this section committed within the jurisdiction of such court within a calendar year, said clerk shall dismiss the charge without payment of any fine or forfeiture, which proceedings shall not be deemed criminal, and shall warn the offender or person authorized, as the case may be, that the offender will be subject to a fine or forfeiture for another such offence committed within such calendar year, and if it appears that it is a second or third offence as aforesaid so committed within such calendar year, the offender or person authorized may pay to said clerk one dollar, in case of such second offence, or two dollars, in case of such third offence. Whenever it becomes necessary to ascertain whether a person owning two or more motor vehicles is chargeable as such owner with a first, second, third, fourth or subsequent offence hereunder, such question shall, in the case of vehicles singly registered, be determined separately with respect to the particular vehicle involved in

such violation and, in the case of vehicles subject to section five, with respect to the particular register number plates used on the vehicle involved in such violation at the time thereof.

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 hereunder fail to appear and, if a fine or forfeiture is provided hereunder, to pay the same, 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 calendar year, 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, if a fine or forfeiture is provided hereunder, to pay the same, 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.

Approved April 16, 1935.

AN ACT AUTHORIZING THE TOWN OF NAHANT TO BORROW MONEY FOR THE PURPOSE OF RECONSTRUCTING TUDOR WHARF.

Chap. 177

Be it enacted, etc., as follows:

SECTION 1. For the purpose of reconstructing Tudor wharf, the town of Nahant 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, twelve thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Nahant Wharf Loan, Act of 1935. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than five 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.

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

Approved April 17, 1935.

Chap. 178 AN ACT AUTHORIZING THE TOWN OF RANDOLPH TO BORROW MONEY FOR SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of purchasing and installing ventilating and sanitary systems in the Prescott grammar and Prescott primary school buildings, the town of Randolph 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, twelve thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Randolph School Loan, Act of 1935. 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, 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 April 17, 1935.

Chap. 179 AN ACT AUTHORIZING MUNICIPALITIES TO EFFECT INSURANCE PROVIDING INDEMNITY FOR OR PROTECTION TO THEIR OFFICERS AND EMPLOYEES AGAINST LOSS BY REASON OF LIABILITY FOR PROPERTY DAMAGE CAUSED BY THEIR OPERATION OF MUNICIPALLY OWNED VEHICLES.

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is in part to authorize immediate insurance against liability for property damage for officers and employees operating municipally owned vehicles, 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 five of chapter forty of the General Laws is hereby amended by striking out clause (1), as most recently amended by chapter one hundred and six of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following: — (1) To pay a proper charge of an

Municipalities

insurance company for acting as surety on the official bond of any town officer, or to pay a proper charge for effecting insurance providing indemnity for or protection to any officer or employee of the town against loss by reason of his 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 his official duties or employment, of motor or other vehicles owned by the 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, or to pay a proper charge for effecting insurance providing indemnity for or protection to any of the officers or employees of the town named in section one hundred of chapter forty-one against loss by reason of any expenses or damages within the provisions of the said section.

may insure
officers, etc.,
operating
motor vehicles.

Approved April 17, 1935.

AN ACT SUBJECTING THE OFFICES OF CHIEF ENGINEER OF THE FIRE DEPARTMENT AND OF CHIEF OF POLICE OF THE CITY OF TAUNTON TO THE CIVIL SERVICE LAWS.

Chap. 180

Be it enacted, etc., as follows:

SECTION 1. The offices of chief engineer of the fire department and of chief of police of the city of Taunton shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments in cities, and of police departments of cities other than Boston, and the terms of office of any incumbents thereof shall be unlimited, subject to such laws; but the persons holding said offices on said effective date shall respectively continue to serve therein without taking a civil service examination.

SECTION 2. So much of section seventeen of chapter four hundred and forty-eight of the acts of nineteen hundred and nine or any other general or special act as is inconsistent herewith is hereby repealed.

SECTION 3. This act shall be submitted for acceptance to the registered voters of the city of Taunton at its annual 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 passed by the general court in the year nineteen hundred and thirty-five, entitled 'An Act subjecting the Offices of Chief Engineer of the Fire Department and of Chief of Police of the City of Taunton to the Civil Service Laws', be accepted?" If a majority of the voters voting thereon vote in the affirmative in answer to said question, then this act shall take full effect; but not otherwise.

Approved April 17, 1935.

Chap. 181 AN ACT RELATIVE TO REFUNDS TO HOLDERS OF TAX TITLES
JUDICIALLY ADJUDGED INVALID.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 60, § 84A,
etc., amended.

Refunds to
holders of tax
titles ad-
judged
invalid.

SECTION 1. Chapter sixty of the General Laws is hereby amended by striking out section eighty-four A, as most recently amended by section sixteen of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 84A.* If a tax title is for any reason adjudged invalid by a court of competent jurisdiction, the clerk, upon request, shall issue a certificate to that effect. The treasurer of the city or town where the land affected by such a tax title is situated, upon receipt of a release by the holder of said title of all the interest which he may have under his tax deed, together with such a certificate, shall refund to such holder the amount paid therefor but not exceeding the amount received by the city or town, with interest at the rate of six per cent per annum for a period of not exceeding two years from the date of the tax deed. The treasurer shall forthwith record said release in the proper registry of deeds, and thereupon, if the said invalidity was caused by an error, omission or informality in the assessment of the tax, the treasurer 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 such invalidity was caused by an error, omission or informality in the proceedings of the collector, the treasurer shall thereupon notify the collector who shall forthwith collect the unpaid tax or assessment in conformity to law.

Application
of act.

SECTION 2. This act shall apply to all tax titles created on or after July first, nineteen hundred and fifteen, hereafter adjudged invalid. *Approved April 17, 1935.*

Chap. 182 AN ACT SUBJECTING TO CLASSIFICATION THAT PORTION OF
THE SALARIES OF THE COURT OFFICERS AND MESSENGER
OF THE SUPREME JUDICIAL COURT IN SUFFOLK COUNTY
PAYABLE BY SAID COUNTY.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 35, § 49,
amended.

Classification
of salaries of
certain county
employees.

SECTION 1. Section forty-nine of chapter thirty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "officers" in the eighth line the words:— but including the officers described in section seventy-three and the first sentence of section seventy-six of chapter two hundred and twenty-one, — so as to read as follows:— *Section 49.* Every office and position whereof the salary is wholly payable from the treasury of one or more counties, or from funds administered by and through county officials, except

the offices of county commissioners and associate county commissioners, justices and special justices of the district courts, clerks and assistant clerks of the district courts other than the municipal court of the city of Boston, trial justices, other offices and positions filled by appointment of the governor with the advice and consent of the council, and probation officers, but including the officers described in section seventy-three and the first sentence of section seventy-six of chapter two hundred and twenty-one, shall be classified by the board in the manner provided by sections forty-eight to fifty-six, inclusive, and every such office and position, now existing or hereafter established, shall be allocated by the board to its proper place in such classification. Offices and positions in the service of any department, board, school or hospital principally supported by the funds of the county or counties, or in the service of a hospital district established under sections seventy-eight to ninety-one, inclusive, of chapter one hundred and eleven, shall likewise be subject to classification as aforesaid. The word "salary", as used in this section, shall include compensation, however payable; but nothing in sections forty-eight to fifty-six, inclusive, and nothing done under authority thereof, shall prevent any person from continuing to receive from a county such compensation as is fixed under authority of other provisions of law or as is expressly established by law.

SECTION 2. Chapter two hundred and twenty-one of the General Laws is hereby amended by striking out section seventy-three, as so appearing, and inserting in place thereof the following: — *Section 73.* In addition to the amount of salary payable by Suffolk county, fixed under the provisions of sections forty-nine to fifty-six, inclusive, of chapter thirty-five, to each officer, not exceeding six, in attendance upon the supreme judicial court in said county, there shall annually be paid by the commonwealth to each such officer the sum of five hundred and twenty-eight dollars.

SECTION 3. Said chapter two hundred and twenty-one is hereby further amended by striking out section seventy-six, as so appearing, and inserting in place thereof the following: — *Section 76.* In addition to the amount of salary payable by Suffolk county, fixed under the provisions of sections forty-nine to fifty-six, inclusive, of chapter thirty-five, to the messenger of the justices of the supreme judicial court in said county, there shall annually be paid by the commonwealth to such messenger the sum of four hundred dollars. The messenger of the superior court in said county shall also act as clerical assistant of the justices of said court. His salary shall be paid by said county and shall be in full for his services in both capacities.

SECTION 4. Section eighty of said chapter two hundred and twenty-one, as so appearing, is hereby amended by inserting after the word "the" in the sixth line the words: — supreme judicial or, — and by striking out all after the

G. L. (Ter. Ed.), 221, § 73, amended.

Salaries of court officers in supreme judicial court in Suffolk county.

G. L. (Ter. Ed.), 221, § 76, amended.

Duties and salaries of messengers in Suffolk county.

G. L. (Ter. Ed.), 221, § 80, amended.

Court officers,
uniforms of.

word "counties" in the eighth line, — so as to read as follows: — *Section 80.* Court officers receiving stated salaries and deputy sheriffs in attendance upon the supreme judicial or superior court in Suffolk, Middlesex and Worcester counties shall, while on duty in said courts, wear uniforms which shall be designated by the sheriff of the county. Such uniforms for court officers aforesaid in attendance upon either court in Middlesex or Worcester county or upon the supreme judicial or superior court in Suffolk county shall be furnished at the expense of their respective counties.

Date of salary
increases fixed.

SECTION 5. The amount of the salaries established under sections two and three of this act as payable by Suffolk county shall be determined as if subject to classification on January first, nineteen hundred and thirty-five, and section fifty of chapter three hundred and one of the acts of nineteen hundred and thirty-one shall apply thereto.

Effective upon
acceptance, etc.

SECTION 6. This act shall take effect upon its acceptance, during the current year, by vote of the city council of the city of Boston, subject to the provisions of its charter.

Approved April 17, 1935.

Chap. 183 AN ACT REQUIRING TAX TITLE BUYERS, SO CALLED, OF REAL ESTATE TO MAKE IMMEDIATE DEPOSITS ON ACCOUNT OF THE PURCHASE MONEY THEREFOR.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 60, § 43,
etc., amended.

Section forty-three of chapter sixty of the General Laws, as most recently amended by section two of chapter fifty-four of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the sixth line as appearing in the Tercentenary Edition, the word "may" and inserting in place thereof the word: — shall, — so as to read as follows: — *Section 43.* If the taxes are not paid, the collector shall, at the time and place appointed for the sale, sell by public auction, for the amount of the taxes and interest, if any, and necessary intervening charges, the smallest undivided part of the land which will bring said amount, or the whole for said amount, if no person offers to take an undivided part; and shall at such sale require of the purchaser an immediate deposit of such sum as he considers necessary to insure good faith in payment of the purchase money, and, on failure of the purchaser to make such deposit forthwith, the sale shall be void and another sale may be made as provided in this chapter. The word "taxes", as used in this section, shall include the following charges which constitute liens upon the land and have lawfully been placed upon the annual tax bill: — (a) All betterment and other assessments, or portions thereof, (b) all district taxes, and (c) all water rates.

Tax title sale.
Buyers to
make deposit
at time of sale.

Approved April 17, 1935.

AN ACT RELATIVE TO THE OBSERVANCE EACH YEAR OF
INDIAN DAY. Chap. 184

Be it enacted, etc., as follows:

Chapter six of the General Laws is hereby amended by inserting after section twelve H, inserted by chapter one hundred and forty-eight of the acts of the current year, the following new section: — *Section 12I.* The governor shall annually issue a proclamation setting apart a day as Indian Day and recommending that it be observed by the people with appropriate exercises in the public schools and otherwise commemorative of the Indian tribes of Massachusetts.

G. L. (Ter. Ed.), 6, new section 12I, added.

Indian day, observance of.

Approved April 17, 1935.

AN ACT PROVIDING FOR ONE DAY OF REST IN SEVEN FOR
WATCHMEN AND GUARDS IN BANKS. Chap. 185

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section forty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 48.* Every employer of labor engaged in carrying on any manufacturing or mercantile establishment in the commonwealth shall allow every person, except those specified in section fifty, employed in such establishment, and every bank, as defined in section one of chapter one hundred and sixty-seven, shall allow every watchman and guard employed in such bank, at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such manufacturing or mercantile establishment on Sunday unless he has complied with section fifty-one. Whoever violates this section shall be punished by a fine of fifty dollars.

G. L. (Ter. Ed.), 149, § 48, amended.

One day of rest in seven for certain employees in banks.

Approved April 17, 1935.

AN ACT ESTABLISHING THE MONROE WATER DISTRICT IN THE
TOWN OF MONROE. Chap. 186

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Monroe, liable to taxation in said town and residing within the territory enclosed by the following boundary lines, to wit: — Beginning at a point on the west bank of the Deerfield river where the towns of Rowe, Florida and Monroe join; thence westerly along the town line between Monroe and Florida to the bank of the canal owned by the New England Power Company; thence northerly along the east bank of the canal to the point where the canal crosses the road between Hoosac tunnel and Monroe bridge; thence straight west to the top of the high cliff overlooking

Monroe bridge and the Deerfield river; thence northerly along the top of the ridge to the state line between Vermont and Massachusetts; thence east along the state line to the west shore of Sherman reservoir; thence southerly along the west shore of said reservoir and the west bank of the Deerfield river to the point first mentioned, — shall constitute a water district, and are hereby made a body corporate, by the name of the Monroe Water District, 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, 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 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 Monroe 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 Monroe. 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. 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 work or for any other purpose authorized by this act.

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, twenty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Monroe Water District Loan, Act of 1935. 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, or the purchasing

of water and the maintenance of its pipe lines, 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 Monroe 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 Monroe, 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 Monroe 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, 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 it shall become void unless said district shall begin to distribute water to consumers within three years after the date of the acceptance of this act as aforesaid. *Approved April 17, 1935.*

Chap. 187 AN ACT RELATIVE TO THE DATE OF APPLICATION FOR ABATEMENT OF LOCAL TAXES.

Be it enacted, etc., as follows:

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

SECTION 1. Section fifty-nine of chapter fifty-nine of the General Laws, as most recently amended by section two of chapter one hundred and thirty-six of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the second line, the word "December" and inserting in place thereof the word: — October, — so as to read as follows: — *Section 59.* A person aggrieved by the tax assessed upon him may, on or before October 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

Taxes, abatement of.
Date of application for.

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.

SECTION 2. This act shall apply to assessments made in the year nineteen hundred and thirty-six and thereafter.

Application
of act.

Approved April 17, 1935.

AN ACT AUTHORIZING CITIES, TOWNS AND DISTRICTS TO BORROW ON ACCOUNT OF PUBLIC WELFARE AND SOLDIERS' BENEFITS AND THEIR SHARE OF THE COST OF EMERGENCY RELIEF ADMINISTRATION PROJECTS.

Chap. 188

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. Any city, town or district, by a two thirds vote as defined in section one of chapter forty-four of the General Laws, and with the approval of the mayor, selectmen, or prudential committee or commissioners, and of the board established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, may borrow, during the year nineteen hundred and thirty-five, outside its debt limit as fixed by sections eight and ten of said chapter forty-four, for use only for meeting appropriations, if any, for public welfare, including mothers' aid and old age assistance, soldiers' benefits including state aid, military aid, soldiers' burials and soldiers' relief, and its share, if any, of the cost of any Emergency Relief Administration projects, to an amount not more than one half of one per cent on the average of the assessors' valuations of its taxable property for the three preceding years, such valuations to be reduced and otherwise determined as provided in section ten of said chapter forty-four, and may issue bonds or notes therefor, which shall bear on their face the words, (name of city, town or district) Municipal Relief Loan, Act of 1935. Each authorized issue shall constitute a separate loan, and such loans shall be paid in not more than ten years from their dates and, except as herein provided, shall be subject to said chapter forty-four, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 2. The members of the board aforesaid, when acting under this act, shall receive from the commonwealth

compensation to the same extent as provided for services under chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended.

Approved April 17, 1935.

Chap. 189 AN ACT RELATIVE TO CERTAIN TAX LIENS UPON REAL ESTATE
TAKEN BY RIGHT OF EMINENT DOMAIN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 79, new section 44A, added.

Tax liens upon real estate taken by eminent domain.

Chapter seventy-nine of the General Laws is hereby amended by inserting after section forty-four, as appearing in the Tercentenary Edition, the following new section: — *Section 44A.* If real estate taken in whole or in part by eminent domain was at the time of said taking subject to any lien for taxes assessed under chapter fifty-nine, which is extinguished by such taking, and if the collector of taxes of the town in which such real estate is located gives written notice of a claim of the amount covered by such lien to the body politic or corporate, on behalf of which such taking was made, prior to the payment of any award of damages for such taking or to the entry of judgment therefor, said collector shall be entitled to be paid such amount before any payment of damages for such taking is made to any other party; and any amount so payable on account of such taxes shall be deducted from the amount of such damages otherwise payable. *Approved April 17, 1935.*

Chap. 190 AN ACT RELATIVE TO THE REDUCTION OF LOANS BY
CO-OPERATIVE BANKS.

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.), 170, § 33, etc., amended.

Co-operative banks, reduction of loans.

Section thirty-three 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 inserting after the word "taxes" in the sixth line the words: — , and an amount not in excess of three hundred dollars to be expended for repairs, both, — and by striking out, in the fifty-fourth and fifty-fifth lines, the words "June first, nineteen hundred and thirty-three" and inserting in place thereof the words: — May first, nineteen hundred and thirty-five, — so as to read as follows: — *Section 33.* With the approval of the board of directors, any shares pledged for a real estate loan may, at the request of the owner thereof, be cancelled, whereupon there shall be endorsed on the mortgage note as a credit upon the amount of the loan the full value of such shares, less all monthly instalments of interest and fines in arrears, unpaid taxes, and an amount not in excess of three hundred dollars to be expended for repairs, both 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. Such cancellation and credit may be made even if the amount of the loan will not thereby be reduced as to principal. Thereupon new shares in the current series shall be issued to the shareholder in the proportion of one share to each two hundred dollars of the loan then remaining unpaid. The new shares issued shall be transferred and pledged to the bank as security for the amount of the loan remaining unpaid, and the fact thereof shall be endorsed upon or attached to the note in the following form:

, 19 .

The value of the shares herein pledged, less deductions authorized by section thirty-three of chapter one hundred and seventy of the General Laws, as amended, amounting to \$ _____, has this day been applied as a credit upon this note, leaving a balance due and unpaid of \$ _____, to secure which _____ shares of series _____ have been issued, and are hereby transferred and pledged.

For value received, I or we promise to pay to said corporation or its order _____ dollars at or before its monthly meeting day of each month hereafter, being the amount of the monthly dues on the shares hereby substituted, and of the monthly interest upon said balance of \$ _____, together with all fines chargeable by the by-laws of said corporation upon arrears of such payments until said substituted shares shall reach maturity, or otherwise sooner pay to said corporation or its order the said balance of \$ _____, with interest and fines as aforesaid.

Witness,

(Signature)

Approved

Treasurer.

Neither the note evidencing the loan nor the mortgage securing the same shall be prejudiced by the application of the value and the change of shares, notwithstanding the fact that a provision for such application and change was not originally made in the note or mortgage, and both note and mortgage shall continue to be held by the bank as good and sufficient security for the balance remaining unpaid.

After the application of the value as a credit, the amount of the loan shall forthwith be reduced to an equal extent, and the owner shall thereafter be liable for only the reduced amount and any arrearages or penalties occasioned by his own default.

No action under this section shall affect the rights of the holder, other than the corporation granting the accommodation, of any mortgage recorded prior to May first, nineteen hundred and thirty-five, 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.

Approved April 18, 1935.

Chap. 191 AN ACT TEMPORARILY AUTHORIZING CO-OPERATIVE BANKS TO MAKE LOANS UPON REAL ESTATE DIFFERING FROM ORDINARY CO-OPERATIVE BANK LOANS.

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 co-operative bank established under the laws of the commonwealth may within three years from the effective date of this act make loans, for not less than five nor more than twenty years, secured by mortgages of real estate situated in the commonwealth, the title to which is in the name of the borrower and which is unencumbered by any mortgage or lien other than municipal liens. A loan hereunder shall not exceed eight thousand dollars, shall be further secured by a promissory note in the full sum loaned, signed by the borrower, shall be upon improved real estate and shall not exceed eighty per cent of the value of the mortgaged property as certified by the security committee of such bank. Every such mortgage shall contain provisions calling for fixed monthly payments in the same amount during the term of the loan, which payments shall be applied first to interest and the balance thereafter remaining applied to principal, the interest to be computed monthly on the unpaid balance thereof. The borrower, and each subsequent owner of the equity of redemption of such real estate, shall at all times be a member of the bank, holding one or more unmatured, paid-up or matured shares, in his own name. Failure to comply with the foregoing requirement shall constitute a breach of condition for which the unpaid balance of said loan shall become due and payable forthwith, at the option of the bank. The aggregate value of loans made by a bank under this act shall at no time be in excess of twenty-five per cent of the aggregate amount of all loans secured by mortgages of real estate held by such bank.

Approved April 18, 1935.

Chap. 192 AN ACT RELATIVE TO THE USE OF CERTAIN SURPLUS FUNDS BY THE SUPREME COUNCIL OF THE ROYAL ARCANUM, A FRATERNAL BENEFIT SOCIETY.

Be it enacted, etc., as follows:

The Supreme Council of the Royal Arcanum, a fraternal society incorporated under general law, is hereby authorized, notwithstanding any provisions of chapter one hundred and seventy-six of the General Laws to the contrary, to transfer annually from the surplus, if any, of its mortuary funds to its general fund a sum not in excess of five per cent of the net mortuary assessments or premiums paid

in the preceding year; provided, that no sum so transferred under authority of this act shall reduce the actuarial solvency of such society below the basis referred to in section seventeen of said chapter.

Approved April 18, 1935.

AN ACT RELATIVE TO THE USE OF CERTAIN PUBLIC SCHOOL PROPERTY BY CERTAIN ORGANIZATIONS. Chap. 193

Be it enacted, etc., as follows:

Section seventy-one of chapter seventy-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "community" in the eighth line the following:— The affiliation of any such association with a religious organization shall not disqualify such association from being allowed such a use for such a purpose, — so as to read as follows:— *Section 71.* For the purpose of promoting the usefulness of public school property the school committee of any town may conduct such educational and recreational activities in or upon school property under its control, and, subject to such regulations as it may establish, and, consistently and without interference with the use of the premises for school purposes, shall allow the use thereof by individuals and associations for such educational, recreational, social, civic, philanthropic and like purposes as it deems for the interest of the community. . The affiliation of any such association with a religious organization shall not disqualify such association from being allowed such a use for such a purpose. The use of such property as a place of assemblage for citizens to hear candidates for public office shall be considered a civic purpose within the meaning of this section. This section shall not apply to Boston.

G. L. (Ter. Ed.), 71, § 71, amended.

Public use of school property.

Approved April 18, 1935.

AN ACT DISSOLVING PORTUGUESE CATHOLIC BENEVOLENT ST. JOHN ASSOCIATION. Chap. 194

Be it enacted, etc., as follows:

SECTION 1. The Portuguese Catholic Benevolent St. John Association, of New Bedford, a Massachusetts corporation incorporated under general law on April twenty-eighth, nineteen hundred and twenty-two, is hereby dissolved, subject to the provisions of sections fifty-one and fifty-two of chapter one hundred and fifty-five of the General Laws.

SECTION 2. Nothing in this act shall be construed to affect any suit pending by or against said corporation, or any suit now pending or hereafter brought for any liability now existing against the officers of said corporation, or to make valid any defect in the organization of said corporation.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by said corporation 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 the claim by said corporation, had it not been dissolved by this act.

Approved April 18, 1935.

Chap. 195 AN ACT RELATIVE TO THE SCHOOL COMMITTEE OF THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Subject to any laws which limit the amount of money that may be appropriated in the city of Springfield for school purposes, the school committee of said city, in addition to the powers and duties conferred and imposed by law on said committee, shall operate and have control of all school buildings of said city, together with the grounds connected therewith, except as otherwise provided in this act, and shall make all reasonable rules and regulations, consistent with law, for the management of the public schools of the city and for conducting the business of the committee.

SECTION 2. No site for a school building shall be acquired by said city unless approval of the site by the school committee is first obtained. No plans for the construction of or alterations in a school building shall be accepted, and no work shall be begun on the construction or alteration of a school building, unless approval of the school committee and the mayor is first obtained, but this section shall not require such approval for making ordinary repairs. No equipment for any school building shall be purchased by said city unless the style and character of the equipment is first approved by said school committee.

SECTION 3. All repairs of school buildings or on any grounds connected therewith, excepting such ordinary minor repairs as the custodians, janitors, engineers and other schoolhouse employees make in the ordinary course of their duties, shall be made in such manner and by such board as the city council of said city may by ordinance direct. The purchase of fuel, repair materials and supplies, and equipment of new school buildings, subject to the approval of the style and character of the equipment required by section two, shall be made in such manner and by such board as said city council may by ordinance direct.

SECTION 4. Upon the effective date of this act, custodians, head janitors, janitors, engineers, assistant engineers, firemen, matrons and all other persons now employed by the department of public buildings of said city in school buildings for the operation of said school buildings shall become and thereafter be subject to the control of the said

school committee. The transfer of said employees to the jurisdiction of the said school committee shall not affect their civil service or seniority rights under the provisions of chapter thirty-one of the General Laws, or corresponding provisions of earlier laws, and the rules and regulations made thereunder.

SECTION 5. Such provisions of sections eight and eleven 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 the city of Springfield as are inconsistent with this act are hereby repealed.

Approved April 18, 1935.

AN ACT AUTHORIZING THE ACQUISITION BY THE COMMONWEALTH OF CERTAIN PROPERTIES IN THE TOWNS OF SANDWICH, BOURNE, FALMOUTH AND MASHPEE FOR MILITARY PURPOSES. *Chap. 196*

Whereas, The deferred operation of this act would cause substantial inconvenience and would hamper the proper training of the military forces of the commonwealth, therefore it 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:

SECTION 1. A special military reservation commission is hereby established, consisting of the adjutant general as chairman, and of the commanding general of the twenty-sixth division, Massachusetts national guard, and the state quartermaster, as associate commissioners, said commission to be hereinafter referred to as the commission.

SECTION 2. For the purpose of establishing a camp site for the use and training of the military forces of the commonwealth, the commission, on behalf of the commonwealth, and subject to the approval of the governor, may at any time and from time to time acquire by purchase or otherwise, or take by eminent domain under chapter seventy-nine of the General Laws, the following described lands or such part or parts thereof as the commission shall deem to be necessary for the purposes of this act and all rights of way, easements and other interests included therein or appurtenant thereto. Said lands proposed for a military reservation lie in Barnstable county in the towns of Sandwich, Bourne, Falmouth and Mashpee, and are shown upon a plan entitled "Proposed Military Reservation," dated January twenty-fourth, nineteen hundred and thirty-four, and filed in the office of the adjutant general of this commonwealth. Said lands are bounded and described as follows: beginning at a cement bound at the southwesterly corner of the Shawme state forest and running in a generally east southeast direction by the said boundary of said Shawme state forest to a cement bound

on the Falmouth-Sandwich road at the southerly corner of said Shawme state forest; thence running southerly by the said Falmouth-Sandwich road approximately three hundred feet to a stake and stones; thence running westerly along a line parallel with the southerly boundary of said Shawme state forest approximately fifteen hundred feet; thence turning at a right angle and running in a south southwesterly direction about three thousand feet; thence running in a southwesterly direction approximately three thousand feet; thence turning at a slight angle and running still in a southwesterly direction approximately twenty-eight hundred and fifty feet; thence running in a southerly direction approximately nineteen hundred and fifty feet; thence running in a westerly direction approximately one thousand feet to the Forestdale-Pocasset road; thence running south southwesterly approximately fourteen hundred and fifty feet; thence running in a generally northwesterly direction approximately eight hundred and fifty feet; thence running in a south southwesterly direction approximately sixty-nine hundred and seventy-five feet to the southerly boundary of the property registered by the Land Court in Case No. 12145; thence running easterly by the southerly boundary of said registered land approximately fifty-nine hundred feet to the Falmouth-Sandwich road; thence running southerly by said road to a point one thousand feet northeasterly from the Falmouth-Sandwich-Mashpee town bound; thence running south-easterly to the Ashumet pond; thence running southwest-erly by said pond approximately eleven hundred feet; thence running northwesterly approximately nine hundred and fifty feet to said Falmouth-Sandwich-Mashpee town bound; thence running southwest-erly by the said Fal-mouth-Sandwich road approximately four thousand feet; thence turning and running in a due westerly direction approximately twenty-one hundred feet to the easterly boundary of the Falmouth Airport, so-called; thence running northerly approximately forty-seven hundred feet by the easterly boundary of said Falmouth Airport to the northeasterly corner thereof; thence running in a due westerly direction approximately eleven thousand seven hundred feet; thence turning at a right angle and running in a due northerly direction approximately ten thousand five hundred feet to a point three hundred feet easterly from the easterly bound of the state highway at Station 36672, measured on a line at right angles to said highway at said station; thence running in a generally northerly direction upon a line parallel with and at all places three hundred feet easterly from the easterly bound-ary of said highway to Station 16747, and from that point still running northerly on a line parallel with and three hundred feet easterly from the easterly line of a proposed new highway to new bridge over the Cape Cod canal, approximately thirty-seven hundred and fifty feet to a

point; thence running north northeasterly approximately forty-nine hundred and fifty feet to a stone heap on the westerly boundary of the Shawme state forest approximately five thousand feet from the southwesterly corner thereof; thence running in a southerly direction by the westerly boundary of said Shawme state forest to the cement bound which was the point of beginning. There is appurtenant to said lands a right-of-way over the road known as Ward Swift road, running from Station 36000 of the said state highway in a southeasterly direction to said lands, and also a right-of-way over the road known as the Forestdale-Pocasset road, running easterly from said state highway to said lands.

SECTION 3. Upon the acquisition or taking of the whole or any part of the above-described lands by the commission, the provisions of sections thirteen to seventeen, inclusive, of chapter fifty-eight of the General Laws shall apply to the property so acquired or taken.

SECTION 4. For the purpose of carrying out the provisions of this act the commission may expend, subject to appropriation, such amounts, not exceeding in the aggregate one hundred thousand dollars, as may from time to time be approved by the governor.

SECTION 5. For the purpose of the acquisition or taking of said lands, and for the preparation of plans and preliminary engineering and supervisory work necessarily incident to the development of a military reservation equipped for the use and training of the military forces of the commonwealth, the commission may appoint, and in its discretion remove, such engineering, legal, clerical and other assistants as it may deem necessary for said purposes, and may fix their compensation in accordance with such rules and regulations as the commission may establish and as shall be approved by the governor, and the members of the commission shall be reimbursed, with the approval of the governor, for all expenses necessarily incurred in the performance of their duties under this act. The provisions of chapters thirty, thirty-one and thirty-two of the General Laws shall not apply to such employment or removals, but insofar as the commission deems advisable it may employ members of the military forces of the commonwealth whose compensation and services shall be subject to the laws, rules and regulations applicable thereto in the case of military service.

Approved April 20, 1935.

Chap. 197 AN ACT AUTHORIZING THE TOWN OF FLORIDA TO VOTE AT A SPECIAL TOWN MEETING IN THE CURRENT YEAR ON THE QUESTION OF GRANTING LICENSES FOR THE SALE IN SAID TOWN OF ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Florida are hereby authorized to insert in the warrant for any special town meeting held in the current year, an article or articles enabling the voters of said town to vote at said meeting on the questions contained in section eleven 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 the votes at said meeting on said questions shall have the same force and effect from and after said meeting as if taken at the last biennial state election.

SECTION 2. The votes under section one shall be taken by ballots prepared by the town clerk which shall set forth said questions and the directions to the voters, all as provided in said section eleven. The ballots shall be distributed at the polling places under the direction of the town clerk, and the polls shall be open for voting on said questions not less than four hours. The provisions of the General Laws relative to the ascertainment of the result of the voting at state elections and returns thereof shall, so far as practicable, apply to the vote taken hereunder.

SECTION 3. The votes taken in the town of Florida at the last biennial state election under the provisions of section eleven of chapter one hundred and thirty-eight of the General Laws, as so appearing, shall, after a vote has been taken as provided by this act, have no further force or effect.

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

Approved April 23, 1935.

Chap. 198 AN ACT TO VALIDATE CERTAIN ELECTIONS OF THE TOWN OF HALIFAX AND THE OFFICIAL ACTS OF CERTAIN OFFICERS OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. The votes of the town of Halifax at its annual town meetings held in the years nineteen hundred and thirty-four and nineteen hundred and thirty-five for the election of town officers, so far as such votes were invalid by reason of its failure to comply with the provisions of general law and of the by-laws of said town relative thereto then in effect, are hereby made valid, and the official acts of all town officers declared to be elected at said meetings or either of them between said date and the passage of this act are hereby ratified and confirmed, to

the same extent as if such provisions of general law and of such by-laws had been complied with.

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

Approved April 23, 1935.

AN ACT RELATIVE TO EXPENDITURES BY SCHOOL COMMITTEES OF CITIES AND TOWNS IN RESPECT TO PHYSICAL EDUCATION.

Chap. 199

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:

Chapter seventy-one of the General Laws is hereby amended by striking out section forty-seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 47.* The committee may supervise and control all athletic and other organizations composed of public school pupils and bearing the school name or organized in connection therewith. It may directly or through an authorized representative determine under what conditions the same may compete with similar organizations in other schools. Expenditures by the committee for the organization and conduct of physical training and exercises, athletics, sports, games and play, for providing proper apparatus, equipment, supplies, athletic wearing apparel and facilities for the same in the buildings, yards and playgrounds under the control of the committee, or upon any other land which it may have the right or privilege to use for this purpose, and for the employment of experienced athletic directors to supervise said physical training and exercises, athletics, sports, games and play, shall be deemed to be for a school purpose.

G. L. (Ter. Ed.), 71, § 47, amended.

Supervision and control of athletic and other school organizations.

Approved April 23, 1935.

AN ACT AMENDING THE LAW RELATIVE TO HOURS OF LABOR OF WOMEN AND CHILDREN IN MANUFACTURING AND MERCANTILE ESTABLISHMENTS.

Chap. 200

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section fifty-six, as amended by section one of chapter one hundred and ten of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 56.* No child and no woman shall be employed or permitted to work in, or in connection with, any factory or workshop, or any manufacturing, mercantile or mechanical establishment, telegraph office or telephone exchange, or any express or transportation company, or any laundry, hotel, manicuring or hair dressing establishment or motion picture theatre, or be employed as an elevator operator, or as a switch-

G. L. (Ter. Ed.), 149, § 56, etc., amended.

Hours of labor for women and children.

board operator in a private exchange, more than nine hours in any one day; and in no case shall the hours of labor exceed forty-eight in a week, except that in manufacturing establishments or hotels where the employment is determined by the department to be by seasons, the number of such hours in any week may exceed forty-eight, but not fifty-two, provided that the total number of such hours in any year shall not exceed an average of forty-eight hours a week for the whole year, excluding Sundays and holidays; and if any child or woman shall be employed or permitted to work in more than one such place, the total number of hours of such employment shall not exceed forty-eight hours in any one week. Every employer, except those hereinafter designated, shall post and keep posted in such manner as the commissioner may require in a conspicuous place in every room where such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of beginning and stopping work, and the hours when the time allowed for meals begins and ends, or, in case of mercantile establishments and of establishments exempted from sections ninety-nine and one hundred, the time, if any, allowed for meals. The employment of any such person at any time other than as stated in said printed notice shall be deemed a violation of this section unless such employment was to make up time lost on a previous day of the same week by reason of the stopping, for not less than thirty consecutive minutes, of machinery upon which such person was employed or dependent for employment and unless a written report of the date, hour and duration of the stopping of such machinery is sent to the department within forty-eight hours of its occurrence; nor shall such overtime employment be authorized because of the stopping of machinery for the celebration of any holiday. Every employer engaged in furnishing public service, or in any other kind of business in respect to which the department shall find that public necessity or convenience requires the employment of children or women by shifts during different periods or parts of the day, shall post and keep posted in such manner as the commissioner may require in a conspicuous place in every room where such persons are employed a printed notice stating separately the hours of employment for each shift or tour of duty and the amount of time allowed for meals. A list by name of the employees, stating in which shift each is employed, shall be kept on file at each place of employment for inspection by employees and by officers charged with the enforcement of this law. In cases of extraordinary emergency or extraordinary public requirement, this section shall not apply to employers engaged in public service or in other kinds of business in which shifts may be required as hereinbefore stated; but no such emergency or public requirement shall justify a variance from the pre-

ceding requirements of this section until a written report of the day and hour of its occurrence and its duration is sent to the department. This section shall not apply to persons who may be declared by the commissioner to be employed in a supervisory capacity, or who may be serving exclusively as personal secretaries.

Approved April 23, 1935.

AN ACT AUTHORIZING THE CONVEYANCE BY THE TOWN OF CONWAY TO THE CONWAY CEMETERY ASSOCIATION OF CERTAIN CEMETERIES IN SAID TOWN.

Chap. 201

Be it enacted, etc., as follows:

SECTION 1. The town of Conway is hereby authorized to convey to the Conway Cemetery Association, incorporated by chapter two hundred and twelve of the acts of nineteen hundred and one, and said cemetery corporation is hereby authorized to accept from said town, upon such terms as may be mutually agreed upon, subject, however, to the provisions of sections one A and two, all the right, title and interest of said town in and to the lands set apart for the cemeteries hereinafter referred to, within said town, and in all other property or rights appertaining thereto, including all moneys and trust funds belonging to said cemeteries, namely: *South Part Cemetery*: located on the north side of the South Part road, approximately one fourth of a mile from the Ida Allis corner of the Roaring Brook road, being one half acre more or less in area; *Boyden Cemetery*: located on the Roaring Brook road, and deceded to the town of Conway by the Dwight Boyden estate, being one eighth acre more or less in area; *Cricket Hill Cemetery*: on the south side of Cricket Hill road, approximately one quarter of a mile from the Whately Road corner, being one fourth acre more or less in area; *Pumpkin Hollow Cemetery*: located on the south side of Hillview road near the corner of Elm street, being one fourth acre more or less in area; *Poland Cemetery*: located off the East Guinea road, approximately one quarter of a mile from the Bradford corner, being one half acre more or less in area; *Shirkshire Cemetery*: located on the east side of the Wilder Hill road, approximately three eighths of a mile from the corner of the Wilder Hill road and Shelburne Falls highway, being one half acre more or less in area.

SECTION 1A. Said town shall continue to have the right of burying in said cemeteries the bodies of those for whose burial it is bound by law to provide; and such interments shall be made in a part of said cemeteries set off for this purpose by agreement of the overseers of the public welfare of the town and the executive board of said corporation.

SECTION 2. After such conveyance and transfer said cemetery corporation shall hold said property and rights,

upon the same trusts and for the same uses and purposes as the same were previously held by the said town, and shall be charged with the same duties and liabilities relative thereto. All rights which any person shall have acquired in any of said cemeteries shall remain valid to the same extent as if this act had not been passed, and, except as otherwise provided herein, all pertinent provisions of said chapter two hundred and twelve shall apply to the cemetery lands hereinbefore referred to.

SECTION 3. The power to transfer, hold and use moneys and trust funds granted by this act shall be exercised only in conformity with such a decree, if any, of the supreme judicial court, sitting in equity for the county of Franklin, as may be entered within one year after the effective date of this act.

SECTION 4. This act shall not take full effect until it shall have been accepted, on the part of said town, by vote of a majority of the legal voters of the town present and voting thereon at a special town meeting called for the purpose during the current year, and, on the part of said cemetery corporation, by vote of the board of directors, or the officers having the powers of directors, and a certified copy of said last mentioned vote shall have been filed with the clerk of said town and with the state secretary.

Approved April 23, 1935.

Chap. 202 AN ACT RELATIVE TO COUNTY AID TO COUNTY LAW LIBRARIES.
Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 78, § 4, amended.

Payments to county law libraries.

Chapter seventy-eight of the General Laws is hereby amended by striking out section four, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 4.* The treasurer of each county shall annually pay for the support of law libraries therein such sums as may be appropriated therefor by the general court, and the county commissioners shall include in the estimates required to be filed under the provisions of section twenty-eight of chapter thirty-five such sums as they may recommend for such law libraries. Sums so appropriated shall be applied to the purchase of books and maintenance of libraries for the use of courts and of citizens. In counties having any law library association the county commissioners shall secure from such association recommendations as to the amount deemed necessary for such maintenance.

Approved April 23, 1935.

Chap. 203 AN ACT RELATIVE TO THE EMPLOYMENT OF MINORS UNDER FOURTEEN IN RADIO BROADCASTING STATIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 149, § 60, amended.

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section sixty, as appearing in the Tercentenary Edition, and inserting in

place thereof the following:— *Section 60.* Except as provided in section sixty-nine, no person shall employ a minor under fourteen or permit him to work in or about or in connection with any factory, work shop, manufacturing, mechanical or mercantile establishment, barber shop, bootblack stand or establishment, public stable, garage, brick or lumber yard, telephone exchange, telegraph or messenger office, or in the construction or repair of buildings, or in any contract or wage earning industry carried on in tenement or other houses, or in any radio broadcasting station except as talent. No such minor shall be employed at work performed for wage or other compensation, to whomsoever payable, during the hours when the public schools are in session, nor, except as provided in section sixty-nine, shall be employed at work before half past six o'clock in the morning or after six o'clock in the evening.

Employment of minors under fourteen.

Approved April 23, 1935.

AN ACT PERMITTING CERTAIN CASUALTY COMPANIES TO ISSUE CERTAIN ALL RISK POLICIES ON PERSONAL PROPERTY.

Chap. 204

Be it enacted, etc., as follows:

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

G. L. (Ter. Ed.), 175, § 47, cl. Twelfth, amended.

Twelfth, To insure against property loss or damage by burglary, robbery, any larceny or theft, any breaking and entry or entry without breaking of any house, building, ship, vessel or railroad car, or any other criminal act; against loss or damage caused by the concealment, removal or unlawful disposition or conversion of property by a conditional vendee or mortgagor or bailee in possession; against loss or damage caused by forgery; and against any and all kinds of loss or destruction of or damage to moneys, securities, currencies, scrip, coins, bullion, bonds, notes, drafts, acceptances of drafts, bills of exchange, evidences of indebtedness, deeds, mortgages and other valuable papers or documents, except while in the custody or possession of and being transported by a carrier for hire or in the mail.

Casualty insurance companies, kind of business authorized to write.

Approved April 23, 1935.

AN ACT RELATIVE TO MILITARY SERVICE OF COUNTY EMPLOYEES.

Chap. 205

Be it enacted, etc., as follows:

Chapter thirty-three of the General Laws is hereby amended by striking out section sixty-seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 67.* Any person in the service of the commonwealth, or of a county, city or town thereof

G. L. (Ter. Ed.), 33, § 67, amended.

No loss of pay or vacation to certain state,

county and municipal employees while serving in militia.

which, by vote of its county commissioners or city council or of its inhabitants at a town meeting, accepts this section, shall be entitled, during the time of his service in the organized militia, under sections seventeen, twenty-five, twenty-six, one hundred and twenty-three and one hundred and eighty-one, or during his annual tour of duty, not exceeding fifteen days, as a member of the organized reserve of the army of the United States or of the United States naval reserve forces, to receive pay therefor, without loss of his ordinary remuneration as an employee or official of the commonwealth or such county, city or town, and shall also be entitled to the same leaves of absence or vacation with pay given to other like employees or officials.

Approved April 23, 1935.

Chap. 206 AN ACT EMPOWERING THE EASTERN COMMERCIAL TRAVELERS ACCIDENT ASSOCIATION TO AUTHORIZE ITS MEMBERS TO USE PROXIES IN VOTING.

Be it enacted, etc., as follows:

The Eastern Commercial Travelers Accident Association, a Massachusetts fraternal benefit society organized under general law, may, by its by-laws, authorize its members to use proxies in voting and determine the mode of such voting.

Approved April 23, 1935.

Chap. 207 AN ACT EMPOWERING THE EASTERN COMMERCIAL TRAVELERS HEALTH ASSOCIATION TO AUTHORIZE ITS MEMBERS TO USE PROXIES IN VOTING.

Be it enacted, etc., as follows:

The Eastern Commercial Travelers Health Association, a Massachusetts fraternal benefit society organized under general law, may, by its by-laws, authorize its members to use proxies in voting and determine the mode of such voting.

Approved April 23, 1935.

Chap. 208 AN ACT RELATIVE TO VENTILATION OF FACTORIES, WORKSHOPS AND GARAGES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 149, § 117, amended.

Ventilation of factories, etc.

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section one hundred and seventeen, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 117.* A factory where five or more persons and a workshop where five or more women or children are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein. A factory, work-

shop or garage where more than one person is employed shall be so ventilated that all gases, vapors, dust or other impurities injurious to health, whether generated in the course of the manufacturing process or handicraft carried on therein, or otherwise, shall so far as practicable be rendered harmless.

Approved April 23, 1935.

AN ACT INCREASING THE NUMBER OF SECOND ASSISTANT DISTRICT ATTORNEYS FOR THE NORTHERN DISTRICT.

Chap. 209

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 fourteen of chapter twelve of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the paragraph contained in the fifth and sixth lines and inserting in place thereof the following:—

G. L. (Ter. Ed.), 12, § 14, amended.

For the northern district, an assistant district attorney and five second assistant district attorneys.

Northern district, assistant district attorneys.

Approved April 26, 1935.

AN ACT RELATIVE TO CERTAIN APPOINTEES OF THE SERGEANT-AT-ARMS.

Chap. 210

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 nineteen of chapter three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the word "forty-one" and inserting in place thereof the word:—forty-three,— so as to read as follows:— *Section 19.* The number of doorkeepers, assistant doorkeepers, general court officers and pages of the senate and of the house shall not exceed forty-three in all.

G. L. (Ter. Ed.), 3, § 19, amended.

Number of doorkeepers, etc.

Approved April 26, 1935.

AN ACT AUTHORIZING THE CITIES OF FALL RIVER AND LOWELL TO DEDUCT THE ESTIMATED COLLECTIONS OF CERTAIN TAXES FROM THE AMOUNT TO BE RAISED BY TAXATION TO MEET CERTAIN REVENUE LOANS.

Chap. 211

Be it enacted, etc., as follows:

SECTION 1. The assessors of the city of Fall River, in determining the amount to be raised in any year to meet revenue loans under the provisions of chapter forty-four of the acts of nineteen hundred and thirty-one, as required

by section three of said chapter, may estimate the amount that will be available to be applied to said loans from tax collections made prior to August first in that year, and the amount so estimated may be deducted from the amount required to be raised to meet such loans by the assessors in accordance with the provisions of said section three. If the amount of such collections is less than the estimate used by the assessors, the difference shall be raised by the assessors in the tax levy of the following year.

SECTION 2. The assessors of the city of Lowell, in determining the amount to be raised in any year to meet revenue loans under the provisions of chapter two hundred and thirty of the acts of nineteen hundred and thirty-two, as required by section three of said chapter, may estimate the amount that will be available to be applied to said loans from tax collections made prior to August first in that year, and the amount so estimated may be deducted from the amount required to be raised to meet such loans by the assessors in accordance with the provisions of said section three. If the amount of such collections is less than the estimate used by the assessors, the difference shall be raised by the assessors in the tax levy of the following year.

SECTION 3. This act shall take effect upon its passage.
Approved April 26, 1935.

Chap. 212 AN ACT AUTHORIZING THE CITY OF LAWRENCE TO PAY A CERTAIN BILL 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 the sum of nine hundred and sixty-seven dollars for the payment of, and, with the approval of the emergency finance board, established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three, to pay, the bill of the Smith Motor Car Company of said city for a motor truck delivered to the health department of said city in August, nineteen hundred and thirty-three.

SECTION 2. This act shall take effect upon its passage.
Approved April 26, 1935.

Chap. 213 AN ACT AUTHORIZING TEMPORARY BORROWINGS BY CITIES, TOWNS AND DISTRICTS IN ANTICIPATION OF RECEIPTS FROM FEDERAL GRANTS FOR EMERGENCY PUBLIC WORKS.

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:

If a city, town or district shall have borrowed money under authority of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, or under said chapter as amended by chapter twenty-one of the acts of nineteen hundred and thirty-four, and shall have an agreement with the federal government whereby such government grants such city, town or district a sum of money on account of the project for which the money was borrowed, the treasurer of such city, town or district, with the approval of the mayor, selectmen or prudential committee or commissioners, as the case may be, in anticipation of the receipt of the proceeds of such grant, may incur debt outside the debt limit to an amount not exceeding the amount of the grant as shown by the grant agreement, and may issue notes therefor payable not exceeding one year from their dates; and such proceeds of the grant, so far as necessary, shall be applied to the discharge of the loan.

Approved April 26, 1935.

AN ACT RELATIVE TO THE FIXING OF SALARIES OF MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF CAMBRIDGE.

Chap. 214

Be it enacted, etc., as follows:

SECTION 1. Salaries of the members of the police and fire departments of the city of Cambridge shall be fixed by ordinance of said city, the provisions of any special or general law to the contrary notwithstanding.

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

Approved April 26, 1935.

AN ACT ESTABLISHING THE PROCEDURE TO BE FOLLOWED BY A CO-OPERATIVE BANK IN CONVERTING INTO A FEDERAL SAVINGS AND LOAN ASSOCIATION.

Chap. 215

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 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 inserting after section fifty the following new section under the caption CONVERSION:— *Section 50A*. Any corporation may convert itself into a federal savings and loan association, or other federal agency of a like nature, if authorized by a vote of at least three quarters of the shareholders of such corporation present and voting at a meeting especially called to consider the subject. Notice of such special meeting, containing a statement of

G. L. (Ter. Ed.), 170, new section 50A, added.

Co-operative bank, conversion into federal savings and loan associations, procedure.

the time, place and the purpose for which such meeting is called, shall be sent by the clerk of the corporation to each shareholder thereof by mail, postage prepaid, at least thirty days before the date of the meeting. Notice of the meeting shall also be advertised three times in one or more newspapers published in the city or town in which the main office of the corporation is situated, and if there be no such newspaper, then in a newspaper published in the county where the town is situated, the last publication to be at least one day before the meeting.

All assessments made by the Co-operative Central Bank in accordance with chapter seventy-three of the acts of nineteen hundred and thirty-four and amendments thereto upon the corporation shall continue to be held by the said Co-operative Central Bank until all losses and all liquidating expenses of all corporations being liquidated at the time of the conversion shall have been paid, whereupon said converted corporation shall be entitled to receive from the Co-operative Central Bank the unexpended portions of such assessments, if any there be.

When conversion of a corporation has been completed, and upon notice from the commissioner that the charter of such corporation has been surrendered, all deposits in the Co-operative Central Bank made by the corporation in accordance with the provisions of chapter forty-five of the acts of nineteen hundred and thirty-two, less all outstanding indebtedness due by the converted corporation to the Co-operative Central Bank, shall be paid over to said converted corporation. *Approved April 26, 1935.*

Chap. 216 AN ACT AUTHORIZING THE PROPRIETORS OF CEDAR GROVE CEMETERY IN THE CITY OF BOSTON TO HOLD ADDITIONAL PERSONAL ESTATE.

Be it enacted, etc., as follows:

SECTION 1. The Proprietors of Cedar Grove Cemetery, a corporation duly established by law and located in the city of Boston, may hold personal estate to the amount of three hundred thousand dollars in addition to the amount now authorized by law.

SECTION 2. This act shall take effect upon its passage. *Approved April 26, 1935.*

Chap. 217 AN ACT PROVIDING SECURITY FOR THE PAYMENT FOR CERTAIN LUMBER EMPLOYED IN THE CONSTRUCTION OR REPAIR OF PUBLIC BUILDINGS AND OTHER PUBLIC WORKS.

Be it enacted, etc., as follows:

SECTION 1. Section thirty-nine of chapter thirty of the General Laws, as amended by chapter three hundred and fifty-one of the acts of nineteen hundred and thirty-four,

is hereby further amended by inserting after the word "repair" in the sixth line the words: — , including lumber so employed which is not incorporated in the construction or repair work and is not wholly or necessarily consumed or made so worthless as to lose its identity but only to the extent of its purchase price less its fair salvage value, — so as to read as follows: — *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, including lumber so employed which is not incorporated in the construction or repair work and is not wholly or necessarily consumed or made so worthless as to lose its identity but only to the extent of its purchase price less its fair salvage value, 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.

Construction and repair of public buildings.

Security for payment of labor on.

SECTION 2. Section twenty-nine 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 "repair" in the fifth line the words: — , including lumber so employed which is not incorporated in the construction or repair work and is not wholly or necessarily consumed or made so worthless as to lose its identity but only to the extent of its purchase price less its fair salvage value, — so as to read as follows: — *Section 29.* Officers or agents who contract in behalf of any county, city or town 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 materials used or employed in such construction or repair, including lumber so employed which is not incorporated in the construction or repair work and is not wholly or necessarily consumed or made so worthless as to lose its identity but only to the extent of its purchase price less its fair salvage value; but to obtain the benefit of such security the claimant shall file in the office of the county treasurer or of the city or town clerk a sworn statement of his claim within sixty days after the claimant ceases to

G. L. (Ter. Ed.), 149, § 29, amended.

Security for payment of labor on public works.

perform labor or furnish labor or materials, 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.

Approved April 26, 1935.

Chap. 218 AN ACT REDUCING THE RATE OF INTEREST PAYABLE UPON SUMS REIMBURSED, WHEN LOCAL TAXES ALREADY PAID ARE LATER ABATED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 58A, § 13, etc., amended.

SECTION 1. Section thirteen of chapter fifty-eight A of the General Laws, as most recently amended by section eight of chapter three hundred and fifty of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fourth and fifth lines of the sentence inserted therein by said section eight, the words "at the rate of six per cent per annum" and inserting in place thereof the following: —, in case of a tax assessed by the commissioner, at the rate of six per cent per annum, or, in case of a tax assessed by said board, at the rate of five per cent per annum, — so that said sentence will read as follows: — If the order grants an abatement of a tax assessed by the commissioner or by the board of assessors of a town and the tax has been paid, the amount abated with interest, in case of a tax assessed by the commissioner, at the rate of six per cent per annum, or, in case of a tax assessed by said board, at the rate of five per cent per annum, from the time when the tax was paid but, in case of a tax assessed under chapter sixty-two, not from a time earlier than October first of the year in which the return of income subject to said tax was required to be filed, and, if costs are ordered against the commissioner or against a board of assessors, the amount thereof, shall be paid to the taxpayer by the state treasurer or by the town treasurer, as the case may be, and, if unpaid in the latter case, execution therefor may issue against the town as in actions at law.

Rate of interest on sums reimbursed, when taxes are abated in certain cases.

G. L. (Ter. Ed.), 59, § 64, etc., amended.

SECTION 2. Section sixty-four of chapter fifty-nine of the General Laws, as most recently amended by section one of chapter one hundred and thirty of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "interest" in the thirty-fourth line, as printed in the Tercentenary Edition, the words: — at five per cent, — so that the second paragraph will read as follows: —

Same subject.

Upon the filing of a complaint under this section the clerk of the county commissioners or of the board authorized to hear and determine the same shall forthwith transmit a certified copy of such complaint to the assessors and the assessors or the city solicitor or town counsel may within thirty days after receipt of said copy give written notice to said clerk and to the complainant that the town elects

to have the same heard and determined by the board of tax appeals. Thereupon, the clerk of the county commissioners or of the board authorized to hear and determine such complaints shall forward all papers with respect to such complaint then in the file of the county commissioners or other such board to the clerk of the board of tax appeals and proceedings with respect to such complaint shall thenceforth be continued as provided in chapter fifty-eight A. If upon hearing the board of tax appeals finds that the complainant is duly entitled to an abatement, it may grant him such reasonable abatement as justice may require, and shall enter an order directing the treasurer of the town to refund said amount, if the tax sought to be abated has been paid, together with all charges and interest at five per cent on the amount of the abatement from the date of the payment of the tax. The board may make such order with respect to the payment of costs as justice may require.

SECTION 3. Section sixty-nine of said chapter fifty-nine, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "interest" in the third line the words:— at five per cent,— so as to read as follows:— *Section 69.* A person whose tax has been abated shall, if the tax has been paid, be reimbursed by the town to the amount of the abatement allowed, with interest at five per cent from the time of payment of said tax and all charges paid therewith except legal costs paid as provided in section sixty-two.

G. L. (Ter. Ed.), 59, § 69, amended.

Person receiving abatement to be reimbursed, etc.

Approved April 26, 1935.

AN ACT FURTHER REGULATING THE OPERATION OF MOTOR VEHICLES BY NON-RESIDENTS.

Chap. 219

Be it enacted, etc., as follows:

Section ten of chapter ninety of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out all after the word "commonwealth" in the thirty-first line, — so as to read as follows:— *Section 10.* No person shall operate a motor vehicle upon any way unless licensed under this chapter, except as is otherwise herein provided; but this section shall not prevent the operation of motor vehicles by unlicensed persons if riding with or accompanied by a licensed operator, excepting only persons who have been licensed and whose licenses are not in force because of revocation or suspension, persons whose right to operate is suspended by the registrar, and persons less than sixteen years of age; but such licensed operator shall be liable for the violation of any provision of this chapter, or of any regulation made in accordance herewith, committed by such unlicensed operator; provided, that the examiners of operators, in the employ of the registrar, when engaged in their official duty, shall not be liable for the acts

G. L. (Ter. Ed.), 90, § 10, amended.

Operation of motor vehicles.

of any person who is being examined. The motor vehicle of a non-resident may be operated on the ways of the commonwealth in accordance with section three by its owner or by his chauffeur or employee without a license from the registrar if the operator is duly licensed under the laws of the state or country where such vehicle is registered, or has complied fully with its laws respecting the licensing of operators of motor vehicles and has such license or evidence of such compliance on his person or in the vehicle in some easily accessible place; and a non-resident who holds a license to operate motor vehicles under the laws of the state or country in which he resides, and has the license on his person or in the vehicle in some easily accessible place, may at any time operate, without a license from the registrar, any type of motor vehicle which he is licensed to operate under said license, irrespective of the ownership of such vehicle; provided, that the laws relative to registration are complied with and that, as finally determined by the registrar, his state or country grants substantially similar privileges to residents of this commonwealth and prescribes and enforces standards of fitness for operators of motor vehicles substantially as high as those prescribed and enforced by this commonwealth.

Approved April 26, 1935.

Chap. 220 AN ACT ESTABLISHING THE EASTON CENTER WATER DISTRICT
IN THE TOWN OF EASTON.

Be it enacted, etc., as follows:

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

Beginning at a point on the boundary line of the South Easton and Eastondale fire and water district in the center of Central street opposite the southern boundary of the property of James E. Morris; thence proceeding westerly parallel to Depot street about thirteen hundred feet to the westerly boundary line of the New York, New Haven and Hartford Railroad; thence northerly along the westerly boundary line of the New York, New Haven and Hartford Railroad about forty-seven hundred feet to the southern boundary of the North Easton Village district; thence westerly along the southern boundary of the North Easton Village district about thirteen hundred fifty feet to the center line of Plain street; thence southerly along the center line of Plain street about sixteen hundred fifty feet to the center line of Summer street; thence southerly about thirty-nine hundred feet and crossing Depot street to the northwest corner of the property of the town infirmary; thence southerly along the line of the westerly boundary of the town infirmary a distance of five hundred feet; thence easterly about eighteen hundred feet to a point on

the westerly boundary line of the property of the New York, New Haven and Hartford Railroad; thence northerly along the westerly boundary line of the New York, New Haven and Hartford Railroad five hundred feet to the center line of Purchase street; thence easterly along the center line of Purchase street about twelve hundred feet to the center line of Church street; thence northerly along the westerly boundary line of the South Easton and Eastondale fire and water district about two thousand twelve feet to the center line of Depot street and Central street; thence northerly along the boundary line of the South Easton and Eastondale fire and water district about three hundred fifty feet to the point of beginning, — shall constitute a water district and are hereby made a body corporate by the name of the Easton Center Water District, 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, 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 Easton 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 Easton. 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. 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 work or for any other purpose authorized by this act.

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, fifteen thousand dollars, and may issue bonds or notes therefor which shall bear on their face the words, Easton Center Water District Loan, Act of 1935. 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. The town of Easton may, at its annual town meeting or at a legal meeting called for the purpose, guarantee the payment of such bonds or notes.

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 Easton 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 section nine.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act, if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, in any ordinary or reasonable manner could not be supplied with water from said system; but all other estates in said district shall be deemed to be benefited and shall be subject to the tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by the board of water commissioners to the assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. 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 said district. Said 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 said 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 two thirds of the voters present and voting thereon it shall take full effect, and the meeting may then proceed to act on the other articles in the warrant.

SECTION 9. Said district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act is accepted or at a special meeting thereafter 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 a term of three years. All the authority granted to said 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 commissioners shall elect by ballot a treasurer of the district, who may be 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 said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of said 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, 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 two thirds vote of the voters of the territory included within said district by section one of this act present and voting thereon at a district meeting called, in accordance with the provisions of section eight, within four years after its passage; but it shall become void unless said district shall begin to distribute water to consumers within two years after its acceptance as aforesaid.

Approved April 26, 1935.

Chap. 221 AN ACT EXTENDING FOR ONE YEAR THE OPPORTUNITY TO CITIES AND TOWNS TO BORROW UNDER THE ACT CREATING THE EMERGENCY FINANCE BOARD.

Be it enacted, etc., as follows:

SECTION 1. Chapter forty-nine 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 treasurer of any city or town, if authorized by a two thirds vote, as defined by section one of chapter forty-four of the General Laws, and with the approval of the mayor or the selectmen, may, on behalf of such city or town, petition the board to approve of its borrowing money from the commonwealth for ordinary maintenance expenses and revenue loans, and the board may, if in its judgment the financial affairs of such city or town warrant, grant its approval to the borrowing as aforesaid of specified sums not at any time exceeding, in the aggregate, the total amount represented by tax titles taken or purchased by such city or town and held by it; provided, that such borrowing is made at any time or times prior to July first, nineteen hundred and thirty-six. In case of such approval, the treasurer of such city or town shall, without further vote, issue notes, with interest at such rate as may be fixed by the treasurer with the approval of the board, in the amount approved by the board, for purposes of sale to the commonwealth only, and said notes, upon their tender to the state treasurer, shall forthwith be purchased by the commonwealth at the face value thereof. Such notes shall be payable in not more than one year, and may be renewed from time to time, if authorized by the board, but no renewal note shall be for a period of more than one year, and the maturity of any loan or renewal shall not be later than July first, nineteen hundred and thirty-seven. Such notes shall be general obligations of the city or town issuing the same, notwithstanding the foregoing provisions. Indebtedness incurred by a city or town under authority of this act shall be outside its limit of indebtedness as fixed by chapter forty-four of the General Laws. The excess, if any, of the amount of interest payments received by the commonwealth on account of notes issued by cities and towns hereunder over the cost to the commonwealth for interest on money borrowed under section five, expenses of the board, including compensation paid to its appointive members, and expenses of administration of the funds provided by sections three and five shall be distributed to such cities and towns in November, nineteen hundred and forty, or earlier at the discretion of the board, in the proportion which the aggregate amounts payable by them on account of interest on such notes bear to the total amounts so payable by all cities and towns hereunder.

SECTION 2. Section five of said chapter forty-nine, as amended by chapter three hundred and thirteen of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the sixth line, the word "sixteen" and inserting in place thereof the word:— twenty, — and by striking out, in the fifteenth line, the word "thirty-nine" and inserting in place thereof the word:— forty, — 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 twenty 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 forty. All notes issued under this section shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

Approved April 26, 1935.

AN ACT RELATIVE TO THE ISSUE OF CERTAIN COUPON NOTES AND OTHER EVIDENCES OF INDEBTEDNESS BY GAS AND ELECTRIC COMPANIES AND WATER COMPANIES.

Chap. 222

Be it enacted, etc., as follows:

Section fourteen of chapter one hundred and sixty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the words "three years" and inserting in place thereof the words:— one year, — so as to read as follows:— *Section 14.* Gas and electric companies shall issue only such amount of stock and bonds, and of coupon notes and other evidences of indebtedness payable at periods of more than one year after the date thereof, as the department may from time to time vote is reasonably necessary for the purpose for which such issue of stock, bonds, coupon notes or other evidences of indebtedness has been authorized. The department may take into consideration any resources of the companies available or which might have been available for said purpose. The department shall render a decision upon an application for such issue within thirty days after the final hearing thereon. The decision shall be in writing, shall assign the reasons therefor, shall, if approving such issue, specify the respective amounts of stock, bonds, coupon notes or other evidences of indebtedness

G. L. (Ter. Ed.), 164, § 14, amended.

Issue of stock, bonds, etc., by gas and electric companies.

which are approved to be issued for the respective purposes to which the proceeds thereof are to be applied, and shall, within seven days after it has been rendered, be filed in the office of the department. A certificate of the vote of the department shall, within three days after such decision has been rendered and before the stock, bonds, coupon notes or other evidences of indebtedness are issued, be filed in the office of the state secretary, and a duplicate thereof delivered to the corporation, which shall enter the same upon its records. A company subject to this section shall not apply the proceeds of such stock, bonds, coupon notes or other evidences of indebtedness to any purpose not specified in such certificate. No application for the approval of an issue of stock shall be made unless authorized by vote of the incorporators, if an original issue, or of the stockholders if an increase of stock, passed not more than four months prior to such application; but a vote of the stockholders to increase the capital stock may be passed before or after the decision of the department.

Approved April 26, 1935.

Chap. 223 AN ACT RELATIVE TO THE USE OF CERTAIN TRAILERS ON
THE WAYS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 90, § 19,
etc., amended.

SECTION 1. Section nineteen of chapter ninety of the General Laws, as most recently amended by section three of chapter three hundred and thirty-two of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the last sentence and inserting in place thereof the following:—

Trailers and
motor trucks,
dimensions of.

No trailer having a carrying capacity of more than one thousand pounds, other than a semi-trailer, or a heavy duty platform trailer used for purposes other than the transportation of goods, wares and merchandise, shall be operated or drawn on the ways of the commonwealth; provided, that a trailer having a carrying capacity of more than one thousand pounds may be operated or drawn upon any way for a distance not exceeding one half mile, if said trailer is used exclusively for agricultural purposes, or for a distance not exceeding three hundred yards, if such trailer is used for industrial purposes other than agricultural purposes, for the purpose of going from property owned or occupied by the owner of such trailer to other property so owned or occupied. No motor vehicle shall be operated on any way to draw more than one trailer or other vehicle.

Effective date.

SECTION 2. This act shall take effect January first, nineteen hundred and thirty-six.

Approved April 26, 1935.

AN ACT RELATIVE TO PRACTICE AND PROCEDURE IN THE LAND COURT IN RESPECT TO PETITIONS FOR FORECLOSURE OF RIGHTS OF REDEMPTION UNDER TAX TITLES.

Chap. 224

Be it enacted, etc., as follows:

SECTION 1. Section sixty-six of chapter sixty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "entered" in the fifteenth line the words: — and answer filed, — and by inserting after the word "appear" in the sixteenth line the words: — and answer, — so as to read as follows: — *Section 66.* Upon the filing of such a petition the court shall forthwith cause to be made by one of its official examiners an examination of the title sufficient only to determine the persons who may be interested in the same, and shall upon the filing of the examiner's report notify all persons appearing to be interested, whether as equity owners, mortgagees, lienors, attaching creditors or otherwise, of the pendency of the petition, the notice to be sent to each by registered mail and return of receipt required, the addresses of respondents, so far as may be ascertained, being furnished by the petitioner. Such other and further notice by publication or otherwise shall be given as the court may at any time order. The notice, to be addressed "To all whom it may concern", shall contain the name of the petitioner, the names of all known respondents, a description of the land and a statement of the nature of the petition, shall fix the time within which appearance may be entered and answer filed, and shall contain a statement that unless the party notified shall appear and answer within the time fixed a default will be recorded, the petition taken as confessed, and the right of redemption forever barred.

G. L. (Ter. Ed.), 60, § 66, amended.

Examination of title, notice, etc.

SECTION 2. Section sixty-seven of said chapter sixty, as so appearing, is hereby amended by inserting after the word "appear" in the fourth line the words: — and answer, — so as to read as follows: — *Section 67.* After the return day fixed, to be at least twenty days after the time of the actual issuance of notice, the court shall, if satisfied that the notice has been properly given, on motion of the petitioner enter an order defaulting all persons failing to appear and answer, and decreeing that the petition as to them be taken as confessed.

G. L. (Ter. Ed.), 60, § 67, amended.

Default.

SECTION 3. Section sixty-eight of said chapter sixty, as so appearing, is hereby amended by striking out in the first and second lines the words "within ten days after entering his appearance" and inserting in place thereof the words: — on or before the return day, — so as to read as follows: — *Section 68.* Any person claiming an interest, on or before the return day or within such further time as may on motion be allowed by the court, shall, if he desires to redeem, file an answer setting forth his right

G. L. (Ter. Ed.), 60, § 68, amended.

Answer, offer to redeem, etc.

in the premises, and an offer to redeem upon such terms as may be fixed by the court. Thereupon the court shall hear the parties, and may in any case in its discretion make a finding allowing the party to redeem, within a time fixed by the court, upon payment to the petitioner of an amount sufficient to cover the original sum, costs, interest at the rate of eight per cent per annum, and all subsequent taxes, costs and interest to which the petitioner may be entitled under section sixty-one or sixty-two, together with the costs of the proceeding and such counsel fee as the court deems reasonable. The court may impose such other terms as justice and the circumstances warrant.

SECTION 4. Section sixty-nine of said chapter sixty, as so appearing, is hereby amended by striking out, in the first and second lines, the words “, or on motion for failure to file answer”, — so as to read as follows: — *Section 69*. If a default is entered under section sixty-seven, or if redemption is not made within the time and upon the terms fixed by the court under the preceding section, or if at the time fixed for the hearing the person claiming the right to redeem does not appear to urge his claim, or if upon hearing the court determines that the facts shown do not entitle him to redeem, a decree shall be entered which shall forever bar all rights of redemption.

SECTION 5. Section seventy of said chapter sixty, as so appearing, is hereby amended by striking out in the third line the words “within ten days after filing his appearance” and inserting in place thereof the words: — on or before the return day, — so as to read as follows: — *Section 70*. If a person claiming an interest desires to raise any question concerning the validity of such a title, he shall do so by answer filed in the proceeding on or before the return day, or within such further time as may on motion be allowed by the court, or else be forever barred from contesting or raising the question in any other proceeding. He shall also file specifications setting forth the matters upon which he relies to defeat the title; and unless such specifications are so filed, all questions of the validity or invalidity of the title, whether in form of deed or proceedings relating to the sale or taking, shall be deemed to have been waived. Upon the filing of the specifications the court shall hear the parties, and shall enter a decree in conformity with the law on the facts found.

SECTION 6. This act shall become operative October first of the current year and shall apply only in the case of petitions thereafter brought. *Approved April 26, 1935.*

G. L. (Ter. Ed.), 60, § 69, amended.

Decree barring redemption.

G. L. (Ter. Ed.), 60, § 70, amended.

Questions of validity of title.

Effective date.

AN ACT REQUIRING CONSIDERATION BY THE ADVISORY BOARD OF PARDONS OF THE CASES OF CERTAIN LIFE PRISONERS ON THE QUESTION OF EXTENDING CLEMENCY.

Chap. 225

Be it enacted, etc., as follows:

Chapter one hundred and twenty-seven of the General Laws is hereby amended by inserting after section one hundred and fifty-four, as appearing in the Tercentenary Edition, the following new section:— *Section 154A*. In every case where a person is confined in any penal institution except Bridgewater state hospital under a sentence for the term of his or her natural life, the board of parole, acting as the advisory board of pardons, shall, within sixty days after the expiration of fifteen years of such sentence, consider carefully and thoroughly the merits of such case on the question of extending clemency, as provided in section one hundred and fifty-four in the case where a petition for pardon or commutation of sentence is referred to it by the governor, and all the provisions of said section shall, so far as pertinent, apply. Nothing herein shall require the said board to consider again the case of a prisoner if it has previously considered the same under section one hundred and fifty-four.

Approved April 26, 1935.

G. L. (Ter. Ed.), 127, new section 154A, added.

Advisory board of pardons, duties relative to clemency to certain life prisoners.

AN ACT RELATIVE TO THE PURCHASE AND DISTRIBUTION OF BOOKS CONTAINING PORTRAITS OF MEMBERS OF THE GENERAL COURT AND OTHER MATTERS OF PUBLIC INTEREST.

Chap. 226

Be it enacted, etc., as follows:

SECTION 1. Section eighteen of chapter five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the word "forty" and inserting in place thereof the word:— fifty, — and by striking out, in the eighth and ninth lines, the words "sixteen hundred" and inserting in place thereof the words:— eighteen hundred and fifty, — so as to read as follows:— *Section 18*. The clerks of the two branches of the general court may, in every odd-numbered year, purchase three hundred and fifty copies of a book containing portraits and biographical sketches of members of the general court and other state officers, lists of committees and such other information as the clerks approve. The clerks shall furnish one such copy to each such member and shall distribute the other copies as the committees on rules of the senate and house of representatives may direct. The clerks may expend therefor a sum not exceeding eighteen hundred and fifty dollars.

SECTION 2. After a sufficient appropriation has been made, this act shall also apply, for the purpose of preventing loss to the publisher, to the purchase of the copies of the current edition of said book.

Approved April 26, 1935.

G. L. (Ter. Ed.), 5, § 18, amended.

Purchase, etc., of books containing portraits of members of general court.

Chap. 227 AN ACT RELATIVE TO PAYMENTS, CHARGES, CONTRACTS, PURCHASES, SALES OR OBLIGATIONS OR OTHER ARRANGEMENT BETWEEN GAS OR ELECTRIC COMPANIES AND AFFILIATED COMPANIES, AND THE BURDEN OF PROVING THE REASONABLENESS THEREOF.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 164, new section 94C, added.

Gas or electric companies, charges to affiliated companies.

Chapter one hundred and sixty-four of the General Laws is hereby amended by inserting after section ninety-four B, as appearing in the Tercentenary Edition, the following new section:— *Section 94C*. Whenever, in any proceeding before the department under section fourteen, ninety-two, ninety-two A, ninety-three, ninety-four, ninety-four A or ninety-four B, the reasonableness of any payment, charge, contract, purchase, sale, obligation or other arrangement between a gas or electric company and a company related to it as an affiliated company, as defined in section eighty-five, shall come into question, the burden of establishing and proving the reasonableness of such payment, charge, contract, purchase, sale, obligation or other arrangement shall be upon such gas or electric company.

Approved April 26, 1935.

Chap. 228 AN ACT DISPENSING WITH EDUCATIONAL REQUIREMENTS AS A CONDITION OF TAKING CERTAIN CIVIL SERVICE EXAMINATIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, new section 6A, added.

Rules, etc., respecting educational requirements.

Chapter thirty-one of the General Laws is hereby amended by inserting after section six, as most recently amended by chapter two hundred and sixty of the acts of nineteen hundred and thirty-two, the following new section:— *Section 6A*. No rule or regulation shall be made setting up educational requirements as a condition of taking a civil service examination except in respect to professional and other positions for which such requirements are expressly imposed by statute and to the extent of the requirements so imposed.

Approved April 26, 1935.

Chap. 229 AN ACT PROVIDING FOR THE TRANSFER FROM THE SUPERIOR COURT TO THE LAND COURT OF CERTAIN ACTIONS AT LAW AND SUITS IN EQUITY WHERE ANY RIGHT, TITLE OR INTEREST IN LAND IS INVOLVED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 212, new section 26A, added.

Transfer to land court of certain actions.

SECTION 1. Chapter two hundred and twelve of the General Laws is hereby amended by inserting after section twenty-six, as appearing in the Tercentenary Edition, the following new section:— *Section 26A*. The superior court may, upon the application of either party, order a jury waived action at law or a suit in equity where any right, title or interest in land is involved, except suits in equity

for specific performance of contracts, removed to the land court for trial and disposition. Upon the entry of such an order, the clerk of the court shall forthwith transmit all the papers in the case to the recorder of the land court who shall forthwith enter them on the land court docket, which court thereafter shall have jurisdiction of the action or suit so removed.

SECTION 2. This act shall take effect on the first day of October in the current year. *Approved April 26, 1935.* Effective date.

AN ACT ESTABLISHING THE SOUTH CHELMSFORD WATER DISTRICT OF CHELMSFORD. *Chap. 230*

Be it enacted, etc., as follows:

SECTION 1. Beginning at a stone bound marked S. C. on the top thereof, located on the southerly boundary of the Chelmsford Water District and three hundred feet easterly of the center line of Acton road; thence in a southerly direction to a stone bound on the northerly line of Parker road two hundred feet easterly from the intersection of the northerly line of Parker road and the easterly line of Fay road; thence southerly to a stone bound on the easterly line of Park road seven hundred feet southerly from the intersection of the easterly line of Park road and the southerly line of Proctor road; thence in a westerly direction to a stone bound on the easterly line of Acton road; thence northwesterly parallel to and three hundred feet westerly of Pond road to a stone bound on the southerly line of Parkerville road; thence northerly to a stone bound two hundred feet westerly of the Garrison road on the extension of the southerly line of Maple road; thence northeasterly to a stone bound on the westerly line of Locust road five hundred feet northerly from the intersection of the westerly line of Locust road and the northerly line of Robbins Hill road; thence northeasterly to a stone bound located on the southerly line of the Chelmsford Water District, and five hundred feet westerly of the center line of Acton road; thence easterly along the southerly line of the Chelmsford Water District to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the South Chelmsford Water District of Chelmsford, 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 to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase or otherwise, and to hold for the purposes mentioned in this act, property, lands, rights of way and other easements, and to prosecute and defend all actions relating to the property and affairs of the district.

SECTION 2. For the purposes aforesaid, said district, acting by and through its board of water commissioners hereinafter provided for, may contract with the Chelmsford Water District or the city of Lowell, or any other town or city, acting through its water department, or with any water company, or with any other water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or may take under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond or stream, or of any ground sources of supply by means of driven, artesian or other wells within the town of Chelmsford, not already used for public water supply, and the water rights connected with any such water sources; and for such 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 state department of public health, and that the location of all dams, reservoirs and wells to be used as sources of water supply under this act shall be subject to the approval of said department. Said district 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 pipe lines, 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 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 Chelmsford. 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 prop-

erty by any taking under this act or any other thing done under authority thereof may recover such damages from said 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 for the system of water supply under the provisions of this act, other than expenses of maintenance and operation, the said district may borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, forty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, South Chelmsford Water District Loan, Act of 1935. 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. Said 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 said district by the assessors of said town of Chelmsford 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 commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, in any ordinary or reasonable manner could not be supplied with water from the said system; but all other estates in said district shall be deemed to be benefited and shall be subject to the tax. A certified list of the estates exempt from taxation under

the provisions of this section shall annually be sent by the board of water commissioners to the assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. 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 said district. Said 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 said district shall be called, within four years after the passage of this act, 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 two thirds 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. Said district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act is accepted or at a special meeting thereafter 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 after 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 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. Said commissioners shall appoint a treasurer of said district, who may be one of their number, who shall give bond to said district in such an amount as may be approved by the commissioners. 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 said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of said 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 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 11. Said 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 said district meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this act shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine not exceeding one hundred dollars or by imprisonment in jail for not more than twelve months.

SECTION 13. This act shall take full effect upon its acceptance by a two thirds vote of the voters of said district present and voting thereon at a district meeting called, in accordance with the provisions of section eight, within four years after its passage; but it shall become void unless said district shall begin to distribute water to consumers within two years after its acceptance as aforesaid.

SECTION 14. Upon a petition in writing addressed to said commissioners by any owner of real estate in said town, abutting on said district, setting forth that the petitioner desires to have certain accurately described portions of his real estate included in said district, said commissioners shall cause a duly warned meeting of said district to be called at which meeting the voters may vote on the question of including said real estate within said 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, describing precisely the real estate added to said district; and thereupon said real estate shall become and be a part of said 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.

Approved April 30, 1935.

Chap. 231 AN ACT RELATIVE TO VOTING BY THE TOWN OF AMHERST ON THE QUESTION OF THE PURCHASE BY SAID TOWN OF THE PROPERTY, RIGHTS AND PRIVILEGES OF THE AMHERST WATER COMPANY.

Be it enacted, etc., as follows:

Section five of chapter one hundred and ninety-eight of the acts of nineteen hundred and three is hereby amended by adding at the end thereof the following: — ; provided, that, in the case of said town, such vote shall be taken at an annual or special town meeting in answer to the following question, which shall be placed upon the official ballot to be used at said meeting: "Shall the town purchase the property, rights and privileges of the Amherst Water Company?"

Approved April 30, 1935.

Chap. 232 AN ACT TO REQUIRE FOREIGN LIFE INSURANCE COMPANIES TO PROVIDE FOR PAID-UP AND EXTENDED TERM INSURANCE AND CASH SURRENDER VALUES ON POLICIES OF INDUSTRIAL LIFE INSURANCE ISSUED IN THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 175, new section 147B, added.

Application of certain sections to certain industrial life insurance policies.

Chapter one hundred and seventy-five of the General Laws is hereby amended by inserting after section one hundred and forty-seven A, as appearing in the Tercentenary Edition, the following new section: — *Section 147B.* The provisions of sections one hundred and forty-six, one hundred and forty-seven and one hundred and forty-seven A shall apply to any policy of industrial life insurance issued or delivered in the commonwealth by any foreign life company on and after January first, nineteen hundred and thirty-six.

Approved May 1, 1935.

Chap. 233 AN ACT RELATIVE TO THE ENFORCEMENT OF FISH AND GAME LAWS WITHIN THE BOUNDARIES OF STATE FORESTS AND TO THE ENFORCEMENT OF RULES AND REGULATIONS RELATIVE TO STATE FORESTS AND STATE RESERVATIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 132, § 34, amended.

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

In addition to the officers required by section seven of chapter one hundred and twenty-nine A to enforce throughout the commonwealth the provisions of law relating to fish, birds and mammals, the forester, state fire warden and any duly authorized forest warden or deputy forest warden shall enforce said provisions within the limits of state forests and shall enforce throughout the commonwealth the provisions of section eighty-one of chapter one hundred and thirty-one; and said forester and wardens shall enforce the provisions of all rules and regulations relating to state forests and state reservations made under authority of this chapter and chapter one hundred and thirty-two A. With respect to violations of all the provisions aforesaid, said forester and wardens shall have and exercise all the powers conferred by law upon the officers described in said section seven for the enforcement of the laws relating to fish, birds and mammals. The officers mentioned in said section seven shall take cognizance of violations of said rules and regulations and prosecute the same; and for such purpose shall have and exercise all said powers.

Enforcement of fish and game laws in state forests, etc.

Approved May 1, 1935.

AN ACT RELATIVE TO THE COVERAGE OF FIRE POLICIES AND LIFE POLICIES.

Chap. 234

Be it enacted, etc., as follows:

Chapter one hundred and seventy-five 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.* No company shall issue any policy of insurance which provides coverage against loss or damage caused by hazards specified in more than one of the clauses of section forty-seven, until a copy of the form of the policy has been on file for thirty days with the commissioner, unless before the expiration of said thirty days he shall have approved the form of the policy in writing; nor if the commissioner notifies the company in writing within said thirty days that the form of the policy does not comply with the laws of the commonwealth, specifying his reasons therefor, provided that the opinion of the commissioner shall be subject to review by the supreme judicial court; but nothing in the foregoing provisions of this section shall permit the incorporation in the standard fire policy, prescribed by section ninety-nine, or any policy issued under section one hundred and two A, one hundred and eleven A or one hundred and seventeen A or any policy subject to section one hundred and eight, or one hundred and thirteen A, or one hundred and thirty-two, of any coverage not otherwise permitted by this chapter to be incorporated therein.

G. L. (Ter. Ed.), 175, §22A, amended.

Coverage of fire policies extended.

Any company authorized to insure against the hazards specified in the first clause of section forty-seven may

incorporate in the standard fire policy prescribed by section ninety-nine in the manner provided in the ninth clause of said section, coverage against loss or damage by any of the hazards set forth in the said first clause and in subdivision (f) of the second clause, and the eighth clause of said section forty-seven. *Approved May 1, 1935.*

Chap. 235 AN ACT ESTABLISHING IN THE TOWN OF ADAMS REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established in the town of Adams the form of representative town government by limited town meetings hereinafter set forth.

SECTION 1A. Upon the acceptance of this act by the town of Adams, as hereinafter provided, the selectmen shall forthwith divide the territory thereof into not less than five or more than eight voting precincts, each of which shall be plainly designated and shall contain not less than eight hundred registered voters. All precincts shall contain approximately an equal number of registered voters. The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed, and, if need be, wholly or partly revised by the selectmen in October, once in five years, or in October of any year when so directed by a vote of a representative town meeting. The selectmen shall, within twenty days after any establishment or revision of the precincts, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or description of the precincts and the names and residences of the registered voters therein. The selectmen shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein. They shall also cause to be posted in at least one public place in each precinct a map or description of that precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of the filing of the report thereof by the selectmen with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meet-

ing direct. The provisions of the general laws relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

SECTION 2. Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation of all precincts by an equal number of members and which will not cause the total elected town meeting membership to exceed one hundred and fifty. The registered voters in every precinct shall, at a special election called for that purpose, to be held not sooner than thirty days after the establishment of precincts under this act, or at the first annual town election held after the establishment thereof, and at the first annual town election following any precinct revision where the number of precincts is changed, conformably to the laws relative to elections not inconsistent with this act, elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first sentence of this section, to be town meeting members of the town. The first third in the order of votes received of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting, or, in case such election is at a special meeting, from the next annual town meeting; in case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same; and thereafter, except as is otherwise provided herein, at each annual town election the registered voters of each precinct shall, in like manner, elect one third of the number of town meeting members to which that precinct is entitled for the term of three years, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of town meeting members in their respective precincts. Upon every revision of the precincts where the number of precincts is changed, the terms of office of all town meeting members from every precinct shall cease upon the election of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each member by mail of his election.

SECTION 3. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, designated as town meeting members at large, *ex officio*; namely, any member of the general court of the commonwealth who is a resident of the town, the moderator, the town clerk, the

selectmen, the town treasurer, the town counsel, the chairman of the trustees of the public library, the school committee, the board of assessors, the board of health, the tax collector and the members of the finance committee. The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. One hundred town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time. Notice of every adjourned representative town meeting shall be posted by the town clerk in five or more public places in the town, and he shall notify the members by mail of the adjournment at least twenty-four hours before the time of the adjourned representative town meeting. The notices shall state briefly the business to be acted upon at any meeting and shall include notice of any proposed reconsideration. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the representative town meeting, any voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect upon the date of such filing. No elected member whose official position entitles him to be a member at large shall act as a member at large during such times as he remains an elected member. A town meeting member who removes from the town shall cease to be a town meeting member and an elected town meeting member who removes from one precinct to another or is so removed by a revision of precincts shall not retain membership after the next annual election.

SECTION 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers which shall bear no political designation, but to the name of a candidate for re-election there may be added the words "Candidate for Re-election". Nomination papers shall be signed by not less than ten registered voters of the precinct in which the candidate is nominated for office and filed with the town clerk at least ten days before the election. No nomination papers shall be valid in respect to any candidate unless his written acceptance is filed therewith.

SECTION 5. All articles in the warrant for every town meeting, so far as they relate to the election of the town moderator, town officers and town meeting members, and, as herein provided, to referenda and all matters to be acted upon and determined by ballot, shall be so acted upon and

determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting, beginning with the annual town meeting in the year when said town meeting members are first elected, or, if first elected at a special town meeting, beginning with the next annual town meeting thereafter, shall be acted upon and determined exclusively by town meeting members at a representative town meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, and subject to the referendum provided for by section eight.

SECTION 6. A moderator shall be elected by ballot at each annual town election, and shall serve as the moderator of all town meetings except as otherwise provided by law until his successor is elected and qualified. Nominations for moderator and his election shall be as in the case of other elective town officers, and any vacancy in such office may be filled by the town meeting members at a representative town meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

SECTION 7. In the event of any vacancy in the full number of elected town meeting members from any precinct the remaining elected members of the precinct may choose from among the registered voters thereof a successor to serve until the next annual town election. The town clerk may, and upon a petition therefor signed by not less than five elected town meeting members from the precinct shall, call a special meeting for the purpose of filling such vacancy and shall mail a notice thereof to the remaining elected members from the precinct specifying the object and the time and place of such meeting which shall be held not less than four days after the mailing of such notice. At such meeting a majority of such members shall constitute a quorum and shall elect from their own number a chairman and a clerk. The election to fill such vacancy shall be by ballot and a majority of the votes cast shall be required for a choice. The clerk shall forthwith file with the town clerk a certificate of such election, together with a written acceptance by the member so elected, who shall thereupon be deemed elected and qualified as an elected town meeting member, subject to the provisions of section three respecting the election and qualifications of elected town meeting members.

SECTION 8. A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of five days,

exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than five per cent of the registered voters of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by a majority vote of the registered voters of the town voting thereon, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot: — "Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?" If such petition is not filed within said period of five days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

SECTION 9. The town of Adams, after the acceptance of this act, shall have the capacity to act through and be bound by its said town meeting members who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town affairs in town meetings shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as heretofore organized and conducted.

SECTION 10. The representative town meeting may make such rules consistent with general law as may be considered necessary for conducting its meetings.

SECTION 11. The representative town meeting may appoint such committees of its members for investigation and report as it may consider necessary.

SECTION 12. All by-laws or parts of by-laws of the town inconsistent with the provisions of this act are hereby repealed. The provisions of chapter forty-four of the Gen-

eral Laws shall continue to apply in the town of Adams notwithstanding the provisions of this act.

SECTION 13. This act shall not abridge the right of the inhabitants of Adams to hold general meetings, as that right is secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in Adams the power finally to commit the town to any measure affecting its municipal existence or changing its government, without action thereon by the voters of the town at large, using the ballot and the check list therefor.

SECTION 14. This act shall be submitted to the registered voters of the town of Adams at any annual town meeting. The vote shall be taken by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed upon the official ballot to be used for the election of town officers: "Shall an act passed by the General Court in the year nineteen hundred and thirty-five, entitled 'An Act establishing in the town of Adams representative town government by limited town meetings,' be accepted by this town?"

This act shall take effect upon its acceptance by a majority of the voters voting thereon.

SECTION 15. If this act is rejected by the registered voters of the town of Adams when submitted to said voters under section fourteen, it may again be submitted for acceptance in like manner from time to time to such voters at any annual town meeting in said town within three years thereafter, and, if accepted by a majority of the voters voting thereon at such a meeting, shall thereupon take effect.

Approved May 1, 1935.

AN ACT TO AVOID MULTIPLICITY OF SALES OR TAKINGS OF *Chap. 236*
LAND FOR TAXES AND OTHER CHARGES.

Be it enacted, etc., as follows:

Section forty-three of chapter sixty of the General Laws, as most recently amended by chapter one hundred and eighty-three of the acts of the current year, is hereby further amended by striking out the last sentence and inserting in place thereof the following:—The word "taxes", as used in the provisions of this and the following sections of this chapter relating to collection by sale or taking of any parcel of land shall, so far as pertinent, include all taxes, assessments or portions thereof, rates and charges of every nature which constitute a lien upon such parcel and which have lawfully been placed upon the annual tax bill of a municipality or of a district wholly or partly located within its limits. The collector, on behalf of such municipality and district or either of them, shall make a single sale or taking of any parcel of land for all unpaid

G. L. (Ter.
Ed.), 60, § 43,
etc., amended.

Tax sales,
conduct of,
regulated.

taxes as so defined. If the municipality purchases or takes the land in such case, the proceeds received upon redemption of the tax title or upon a sale following foreclosure of the right of redemption shall be applied first to taxes assessed on account of the municipality under chapter fifty-nine, including interest thereon, and all costs, charges and terms of redemption in any way resulting from such sale or taking, second to any district taxes, including interest thereon, in the order in which they were committed to the collector, and the balance to other assessments or portions thereof, rates and charges, including interest thereon, in the order in which they were committed to the collector, — so as to read as follows: — *Section 43.* If the taxes are not paid, the collector shall, at the time and place appointed for the sale, sell by public auction, for the amount of the taxes and interest, if any, and necessary intervening charges, the smallest undivided part of the land which will bring said amount, or the whole for said amount, if no person offers to take an undivided part; and shall at such sale require of the purchaser an immediate deposit of such sum as he considers necessary to insure good faith in payment of the purchase money, and, on failure of the purchaser to make such deposit forthwith, the sale shall be void and another sale may be made as provided in this chapter. The word “taxes”, as used in the provisions of this and the following sections of this chapter relating to collection by sale or taking of any parcel of land shall, so far as pertinent, include all taxes, assessments or portions thereof, rates and charges of every nature which constitute a lien upon such parcel and which have lawfully been placed upon the annual tax bill of a municipality or of a district wholly or partly located within its limits. The collector, on behalf of such municipality and district or either of them, shall make a single sale or taking of any parcel of land for all unpaid taxes as so defined. If the municipality purchases or takes the land in such case, the proceeds received upon redemption of the tax title or upon a sale following foreclosure of the right of redemption shall be applied first to taxes assessed on account of the municipality under chapter fifty-nine, including interest thereon, and all costs, charges and terms of redemption in any way resulting from such sale or taking, second to any district taxes, including interest thereon, in the order in which they were committed to the collector, and the balance to other assessments or portions thereof, rates and charges, including interest thereon, in the order in which they were committed to the collector.

Approved May 1, 1935.

AN ACT FURTHER REGULATING THE SHUTTING OFF OF THE SUPPLY OF GAS OR ELECTRICITY BY GAS OR ELECTRIC COMPANIES.

Chap. 237

Be it enacted, etc., as follows:

Section one hundred and twenty-four of chapter one hundred and sixty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth line, the word "twenty-four" and inserting in place thereof the word: — thirty-six, — so as to read as follows: — *Section 124.* A gas or electric company may stop gas or electricity from entering the premises of any person failing to pay the amount due therefor or for the use of the meter or other article hired by him from such company; and, for such purpose, the officers, servants or workmen thereof may, after thirty-six hours' notice, enter his premises between the hours of eight in the forenoon and four in the afternoon and separate and take away such meter or other property of the company, and may disconnect any meter, pipe, wires, fittings or other works, whether they are property of the company or not, from its mains, pipes or wires.

Approved May 1, 1935.

G. L. (Ter. Ed.), 164, § 124, amended.

Gas and electricity, shutting off of, regulated.

AN ACT PROVIDING FOR THE ARRANGEMENT OF NAMES OF CANDIDATES AND POLITICAL PARTIES ON VOTING MACHINES AT STATE ELECTIONS.

Chap. 238

Be it enacted, etc., as follows:

SECTION 1. Section thirty-three of chapter fifty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following paragraph: —

On voting machines to be used at state elections the names of the candidates of each political party shall be arranged in a horizontal row or vertical column under or opposite the titles of the offices; the order of such rows or columns to be determined by the vote cast for governor at the last preceding election, the row or column of the party casting the largest number of votes for governor to be first, the row or column of the party casting the next largest number of votes for governor to be second, and so on. The arrangement of names and questions on voting machines shall be in general the same as on the official ballot, except as hereinbefore provided and except that when in the judgment of the ballot law commission it is impracticable, said commission shall determine the arrangement.

SECTION 2. Section forty-two of said chapter fifty-four, as amended by section five of chapter one hundred and thirty-five of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word

G. L. (Ter. Ed.), 54, § 33, amended.

Arrangement of names on voting machines.

G. L. (Ter. Ed.), 54, § 42, etc., amended.

Same subject.

“shall” in the second line the words:—, except at state elections in places where voting machines are used, — so that the first paragraph will read as follows:— The names of candidates for every state, city and town office, except presidential electors, shall, except at state elections in places where voting machines are used, be arranged under the designation of the office in alphabetical order according to their surnames, except as city charters otherwise provide in the case of municipal offices; but the names of candidates for different terms of service in the same office shall be arranged in groups according to the length of their respective terms, and the names of candidates nominated by single wards but to be voted for at large shall be arranged in groups by wards. In the case of representatives in congress, the designation may be “congressman”. Blank spaces shall be left at the end of the list of candidates for each different office, except presidential electors, equal to the number to be elected thereto, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote for such office. If the approval of any question is submitted to the voters, it shall be printed on the ballot after the names of the candidates.

Approved May 1, 1935.

Chap. 239 AN ACT FORBIDDING THE LICENSED RACING OF HORSES AND DOGS UNDER THE PARI-MUTUEL SYSTEM OF BETTING, ON PUBLICLY OWNED PREMISES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 128A, § 3, etc., amended.

Section three of chapter one hundred and twenty-eight A of the General Laws, as appearing in section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, is hereby amended by inserting after clause (m) the following new clause:—

(n) No licenses shall be issued to permit horse or dog racing meetings to be held on premises owned by the commonwealth or any political subdivision thereof.

Approved May 1, 1935.

Chap. 240 AN ACT AUTHORIZING THE BOSTON CONSOLIDATED GAS COMPANY TO ACQUIRE BY PURCHASE OR OTHERWISE ANY OR ALL OF THE PROPERTY OF THE DEDHAM AND HYDE PARK GAS AND ELECTRIC LIGHT COMPANY IN THE CITY OF BOSTON AND THE TOWNS OF DEDHAM AND WESTWOOD.

Be it enacted, etc., as follows:

The Boston Consolidated Gas Company is hereby authorized to take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, any or all of the property, including franchises, of the Dedham and Hyde Park Gas and Electric Light Company in the Hyde Park district of the city of Boston and in the towns of Dedham and Westwood.

Approved May 4, 1935.

Meetings not to be held on state or municipal property.

AN ACT AUTHORIZING THE TOWN OF SWAMPSCOTT TO INCUR *Chap. 241*
INDEBTEDNESS FOR HIGH SCHOOL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and sixty-two of the acts of nineteen hundred and thirty is hereby amended by striking out section one and inserting in place thereof the following:— *Section 1.* For the purpose of purchasing or otherwise acquiring land in the town of Swampscott for high school uses and for the purpose of constructing a high school building, and for the purpose of enlarging, adding to or remodeling the present high school building in said town, or for any of said purposes, and of originally equipping and furnishing such building so constructed, remodeled, added to or enlarged, the town of Swampscott may borrow from time to time, prior to January first, nineteen hundred and thirty-nine, such sums as may be necessary, not exceeding, in the aggregate, four hundred thousand dollars, and may issue bonds or notes therefor, which bonds or notes shall bear on their face the words, Swampscott High School Loan, Act of 1935. 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 in any year unless a sum equal to twenty-five cents on each one thousand dollars of the assessed valuation of the town for the preceding year has been appropriated from available revenue funds or voted to be raised by taxation, for the same purpose, in the year when the loan is 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.

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

Approved May 4, 1935.

AN ACT REGULATING CHARGES BY TELEPHONE COMPANIES *Chap. 242*
FOR THE USE OF HAND SETS, SO CALLED.

Be it enacted, etc., as follows:

Chapter one hundred and sixty-six of the General Laws is hereby amended by inserting after section fifteen, as appearing in the Tercentenary Edition, the following new section:— *Section 15A.* A telephone company, upon request therefor by a subscriber who has paid to such company, for a period of not less than thirty-six months, an extra charge for the use of a hand telephone set, so called, furnished to him by such company, in lieu of a wall or desk set, shall continue to furnish, or furnish, to such subscriber such a set as station equipment without extra charge therefor.

Approved May 4, 1935.

G. L. (Ter. Ed.), 166, new section 15A, added.

Hand telephone sets, charge for use of.

Chap. 243 AN ACT CHANGING THE BASIS OF CONTRIBUTIONS BY MEMBERS IN COUNTY RETIREMENT SYSTEMS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 32, § 24, amended.

Section twenty-four of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the twelfth line, the word "thirty" and inserting in place thereof the word: — thirty-five, — so that paragraph A, in lines eight to fourteen, as so appearing, will read as follows: —

Basis of contributions.

A. *Deposits by Members.* — Each member shall deposit in this fund from his wages or salary, as often as the same is payable, not less than one nor more than five per cent of the amount of his wages or salary, as determined by the board under section twenty-three (5); provided, that employees receiving more than thirty-five dollars weekly in wages or salary shall not be assessed for contributions to this fund on the excess above that amount.

Approved May 4, 1935.

Chap. 244 AN ACT AUTHORIZING THE COTUIT 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 three hundred and twenty-eight 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 three hundred and twenty-eight 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 three hundred and twenty-eight 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 and fifty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face the words, Cotuit Fire District Water Loan, Act of 1935. 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 constitute 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 or special 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 Cotuit 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 May 4, 1935.

Chap. 245 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF NORFOLK COUNTY TO BUILD AND EQUIP A NURSES' HOME AT THE NORFOLK COUNTY TUBERCULOSIS HOSPITAL.

Be it enacted, etc., as follows:

SECTION 1. The Norfolk county commissioners are hereby authorized to raise and expend a sum not exceeding one hundred thousand dollars, subject to the provisions of sections seventy-eight to eighty-nine, inclusive, of chapter one hundred and eleven of the General Laws, for the purpose of building and equipping a nurses' home at the Norfolk county tuberculosis hospital, a hospital for the treatment of persons afflicted with tuberculosis, in the town of Braintree.

SECTION 2. The provisions of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, whereby cities and towns, and fire, water, light and improvement districts, may secure the benefits provided by the National Industrial Recovery Act and acts in amendment thereof and in addition thereto, are hereby extended and made applicable to the county of Norfolk for the purposes of the work contemplated by this act, and the county commissioners of said county may, with the consent of the governor, take any and all steps necessary from time to time to enable said county to secure for said purposes any benefits to which said county may be entitled under said National Industrial Recovery Act and acts in amendment thereof and in addition thereto.

SECTION 3. This act shall take effect upon its acceptance during the current year by the county commissioners.

Approved May 4, 1935.

Chap. 246 AN ACT EXEMPTING THE CORPORATION KNOWN AS THE DISABLED AMERICAN VETERANS OF THE WORLD WAR FROM CERTAIN PROVISIONS OF LAW RELATIVE TO REGISTRATION AND THE FILING OF ANNUAL REPORTS.

Be it enacted, etc., as follows:

Section twelve A of chapter one hundred and eighty of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth

line, the word "and" and inserting in place thereof the following:—, the Disabled American Veterans of the World War and, — so as to read as follows:— *Section 12A.* A charitable corporation established, organized or chartered under laws other than those of the commonwealth, except the Grand Army of the Republic, the United Spanish War Veterans, The American Legion, the Disabled American Veterans of the World War and the Veterans of Foreign Wars of the United States, shall, before engaging in charitable work or raising funds in the commonwealth, file with the department of public welfare a copy of its charter, articles or certificate of incorporation, certified under the seal of the state or country where such corporation is incorporated, by the secretary of state thereof or by the officer having charge of the original record therein, and a true copy of its constitution and by-laws, and shall also file with the department such other information as may from time to time be required by it. Such a corporation shall annually, on or before November first, make to said department a written report such as is required by section twelve to be made by charitable corporations subject thereto. Every officer of such a corporation which fails to comply with the requirements of this section who authorizes or transacts, and every agent of such a corporation who transacts, business in behalf of such corporation in this commonwealth, shall be punished by a fine of not more than five hundred dollars. Upon an information in equity in the name of the attorney general at the relation of the commissioner of public welfare, the supreme judicial or superior court may restrain the violation of this section by such a corporation or the transaction of any business in its behalf by any officer or agent while such violation continues.

Approved May 4, 1935.

Registration of certain foreign charitable corporations.

AN ACT PROVIDING FOR INTERPRETATIVE JUDGMENTS IN THE PROBATE COURTS AS TO THE MEANING OF WRITTEN INSTRUMENTS.

Chap. 247

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and fifteen of the General Laws is hereby amended by inserting after section six A, as appearing in the Tercentenary Edition, the following new section:— *Section 6B.* A suit in equity in a probate court shall not be open to objection on the ground that a mere judgment, order or decree interpreting a written instrument or written instruments is sought thereby, and in such a suit said court may make binding determinations of right interpreting the same, whether any consequential relief is or could be claimed or not. If, in its discretion, a probate court in such case declines to make such a determination, it shall state its reasons therefor in writing.

G. L. (Ter. Ed.), 215, new section 6B, added.

Interpretative judgments.

SECTION 2. This act shall take effect on the first day of October in the current year.

Effective date.

Approved May 4, 1935.

Chap. 248 AN ACT RELATIVE TO WATER LIENS AND TO CREDITS TO BE ALLOWED TO COLLECTORS OF TAXES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 40, § 42C, amended.

SECTION 1. Section forty-two C of chapter forty 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: — Within a reasonable time after filing such a statement for record or registration, the board or officer in charge of the water department shall certify the unpaid account to the assessors who shall forthwith commit such account with their warrant to the collector of taxes of the city or town, and such collector shall forthwith send notice in accordance with section three of chapter sixty to the person designated in such warrant as the owner of record, and any demand for the payment of such account shall be made upon such person,— so as to read as follows: — *Section 42C.* Within a reasonable time after filing such a statement for record or registration, the board or officer in charge of the water department shall certify the unpaid account to the assessors who shall forthwith commit such account with their warrant to the collector of taxes of the city or town, and such collector shall forthwith send notice in accordance with section three of chapter sixty to the person designated in such warrant as the owner of record, and any demand for the payment of such account shall be made upon such person. The collector shall have the same powers and be subject to the same duties with respect to such unpaid accounts as in the case of the annual taxes upon real estate, and the provisions of law relative to the collection of such annual taxes, the sale of land for the non-payment thereof and the redemption of land so sold shall apply to unpaid accounts charged upon real estate under sections forty-two A to forty-two F, inclusive.

Collection of unpaid water bills.

G. L. (Ter. Ed.), 40, § 42D, amended.

Unpaid accounts to bear interest.

SECTION 2. Section forty-two D of said chapter forty, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following: — Any such account so certified to the assessors and by them committed to the collector which remains unpaid as certified by him shall be added by the assessors to the next annual tax and recommitted to the collector, and the total amount of such account shall be subject to interest under the provisions of section fifty-seven of chapter fifty-nine.

G. L. (Ter. Ed.), 60, § 95, etc., amended.

Credits and payments to collector.

SECTION 3. Chapter sixty of the General Laws is hereby amended by striking out section ninety-five, as most recently amended by section two of chapter three hundred and fifteen of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 95.* The collector shall be credited with all sums abated; with all sums committed and thereafter apportioned under section thirteen of chapter eighty; with the

amount of all assessments not apportioned to subsequent years which have been committed under section four of chapter eighty and subsequently recommitted to him to be added to the annual tax on the land; with all sums committed under section forty-two C of chapter forty and subsequently added to the annual tax and recommitted to him under section forty-two D of said chapter; 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.

Approved May 4, 1935.

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.

Chap. 249

Be it enacted, etc., as follows:

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-five, or for such other period as may be specified.

Appropriations for maintenance of state departments, etc., for interest, sinking fund and bond requirements, and for certain improvements.

SECTION 2.

Service of the Legislative Department.

Item		
1	For the compensation of senators, a sum not exceeding eighty-two thousand dollars	\$82,000 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 eighty-two thousand dollars	482,000 00
4	For the compensation for travel of representatives, a sum not exceeding thirty-six thousand six hundred and fifty dollars	36,650 00
5	For the salaries of the clerk of the senate and the clerk of the house of representatives, a sum not exceeding ten thousand dollars	10,000 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 seven thousand dollars	7,000 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 four thousand dollars	4,000 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 fifteen hundred dollars	1,500 00
9	For the salary of the sergeant-at-arms, a sum not exceeding four thousand dollars	4,000 00
10	For clerical assistance, office of the sergeant-at-arms, a sum not exceeding forty-four hundred and forty dollars	4,440 00
11	For the compensation for travel of doorkeepers, assistant doorkeepers, general court officers, pages and other employees of the sergeant-at-arms, authorized by law to receive the same, a sum not exceeding seventy-one hundred and nineteen dollars	7,119 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 eight thousand dollars	8,000 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 fifty thousand six hundred dollars	50,600 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 ninety-one hundred dollars	9,100 00
15	For the salaries of clerks employed in the legislative document room, a sum not exceeding fifty-seven hundred dollars	5,700 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 thirty-one hundred and fifty dollars	3,150 00
17	For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding fifteen hundred dollars	1,500 00
18	For personal services of the counsel to the senate and assistants, a sum not exceeding fifteen thousand eight hundred dollars	15,800 00

Item		
19	For personal services of the counsel to the house of representatives and assistants, a sum not exceeding eighteen thousand two hundred dollars	\$18,200 00
20	For clerical and other assistance of the senate committee on rules, a sum not exceeding forty-five hundred dollars	4,500 00
21	For clerical and other assistance of the house committee on rules, a sum not exceeding four thousand dollars	4,000 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 ninety-five hundred dollars	9,500 00
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 printing the manual of the general court, with the approval of the clerks of the two branches, a sum not exceeding five thousand dollars	5,000 00
25	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 seventeen thousand five hundred dollars	17,500 00
26	For stationery for the senate, purchased by and with the approval of the clerk, a sum not exceeding five hundred dollars	500 00
27	For office and other expenses of the committee on rules on the part of the senate, a sum not exceeding three hundred dollars	300 00
28	For office expenses of the counsel to the senate, a sum not exceeding two hundred dollars	200 00
29	For stationery for the house of representatives, purchased by and with the approval of the clerk, a sum not exceeding eight hundred and fifty dollars	850 00
30	For office and other expenses of the committee on rules on the part of the house, a sum not exceeding four hundred dollars	400 00
31	For office expenses of the counsel to the house of representatives, a sum not exceeding two hundred dollars	200 00
31a	For indexing the special laws of the commonwealth, under the direction of the senate and house counsel, a sum not exceeding three thousand dollars, as authorized by chapter five of the resolves of the current year	3,000 00
32	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 nine thousand dollars	9,000 00
33	For telephone service, a sum not exceeding ten thousand dollars	10,000 00
34	For the purchase of outline sketches of members of the senate and house of representatives, a sum not exceeding sixteen hundred dollars	1,600 00
35	For the payment of witness fees to persons summoned to appear before committees of the general court, and for expenses incidental to summoning them, with the approval of the sergeant-at-arms, a sum not exceeding four hundred dollars	400 00
	Total	\$884,509 00

Service of the Legislative Investigations.

Item		
35a	For expenses of the commission on interstate compacts affecting labor and industries, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$5,000 00
35b	For expenses of an investigation by a special commission relative to unemployment insurance, reserves and benefits, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,500 00
	Total	\$6,500 00

Service of the Judicial Department.

Supreme Judicial Court, as follows:

36	For the salaries of the chief justice and of the six associate justices, a sum not exceeding ninety-nine thousand dollars	\$99,000 00
37	For traveling allowance and expenses, a sum not exceeding forty-five hundred dollars	4,500 00
38	For the salary of the clerk for the commonwealth, a sum not exceeding sixty-five hundred dollars	6,500 00
39	For clerical assistance to the clerk, a sum not exceeding eighteen hundred dollars	1,800 00
40	For law clerks, stenographers and other clerical assistance for the justices, a sum not exceeding twenty-six thousand and forty dollars	26,040 00
41	For office supplies, services and equipment, a sum not exceeding forty-five hundred dollars	4,500 00
42	For the salaries of the officers and messengers, a sum not exceeding three thousand and forty dollars	3,040 00
43	For the commonwealth's part of the salary of the clerk for the county of Suffolk, a sum not exceeding fifteen hundred dollars	1,500 00

Reporter of Decisions:

44	For the salary of the reporter of decisions, a sum not exceeding six thousand dollars	6,000 00
45	For clerk hire and office supplies, services and equipment, a sum not exceeding ninety-six hundred and eighty-five dollars	9,685 00

Pensions:

46	For the pensions of retired court officers, a sum not exceeding two hundred dollars	200 00
	Total	\$162,765 00

Superior Court, as follows:

47	For the salaries of the chief justice and of the thirty-one associate justices, a sum not exceeding three hundred eighty-five thousand dollars	\$385,000 00
48	For traveling allowances and expenses, a sum not exceeding eighteen thousand dollars	18,000 00
49	For the salary of the assistant clerk, Suffolk county, a sum not exceeding one thousand dollars	1,000 00
50	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 ten thousand nine hundred dollars	10,900 00
51	For pensions of retired justices, a sum not exceeding six thousand dollars	6,000 00
	Total	\$420,900 00

Item

Justices of District Courts:

52	For compensation of justices of district courts while sitting in the superior court, a sum not exceeding twenty-six thousand two hundred dollars	\$26,200 00
53	For expenses of justices of district courts while sitting in the superior court, a sum not exceeding thirty-two hundred dollars	3,200 00
54	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>\$36,400 00</u>

Judicial Council:

55	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
56	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-five hundred dollars	3,500 00
	Total	<u>\$4,500 00</u>

Administrative Committee of District Courts:

57	For compensation and expenses of the administrative committee of district courts, a sum not exceeding three thousand dollars	\$3,000 00
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Probate and Insolvency Courts, as follows:

58	For the salaries of judges of probate of the several counties, a sum not exceeding one hundred twenty-one thousand dollars	\$121,000 00
59	For pensions of retired judges, a sum not exceeding sixty-three hundred and seventy-five dollars	6,375 00
60	For the compensation of judges of probate when acting for other judges of probate, a sum not exceeding nine thousand dollars	9,000 00
61	For expenses of judges of probate when acting for other judges of probate, a sum not exceeding six hundred dollars	600 00
62	For the salaries of registers of the several counties, a sum not exceeding sixty-three thousand three hundred dollars	63,300 00
63	For the salaries of assistant registers, a sum not exceeding seventy-one thousand four hundred and seventy-five dollars	71,475 00
	Total	<u>\$271,750 00</u>

Administrative Committee of Probate Courts:

64	For expenses of the administrative committee of probate courts, a sum not exceeding five hundred dollars	\$500 00
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For clerical assistance to Registers of the several counties, as follows:

65	Barnstable, a sum not exceeding twenty-three hundred dollars	\$2,300 00
66	Berkshire, a sum not exceeding forty-three hundred and forty dollars	4,340 00
67	Bristol, a sum not exceeding thirteen thousand seven hundred and forty dollars	13,740 00

Item		
68	Dukes County, a sum not exceeding six hundred and sixty dollars	\$660 00
69	Essex, a sum not exceeding eighteen thousand dollars	18,000 00
70	Franklin, a sum not exceeding nine hundred and forty dollars	940 00
71	Hampden, a sum not exceeding eleven thousand four hundred and sixty dollars	11,460 00
72	Hampshire, a sum not exceeding sixteen hundred and eighty dollars	1,680 00
73	Middlesex, a sum not exceeding forty-four thousand seven hundred and sixty dollars	44,760 00
74	Norfolk, a sum not exceeding thirteen thousand and sixty-five dollars	13,065 00
75	Plymouth, a sum not exceeding forty-five hundred and thirty dollars	4,530 00
76	Suffolk, a sum not exceeding sixty thousand two hundred and forty dollars	60,240 00
77	Worcester, a sum not exceeding fifteen thousand dollars	15,000 00
	Total	<u>\$190,715 00</u>

District Attorneys, as follows:

78	For the salaries of the district attorney and assistants for the Suffolk district, a sum not exceeding sixty thousand dollars	\$60,000 00
79	For the salaries of the district attorney and assistants for the northern district, a sum not exceeding twenty-four thousand dollars	24,000 00
80	For the salaries of the district attorney and assistants for the eastern district, a sum not exceeding fifteen thousand dollars	15,000 00
81	For the salaries of the district attorney, deputy district attorney and assistants for the southeastern district, a sum not exceeding fifteen thousand six hundred dollars	15,600 00
82	For the salaries of the district attorney and assistants for the southern district, a sum not exceeding ten thousand four hundred dollars	10,400 00
83	For the salaries of the district attorney and assistants for the middle district, a sum not exceeding fifteen thousand dollars	15,000 00
84	For the salaries of the district attorney and assistants for the western district, a sum not exceeding eighty-four hundred dollars	8,400 00
85	For the salary of the district attorney for the northwestern district, a sum not exceeding three thousand dollars	3,000 00
86	For traveling expenses necessarily incurred by the district attorneys, except in the Suffolk district, for the present and previous years, a sum not exceeding eight thousand dollars	8,000 00
	Total	<u>\$159,400 00</u>

Service of the Land Court.

87	For the salaries of the judge, associate judges, the recorder and court officer, a sum not exceeding thirty-eight thousand nine hundred and eighty-four dollars	\$38,984 00
88	For engineering, clerical and other personal services, a sum not exceeding thirty-nine thousand two hundred and forty dollars	39,240 00

Item

89	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	\$91,224 00

Service of the Board of Probation.

90	For personal services of the commissioner, clerks and stenographers, a sum not exceeding fifty-two thousand three hundred and thirty dollars	\$52,330 00
91	For services other than personal, including printing the annual report, traveling expenses, rent, office supplies and equipment, a sum not exceeding thirteen thousand dollars	13,000 00
	Total	\$65,330 00

Service of the Board of Bar Examiners.

92	For personal services of the members of the board, a sum not exceeding eleven thousand dollars	\$11,000 00
93	For other services, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding eight thousand dollars	8,000 00
	Total	\$19,000 00

Service of the Executive Department.

94	For the salary of the governor, a sum not exceeding ten thousand dollars	\$10,000 00
95	For the salary of the lieutenant governor, a sum not exceeding four thousand dollars	4,000 00
96	For the salaries of the eight councillors, a sum not exceeding eight thousand dollars	8,000 00
97	For the salaries of officers and employees of the department, a sum not exceeding forty thousand six hundred and forty dollars	40,640 00
98	For certain personal services for the lieutenant governor and council, a sum not exceeding sixty-one hundred and fifty dollars	6,150 00
99	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
100	For postage, printing, office and other contingent expenses, including travel of the governor, a sum not exceeding fifteen thousand dollars	15,000 00
101	For postage, printing, stationery, traveling and contingent expenses of the governor and council, a sum not exceeding twenty-five hundred dollars	2,500 00
102	For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand dollars	1,000 00
103	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
104	For the purchase of an automobile for the governor, a sum not exceeding forty-two hundred and fifty dollars	4,250 00
105	For certain maintenance expenses of the governor's automobile, a sum not exceeding two thousand dollars	2,000 00

Item		
106	For the purchase of a portrait of a former governor, as authorized by section nineteen of chapter eight of the General Laws, as appearing in the Tercentenary Edition thereof, a sum not exceeding three thousand dollars	\$3,000 00
107	For expenses incurred by the governor's committee on highway safety prior to April first of the current year, a sum not exceeding four thousand dollars	4,000 00
	Total	\$201,540 00

Service of the Adjutant General.

108	For the salary of the adjutant general, a sum not exceeding forty-one hundred dollars	\$4,100 00
109	For personal services of office assistants, including services for the preparation of records of Massachusetts soldiers and sailors, a sum not exceeding thirty-three thousand seven hundred and forty dollars	33,740 00
110	For services other than personal, printing the annual report, and for necessary office supplies and expenses, a sum not exceeding fifty-two hundred dollars	5,200 00
111	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 nine thousand dollars	9,000 00
	Total	\$52,040 00

Service of the Militia.

112	For allowances to companies and other administrative units, a sum not exceeding one hundred fifty-four thousand five hundred and sixty-two dollars	\$154,562 00
113	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, as appearing in the Tercentenary Edition thereof, a sum not exceeding twenty-four thousand two hundred dollars	24,200 00
114	For pay and transportation of certain boards, a sum not exceeding three thousand dollars	3,000 00
115	For pay and expenses of certain camps of instruction, a sum not exceeding thirty-five hundred dollars	3,500 00
116	For pay and transportation in making inspections and surveys, and for escort duty, a sum not exceeding four thousand dollars	4,000 00
117	For transportation of officers and non-commissioned officers for attendance at military meetings, a sum not exceeding four thousand dollars	4,000 00
118	For transportation to and from regimental and battalion drills, a sum not exceeding fifteen hundred dollars	1,500 00
119	For transportation when appearing for examination, a sum not exceeding one hundred dollars	100 00
120	For expenses of rifle practice, a sum not exceeding ten thousand dollars	10,000 00
121	For compensation, transportation and expenses in the preparation for camp duty maneuvers, a sum not exceeding twenty-five thousand dollars	25,000 00
122	For maintenance of horses, a sum not exceeding six thousand and ninety-six dollars	6,096 00
123	For compensation for special and miscellaneous duty, a sum not exceeding sixteen thousand dollars	16,000 00

Item		
124	For compensation for accidents and injuries sustained in the performance of military duty, a sum not exceeding eight thousand dollars	\$8,000 00
125	To cover certain small claims for damages to private property arising from military maneuvers, a sum not exceeding five hundred dollars	500 00
126	For expenses of maintaining an aero squadron, a sum not exceeding four thousand dollars	4,000 00
127	For premiums on bonds for officers, a sum not exceeding fifteen hundred dollars	1,500 00
128	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
129	For allowances for batteries of field artillery, a sum not exceeding sixty-four hundred dollars	6,400 00
130	For expenses of operation of the twenty-sixth division, a sum not exceeding forty-five hundred dollars	4,500 00
131	For clerical and other expenses for the office of the property and disbursing officer, a sum not exceeding fifty-five hundred dollars	5,500 00
132	For personal services necessary for the operation of the commonwealth depot and motor repair park, a sum not exceeding twenty-eight thousand six hundred and eighty dollars	28,680 00
	Total	\$322,038 00

Service of Special Military Expenses.

133	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
134	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 four hundred dollars	400 00
	Total	\$425 00

Service of the State Quartermaster.

135	For personal services of the state quartermaster, superintendent of arsenal and certain other employees of the state quartermaster, a sum not exceeding twenty-five thousand seven hundred and seventy dollars	\$25,770 00
136	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 twelve hundred dollars	1,200 00
137	For the salaries of armorers and assistant armorers of first-class armories, and superintendent of armories, a sum not exceeding one hundred thirty-eight thousand five hundred dollars	138,500 00
138	For certain incidental military expenses of the quartermaster's department, a sum not exceeding five hundred dollars	500 00
139	For office and general supplies and equipment, a sum not exceeding eleven thousand five hundred dollars	11,500 00
140	For the care and maintenance of the camp ground and buildings at Framingham, a sum not exceeding nine hundred dollars	900 00

Item		
141	For the maintenance of armories of the first class, including the purchase of certain furniture, a sum not exceeding one hundred eighty-two thousand five hundred dollars	\$182,500 00
142	For reimbursement for rent and maintenance of armories not of the first class, a sum not exceeding sixty-three hundred dollars	6,300 00
143	For expense of maintaining and operating the Camp Curtis Guild rifle range, a sum not exceeding twenty-two thousand dollars	22,000 00
144	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	\$399,170 00
<i>Service of the State Surgeon.</i>		
145	For personal services of the state surgeon, and regular assistants, a sum not exceeding seven thousand and twenty dollars	\$7,020 00
146	For services other than personal, and for necessary medical and office supplies and equipment, a sum not exceeding twenty-two hundred dollars	2,200 00
147	For the examination of recruits, a sum not exceeding eighty-five hundred dollars	8,500 00
	Total	\$17,720 00
<i>Service of the State Judge Advocate.</i>		
148	For compensation of the state judge advocate, as provided by law, a sum not exceeding fifteen hundred dollars	\$1,500 00
<i>Service of the Commission on Administration and Finance.</i>		
149	For personal services of the commissioners, a sum not exceeding twenty-six thousand five hundred dollars	\$26,500 00
150	For personal services of assistants and employees, a sum not exceeding one hundred eighty-four thousand five hundred dollars	184,500 00
151	For other expenses incidental to the duties of the commission, a sum not exceeding eighteen thousand dollars	18,000 00
	Total	\$229,000 00
Purchase of paper:		
152	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-nine thousand dollars	\$59,000 00
<i>Service of the Armory Commissioners.</i>		
153	For compensation of members, a sum not exceeding twenty-three hundred dollars, of which sum not less than five hundred dollars shall be for the compensation of the state quartermaster as a member	\$2,300 00
154	For office, incidental, and traveling expenses, a sum not exceeding one hundred dollars	100 00
155	For payment on account of the purchase of certain land in the town of Natick, including interest thereon, a sum not exceeding twenty-five thousand four hundred and fifteen dollars	25,415 00
156	(This item omitted.)	
	Total	\$27,815 00

Service of the Commissioner of State Aid and Pensions.

Item		
157	For personal services of the commissioner and deputies, a sum not exceeding eleven thousand one hundred and twenty dollars	\$11,120 00
158	For personal services of agents, clerks, stenographers and other assistants, a sum not exceeding twenty-six thousand and forty dollars	26,040 00
159	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 forty-seven hundred and fifteen dollars	4,715 00
	Total	\$41,875 00

For Expenses on Account of Wars.

160	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 two 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	\$402,000 00
161	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 thirty-five thousand five hundred dollars	35,500 00
162	For expenses of printing certain volumes of records of Massachusetts soldiers in the civil war, a sum not exceeding seventeen hundred dollars, the same to be in addition to any unexpended balance of an appropriation made for the purpose in previous years	1,700 00
	Total	\$439,200 00

Service of the Massachusetts Soldiers' Home.

163	For the maintenance of the Soldiers' Home in Massachusetts, with the approval of the trustees thereof, a sum not exceeding two hundred twenty-three thousand five hundred and seventy dollars, the same to be in addition to certain receipts from the United States government	\$223,570 00
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Service of the Art Commission.

164	For expenses of the commission, a sum not exceeding one hundred dollars	\$100 00
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Service of the Commissioners on Uniform State Laws.

165	For expenses of the commissioners, a sum not exceeding eight hundred and fifty dollars	\$850 00
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For the Maintenance of the Mount Greylock War Memorial.

166	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
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Service of the Alcoholic Beverages Control Commission.

167	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,	
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Item	travel, and office and incidental expenses, a sum not exceeding one hundred twenty-five 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 most recently amended	\$125,000 00
	<i>Service of the State Emergency Public Works Commission.</i>	
168	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 thirteen thousand nine hundred and fifty dollars	\$13,950 00
	<i>Service of the State Library.</i>	
169	For personal services of the librarian, a sum not exceeding fifty-seven hundred dollars	\$5,700 00
170	For personal services of the regular library assistants, temporary clerical assistance, and for services for cataloguing, a sum not exceeding thirty-eight thousand five hundred and twenty dollars	38,520 00
171	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
172	For books and other publications and things needed for the library, and the necessary binding and re-binding incidental thereto, a sum not exceeding nine thousand dollars	9,000 00
173	For the expense of additional stacks for the storage of books and papers, a sum not exceeding seventy-five hundred dollars	7,500 00
	Total	\$62,220 00
	<i>Service of the Superintendent of Buildings.</i>	
174	For personal services of the superintendent and office assistants, a sum not exceeding ten thousand five hundred and fifty dollars	\$10,550 00
175	For personal services of engineers, assistant engineers, firemen and helpers in the engineer's department, a sum not exceeding fifty-nine thousand eight hundred and fifty dollars	59,850 00
176	For personal services of state house guards and assistant state house guards, a sum not exceeding forty-three thousand nine hundred and eighty dollars	43,980 00
177	For personal services of janitors, a sum not exceeding twenty-five thousand and twenty dollars	25,020 00
178	For other personal services incidental to the care and maintenance of the state house, a sum not exceeding seventy-three thousand one hundred and forty dollars	73,140 00
179	For personal services of the central mailing room, a sum not exceeding fifty-nine hundred dollars	5,900 00
	Total	\$218,440 00
	Other Annual Expenses:	
180	For contingent, office and other expenses of the superintendent, a sum not exceeding three hundred dollars	\$300 00

Item		
181	For telephone service in the building and expenses in connection therewith, a sum not exceeding forty-four thousand dollars	\$44,000 00
182	For services, supplies and equipment necessary to furnish heat, light and power, a sum not exceeding forty-five thousand five hundred dollars	45,500 00
183	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 thirty-two thousand dollars	32,000 00
184	For office and other expenses of the central mailing room, a sum not exceeding one hundred dollars	100 00
	Total	<u>\$121,900 00</u>

Service of the State Racing Commission.

185	For the administrative expenses of the state racing 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 ten thousand dollars, which shall be payable from fees collected under chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four	\$110,000 00
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For the Maintenance of Old State House.

186	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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Service of the Secretary of the Commonwealth.

187	For the salary of the secretary, a sum not exceeding seven thousand dollars	\$7,000 00
188	For the salaries of officers and employees holding positions established by law, and other personal services, a sum not exceeding one hundred nine thousand seven hundred dollars	109,700 00
189	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 amended, a sum not exceeding seventeen thousand dollars	17,000 00
190	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-three hundred dollars	3,300 00
191	For printing registration books, blanks and indices, a sum not exceeding one thousand dollars	1,000 00
192	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 twenty-five hundred dollars	2,500 00
193	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

Item		
194	For the purchase of ink for public records of the commonwealth, a sum not exceeding one thousand dollars	\$1,000 00
195	For traveling expenses of the supervisor of public records, a sum not exceeding seven hundred dollars	700 00
196	For expenses required in taking the decennial census, a sum not exceeding eighty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	8,500 00
	Total	<u>\$151,450 00</u>
	Indexing vital statistics:	
197	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.:	
198	For printing and distribution of the pamphlet edition of the acts and resolves of the present year, a sum not exceeding fifty-five hundred dollars	\$5,500 00
199	For printing and binding the blue book edition of the acts and resolves of the present year, a sum not exceeding seven thousand dollars	7,000 00
200	For the printing of reports of decisions of the supreme judicial court, a sum not exceeding fifteen thousand dollars, the same to be in addition to any unexpended balance of an appropriation made for the purpose in the previous year	15,000 00
201	For printing and binding public documents, a sum not exceeding twenty-eight hundred dollars	2,800 00
	Total	<u>\$30,300 00</u>
	For matters relating to elections:	
202	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 thirty-one hundred and fifty dollars	\$3,150 00
203	For the printing of blanks for town officers, election laws and blanks and instructions on all matters relating to elections, a sum not exceeding one thousand dollars	1,000 00
204	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
	Total	<u>\$5,150 00</u>
	Medical Examiners' Fees:	
205	For medical examiners' fees, as provided by law, a sum not exceeding eleven hundred dollars	\$1,100 00
205a	For the dissemination of information relative to the advantages and desirability of Massachusetts for industrial, agricultural, recreational and other purposes, a sum not exceeding one hundred thousand dollars, under the direction of the state secretary who shall prepare a program for advertising and other publicity and may incur expenditures for advertising or other appropriate mediums,	

Item

and may authorize an allotment from this appropriation to be used in co-operation with funds contributed by the other New England states . . . \$100,000 00

Service of the Treasurer and Receiver-General.

206	For the salary of the treasurer and receiver-general, a sum not exceeding six thousand dollars . . .	\$6,000 00
207	For salaries of officers and employees holding positions established by law and additional clerical and other assistance, including the employment of an agent to obtain certain information at Washington, a sum not exceeding sixty thousand seven hundred and sixty dollars . . .	60,760 00
208	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding twenty-two thousand nine hundred dollars . . .	22,900 00
	Total	\$89,660 00

Commissioners on Firemen's Relief:

209	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
210	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:

211	For expenses of administering certain laws relating to payments in recognition of military service in the world war, a sum not exceeding twenty-eight hundred 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	\$2,800 00
212	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 eleven	8,000 00
	Total	\$10,800 00

State Board of Retirement:

213	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
214	For services other than personal, printing the annual report, and for office supplies and equipment, a sum not exceeding fifty-eight hundred and fifty dollars	5,850 00
215	For requirements of annuity funds and pensions for employees retired from the state service under authority of law, a sum not exceeding two hundred and sixty thousand dollars	260,000 00
	Total	\$275,630 00

Board of Tax Appeals:

216	For personal services of the members of the board and employees, a sum not exceeding sixty-nine thousand five hundred dollars	\$69,500 00
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Item		
217	For services other than personal, traveling expenses, office supplies and equipment, and rent, a sum not exceeding twenty-two thousand two hundred dollars	\$22,200 00
	Total	\$91,700 00
	<i>Service of the Emergency Finance Board.</i>	
218	For administrative expenses of the emergency finance board, a sum not exceeding nineteen thousand five hundred dollars	\$19,500 00
	<i>Requirements for Extinguishing the State Debt.</i>	
219	For sinking fund requirements and for certain serial bonds maturing during the present year, the sum of two million five hundred ninety-eight thousand one hundred ninety dollars and eighty-three cents, payable from the following accounts and funds in the following amounts:—from the Highway Fund, one million one hundred eighty thousand one hundred seven dollars and fifty cents; and the remainder from the General Fund	\$2,598,190 83
219a	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, as amended, 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>	
220	For the payment of interest on the direct debt of the commonwealth, a sum not exceeding nine hundred thirty thousand dollars, of which sum three hundred seventy-four thousand five hundred forty-six dollars and twenty-five cents shall be paid from the Highway Fund	\$930,000 00
	<i>Service of the Auditor of the Commonwealth.</i>	
221	For the salary of the auditor, a sum not exceeding six thousand dollars	\$6,000 00
222	For personal services of deputies and other assistants, a sum not exceeding fifty-eight thousand dollars	58,000 00
223	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding sixty-five hundred dollars	6,500 00
	Total	\$70,500 00
	<i>Service of the Attorney General's Department.</i>	
224	For the salary of the attorney general, a sum not exceeding eight thousand dollars	\$8,000 00
225	For the compensation of assistants in his office, and for such other legal and personal services as may be required, a sum not exceeding one hundred four thousand two hundred dollars	104,200 00

Item		
226	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding nine thousand dollars	\$9,000 00
227	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
228	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 sixty-five hundred dollars	6,500 00
	Total	\$132,700 00
	<i>Service of the Department of Agriculture.</i>	
229	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00
230	For personal services of clerks and stenographers, a sum not exceeding twenty-two thousand and seventy dollars	22,070 00
231	For traveling expenses of the commissioner, a sum not exceeding nine hundred dollars	900 00
232	For services other than personal, printing the annual report, office supplies and equipment, and printing and furnishing trespass posters, a sum not exceeding seven thousand dollars	7,000 00
233	For compensation and expenses of members of the advisory board, a sum not exceeding eighteen hundred and fifteen dollars	1,815 00
234	For services and expenses of apiary inspection, a sum not exceeding two thousand dollars	2,000 00
	Division of Dairying and Animal Husbandry:	
235	For personal services, a sum not exceeding thirteen thousand two hundred and sixty dollars	13,260 00
236	For other expenses, including the enforcement of the dairy laws of the commonwealth, a sum not exceeding fifty-six hundred dollars	5,600 00
237	For administering the law relative to the inspection of barns and dairies by the department of agriculture, a sum not exceeding twenty-two thousand six hundred dollars	22,600 00
238	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 and as subsequently amended, relative to the licensing and bonding of milk dealers, a sum not exceeding four thousand dollars	4,000 00
	Division of Plant Pest Control:	
239	For personal services, a sum not exceeding ten thousand five hundred and thirty dollars	10,530 00
240	For other expenses, a sum not exceeding forty-six hundred dollars	4,600 00
	Division of Markets:	
241	For personal services, a sum not exceeding twenty-six thousand eight hundred and sixty dollars	26,860 00
242	For other expenses, a sum not exceeding seventy-three hundred dollars	7,300 00
	Division of Reclamation, Soil Survey and Fairs:	
243	For personal services, a sum not exceeding ten thousand four hundred dollars	10,400 00

Item		
244	For travel and other expenses, a sum not exceeding fifty-five hundred dollars	\$5,500 00
245	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
	Milk Control Board:	
246	For administrative expenses of the milk control board, including compensation and salaries of the members of the board and their employees, and for all contingent expenses, including rent of offices, travel, office and incidental expenses, a sum not exceeding one hundred thirty-six thousand dollars	136,000 00
	Specials:	
247	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
248	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
249	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
250	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
251	For expenses of scouting in connection with the possible discovery of Dutch elm disease in the trees of the commonwealth, a sum not exceeding twenty-five hundred dollars	2,500 00
	Total	\$330,835 00
	State Reclamation Board:	
252	For expenses of the board, a sum not exceeding ten thousand dollars	\$10,000 00
253	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	\$34,300 00
	Division of Livestock Disease Control:	
254	For the salary of the director, a sum not exceeding four thousand dollars	\$4,000 00
255	For personal services of clerks and stenographers, a sum not exceeding twenty-five thousand nine hundred and forty dollars	25,940 00
256	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 dollars	14,000 00

Item		
257	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
258	For traveling expenses of veterinarians and agents, including the cost of any motor vehicles purchased for their use, a sum not exceeding thirty-two thousand nine hundred dollars . . .	32,900 00
259	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 five thousand dollars . . .	5,000 00
260	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 amended, during the present and previous year, a sum not exceeding one hundred 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; provided, that certain claims for the year nineteen hundred and thirty-two of H. C. Cady of Ware, W. H. Lull of East Longmeadow, C. E. and C. H. Barnes of Charlton, and F. W. Rosebrook of Oxford may be charged to this appropriation . . .	\$100,000 00
	Total	\$266,840 00
	Reimbursement of towns for inspectors of animals:	
261	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 Conservation.</i>	
	Administration:	
262	For the salary of the commissioner, a sum not exceeding six thousand dollars . . .	\$6,000 00
263	For traveling expenses of the commissioner, a sum not exceeding six hundred dollars . . .	600 00
264	For telephone service and certain other office charges of the department, a sum not exceeding three thousand dollars . . .	3,000 00
265	For personal services of a telephone operator and office boy, a sum not exceeding nineteen hundred and fifty dollars . . .	1,950 00
	Total	\$11,550 00
	Division of Forestry:	
266	For personal services of office assistants, a sum not exceeding thirteen thousand nine hundred dollars . . .	\$13,900 00
267	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 ten thousand five hundred dollars . . .	10,500 00

Item		
268	For the expense of publishing information relative to state forests, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$500 00
269	For the salaries and expenses of foresters and for necessary labor, supplies and equipment in maintaining forest tree nurseries, a sum not exceeding fourteen thousand three hundred dollars	14,300 00
270	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
271	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
272	For the suppression of the gypsy and brown tail moths, and for expenses incidental thereto, a sum not exceeding forty-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	48,000 00
273	For the planting and maintenance of state forests, a sum not exceeding twenty thousand dollars	20,000 00
274	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 twenty thousand six hundred 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	120,600 00
275	For the purchase of land, including completion of the purchase authorized by item two hundred and sixty-two A of chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-four, 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
276	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
277	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-seven hundred dollars	2,700 00
	Total	\$431,800 00

Item		
	Division of Parks:	
278	For personal services, a sum not exceeding seventy-one hundred dollars	\$7,100 00
279	For other expenses, a sum not exceeding two thousand dollars	2,000 00
280	For the maintenance of the Standish monument reservation, a sum not exceeding two thousand dollars	2,000 00
	Total	\$11,100 00
	Salisbury Beach Reservation:	
281	For the maintenance of Salisbury beach reservation, a sum not exceeding fifty-four 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	\$5,400 00
281a	For the purchase of additional land for the Salisbury beach reservation, a sum not exceeding twenty-nine thousand five hundred dollars, the same to be assessed as specified in item two hundred and eighty-one	29,500 00
	Total	\$34,900 00
	Division of Fisheries and Game:	
282	For the salary of the director, a sum not exceeding forty-five hundred dollars	\$4,500 00
283	For personal services of office assistants, a sum not exceeding twenty thousand three hundred and sixty dollars	20,360 00
284	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 seven hundred and twenty dollars	11,720 00
285	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:	
286	For personal services of fish and game wardens, a sum not exceeding sixty-nine thousand two hundred dollars	69,200 00
287	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 and sixty dollars	31,660 00
	Biological work:	
288	For personal services to carry on biological work, a sum not exceeding fifty-one hundred dollars	5,100 00
289	For traveling and other expenses of the biologist and his assistants, a sum not exceeding twenty-two hundred and eighty dollars	2,280 00
	Propagation of game birds, etc.:	
290	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 one hundred eight thousand five hundred dollars	108,500 00

Item		
	Damages by wild deer and wild moose:	
291	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:	
292	For personal services, a sum not exceeding fifty-three hundred and sixteen dollars	5,316 00
293	For other expenses, a sum not exceeding fifteen hundred dollars	1,500 00
	Protection of wild life:	
294	For expenses incurred in the protection of certain wild life, a sum not exceeding forty-five hundred and fifty dollars	4,550 00
	State Supervisor of Marine Fisheries:	
295	For personal services of the state supervisor of marine fisheries and his assistants, a sum not exceeding twelve thousand three hundred dollars	12,300 00
296	For office and other expenses of the state supervisor of marine fisheries, a sum not exceeding seven thousand dollars	7,000 00
	Enforcement of shellfish and other marine fishery laws:	
297	For personal services for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding thirty-nine thousand dollars	39,000 00
298	For other expenses for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding eighteen thousand dollars	18,000 00
299	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	\$354,486 00
	Bounty on seals:	
300	For bounties on seals, a sum not exceeding fifteen hundred dollars	\$1,500 00
	<i>Service of the Department of Banking and Insurance.</i>	
	Division of Banks:	
301	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00
302	For services of deputy, directors, examiners and assistants, clerks, stenographers and experts, a sum not exceeding three hundred fifteen thousand one hundred dollars	315,100 00
303	For services other than personal, printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding seventy-two thousand five hundred dollars	72,500 00
	Total	\$393,600 00
	Supervisor of Loan Agencies:	
304	For personal services of supervisor and assistants, a sum not exceeding twelve thousand seven hundred and eighty dollars	\$12,780 00

Item		
305	For services other than personal, printing the annual report, office supplies and equipment, a sum not exceeding thirteen hundred and ninety dollars	\$1,390 00
	Total	\$14,170 00
	Division of Insurance:	
306	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00
307	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 ninety-five thousand dollars, of which sum not more than thirty-five thousand dollars may be charged to the Highway Fund	195,000 00
308	For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment, and rent of offices, a sum not exceeding fifty-nine thousand eight hundred dollars	59,800 00
	Total	\$260,800 00
	Board of Appeal on Fire Insurance Rates:	
309	For expenses of the board, a sum not exceeding six hundred dollars	\$600 00
	Division of Savings Bank Life Insurance:	
310	For personal services of officers and employees, a sum not exceeding thirty-eight thousand three hundred dollars	38,300 00
311	For services other than personal, printing the annual report, traveling expenses, rent, publicity and equipment, a sum not exceeding fifteen thousand two hundred dollars	15,200 00
	Total	\$53,500 00
	<i>Service of the Department of Corporations and Taxation.</i>	
	Corporations and Tax Divisions:	
312	For the salary of the commissioner, a sum not exceeding seventy-five hundred dollars	\$7,500 00
313	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 twenty-seven thousand four hundred 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, and not more than fifty thousand dollars may 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 most recently amended, to cover the estimated cost of collection of alcoholic beverages taxes, so called	227,400 00
314	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 thousand dollars	45,000 00
	Total	\$279,900 00

Item	Income Tax Division (the two following appropriations are to be made from the receipts from the income tax):	
315	For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, a sum not exceeding four hundred forty-five thousand two hundred dollars	\$445,200 00
316	For services other than personal, and for traveling expenses, office supplies and equipment, a sum not exceeding one hundred seventy-six thousand one hundred ninety-seven dollars	176,197 00
	Total	\$621,397 00
	Division of Accounts:	
317	For personal services, a sum not exceeding ninety-six thousand one hundred and eighty dollars	\$96,180 00
318	For other expenses, a sum not exceeding twelve thousand five hundred dollars	12,500 00
319	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
320	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 sixty-one thousand nine hundred dollars	161,900 00
321	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 twenty thousand dollars	20,000 00
	Total	\$298,080 00
	Reimbursement for loss of taxes:	
322	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-five, a sum not exceeding one hundred forty-three thousand eight hundred and fifty dollars	\$143,850 00
	<i>Service of the Department of Education.</i>	
323	For the salary of the commissioner, a sum not exceeding nine thousand dollars	\$9,000 00
324	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-nine thousand four hundred dollars	99,400 00
325	For traveling expenses of members of the advisory board and of agents and employes when required to travel in discharge of their duties, a sum not exceeding seven thousand dollars	7,000 00
326	For services other than personal, necessary office supplies, and for printing the annual report and bulletins as provided by law, a sum not exceeding nine thousand dollars	9,000 00
327	For printing and distributing certain bulletins, a sum not exceeding three thousand dollars	3,000 00

Item		
328	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
329	For printing school registers and other school blanks for cities and towns, a sum not exceeding sixteen hundred dollars	1,600 00
330	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
331	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 one hundred eighty-five thousand dollars	185,000 00
332	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 thousand dollars	200,000 00
333	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 nineteen thousand three hundred fifty dollars and ninety-six cents	1,219,350 96
334	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 fifteen thousand two hundred dollars	15,200 00
335	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
336	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-nine thousand one hundred and fifty dollars	29,150 00
337	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 thousand dollars	430,000 00
338	For expenses of holding teachers' institutes, a sum not exceeding two thousand dollars	2,000 00
339	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
340	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 six thousand dollars	6,000 00
	Total	\$2,323,950 96

	Item		
		English-speaking Classes for Adults:	
341	For personal services of administration, a sum not exceeding eleven thousand two hundred and twenty dollars		\$11,220 00
342	For other expenses of administration, a sum not exceeding twenty-four hundred dollars		2,400 00
343	For reimbursement of certain cities and towns, a sum not exceeding fifty thousand dollars		50,000 00
	Total		<u>\$63,620 00</u>
		University Extension Courses:	
344	For personal services, a sum not exceeding one hundred twenty-nine thousand four hundred dollars		\$129,400 00
345	For other expenses, a sum not exceeding thirty-one thousand dollars		31,000 00
	Total		<u>\$160,400 00</u>
		Division of Immigration and Americanization:	
346	For personal services, a sum not exceeding thirty-seven thousand six hundred dollars		\$37,600 00
347	For other expenses, a sum not exceeding sixty-seven hundred dollars		6,700 00
	Total		<u>\$44,300 00</u>
		Division of Public Libraries:	
348	For personal services of regular agents and office assistants, a sum not exceeding ten thousand nine hundred dollars		\$10,900 00
349	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>\$20,900 00</u>
		Division of the Blind:	
350	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-three thousand dollars		\$43,000 00
351	For the maintenance of local shops, a sum not exceeding sixty-two thousand dollars		62,000 00
352	For maintenance of Woolson House industries, so called, to be expended under the authority of said division, a sum not exceeding twenty-seven thousand three hundred and fifty dollars		27,350 00
353	For the maintenance of certain industries for men, to be expended under the authority of said division, a sum not exceeding one hundred fifty-two thousand dollars		152,000 00
354	For instruction of the adult blind in their homes, a sum not exceeding sixteen thousand five hundred dollars		16,500 00
355	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
356	For aiding the adult blind, subject to the conditions provided by law, a sum not exceeding one hundred eighty-two thousand five hundred dollars		182,500 00
	Total		<u>\$503,350 00</u>

Item		
	Teachers' Retirement Board:	
357	For personal services of employees, a sum not exceeding eleven thousand seven hundred and fifty dollars	\$11,750 00
358	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, and rent, a sum not exceeding five thousand dollars	5,000 00
359	For payment of pensions to retired teachers, a sum not exceeding one million fifty-three thousand dollars	1,053,000 00
360	For reimbursement of certain cities and towns for pensions to retired teachers, a sum not exceeding two hundred sixty thousand five hundred eighty-four dollars and eighty-six cents	260,584 86
361	For payment into the annuity fund for the period of the year nineteen hundred and thirty-four, in accordance with certain actuarial figures, a sum not exceeding twenty-three thousand three hundred ninety-three dollars and sixty cents	23,393 60
	Total	<u>\$1,353,728 46</u>

	Massachusetts Nautical School:	
362	For personal services of the secretary and office assistants, a sum not exceeding forty-six hundred and seventy dollars	\$4,670 00
363	For services other than regular clerical services, including printing the annual report, rent, office supplies and equipment, a sum not exceeding twenty-two hundred dollars	2,200 00
364	For the maintenance of the school and ship, a sum not exceeding eighty-three thousand and forty dollars	83,040 00
	Total	<u>\$89,910 00</u>

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:

365	State teachers' college at Bridgewater, a sum not exceeding one hundred forty-nine thousand four hundred dollars	\$149,400 00
366	State teachers' college at Bridgewater, boarding hall, a sum not exceeding forty-nine thousand dollars	49,000 00
367	State teachers' college at Fitchburg, a sum not exceeding one hundred fifty-one thousand five hundred and ninety-five dollars	151,595 00
368	State teachers' college at Fitchburg, boarding hall, a sum not exceeding twenty-nine thousand dollars	29,000 00
369	For the construction of a fence to enclose the athletic field at the state teachers' college at Fitchburg, a sum not exceeding twenty-five hundred dollars	2,500 00
370	For reconstructing a certain driveway at the state teachers' college at Fitchburg, a sum not exceeding one thousand dollars	1,000 00
371	For the cost of installing certain equipment for the boilers at the state teachers' college at Fitchburg, a sum not exceeding fifty-five hundred dollars	5,500 00
372	State teachers' college at Framingham, a sum not exceeding one hundred fifty-one thousand six hundred dollars	151,600 00

Item		
373	State teachers' college at Framingham, boarding hall, a sum not exceeding fifty-three thousand three hundred dollars	\$53,300 00
374	State teachers' college at Hyannis, a sum not exceeding fifty-seven thousand seven hundred dollars	57,700 00
375	State teachers' college at Hyannis, boarding hall, a sum not exceeding fifteen thousand six hundred dollars	15,600 00
376	For repairing or replacing a hot water tank, and for piping connected therewith, at the state teachers' college at Hyannis, a sum not exceeding seven hundred and fifty dollars	750 00
377	State teachers' college at Lowell, a sum not exceeding seventy-five thousand five hundred and sixty dollars	75,560 00
378	State teachers' college at North Adams, a sum not exceeding sixty thousand one hundred and seventy dollars	60,170 00
379	State teachers' college at North Adams, boarding hall, a sum not exceeding eleven thousand dollars	11,000 00
380	State teachers' college at Salem, a sum not exceeding one hundred nine thousand six hundred and twenty-five dollars	109,625 00
381	State teachers' college at Westfield, a sum not exceeding seventy-one thousand and seventy dollars	71,070 00
382	State teachers' college at Westfield, boarding hall, a sum not exceeding ninety-one hundred and seventy-five dollars	9,175 00
383	State teachers' college at Worcester, a sum not exceeding ninety-one thousand six hundred and fifty dollars	91,650 00
384	Massachusetts School of Art, a sum not exceeding one hundred ten thousand three hundred dollars	110,300 00
	Total	\$1,205,495 00
	Textile Schools:	
385	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 sixty thousand nine hundred and ten dollars, of which sum ten thousand dollars is to be assessed upon the city of Fall River as a part of the state tax for the current year	\$60,910 00
386	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 sixty-nine thousand eight hundred and fifty dollars, of which sum ten thousand dollars is to be assessed upon the city of Lowell as a part of the state tax for the current year, provided that not more than two thousand dollars may be used for the salary of a physical instructor	169,850 00
387	For the maintenance of the New Bedford textile school, with the approval of the commissioner of education and the trustees, a sum not exceeding sixty-three thousand three hundred dollars, of which sum ten thousand dollars is to be assessed upon the city of New Bedford as a part of the state tax for the current year	63,300 00
	Total	\$294,060 00

Item		
	Massachusetts State College:	
388	For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, a sum not exceeding nine hundred eighty-six thousand three hundred and seventy-five dollars	\$986,375 00
389	For an emergency fund to meet the needs of harvesting big crops of the control service 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
390	For aid to certain students, with the approval of the trustees, a sum not exceeding five thousand dollars	5,000 00
391	For completing a building to be used as a hospital ward, a sum not exceeding seventy-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	7,500 00
392	For reconstructing the floor in the drill hall, a sum not exceeding thirty-six hundred dollars	3,600 00
393	For constructing a certain highway within the property of the college, a sum not exceeding ten thousand dollars, the letting of the contract and work to be done under the supervision of the state department of public works	10,000 00
394	For the laying of certain new water mains, a sum not exceeding five thousand dollars	5,000 00
394a	For expenses of initiating service for the nursery industry, a sum not exceeding four thousand and ten dollars	4,010 00
394b	For expenses in connection with the grading of an athletic field for the female students, a sum not exceeding three thousand dollars, said amount to be available when and if the town of Amherst makes provision for the necessary labor	3,000 00
	Total	\$1,026,985 00

Service of the Department of Civil Service and Registration.

Administration:

395	For personal services of telephone operator for the department, a sum not exceeding twelve hundred and sixty dollars	\$1,260 00
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Division of Civil Service:

396	For the salaries of the commissioner and associate commissioners, a sum not exceeding nine thousand dollars	\$9,000 00
397	For other personal services of the division, a sum not exceeding one hundred twenty-nine thousand eight hundred dollars	129,800 00
398	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 twenty-eight thousand seven hundred dollars	28,700 00

Total	\$167,500 00
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Division of Registration:

399	For the salary of the director, a sum not exceeding twenty-four hundred dollars	\$2,400 00
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Item		
400	For clerical and certain other personal services of the division, a sum not exceeding forty-two thousand five hundred dollars	\$42,500 00
401	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 six hundred dollars	12,600 00
	Total	<u>\$57,500 00</u>
	Board of Registration in Medicine:	
402	For personal services of the members of the board, a sum not exceeding forty-three hundred dollars	\$4,300 00
403	For personal services of members of the board and examiners for the registration of chiroprodists, a sum not exceeding six hundred dollars	600 00
404	For traveling expenses, a sum not exceeding four hundred dollars	400 00
	Total	<u>\$5,300 00</u>
	Board of Dental Examiners:	
405	For personal services of the members of the board, a sum not exceeding thirty-eight hundred dollars	\$3,800 00
406	For traveling expenses, a sum not exceeding six hundred dollars	600 00
407	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>\$6,200 00</u>
	Board of Registration in Pharmacy:	
408	For personal services of members of the board, a sum not exceeding forty-three hundred dollars	\$4,300 00
409	For personal services of agents, a sum not exceeding thirty-four hundred and sixty dollars	3,460 00
410	For traveling expenses, a sum not exceeding forty-five hundred dollars	4,500 00
	Total	<u>\$12,260 00</u>
	Board of Registration of Nurses:	
411	For personal services of members of the board, a sum not exceeding twenty-one hundred dollars	\$2,100 00
412	For traveling expenses, a sum not exceeding twelve hundred dollars	1,200 00
	Total	<u>\$3,300 00</u>
	Board of Registration in Embalming:	
413	For personal services of members of the board, a sum not exceeding three hundred dollars	\$300 00
414	For traveling expenses, a sum not exceeding three hundred dollars	300 00
415	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>\$1,100 00</u>
	Board of Registration in Optometry:	
416	For personal services of members of the board, a sum not exceeding nineteen hundred dollars	\$1,900 00

Item		
417	For traveling expenses, a sum not exceeding eight hundred dollars	\$800 00
	Total	\$2,700 00
	Board of Registration in Veterinary Medicine:	
418	For personal services of the members of the board, a sum not exceeding six hundred dollars	\$600 00
419	For other services, printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding three hundred dollars	300 00
	Total	\$900 00
	State Examiners of Electricians:	
420	For traveling expenses, a sum not exceeding forty-eight hundred and ninety-five dollars	\$4,895 00
	Board of Registration of Public Accountants:	
421	For personal services of members of the board, a sum not exceeding six hundred and seventy-five dollars	\$675 00
422	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	\$2,475 00
	State Examiners of Plumbers:	
423	For personal services of the members of the board, a sum not exceeding eleven hundred dollars	\$1,100 00
424	For traveling expenses, a sum not exceeding eleven hundred dollars	1,100 00
	Total	\$2,200 00
	Board of Registration of Barbers:	
425	For personal services of the members of the board and assistants, a sum not exceeding seventeen thousand dollars	\$17,000 00
426	For travel and other necessary expenses, a sum not exceeding eighty-one hundred and eighty-four dollars	8,184 00
	Total	\$25,184 00
	<i>Service of the Department of Industrial Accidents.</i>	
427	For personal services of members of the board, a sum not exceeding forty-two thousand five hundred dollars	\$42,500 00
428	For personal services of secretaries, medical adviser, inspectors, clerks and office assistants, a sum not exceeding one hundred thirty thousand dollars	130,000 00
429	For expenses of impartial examinations, a sum not exceeding twenty-five thousand dollars	25,000 00
430	For traveling expenses, a sum not exceeding eighty-two hundred and fifty dollars	8,250 00
431	For other services, printing the annual report, necessary office supplies and equipment, a sum not exceeding fourteen thousand five hundred dollars	14,500 00
	Total	\$220,250 00
	<i>Service of the Department of Labor and Industries.</i>	
432	For the salaries of the commissioner, assistant and associate commissioners, a sum not exceeding twenty thousand two hundred dollars	\$20,200 00

Item		
433	For clerical and other assistance to the commissioner, a sum not exceeding seventy-two hundred and forty dollars	\$7,240 00
434	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-eight thousand dollars	168,000 00
435	For personal services for the division of occupational hygiene, a sum not exceeding ten thousand seven hundred and forty dollars	10,740 00
436	For services other than personal, traveling expenses, office and laboratory supplies and equipment, and rent, for the division of occupational hygiene, a sum not exceeding sixty-one hundred dollars	6,100 00
437	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 sixty-nine thousand six hundred dollars	69,600 00
438	For clerical and other personal services for the operation of free employment offices, a sum not exceeding fifty-seven thousand seven hundred dollars	57,700 00
439	For rent, necessary office supplies and equipment for the free employment offices, a sum not exceeding thirteen thousand two hundred and forty dollars	13,240 00
440	For personal services for the division on necessities of life, a sum not exceeding twelve thousand three hundred dollars	12,300 00
441	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
442	For clerical and other assistance for the board of conciliation and arbitration, a sum not exceeding fourteen thousand dollars	14,000 00
443	For other services, printing, traveling expenses and office supplies and equipment for the board of conciliation and arbitration, a sum not exceeding three thousand dollars	3,000 00
444	For personal services of investigators, clerks and stenographers for the minimum wage service, a sum not exceeding thirteen thousand nine hundred and fifty dollars	13,950 00
445	For compensation and expenses of wage boards, a sum not exceeding five hundred dollars	500 00
446	For services other than personal, printing, traveling expenses and office supplies and equipment for minimum wage service, a sum not exceeding twenty-five hundred dollars	2,500 00
447	For personal services for the division of standards, a sum not exceeding thirty-one thousand one hundred and forty dollars	31,140 00
448	For other services, printing, traveling expenses and office supplies and equipment for the division of standards, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
	Total	\$445,660 00

Service of the Department of Mental Diseases.

Item		
449	For the salary of the commissioner, a sum not exceeding ten thousand dollars	\$10,000 00
450	For personal services of officers and employees, a sum not exceeding one hundred twenty-four thousand nine hundred and fifty dollars	124,950 00
451	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
452	For the support of state charges in the Hospital Cottages for Children, a sum not exceeding eighteen thousand two hundred dollars	18,200 00
453	For other services, including printing the annual report, traveling expenses and office supplies and equipment, a sum not exceeding nineteen thousand dollars	19,000 00
	Total	\$185,150 00

Division of Mental Hygiene:

454	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-four thousand six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$84,600 00
	For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Diseases:	
455	Boston psychopathic hospital, a sum not exceeding two hundred twenty-eight thousand and fifty dollars	228,050 00
456	(This item combined with Item 455.)	
457	Boston state hospital, a sum not exceeding eight hundred eighty-three thousand five hundred and eighty dollars	883,580 00
458	For the purchase and erection of a certain iron fence at the Boston state hospital, a sum not exceeding thirteen thousand dollars	13,000 00
459	For the installation of sprinklers at the Boston state hospital, a sum not exceeding twenty-six thousand eight hundred dollars	26,800 00
460	(This item omitted.)	
461	Danvers state hospital, a sum not exceeding seven hundred seventeen thousand nine hundred and ninety dollars	717,990 00
462	For the purchase of canning equipment for the Danvers state hospital, a sum not exceeding twenty-four hundred dollars	2,400 00
463	For the purchase of a flat work ironer for the Danvers state hospital, a sum not exceeding eighty-eight hundred and fifty dollars	8,850 00
464	For the installation of certain equipment in the power plant at the Danvers state hospital, a sum not exceeding three thousand dollars	3,000 00
465	For the replacement of equipment and repairs in the boiler room at the Middleton Colony of the Danvers state hospital, a sum not exceeding nineteen thousand five hundred dollars	19,500 00

Item		
466	For remodeling what is known as the Grove Hall building at the Danvers state hospital, a sum not exceeding six thousand dollars	\$6,000 00
467	Foxborough state hospital, a sum not exceeding four hundred thirty-four thousand two hundred and sixty dollars	434,260 00
468	For the purchase and installation of equipment for a hydrotherapeutic suite in the female ward at the Foxborough state hospital, a sum not exceeding ten thousand dollars	10,000 00
469	For fire protection, including piping and incidental work, at the Foxborough state hospital, a sum not exceeding eight thousand dollars	8,000 00
470	Gardner state colony, a sum not exceeding four hundred seventy-three thousand four hundred and sixty dollars	473,460 00
471	For fire protection at the Gardner state colony, a sum not exceeding fifteen thousand two hundred dollars	15,200 00
472	For the purchase of laundry equipment for the Gardner state colony, a sum not exceeding four thousand dollars	4,000 00
473	For the construction of a hay and grain barn at the Gardner state colony, a sum not exceeding five thousand dollars	5,000 00
474	Grafton state hospital, a sum not exceeding five hundred thirty-three thousand two hundred dollars	533,200 00
475	For the purchase of laundry equipment for the Grafton state hospital, a sum not exceeding sixty-six hundred dollars	6,600 00
476	For heating plant alterations at the Grafton state hospital, a sum not exceeding three thousand dollars	3,000 00
477	Medfield state hospital, a sum not exceeding six hundred thousand and eighty dollars	600,080 00
478	For the renovation and improvement of toilets and baths at the Medfield state hospital, a sum not exceeding twelve thousand dollars	12,000 00
479	For steel stairways in the nurses' home at the Medfield state hospital, a sum not exceeding thirty-four hundred and fifteen dollars	3,415 00
480	For the installation of sprinklers in the nurses' home and the male home at the Medfield state hospital, a sum not exceeding six thousand dollars	6,000 00
481	(This item combined with Item 480.)	
482	Metropolitan state hospital, a sum not exceeding four hundred fifty-two thousand three hundred and ninety dollars	452,390 00
483	Northampton state hospital, a sum not exceeding five hundred forty-eight thousand two hundred and twenty dollars	548,220 00
484	For the purchase and installation of a passenger elevator at the Northampton state hospital, a sum not exceeding twelve thousand dollars	12,000 00
485	For the installation of sprinklers and incidental work in connection therewith at the Northampton state hospital, a sum not exceeding four thousand dollars	4,000 00
486	For remodeling Rhodes cottage, so-called, at the Northampton state hospital, a sum not exceeding three thousand dollars	3,000 00
487	Taunton state hospital, a sum not exceeding five hundred forty-five thousand seven hundred and thirty dollars	545,730 00

Item		
488	For the purchase of laundry equipment for the Taunton state hospital, a sum not exceeding sixty-one hundred dollars	\$6,100 00
489	For the purchase of certain land for the Taunton state hospital, a sum not exceeding three hundred dollars	300 00
490	For the purchase of the Staples property, so-called, for the Taunton state hospital, a sum not exceeding thirty-one hundred dollars	3,100 00
491	Westborough state hospital, a sum not exceeding five hundred forty-three thousand one hundred and sixty dollars	543,160 00
492	(This item omitted.)	
493	For the construction of the second story to a concrete garage at the Westborough state hospital, a sum not exceeding twenty-five hundred dollars	2,500 00
494	For certain changes in the water supply system at the Westborough state hospital, a sum not exceeding fifty-three hundred dollars	5,300 00
495	For resurfacing sewer beds at the Westborough state hospital, a sum not exceeding forty-five hundred dollars	4,500 00
496	For renovation and improvement of plumbing in the Talbot building at the Westborough state hospital, a sum not exceeding sixty-five hundred dollars	6,500 00
497	Worcester state hospital, a sum not exceeding eight hundred eighteen thousand one hundred and twenty dollars	818,120 00
498	For the cost of window calking and weather strips at the Worcester state hospital, a sum not exceeding five thousand dollars	5,000 00
499	For certain roof repairs at the Worcester state hospital, a sum not exceeding seventy-seven hundred dollars	7,700 00
500	For renovation of the Quimby ward building at the Worcester state hospital, a sum not exceeding eighteen thousand dollars	18,000 00
501	For mechanical refrigeration at the Worcester state hospital, a sum not exceeding fourteen thousand four hundred dollars	14,400 00
502	Monson state hospital, a sum not exceeding five hundred seventeen thousand four hundred and twenty-five dollars	517,425 00
503	For the completion of a certain garage at the Monson state hospital, a sum not exceeding two thousand dollars	2,000 00
504	For additional fire protection at the Monson state hospital, a sum not exceeding nine thousand dollars	9,000 00
505	Belchertown state school, a sum not exceeding four hundred thirty-six thousand eight hundred and eighty dollars	436,880 00
506	For the purchase and installation of an additional oven in the bakery at the Belchertown state school, a sum not exceeding forty-five hundred dollars	4,500 00
507	For the purchase and installation of metal shelving and bins for the storehouse at the Belchertown state school, a sum not exceeding twenty-five hundred dollars	2,500 00
508	Walter E. Fernald state school, a sum not exceeding six hundred twenty-one thousand two hundred dollars	621,200 00

Item		
509	For certain improvements in the boiler house at the Walter E. Fernald state school, a sum not exceeding twenty-one thousand dollars	\$21,000 00
510	For renovating and furnishing a certain cottage at the Walter E. Fernald state school, a sum not exceeding ten thousand dollars	10,000 00
511	For the purchase and installation of certain recreational equipment for the Walter E. Fernald state school, a sum not exceeding sixteen hundred dollars	1,600 00
512	Wrentham state school, a sum not exceeding five hundred thirty-seven thousand nine hundred and fifty dollars	537,950 00
513	For the purchase and installation of X-ray equipment at the Wrentham state school, a sum not exceeding forty-five hundred dollars	4,500 00
514	For the reconstruction of certain sewer beds at the Wrentham state school, a sum not exceeding twenty-one thousand dollars	21,000 00
515	For the purchase of laundry equipment for the Wrentham state school, a sum not exceeding forty-four hundred dollars	4,400 00
	Total	\$9,217,360 00
	<i>Service of the Department of Correction.</i>	
516	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00
517	For personal services of deputies, members of the board of parole and advisory board of pardons, agents, clerks and stenographers, a sum not exceeding ninety-six thousand one hundred dollars	96,100 00
518	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
519	For traveling expenses of officers and employees of the department, when required to travel in the discharge of their duties, a sum not exceeding twelve thousand three hundred and sixty dollars	12,360 00
520	For the removal of prisoners, to and from state institutions, a sum not exceeding six thousand dollars	6,000 00
521	For assistance to discharged prisoners, a sum not exceeding seven hundred dollars	700 00
522	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	\$129,660 00
	Division of Research for the Prevention of Crime:	
523	For expenses of the division hereby authorized, a sum not exceeding twenty thousand eight hundred and sixty dollars; provided, that the persons employed hereunder shall not be subject to civil service laws or the rules and regulations made thereunder	\$20,860 00
	For the maintenance of and for certain improvements at the following institutions under the control of the Department of Correction:	
524	State farm, a sum not exceeding six hundred eighty-seven thousand four hundred and sixty dollars	\$687,460 00
525	State prison, a sum not exceeding four hundred five thousand four hundred dollars	405,400 00

Item		
526	Massachusetts reformatory, a sum not exceeding four hundred forty-eight thousand six hundred dollars	\$448,600 00
527	Reformatory for women, a sum not exceeding one hundred ninety-eight thousand one hundred and seventy dollars	198,170 00
528	For miscellaneous improvements at the reformatory for women, a sum not exceeding thirty-two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	32,000 00
529	State prison colony, a sum not exceeding four hundred thirty-two thousand three hundred and forty dollars	432,340 00
530	For excavating and grading at the state prison colony, a sum not exceeding fifteen thousand dollars	15,000 00
531	For the construction of a building to house fire equipment at the state prison colony, a sum not exceeding one thousand dollars	1,000 00
532	For the purchase and installation of equipment for the supply building at the state prison colony, a sum not exceeding two thousand dollars	2,000 00
533	For further protection of the power house at the state prison colony, a sum not exceeding one thousand dollars	1,000 00
534	For the construction of roads and sidewalks at the state prison colony, a sum not exceeding two thousand dollars	2,000 00
535	For the construction and equipment of a piggery at the state prison colony, a sum not exceeding five thousand dollars	5,000 00
	Total	\$2,229,970 00

Service of the Department of Public Welfare.

Administration:

536	For the salary of the commissioner, a sum not exceeding seven thousand dollars	\$7,000 00
537	For personal services of officers and employees and supervision of planning boards, a sum not exceeding forty-three thousand four hundred and forty dollars	43,440 00
538	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 planning boards, a sum not exceeding fifty-five hundred dollars	5,500 00
	Total	\$55,940 00

State Board of Housing:

539	For personal services, a sum not exceeding six thousand dollars	\$6,000 00
540	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 thirty-five hundred dollars	3,500 00
	Total	\$9,500 00

Division of Aid and Relief:

541	For personal services of officers and employees, a sum not exceeding one hundred eighty-four thousand dollars; and the employment of persons author-	
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	ized 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 the civil service laws or the rules and regulations made thereunder	\$184,000 00
542	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:	
543	For the payment of suitable aid to mothers with dependent children, a sum not exceeding one million sixty-five thousand dollars . . .	1,065,000 00
544	For the burial by cities and towns of indigent persons who have no legal settlement, a sum not exceeding ten thousand dollars . . .	10,000 00
545	For expenses in connection with smallpox and other diseases dangerous to the public health, a sum not exceeding ninety-five thousand dollars . . .	95,000 00
546	For the support of sick indigent persons who have no legal settlement, a sum not exceeding one hundred ten thousand dollars . . .	110,000 00
547	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 two hundred thousand dollars . . .	3,200,000 00
	Old Age Assistance:	
548	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-nine thousand two hundred dollars . . .	89,200 00
549	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 twenty thousand five hundred dollars . . .	20,500 00
	Total	\$4,804,700 00
	Division of Child Guardianship:	
550	For personal services of officers and employees, a sum not exceeding two hundred eight thousand four hundred dollars . . .	\$208,400 00
551	For services other than personal, office supplies and equipment, a sum not exceeding forty-five hundred dollars . . .	4,500 00
552	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
553	For the care and maintenance of children, for the present and previous years, a sum not exceeding one million four hundred and seventy-five thousand dollars . . .	1,475,000 00
	Total	\$1,987,900 00

Item		
	Division of Juvenile Training, Trustees of Massachusetts Training Schools:	
554	For services of the secretary and certain other persons employed in the executive office, a sum not exceeding thirteen thousand three hundred dollars	\$13,300 00
555	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:	
556	For personal services of agents in the division for boys paroled and boarded in families, a sum not exceeding forty-four thousand four hundred dollars	44,400 00
557	For services other than personal, including traveling expenses of the agents and boys, and necessary office supplies and equipment, a sum not exceeding twenty-three thousand five hundred dollars	23,500 00
558	For board, clothing, medical and other expenses incidental to the care of boys, a sum not exceeding twenty-eight thousand dollars	28,000 00
	Girls' Parole:	
559	For personal services of agents in the division for girls paroled from the industrial school for girls, a sum not exceeding thirty-three thousand one hundred dollars	33,100 00
560	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 twenty thousand three hundred dollars	20,300 00
	Tuition of children:	
561	For reimbursement of cities and towns for tuition of children attending the public schools, a sum not exceeding eight thousand dollars	8,000 00

Total	\$173,400 00
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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:

562	Industrial school for boys, a sum not exceeding one hundred sixty-one thousand seven hundred and fifty dollars	\$161,750 00
563	For the purchase of certain land for the industrial school for boys, a sum not exceeding fifteen hundred dollars	1,500 00
564	Industrial school for girls, a sum not exceeding one hundred forty-two thousand and ninety dollars	142,090 00
564a	For the purchase of certain property for the industrial school for girls, a sum not exceeding four thousand dollars	4,000 00
565	Lyman school for boys, a sum not exceeding two hundred thirty-five thousand three hundred dollars	235,300 00
	Total	\$544,640 00

Massachusetts Hospital School:

566	For the maintenance of the Massachusetts hospital school, to be expended with the approval of the trustees thereof, a sum not exceeding one hundred eighty-nine thousand five hundred and fifty dollars	\$189,550 00
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Item		
	State Infirmary:	
567	For the maintenance of the state infirmary, to be expended with the approval of the trustees thereof, a sum not exceeding one million forty-seven thousand six hundred dollars	\$1,047,600 00
	<i>Service of the Department of Public Health.</i>	
	Administration:	
568	For the salary of the commissioner, a sum not exceeding seventy-five hundred dollars	\$7,500 00
569	For personal services of the health council and office assistants, a sum not exceeding eighteen thousand six hundred and twenty dollars	18,620 00
570	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding ninety-eight hundred dollars	9,800 00
	Service of Adult Hygiene (cancer):	
571	For personal services of the division, including cancer clinics, a sum not exceeding forty-three thousand dollars	43,000 00
572	For other expenses of the division, including cancer clinics, a sum not exceeding thirty-five thousand four hundred dollars	35,400 00
	Services of Child Hygiene:	
573	For personal services of the director and assistants, a sum not exceeding thirty-seven thousand four hundred and forty dollars	37,440 00
574	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding fifteen thousand dollars	15,000 00
	Service of Maternal and Child Hygiene:	
575	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-three thousand four hundred and eighty dollars	23,480 00
576	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 nine thousand dollars	9,000 00
	Division of Communicable Diseases:	
577	For personal services of the director, district health officers and their assistants, epidemiologists, bacteriologist and assistants in the diagnostic laboratory, a sum not exceeding seventy-four thousand one hundred dollars	74,100 00
578	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
	Veneral Diseases:	
579	For personal services for the control of venereal diseases, a sum not exceeding thirteen thousand six hundred and eighty dollars	13,680 00
580	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding twenty-eight thousand dollars	28,000 00

Item		
	Wassermann Laboratory:	
581	For personal services of the Wassermann laboratory, a sum not exceeding sixteen thousand four hundred dollars	\$16,400 00
582	For expenses of the Wassermann laboratory, a sum not exceeding fifty-two hundred dollars	5,200 00
	Antitoxin and Vaccine Laboratories:	
583	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 seventy thousand dollars	70,000 00
584	For other services, supplies, materials and equipment necessary for the production of antitoxin and other materials as enumerated above, a sum not exceeding thirty-four thousand five hundred dollars	34,500 00
	Inspection of Food and Drugs:	
585	For personal services of the director, analysts, inspectors and other assistants, a sum not exceeding fifty-four thousand nine hundred dollars	54,900 00
586	For other services, including traveling expenses, supplies, materials and equipment, a sum not exceeding eleven thousand nine hundred dollars	11,900 00
	Shellfish Enforcement Law:	
587	For personal services for administering the law relative to shellfish, a sum not exceeding nineteen hundred and twenty dollars	1,920 00
588	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:	
589	For personal services of directors, engineers, chemists, clerks and other assistants in the division of engineering and the division of laboratories, a sum not exceeding one hundred fourteen thousand five hundred dollars	114,500 00
590	For other services, including traveling expenses, supplies, materials and equipment, for the division of engineering and the division of laboratories, a sum not exceeding twenty-five thousand dollars	25,000 00
	Total	<u>\$664,460 00</u>
	Division of Tuberculosis:	
591	For personal services of the director, stenographers, clerks and other assistants, a sum not exceeding thirty-five thousand eight hundred dollars	\$35,800 00
592	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
593	To cover the payment of certain subsidies for the maintenance of hospitals for tubercular patients, a sum not exceeding four hundred and sixty-five thousand dollars	465,000 00
594	For personal services for certain children's clinics for tuberculosis, a sum not exceeding thirty-six thousand four hundred dollars	36,400 00
595	For other services for certain children's clinics for tuberculosis, a sum not exceeding seventeen thousand dollars	17,000 00
	Total	<u>\$560,350 00</u>

Item	For the maintenance of and for certain improvements at the sanatoria, as follows:	
596	Lakeville state sanatorium, a sum not exceeding two hundred eighty-two thousand two hundred and forty-five dollars	\$282,245 00
597	For fire protection and sprinklers at the Lakeville state sanatorium, a sum not exceeding sixteen hundred dollars	1,600 00
598	North Reading state sanatorium, a sum not exceeding two hundred forty-one thousand five hundred dollars	241,500 00
599	For improvements in the water supply at the North Reading state sanatorium, a sum not exceeding fifteen hundred dollars	1,500 00
600	For fire protection and sprinklers at the North Reading state sanatorium, a sum not exceeding two thousand dollars	2,000 00
601	Rutland state sanatorium, a sum not exceeding three hundred eighteen thousand seven hundred and fifty dollars	318,750 00
602	For the reconstruction of a certain road at the Rutland state sanatorium, a sum not exceeding twelve thousand dollars, the letting of the contract and work to be done under the supervision of the state department of public works	12,000 00
602a	For improvements in the water supply mains at the Rutland state sanatorium, a sum not exceeding thirty-four hundred dollars	3,400 00
603	(This item omitted.)	
604	Westfield state sanatorium, a sum not exceeding two hundred fifty-five thousand one hundred and ninety dollars	255,190 00
605	For improvements in the water supply system at the Westfield state sanatorium, a sum not exceeding fifteen hundred dollars	1,500 00
606	For additional fire protection and sprinklers at the Westfield state sanatorium, a sum not exceeding fourteen hundred dollars	1,400 00
	Total	\$1,121,085 00
	Pondville Cancer Hospital:	
607	For maintenance of the Pondville cancer hospital, including care of radium, a sum not exceeding two hundred fifty-seven thousand and twenty-five dollars	\$257,025 00
608	For the installation of an incinerator, a sum not exceeding two thousand dollars	2,000 00
609	For the cost of removing and improving the bacteriological laboratory, a sum not exceeding two thousand dollars	2,000 00
610	For reconditioning and installing an engine and generator, a sum not exceeding twenty-five hundred dollars	2,500 00
611	For renovation of the old service building, including furnishings and equipment, a sum not exceeding ten thousand dollars	10,000 00
612	For additional water supply and sprinklers, a sum not exceeding three thousand dollars	3,000 00
	Total	\$276,525 00
	<i>Service of the Department of Public Safety.</i>	
	Administration:	
613	For the salary of the commissioner, a sum not exceeding six thousand dollars	\$6,000 00

Item		
614	For personal services of clerks and stenographers, a sum not exceeding eighty-eight thousand two hundred and fifty dollars	\$88,250 00
615	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 forty-one thousand dollars	41,000 00
	Division of State Police:	
616	For the salaries of officers, including detectives, a sum not exceeding five hundred thousand dollars, of which sum not more than one hundred eighty-four thousand dollars may be charged to the Highway Fund. The additional detectives, for which provision is hereby made, when appointed, shall not be under twenty-five years of age or over fifty years of age, notwithstanding the provisions of any other law to the contrary	500,000 00
617	For personal services of civilian employees, a sum not exceeding one hundred one thousand dollars	101,000 00
618	For other necessary expenses of the uniformed division, including traveling expenses of detectives, a sum not exceeding four hundred thirty-nine thousand dollars, of which sum not more than one hundred forty-one thousand dollars may be charged to the Highway Fund	439,000 00
619	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 five hundred and fifty dollars	11,550 00
	Division of Inspection:	
620	For the salary of the chief of inspections, a sum not exceeding four thousand dollars	4,000 00
621	For the salaries of officers for the building inspection service, a sum not exceeding fifty-three thousand four hundred and sixty dollars	53,460 00
622	For traveling expenses of officers for the building inspection service, a sum not exceeding eleven thousand five hundred dollars	11,500 00
623	For the salaries of officers for the boiler inspection service, a sum not exceeding sixty-six thousand seven hundred and twenty dollars	66,720 00
624	For traveling expenses of officers for the boiler inspection service, a sum not exceeding fourteen thousand five hundred dollars	14,500 00
625	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:	
626	For personal services of members of the board, a sum not exceeding one thousand dollars	1,000 00
627	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	<u>\$1,339,380 00</u>

Item		
Fire Prevention Service:		
628	For the salary of the state fire marshal, a sum not exceeding four thousand dollars	\$4,000 00
629	For personal services of fire inspectors, a sum not exceeding forty-two thousand dollars	42,000 00
630	For traveling expenses of fire inspectors, a sum not exceeding twelve thousand five hundred dollars	12,500 00
631	For other services, office rent and necessary office supplies and equipment, a sum not exceeding thirty-eight hundred dollars	3,800 00
632	For personal services and expenses for the inspection of transportation of inflammable fluids, a sum not exceeding forty-eight hundred dollars	4,800 00
	Total	\$67,100 00
State Boxing Commission:		
633	For compensation and clerical assistance for the state boxing commission, a sum not exceeding ten thousand five hundred dollars	\$10,500 00
634	For other expenses of the commission, a sum not exceeding seven thousand dollars	7,000 00
	Total	\$17,500 00
<i>Service of the Department of Public Works.</i>		
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:		
635	For the salaries of the commissioner and the associate commissioners, a sum not exceeding nineteen thousand five hundred dollars	\$19,500 00
636	For personal services of clerks and assistants to the commissioner, a sum not exceeding eighty-four hundred dollars	8,400 00
637	For traveling expenses of the commissioners, a sum not exceeding two thousand dollars	2,000 00
638	For telephone service in the public works building, a sum not exceeding twenty-three thousand dollars	23,000 00
	Total	\$52,900 00
Functions of the department relating to highways (the following appropriations, except as otherwise provided, are made from the Highway Fund):		
639	For the maintenance and operation of the public works building, a sum not exceeding one hundred seven thousand nine hundred dollars	\$107,900 00
640	For the salaries of watchmen for the public works building, a sum not exceeding fourteen thousand two hundred and eighty dollars	14,280 00
The department of public works is hereby authorized to rebate the rent of certain space in the public works building occupied by the Copeland News Service.		
The department of public works is hereby authorized to rebate the rent of certain space in the public works building occupied by the federal auditors on Public Works Administration projects.		
642	For personal services of the chief engineer, engineers and office assistants, including certain clerks and stenographers, a sum not exceeding ninety-two thousand dollars	92,000 00

Item		
643	For services other than personal, including printing pamphlet of laws and the annual report, and necessary office supplies and equipment, a sum not exceeding eleven thousand five hundred dollars	\$11,500 00
644	For the suppression of gypsy and brown tail moths on state highways, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
645	For the construction and repair of town and county ways, a sum not exceeding two million three hundred and fifty thousand dollars	2,350,000 00
646	For aiding towns in the repair and improvement of public ways, a sum not exceeding one million four hundred fifty thousand dollars	1,450,000 00
647	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, a sum not exceeding three million one hundred forty-five thousand dollars	3,145,000 00
647a	For the purpose of enabling the department of public works to secure federal aid for the construction of highways, a sum not exceeding five hundred thousand dollars	500,000 00
648	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
649	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 fifty thousand dollars	50,000 00
	Registration of Motor Vehicles:	
650	For personal services, a sum not exceeding nine hundred fifty-two 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	952,000 00
651	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 eighty-three thousand dollars, to be paid from the Highway Fund	483,000 00
652	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
653	For the reconstruction of Ocean avenue in the city of Revere, as authorized by chapter three hundred and seventy-five of the acts of nineteen hundred and thirty-four, a sum not exceeding eighty thousand dollars, the same to be in addition to any amounts heretofore appropriated	80,000 00
	Total	\$9,265,180 00

Item		
	Functions of the department relating to waterways and public lands:	
654	For personal services of the chief engineer and assistants, a sum not exceeding fifty-five thousand dollars	\$55,000 00
655	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
656	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 five thousand dollars	5,000 00
657	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
658	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 one hundred 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 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	100,000 00
659	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
660	For expenses of surveying certain town boundaries, by the department of public works, a sum not exceeding five hundred dollars	500 00
661	For the operation and maintenance of the New Bedford state pier, a sum not exceeding twelve thousand dollars	12,000 00
662	For the compensation of dumping inspectors, a sum not exceeding five hundred dollars	500 00
663	For continuing the work in gauging the flow of water in the streams of the commonwealth, a sum not exceeding five thousand dollars	5,000 00
664	For the maintenance and repair of certain property in the town of Plymouth, a sum not exceeding three thousand dollars	3,000 00
665	For the operation and maintenance of the Cape Cod Canal pier, a sum not exceeding thirty-five hundred dollars	3,500 00
666	For expenses of perambulating state boundary lines, a sum not exceeding one thousand dollars	1,000 00

Item

The unexpended balance of the appropriation made by item six hundred and thirty-eight of chapter two hundred and forty-five of the acts of nineteen hundred and thirty-one for certain work in the Taunton river, authorized by chapter four hundred and five of the acts of nineteen hundred and thirty, which was reappropriated by chapter one hundred and seventy-four of the acts of nineteen hundred and thirty-three, is hereby again reappropriated.

666a	For the reconstruction of a certain pier at Plymouth, a sum not exceeding forty-five thousand dollars	\$45,000 00
	Total	\$255,600 00

Functions of the department relating to Port of Boston (the following items are to be paid from the Port of Boston receipts):

667	For the construction of railroads and piers and for the development of certain land, a sum not exceeding ten thousand dollars	\$10,000 00
668	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 eight thousand dollars	108,000 00
669	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 eighty thousand dollars	80,000 00
670	For dredging channels and filling flats, a sum not exceeding ninety thousand dollars, the same to be in addition to any unexpended balance of the appropriation made for the purpose in the previous year	90,000 00
	Total	\$288,000 00

Service of the Department of Public Utilities.

671	For personal services of the commissioners, a sum not exceeding thirty-six thousand dollars	\$36,000 00
672	For personal services of secretaries, employees of the accounting department, engineering department and rate and tariff department, a sum not exceeding thirty-two thousand three hundred dollars, of which sum fifteen thousand two hundred and fifty dollars shall be assessed upon the gas and electric companies in accordance with existing provisions of law	32,300 00
673	For personal services of the inspection department, a sum not exceeding forty-five thousand two hundred dollars	45,200 00
674	For personal services of clerks, messengers and office assistants, a sum not exceeding thirteen thousand three hundred and fifty dollars, of which sum one half shall be assessed upon the gas and electric companies in accordance with existing provisions of law	13,350 00
675	For personal services of the telephone and telegraph division, a sum not exceeding twelve thousand six hundred and sixty dollars	12,660 00

Item		
676	For stenographic reports of hearings, a sum not exceeding twenty-five hundred dollars	\$2,500 00
677	For traveling expenses of the commissioners and employees, a sum not exceeding thirty-three hundred dollars	3,300 00
678	For services other than personal, printing the annual report, office supplies and equipment, a sum not exceeding eleven thousand dollars	11,000 00
679	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	<u>\$157,310 00</u>
	Special:	
680	For the administration of chapter one hundred and fifty-nine B of the General Laws, being the law relative to the regulation of motor truck traffic, a sum not exceeding twenty-two thousand five hundred dollars	\$22,500 00
	The following items are to be assessed upon the gas and electric companies:	
681	For personal services of the division of inspection of gas and gas meters, a sum not exceeding seventeen thousand eight hundred and eighty dollars	\$17,880 00
682	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 thirty-four hundred dollars	3,400 00
683	For other services, printing the annual report, for rent of offices and for necessary office supplies and equipment, a sum not exceeding fourteen thousand five hundred dollars	14,500 00
684	For the examination and tests of electric meters, a sum not exceeding two hundred dollars	200 00
	Total	<u>\$35,980 00</u>
	Special Investigations:	
685	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
	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:	
686	For personal services, a sum not exceeding twenty-six thousand two hundred seventy-five dollars	\$26,275 00
687	For other services, printing the annual report, rent of offices, travel, and necessary office supplies and equipment, a sum not exceeding three thousand five hundred dollars	3,500 00
	Total	<u>\$29,775 00</u>
	Sale of Securities:	
688	For personal services in administering the law relative to the sale of securities, a sum not exceeding thirty-four thousand five hundred dollars	\$34,500 00

Item		
689	For expenses other than personal in administering the law relative to the sale of securities, a sum not exceeding twelve thousand dollars	\$12,000 00
	Total	\$46,500 00

Miscellaneous.

690	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 eight hundred dollars	\$11,800 00
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The following items are to be paid from the Highway Fund, with the approval of the Metropolitan District Commission:

691	For maintenance of boulevards and parkways, a sum not exceeding five hundred sixty-eight thousand six hundred and seventy-five dollars	568,675 00
692	For resurfacing of boulevards and parkways, a sum not exceeding two hundred seventy-five thousand dollars	275,000 00

There is hereby reappropriated from the unexpended balance of the appropriation for resurfacing of boulevards and parkways for the fiscal year nineteen hundred and thirty-three the sum of twenty-six hundred eighty-two dollars and eighty-seven cents.

693	For maintenance of Wellington bridge, a sum not exceeding forty-seven hundred and eighty dollars	4,780 00
	Total	\$860,255 00

Unclassified Accounts and Claims.

694	For the compensation of veterans of the civil war formerly in the service of the commonwealth, now retired, a sum not exceeding forty-four hundred dollars	4,400 00
695	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 Tercentenary Edition thereof, a sum not exceeding thirty-eight thousand dollars	\$38,000 00
696	For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired, a sum not exceeding fifty-seven thousand dollars	57,000 00
697	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
698	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	\$105,300 00

For certain other aid:

699	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	
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Item		
	of nineteen hundred and thirty-three, a sum not exceeding fifty-five thousand dollars, of which sum not more than twenty thousand dollars may be charged to the Highway Fund	\$55,000 00
700	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-five hundred and ninety-six dollars	4,596 00
	Total	\$59,596 00
701	For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by existing laws, a sum not exceeding two hundred and fifty dollars	\$250 00
702	For payment of any claims, as authorized by section eighty-nine of chapter thirty-two of the General Laws, as most recently amended by chapter three hundred and forty-three of the acts of nineteen hundred and thirty-four, 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 thirty-two hundred dollars	3,200 00
703	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
704	For reimbursement of persons for funds previously deposited in the treasury of the commonwealth and escheated to the commonwealth, a sum not exceeding one thousand dollars	1,000 00
	Total	\$4,950 00

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Judicial Department.

Superior Court:

For traveling allowance and expenses, the sum of two hundred eleven dollars and twenty-nine cents \$211 29

Judicial Council:

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, the sum of three hundred forty-nine dollars and thirteen cents 349 13

For clerical assistance to Registers of the several counties, as follows:

Dukes County, the sum of seventy-one dollars and ninety-four cents 71 94

Service of the State Quartermaster.

For the maintenance of armories of the first class, including the purchase of certain furniture, the sum of forty-six dollars and sixteen cents 46 16

Service of the State Surgeon.

For the examination of recruits, the sum of one hundred forty-nine dollars and ninety-six cents 149 96

Service of the Art Commission.

Item	
For expenses of the commission, the sum of one hundred eleven dollars	\$111 00

Service of the Secretary of the Commonwealth.

For printing laws, etc.:

For printing and distribution of the pamphlet edition of the acts and resolves of the year nineteen hundred and thirty-four, the sum of sixteen hundred eighty-six dollars and sixty cents	1,686 60
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Service of the Treasurer and Receiver-General.

State Board of Retirement:

For requirements of annuity funds and pensions for employees retired from the state service under authority of law, the sum of twelve hundred forty-nine dollars and fifty-three cents	1,249 53
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Service of the Department of Conservation.

Bounty on seals:

For bounties on seals, the sum of sixty-seven dollars and fifty cents	67 50
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Service of the Department of Education.

For assisting small towns in providing themselves with school superintendents, as provided by law, the sum of six hundred ninety-three dollars and ninety-two cents	693 92
For the maintenance of the state teachers' college at Fitchburg, the sum of seventeen hundred seventy-five dollars and eighty-one cents	1,775 81
For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, the sum of eleven hundred fifty-one dollars and seventy-eight cents	1,151 78

Service of the Department of Civil Service and Registration.

Board of Dental Examiners:

For traveling expenses, the sum of eighty-six dollars and seventy-six cents	86 76
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Board of Registration in Pharmacy:

For traveling expenses, the sum of fifty-six dollars	56 00
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Board of Registration in Optometry:

For traveling expenses, the sum of sixty-seven dollars and ninety-four cents	67 94
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Service of the Department of Correction.

For services other than personal, including printing the annual report, necessary office supplies and equipment, the sum of forty-eight dollars and eighty-eight cents	48 88
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Service of the Department of Public Health.

For the maintenance of the Rutland state sanatorium, the sum of four hundred sixty-seven dollars	467 00
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Service of the Department of Public Works.

Functions of the department relating to highways:

For the suppression of gypsy and brown tail moths on state highways, the sum of ninety-one dollars and forty-three cents, to be paid from the Highway Fund	91 43
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Item

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 twenty dollars and seventy-eight cents, to be paid from the Highway Fund	\$20 78
Functions of the department relating to waterways and public lands:	
For the operation and maintenance of the New Bedford state pier, the sum of sixty-four dollars and twenty-four cents	64 24
For the operation and maintenance of the Cape Cod Canal pier, the sum of one hundred three dollars and twenty-eight cents	103 28
Functions of the department relating to Port of Boston:	
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, the sum of seventy-two cents, to be paid from the Port of Boston receipts	72
<i>Unclassified Accounts and Claims.</i>	
For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by existing laws, the sum of seventy-two dollars	72 00
Total	<hr/> \$8,643 65

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:		
706	For maintenance of the Charles River basin, a sum not exceeding two hundred forty-two thousand and fifty dollars	\$242,050 00
707	For maintenance of park reservations, a sum not exceeding one million forty-four thousand seven hundred and ninety dollars, including retirement of soldiers under the provisions of the General Laws	1,044,790 00
708	For the expense of holding band concerts, a sum not exceeding twenty thousand dollars	20,000 00
709	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 six hundred dollars	18,600 00
710	For maintenance of the Nantasket Beach reservation, a sum not exceeding ninety-three thousand four hundred dollars	93,400 00
711	For maintenance of Wellington bridge, a sum not exceeding fourteen thousand three hundred and forty 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 ninety-three	14,340 00

Item		
712	For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, a sum not exceeding three hundred seventy thousand four hundred and fifty-five dollars, including retirement of soldiers under the provisions of the General Laws	\$370,455 00
713	For the maintenance and operation of a system of sewage disposal for the south metropolitan sewerage district, a sum not exceeding two hundred seventy-seven thousand and fifty-seven dollars, including retirement of soldiers under the provisions of the General Laws	277,057 00
714	For the maintenance and operation of the metropolitan water system, a sum not exceeding nine hundred forty-five thousand eight hundred thirty-one dollars and twenty-one cents, including a deficiency amounting to twenty-six thousand two hundred fifty-six dollars and twenty-one cents, and including retirement of soldiers under the provisions of the General Laws	945,831 21
715	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 nineteen hundred and thirty-four, a sum not exceeding one hundred fifty thousand dollars, the same to be assessed as a part of the cost of the metropolitan water maintenance and to be in addition to any amount heretofore appropriated for the purpose	150,000 00
716	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	<u>\$3,476,523 21</u>

SECTION 3. To provide for increases in the salaries and compensation of certain state officers and employees to be granted under the provisions of sections forty-five to fifty, inclusive, of chapter thirty of the General Laws, as appearing in the Tercentenary Edition thereof, there is hereby appropriated a sum not exceeding four hundred thousand dollars, of which sum not more than sixty thousand dollars shall be taken from the Highway Fund, not more than thirty 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 otherwise made for such salaries and compensation. For the purpose of apportioning the appropriation made by this section, each sum expressed by section two of this act 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 provided for thereby so much as is required to provide for the aforesaid increases in such salaries and compensation. The state comptroller, in setting up such items for personal services on the appropriation ledger in his bureau, shall take as the amounts appropriated

Salary increases, provision for.

therefor by section one and this section the sums so expressed 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.

General and Highway Funds	\$59,541,337	90
Metropolitan District Commission	3,506,523	21

Expenditures in excess of appropriations, regulated.

SECTION 4. 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 institutions.

SECTION 5. The sums appropriated for maintenance of certain institutions include allowances for the purchase of coal to April first, nineteen hundred and thirty-six, and balance representing these sums may be carried forward at the end of the fiscal year.

Expenditures for public buildings regulated.

SECTION 6. 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.

Allowance for board, etc., regulated.

SECTION 7. No expenses incurred 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.

Copies of act to be sent to department heads.

SECTION 8. The budget commissioner is hereby directed to send a copy of sections four, six and seven of this act to each departmental, divisional and institutional head immediately following the passage of this act.

SECTION 9. This act shall take effect upon its passage.
Approved May 8, 1935.

Chap. 250 AN ACT RELATIVE TO THE AMOUNT OF EXPENDITURE FOR THE WORK OF THE CAPE COD MOSQUITO CONTROL PROJECT.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter three hundred and seventy-nine of the acts of nineteen hundred and thirty, as amended by section one of chapter three hundred and fifteen of the acts of nineteen hundred and thirty-one, is hereby further amended by striking out, in the eleventh

line, the words "year nineteen hundred and thirty-one" and inserting in place thereof the words: — fiscal year commencing on December first, nineteen hundred and thirty-five, — and by striking out, in the fourteenth line, the word "twenty-five" and inserting in place thereof the word: — thirty-five, — so as to read as follows:— *Section 1.* The area included in the towns comprising the county of Barnstable is hereby constituted a mosquito control project under section five A of chapter two hundred and fifty-two of the General Laws, inserted therein by section three of chapter two hundred and eighty-eight of the acts of nineteen hundred and twenty-nine, to the same extent as if so constituted by the state reclamation board acting under said section five A, and the improvements herein authorized shall be undertaken under the identifying name of the Cape Cod Mosquito Control Project. Beginning with the fiscal year commencing on December first, nineteen hundred and thirty-five, to meet the expenses incurred under this act, there shall annually be expended from the state treasury, subject to appropriation, sums equal, in the aggregate, to thirty-five cents on each one thousand dollars of the taxable valuations of all such towns, and the sums so expended shall be assessed by the state treasurer on said towns in proportion to their said valuations as additions to their respective quotas of the state tax next to be assessed; provided, that any such town may in any year anticipate in whole or in part its assessment, and appropriate, raise and deposit the amount thereof with the state treasurer, and any sum so deposited shall be credited against such assessment. There may also be expended for the purposes of this act voluntary contributions for such purposes deposited in the state treasury.

SECTION 2. This act shall take effect on December first of the current year.

Approved May 8, 1935.

AN ACT PROVIDING THAT THE WATCHMEN APPOINTED BY THE STATE SUPERINTENDENT OF BUILDINGS FOR SERVICE AT THE STATE HOUSE OR ON THE GROUNDS THEREOF SHALL HEREAFTER BE KNOWN AS CAPITOL POLICE.

Chap. 251

Be it enacted, etc., as follows:

Section four of chapter eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "duties" in the fourth line the following:— Watchmen appointed hereunder for service at the state house or on the grounds thereof shall be designated as capitol police and shall, when on duty, wear and display a metallic badge bearing the seal of the commonwealth and the words "Capitol Police", — so as to read as follows:— *Section 4.* He may appoint such clerks, engineers, electricians, firemen, oilers, mechanics, watchmen, elevator operators, porters, cleaners and other persons as may be necessary to enable him to perform his duties.

G. L. (Ter. Ed.), 8, § 4, amended.

Appointment of employees by superintendent of buildings.

Capitol police.

Watchmen appointed hereunder for service at the state house or on the grounds thereof shall be designated as capitol police and shall, when on duty, wear and display a metallic badge bearing the seal of the commonwealth and the words "Capitol Police". He shall be responsible for the fitness and good conduct of all such employees and may remove them at his discretion. Appointments under this section shall not be subject to chapter thirty-one.

Approved May 8, 1935.

Chap. 252 AN ACT LIMITING THE CHARGES AND FEES FOR THE COLLECTION OF POLL TAXES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 60, § 15, etc., amended.

SECTION 1. Section fifteen of chapter sixty of the General Laws, as amended by section two of chapter one hundred and fifty-one of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the first line, the word "The" and inserting in place thereof the following: — Except as provided in section fifteen A, the, — so that the first paragraph will read as follows: — Except as provided in section fifteen A, 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: —

Relative to fees of collector.

G. L. (Ter. Ed.), 60, new section 15A, added. Additional fees for collection of delinquent poll taxes.

SECTION 2. Said chapter sixty is hereby further amended by inserting after section fifteen, as amended, the following new section: — *Section 15A.* For the collection of a delinquent poll tax there may be added and collected as a part of the tax the following charges and fees; and no others: —

For the written demand provided for by law, thirty-five cents, which shall be paid into the town treasury;

For the notice to the delinquent that warrant has been issued, one dollar, which shall be retained by the officer having the warrant for service;

For arrest and custody of the body, two dollars, which shall be retained by the officer having the warrant for service.

Any officer having a warrant who attempts to collect or collects more than the above charges and fees in the collection of a delinquent poll tax shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding one month.

Approved May 8, 1935.

AN ACT RELATIVE TO THE SERVING AND DRINKING OF ALCOHOLIC BEVERAGES SOLD TO BE CONSUMED ON THE PREMISES.

Chap. 253

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 definition of "Tavern" in 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 and as amended by section one of chapter one hundred and twenty-one of the acts of nineteen hundred and thirty-four, is hereby amended by striking out, in the fourth and fifth lines as printed in said section one of said chapter one hundred and twenty-one, the words "sitting at tables or sitting at counters equipped with stools", — so as to 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 in plain view of other patrons, all entrances to which shall open directly from a public way. No woman shall be allowed as patron in a tavern. The business conducted therein shall be open to public view from the sidewalk level and the establishment shall be properly lighted. No window facing a public way shall be obstructed by any screen or other object extending more than five feet above the level of the sidewalk on which the establishment abuts, but in no event shall any screen or obstruction prevent a clear view of the interior of said tavern. Said windows shall contain no advertising matter other than the name of the proprietor, followed by the word "Tavern" or "Tavern-Keeper".

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

"Tavern",
term
defined.

SECTION 2. Section twelve of said chapter one hundred and thirty-eight, as most recently amended by section three of chapter three hundred and eighty-five of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the seventeenth to twenty-first lines, inclusive, the words ", 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", — and inserting in place thereof the words: — ; provided, — so that the first paragraph 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

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

Granting of
licenses to
common
victuallers.

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; provided, 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.

SECTION 3. Said section twelve, as so amended, is hereby further amended by inserting after the first paragraph the following new paragraph: —

No alcoholic beverage shall be served to or drunk by a woman in a public room or area of a hotel, or in a restaurant or club, licensed under this section, except while seated at a table or seated at a counter equipped with stools, and no such beverage shall be served to or drunk by a woman in a tavern; and no such beverage shall on Sundays be served to or drunk by any person standing at a bar or counter in such a hotel, restaurant or club.

SECTION 4. Said section twelve, as so amended, is hereby further amended by striking out, in the forty-sixth to forty-eighth lines, inclusive, the words “; 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”.

SECTION 5. Section twenty-three of said chapter one hundred and thirty-eight, as most recently amended by section sixteen of said chapter three hundred and eighty-five, is hereby further amended by striking out, in the fifteenth to nineteenth lines, inclusive, of the fifth paragraph the words “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” and inserting in place thereof the words: —, served or drunk therein in violation of any provision, — so that said fifth paragraph will read as follows: — 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

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

Sale of alcoholic beverages to women, regulated.

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

Certain restrictions on sale of, in clubs, removed.

G. L. (Ter. Ed.), 138, § 23, etc., amended.

Issuance, suspension, revocation, etc., of licenses.

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, served or drunk therein in violation of any provision of this chapter, they may, after hearing or opportunity therefor to modify, suspend, revoke or cancel such license.

Approved May 10, 1935.

AN ACT PROVIDING FOR THE BETTER SECURITY OF HUMAN LIFE AT THE GRADE CROSSING OF THE BOSTON AND MAINE RAILROAD ON MARBLEHEAD STREET IN THE TOWN OF NORTH ANDOVER.

Chap. 254

Be it enacted, etc., as follows:

The department of public utilities is hereby directed to order in writing that the Boston and Maine Railroad erect gates at the grade crossing of said railroad on Marblehead street in the town of North Andover, to be opened and closed by an agent of said railroad stationed thereat, upon the approach of an engine or train.

Approved May 10, 1935.

AN ACT REVIVING AND CONTINUING AUTHORITY FOR THE TOWN OF MANSFIELD TO CONSTRUCT AND MAINTAIN A SYSTEM OF SEWERAGE AND SEWAGE DISPOSAL.

Chap. 255

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter three hundred and forty-eight of the acts of nineteen hundred and twenty-nine is hereby amended by striking out, in the fifth line, the word "five" and inserting in place thereof the word: — ten, — so as to read as follows: — *Section 13.* For the purpose only of submission to the voters of said town, this act shall take effect upon its passage, and it shall take full effect upon its acceptance by vote of the majority of the voters of said town voting thereon at a town meeting called for the purpose within ten years after its passage. No expenditure shall be made and no liability incurred hereunder until such acceptance.

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

Approved May 13, 1935.

Chap. 256 AN ACT AUTHORIZING THE TOWN OF BRAINTREE, FOR THE PURPOSE OF INCREASING ITS WATER SUPPLY, TO TAKE, HOLD AND USE CERTAIN WATERS AND LANDS WITHIN SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of increasing its water supply, the town of Braintree, hereinafter called the town, is hereby authorized to take by eminent domain, under and in accordance with chapter seventy-nine of the General Laws, except as hereinafter provided, or to acquire, by purchase or otherwise, and hold, at any time or from time to time, the waters of the brook, which flows from a point near the intersection of Grove street with the town line between Braintree and Weymouth to the Monatiquot river, of Monatiquot river above the intersection of said brook with said river, of Cranberry pond, of Cranberry brook, so called, of Cochato brook, so called, otherwise known as Cochato river, of Farm brook, so called, otherwise known as Farm river, or of tributaries to the same or either of them, and the waters flowing into or from the same or either of them, and all water rights connected therewith located within the town, and the waters of any spring or of any ground-water sources of supply by means of artesian, driven or other wells within the town, and the water rights connected therewith, except the property known as the Monatiquot spring, so called, in South Braintree, and to convey the waters so taken to any part of the town. Said town is also authorized to take by eminent domain under said chapter seventy-nine, except as hereinafter provided, or to acquire, by purchase or otherwise, and hold, all lands, rights of way and easements which may be necessary for collecting, storing and holding such waters and preserving the purity thereof and for conveying the same to any part of the town; provided, that no source of water supply or reservoir or lands shall be taken or acquired under the authority of this act except with the approval of the state department of public health and that all works for taking, storing, conveying or diverting said waters shall be constructed in general accordance with plans approved by said department.

SECTION 2. Said town may lay, construct and maintain on the lands acquired hereunder all pipes, conduits, channels, ditches, dams, reservoirs or other works or structures, including filtration and other treatment works, necessary for the establishment and maintenance of complete and effective water works and for storing water and conveying, filtering or otherwise treating or distributing the same; and, for the purposes aforesaid, may lay, construct and maintain its conduits, water pipes, aqueducts and other works or structures under, over or along any land, water courses, railroads, street railways, public or other ways 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.

Said town shall not enter upon, construct or lay any conduits, pipes or other works within the location of any railroad corporation except at such time and in such manner as it may agree upon with such corporation, or, in case of failure so to agree, as may be approved by the department of public utilities.

SECTION 3. The taking of land or other property under this act may be permanent or temporary and shall be in accordance with said chapter seventy-nine, except that

(a) Said town need make no award of damages for injuries sustained by persons or corporations on account of any taking of water or water rights;

(b) The notice required by section eight of said chapter seventy-nine need not be given in case of the taking of water or water rights;

(c) Petitions for the assessment of damages under section fourteen of said chapter seventy-nine may be filed within two years after the right to such damages has vested, without any extension of time by reason of failure to receive notice under section eight thereof or otherwise;

(d) An owner of land or other property taken shall, upon request made within six months of the taking, be furnished within thirty days of such request with a plan or description of the land or other property taken;

(e) No taking shall be made by the town under this act except as shall be voted from time to time by the board of water commissioners of said town.

SECTION 4. The town may enter upon any lands for the purpose of making surveys, stream gaugings, 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 5. Any person or corporation sustaining damage in his or its property by the taking of land, water, water rights, easements or other property, or by the entry upon or the use of any property, or by the making of any change of grade, layout, construction, alteration, discontinuance of a way, or by anything done by the town under authority of this act shall be entitled to recover the same from said town under said chapter seventy-nine; provided, that the right to any damages for the taking of any water, water right, or any injury thereto, shall not vest until water is actually withdrawn or diverted under such taking. Damages for the temporary use or injury to property may, on the request of the petitioner, be assessed by monthly payments, to be continued so long as the property is used or injured.

SECTION 6. If the town shall under authority of this act construct any reservoir in such manner as to flow any existing public way, it shall raise the way to such grade as will make it reasonably safe and convenient for travel or shall build in place of any part of said way so flowed another suitable way, with all necessary fences and culverts, which way shall thereafter be a public way, and shall be maintained and kept in repair by the town in which the same is located.

SECTION 7. Said town, with the advice and approval of the state department of public health, may sell at public or private sale or may exchange any real property, or any easements, whether taken by eminent domain or otherwise, no longer needed for works under its charge or may from time to time lease any property not then so needed; and may in its discretion, by lease, license or other agreement, permit the construction and maintenance on any land under its control of towers, poles, wires and other structures for the purpose of transmitting electric power over lands and water of said town held for water supply purposes under this act; provided, that, in the opinion of the said department, such lease, license or agreement will not affect or interfere with the water supply; and provided, further, that said town may revoke said lease, license or agreement for cause to be determined by it, with the approval of said department.

SECTION 8. In contracts entered into by the town for the construction of the works herein authorized there may be inserted a provision that the town or any contractor or sub-contractor for the town may employ laborers, workmen and mechanics for more than eight hours in any one day or for more than forty-eight hours in any one week in such construction when, in the opinion of the commissioner of labor and industries, extraordinary emergency so requires.

SECTION 9. The town may in its discretion appoint and remove such engineering, legal, clerical and other assistants as it may deem necessary to carry on the work authorized by this act, and may fix their compensation. Such appointments and removals shall be wholly exempt from the operation of the provisions of chapter thirty-one of the General Laws and the rules and regulations adopted thereunder.

SECTION 10. Whoever wilfully or wantonly corrupts, pollutes or diverts any water taken or held under this act, or injures any structure, work or other property owned, held or used by the town under authority of this act, shall forfeit and pay to said town three times the amount of the damages assessed therefor, to be recovered in an action of tort; and upon being convicted of any 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 11. Except as otherwise provided, all or any

part of the authority granted to the town by the preceding sections of this act shall be vested in and be exercised by the board of water commissioners of said town elected and constituted under chapter two hundred and seventeen of the acts of eighteen hundred and eighty-five, as amended.

SECTION 12. The supreme judicial court or any justice thereof, and the superior court or any justice thereof, during a sitting of the court or in vacation, on the petition of the state department of public health or of any city, town, corporation or person interested, shall have jurisdiction in equity or otherwise to enforce the provisions of this act and of any rule, regulation or order made under authority of this act and to prevent any violation of any of said provisions.

SECTION 13. This act shall take effect upon its passage.
Approved May 13, 1935.

AN ACT RELATIVE TO ASSOCIATE COUNTY COMMISSIONERS. *Chap. 257*
Be it enacted, etc., as follows:

SECTION 1. Section four of chapter thirty-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fifth and sixth lines, the words "and two associate commissioners", — so as to read as follows: — *Section 4.* Except in Nantucket and Suffolk counties, there shall be elected in each county, as provided in section one hundred and fifty-eight of chapter fifty-four, for terms of four years beginning the first Wednesday of January following their election and until their successors are qualified, three county commissioners, who shall be sworn before entering upon their duties, and shall annually, at their first meeting after the first Wednesday of January, choose by ballot a chairman. In Nantucket county the selectmen of Nantucket, in Suffolk county the mayor and city council of Boston and the municipal council of Chelsea, in their respective cities, and in Revere and Winthrop the commissioners for Middlesex county, shall, except as otherwise provided, have the powers and perform the duties of county commissioners.

G. L. (Ter. Ed.), 34, §4, amended.

County commissioners, election of.

SECTION 2. Section seven of said chapter thirty-four, as so appearing, is hereby amended by striking out, in the first line, the words "An associate commissioner" and inserting in place thereof the words: — A person acting as commissioner by appointment under section twelve, — so as to read as follows: — *Section 7.* A person acting as commissioner by appointment under section twelve shall be paid by the county not less than five dollars for each day of actual service, not exceeding five hundred dollars in any year, and ten cents a mile for travel each way. The commissioners of Middlesex county, when acting in relation to Revere or Winthrop, shall be paid therefor by said city and town, or either of them, in such proportions as the commis-

G. L. (Ter. Ed.), 34, § 7, amended.

Compensation of associate commissioners.

sioners may direct, at the rate of ten dollars a day and five cents a mile for travel for each commissioner in attendance.

G. L. (Ter. Ed.), 34, § 12, amended.

Proceedings if commissioners absent, etc.

SECTION 3. Said chapter thirty-four is hereby further amended by striking out section twelve, as so appearing, and inserting in place thereof the following: — *Section 12.* In case of inability to attend, or interest in a question before the commissioners, or if any part of a highway relative to which they are to act lies within the town where a commissioner resides, the commissioners qualified to act and the clerk of the courts for the county shall appoint one or more persons, not residing in the same town as any commissioner, nor in the same town with each other, if more than one, to act as commissioners in place of those absent or disqualified, until such absence or disqualification ceases. The commissioners may, however, receive a petition, issue an order of notice thereon, take a recognizance, approve bills or payrolls, or perform ministerial acts, whenever two members are competent to act. If they cannot otherwise organize, residence shall not disqualify.

G. L. (Ter. Ed.), 34, § 19, amended.

Proceedings at other times than at regular meetings.

SECTION 4. Section nineteen of said chapter thirty-four, as so appearing, is hereby amended by striking out, in the first and second lines, the words “, except associate commissioners,” — so as to read as follows: — *Section 19.* The commissioners severally may, at other times than at regular meetings, receive petitions relative to railroads or to matters where the county has no interest and may take recognizances thereon, and, upon such petitions and similar petitions entered at a regular meeting the commissioners or the chairman may, at other times than at regular meetings, appoint hearings and direct notices to be given to persons interested. They shall severally make return of such petitions and recognizances, with their proceedings, at any regular or special meeting held therefor; and the clerk shall record the same. The costs of any such special meeting shall be paid by such parties as the commissioners determine.

G. L. (Ter. Ed.), 54, § 62, amended.

Biennial state election, date, officers to be chosen at.

SECTION 5. Section sixty-two of chapter fifty-four of the General Laws, as so appearing, is hereby amended by striking out, in the tenth line, the words “associate commissioners,” — so as to read as follows: — *Section 62.* The biennial state election for the choice of governor, lieutenant governor, councillors, state secretary, state treasurer, attorney general, state auditor and senators and representatives in the general court, shall be held on the Tuesday next after the first Monday in November in every even numbered year. There shall also be chosen at the biennial state election, when required by law, presidential electors, and senators in congress, and, in their respective districts or counties, representatives in congress, district attorneys, clerks of the courts, registers of probate and insolvency, registers of deeds, county commissioners, sheriffs and county treasurers.

G. L. (Ter. Ed.), 54, § 112, amended.

SECTION 6. Section one hundred and twelve of said

chapter fifty-four, as so appearing, is hereby amended by striking out, in the sixteenth line, the words "or associate commissioners", — and by striking out, in the twenty-first and twenty-second lines, the words "and associate commissioners", — so as to read as follows:— *Section 112.* The clerk of each city and town, within ten days, and in Boston the election commissioners, within fifteen days, after the day of any election therein for a senator in congress, representative in congress, governor, lieutenant governor, councillor, state secretary, state treasurer, state auditor, attorney general, clerk of courts, register of probate and insolvency, sheriff, district attorney, or senator, or for presidential electors, shall transmit to the state secretary copies of the records of votes for such officers, together with the records of votes cast on any constitutional amendment, law or proposed law, and on any question submitted to them by statute in any senatorial or representative district or in two or more cities or towns. Said record shall be certified by the aldermen, selectmen or election commissioners, and attested and sealed by the clerk or by said commissioners. The city or town clerk shall, within ten days after an election for county treasurer or register of deeds, transmit to the county commissioners, and within ten days after an election for county commissioners, transmit to the clerk of the courts the records of votes for such officers, certified, attested and sealed as aforesaid; except that in Chelsea, Revere and Winthrop the records of votes for register of deeds shall be transmitted to the election commissioners of Boston, and that in Revere and Winthrop the records of votes for county commissioners shall be transmitted to the clerk of the courts for Middlesex county. Such copies shall be transmitted in envelopes, upon which shall be stated the offices for, questions on which and districts in which the votes were cast.

SECTION 7. Section one hundred and twenty-two of said chapter fifty-four, as so appearing, is hereby amended by striking out, in the tenth line, the words "or associate commissioners", — so as to read as follows:— *Section 122.* In each county, except Suffolk and Nantucket, the judge and register of the probate court and the clerk of the courts shall be a board of examiners; and if two of said offices are held by the same person in any county, the sheriff shall be a member of the board. The members of said board shall each be paid at the rate of three dollars a day for every day employed in the performance of their duties and ten cents a mile for travel to and from the place of their meeting; and their accounts shall be audited and settled by the county treasurer. Said board shall meet on the first Wednesday of the month following an election for county commissioners and shall examine such copies, determine what persons appear to be elected, issue certificates of election to them and give notice to the state secretary of the name, residence and number of votes received

Transmission to state secretary, etc., of copies of records of votes.

G. L. (Ter. Ed.), 54, § 122, amended.

Board of examiners to examine in certain counties.

by each candidate in each city and town, with the name and term of office of every person so elected, and shall, within three days thereafter deposit said copies in the office of the clerk of the courts.

G. L. (Ter. Ed.), 54, § 144, amended.

Failure to elect county commissioner.

SECTION 8. Said chapter fifty-four is hereby further amended by striking out section one hundred and forty-four, as so appearing, and inserting in place thereof the following: — *Section 144*. Upon failure to choose a county commissioner, the board of examiners shall forthwith issue precepts to the aldermen of each city and to the selectmen of each town in such county, directing them to call an election to elect such officer on a day appointed therein. In Middlesex county, such precept shall also be issued to the aldermen of Revere and the selectmen of Winthrop.

Upon a vacancy by removal or otherwise in the office of county commissioner, the board of examiners shall in like manner issue precepts for an election to fill such vacancy at the next biennial state election for which precepts can be seasonably issued, unless the term of office of the commissioner whose office is so vacant expires on the first Wednesday of January following such election.

Also upon such vacancy, the two remaining county commissioners and the clerk of the courts for the county, or a majority of them, may appoint a person, not a resident of the same town as either of the remaining commissioners, to fill the office of county commissioner until a person is elected thereto and qualified.

G. L. (Ter. Ed.), 54, § 146, amended.

State secretary to be notified of vacancies, etc.

SECTION 9. Section one hundred and forty-six of said chapter fifty-four, as so appearing, is hereby amended by striking out, in the fifth line, the words "or associate commissioner", — so as to read as follows: — *Section 146*. The county commissioners in each county shall forthwith notify the state secretary of any vacancy in the office of county treasurer or of register of deeds; and the board of examiners shall give like notice to the state secretary of any vacancy in the office of county commissioner, and in each case they shall send to him a copy of the precepts issued by them for an election.

G. L. (Ter. Ed.), 54, § 158, amended.

County commissioners, election of.

SECTION 10. Section one hundred and fifty-eight of said chapter fifty-four, as so appearing, is hereby amended by striking out the second paragraph, — by striking out, in the eighteenth and nineteenth lines, the words "and associate commissioners", — and by striking out, in the twenty-fourth line, the words "or an associate commissioner", — so as to read as follows: — *Section 158*. At the biennial state election in nineteen hundred and twenty-four, and in every fourth year thereafter, there shall be chosen by the voters of Middlesex county and of Revere and Winthrop two county commissioners for said county, city and town, and by the voters of each of the other counties, except Suffolk and Nantucket, two county commissioners for the county; and at the biennial state election in nineteen hundred and twenty-two, and in every fourth year thereafter, there shall be chosen by the voters of

Middlesex county and of Revere and Winthrop one county commissioner for said county, city and town, and by the voters of each of the other counties, except Suffolk and Nantucket, one county commissioner for the county.

Not more than one of the county commissioners shall be chosen from the same city or town. If two persons residing in the same city or town shall appear to have been chosen to said offices, only the person receiving the larger number of votes shall be declared elected; but if they shall receive an equal number of votes, no person shall be declared elected. If a person residing in a city or town where a county commissioner who is to remain in office also resides, shall appear to have been chosen, he shall not be declared elected. If the person is not declared elected by reason of the above provisions, the person receiving the next highest number of votes for the office, and who resides in another city or town, shall be declared elected.

SECTION 11. Section one of chapter two hundred and thirty-four of the General Laws, as so appearing, is hereby amended by striking out, in the seventh line, the words "and associate", — so as to read as follows:— *Section 1.* A person qualified to vote for representatives to the general court, whether a registered voter or not, shall be liable to serve as a juror, except that the following persons shall be exempt:

The governor; lieutenant governor; members of the council; state secretary; members and officers of the senate and house of representatives during a session of the general court; judges and justices of a court; county commissioners; clerks of courts and assistant clerks and all regularly appointed officers of the courts of the United States and of the commonwealth; registers of probate and insolvency; registers of deeds; sheriffs and their deputies; constables; marshals of the United States and their deputies, and all other officers of the United States; attorneys at law; settled ministers of the gospel; officers of colleges; preceptors and teachers of incorporated academies; registered practicing physicians and surgeons; persons over seventy years of age; persons under twenty-five years of age; members of the volunteer militia; superintendents, officers and assistants employed in or about a state hospital, insane hospital, jail, house of correction, state industrial school or state prison; keepers of lighthouses; conductors and engine drivers of railroad trains; teachers in public schools; engineers and members of the fire department of Boston, and of other cities and towns in which such exemption has been made by vote of the city council or the inhabitants of the town, respectively.

SECTION 12. There shall be no elections of associate county commissioners at the biennial state election in the year nineteen hundred and thirty-eight, and in all other respects this act shall take effect on the first Wednesday in January in the year nineteen hundred and thirty-nine.

Approved May 13, 1935.

G. L. (Ter. Ed.), 234, § 1, amended.

Juries, certain persons exempt from serving on.

Effective date.

Chap. 258 AN ACT RELATIVE TO THE DISPLAY OF THE FLAG OF THE UNITED STATES IN SCHOOLHOUSES AND REQUIRING THE TEACHERS AND PUPILS THEREAT TO SALUTE THE FLAG AND TO RECITE THE "PLEDGE OF ALLEGIANCE TO THE FLAG".

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 71, § 69, amended.

Flag to be displayed in schools. Salute to, required.

Chapter seventy-one of the General Laws is hereby amended by striking out section sixty-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 69.* The school committee shall provide for each schoolhouse under its control, which is not otherwise supplied, flags of the United States of silk or bunting not less than two feet long, such flags or bunting to be manufactured in the United States, and suitable apparatus for their display as hereinafter provided. A flag shall be displayed, weather permitting, on the school building or grounds on every school day and on every legal holiday or day proclaimed by the governor or the president of the United States for especial observance; provided, that on stormy school days, it shall be displayed inside the building. A flag shall be displayed in each assembly hall or other room in each such schoolhouse where the opening exercises on each school day are held. Each teacher shall cause the pupils under his charge to salute the flag and recite in unison with him at said opening exercises at least once each week the "Pledge of Allegiance to the Flag". Failure for a period of five consecutive days by the principal or teacher in charge of a school equipped as aforesaid to display the flag as above required, or failure for a period of two consecutive weeks by a teacher to salute the flag and recite said pledge as aforesaid, or to cause the pupils under his charge so to do, shall be punished for every such period by a fine of not more than five dollars. Failure of the committee to equip a school as herein provided shall subject the members thereof to a like penalty.

Approved May 13, 1935.

Chap. 259 AN ACT REQUIRING CERTAIN INSTITUTIONS TO USE MILK, OTHER THAN CREAM OR CERTIFIED MILK, PRODUCED WITHIN THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, new section 48B, added.

Certain institutions required to use milk produced in state.

Chapter ninety-four of the General Laws is hereby amended by inserting after section forty-eight A, as appearing in the Tercentenary Edition, the following new section: — *Section 48B.* No institution supported in whole or in part by funds of the commonwealth shall use for its daily needs milk produced elsewhere than within the commonwealth; provided, that if at any time the supply of milk so produced is insufficient for the needs of such institution, or does not conform to the required standard for such milk,

such institution, while and to the extent only that such emergency exists, may use milk not produced within the commonwealth. This section shall not apply to cream or to certified milk.

Approved May 13, 1935.

AN ACT PROVIDING FOR REASSESSMENT AND COLLECTION OF LOCAL TAXES AFTER DISCLAIMERS OF TAX TITLES HELD BY CITIES OR TOWNS.

Chap. 260

Be it enacted, etc., as follows:

Chapter sixty of the General Laws is hereby amended by striking out section eighty-four, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 84.* If the collector has reasonable cause to believe that a tax title, held by a town under a sale or taking for non-payment of a tax, is invalid by reason of any error, omission or informality in the assessment, sale or taking, he may disclaim and release such title by an instrument under his hand and seal, duly recorded in the registry of deeds. If the invalidity of a tax title so disclaimed and released or of a tax title released under section eighty-two or eighty-three was caused by an error, omission or informality in the assessment, the collector shall, upon the recording of such disclaimer and release or after obtaining from the holder of the deed a release of his interest or after causing a copy of the notice to be filed and recorded as provided in section eighty-three, forthwith 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. If such invalidity was caused by an error, omission or informality in the proceedings of the collector, he shall, after the recording of such disclaimer and release, or after obtaining such release or after filing or recording such copy, forthwith collect the unpaid tax or assessment in conformity to law. *Approved May 13, 1935.*

G. L. (Ter. Ed.), 60, § 84, amended.

Collection of local taxes where tax title is invalid.

AN ACT RELATIVE TO LAYING OUT, LOCATING ANEW, ALTERING, WIDENING AND DISCONTINUING WAYS IN THE CITY OF NEWTON.

Chap. 261

Be it enacted, etc., as follows:

SECTION 1. Section fourteen of chapter two hundred and eighty-three of the acts of eighteen hundred and ninety-seven is hereby amended by striking out subsection IV and inserting in place thereof the following:—

IV. The power to lay out, locate anew, alter, widen and discontinue town ways, streets and highways, and to order specific repairs or a change of grade thereon; and whenever in the opinion of the board the public necessity and convenience require that a town way or street shall be laid out, or an existing town way, street or highway

shall be located anew, altered, widened or discontinued, or that specific repairs or a change of grade shall be made thereon, said board shall appoint a time for a public hearing, and shall cause a notice thereof and of its intention in the matter to be given as now required by general law relating to town ways. Said hearing may be adjourned from time to time if the board deem it necessary, and after said hearing said board shall determine what action the public necessity and convenience require, and the way shall be laid out, located anew, altered, widened or discontinued, or specific repairs or a change of grade shall be made thereon, if so determined. The damages sustained thereby shall be assessed and awarded by said board. A person aggrieved by the assessment of his damages may have the remedies provided by general law in the case of town ways. Nothing in this section shall be construed to exclude the jurisdiction of the county commissioners in respect to ways, streets and highways in the said city.

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

Approved May 17, 1935.

Chap. 262 AN ACT RELATIVE TO THE LICENSING OF BOXING AND SPARRING EXHIBITIONS.

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.), 147, § 32,
amended.

Unlicensed
boxing
matches for-
bidden.

SECTION 1. Chapter one hundred and forty-seven of the General Laws is hereby amended by striking out section thirty-two, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 32.* No boxing or sparring match or exhibition for a prize or a purse, or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, shall take place or be conducted in this commonwealth except in pursuance of a license granted as hereinafter provided by the state boxing commission, in sections thirty-two to forty-seven, inclusive, called the commission. In no case shall any boxing or sparring match or exhibition occur on Sunday. Applications for the license shall be accompanied by such fee, not more than eight hundred dollars, as the commission may establish on the basis of the population of the city or town or of the seating capacity of the building or place in which the match or exhibition is to be held; provided, that a license the fee for which is established on the basis of seating capacity of a building or place as aforesaid shall be exercised only in such building or place. Any persons holding, conducting, participating in or attending a match or exhibition held without a license, as provided in the following section, shall be punished by

Penalty.

a fine not exceeding one hundred dollars or by imprisonment for a term not exceeding three months, or both. In the case of exhibitions or bouts held in accordance with the rules and regulations of such amateur organizations as may be approved by the commission, the commission may issue special licenses without the requirement of a bond as provided in section thirty-four or of payment of the annual fee.

Special licenses.

SECTION 2. Section thirty-three of said chapter one hundred and forty-seven, as so appearing, is hereby amended by striking out all after the word "expire" in the third line and inserting in place thereof the words: — one year from the date of issue, — so as to read as follows: — *Section 33.* The commission may, subject to the provisions of sections thirty-two to forty-seven, inclusive, issue licenses to conduct boxing or sparring matches and exhibitions, which shall expire one year from the date of issue.

G. L. (Ter. Ed.), 147, § 33, amended.

Licenses for boxing matches.

Approved May 17, 1935.

AN ACT AUTHORIZING THE TOWN OF BOURNE TO APPROPRIATE MONEY FOR EXPENDITURE IN CONNECTION WITH THE DEDICATION AND THE OPENING FOR PUBLIC USE OF THE NEW CAPE COD CANAL BRIDGES IN SAID TOWN.

Chap. 263

Be it enacted, etc., as follows:

SECTION 1. The town of Bourne may appropriate a sum, not exceeding fifteen hundred dollars, for the purpose of celebrating in a fitting manner the occasions of the opening for public use and the dedication in the current year of the new bridges over the Cape Cod canal in said town. 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 May 17, 1935.

AN ACT AUTHORIZING THE TOWN OF DENNIS TO CONTRIBUTE TOWARD THE COST OF MAINTAINING A FREE PUBLIC LIBRARY IN THE TOWN OF HARWICH.

Chap. 264

Be it enacted, etc., as follows:

SECTION 1. The town of Dennis may annually appropriate a sum of money not exceeding five hundred dollars and pay the same to the treasurer of The Chase Library Association, which maintains a free public library in the town of Harwich, as a contribution by said town of Dennis toward the cost of maintaining said library; provided, that the inhabitants of the town of Dennis have free use of said library.

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

Approved May 17, 1935.

Chap. 265 AN ACT VALIDATING CERTAIN ACTS AND PROCEEDINGS OF THE TOWN OF TRURO AND OF ITS OFFICERS.

Be it enacted, etc., as follows:

SECTION 1. All town elections and meetings in the town of Truro and all other acts and proceedings of said town and of its officers heretofore held, 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 section ten of chapter thirty-nine of the General Laws, 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-six, 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 section ten of chapter thirty-nine.

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

Approved May 17, 1935.

Chap. 266 AN ACT REVIVING AND EXTENDING THE EXISTENCE OF THE MASHPEE ADVISORY COMMISSION.

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. Section one of chapter two hundred and twenty-three of the acts of nineteen hundred and thirty-two is hereby amended by striking out, in the eighth line, the word "thirty-five" and inserting in place thereof the word: — thirty-eight, — so as to read as follows: — *Section 1.* There is hereby established an unpaid commission, under the title of the Mashpee Advisory Commission, hereinafter called the commission, to consist of three members, each of whom shall be the head of a state department or the head of a division thereof, designated by the governor, with the advice and consent of the council, and shall serve for a period terminating April fifteenth, nineteen hundred and thirty-eight. The governor, with like advice and consent, shall, from time to time, designate one of the members as chairman, may remove any member and shall fill any vacancy in the commission for the unexpired term. The action of any two of the members shall constitute the action of the commission; and 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 may employ, at the expense of said town, such assistants as it may deem necessary. The commission may assign for specific or general employment one or more persons within a state department or division in charge of any member of the commission, and any expense incurred by reason of such assignment shall be certified by the commission to the state treasurer, and shall be collected by him as an additional state tax upon said town.

SECTION 2. Said Mashpee Advisory Commission is hereby revived and its acts and proceedings after April fifteenth in the current year and prior to the effective date of this act are hereby validated and confirmed to the same extent as if the existence of said commission had not terminated on said April fifteenth. *Approved May 17, 1935.*

AN ACT RELATIVE TO MINIMUM WAGE DECREES RENDERED PRIOR TO THE EFFECTIVE DATE OF THE PRESENT LAW AUTHORIZING THE ESTABLISHMENT OF MANDATORY MINIMUM FAIR WAGE STANDARDS FOR WOMEN AND MINORS.

Chap. 267

Be it enacted, etc., as follows:

Chapter three hundred and eight of the acts of nineteen hundred and thirty-four is hereby amended by striking out section three and inserting in place thereof the following: — *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 pending proceedings may be completed in accordance with said chapter, and such decrees and orders shall continue to be in full force and effect; provided, that the commissioner of labor and industries shall have power, without complying with the provisions of section four of said chapter one hundred and fifty-one, as revised by this act, to direct the commission, as defined in section one of said chapter one hundred and fifty-one as so revised, to appoint a wage board under the provisions of said chapter one hundred and fifty-one, as so revised, to act thereunder with respect to any occupation covered by a decree made as aforesaid. Upon a directory order being made by said commissioner as provided in section ten of said chapter one hundred and fifty-one, as so revised, such decree shall become null and void. Notwithstanding the foregoing, the commission, as so defined, 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 May 17, 1935.

Chap. 268 AN ACT GRANTING CERTAIN FISHING RIGHTS IN MATTAKESSETT CREEK AND CRAXTUXETT COVE IN THE TOWN OF EDGARTOWN TO THE PROPRIETORS OF THE NEW MATTAKESSETT CREEKS.

Be it enacted, etc., as follows:

SECTION 1. The Proprietors of the New Mattakessett Creeks, a corporation established by law and located in the town of Edgartown, for a period of ten years from February twenty-seventh, nineteen hundred and thirty-six, may catch fish, by means of nets, seines, drag seines, traps or pounds, as said corporation may determine, in Mattakessett creek and in that portion of the Great pond, so called, lying easterly of Jenkins Point and commonly known as Craxtuxett cove, or either of them, in said town; provided, that, on or before February first in each of said ten years, said corporation shall pay to said town the sum of twenty-five dollars.

SECTION 2. This act shall take effect on February twenty-seventh, nineteen hundred and thirty-six.

Approved May 17, 1935.

Chap. 269 AN ACT RELATIVE TO TAX LIENS ON REAL ESTATE IN CASE OF BANKRUPTCY OF THE OWNER THEREOF.

Be it enacted, etc., as follows:

Section thirty-seven of chapter sixty of the General Laws, as most recently amended by chapter one hundred and sixty-nine of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "jurisdiction" in the twentieth line the following: — , and if while a lien established by this section is in force the owner of the real estate on which it attaches is adjudicated bankrupt, the lien shall continue for six months after final termination of the bankruptcy proceedings, subject, however, to any lawful action under any paramount authority conferred by the bankruptcy laws of the United States, — 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 expira-

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

Lien of tax upon real estate, levy by sale, etc.

tion 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 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, and if while a lien established by this section is in force the owner of the real estate on which it attaches is adjudicated bankrupt, the lien shall continue for six months after final termination of the bankruptcy proceedings, subject, however, to any lawful action under any paramount authority conferred by the bankruptcy laws of the United States. 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 May 17, 1935.

AN ACT EXTENDING THE TIME DURING WHICH CERTAIN FUNDS SHALL BE AVAILABLE FOR THE CONSTRUCTION OF A PARKWAY OR BOULEVARD FROM BEACON STREET TO COMMONWEALTH AVENUE IN THE CITY OF NEWTON. *Chap. 270*

Be it enacted, etc., as follows:

Section two of chapter three hundred and one of the acts of nineteen hundred and thirty-two is hereby amended by striking out, in the sixth line, the word "three" and inserting in place thereof the word:— five,— so as to read as follows:— *Section 2.* Said commission is hereby authorized to expend any unexpended balances of the amounts appropriated by items six hundred and sixty-one b and six hundred and eighty-seven b of chapter four hundred and sixty of the acts of nineteen hundred and thirty-one, at any time within five years after the passage of this act, toward paying the cost of the acquisition of land for and the construction of a parkway or highway extending from Beacon street in the city of Newton to Commonwealth avenue in said city, as an extension, by such route as the commission may determine, of the parkway or boulevard authorized by section one of said chapter three hundred and fifty-eight, as amended by section one of this act; and the balance of the sum necessary to complete said extension shall be paid

by the city of Newton within thirty days after said commission sends written request for the same to the treasurer of said city. If said city fails to pay said amount as aforesaid, it shall be assessed and collected by the state treasurer as an addition to the quota of the next state tax payable by said city.

Approved May 17, 1935.

Chap. 271 AN ACT AUTHORIZING THE TOWN OF MARBLEHEAD TO ESTABLISH A BOARD OF PUBLIC WORKS TO EXERCISE THE POWERS OF SEWER COMMISSIONERS, WATER COMMISSIONERS AND SURVEYOR OF HIGHWAYS.

Be it enacted, etc., as follows:

SECTION 1. There shall be established in the town of Marblehead an unpaid 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 town election 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 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 election, 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. The board, from and after the annual town election at which this act becomes fully effective, shall have and exercise all the powers and duties now or from time to time vested by general or special law in the following boards and office in said town, to wit: — the board of sewer commissioners, the board of water commissioners, and the surveyor of highways, and such boards and office shall thereupon be abolished during the time that this act is in effect as to them or it. No contracts or liabilities in force on the date when this act becomes fully effective shall be affected by such abolition, but the board shall in all respects be the lawful successor of the boards and office so abolished.

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. The board shall appoint such other assistants, agents and employees as in its opinion the exercise and performance of such powers, rights and duties may require. The superintendent 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 annually furnish to the board, not less than ten days prior to the expiration of the fiscal year of said town, 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. In accordance with the provisions of section twenty-three of chapter forty-one of the General Laws, the said town, at any time after three years following the annual town election at which this act is accepted, may rescind, in whole or in part, any action taken under its provisions.

SECTION 5. The act shall be submitted to the legal voters of said town at its annual town election in the year nineteen hundred and thirty-six, 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-five, entitled 'An Act Authorizing the Town of Marblehead to Establish a Board of Public Works to Exercise the Powers of Sewer Commissioners, Water Commissioners and Surveyor of Highways', be accepted?"

YES.	
NO.	

If a majority of the voters voting thereon vote in the affirmative in answer to said question this act shall become fully effective for the purpose of the annual town election next succeeding its acceptance, but not otherwise.

Approved May 17, 1935.

Chap. 272 AN ACT RELATIVE TO THE BONDING OF OFFICERS AND EMPLOYEES OF CREDIT UNIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 171, § 15, etc., amended.

Section fifteen of chapter one hundred and seventy-one of the General Laws, as amended by section one of chapter one hundred and sixty-three of the acts of nineteen hundred and thirty-three, is hereby further amended by adding after the paragraph inserted therein by said section one the following new paragraph: —

Officers, etc., bonds of.

A schedule bond may, subject to like approval by the commissioner, be issued to the association of credit unions known as the Massachusetts Credit Union League, covering the officers and employees of credit unions desiring such coverage, whether or not such credit unions are members of said association, any provision of chapter one hundred and seventy-five to the contrary notwithstanding. Said association shall extend, without charge, to credit unions not members thereof all the service necessary in connection with the writing of such bond. *Approved May 17, 1935.*

Chap. 273 AN ACT AUTHORIZING THE COUNTY OF ESSEX TO INCREASE THE RETIREMENT ALLOWANCE OF DANIEL A. MACKINNON.

Be it enacted, etc., as follows:

SECTION 1. The county of Essex is hereby authorized to increase the retirement allowance of Daniel A. MacKinnon, formerly in the penal institution service of said county and now retired under the provisions of sections forty-six to forty-eight, inclusive, of chapter thirty-two of the General Laws, to one thousand and sixty dollars per annum, the amount of retirement allowance to which said MacKinnon would have been entitled at the time of his retirement if said allowance had been based on the salary paid to him in cash, plus his other compensation not paid to him in cash, at such time.

SECTION 2. This act shall take effect upon its acceptance during the current year by the county commissioners of said county, but not otherwise. *Approved May 17, 1935.*

Chap. 274 AN ACT REVIVING THE ANCIENT RIVER CORPORATION FOR THE PURPOSE OF CONVEYING CERTAIN LAND AND DISTRIBUTING THE PROCEEDS THEREOF.

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:

The Ancient River Corporation, a corporation dissolved by chapter two hundred and ninety-two of the acts of nineteen hundred and thirty, is hereby revived for the sole pur-

pose of selling and conveying title to certain land situated in the state of California and distributing the proceeds of said sale among its creditors and stockholders entitled thereto.
Approved May 20, 1935.

AN ACT EXTENDING THE BENEFITS OF FREE UNIVERSITY EXTENSION COURSES TO INMATES OF COUNTY CORRECTIONAL INSTITUTIONS.

Chap. 275

Be it enacted, etc., as follows:

Section seven of chapter sixty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting before the word "state", the second time said word appears in the tenth line, the words: — county and, — so as to read as follows: — *Section 7.* The department may co-operate with existing institutions of learning in the establishment and conduct of university extension and correspondence courses; may supervise the administration of all such courses supported in whole or in part by the commonwealth; and also, where deemed advisable, may establish and conduct such courses for the benefit of residents of the commonwealth and, provided that the fees charged exceed the cost of service, may enroll in correspondence courses such non-residents as are approved by the department. The department may offer correspondence courses, free of charge, to inmates of county and state hospitals and sanatoria, county and state correctional institutions, the state infirmary, and federal hospitals situated within the commonwealth. It may, in accordance with rules and regulations established by it, grant to students satisfactorily completing such courses suitable certificates.
Approved May 21, 1935.

G. L. (Ter. Ed.), 69, § 7, amended.

University extension and correspondence courses.

AN ACT PROVIDING FOR ADEQUATE DISCOVERY IN PROCEEDINGS FOR TAX ABATEMENT AND IN TAX APPEAL CASES.

Chap. 276

Be it enacted, etc., as follows:

SECTION 1. Chapter fifty-eight A of the General Laws is hereby amended by inserting after section eight, as amended, the following new section: — *Section 8A.* Before the hearing of a petition for the abatement of a tax upon real estate, machinery or other tangible property, the appellant shall permit the appellee personally or by attorneys, experts or other agents, to enter upon such real estate or upon any premises where such personal property is situated and examine and inspect such real estate or personal property, including any property which the appellant claims is exempt from taxation. In case of doubt or uncertainty as to the identity of the property the appellant shall point out to the appellee the property to which the appeal relates. Sections sixty-one to seventy, inclusive, of chapter two

G. L. (Ter. Ed.), 58A, new section 8A, added.

Examination of property pending hearing on appeal.

hundred and thirty-one shall apply to all appeals before the board except those conducted under the informal procedure provided by section seven A of this chapter.

G. L. (Ter. Ed.), 59, new section 61A, added.

Applicant for abatement to exhibit property.

SECTION 2. Chapter fifty-nine of the General Laws is hereby amended by inserting after section sixty-one, as amended, the following new section: — *Section 61A.* The person applying for an abatement of a tax on real estate or personal property shall, upon request, exhibit to the assessors the property to which the application for abatement relates and if required by them point out and identify such property and furnish them with accurate and complete information as to the rents received from, and the expenses of maintaining, such property. *Approved May 21, 1935.*

Chap. 277 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 May 21, 1935.*

Chap. 278 AN ACT RELATIVE TO THE REDEMPTION OF A TAX TITLE HELD BY A CITY OR TOWN.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 60, § 62, etc., amended.

Section sixty-two of chapter sixty of the General Laws, as most recently amended by chapter two hundred and eighteen of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the second paragraph, as appearing in section ten of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: —

Redemption of land taken or sold for taxes.

Any such person may so redeem by paying or tendering to the purchaser, his legal representatives or assigns, at any time prior to the filing of such petition for foreclosure, if the purchaser is other than the town, the original sum and intervening taxes and costs paid by him and interest on the whole at said rate. In each case he shall also pay or tender, for examination of title and a deed of release, not more than three dollars in the aggregate, and in addition thereto the actual cost of recording the tax deed or evidence of taking. He may redeem the land by paying or tendering to the collector the sum which he would be required to pay to the purchaser, with one dollar additional. If land

taken by or sold to a city or town for non-payment of taxes is redeemed, the city treasurer, or acting city treasurer, notwithstanding the provisions of the charter of his city, or the town treasurer, as the case may be, shall sign, execute, acknowledge and deliver on behalf of the city or town an instrument which shall include a certification of such redemption specifying the name of the person making the payment, the amount paid, the name of the person to whom and the real estate on which the tax was originally assessed, the year for which assessed, and a reference to the record of the tax deed or taking sufficient to identify it, and which shall include also an acknowledgment of satisfaction of the tax for which the real estate was sold or taken. The delivery of such instrument shall extinguish all right and title acquired under the collector's deed or taking. If a person other than the owner of the fee rightfully redeems, the certificate, when duly recorded in the registry of deeds of the county or district where the land is situated, shall be notice to all persons of such payment. If the amount so paid for redemption is paid by a holder of a mortgage on the premises, the amount so paid may be added to the mortgage debt. No person shall knowingly collect or attempt to collect for the redemption of any such land a sum of money greater than that authorized by this section.

Approved May 21, 1935.

AN ACT PROVIDING FOR THE RESUBMISSION TO THE VOTERS OF THE SEVERAL COUNTIES OF THE QUESTION OF LICENSING DOG RACES AT WHICH THE PARI-MUTUEL SYSTEM OF BETTING SHALL BE PERMITTED AND FURTHER REGULATING THE GRANTING OF LICENSES FOR SUCH RACES.

Chap. 279

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-eight A of the General Laws is hereby amended by inserting after section fourteen, as appearing in section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, the following new section:—
Section 14A. Licenses shall not be granted under this chapter for the holding or conducting of any dog racing meeting within any county unless a majority of the registered voters of such county voting on the question of granting such licenses when said question was last submitted to them, as hereinafter provided, have voted in the affirmative.

G. L. (Ter. Ed.), 128A, etc., new section 14A, added.

Referendum to counties on dog racing.

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-six the following question:

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-eight the state secretary shall also cause said question to be placed on the official ballot to be used in the cities and towns in said county at said biennial state election; provided, that said question 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 said question 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; provided, that no license shall be granted under this chapter for the holding or conducting of any dog races, at which the pari-mutuel system of betting shall be permitted, within any city or town in said county unless a majority of the registered voters of such city or town voting on said question when last submitted to them as herein provided voted in the affirmative.

SECTION 2. Said chapter one hundred and twenty-eight A is hereby further amended by striking out section fourteen, as so appearing, and inserting in place thereof the following: — *Section 14.* Licenses shall not be granted under this chapter for the holding or conducting of any horse racing meeting within any county unless a majority of the registered voters of such county voting on the question of granting such licenses when said question was last submitted to them, at the biennial state election in the year nineteen hundred and thirty-four or as hereinafter provided, have voted in the affirmative.

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 cause to be placed on the official ballot to be used in the cities and towns in said county at said biennial state election the following question: —

Shall the pari-mutuel system of betting on licensed horse races be permitted in this county?

YES.	_____
NO.	_____

Said question 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 said question 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.

SECTION 3. This act shall become effective on November third, nineteen hundred and thirty-six, except that so much thereof as requires the state secretary to place the question set forth in section one on the official ballot to be used at the biennial state election in the year nineteen

G. L. (Ter. Ed.), 128A, § 14, etc., amended.

Referendum to counties on horse racing.

Effective date.

hundred and thirty-six shall take effect in sufficient time to enable him to carry out said requirement.

Approved May 21, 1935.

AN ACT RELATIVE TO THE COMPENSATION OF INTERPRETERS IN CRIMINAL PROCEEDINGS BEFORE DISTRICT COURTS AND TRIAL JUSTICES.

Chap. 280

Be it enacted, etc., as follows:

Chapter two hundred and sixty-two of the General Laws is hereby amended by striking out section thirty-two, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 32.* District courts and trial justices may allow reasonable compensation to interpreters for service rendered and to witnesses from without the commonwealth in criminal proceedings before them, which shall be paid by the county in the same manner as witness fees, and shall allow interpreters ordered by them to attend such proceedings before them but not called upon for service the sum of one dollar for each day of such attendance, which shall be paid in the manner aforesaid.

G. L. (Ter. Ed.), 262, § 32, amended.

Compensation of witnesses from without the state, etc.

Approved May 21, 1935.

AN ACT AUTHORIZING THE TOWN OF CHARLEMONT TO VOTE AT A SPECIAL TOWN MEETING IN THE CURRENT YEAR ON THE QUESTION OF GRANTING LICENSES FOR THE SALE IN SAID TOWN OF ALCOHOLIC BEVERAGES.

Chap. 281

Be it enacted, etc., as follows:

SECTION 1. The selectmen of the town of Charlemont are hereby authorized to insert in the warrant for any special town meeting held in the current year, an article or articles enabling the voters of said town to vote at said meeting on the questions contained in section eleven 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 the votes at said meeting on said questions shall have the same force and effect from and after said meeting as if taken at the last biennial state election.

SECTION 2. The votes under section one shall be taken by ballots prepared by the town clerk which shall set forth said questions and the directions to the voters, all as provided in said section eleven. The ballots shall be distributed at the polling place under the direction of the town clerk, and the polls shall be open for voting on said questions not less than four hours. The provisions of the General Laws relative to the ascertainment of the result of the voting at state elections and returns thereof, shall, so far as practicable, apply to the vote taken hereunder.

SECTION 3. The votes taken in the town of Charlemont at the last biennial state election under the provisions of section eleven of chapter one hundred and thirty-eight

of the General Laws, as so appearing, shall, after a vote has been taken as provided by this act, have no further force or effect.

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

Approved May 23, 1935.

Chap. 282 AN ACT PROVIDING FOR THE REMOVAL OF ABANDONED HULKS OR WRECKS LYING ALONG THE WATERFRONT OF BOSTON HARBOR.

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 safety and convenience.

Be it enacted, etc., as follows:

The department of public works is hereby authorized to expend such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated for the purpose of removing abandoned hulks or wrecks lying along the waterfront of Boston harbor.

Approved May 24, 1935.

Chap. 283 AN ACT SUBJECTING THE OFFICE OF CHIEF ENGINEER OF THE FIRE DEPARTMENT OF THE TOWN OF STOUGHTON TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The provisions of chapter thirty-one of the General Laws, and the rules and regulations made thereunder, relating to permanent members of fire departments in towns shall apply to the office of chief engineer of the fire department of the town of Stoughton; provided, that the incumbent of said office upon the effective date of this act may continue to hold such office without taking a civil service examination.

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

Approved May 24, 1935.

Chap. 284 AN ACT RELATIVE TO APPROPRIATIONS BY THE CITY OF BOSTON FOR SCHOOL AND OTHER MUNICIPAL PURPOSES.

Be it enacted, etc., as follows:

SECTION 1. Subject, except as herein provided, to the provisions of chapter two hundred and six of the Special Acts of nineteen hundred and nineteen and acts in amendment thereof and in addition thereto, the school committee of the city of Boston may, by vote of four fifths of all its members, taken by yeas and nays, make appropriations for all school purposes to be met by moneys raised by taxation for the financial year ending December thirty-first, nineteen hundred and thirty-five, in a sum which shall not exceed the yield of a tax at the rate of ten dollars and seven

cents on each one thousand dollars of the assessors' valuation of the taxable property therein for the year nineteen hundred and thirty-five, and which shall be in addition to the money that may be given for such purposes, the income collected and the balance of appropriations of preceding years, and the amount so appropriated and raised shall be allocated by the school committee to the purposes set forth in the several items specified in section one of said chapter two hundred and six, as amended; provided, that the sums so allocated to Americanization, physical education, extended use of schools, pensions to teachers, alterations and repairs, and land and buildings shall not exceed the amounts authorized to be appropriated and raised by taxation for said purposes, respectively, under the provisions of said section one, as amended. The provisions of said section one, as amended, in so far as they are inconsistent with this act, shall not be operative during the financial year ending December thirty-first, nineteen hundred and thirty-five.

SECTION 2. The city of Boston may, by 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, except school and other purposes 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-five, in a sum which, when added to all other sums to be raised by taxation for said year including the sum authorized under section one of this act to be so raised for appropriations for school purposes, shall not exceed the yield of a tax at a rate of thirty-seven dollars and twenty cents on each one thousand dollars of the assessors' valuation of the taxable property therein for the year nineteen hundred and thirty-five.

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

Approved May 24, 1935.

AN ACT RELATIVE TO ASSESSMENTS, CONTRIBUTIONS AND RETIREMENT ALLOWANCES OF CERTAIN TEACHERS OF THE CITY OF LOWELL UNDER THE TEACHERS' RETIREMENT SYSTEM.

Chap. 285

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:

SECTION 1. The school committee of the city of Lowell shall deduct from the salary of each teacher who is employed in the public schools of said city on the effective date of this act and was so employed in the years nineteen hundred

and thirty-three and nineteen hundred and thirty-four, or either of them, an amount equal to the difference between the assessments actually received on his account by the teachers' retirement board under section fourteen of chapter thirty-two of the General Laws during said year or years and the assessments which would have been deducted and transmitted under sections twelve and fourteen of said chapter thirty-two to said board on his account during said year or years if his salary for said year or years had not been reduced and no deduction had been made from his salary for the months of June and September, nineteen hundred and thirty-three, on account of the closing of the schools in said city for one week in each of said months. The treasurer of said city shall transmit the amounts deducted hereunder to the said retirement board, which shall credit the same to the respective annuity accounts of said teachers.

SECTION 2. For the purpose of determining the amount of pension under section ten of said chapter thirty-two of any teacher employed in the public schools of said city in the years nineteen hundred and thirty-three and nineteen hundred and thirty-four, or either of said years, it shall be assumed that his salary for said year or years was not reduced and that no deduction was made therefrom for the months of June and September, nineteen hundred and thirty-three, on account of the closing of the schools in said city for one week in each of said months.

SECTION 3. Teachers formerly employed in the public schools of said city who were retired under said section ten of said chapter thirty-two since January first, nineteen hundred and thirty-three and before the effective date of this act, shall receive from June first, nineteen hundred and thirty-five, a pension at the annual rate which they would have received if section two of this act had been in effect at the time of their retirement.

SECTION 4. Retired teachers referred to in the preceding section may, prior to August tenth, nineteen hundred and thirty-five, contribute to the annuity fund of the teachers' retirement association an amount equal to the difference between the assessments actually received on their respective accounts by the said retirement board under section fourteen of said chapter thirty-two during the years nineteen hundred and thirty-three and nineteen hundred and thirty-four, or either of said years, and the assessments which would have been deducted and transmitted under sections twelve and fourteen of said chapter thirty-two to said board on their respective accounts during said years if their salaries for said year or years had not been reduced and no deduction had been made from their salaries for the months of June and September, nineteen hundred and thirty-three, on account of the closing of the schools in said city for one week in each of said months. Such a retired teacher shall, after making the contribution

to said annuity fund as provided in this section, receive from June first, nineteen hundred and thirty-five, an annuity at the same annual rate that he would have received if the contribution made hereunder had been to his credit at the time of his retirement.

Approved May 24, 1935.

AN ACT EXTENDING EDUCATIONAL OPPORTUNITIES FOR RESIDENT PUPILS OF PERKINS INSTITUTION AND MASSACHUSETTS SCHOOL FOR THE BLIND.

Chap. 286

Be it enacted, etc., as follows:

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

With the approval of the governor, the department may allow resident pupils in the Perkins Institution and Massachusetts School for the Blind to attend courses offered in other schools or colleges which are not offered in the above-named institution if, in the judgment of the department, they are qualified to pursue such courses with profit.

Approved May 24, 1935.

G. L. (Ter. Ed.), 69, § 26, amended.

Educational opportunities of certain institutions extended.

AN ACT RELATIVE TO THE DISTRIBUTION OF MATERIAL USED IN CONNECTION WITH PHYSICAL EXAMINATION OF SCHOOL CHILDREN.

Chap. 287

Be it enacted, etc., as follows:

Chapter seventy-one of the General Laws is hereby amended by striking out section fifty-eight, as amended by section eight of chapter one hundred and twenty-seven of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 58.* The department, after consultation with the department of public health, shall prescribe and furnish to school committees suitable rules of instruction, test cards, blanks, record books and other useful appliances for accomplishing the purposes of sections fifty-three to fifty-seven, inclusive, and may furnish said material to such boards of health as may require it in the performance of their duties. The department may annually expend therefor a sum not exceeding twelve hundred dollars, and shall provide for pupils in the teachers colleges instruction and practice in the best methods of testing the sight and hearing of children.

Approved May 24, 1935.

G. L. (Ter. Ed.), 71, § 58, etc., amended.

Test cards, etc., relative to physical examinations of school children.

Chap. 288 AN ACT REGULATING THE APPROVAL OF ACCOUNTS AT MASSACHUSETTS STATE COLLEGE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 75, § 5, amended.

Expenditure of appropriations.

Chapter seventy-five of the General Laws is hereby amended by striking out section five, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 5.* All accounts for maintenance and for expenditures under special appropriations shall be approved by the trustees or, if the trustees shall so vote, by the vice president or some other officer of the board of trustees or another trustee, appointive or ex-officio, designated by the vice president, and shall be filed with the comptroller. Full copies of the payrolls and bills shall be kept at the college.

Approved May 24, 1935.

Chap. 289 AN ACT SUBJECTING THE OFFICE OF COMMISSIONER OF SOLDIERS' RELIEF, STATE AID AND MILITARY AID, BURIAL AGENT AND SUPERVISOR OF SOLDIERS' AND SAILORS' GRAVES OF THE CITY OF HOLYOKE TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of commissioner of soldiers' relief, state aid and military aid, burial agent and supervisor of soldiers' and sailors' graves of the city of Holyoke shall, upon the effective date of this act, become subject to the civil service laws, rules and regulations, and the term of office of any incumbent thereof shall be unlimited, except as provided in said laws, 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 Holyoke at the annual 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 passed by the general court in the year nineteen hundred and thirty-five, entitled 'An Act subjecting the Office of Commissioner of Soldiers' Relief, State Aid and Military Aid, Burial Agent and Supervisor of Soldiers' and Sailors' Graves of the City of Holyoke 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 take full effect; but not otherwise.

Approved May 24, 1935.

AN ACT INCREASING THE PENALTY FOR UNLAWFULLY CARRYING DANGEROUS WEAPONS OR UNLAWFULLY POSSESSING MACHINE GUNS.

Chap. 290

Be it enacted, etc., as follows:

Section ten of chapter two hundred and sixty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third and fourth lines, the words "or possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty", — by striking out, in the twelfth and thirteenth lines, the words "for not less than six months nor more than two and one half years in a jail or house of correction or", — and by inserting after the word "prison" in the fifteenth line the words: — , or whoever, except as provided by law, possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under said section one hundred and thirty-one shall be punished by imprisonment in the state prison for life or for any term of years, — so as to read as follows:— *Section 10.* Whoever, except as provided by law, carries on his person, or carries on his person or under his control in a vehicle, a pistol or revolver, loaded or unloaded, without permission under section one hundred and thirty-one of chapter one hundred and forty, or whoever so carries any stiletto, dagger, dirk knife, slung shot, metallic knuckles or sawed off shotgun, or whoever, when arrested upon a warrant for an alleged crime or when arrested while committing a crime or a breach or disturbance of the public peace, is armed with, or has on his person, or has on his person or under his control in a vehicle, a billy or dangerous weapon other than those herein mentioned, shall be punished by imprisonment for not less than two and one half years nor more than five years in the state prison, or whoever, except as provided by law, possesses a machine gun as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under said section one hundred and thirty-one shall be punished by imprisonment in the state prison for life or for any term of years, and upon conviction the pistol or other article shall be confiscated by the commonwealth. The pistol or article so confiscated shall, by the authority of the written order of the court or trial justice, be forwarded by common carrier to the commissioner of public safety, who, upon receipt of the same, shall notify said court or justice thereof. Said commissioner may sell or destroy the same, and, in case of a sale, after paying the cost of forwarding the article, shall pay over the net proceeds to the commonwealth.

G. L. (Ter. Ed.), 269, § 10, amended.

Penalty for unlawfully carrying dangerous weapons.

Approved May 24, 1935.

Chap. 291 AN ACT AUTHORIZING THE SELECTMEN OF THE TOWN OF WAKEFIELD TO ACT AS A BOARD OF PUBLIC WORKS EXERCISING THE POWERS OF CERTAIN OTHER TOWN BOARDS AND OFFICERS, AND AUTHORIZING THE ELECTION OF SELECTMEN FOR THREE YEAR TERMS.

Be it enacted, etc., as follows:

SECTION 1. The board of selectmen of the town of Wakefield, as constituted from time to time, from and after the annual town election in the year nineteen hundred and thirty-six, in addition to any powers and duties vested in it immediately prior to said election, shall have and exercise, under the designation of selectmen, all the powers and duties vested immediately prior to said election and from time to time by general or special law or by town by-law in the following boards and officers in said town, to wit: — water and sewerage board, municipal light board, park and cemetery board, superintendent of the highway department, and the superintendent of the moth department, and all the powers and duties so vested in the board of health which relate to the care of dumps and the collection of garbage; and such boards and offices, other than the board of health, shall thereupon be abolished. No contracts or liabilities then in force shall be affected by such abolition, but the selectmen shall in all respects be the lawful successor of the boards and offices so abolished.

SECTION 2. In nineteen hundred and thirty-six, as soon as practicable after the effective date of this act and thereafter annually in March, the selectmen shall appoint for a term of one year from April first in the year of appointment, and fix the compensation of, a director of public works, who shall administer, under the supervision and direction of the selectmen, as departments of the town, the boards and offices of the town in as far as their powers and duties are transferred to the selectmen under section one. The selectmen shall also appoint a superintendent of streets and a manager of the municipal light department, and may, if they deem it necessary, appoint a superintendent of any other such department, all of such superintendents and said manager to act under said director of public works. Said director shall be responsible to the selectmen for the efficient administration of all departments within the scope of his duty. He shall be specially fitted by education, training and experience to perform the duties of said office, shall be appointed without regard to his political belief, and when appointed, need not be a resident of the town or of the commonwealth. During his tenure he shall hold no elective or other appointive office, nor shall he be engaged directly or indirectly in any other business or occupation. The selectmen by a majority vote may at any time remove him for cause, after a hearing or an opportunity therefor; provided, that a written statement setting forth specific

reasons for such removal is filed with the town clerk and a copy thereof delivered to or sent by registered mail to said director. Such action of the selectmen shall be final.

SECTION 3. The director of public works shall be the administrative head of all the departments placed in his charge as aforesaid. His powers and duties, in addition to those otherwise conferred or imposed upon him, shall include the following:—

(a) To organize, continue or discontinue, from time to time, such departments or subdivisions thereof, not inconsistent with the provisions of this act, as the selectmen may by vote determine.

(b) To appoint, upon merit and fitness alone, all officers and employees in said departments, other than the superintendents thereof and said manager of the municipal light department; subject to the limitations hereinafter contained, to remove all superintendents of said departments, said manager, and all subordinate officers and employees in said departments; and to fix the salaries and wages of all subordinates and employees therein. Neither a superintendent of a department nor said manager shall be removed by the director of public works unless at least five days prior to such removal a written statement setting forth specific reasons for such removal is delivered, or sent by registered mail, to him; nor unless a majority of the selectmen assent, or agree, in writing thereto.

(c) To attend all regular meetings of the selectmen when requested by them so to do, 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.

(d) To keep full and complete records of his office, and to render to the selectmen, as often as may be required by them, a full report of all operations under his control during the period reported on; and annually, or oftener if required by the selectmen, to make for publication a synopsis of all his reports.

(e) To keep the selectmen fully advised as to the needs of the town within the scope of his duties, and to furnish the selectmen and the finance committee, on or before December thirty-first of each year, a detailed list of the appropriations required during the next ensuing fiscal year for the proper conduct of all departments of the town under his control.

SECTION 4. At the annual town election in the year nineteen hundred and thirty-seven, two selectmen shall be elected for a term of three years, two for two years and one for one year and, as their respective terms expire, their successors shall be elected for terms of three years.

SECTION 5. This act shall be submitted to the registered voters of the town of Wakefield for acceptance at its annual town election in the year nineteen hundred and thirty-six, in the form of the following question, which shall be placed on the official ballot used in the election of town

officers at said election: "Shall an act passed by the general court in the year nineteen hundred and thirty-five, authorizing the selectmen of the town of Wakefield to act as a board of public works exercising the powers of the water and sewerage board, municipal light board, park and cemetery board, superintendent of the highway department and superintendent of the moth department, and the powers of the board of health which relate to the care of dumps and the collection of garbage, and authorizing the election of selectmen for three year terms, be accepted?"

If a majority of the votes cast in answer to said question are in the affirmative, this act shall take full effect forthwith; but not otherwise. *Approved May 24, 1935.*

Chap. 292 AN ACT AUTHORIZING THE TOWN OF ATHOL 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 Athol an unpaid board of public works, hereinafter called the board, to consist of seven members, four of whom shall be elected annually to serve for one year from the date of the annual town meeting at which they are elected, and the other three shall be the members of the board of selectmen then in office, *ex-officiis*. Each elective member shall serve until his successor is qualified. The members of the board shall, forthwith after each annual town election, elect one of their members to act as chairman for the ensuing year. In case of a vacancy among the elective members of the board, the remaining members, if they constitute a quorum, may fill such vacancy until the next annual town meeting.

SECTION 2. Upon the qualification of the initial members of the board, the board shall have all the powers, rights and duties now or from time to time vested by general or special law in the following boards, departments and officers in said town, to wit: — surveyor of highways, water commissioners, sewer commissioners, park commission, tree warden, moth department and cemetery department, and such boards, departments and offices shall thereupon be abolished during such time as this act is in effect as to them, respectively. No contracts or liabilities in force on the date when this act becomes fully effective shall be affected by such abolition, but the board shall in all respects be the lawful successor of the boards, departments and offices so abolished.

SECTION 3. The board shall appoint and fix the compensation of a superintendent of public works, who shall exercise and perform, under its supervision and direction, 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 or any part of the 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 town meeting held after three years following the annual town 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 thereupon said town shall, at said next annual town election, nominate and elect such officers as are necessary to exercise and perform such of the powers, rights and duties transferred to the board under section two as are affected by such later vote.

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-six, 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-five, entitled ‘An Act authorizing the Town of Athol 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-seven; but not otherwise.

Approved May 24, 1935.

Chap. 293 AN ACT PROVIDING FOR THE RESTORING OF CERTAIN EMPLOYEES TO THE FULL BENEFITS OF THE STATE RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Irene B. Allen, Eugene Brimmer, Arthur W. Flint and Henry Haeberle, all of whom hold office or employment in the division of banks and loan agencies in the department of banking and insurance, but who were formerly for considerable periods of time absent from the service of the commonwealth on leaves of absence granted to enable them to serve under the commissioner of banks in the liquidation of certain banking corporations and to receive their compensation from the funds of such corporations, may deposit in the annuity and pension fund of the state retirement association the amounts which they, respectively, would have contributed to said fund had they been in the employment of the commonwealth during the periods comprised in their respective leaves of absence, with such interest, if any, as the state board of retirement may determine to be just. The state treasurer shall receive such sums, and upon such payments the persons above named shall, respectively, be entitled to all the rights and privileges of members of the state retirement association which they would have enjoyed if they had been continuously employed by the commonwealth and had contributed such amounts to said fund during such respective periods.

Approved May 24, 1935.

Chap. 294 AN ACT RELATIVE TO THE EXEMPTION FROM TAXATION OF PROPERTY OF CERTAIN PERSONS.

Be it enacted, etc., as follows:

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

Seventeenth, Real Estate, to the value of two thousand dollars, of a widow, of a person over the age of seventy-five, or of any minor whose father is deceased, occupied by such widow, person or minor as her or his domicile, provided, that the whole estate, real and personal, of such widow, person or minor does not exceed in value the sum of two thousand dollars, exclusive of property otherwise exempt under the twelfth, twentieth and twenty-first clauses of this section and exclusive of the value of the mortgage interest held by persons other than the person or persons to be exempted in such mortgaged real estate as may be included in such whole estate; but if, the value of such whole estate being less than two thousand dollars, the combined value thereof and of such mortgage interest exceeds two

G. L. (Ter. Ed.), 59, § 5, amended.

Property up to two thousand dollars of certain persons exempt from taxation.

thousand dollars, the amount so exempted shall be two thousand dollars. No real estate shall be so exempt which the assessors shall adjudge has been conveyed to such widow, person or minor to evade taxation. A widow, person or minor aggrieved by any such judgment may appeal to the county commissioners or to the board of tax appeals within the time and in the manner allowed by section sixty-four or sixty-five, as the case may be.

Approved May 24, 1935.

AN ACT FURTHER REGULATING THE CALLING OUT OF THE MILITIA AS AN AID TO THE CIVIL POWER OF THE COMMONWEALTH.

Chap. 295

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty-three of the General Laws is hereby amended by inserting after section twenty-five, as appearing in the Tercentenary Edition, the following new section: — *Section 25A*. In case of a tumult, riot, mob or a body of persons acting together by force to violate or resist the laws of the commonwealth, or when such tumult, riot or mob is threatened, and the usual police provisions are inadequate to preserve order and afford protection to persons and property, and the fact appears to the commander-in-chief, to the sheriff of a county, to the mayor of a city or to the selectmen of a town, the commander-in-chief, upon his initiative or at the request of such sheriff, mayor or selectmen, may issue his order directed to any commander of a brigade, regiment, naval brigade or battalion, battalion, squadron, corps of cadets or company, directing him to order his command, or any part thereof, to appear at a time and place therein specified to aid the civil authority in suppressing such violations and supporting the laws.

G. L. (Ter. Ed.), 33, new section 25A, added.

Militia to aid civil power in case of riot, etc.

SECTION 2. Section twenty-six of said chapter thirty-three, as so appearing, is hereby amended by striking out all before the word "case" in the third line and inserting in place thereof the word: — In, — by striking out, in the fourth line, the word "or", and inserting in place thereof the following: — other than one referred to in section twenty-five A and, — by striking out, in the thirteenth line, the words "suppressing such violations" and inserting in place thereof the words: — preserving order, affording such protection, — and by striking out, in the sixth line of the form of precept, the words "in suppressing the same", — so as to read as follows: — *Section 26*. In case of public catastrophe other than one referred to in section twenty-five A and when the usual police provisions are inadequate to preserve order and afford protection to persons and property, and the fact appears to the commander-in-chief, to the sheriff of a county, to the mayor of a city or to the selectmen of a town, the commander-in-

G. L. (Ter. Ed.), 33, § 26, amended.

Same subject.

chief may issue his order, or such sheriff, mayor or selectmen may issue a precept, directed to any commander of a brigade, regiment, naval brigade or battalion, battalion, squadron, corps of cadets or company, within the jurisdiction of the officer issuing such order or precept, directing him to order his command, or any part thereof, to appear at a time and place therein specified to aid the civil authority in preserving order, affording such protection and supporting the laws; which precept shall be in substance as follows:

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To (insert the officer's title) A.B., *commanding* (insert his command).
Whereas, It appears to (the sheriff, mayor or the selectmen) of (county, city or town) of _____, that (here state one or more of the causes above mentioned) in our _____ of _____, and that military force is necessary to aid the civil authority: Now, therefore, we command you that you cause (the command or such part thereof as may be desired), armed and equipped with ammunition and with proper officers, to parade at _____, on _____ then and there to obey such orders as may be given according to law. Hereof fail not at your peril, and have you there this precept with your doings returned thereon.

This precept shall be signed by the sheriff, mayor or selectmen, and may be varied to suit the circumstances of the case; and a copy of the same shall immediately be forwarded by the sheriff, mayor or selectmen to the commander-in-chief.

G. L. (Ter. Ed.), 33, § 31, amended.

No liability for acts done under orders.

SECTION 3. Section thirty-one of said chapter thirty-three, as so appearing, is hereby amended by inserting after the word "twenty-five" in the third line the following:—, twenty-five A,—so as to read as follows:—*Section 31.* No officer or soldier shall be liable, either civilly or criminally, for any injury to persons or property caused by him or by his order, while serving under section twenty-five, twenty-five A or twenty-six and acting in obedience to and in execution of any orders received from the persons, and in the manner, prescribed by this chapter, unless the act or order causing such injury was manifestly beyond the scope of the authority of such officer or soldier.

G. L. (Ter. Ed.), 33, § 32, amended.

Expense of service, how paid.

SECTION 4. Said chapter thirty-three is hereby further amended by striking out section thirty-two, as so appearing, and inserting in place thereof the following:—*Section 32.* Upon the termination of any service of the land or naval forces at the call of the sheriff of a county, the mayor of a city or the selectmen of a town, or at the call of the commander-in-chief at the request of such sheriff, mayor or selectmen, under the eight preceding sections, the adjutant general shall certify to the state treasurer the expense of said service, and the state treasurer shall thereupon assess said expense upon any such city or town as an addition to its share of the state tax next to be assessed, or shall collect said expense from the treasurer of any such county, as the case may be.

SECTION 5. Said chapter thirty-three is hereby further amended by striking out section thirty-three, as so appearing, and inserting in place thereof the following: — *Section 33.* When the entire organized militia has been called out under section twenty-five, twenty-five A or twenty-six and a further force is required, it shall be taken from the unorganized militia, as provided in section eight.

G. L. (Ter. Ed.), 33, § 33, amended.
Additional force to be taken from unorganized militia.

SECTION 6. Section thirty-four of said chapter thirty-three, as so appearing, is hereby amended by inserting after the word "twenty-five" in the third line the following: —, twenty-five A, — so as to read as follows: — *Section 34.* No officer or soldier of the volunteer militia, not on leave of absence or furlough, shall be excused from duty when called or ordered out under section twenty-five, twenty-five A or twenty-six, except upon a physician's certificate of disability. If an officer or soldier is absent without leave and does not produce such certificate to his commanding officer, he shall be tried by court-martial for desertion, or absence without leave. Sickness shall not be an excuse unless he procures a certificate or satisfies the court-martial that he was unable to procure the same.

G. L. (Ter. Ed.), 33, § 34, amended.

Excuse from duty, etc.

Approved May 27, 1935.

AN ACT AUTHORIZING CANCELLATION OF POLICIES OR BONDS UNDER THE COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE LAW, SO CALLED, UPON FILING OF A NEW CERTIFICATE OF INSURANCE THEREUNDER.

Chap. 296

Be it enacted, etc., as follows:

SECTION 1. Provision (2)A of section one hundred and thirteen A of chapter one hundred and seventy-five of the General Laws, inserted by section two of chapter one hundred and forty-five of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "policy" in the eighth line the words: —, or upon the filing of a certificate as defined in section thirty-four A of chapter ninety of another company covering the same motor vehicle or trailer, — so as to read as follows: — (2)A. That the policy shall terminate upon a sale or transfer by the owner thereof of the motor vehicle or trailer covered thereby, or upon his surrender to the registrar of motor vehicles of the registration plates issued to him by said registrar under chapter ninety with a written statement, in such form as the said registrar may require, that they are surrendered to cancel the registration of such motor vehicle or trailer and the policy, or upon the filing of a certificate as defined in section thirty-four A of chapter ninety of another company covering the same motor vehicle or trailer, and that upon a termination of the policy as aforesaid, the insured shall, if he has paid the premium on the policy as provided in provision (2), be entitled to receive a return premium computed as in the case of a cancellation of the policy by the insured under said provision (2).

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

Cancellation of policies, etc., upon filing new certificate.

Application
of act.

SECTION 2. The provisions of this act shall not apply to motor vehicle liability policies and bonds, both as defined in section thirty-four A of chapter ninety of the General Laws, issued or executed in connection with the registration of motor vehicles or trailers for operation during the current year or any part thereof. *Approved May 27, 1935.*

Chap. 297 AN ACT REGULATING SALES OF STOCKS, BONDS AND OTHER SECURITIES OF CORPORATIONS TO THEIR EMPLOYEES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 155, § 1,
amended.

SECTION 1. Chapter one hundred and fifty-five 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.* The provisions of this chapter, unless expressly limited in their application, shall apply to all corporations created by or organized under the laws of the commonwealth, except in so far as they are inconsistent with other provisions of law relative to particular corporations or classes of corporations, and such provisions shall apply to all corporations created by or organized under laws other than those of the commonwealth so far as they are made applicable to them by reference in this or any other chapter. In this chapter, unless the context otherwise requires, "commissioner" means the commissioner of corporations and taxation.

Scope of
chapter.

SECTION 2. Said chapter one hundred and fifty-five is hereby further amended by inserting after section twenty-three, as so appearing, the following new section: — *Section 23A.* No corporation shall sell, or offer for sale, any of its capital stock, or any bonds or other securities representing an obligation of such corporation, to any of its employees other than those who are also officers thereof, unless such corporation has received general authority in writing from the securities division of the department of public utilities to make such sales; and said division may, at any time, for cause, cancel such general authority. Said division may require of the department of corporations and taxation such information as may be helpful to it in acting hereunder. Upon an information in equity, in the name of the attorney general, at the relation of said division, the supreme judicial court may enjoin a corporation violating any provision of this section from doing business in the commonwealth. This section shall apply also to corporations created by or organized under laws other than those of the commonwealth.

G. L. (Ter.
Ed.), 155, new
section 23A,
added.

Sale of stock
to employees
regulated.

SECTION 3. This act shall not affect the right of any employee of a corporation, who on the effective date thereof is the holder of any security of such corporation, to purchase additional securities which he may be entitled to purchase by reason of being such a holder.

Approved May 27, 1935.

Act not to
affect certain
rights of
employees.

AN ACT AUTHORIZING THE COUNTY OF HAMPSHIRE TO PROVIDE A PENSION FOR CHARLES EDWARD TILL. Chap. 298

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of the county of Hampshire shall, upon his retirement from employment by the county, pay to Charles Edward Till of Northampton, for forty-seven years an employee of said county at the court house in Northampton, an annual pension of six hundred and fifty dollars payable in equal monthly installments during the remainder of his life.

SECTION 2. This act shall take effect upon its acceptance during the current year by the commissioners of said county.
Approved May 27, 1935.

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. Chap. 299

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-five. 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 five thousand three hundred eighty-nine dollars and fifty cents	\$5,389 50
2	For reduction of county debt, a sum not exceeding twenty-one thousand nine hundred and seventy-five dollars	21,975 00
3	For salaries of county officers and assistants, a sum not exceeding twenty thousand six hundred and eighty dollars	20,680 00
4	For clerical assistance in county offices, a sum not exceeding ten thousand seven hundred and sixty dollars	10,760 00
5	For salaries and expenses of district courts, a sum not exceeding twenty-one thousand six hundred dollars	21,600 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 three hundred and fifty dollars	24,350 00

Item		
7	For criminal costs in superior court, a sum not exceeding eight thousand dollars	\$8,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding nine thousand three hundred dollars	9,300 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding one thousand five hundred dollars	1,500 00
11	For medical examiners, inquests, and commitments of insane, a sum not exceeding one thousand five hundred dollars	1,500 00
12	For auditors, masters and referees, a sum not exceeding seven thousand five hundred dollars	7,500 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 fourteen thousand dollars	14,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred six thousand nine hundred and fifty dollars	106,950 00
17	For law libraries, a sum not exceeding seven hundred and fifty dollars	750 00
18	For training school, a sum not exceeding two hundred and fifty dollars	250 00
19	For county aid to agriculture, a sum not exceeding twelve thousand three hundred and eighty-six dollars	12,386 00
20	For sanatorium, a sum not exceeding fifty-nine thousand dollars	59,000 00
20a	For health service, a sum not exceeding eleven thousand four hundred and eighty dollars	11,480 00
21	For state fire patrol, a sum not exceeding one thousand three hundred dollars	1,300 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand nine hundred dollars	1,900 00
23a	For unpaid bills of previous years, a sum not exceeding four thousand two hundred dollars	4,200 00
23b	For a police training school, a sum not exceeding one thousand dollars	1,000 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 twenty-three thousand four hundred seventy-two dollars and forty-two cents, to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes \$223,472 42

Berkshire 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 seventeen thousand dollars	17,000 00
3	For salaries of county officers and assistants, a sum not exceeding twenty-nine thousand seven hundred and twenty dollars	29,720 00
4	For clerical assistance in county offices, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
5	For salaries and expenses of district courts, a sum not exceeding forty-six thousand dollars	46,000 00

Item		
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding thirty-five thousand dollars	\$35,000 00
7	For criminal costs in superior court, a sum not exceeding nine thousand five hundred dollars	9,500 00
8	For civil expenses in 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 five hundred dollars	1,500 00
11	For medical examiners, inquests and commitments of 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 ten thousand dollars	10,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding nineteen thousand dollars	19,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred twenty-nine thousand four hundred fifty dollars	129,450 00
16a	For examination of dams, a sum not exceeding one thousand five hundred dollars	1,500 00
17	For law libraries, a sum not exceeding three thousand dollars	3,000 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 five hundred dollars	11,500 00
20	For the sanatorium (Hampshire County), a sum not exceeding nine thousand dollars	9,000 00
21	For the care and maintenance of Greylock state reservation, a sum not exceeding eleven thousand five hundred dollars	11,500 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 and five dollars	805 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding two thousand five hundred dollars	2,500 00
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 five thousand dollars	5,000 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-two thousand six hundred sixteen dollars and eighty-five cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$352,616 85

Bristol 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 forty-four thousand dollars	44,000 00

Item		
3	For salaries of county officers and assistants, a sum not exceeding forty-seven thousand five hundred dollars	\$47,500 00
4	For clerical assistance in county offices, a sum not exceeding thirty-six thousand eight hundred dollars	36,800 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred and 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 seventy-three thousand two hundred and forty dollars	73,240 00
7	For criminal costs in superior court, a sum not exceeding fifty thousand dollars	50,000 00
8	For civil expenses in 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 five hundred dollars	1,500 00
11	For medical examiners, inquests and commitments of the insane, a sum not exceeding seventeen thousand dollars	17,000 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 fourteen thousand dollars	14,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding forty-seven thousand dollars	47,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding thirty-one thousand five hundred and twenty-five dollars	31,525 00
17	For law libraries, a sum not exceeding seven thousand dollars	7,000 00
18	For training school, a sum not exceeding six thousand four hundred dollars	6,400 00
19	For the agricultural school, a sum not exceeding fifty-four thousand dollars	54,000 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 one thousand two hundred dollars	1,200 00
23a	For unpaid bills of previous years, a sum not exceeding seven thousand dollars	7,000 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 eighty-one thousand eight hundred and forty-eight dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$481,848 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 one hundred fifty dollars and forty-five cents	12,150 45
3	For salaries of county officers and assistants, a sum not exceeding sixty-one hundred dollars	6,100 00

Item		
4	For clerical assistance in county offices, a sum not exceeding one thousand eight hundred dollars	\$1,800 00
5	For salaries and expenses of district courts, a sum not exceeding four thousand dollars	4,000 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
7	For criminal costs in superior court, a sum not exceeding one thousand five hundred dollars	1,500 00
8	For civil expenses in 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 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 three thousand dollars	3,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding three thousand three hundred dollars.	3,300 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding eighteen thousand dollars	18,000 00
17	For law library, a sum not exceeding two hundred and fifty dollars	250 00
19	For county aid to agriculture, a sum not exceeding four hundred and twenty-five dollars	425 00
20	For the sanatorium (Barnstable County), a sum not exceeding five thousand five hundred dollars	5,500 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 and 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 fifty-two thousand five hundred fifty-three dollars and thirty cents, to be expended together with the cash balance on hand and the receipts from other sources, for the above purposes \$52,553 30

Essex County.

1	For interest on county debt, a sum not exceeding two thousand six hundred dollars	\$2,600 00
2	For reduction of county debt, a sum not exceeding thirty-three thousand dollars	33,000 00
3	For salaries of county officers and assistants, a sum not exceeding sixty-one thousand one hundred dollars	61,100 00
4	For clerical assistance in county offices, a sum not exceeding one hundred and four thousand dollars	104,000 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred ninety-six thousand and fifty dollars	196,050 00

Item		
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ninety-four thousand dollars	\$94,000 00
7	For criminal costs in superior court, a sum not exceeding seventy-five thousand dollars	75,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding seventy-two thousand dollars	72,000 00
9	For trial justices, a sum not exceeding five thousand two hundred dollars	5,200 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 insane, a sum not exceeding fifteen thousand dollars	15,000 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 twenty-one thousand seven hundred dollars	21,700 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding sixty-eight thousand one hundred dollars	68,100 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding two hundred thirty-two thousand dollars	232,000 00
16a	For the payment of a portion of the county's share of the cost of construction of the Falls Bridge, authorized under chapter three hundred and sixty-nine of the acts of nineteen hundred and thirty-four, a sum not exceeding fifty thousand dollars	50,000 00
17	For law libraries, a sum not exceeding eleven thousand dollars	11,000 00
18	For training school, a sum not exceeding fifty thousand dollars	50,000 00
19	For maintenance of the independent agricultural school, a sum not exceeding one hundred fifty-seven thousand and sixty dollars	157,060 00
19a	For equipment of the independent agricultural school, a sum not exceeding two thousand eight hundred dollars	2,800 00
22	For pensions, a sum not exceeding seven thousand dollars	7,000 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 dollars	2,000 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 nine hundred seventy-five thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$975,000 00

Franklin County.

1	For interest on county debt, a sum not exceeding fifteen thousand five hundred dollars	\$15,500 00
2	For reduction of county debt, a sum not exceeding twenty-five thousand dollars	25,000 00

Item		
3	For salaries of county officers and assistants, a sum not exceeding eighteen thousand six hundred twenty dollars	\$18,620 00
4	For clerical assistance in county offices, a sum not exceeding eight thousand twenty dollars	8,020 00
5	For salaries and expenses of district courts, a sum not exceeding seventeen thousand two hundred dollars	17,200 00
6	For salaries of jailers, masters and assistants and support of prisoners in jails and houses of correction, a sum not exceeding twenty-five thousand seven hundred dollars	25,700 00
7	For criminal costs in superior court, a sum not exceeding nine thousand dollars	9,000 00
8	For civil expenses in 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 and fifty dollars	550 00
11	For medical examiners, inquests and commitments of insane, a sum not exceeding one thousand eight hundred dollars	1,800 00
12	For auditors, masters and referees, a sum not exceeding one thousand two hundred dollars	1,200 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding four thousand dollars	4,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding fifteen thousand dollars	15,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding forty thousand dollars	40,000 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 eleven thousand thirty-six dollars and ten cents	11,036 10
20a	For the Greenfield health camp (chapter 354, Acts of 1928), a sum not exceeding two thousand dollars	2,000 00
21	For the Mount Sugar Loaf state reservation, a sum not exceeding one thousand nine hundred dollars	1,900 00
22	For pensions, a sum not exceeding twenty-seven dollars and forty-eight cents	27 48
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding one thousand eight hundred dollars	1,800 00
23a	For unpaid bills of previous years, a sum not exceeding five hundred dollars	500 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-eight thousand seven hundred fifty-six dollars and eighty-four cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$198,756 84

Hampden County.

Item		
1	For interest on county debt, a sum not exceeding fifty-seven thousand dollars.	\$57,000 00
2	For reduction of county debt, a sum not exceeding one hundred and thirty thousand dollars	130,000 00
3	For salaries of county officers and assistants, a sum not exceeding forty-eight thousand dollars	48,000 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 and thirteen thousand dollars	113,000 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
7	For criminal costs in superior court, a sum not exceeding thirty-five thousand dollars	35,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding fifty thousand dollars	50,000 00
9	For trial justices, a sum not exceeding two thousand dollars	2,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding one thousand dollars	1,000 00
11	For medical examiners, inquests and commitments of the insane, a sum not exceeding twelve thousand dollars	12,000 00
12	For auditors, masters and referees, a sum not exceeding fifteen thousand dollars	15,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding six thousand dollars	6,000 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding sixty-two thousand dollars	62,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred fifty-nine thousand five hundred dollars	159,500 00
16a	For examination of dams, a sum not exceeding three thousand dollars	3,000 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-seven thousand dollars	27,000 00
19	For county aid to agriculture, a sum not exceeding forty-five thousand dollars	45,000 00
20	For the sanatorium (Hampshire County), a sum not exceeding seventeen thousand six hundred fifty-seven dollars and seventy-five cents	17,657 75
20a	For the preventorium, a sum not exceeding three thousand dollars	3,000 00
21	For Mount Tom state reservation, a sum not exceeding twelve thousand seven hundred ninety-seven dollars and ninety-three cents	12,797 93
22	For pensions, a sum not exceeding four thousand dollars	4,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand five hundred ninety-nine dollars and eighty cents	4,599 80
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 ten thousand dollars	10,000 00

Item

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 ninety-nine thousand five hundred seventy-three dollars and seventy cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$799,573 70

Hampshire County.

1	For interest on county debt, a sum not exceeding six thousand dollars	\$6,000 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 twenty thousand dollars	20,000 00
4	For clerical assistance in county offices, a sum not exceeding eleven thousand five hundred dollars	11,500 00
5	For salaries and expenses of district courts, a sum not exceeding twenty-six thousand dollars	26,000 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 five hundred dollars	24,500 00
7	For criminal costs in superior court, a sum not exceeding eighteen thousand dollars	18,000 00
8	For civil expenses in 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 one thousand dollars	1,000 00
11	For medical examiners, inquests and commitments of insane, a sum not exceeding three thousand dollars	3,000 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 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 fifteen thousand five hundred dollars	15,500 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding fifty-three thousand two hundred thirty dollars	53,230 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 eleven thousand dollars	11,000 00
20	For the sanatorium, a sum not exceeding eight thousand dollars	8,000 00
20a	For the preventorium, a sum not exceeding one thousand five hundred dollars	1,500 00
21	For state reservations, a sum not exceeding two thousand two hundred forty-four dollars and seventy cents	2,244 70
22	For pensions, a sum not exceeding three thousand two hundred and fifty dollars	3,250 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 four hundred twenty-nine dollars and twenty-six cents	429 26
24	For a reserve fund, a sum not exceeding four thousand dollars	4,000 00

Item

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 fourteen thousand two hundred sixty-six dollars and ninety-seven cents, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$214,266 97

Middlesex County.

1	For interest on county debt, a sum not exceeding fifty-nine thousand one hundred dollars	\$59,100 00
2	For reduction of county debt, a sum not exceeding two hundred and thirty-eight thousand dollars	238,000 00
3	For salaries of county officers and assistants, a sum not exceeding eighty thousand dollars	80,000 00
4	For clerical assistance in county offices, a sum not exceeding two hundred and forty-five thousand dollars	245,000 00
5	For salaries and expenses of district courts, a sum not exceeding three hundred and fifty thousand dollars	350,000 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 seventy thousand six hundred dollars	270,600 00
7	For criminal costs in superior court, a sum not exceeding two hundred and five thousand dollars	205,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding one hundred and fifteen thousand dollars	115,000 00
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 one thousand eight hundred dollars	1,800 00
11	For medical examiners, inquests and commitments of insane, a sum not exceeding thirty-two thousand dollars	32,000 00
12	For auditors, masters and referees, a sum not exceeding forty thousand dollars	40,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding fifty-five thousand dollars	55,000 00
15	For care, fuel, lights and supplies in county buildings other than jails and houses of correction, a sum not exceeding one hundred and twenty thousand dollars	120,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding three hundred fifty thousand dollars	350,000 00
17	For law libraries, a sum not exceeding eleven thousand dollars	11,000 00
18	For training school, a sum not exceeding sixty-four thousand dollars	64,000 00
19	For county aid to agriculture, a sum not exceeding thirty-seven thousand dollars	37,000 00
21	For Walden Pond state reservation, a sum not exceeding fifteen thousand five hundred dollars	15,500 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 seven thousand two hundred dollars	7,200 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

Item

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 fifty-four thousand nine hundred ninety-three 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 \$1,954,993 71

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 sixteen thousand five hundred forty-four dollars and twelve cents	16,544 12
3	For salaries of county officers and assistants, a sum not exceeding thirty-six thousand dollars	36,000 00
4	For clerical assistance in county offices, a sum not exceeding seventy-six thousand five hundred dollars	76,500 00
5	For salaries and expenses of district and municipal courts, a sum not exceeding one hundred thirty-two thousand dollars	132,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding seventy thousand dollars	70,000 00
7	For criminal costs in superior court, a sum not exceeding seventy thousand dollars	70,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding forty-eight thousand dollars	48,000 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 twelve thousand five hundred dollars	12,500 00
12	For auditors, masters and referees, a sum not exceeding twenty-five thousand dollars	25,000 00
13	For building county buildings and purchase of land, a sum not exceeding thirty thousand dollars	30,000 00
14	For repairing, furnishing and improving county buildings, a sum not exceeding seventeen thousand five hundred dollars	17,500 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 dollars	63,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding fifty-four thousand dollars	54,000 00
17	For law libraries, a sum not exceeding two thousand dollars	2,000 00
18	For training school, a sum not exceeding six thousand dollars	6,000 00
19	For the agricultural school, a sum not exceeding sixty-nine thousand seven hundred ninety-five dollars	69,795 00
22	For pensions, a sum not exceeding twelve thousand dollars	12,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding three thousand three hundred eighty-eight dollars and forty-six cents	3,388 46
23a	For unpaid bills of previous years, a sum not exceeding three thousand dollars	3,000 00
24	For a reserve fund, a sum not exceeding nine thousand dollars	9,000 00

Item

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 six hundred seventeen thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes . . . \$617,500 00

Plymouth County.

1	For interest on county debt, a sum not exceeding fourteen thousand five hundred dollars . . .	\$14,500 00
2	For reduction of county debt, a sum not exceeding thirty-seven thousand two hundred fifty dollars . . .	37,250 00
3	For salaries of county officers and assistants, a sum not exceeding twenty-nine thousand dollars . . .	29,000 00
4	For clerical assistance in county offices, a sum not exceeding twenty-five thousand seven hundred dollars . . .	25,700 00
5	For salaries and expenses of district courts, a sum not exceeding sixty-eight thousand nine hundred fifty dollars . . .	68,950 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 dollars . . .	97,000 00
7	For criminal costs in superior court, a sum not exceeding forty-five thousand dollars . . .	45,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding twenty-four thousand dollars . . .	24,000 00
10	For transportation expenses of county and associate commissioners, a sum not exceeding two thousand dollars . . .	2,000 00
11	For medical examiners, inquests and commitments of insane, a sum not exceeding five thousand five hundred dollars . . .	5,500 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 eleven thousand three hundred dollars . . .	11,300 00
15	For care, fuel, lights and supplies in county buildings, other than jails and houses of correction, a sum not exceeding twenty-seven thousand eight hundred dollars . . .	27,800 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding one hundred eighteen thousand seven hundred fifty dollars . . .	118,750 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 four thousand dollars . . .	4,000 00
19	For county aid to agriculture, a sum not exceeding eighteen thousand seven hundred dollars . . .	18,700 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 one thousand seven hundred two dollars and eighty-three cents . . .	1,702 83
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-

Item	one thousand five hundred dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes	\$431,500 00
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Worcester County.

1	For interest on county debt, a sum not exceeding two thousand five hundred dollars	\$2,500 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 fifty-nine thousand dollars	59,000 00
4	For clerical assistance in county offices, a sum not exceeding seventy-eight thousand eight hundred dollars	78,800 00
5	For salaries and expenses of district courts, a sum not exceeding one hundred and sixty thousand dollars	160,000 00
6	For salaries of jailers, masters and assistants, and support of prisoners in jails and houses of correction, a sum not exceeding ninety-eight thousand dollars	98,000 00
7	For criminal costs in superior court, a sum not exceeding eighty thousand dollars	80,000 00
8	For civil expenses in supreme judicial, superior, probate and land courts, a sum not exceeding sixty-one thousand dollars	61,000 00
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 insane, a sum not exceeding twenty thousand dollars	20,000 00
12	For auditors, masters and referees, a sum not exceeding thirty-five thousand dollars	35,000 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 dollars	57,000 00
16	For highways, including state highways, bridges and land damages, a sum not exceeding three hundred fifty-six thousand four hundred dollars	356,400 00
17	For law libraries, a sum not exceeding eleven thousand dollars	11,000 00
18	For training school, a sum not exceeding twenty thousand five hundred dollars	20,500 00
19	For county aid to agriculture, a sum not exceeding forty-one thousand seven hundred fifty dollars	41,750 00
20a	For the preventorium, a sum not exceeding three thousand dollars	3,000 00
21	For state reservations, a sum not exceeding twenty-four thousand dollars	24,000 00
22	For pensions, a sum not exceeding eighteen thousand dollars	18,000 00
23	For miscellaneous and contingent expenses of the current year, a sum not exceeding four thousand five hundred dollars	4,500 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 ten thousand dollars	10,000 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 one million nine thousand four hundred eighty-five dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes \$1,009,485 00

Approved May 28, 1935.

Chap. 300 AN ACT EXTENDING FOR ONE YEAR THE OPPORTUNITY TO CITIES AND TOWNS TO BORROW UNDER THE ACT CREATING THE EMERGENCY FINANCE BOARD AND MAKING CERTAIN THAT SUCH EXTENSION BECOMES EFFECTIVE FORTHWITH.

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. Chapter two hundred and twenty-one of the acts of the current year is hereby repealed and the provisions of law amended thereby shall stand unaffected by said chapter two hundred and twenty-one.

SECTION 2. Chapter forty-nine 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 treasurer of any city or town, if authorized by a two thirds vote, as defined by section one of chapter forty-four of the General Laws, and with the approval of the mayor or the selectmen, may, on behalf of such city or town, petition the board to approve of its borrowing money from the commonwealth for ordinary maintenance expenses and revenue loans, and the board may, if in its judgment the financial affairs of such city or town warrant, grant its approval to the borrowing as aforesaid of specified sums not at any time exceeding, in the aggregate, the total amount represented by tax titles taken or purchased by such city or town and held by it; provided, that such borrowing is made at any time or times prior to July first, nineteen hundred and thirty-six. In case of such approval, the treasurer of such city or town shall, without further vote, issue notes, with interest at such rate as may be fixed by the treasurer with the approval of the board, in the amount approved by the board, for purposes of sale to the commonwealth only, and said notes, upon their tender to the state treasurer, shall forthwith be purchased by the commonwealth at the face value thereof. Such notes shall be payable in not more than one year, and may be renewed from time to time, if authorized by the board, but no renewal note shall be for a period of more than one year, and the maturity of any loan or renewal shall not be later than July first, nineteen hundred and

thirty-seven. Such notes shall be general obligations of the city or town issuing the same, notwithstanding the foregoing provisions. Indebtedness incurred by a city or town under authority of this act shall be outside its limit of indebtedness as fixed by chapter forty-four of the General Laws. The excess, if any, of the amount of interest payments received by the commonwealth on account of notes issued by cities and towns hereunder over the cost to the commonwealth for interest on money borrowed under section five, expenses of the board, including compensation paid to its appointive members, and expenses of administration of the funds provided by sections three and five shall be distributed to such cities and towns in November, nineteen hundred and forty, or earlier at the discretion of the board, in the proportion which the aggregate amounts payable by them on account of interest on such notes bear to the total amounts so payable by all cities and towns hereunder.

SECTION 3. Section five of said chapter forty-nine, as amended by chapter three hundred and thirteen of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the sixth line, the word "sixteen" and inserting in place thereof the word: — twenty, — and by striking out, in the fifteenth line, the word "thirty-nine" and inserting in place thereof the word: — forty, — 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 twenty 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 forty. All notes issued under this section shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

Approved May 29, 1935.

AN ACT PROVIDING FOR CO-OPERATION BETWEEN THE DEPARTMENTS OF MENTAL DISEASES AND PUBLIC WORKS RELATIVE TO ROADS AT STATE HOSPITALS.

Chap. 301

Be it enacted, etc., as follows:

Chapter one hundred and twenty-three of the General Laws is hereby amended by inserting after section eight, as appearing in the Tercentenary Edition, the following new section: — *Section 8A.* Upon request of the department,

G. L. (Ter. Ed.), 123, new section 8A, added.

Construction

of roads on
property of
state hospitals.

the department of public works may construct and maintain roads on the grounds or property of a state hospital; and expenses so incurred shall be paid from appropriations for the maintenance of such hospital.

Approved May 29, 1935.

Chap. 302 AN ACT RELATIVE TO EXECUTION OF CERTIFICATES OF INSURANCE UNDER THE COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE LAW, SO CALLED.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 90, § 34B,
etc., amended.

Section thirty-four B of chapter ninety of the General Laws, as most recently amended by sections one and two of chapter eighty-three of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the second paragraph, as appearing in said section one, and inserting in place thereof the following: —

Certificates of
insurance
under com-
pulsory motor
vehicle
liability insur-
ance law,
regulated.

Such certificate of an insurance or surety company shall, except as hereinafter provided, be in a form prescribed by the commissioner of insurance, shall contain the recitals required by said section thirty-four A and, if at the time of the execution thereof the schedule of premium charges and classifications of risks for the year for which registration is sought have been fixed and established under section one hundred and thirteen B of chapter one hundred and seventy-five, shall state the rate at which and the classification under which the motor vehicle liability policy or bond referred to therein was issued or executed and the amount of the premium thereon and whether or not said premium is at the rate fixed and established as aforesaid, and each such certificate shall contain such other information as said commissioner may require. Such a certificate shall be executed in the name of the company by one of its officers, or by an employee of the company duly authorized by it by a writing, in a form prescribed by said commissioner, filed in the office of said commissioner and not theretofore revoked by a writing filed as aforesaid, or by an insurance agent of the company licensed under chapter one hundred and seventy-five to solicit applications for and to negotiate motor vehicle liability policies or bonds, or on behalf of such an insurance agent by one of his agents or employees authorized by such insurance agent by an unrevoked writing as aforesaid, in form and filed as hereinbefore provided. The signature of the person authorized by any such writing shall be written on the margin thereof. No other person shall execute or issue such a certificate. Whoever issues or executes a certificate in a form other than that prescribed by said commissioner shall be punished by a fine of not less than fifty nor more than five hundred dollars.

Approved May 29, 1935.

AN ACT RELATIVE TO THE DISPOSITION OF CERTAIN MOTOR *Chap. 303*
VEHICLE FINES.

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and eighty of the General Laws, as most recently amended by section two of chapter three hundred and sixty-four of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end thereof the following new sentence: — Fines imposed under the provisions of chapter ninety shall be paid over to the treasury of the county wherein the offence was committed.

G. L. (Ter. Ed.), 280, § 2, etc., amended.

Payment of certain fines.

SECTION 2. This act shall apply to all fines imposed on and after the first day of October in the current year.

Approved May 29, 1935.

AN ACT RELATIVE TO THE CONTROL OF FARM POND IN THE *Chap. 304*
TOWN OF SHERBORN.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter two hundred and fifty-one of the acts of eighteen hundred and ninety-seven is hereby amended by striking out, in the third and fourth lines, the words "or corrupts the same, or renders it impure," — so as to read as follows: — *Section 5.* Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held pursuant to the provisions of this act, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held or used under the authority and for the purposes of this act, shall forfeit and pay to the Commonwealth three times the amount of damages assessed therefor, to be recovered in an action of tort; and on conviction of any of the wanton or malicious acts aforesaid may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year in the house of correction.

SECTION 2. Fishing, boating, bathing, skating and other recreational activities in or on Farm pond, in the town of Sherborn, open to all inhabitants of the commonwealth, shall be permitted except insofar as restricted or prohibited by the board of selectmen of said town under authority of law or by rules or regulations made by the department of public health under section one hundred and sixty of chapter one hundred and eleven of the General Laws, notwithstanding the provisions of chapter two hundred and fifty-one of the acts of eighteen hundred and ninety-seven.

SECTION 3. Said town, through its board of selectmen, may, from time to time, make rules and regulations as to the erection, maintenance and control of all public bath-houses and public boathouses on the shores of Farm pond, and to prevent the entrance or discharge into said pond of

any substance which by itself or in combination with any other substance may be injurious to the public health or may tend to create a public nuisance or to fill in said pond.

SECTION 4. Said town, through its board of selectmen, may, from time to time, make rules and regulations governing fishing, boating, bathing, skating and other recreational activities in or on Farm pond, and may also from time to time restrict the use of all or any portion of said pond for any or all of such activities. Such rules and regulations relative to fishing shall be subject to the approval of the division of fisheries and game of the department of conservation, and such other rules and regulations made under this section shall be subject to the approval of the department of public works, and in either case, when so approved, shall have the force of law.

SECTION 5. Any police officer of said town may patrol any part of the waters of said pond and shall have authority to arrest any person violating any law of the commonwealth in, on or adjacent to the waters of said pond or violating any restriction, rule or regulation established under this act.

SECTION 6. The violation of any restriction, rule or regulation established under this act shall be punished by a fine of not more than twenty dollars.

SECTION 7. Nothing in this act shall be construed to abridge the powers and duties of the department of public works under chapter ninety-one of the General Laws.

Approved May 29, 1935.

Chap. 305 AN ACT AUTHORIZING CITIES AND TOWNS TO PROVIDE HEAD-
QUARTERS FOR LOCAL POSTS OF THE JEWISH WAR VETERANS
OF THE UNITED STATES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 40, § 9,
etc., amended.

Headquarters
for posts of
war veterans.

Section nine of chapter forty of the General Laws, as most recently amended by section three of chapter two hundred and forty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting after the word "War" in the fifth line the words: — and for a post or posts of the Jewish War Veterans of the United States, — so as to read as follows: — *Section 9.* A city or town may for the purpose of providing suitable headquarters for a post or posts of The American Legion and of the Veterans of Foreign Wars of the United States and for a chapter or chapters of the Disabled American Veterans of the World War and for a post or posts of the Jewish War Veterans of the United States, lease for a period not exceeding five years buildings or parts of buildings which shall be under the direction and control of such post or posts, or chapter or chapters, subject to regulations made in cities by the mayor with the approval of the council and in towns by vote of the town, and for said purposes a town with a

valuation of less than five million dollars may annually appropriate not more than one thousand dollars; a town with a valuation of five million dollars but not more than twenty million dollars may annually appropriate not more than fifteen hundred dollars; a town with a valuation of twenty million dollars but not more than seventy-five million dollars may annually appropriate not more than two thousand dollars; a town with a valuation of seventy-five million dollars but not more than one hundred fifty million dollars may annually appropriate not more than twenty-five hundred dollars; and a town with a valuation of one hundred fifty million dollars or more may annually appropriate twenty-five hundred dollars for each one hundred fifty million dollars of valuation, or fraction thereof. The city council of a city may, by a two thirds vote, appropriate money for armories for the use of the state militia, for the celebration of holidays, for the purpose of providing or defraying the expenses of suitable quarters for posts of the Grand Army of the Republic, including the heating and lighting of such quarters, and for other like public purposes to an amount not exceeding in any one year one fiftieth of one per cent of its valuation for such year.

Approved May 29, 1935.

AN ACT FURTHER REGULATING THE SALE OF CERTAIN
PATENT AND PROPRIETARY MEDICINES.

Chap. 306

Be it enacted, etc., as follows:

Section thirty-five of chapter one hundred and twelve of the General Laws, as amended by section five of chapter three hundred and twenty-eight of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the ninth line, the words "or sale", — and by inserting after the word "medicines" in the tenth line the words: — , nor to the sale of such medicines other than the sale at retail of those intended for internal use which contain barbituric acid, — 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 of patent and proprietary medicines, nor to the sale of such medicines other than the sale at retail of those intended for internal use which contain barbituric acid; 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, cop-

G. L. (Ter.
Ed.), 112,
§ 35, etc.,
amended.

Application
of certain laws
restricted.

peras, 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 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.

Approved May 29, 1935.

Chap. 307 AN ACT RELATIVE TO THE CONSTRUCTION OF A PARKWAY EXTENDING FROM THE JUNCTION OF REVERE BEACH PARKWAY AND FELLSWAY TO MYSTIC AVENUE IN MEDFORD.

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, as amended by section one of chapter one hundred and seventy-two of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "hundred" in the second line the words: — and twenty, — so as to read as follows: — *Section 6.* The cost of the work authorized by section one shall not exceed five hundred and twenty 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 twenty 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 May 29, 1935.*

AN ACT PROVIDING WATER SUPPLY FOR CERTAIN INHABITANTS OF THE TOWN OF LAKEVILLE FROM THE WATER SUPPLY SYSTEM OF THE LAKEVILLE STATE SANATORIUM.

Chap. 308

Be it enacted, etc., as follows:

The department of public health is hereby authorized and directed to furnish water for domestic purposes to buildings abutting upon that part of South Main street and Bridge street in the town of Lakeville in which is laid a water main of the water system of the Lakeville state sanatorium serving its barns on said South Main street and Bridge street, at such uniform rates as may be established from time to time by said department, subject to the approval of the department of public utilities; provided, that the owner of each such building to be furnished water as aforesaid shall first deposit in the state treasury an amount sufficient to defray the cost of a connection with such main, and of a meter, if required by said department of public health, and all expenses on account of making such connection or installing such meter; and, provided, further, that the said department, before commencing to deliver water to any such building, may require a deposit with the state treasurer of money or security satisfactory to him, to insure the payment of any water charges that may become due on account of water furnished to such building hereunder and may, if any person, when required by said department, fails to so furnish or maintain any such deposit, discontinue the furnishing of water to him. The acceptance or use by any person of water furnished under authority of this act shall constitute an agreement on the part of such person, for himself or itself and his or its heirs, successors and assigns, that there shall be no liability on the part of the commonwealth, or of the commissioner of public health or of any member of the public health council on account of (1) the furnishing of water hereunder, or (2) the failure to furnish water hereunder, or (3) for any damages resulting from the maintenance of such water supply. Nothing herein shall be construed to prohibit the said department from limiting the supply of water to be furnished to such buildings at any time when in its opinion there is danger of a scarcity of water for the purposes of such sanatorium.

Approved May 29, 1935.

Chap. 309 AN ACT RELATIVE TO THE RIGHTS OF PERSONS ON RESERVED SPACES IN PUBLIC WAYS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 82, § 34, amended.

Section thirty-four of chapter eighty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following: — A person who with the intention of becoming a passenger is at a stopping place or upon a landing or platform, established or apparently constructed for the purposes of boarding or alighting from street railway cars, within or upon spaces so reserved for street railways shall have the rights of a traveler on the highway, — so as to read as follows: — *Section 34.* If the city council of a city, or a town, accepts this section or has accepted the corresponding provisions of earlier laws, the board or officers authorized to lay out highways or town ways may reserve spaces between the side lines thereof for the use of horseback riders, for bicycle paths or for street railways, except such as may be operated by steam, for drains, sewers and electric wires, for trees and grass, and for planting. A person who with the intention of becoming a passenger is at a stopping place or upon a landing or platform, established or apparently constructed for the purposes of boarding or alighting from street railway cars, within or upon spaces so reserved for street railways shall have the rights of a traveler on the highway.

Reserved spaces in public ways.

Approved May 29, 1935.

Chap. 310 AN ACT RELATIVE TO THE LICENSING OF PUBLIC WAREHOUSEMEN AND RELATIVE TO THE CONTENTS OF WAREHOUSE RECEIPTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 105, § 1, amended.

SECTION 1. Section one of chapter one hundred and five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "warehousemen" the first time it occurs in the fourth line the following: — Such license shall not be issued unless and until the applicant, at his own expense, shall have given notice of said application by publishing the same in two consecutive publications of a newspaper published in the town in which the warehouse is to be located. Such notice shall set forth the name of the applicant in full, a 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 the street and number, if any, — so as to read as follows: — *Section 1.* The governor, with the advice and consent of the council, may license suitable persons, or corporations established under the laws of, and having their places of business within, the commonwealth, to be public warehousemen. Such license shall not be issued

Public warehousemen to be licensed.

unless and until the applicant, at his own expense, shall have given notice of said application by publishing the same in two consecutive publications of a newspaper published in the town in which the warehouse is to be located. Such notice shall set forth the name of the applicant in full, a 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 the street and number, if any. Such warehousemen may keep and maintain public warehouses for the storage of goods, wares and merchandise. They shall give bond to the state treasurer for the faithful performance of their duties in an amount and with sureties approved by the governor, and may appoint one or more deputies, for whose acts they shall be responsible. A railroad corporation licensed as a public warehouseman shall not be required as such to receive any property except such as has been or is forthwith to be transported over its road or to give sureties on its bond.

SECTION 2. Section nine of said chapter one hundred and five, as so appearing, is hereby amended by striking out clause (h) and inserting in place thereof the following:—

(h) If the receipt is issued for goods of which the warehouseman is owner, either solely or jointly or in common with others, or if the warehouseman is the agent for the owner or owners of goods for which the receipt is issued, the fact of such ownership or agency; and

Approved May 29, 1935.

G. L. (Ter. Ed.), 105, § 9, amended.

Receipts to contain certain information.

AN ACT RELATIVE TO FUNDS RECEIVED BY THE DIRECTOR OF THE DIVISION OF AID AND RELIEF FOR THE BENEFIT OF PERSONS UNDER THE CARE AND SUPERVISION OF THE DEPARTMENT OF PUBLIC WELFARE AND PROVIDING FOR THE BONDING OF SAID DIRECTOR.

Chap. 311

Be it enacted, etc., as follows:

SECTION 1. Section seven of chapter eighteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following new sentence: — Said director shall give a bond to the state treasurer for the faithful performance of his duties in such sum as the comptroller may prescribe, — so as to read as follows: — *Section 7.* The commissioner, with the approval of the governor and council, shall appoint, fix the compensation of, and may with like approval remove, the director of the division of aid and relief, who shall, under the supervision and control of the commissioner, perform the duties required of him by law relative to the state adult poor. Said director shall give a bond to the state treasurer for the faithful performance of his duties in such sum as the comptroller may prescribe.

G. L. (Ter. Ed.), 18, § 7, amended.

Director to give bond.

SECTION 2. Chapter one hundred and twenty-one of the General Laws is hereby amended by inserting after

G. L. (Ter. Ed.), 121, new section 8A, added.

Director may
receive funds
in trust.

section eight, as appearing in the Tercentenary Edition, the following new section: — *Section 8A.* The director of the division of aid and relief may receive funds in trust for the use of illegitimate children or other persons under the care or supervision of the department. Such director shall deposit such funds in savings banks in the commonwealth or savings departments of trust companies therein and, when necessary, make expenditures from said funds for the benefit of or on behalf of the ward. *Approved May 29, 1935.*

Chap. 312 AN ACT AUTHORIZING THE USE OF THE SUMNER TUNNEL IN THE CITY OF BOSTON WITHOUT TOLL OR CHARGE BY DRIVERS OF VEHICLES OWNED BY THE BOSTON PROTECTIVE DEPARTMENT.

Be it enacted, etc., as follows:

Section nine of chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine, as amended by section three of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "city" in the fortieth line the words: — or by the Boston Protective Department, — so that the last sentence will read as follows: — The said public works department shall collect such tolls and charges from the driver of each vehicle using said tunnel, and shall daily pay the same over to the city collector of Boston; provided, that no toll or charge shall be collected from the drivers of vehicles owned by the city or by the Boston Protective Department or from drivers of ambulances. *Approved May 29, 1935.*

Chap. 313 AN ACT PROVIDING FOR THE APPOINTMENT OF A COURT OFFICER AND A MESSENGER FOR THE PROBATE COURT OF ESSEX COUNTY.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 217, § 30,
etc., amended.

Probate court
officers for
Essex county.

SECTION 1. Chapter two hundred and seventeen of the General Laws is hereby amended by striking out section thirty, as most recently amended by section one of chapter one hundred and forty-three of the acts of the current year, and inserting in place thereof the following: — *Section 30.* The judges of probate for the counties of Suffolk and Middlesex may appoint two officers, and the judge of probate for Plymouth county and the judges of probate for Essex county may appoint an officer, to attend the sessions of the probate court and court of insolvency of their respective counties. Such officers may be removed at the pleasure of the judge or judges of probate of their respective counties, and the said judge or judges may fill any vacancy caused by removal or otherwise. Each court officer appointed hereunder for Suffolk or Middlesex county shall

give bond with sufficient sureties approved by a judge of his court for the faithful performance of his duties, in the sum of one thousand dollars, payable to the treasurer of Suffolk county or to Middlesex county, as the case may be. The court officer for Plymouth county shall, if required by the court, give a bond payable to said county for the faithful performance of his duties, with sureties satisfactory to the court. Each officer appointed hereunder shall serve the orders, precepts and processes issued by the probate court for which he is appointed or by a judge thereof; and, except in Plymouth county, shall at the expense of his county be furnished with a uniform such as the court shall order, which he shall wear while in attendance on said court.

SECTION 2. Said chapter two hundred and seventeen is hereby amended by inserting after section thirty-one, as so appearing, the following new section: — *Section 31A.* The judges of probate for Essex county may appoint a messenger for the court of probate and insolvency for said county, may remove him at their pleasure, and may fill a vacancy caused by removal or otherwise. Said messenger shall wait upon said court and perform such duties as the judges may direct, including duty as court officer. He shall, while in attendance on said court, wear a uniform, such as the court shall order, to be furnished at the expense of said county.

G. L. (Ter. Ed.), 217, new section 31A, added. Messenger.

SECTION 3. This act shall take effect upon acceptance during the current year by the county commissioners of Essex county.

Acceptance of act.

Approved May 31, 1935.

AN ACT MAKING THE GARDNER STATE COLONY A RECEPTION HOSPITAL FOR THE INSANE AND CHANGING ITS NAME TO GARDNER STATE HOSPITAL.

Chap. 314

Be it enacted, etc., as follows:

SECTION 1. The Gardner state colony is hereby made a state hospital, under the name of the Gardner state hospital, for the care and treatment of the insane, and shall be subject to all provisions of general law applicable to such hospitals. The board of trustees appointed under section six of chapter nineteen of the General Laws shall serve, without reappointment, as the board of trustees of the Gardner state hospital.

Gardner state hospital.

SECTION 2. Section five of said chapter nineteen, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the fourth line, the word "colony" and inserting in place thereof the word: — hospital, — so as to read as follows: — *Section 5.* The boards of trustees of the following public institutions shall serve in the department: Belchertown state school, Boston psychopathic hospital, Boston state hospital, Danvers state hospital, Foxborough state hospital, Gardner state hospital, Grafton state hospital, Walter E. Fernald state school, Med-

G. L. (Ter. Ed.), 19, § 5, amended.

Institutions in department of mental diseases.

field state hospital, Metropolitan state hospital, Monson state hospital, Northampton state hospital, Taunton state hospital, Westborough state hospital, Worcester state hospital and Wrentham state school.

G. L. (Ter. Ed.), 123, § 25, amended.

List of state hospitals.

SECTION 3. Section twenty-five of chapter one hundred and twenty-three of the General Laws, as so appearing, is hereby amended by striking out, in the fifth line, the word "colony" and inserting in place thereof the word: — hospital, — so as to read as follows: — *Section 25.* The state institutions under the control of the department shall be Worcester state hospital, Taunton state hospital, Northampton state hospital, Danvers state hospital, Grafton state hospital, Westborough state hospital, Foxborough state hospital, Medfield state hospital, Monson state hospital, Gardner state hospital, Wrentham state school, Boston state hospital, Walter E. Fernald state school, Boston psychopathic hospital, Belchertown state school, Metropolitan state hospital, and such others as may hereafter be added by authority of law.

G. L. (Ter. Ed.), 123, § 50, amended.

Commitment of insane persons.

SECTION 4. Said chapter one hundred and twenty-three is hereby further amended by striking out section fifty, as so appearing, and inserting in place thereof the following: — *Section 50.* A justice of the superior court, in any county, and any of the judges of probate for Suffolk county, the judge of probate for Nantucket county, or a justice or special justice of a district court, except the municipal court of the city of Boston, within his county, may commit to any institution for the insane, designated under or described in section ten, any insane person, then residing or being in said county, who in his opinion is a proper subject for its treatment or custody; but such special justice may make such commitment only in case of the incapacity of the justice, his absence from the district, interest, or relationship to the applicant or to the person to be committed, or when specially authorized by the justice to act in the case, or when the justice is absent from the court building and the special justice is holding court in his place.

G. L. (Ter. Ed.), 123, § 77, amended.

Observation and commitment.

SECTION 5. Section seventy-seven of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out the proviso in lines nine, ten and eleven, — so that the first sentence will read as follows: — If a person is found by two physicians qualified as provided in section fifty-three to be in such mental condition that his commitment to an institution for the insane is necessary for his proper care or observation, he may be committed by any judge mentioned in section fifty, to a state hospital, to the McLean hospital, or, in case such person is eligible for admission, to an institution established and maintained by the United States government, the person having charge of which is licensed under section thirty-four A, for a period of thirty-five days pending the determination of his insanity.

SECTION 6. Section seventy-eight of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following:— The superintendent or manager of any institution for the insane may without the order of a judge required by sections fifty and fifty-one, receive into his custody and detain in such institution for not more than five days any person whose case is certified to be one of violent and dangerous insanity or of other emergency by two physicians qualified as provided in section fifty-three by a certificate conforming in all respects to said section, which certificate may be filed with a judge, as the certificate required by section fifty-one.

G. L. (Ter. Ed.), 123, § 78, amended.

Temporary care.

SECTION 7. Section seventy-nine of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out the first sentence and inserting in place thereof the following:— The superintendent or manager of any institution for the insane may, when requested by a physician, member of the board of health, sheriff, deputy sheriff, member of the state police, selectman, police officer of a town or by an agent of the institutions department of Boston, receive and care for in such institution as a patient, for a period not exceeding ten days, any person needing immediate care and treatment because of mental derangement other than delirium tremens or drunkenness.

G. L. (Ter. Ed.), 123, § 79, amended.

Care of persons needing immediate treatment.

SECTION 8. Section eighty-six of said chapter one hundred and twenty-three, as so appearing, is hereby amended by striking out, in the fourth and fifth lines, the words “, in the case of Gardner state colony when so authorized by the department,” — so as to read as follows:— *Section 86.* The trustees, superintendent or manager of any institution to which an insane person, a dipsomaniac, an inebriate, or one addicted to the intemperate use of narcotics or stimulants may be committed may receive and detain therein as a boarder and patient any person who is desirous of submitting himself to treatment, and who makes written application therefor and is mentally competent to make the application; and any such person who desires so to submit himself for treatment may make such written application. No such person shall be detained more than three days after having given written notice of his intention or desire to leave the institution.

G. L. (Ter. Ed.), 123, § 86, amended.

Voluntary admissions.

Approved June 3, 1935.

AN ACT INCREASING THE MEMBERSHIP OF THE COMMISSION ON INTERSTATE COMPACTS AFFECTING LABOR AND INDUSTRIES, AND PROVIDING FOR THE CONTINUATION OF ITS WORK.

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. The Commission on Interstate Compacts Affecting Labor and Industries, established by chapter forty-four of the resolves of nineteen hundred and thirty-three, shall hereafter consist of ten members, of whom two shall be members of the senate, to be designated by the president thereof, five shall be members of the house of representatives, to be designated by the speaker thereof, and three shall be appointed by the governor; and, as so constituted, said commission shall continue to be subject in all respects to said chapter.

SECTION 2. The additional members of said commission authorized by section one shall be appointed thereto by the president of the senate and the speaker of the house as soon as may be after the effective date of this act.

SECTION 3. For the continuation of the work of said commission, and the further negotiations authorized by chapter twenty-five of the resolves of nineteen hundred and thirty-four, said commission may expend such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated therefor.

Approved June 3, 1935.

Chap. 316 AN ACT RELATIVE TO THE RETIREMENT ALLOWANCE OF LILLIE H. DURFEE, A FORMER TEACHER IN THE PUBLIC SCHOOLS OF THE COMMONWEALTH.

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:

The amount of the retirement allowance granted by the teachers' retirement association to Lillie H. Durfee of New Bedford, who served fourteen years as a regular teacher in the public schools of the commonwealth and more than one year, in the aggregate, during a period extending from some time in March, nineteen hundred and twenty-four, through June, nineteen hundred and twenty-seven, as a substitute teacher in said schools, shall be increased to such amount as she would have been entitled to receive if, prior to the time of her retirement, she had served fifteen years as a regular teacher in said schools, and the increased allowance shall be allowed from June first of the current year; provided, that she pays to said retirement association on or before September first of the current year sums equal, in the aggregate, to monthly assessments at the rate of five per cent on the salary she received during the period within which she was serving as such substitute teacher, together with the interest which would have been credited on these assessments to the date of retirement, the assessment for

each month for which salary was received to be not less than three dollars and fifty cents.

Approved June 3, 1935.

AN ACT FURTHER REGULATING THE SALE OF MILK IN CERTAIN CONTAINERS BY LICENSED MILK DEALERS.

Chap. 317

Be it enacted, etc., as follows:

Chapter ninety-four of the General Laws is hereby amended by striking out section forty-five, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 45.* No licensed milk dealer shall sell, or have in his possession with intent to sell, milk not contained in clean vessels on which, or on a cap, tag or label attached to which, appears his own name, or the name under which his business is conducted, and no other name; but this section shall not apply to a person using clean vessels on which appears the name of another person whose written permission for such use has been obtained previously and registered in the office of the inspector of milk, in towns having such officer, and in other towns registered in the office of the town clerk. Whoever violates this section shall be punished by a fine of ten dollars.

G. L. (Ter. Ed.), 94, § 45, amended.

Use of certain containers for sale of milk prohibited.

Approved June 3, 1935.

AN ACT EXTENDING THE JURISDICTION OF THE LAND COURT.

Chap. 318

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty of the General Laws is hereby amended by striking out section seventy-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 76.* In addition to its jurisdiction to allow a party to redeem under section sixty-eight, the land court shall have jurisdiction as to redemption in all cases of taking or sale of land for non-payment of taxes if relief is sought before the filing of a petition under section sixty-five for foreclosure of the right of redemption, and may grant such right of redemption or other relief as justice may require, fixing the terms therefor, or may refuse the same. The proceedings shall be begun by a bill as in equity, and memoranda, both of the beginning and of the final disposition thereof, shall be recorded or filed in the registry of deeds, similar to those required by sections fifteen and sixteen of chapter one hundred and eighty-four in the case of unregistered land, and to those required by sections eighty-six and eighty-seven of chapter one hundred and eighty-five in the case of registered land.

G. L. (Ter. Ed.), 60, § 76, amended.

Petition for redemption in land court, time of filing. Procedure.

SECTION 2. The superior court, upon motion, may transfer to the land court any proceeding for redemption of land brought in said court under the provisions of said section seventy-six as in effect immediately prior to the

Transfer of pending cases.

effective date of the preceding section or, in its discretion, may retain jurisdiction and make a decree under the provisions of said section seventy-six as so in effect, notwithstanding the provisions of the preceding section.

G. L. (Ter. Ed.), 185, § 1, etc., amended.

SECTION 3. Section one of chapter one hundred and eighty-five of the General Laws, as amended, is hereby further amended by striking out clause (b), as appearing in the Tercentenary Edition, and inserting in place thereof the following:—

Land court jurisdiction.

(b) Proceedings for foreclosure of and for redemption from tax titles under chapter sixty.

G. L. (Ter. Ed.), 185, § 1, etc., amended.

SECTION 4. Said section one of said chapter one hundred and eighty-five, as amended, is hereby further amended by striking out clause (c) and inserting in place thereof the following:—

Same subject.

(c) Writs of entry under chapter two hundred and thirty-seven. In such a writ brought in accordance with section forty-seven of chapter two hundred and thirty-six, where the tenant is entitled under clause (2) of section nine of chapter one hundred and nine A to retain the real estate as security for repayment of the consideration paid therefor by him, said court may determine the amount of such consideration and may order a judgment for possession upon being satisfied that such amount, with lawful interest, has been paid or tendered by the demandant to the tenant.

G. L. (Ter. Ed.), 185, § 1, etc., amended.

SECTION 5. Said section one of said chapter one hundred and eighty-five, as amended, is hereby further amended by inserting after clause (k) the following two new clauses:—

Same subject.

(l) Suits in equity under clauses (3), (5) and (11) of section three of chapter two hundred and fourteen, where any right, title or interest in real estate is involved.

(m) Suits in equity under clause (9) of section three of chapter two hundred and fourteen or under section nine of chapter one hundred and nine A, where the property claimed to have been fraudulently conveyed or encumbered consists of rights, titles or interests in real estate only.

G. L. (Ter. Ed.), 231, § 55, amended

SECTION 6. Section fifty-five of chapter two hundred and thirty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the words "or the superior" in the first line and inserting in place thereof the words: —, superior or land, — so as to read as follows:— *Section 55.* The supreme judicial, superior or land court may, before final judgment, and upon terms, allow an amendment changing an action at law into a suit in equity, or a suit in equity into an action at law, if it is necessary to enable the plaintiff to sustain the action or suit for the cause for which it was intended to be brought. The court in which the amendment is allowed may retain jurisdiction of the cause as amended.

Amendments changing actions at law into suits in equity.

G. L. (Ter. Ed.), 231, § 142, amended.

SECTION 7. Section one hundred and forty-two of said chapter two hundred and thirty-one, as so appearing, is hereby amended by inserting after the word "fifty-four" in the fifth line the word: —, fifty-five, — so as to read as

follows:— *Section 142.* Sections eight, twelve, thirteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, thirty, thirty-one, thirty-five, thirty-nine, forty-two, forty-three, forty-four, forty-five, forty-seven, forty-eight, forty-nine, fifty, fifty-one, fifty-two, fifty-three, fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-five, sixty-six, sixty-seven, sixty-eight, sixty-nine, seventy-one, seventy-two, seventy-three, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, eighty-three, eighty-seven, eighty-nine, ninety, ninety-six, one hundred and eleven, one hundred and twelve, one hundred and thirteen, one hundred and fourteen, one hundred and fifteen, one hundred and sixteen, one hundred and seventeen, one hundred and eighteen, one hundred and nineteen, one hundred and twenty, one hundred and twenty-one, one hundred and twenty-two, one hundred and twenty-three, one hundred and twenty-four, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, 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 and one hundred and thirty-nine shall apply to such real and mixed actions as may be begun in the superior court, and to all proceedings before the land court, or begun there and pending on issues to a jury in the superior court, to which they are applicable, and no other sections of this chapter shall so apply except by their express language.

Application
of certain
sections.

SECTION 8. This act shall take effect on the first day of October in the current year, and shall also apply to actions then pending which are thereafter transferred to the land court under section two or amended in said court under section six.

Effective date.

Approved June 3, 1935.

AN ACT EMPOWERING THE BOSTON TRAFFIC COMMISSION TO COLLECT FEES FOR THE ISSUANCE OF LOADING ZONE PERMITS, SO CALLED.

Chap. 319

Be it enacted, etc., as follows:

Chapter two hundred and sixty-three of the acts of nineteen hundred and twenty-nine is hereby amended by inserting after section two the following new section:— *Section 2A.* Upon the issuance by the commission of a permit for a loading zone, so called, under the provisions of the preceding section, it shall collect a fee computed at the rate of fifty cents for each foot of curbing abutting on said zone, but in no event less than ten dollars. Such permit shall expire one year from the date of its issue, and may be

revoked by the commission for a violation of any provision of the rules and regulations relating to such zones and made under authority of this act. *Approved June 3, 1935.*

Chap. 320 AN ACT RELATIVE TO THE OPERATION OF CERTAIN MOTOR VEHICLE TRAILERS OWNED BY THE CITY OF SPRINGFIELD.

Be it enacted, etc., as follows:

SECTION 1. Motor vehicle trailers owned by the city of Springfield and having a carrying capacity of more than one thousand pounds may be operated or drawn on the ways of said city, any provision of section nineteen of chapter ninety of the General Laws to the contrary notwithstanding.

SECTION 2. This act shall take effect January first, nineteen hundred and thirty-six, and shall become inoperative July first in said year. *Approved June 3, 1935.*

Chap. 321 AN ACT SUBJECTING THE OFFICE OF TOWN ACCOUNTANT OF THE TOWN OF FRAMINGHAM TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of town accountant of the town of Framingham 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, subject, however, to said laws; provided, however, that the present incumbent of said office may continue to serve as such without taking a civil service examination.

SECTION 2. This act shall take effect upon its passage. *Approved June 5, 1935.*

Chap. 322 AN ACT RELATIVE TO THE ABATEMENT OF LOCAL TAXES, ASSESSMENTS AND OTHER CHARGES AND TO THE SUSPENSION OF PAYMENT OF CERTAIN ASSESSMENTS.

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.), 58, § 8,
amended.

Proceedings
against certain
delinquent
collectors.

SECTION 1. Chapter fifty-eight of the General Laws is hereby amended by striking out section eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 8.* Whenever it appears to the commissioner that at the end of two years from the commitment of any warrant to a collector any taxes upon such warrant remain uncollected, or if collected have not been turned over to the town treasurer, the commissioner

shall within three months bring the matter to the attention of the attorney general, who may bring or cause to be brought an action of contract in the name of the town against the collector and upon his bond, in the superior court for the county where the town lies. Any amount recovered under this section shall be paid into the treasury of the town in whose name the action is prosecuted; but all reasonable expenses incurred by the attorney general in any such action shall be borne by the town, and may be recovered from it by the commonwealth in contract. If, at any time after the commitment of any warrant to a collector, the commissioner is of the opinion that any taxes, assessments or other charges thereon remaining uncollected should be abated, he may authorize the assessors or board making the assessment, in writing, to abate any part or the whole of such taxes, assessments or other charges, either by items or by abatement of a sum total, stated in such written authorization. The assessors or board aforesaid may thereupon make the abatement authorized and enter the same in their record of abatements, making reference in said record to such authorization as the cause or reason for the abatement.

SECTION 2. Chapter sixty of the General Laws is hereby amended by inserting after section three A, inserted by section one of chapter one hundred and thirty-six of the acts of nineteen hundred and thirty-four, the following new section: — *Section 3B.* A person entitled to exemption under clause seventeenth of section five of chapter fifty-nine in respect to any real estate upon which an assessment for a permanent public improvement, payable to a city or town and required by law to be placed on the annual tax bill, has been made, may, not later than the last day for petitioning the assessors for an abatement of the local tax under section fifty-nine of said chapter fifty-nine, apply to the assessors of such city or town for suspension of the payment of such assessment for and during such time as the annual tax on said real estate is reduced by such exemption, and the assessors may thereupon, with the approval of the commissioner, order such suspension; provided, that such assessment, with interest thereon accrued prior to such suspension and with interest thereon from the day on which such estate ceases to be exempt, unless sooner paid, shall continue to be a lien upon such real estate until the expiration of two years after the termination of the period of such suspension, or, in case the assessment has been apportioned, until two years after the last portion is payable. Such assessment shall not bear interest during the period of such suspension.

Approved June 5, 1935.

G. L. (Ter. Ed.), 60, new section 3B, added.

Abatements of assessments in certain cases.

Chap. 323 AN ACT MAKING CERTAIN NECESSARY ADJUSTMENTS IN CERTAIN WATER ACTS.

Be it enacted, etc., as follows:

SECTION 1. Section thirteen of chapter one hundred and forty-seven of the acts of nineteen hundred and thirty-one, as amended by section one of chapter eighteen of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out all after the semicolon in the seventh line.

SECTION 2. Section fourteen of chapter one hundred and eighty-six of the acts of the current year is hereby amended by striking out all after the semicolon in the fifth line.

SECTION 3. Section thirteen of chapter two hundred and thirty of the acts of the current year is hereby amended by striking out all after the semicolon in the fifth line.

SECTION 4. Section fourteen of chapter two hundred and twenty of the acts of the current year is hereby amended by striking out all after the semicolon in the sixth line.

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

Approved June 5, 1935.

Chap. 324 AN ACT PROVIDING FOR STATE AID TO COASTAL CITIES AND TOWNS IN CONSERVING AND INCREASING THE SUPPLY OF SHELLFISH AND IN EXTERMINATING THE ENEMIES THEREOF.

Emergency
preamble.

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

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 130, etc.,
new section
3A, added.

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, is hereby amended by inserting after section three the following new section: — *Section 3A.* The supervisor shall assist and co-operate with coastal cities and towns for the purpose of increasing the supply of shellfish and exterminating the enemies thereof within their borders, and for this purpose may expend such sums as may be appropriated therefor. The expenditure of any funds so appropriated shall be apportioned by the supervisor among said coastal cities and towns in such amounts as will, in his opinion, effect the greatest amount of relief and assistance to the shellfish industry; provided, that no money shall be expended hereunder in any such city or town for the purpose of such relief or assistance unless such city or town, within one year prior to the date of such expenditure, shall have appropriated and spent an amount equal to at least one fourth of the total cost of such work. The work of increas-

Preservation
of shellfish.

ing the supply of shellfish and exterminating the enemies thereof in coastal cities and towns aided hereunder shall be done and expenditures therefor shall be made in such manner as the supervisor may determine and in accordance with rules and regulations which the supervisor shall make with respect thereto, which rules and regulations he is hereby authorized to make and enforce. *Approved June 5, 1935.*

AN ACT AUTHORIZING THE TOWN OF DEDHAM TO PROVIDE
FOR THE ELECTION OR APPOINTMENT OF A COMMITTEE TO
HAVE CONTROL OF STREET LIGHTING. *Chap. 325*

Be it enacted, etc., as follows:

SECTION 1. The town of Dedham may by by-law provide for the election or appointment of a committee consisting of not more than five members to have full charge and control of street lighting in the town. Such by-law may also fix the terms of such members and establish the duties of such committee. While such by-law remains in force the board of selectmen shall not exercise any powers relative to street lighting, and the powers thereto conferred upon the commissioner of public works by chapter two hundred and eleven of the acts of nineteen hundred and thirty-three shall not be exercised by him.

SECTION 2. This act shall take effect upon its passage.
Approved June 5, 1935.

AN ACT RELATIVE TO THE DIMENSIONS OF MOTOR TRUCKS
AND TRAILERS. *Chap. 326*

Be it enacted, etc., as follows:

Chapter ninety of the General Laws is hereby amended by striking out section nineteen, as most recently amended by section one of chapter two hundred and twenty-three of the acts of nineteen hundred and thirty-five, and inserting in place thereof the following:—*Section 19.* No motor vehicle or trailer, the outside width of which is more than ninety-six inches or the extreme over-all length of which is more than twenty-eight feet, shall be operated on any way without a special permit so to operate from the board or officer having charge of such way or, in case of a state highway or a way determined by the department of public works to be a through route, from said department; provided, that such width may be exceeded by the lateral projection of pneumatic tires beyond the rims of the wheels for such distance on either side of the vehicle or trailer as will not increase its outside width above one hundred and two inches; and provided, further, that the extreme over-all length of a semi-trailer unit, wherever used, may exceed twenty-eight feet but not forty feet, and the extreme over-all length of a motor vehicle having three axles, wherever

G. L. (Ter.
Ed.), 90, § 19,
etc., amended.

Motor trucks
and trailers,
dimensions of,
regulated.

used, may exceed twenty-eight but not thirty-three feet, and such length of any other motor vehicle, or any trailer, when used in localities or on ways designated by the said department may exceed twenty-eight feet but not thirty-three feet, except in any such case as authorized by a special permit granted as aforesaid, and that, when used for the transportation of poles or single units of lumber or metal, such length may exceed twenty-eight feet but not sixty feet, except as authorized by a special permit granted as aforesaid. The aforesaid dimensions of width and length shall be inclusive of the load. No trailer having a carrying capacity of more than one thousand pounds, other than a semi-trailer, or a heavy duty platform trailer used for purposes other than the transportation of goods, wares and merchandise, shall be operated or drawn on the ways of the commonwealth; provided, that a trailer having a carrying capacity of more than one thousand pounds may be operated or drawn upon any way for a distance not exceeding one half mile, if said trailer is used exclusively for agricultural purposes, or for a distance not exceeding three hundred yards, if such trailer is used for industrial purposes other than agricultural purposes, for the purpose of going from property owned or occupied by the owner of such trailer to other property so owned or occupied. No motor vehicle shall be operated on any way to draw more than one trailer or other vehicle.

Approved June 5, 1935.

Chap. 327 AN ACT RELATIVE TO THE CARE AND OPERATION OF THE PUBLIC WORKS BUILDING ON NASHUA STREET IN THE CITY OF BOSTON.

Be it enacted, etc., as follows:

All the powers, duties and obligations granted and imposed by sections one to twelve, inclusive, of chapter eight of the General Laws, as appearing in the Tercentenary Edition or as subsequently amended, upon the superintendent of buildings in so far as they relate to the office building known as the Public Works building on Nashua street in the city of Boston, are hereby transferred to and vested in the commissioner of public works, who shall have charge of the care and operation of said building, including the repair thereof and improvements thereto and the appointment of such employees as may be necessary to enable him to perform his duties; said appointments not being subject to chapter thirty-one of the General Laws, as appearing in the Tercentenary Edition, excepting only that the superintendent of buildings may, under the supervision of the governor and council, assign rooms in said office building, and may determine the occupancy thereof in such manner as the public service may require.

Approved June 5, 1935.

AN ACT AUTHORIZING THE PAYMENT OF FEES TO PHYSICIANS FOR CERTAIN MEDICAL REPORTS TO THE DEPARTMENT OF LABOR AND INDUSTRIES AND REGULATING THE USE OF INFORMATION CONTAINED IN SUCH REPORTS.

Chap. 328

Be it enacted, etc., as follows:

Section eleven 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 "time" in the seventh line the following new sentence: — The department shall pay a fee of fifty cents for each such report, — and by adding at the end thereof the following: — No such report shall be subject to summons nor shall its contents be made public, — so as to read as follows: — *Section 11.* The department may require every physician treating a patient whom he believes to be suffering from any ailment or disease contracted as a result of the nature, circumstances or conditions of the patient's employment to report such information relating thereto as it may require, within such time as it may fix, and it may issue a list of such diseases which shall be regularly reported upon by physicians, and may add to or change such list at any time. The department shall pay a fee of fifty cents for each such report. Copies of all such reports and all statistics and data compiled therefrom shall be kept by it, and shall be furnished on request to the department of industrial accidents and the department of public health. No such report shall be subject to summons nor shall its contents be made public.

G. L. (Ter. Ed.), 149, § 11, amended.

Physicians' reports, fees for, regulated.

Approved June 5, 1935.

AN ACT RELATIVE TO PAYMENTS BY THE BROCKTON POLICE RELIEF ASSOCIATION TO ANY MEMBER THEREOF UPON THE DEATH OF HIS WIFE.

Chap. 329

Be it enacted, etc., as follows:

Chapter one hundred and fifty-one of the acts of nineteen hundred and twenty-seven 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: — The Brockton Police Relief Association, a corporation duly established by law, acting by its board of directors, is hereby authorized to pay or cause to be paid from its general fund to any member in good standing, upon the death of his wife, such sum of money, not exceeding three hundred dollars, as may from time to time be fixed by vote of said corporation.

Approved June 5, 1935.

Chap. 330 AN ACT AMENDING CERTAIN PROVISIONS OF THE LAW RELATING TO SAVINGS BANK LIFE INSURANCE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 178, § 10, amended.

SECTION 1. Section ten of chapter one hundred and seventy-eight of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "except" in the fourth line the following: — under such agreement as it may make to pay an amount equal to a cash surrender value which may exceed one thousand dollars, and except, — so as to read as follows: — *Section 10.* No savings and insurance bank shall write any policy or annuity contract binding it to pay more than one thousand dollars, exclusive of dividends or profits, upon the death of any one person, except under such agreement as it may make to pay an amount equal to a cash surrender value which may exceed one thousand dollars, and except for such amount, if any, as it may be bound to pay upon the death of such person under an employees' group policy, or under an annuity contract embodying an agreement to refund, upon the death of the holder, to his estate or to a specified payee, a sum not exceeding the premiums paid thereon with compound interest, nor shall it write any annuity contract otherwise binding it to pay in any one year more than two hundred dollars, exclusive of dividends or profits.

Amount of policies or annuity contracts.

G. L. (Ter. Ed.), 178, § 11, amended.

SECTION 2. Section eleven of said chapter one hundred and seventy-eight, as so appearing, is hereby amended by striking out, in the first and second lines, the words "or annuity contract", — so as to read as follows: — *Section 11.* No policy of life or endowment insurance issued by any savings and insurance bank shall become forfeit or void for non-payment of premium after six full months' premiums have been paid thereon; and in case of default in the payment of any subsequent premium, then, without any further stipulation or act, such policy shall be binding upon the bank at the option of the insured, either (a) for the cash surrender value or (b) for the amount of paid-up insurance which the then net value of the policy and all dividend additions thereon, less any indebtedness to the bank on account of said policy, and less a surrender charge of not more than one per cent of the face value of the policy, will purchase as a net single premium for life or endowment insurance, maturing or terminating at the time and in the manner provided for in the original policy contract, or (c) for the amount of paid-up term insurance which such net value would purchase.

Policy, etc., not to be forfeited after payment of six months' premiums.

G. L. (Ter. Ed.), 178, new section 11A, added.

Application of preceding section.

SECTION 3. Said chapter one hundred and seventy-eight is hereby further amended by inserting after section eleven, as so appearing, the following new section: — *Section 11A.* Section eleven shall not apply to annuity or pure endowment contracts with or without return of premiums, or of premiums and interest, whether simple or

compound, or to survivorship annuity contracts or survivorship insurance policies, and, in the case of a policy providing for both insurance and an annuity, shall apply only to that part of the policy providing for insurance; but every such policy providing for a deferred annuity on the life of the insured only shall, unless paid for by a single premium, provide that, in the event of the non-payment of any premium after six months' premiums shall have been paid, the annuity shall automatically become converted into a paid-up annuity for such proportion of the original annuity as the period for which premiums have been paid bears to the total period for which premiums are required to be paid under the policy.

SECTION 4. Section fifteen of said chapter one hundred and seventy-eight, as so appearing, is hereby amended by striking out, in the fortieth line, the word "actuarial", — and by striking out, in the forty-first and forty-second lines, the words "including an annual and other valuations of their policies," — so as to read as follows:— *Section 15.* The state actuary, appointed under section eleven of chapter twenty-six, with the advice of the attorney general as to matters of legal form, shall prepare standard forms of life insurance policies and life annuity contracts, including a whole life policy, a limited payment life policy, a limited term policy, an endowment policy, an annuity contract, and a combination of life insurance policy and deferred annuity contract, and such others as may from time to time, in the opinion of the commissioner of insurance, be desirable. Every policy and annuity contract shall provide that the issuing bank may make any payment thereunder by placing to the credit of the account of the registered beneficiary in the savings department the amount payable. Such standard forms shall be used as the uniform and exclusive forms of policies by all savings and insurance banks. He shall also prepare the form of blanks for applications for life insurance policies and life annuity contracts and for proof of loss, and all other forms necessary for the efficient prosecution of the business, also books of record and of account, and all schedules and all reports, not otherwise provided for, required in the conduct of the business, and these shall be used as the uniform and exclusive form of blanks, books, schedules and reports in the insurance departments of all savings and insurance banks. He shall also, consistently with the law governing domestic legal reserve life insurance companies, determine and prepare the table of premium rates for all kinds of life insurance policies, and the purchase rates for annuities, and the amount of the membership fee, the surrender and any proof of death charges, and the premium rates for reinsurance. The rates, fees and charges so fixed shall be adopted as the uniform and exclusive premiums, annuity rates, the initiation, the surrender, and the proof of death charges. He shall also determine and prepare tables showing the amounts which may

G. L. (Ter. Ed.), 178, § 15, amended.

Powers and duties of state actuary.

be loaned on insurance policies, and the reinsurance rates to be charged by all savings and insurance banks, and the guaranty charges to be made by the General Insurance Guaranty Fund, but the loan value shall in no event exceed the reserve on any policy. He shall also prepare or procure tables for computing the legal reserve to be held under insurance and annuity contracts, and for this purpose may, with the approval of the commissioner of insurance, adopt a table of mortality which may be deemed more suitable than the American Experience Table for policies of insurance of the character and amounts to which the risks of the banks are limited; and shall in all other respects, except as otherwise provided, perform the duties of insurance actuary for all the savings and insurance banks and the General Insurance Guaranty Fund. The ordinary routine work of the banks shall be performed by their clerks, guided and assisted, so far as may be necessary, by the advice and instruction of the state actuary; but an annual valuation of all the policies of the banks and of the condition of the General Insurance Guaranty Fund as of October thirty-first of each year shall be made in the office of the state actuary under his direction, and from schedules of policy data on blanks furnished by him and prepared by the banks in accordance with his instructions. The state actuary shall also furnish to the savings and insurance banks and to the General Insurance Guaranty Fund all blanks for policies, applications, schedules, and other papers and books which the state actuary is required to prepare, as herein provided. The state actuary shall for each year ending October thirty-first determine the ratio of actual to expected mortality claims for all of the savings and insurance banks combined, and shall determine a similar ratio for each of the savings and insurance banks separately. Both calculations shall be based upon the mortality tables and the rate of interest used by the banks in the calculation of the premiums, or upon such other bases as shall be approved by the commissioner of insurance. If the calculation of the ratio pertaining to any savings and insurance bank shows that the actual mortality experienced is less than the mortality expected to be experienced by all of the banks combined, the state actuary shall send to such bank a certificate setting forth the amount of such difference, and thereupon such bank shall send to the General Insurance Guaranty Fund in cash the amount of such certificate. The state actuary shall also furnish to the trustees of the General Insurance Guaranty Fund a certificate in respect to any savings and insurance bank in which the ratio of the actual to the expected mortality has exceeded the ratio of the actual to the expected mortality for all of the banks combined, and thereupon the trustees of the General Insurance Guaranty Fund shall pay to such bank the amount of such excess as evidenced by such certificate.

In determining the net profits, as defined in section

twenty-one, to be distributed to the holders of the policies and annuity contracts each year for each savings and insurance bank, the state actuary shall consider as a mortality factor the ratio of the actual to the expected mortality for all of the savings and insurance banks combined.

SECTION 5. Said chapter one hundred and seventy-eight is hereby amended by striking out section seventeen, as so appearing, and inserting in place thereof the following:

— *Section 17.* There shall be paid to the commonwealth on December thirtieth in each year sums expended by it for the division of savings bank life insurance during the year ended on November thirtieth next preceding. Said sums so to be repaid to the commonwealth shall be apportioned by the trustees of the General Insurance Guaranty Fund among the savings and insurance banks in proportion to their premium income, or on such other basis as the said trustees shall deem equitable and proper, and said banks shall be assessed therefor in accordance with such apportionment; provided, that no savings and insurance bank shall be assessed for any part of said expenditure unless and until it shall have accumulated in its insurance department a surplus fund of not less than twenty thousand dollars as provided in sections five, nineteen and twenty-one, or unless and until five years shall have elapsed from the date when it shall have been licensed by the commissioner of insurance to issue policies and make annuity contracts, whichever event shall sooner happen. Any sum so apportioned to banks so exempted shall be paid to the commonwealth by the trustees of the General Insurance Guaranty Fund from the interest income thereof on or before December thirtieth in each year.

SECTION 6. Section nineteen of said chapter one hundred and seventy-eight, as so appearing, is hereby amended by striking out, in the seventh and eighth lines, the words "nor less than ten per cent of the aggregate insurance reserve", — so as to read as follows: — *Section 19.* Whenever the funds held by the General Insurance Guaranty Fund are, in the opinion of both the commissioner of insurance and the commissioner of banks, sufficient therefor, the trustees of the fund may enter into a contract with any savings bank desiring to establish an insurance department to guarantee all the risks of such bank until such time as it shall have a surplus of not less than twenty thousand dollars. If such guaranty contract is entered into by any bank, it shall not be necessary to provide the special insurance guaranty fund provided for in section five before the commissioner of insurance and the commissioner of banks are entitled to issue the certificate establishing the insurance department as provided in section three.

SECTION 7. Said chapter one hundred and seventy-eight is hereby further amended by striking out section twenty-one, as so appearing, and inserting in place thereof the following: — *Section 21.* Each savings and insurance bank

G. L. (Ter. Ed.), 178, § 17, amended.

Reimbursement of commonwealth for certain expenses.

G. L. (Ter. Ed.), 178, § 19, amended.

General Insurance Guaranty Fund.

G. L. (Ter. Ed.), 178, § 21, amended.

Certain profits

of insurance department to be set aside as emergency fund, etc.

shall annually set apart as a surplus from the net profits, if any, which have been earned in its insurance department, an amount not less than twenty nor more than seventy-five per cent thereof, until such surplus amounts to twenty thousand dollars. Thereafter each such bank may add in any year to its surplus not more than fifteen per cent of the net profits, if any, which have been earned in its insurance department in such year; provided, that, with the approval of the state actuary, an amount in excess of said fifteen per cent of said net profits may be added to said surplus and, provided further, that no such bank shall, without the approval of the state actuary, add to its said surplus any amount which would make said surplus exceed ten per cent of the net insurance reserve of said bank. Such surplus shall be maintained and held or used so far as necessary to meet losses in its insurance department whether from unexpectedly great mortality, depreciation in its securities, or otherwise, and, after said surplus amounts to twenty thousand dollars, for the maintenance of a stable dividend scale, and for the payment of settlement or maturity dividends or both in such manner and in such amounts if any, as may from time to time be directed by the state actuary. The balance of the net profits of each year shall annually be distributed equitably among the holders of its policies and annuity contracts, such distribution to be made at the option of the policy holder in accordance with section one hundred and forty of chapter one hundred and seventy-five.

Approved June 5, 1935.

Chap. 331 AN ACT ABOLISHING THE DEFENSE OF SERIOUS AND WILFUL MISCONDUCT OF THE EMPLOYEE IN DEATH CASES UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, § 27, amended.

Wilful misconduct bar to recovery in certain cases.

Chapter one hundred and fifty-two of the General Laws is hereby amended by striking out section twenty-seven, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 27.* If the employee is injured by reason of his serious and wilful misconduct, he shall not receive compensation; but this provision shall not bar compensation to his dependents if the injury results in death.

Approved June 5, 1935.

Chap. 332 AN ACT FURTHER DEFINING AVERAGE WEEKLY WAGES AND RELATIVE TO THE MINIMUM COMPENSATION FOR TOTAL INCAPACITY UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, § 1, amended.

SECTION 1. Section one 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 of

clause (1) the following:— In case the injured employee is employed in the concurrent service of more than one insured employer his total earnings from the several insured employers shall be considered in determining his average weekly wages. Weeks in which the employee received less than five dollars in wages shall be considered time lost and shall be excluded in determining the average weekly wages; provided, however, that this exclusion shall not apply to employees whose normal working hours in the service of the employer are less than fifteen hours each week.

Average weekly wages defined.

SECTION 2. Said chapter one hundred and fifty-two is hereby amended by striking out section thirty-four, as so appearing, and inserting in place thereof the following:— *Section 34.* While the incapacity for work resulting from the injury is total, the insurer shall pay to the injured employee a weekly compensation equal to two thirds of his average weekly wages, but not more than eighteen dollars nor less than nine dollars a week, unless the weekly wages of the injured employee are less than nine dollars, in which case said weekly compensation shall be equal to his average weekly wages, but in no case less than seven dollars a week where the number of normal working hours of the injured employee in a week are fifteen or more; provided, that the period covered by such compensation shall not be greater than five hundred weeks nor the amount more than forty-five hundred dollars.

G. L. (Ter. Ed.), 152, § 34, amended.

Total incapacity.

Approved June 5, 1935.

AN ACT REVISING THE PAYMENTS UNDER THE WORKMEN'S COMPENSATION ACT FOR CERTAIN SPECIFIC INJURIES.

Chap. 333

Be it enacted, etc., as follows:

Chapter one hundred and fifty-two of the General Laws is hereby amended by striking out section thirty-six, as amended by chapter two hundred and fifty-seven of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 36.* In case of the following specified injuries the sum of ten dollars a week shall be paid, in addition to all other compensation, for the following periods:

G. L. (Ter. Ed.), 152, § 36, etc., amended.

Payments for specific injuries.

(a) For the loss by severance of both hands at or above the wrist, a period of one hundred and seventy-five weeks.

(b) For the reduction to twenty seventieths of normal vision in both eyes, with glasses, a period of one hundred and fifty weeks.

(c) For the loss by severance of both feet at or above the ankle, a period of one hundred weeks.

(d) For the loss by severance of the right or major hand at or above the wrist, a period of seventy-five weeks.

(e) For the loss by severance of the left or minor hand at or above the wrist, or of either foot at or above the ankle, a period of fifty weeks.

(f) For the reduction to twenty seventieths of normal vision in either eye, with glasses, a period of fifty weeks.

(g) For the loss by severance at or above the second joint of the thumb of the right or major hand, a period of forty weeks.

(h) For the loss by severance at or above the second joint of the index finger of the right or major hand, a period of twenty weeks.

(i) For the loss by severance of one phalange of the thumb of the right or major hand, a period of twenty weeks.

(j) For the loss by severance of two phalanges of each of two fingers of the same hand which for the purposes hereof may include the thumb of the left or minor hand but not the thumb or index finger of the right or major hand, or of each of two or more toes of the same foot, a period of twenty-five weeks for each hand or foot so injured, and any compensation payable under this paragraph shall be in addition to any compensation payable under paragraphs (g), (h), (i), and (k), or any of them, subject, however, to the limitation contained in said paragraph (k).

(k) For the loss by severance of the terminal phalange or phalanges of any finger or fingers, not exceeding three on the same hand, which for the purposes hereof may include the thumb of the left or minor hand but not of the right or major hand, a period of twelve weeks in case of the loss by severance of one such terminal phalange, or a period of twenty-two weeks in case of the loss as aforesaid of two such terminal phalanges on the same hand, or a period of thirty weeks in case of the loss as aforesaid of three or more such terminal phalanges on the same hand; provided, that no compensation shall be payable under this paragraph for the loss by severance of any phalange for the loss of which compensation is payable under any other paragraph of this section, and provided, further, that compensation shall be payable under this paragraph on account of injury to one hand only for such number of weeks as, together with the number of weeks during which compensation is payable under any other paragraph of this section for injury to the same hand, will not exceed forty-seven in the case of the left or minor hand or seventy-two in the case of the right or major hand.

(l) For the loss by severance of at least one phalange of any toe, a period of twelve weeks, for each foot so injured.

(m) The additional amounts provided for in this section in case of the loss of a particular hand, foot, thumb, finger, toe or phalange shall also be paid for the number of weeks above specified if the injury is such that that hand, foot, thumb, finger, toe or phalange is not lost but so injured as to be permanently incapable of use. *Approved June 5, 1935.*

AN ACT RELATIVE TO THE BORROWING OF MONEY BY THE COUNTY OF BARNSTABLE FOR THE ERECTION AND EQUIPMENT OF A NEW HOUSE OF CORRECTION AND JAIL FOR SAID COUNTY AND CERTAIN BUILDINGS FOR USE IN CONNECTION THEREWITH. Chap. 334

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter two hundred and thirty of the acts of nineteen hundred and thirty-four is hereby amended by striking out, in the fourth line, the word "sixty" and inserting in place thereof the word: — ninety-eight, — so as to read as follows:— *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 ninety-eight 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 2. This act shall take effect upon its passage.

Approved June 7, 1935.

AN ACT GIVING THE DEPARTMENT OF PUBLIC UTILITIES SUPERVISION OVER CERTAIN AFFILIATES OF GAS AND ELECTRIC COMPANIES. Chap. 335

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 seventy-six, as appearing in the Tercentenary Edition, the following new section:— *Section 76A.* The department shall have the general supervision of every affiliated company, as defined in section eighty-five, with respect to all relations, transactions and dealings, direct or indirect, with the gas or electric company with which it is affiliated, which affect the operations of such gas or electric company, and shall make all necessary examination and inquiries and keep itself informed as to such relations, transactions and dealings as have a bearing upon the price of gas or elec-

G. L. (Ter. Ed.), 164, new section 76A, added.

Supervision over affiliates of gas and electric companies.

tricity supplied by such company or the quality thereof. Such relations, transactions and dealings, including any payments by a gas or electric company to such an affiliated company for services or materials and supplies which enter into the manufacture, distribution or sale of gas or electricity, shall be subject to review and investigation by the department in any proceeding brought under section ninety-three or ninety-four, and the department may order such affiliated company to be joined as a party respondent with such gas or electric company in such a proceeding.

Every affiliated company having such relations, transactions and dealings with the gas or electric company with which it is affiliated shall make such annual or periodic reports and in such form as the department may by regulation prescribe in order to give the department effective supervision over all such relations, transactions and dealings.

The supreme judicial court shall have jurisdiction in equity to enforce compliance with this section and with all orders of the department made under authority thereof.

SECTION 2. Section eighty-five of said chapter one hundred and sixty-four, as so appearing, is hereby amended by inserting after the word "section" in the eleventh line the words: — and of section seventy-six A, — so that the second paragraph will read as follows: —

For the purposes of this section and of section seventy-six A, the words "affiliated company" shall include any corporation, society, trust, association, partnership or individual (a) controlling a company subject to this chapter, either directly, by ownership of a majority of its voting stock or of such minority thereof as to give it substantial control of such company, or indirectly, by ownership of such a majority or minority of the voting stock of another corporation or association so controlling such company; or (b) so controlled by a corporation, society, trust, association, partnership or individual controlling as aforesaid, directly or indirectly, a company subject to this chapter; or (c) standing in such a relation to a company subject to this chapter that there is an absence of equal bargaining power between the corporation, society, trust, association, partnership or individual and the company so subject, in respect to their dealings and transactions.

Approved June 7, 1935.

G. L. (Ter. Ed.), 164, § 85, amended.

Examination of books of companies and affiliates.

Chap. 336 AN ACT FURTHER EXTENDING THE TIME DURING WHICH THERE SHALL BE COLLECTED AN ADDITIONAL EXCISE TAX ON SALES OF GASOLINE.

Be it enacted, etc., as follows:

Chapter two hundred and forty-eight of the acts of nineteen hundred and thirty-two is hereby amended by striking out, in the fifth line, the word "thirty-six" and inserting in place thereof the word: — thirty-seven, — so as to read

as follows: — The time during which the additional excise tax of one cent is imposed on each gallon of fuel, as defined in section one of chapter sixty-four A of the General Laws, sold in the commonwealth, is hereby extended to and including the thirtieth day of April, nineteen hundred and thirty-seven, and the provisions of section four of chapter one hundred and twenty-two of the acts of nineteen hundred and thirty-one shall apply to the tax so imposed during such extended period.

Approved June 7, 1935.

AN ACT PROVIDING FOR THE REINSTATEMENT OF CERTAIN MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN DISTRICT COMMISSION.

Chap. 337

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 safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-six E, inserted by chapter two hundred and seven of the acts of nineteen hundred and thirty-four, the following new section: — *Section 46F*. A member of the police force of the metropolitan district commission 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 said commission, be entitled to a hearing before the commissioner. Upon good cause shown the commissioner may authorize his reinstatement in the same position as that formerly held by him.

G. L. (Ter. Ed.), 31, new section 46F, added.

Reinstatement of certain police officers.

Approved June 13, 1935.

AN ACT AUTHORIZING ADDITIONAL EXPENDITURES BY THE DIRECTOR OF THE DIVISION OF FISHERIES AND GAME FOR FISH AND GAME PURPOSES.

Chap. 338

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 director of the division of fisheries and game of the department of conservation is hereby authorized to expend for the propagation and distribution of fish and game, the improvement and development of game farms and fish hatcheries and field work tending to develop hunting and fishing, or for any of said purposes, in addition to amounts heretofore appropriated for the purposes, such sums, not exceeding, in the aggregate, eighteen thousand dollars, as may hereafter be appropriated therefor.

Approved June 13, 1935.

Chap. 339 AN ACT RELATIVE TO THE PENALTY FOR REFUSAL OR NEGLECT OF EMPLOYERS TO MAKE TO THE DEPARTMENT OF INDUSTRIAL ACCIDENTS CERTAIN REPORTS AS TO INJURIES TO THEIR EMPLOYEES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, § 19, amended.

Section nineteen of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the paragraph contained in the seventeenth and eighteenth lines, and inserting in place thereof the following paragraph:

Notice to department of injuries. Penalty.

Employers refusing or neglecting to make any report required by this section, after notice so to do by the department, shall be punished for a first offense by a fine of not more than fifty dollars, and for each subsequent offense by a fine of not more than one hundred dollars.

Approved June 13, 1935.

Chap. 340 AN ACT PROVIDING FOR THE INSPECTION OF CERTAIN MEDICAL REPORTS ON FILE WITH THE DEPARTMENT OF INDUSTRIAL ACCIDENTS BY PARTIES TO PROCEEDINGS BEFORE SUCH DEPARTMENT.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, § 20, amended.

Section twenty 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 thereof the following: — If such a report is on file with the department it may be open to the inspection of any party, — so as to read as follows: — *Section 20.* Copies of hospital records kept in accordance with section seventy of chapter one hundred and eleven, certified by the persons in custody thereof to be true and complete, shall be admissible in evidence in proceedings before the department or any member thereof. The department or any member, before admitting any such copy in evidence, may require the party offering the same to produce the original record. All medical records and reports of hospitals, clinics and physicians of the insurer or of the employee shall be open to the inspection of the department so far as relevant to any matter before it. If such a report is on file with the department it may be open to the inspection of any party.

Hospital records admissible as evidence.

Approved June 13, 1935.

Chap. 341 AN ACT RELATIVE TO UNIFORMS OF COURT OFFICERS IN A CERTAIN DISTRICT COURT IN SUFFOLK COUNTY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 218, § 63, amended.

Chapter two hundred and eighteen of the General Laws is hereby amended by striking out section sixty-three, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 63.* Court officers in

Uniforms of court officers.

district courts in Suffolk county shall, while on duty in said courts, wear uniforms to be approved by the justices of said courts, which shall be furnished at the expense of said county.

Approved June 13, 1935.

AN ACT AUTHORIZING MANUFACTURING AND DEALING IN SHELLAC VARNISH OR SHELLAC SOLVENT WITHOUT A LICENSE.

Chap. 342

Be it enacted, etc., as follows:

Section three hundred and three A of chapter ninety-four of the General Laws, inserted therein by section three of chapter three hundred and seventy-two of the acts of nineteen hundred and thirty-four, is hereby amended by inserting after the word "preparation" in the fourth line the following: — , other than shellac varnish or shellac solvent, — so as to read as follows: — *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, other than shellac varnish or shellac solvent, 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, § 303A, etc., amended.

Sale of methyl or wood alcohol, etc., regulated.

Approved June 13, 1935.

AN ACT AUTHORIZING THE TOWN OF DEERFIELD TO CONSTRUCT AND OPERATE SYSTEMS OF SEWERS.

Chap. 343

Be it enacted, etc., as follows:

SECTION 1. The town of Deerfield 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 for the purpose of providing better surface or other drainage, guarding against pollution of the water and otherwise protecting the public health, may lay, make and maintain such main drains as it deems best. For the purposes aforesaid the town may, within its limits, deepen, widen, and clear of obstruction any brook, stream or water course, and may straighten or alter the channel or divert the water thereof, and may make and maintain sub-drains, and, with the approval of the department of public health, discharge the water 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 selectmen, 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, and in the town of Whately, 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 selectmen 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 of selectmen which 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, one hundred and forty thousand dollars, and may issue bonds or notes therefor, which shall bear on their face, the words, Deerfield Sewerage Loan, Act of 1935. 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 selectmen 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 selectmen 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 buildings 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 county of Franklin, 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 any such 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 systems of sewerage and sewage disposal shall be submitted for approval by said department.

SECTION 12. This act shall be submitted for acceptance to the legal voters of said town, at a special town meeting held within one year after its passage. The vote on the question of such acceptance shall be taken by ballot at said meeting in answer to the following question which shall be placed upon said ballot:—“Shall an act passed by the general court in the year nineteen hundred and thirty-five entitled ‘An Act authorizing the Town of Deerfield to con-

struct and operate a system of sewers', be accepted?" If a majority of the voters voting in answer to said question vote 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 June 13, 1935.

Chap. 344 AN ACT FURTHER DEFINING THE PRACTICE OF DENTISTRY.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 112, § 50, amended.

Practice of dentistry defined.

Section fifty of chapter one hundred and twelve of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "others," in the third line the words:— takes any impression of the human teeth or jaws, or, — and by inserting after the word "will" in the ninth line the words:— take any impression of the human teeth or jaws or, — so as to read as follows:— *Section 50.* Any person who owns or carries on a dental practice or business, or who, by himself, his servants or agents, or by contract with others, takes any impression of the human teeth or jaws, or performs any operation or makes examination, with the intention of performing or causing to be performed any operation on the human teeth or jaws, or who describes himself by the word "dentist" or other like word, or the letters "D.D.S." or other like letters, or other like title in connection with his name, or who advertises by sign, card, circular, pamphlet or newspaper, or otherwise indicates that he by contract with others, or by himself, his servants or agents, will take any impression of the human teeth or jaws or perform any operation or make examination, with the intention of performing or causing to be performed any operation on the human teeth or jaws, shall be deemed to be practicing dentistry within the meaning of sections forty-three to fifty-three, inclusive, and section sixty-five.

Approved June 13, 1935.

Chap. 345 AN ACT PROVIDING FOR THE ANNUAL LISTING OF ALIENS IN ALL CITIES AND TOWNS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 51, § 4, etc., amended.

Assessors to make lists of persons liable to a poll tax and of women voters and aliens.

SECTION 1. Section four of chapter fifty-one of the General Laws, as amended by section five of chapter two hundred and fifty-four of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the first paragraph and inserting in place thereof the following:— The assessors, assistant assessors, or one or more of them shall annually in January or February, visit every building in their respective cities and towns, and, after diligent inquiry, shall make true lists containing, as nearly as they can ascertain, the name, age, occupation, nationality if not a citizen of the United States, and residence on

January first in the preceding year and in the current year, of every male person twenty years of age or older, residing in their respective cities and towns, liable to be assessed for a poll tax, and of soldiers and sailors exempted from the payment of a poll tax under section five of chapter fifty-nine; and shall also make true lists containing the same facts relative to every woman twenty years of age or older residing in their respective cities and towns.

SECTION 2. Said chapter fifty-one is hereby further amended by striking out section seven, as amended by section six of said chapter two hundred and fifty-four, and inserting in place thereof the following: — *Section 7.* The assessors shall name or designate in such street lists all buildings used as residences, in their order on the street where they are located, by giving the number or other definite description of each building so that it can be readily identified, and shall place opposite to or under each number or other description of a building the name, age, occupation and nationality if not a citizen of the United States, of every person who is listed under section four, and his residence on January first of the preceding year and of the current year.

Approved June 13, 1935.

G. L. (Ter. Ed.), 51, § 7, etc., amended.

Form and contents of street lists.

AN ACT RELATIVE TO THE UNAUTHORIZED PRACTICE OF LAW. *Chap. 346*
Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and twenty-one of the General Laws is hereby amended by striking out section forty-six, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 46.* No corporation or association shall practice or appear as an attorney for any person other than itself in any court in the commonwealth or before any judicial body or hold itself out to the public or advertise as being entitled to practice law, and no corporation or association shall draw agreements, or other legal documents not relating to its lawful business, or draw wills, or give legal advice in matters not relating to its lawful business, or practice law, or hold itself out in any manner as being entitled to do any of the foregoing acts, by or through any person orally or by advertisement, letter or circular; provided, that nothing herein shall prohibit a corporation or association from employing an attorney in regard to its own affairs or in any litigation to which it is or may be a party or the insurer of a party. Any corporation or association violating this section shall be punished by a fine of not more than one thousand dollars; and every officer, agent or employee of any such corporation or association who, on behalf of the same, directly or indirectly, engages in any of the acts herein prohibited, or assists such corporation or association to do such prohibited acts, shall be punished by a fine of not more than five hundred dollars.

G. L. (Ter. Ed.), 221, § 46, amended.

Corporations not to practice law.

G. L. (Ter. Ed.), 221, new sections 46A and 46B, added.

Persons not members of the bar forbidden to practice law.

Courts may restrain violations.

G. L. (Ter. Ed.), 221, §§ 47 and 49, repealed.

SECTION 2. Said chapter two hundred and twenty-one is hereby further amended by inserting after section forty-six, as so appearing, the two following new sections:—
Section 46A. No individual, other than a member, in good standing, of the bar of this commonwealth shall practice law, or, by word, sign, letter, advertisement or otherwise, hold himself out as authorized, entitled, competent, qualified or able to practice law; provided, that a member of the bar, in good standing, of any other state may appear, by permission of the court, as attorney or counselor, in any case pending therein, if such other state grants like privileges to members of the bar, in good standing, of this commonwealth.

Section 46B. The supreme judicial court and the superior court shall have concurrent jurisdiction in equity, upon petition of any bar association within the commonwealth, or of three or more members of the bar of the commonwealth, or of the attorney general, to restrain violations of section forty-six or forty-six A.

SECTION 3. Sections forty-seven and forty-nine of said chapter two hundred and twenty-one, as so appearing, are hereby repealed.
Approved June 13, 1935.

Chap. 347 AN ACT AUTHORIZING THE COUNTY OF ESSEX TO PAY A SUM OF MONEY TO CATHRINE L. O'LEARY OF LYNN.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of discharging a moral obligation the county of Essex may pay to Cathrine L. O'Leary of Lynn a sum not exceeding two thousand dollars on account of the death of her son Daniel J. O'Leary, who was killed while an inmate of the county jail at Salem.

SECTION 2. Section two of chapter two hundred and ninety-nine of the acts of the current year is hereby amended by striking out, under the heading "Essex County", item twenty-three and inserting in place thereof the following:—
 Item 23 For miscellaneous and contingent expenses of the current year, a sum not exceeding seven thousand dollars, . . . 7,000, — and by striking out the last paragraph under said heading and inserting in place thereof the following:—
 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 nine hundred seventy-seven thousand dollars, to be expended, together with the cash balance on hand and the receipts from other sources, for the above purposes, \$977,000.00.
Approved June 13, 1935.

AN ACT REGULATING CONDITIONAL SALES OF MOTOR VEHICLES. *Chap. 348*

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and fifty-five of the General Laws is hereby amended by inserting after section thirteen, as appearing in the Tercentenary Edition, the following new section: — *Section 13A*. No instrument evidencing a conditional sale of a motor vehicle shall be valid unless it contains a provision that, in case of repossession and sale of such vehicle for default in payment of any part of the purchase price, all sums paid on account of such price and any sum remaining from the proceeds of the sale of such repossessed vehicle after deducting the reasonable expenses of such sale shall be applied in reduction of such price.

G. L. (Ter. Ed.), 255, new section 13A, added.

Conditional sales of motor vehicles regulated.

SECTION 2. This act shall not apply to instruments made prior to its effective date. *Approved June 13, 1935.*

Application of act.

AN ACT ESTABLISHING IN THE TOWN OF FALMOUTH REPRESENTATIVE TOWN GOVERNMENT BY LIMITED TOWN MEETINGS. *Chap. 349*

Be it enacted, etc., as follows:

SECTION 1. Upon the acceptance of this act by the town of Falmouth, as hereinafter provided, the selectmen and board of registrars of voters, acting jointly, and hereinafter referred to as the districting board, shall forthwith divide the territory thereof into not less than three nor more than five voting precincts, each of which shall be plainly designated and shall contain not less than four hundred registered voters.

The precincts shall be so established as to consist of compact and contiguous territory, to be bounded as far as possible by the center line of known streets and ways or by other well defined limits. Their boundaries shall be reviewed and, if need be, wholly or partly revised by the districting board in December, once in five years, or in December of any year when so directed by a vote of a representative town meeting not later than November twentieth of that year.

The districting board shall, within ten days after any establishment or revision of the precincts, file a report of their doings with the town clerk, the registrars of voters and the assessors, with a map or maps or descriptions of the precincts and the names and residences of the registered voters therein. The districting board shall also cause to be posted in the town hall a map or maps or description of the precincts as established or revised from time to time, with the names and residences of the registered voters therein; and it shall also cause to be posted in at least one public place in each precinct a map or description of that

precinct with the names and residences of the registered voters therein. The division of the town into voting precincts and any revision of such precincts shall take effect upon the date of filing of the report thereof by the districting board with the town clerk. Whenever the precincts are established or revised, the town clerk shall forthwith give written notice thereof to the state secretary, stating the number and designation of the precincts. Meetings of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all the registered voters of the town, shall be held on the same day and at the same hour and at such place or places within the town as the selectmen shall in the warrant for such meeting direct. The provisions of chapters fifty to fifty-six, inclusive, of the General Laws, relating to precinct voting at elections, so far as the same are not inconsistent with this act, shall apply to all elections and primaries in the town upon the establishment of voting precincts as hereinbefore provided.

SECTION 2. Other than the officers designated in section three as town meeting members at large, the representative town meeting membership shall in each precinct consist of the largest number divisible by three which will admit of a representation thereof in the approximate proportion which the number of registered voters therein bears to the total number of registered voters in the town, and which will cause the total membership to be as nearly two hundred as may be, exclusive of members at large.

The registered voters in every precinct, at the first annual town election held after the establishment of such precinct, and the registered voters of any precinct affected by any revision of precincts at the first annual town election following such revision, conformably to the laws relative to elections not inconsistent with this chapter, shall elect by ballot the number of registered voters in the precinct, other than the officers designated in section three as town meeting members at large, provided for in the first paragraph of this section, to be town meeting members of the town. The first third, in the order of votes received, of members so elected shall serve three years, the second third in such order shall serve two years, and the remaining third in such order shall serve one year, from the day of the annual town meeting. In case of a tie vote affecting the division into thirds, as aforesaid, the members elected from the precinct shall by ballot determine the same. Thereafter, except as otherwise provided herein, at each annual town election the registered voters of each precinct shall in like manner elect, for the term of three years, one third of the number of elected town meeting members to which such precinct is entitled, and shall at such election fill for the unexpired term or terms any vacancy or vacancies then existing in the number of elected town meeting members in such precinct.

The terms of office of all elected town meeting members from every precinct revised as aforesaid shall cease upon the election as hereinbefore provided of their successors. The town clerk shall, after every election of town meeting members, forthwith notify each such member by mail of his election.

SECTION 3. Any representative town meeting held under the provisions of this act, except as otherwise provided herein, shall be limited to the voters elected under section two, together with the following, to be designated town meeting members at large: namely, any member of the general court of the commonwealth who is a voter of the town, the moderator, the town clerk and treasurer, the members of the board of selectmen, the board of public welfare, the tax collector, the members of the board of health, the members of the school committee, the members of the board of assessors, the members of the sewer commission, the members of the park commission, the town accountant, the chairman and clerk of the finance committee, the chairman and secretary of the planning board, the highway surveyor, the tree warden, the members of the water commission, and the trustees of public library. All the foregoing shall be included within the general designation of town meeting members.

The town clerk shall notify the town meeting members of the time and place at which representative town meetings are to be held, the notices to be sent by mail at least seven days before the meeting. The town meeting members, as aforesaid, shall be the judges of the election and qualifications of their members. A majority of the town meeting members shall constitute a quorum for doing business; but a less number may organize temporarily and may adjourn from time to time, but no town meeting shall adjourn over the date of an election of town meeting members. All town meetings shall be public. The town meeting members as such shall receive no compensation. Subject to such conditions as may be determined from time to time by the members of the representative town meeting, any registered voter of the town who is not a town meeting member may speak at any representative town meeting, but shall not vote. A town meeting member may resign by filing a written resignation with the town clerk, and such resignation shall take effect on the date of such filing. A town meeting member who removes from the town shall cease to be a town meeting member, and a town meeting member who removes from the precinct from which he was elected to another precinct may serve only until the next annual town meeting.

SECTION 4. Nomination of candidates for town meeting members to be elected under this act shall be made by nomination papers, which shall bear no political designation, shall be signed by not less than ten voters of the precinct in which the candidate resides, and shall be filed with

the town clerk at least ten days before the election; provided, that any town meeting member may become a candidate for re-election by giving written notice thereof to the town clerk at least thirty days before the election. No nomination papers shall be valid in respect to any candidate whose written acceptance is not thereon or attached thereto when filed.

SECTION 5. The articles in the warrant for every town meeting, so far as they relate to the election of the moderator, town officers and town meeting members, and as herein provided, to referenda, and all matters to be acted upon and determined by ballot, shall be so acted upon and determined by the registered voters of the town in their respective precincts. All other articles in the warrant for any town meeting shall be acted upon and determined exclusively by town meeting members at a meeting to be held at such time and place as shall be set forth by the selectmen in the warrant for the meeting, subject to the referendum provided for by section eight.

SECTION 6. A moderator shall be elected by ballot at each annual town meeting, and shall serve as moderator of all town meetings, except as otherwise provided by law, until a successor is elected and qualified. Nominations for and election of a moderator shall be as in the case of other elective town officers, and any vacancy in the office may be filled by the town meeting members at a meeting held for that purpose. If a moderator is absent, a moderator pro tempore may be elected by the town meeting members.

SECTION 7. Any vacancy in the full number of town meeting members from any precinct, whether arising from a failure of the registered voters thereof to elect, or from any other cause, may be filled, until the next annual election, by the remaining members of the precinct from among the registered voters thereof. Upon petition therefor, signed by not less than ten town meeting members from the precinct, notice of any vacancy shall be promptly given by the town clerk to the remaining members from the precinct in which the vacancy or vacancies exist, and he shall call a special meeting of such members for the purpose of filling such vacancy or vacancies. He shall cause to be mailed to every such member, not less than five days before the time set for the meeting, a notice specifying the object, time and place of the meeting. At the said meeting a majority of the members from such precinct shall constitute a quorum, and they shall elect from their own number a chairman and clerk. The choice to fill any vacancy shall be by ballot, and a majority of the votes cast shall be required for a choice. The chairman and clerk shall count the ballots and shall make a certificate of the choice and forthwith file the same with the town clerk, together with a written acceptance by the member or members so chosen, who shall thereupon be deemed elected and qualified as a town meet-

ing member or members, subject to the right of all town meeting members to judge of the election and qualifications of the members as set forth in section three.

SECTION 8. A vote passed at any representative town meeting authorizing the expenditure of twenty thousand dollars or more as a special appropriation, or establishing a new board or office or abolishing an old board or office or merging two or more boards or offices, or fixing the term of office of town officers, where such term is optional, or increasing or reducing the number of members of a board, or adopting a new by-law, or amending an existing by-law, shall not be operative until after the expiration of five days, exclusive of Sundays and holidays, from the dissolution of the meeting. If, within said five days, a petition, signed by not less than five per cent of the registered voters in each precinct of the town, containing their names and addresses as they appear on the list of registered voters, is filed with the selectmen asking that the question or questions involved in such a vote be submitted to the registered voters of the town at large, then the selectmen, after the expiration of five days, shall forthwith call a special meeting for the sole purpose of presenting to the registered voters at large the question or questions so involved. The polls shall be opened at two o'clock in the afternoon and shall be closed not earlier than eight o'clock in the evening, and all votes upon any questions so submitted shall be taken by ballot, and the check list shall be used in the several precinct meetings in the same manner as in the election of town officers. The questions so submitted shall be determined by vote of the same proportion of voters at large voting thereon as would have been required by law of town meeting members had the question been finally determined at a representative town meeting, but no action of the representative town meeting shall be reversed unless at least twenty per cent of the registered voters shall so vote. Each question so submitted shall be in the form of the following question, which shall be placed upon the official ballot:—

“Shall the town vote to approve the action of the representative town meeting whereby it was voted (brief description of the substance of the vote)?” If such petition is not filed within said period of five days, the vote of the representative town meeting shall become operative and effective upon the expiration of said period.

SECTION 9. The town of Falmouth, after the acceptance of this act, shall have the capacity to act through and be bound by its town meeting members, who shall, when convened from time to time as herein provided, constitute representative town meetings; and the representative town meetings shall exercise exclusively, so far as will conform to the provisions of this act, all powers vested in the municipal corporation. Action in conformity with all provisions of law now or hereafter applicable to the transaction of town

affairs in town meeting, shall, when taken by any representative town meeting in accordance with the provisions of this act, have the same force and effect as if such action had been taken in a town meeting open to all the voters of the town as organized and conducted before the establishment of representative town meeting government.

SECTION 10. The representative town meeting may make such rules consistent with general law as may be considered necessary for conducting its meetings.

SECTION 11. The representative town meeting may appoint such committees of its members for investigation and report as it may consider necessary.

SECTION 12. All by-laws or parts of by-laws of the town inconsistent with the provisions of this act are hereby repealed. The provisions of chapter forty-four of the General Laws shall continue to apply in the town of Falmouth notwithstanding the provisions of this act.

SECTION 13. This act shall not abridge the right of the inhabitants of the town of Falmouth to hold general meetings, as secured to them by the constitution of this commonwealth; nor shall this act confer upon any representative town meeting in the town of Falmouth the power finally to commit the town to any measure affecting its municipal existence or substantially changing its form of government without action thereon by the voters of the town at large, using the ballot and the check list therefor.

SECTION 14. This act shall be submitted to the registered voters of the town of Falmouth at any annual or special town meeting. The vote shall be taken in precincts by ballot in accordance with the provisions of the General Laws, so far as the same shall be applicable, in answer to the question, which shall be placed, in case of a special meeting, upon the ballot to be used at said meeting, or, in case of an annual meeting, upon the official ballot to be used for the election of town officers: "Shall an act passed by the General Court in the year nineteen hundred and thirty-five, entitled 'An Act establishing in the town of Falmouth representative town government by limited town meetings', be accepted by this town?"

The provisions of this act shall take effect upon its acceptance by a majority of the voters voting on the question.

SECTION 15. If this act is rejected by the registered voters of the town of Falmouth when submitted to said voters under section fourteen, it may again be submitted for acceptance in like manner from time to time to such voters at any annual town meeting in said town within three years thereafter.

Approved June 13, 1935.

AN ACT FURTHER AMENDING THE LAW RELATIVE TO THE *Chap. 350*
WEEKLY PAYMENT OF WAGES.

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 forty-eight, as amended by section one of chapter one hundred and one of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 148.* Every person having employees in his service shall pay weekly each such employee the wages earned by him to within six days of the date of said payment if employed for six days in the week or to within seven days of the date of said payment if employed seven days in the week, or, in the case of an employee who has worked for a period of less than six days, hereinafter called a casual employee, shall, within seven days after the termination of such period, pay the wages earned by such casual employee during such period; but any employee leaving his employment shall be paid in full on the following regular pay day, and, in the absence of a regular pay day, on the following Saturday; and any employee discharged from such employment shall be paid in full on the day of his discharge, or in Boston as soon as the laws requiring pay rolls, bills and accounts to be certified shall have been complied with; and the commonwealth, its departments, officers, boards and commissions shall so pay every mechanic, workman and laborer employed by it or them, and every person employed in any other capacity by it or them in any penal or charitable institution, and every county and city shall so pay every employee engaged in its business the wages or salary earned by him, unless such mechanic, workman, laborer or employee requests in writing to be paid in a different manner; and every town shall so pay each employee engaged in its business if so required by him; but an employee absent from his regular place of labor at a time fixed for payment shall be paid thereafter on demand; provided, however, that the department of public utilities, after hearing, may authorize a railroad corporation or a parlor or sleeping car corporation to pay the wages of any of its employees less frequently than weekly, if such employees prefer less frequent payments, and if their interests and the interests of the public will not suffer thereby; and provided, further, that employees engaged in agricultural work or in domestic service may be paid their wages monthly; in either case, however, failure by a railroad corporation or a parlor or sleeping car corporation to pay its employees their wages as authorized by the said department, or by an employer of employees engaged in agricultural work or in domestic service to pay monthly the wages of his or her employees, shall be deemed a violation of this section. This section shall not apply to an employee of a co-operative associa-

G. L. (Ter. Ed.), 149, § 148, etc., amended.

Weekly payment of wages.

tion if he is a shareholder therein, unless he requests such association to pay him weekly, nor to casual employees as hereinbefore defined employed by the commonwealth or by any county, city or town. No person shall by a special contract with an employee or by any other means exempt himself from this section or from section one hundred and fifty. The president and treasurer of a corporation and any officers or agents having the management of such corporation shall be deemed to be the employers of the employees of the corporation within the meaning of this section. Every public officer whose duty it is to pay money, approve, audit or verify pay rolls, or perform any other official act relative to payment of any public employees, shall be deemed to be an employer of such employees, and shall be responsible under this section for any failure to perform his official duty relative to the payment of their wages or salaries, unless he is prevented from performing the same through no fault on his part. Whoever, except a person engaged in agriculture, violates this section shall be punished by a fine of not less than ten nor more than fifty dollars or by imprisonment in the house of correction for not more than two months, or both.

Approved June 13, 1935.

Chap. 351 AN ACT REPEALING A CERTAIN PROVISION OF LAW RELATIVE TO THE REOPENING OF CERTAIN CASES UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

Chapter one hundred and seventeen of the acts of nineteen hundred and thirty-two is hereby amended by striking out section two.

Approved June 13, 1935.

Chap. 352 AN ACT SUBJECTING THE OFFICE OF SUPERINTENDENT OF STREETS OF THE CITY OF TAUNTON TO THE CIVIL SERVICE LAWS.

Be it enacted, etc., as follows:

SECTION 1. The office of superintendent of streets of the city of Taunton 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, subject, however, to such laws; 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 Taunton 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 year nineteen hundred and thirty-

five, entitled 'An Act subjecting the Office of Superintendent of Streets of the City of Taunton 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 June 13, 1935.

AN ACT PLACING THE OFFICE OF CHIEF OF THE FIRE DEPARTMENT OF THE CITY OF LEOMINSTER UNDER THE CIVIL SERVICE LAWS.

Chap. 353

Be it enacted, etc., as follows:

SECTION 1. The office of chief of the fire department of the city of Leominster shall, upon the effective date of this act, become subject to the civil service laws and rules and regulations relating to permanent members of fire departments of cities, and the tenure of office of any incumbent thereof shall be unlimited, subject, however, to such laws; but the person holding said office on said effective date may continue to serve as such without taking a civil service examination.

SECTION 2. Section eleven of chapter three hundred and thirty-eight of the Special Acts of nineteen hundred and fifteen, as amended by section two of chapter sixty-six of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "tenure" in the nineteenth line the words:— or an appointive officer whose office has become subject to the civil service laws and rules and regulations made thereunder,— so as to read as follows:— *Section 11.* The council may from time to time, subject to the provisions of this act and in accordance with the general laws, provide by ordinance for the establishment of any additional boards and other offices; for reorganizing, consolidating or abolishing departments or boards in whole or in part; for transferring the duties, powers and appropriations of one department to another in whole or in part; for establishing new departments; for increasing, reducing, establishing or abolishing salaries of heads of departments or of members of boards; and for the said purposes may delegate to such boards, offices and departments the administrative powers given by general laws to city councils and boards of aldermen. It shall be the duty of the mayor to appoint, on or before the first Monday in February of each year, in accordance with the provision of this section, all the appointive officers above specified, except a superintendent of wires in case such office is filled by an incumbent holding office on unlimited tenure or an appointive officer whose office has become subject to the civil service laws and rules and regulations made thereunder, and unless it is otherwise provided, all those for whom provision shall hereafter be made; and their terms of office shall begin on the first Monday in February

and shall continue for one year, or for such other period as the council shall by ordinance in any case provide, except that the term of office of all the officers so specified who shall first be appointed hereunder shall begin respectively upon their appointment and qualification. Every administrative officer shall, unless sooner removed, hold office until his successor is appointed and qualified. All salaries and compensation of all employees may be fixed by ordinance by the council, except as is otherwise provided herein.

SECTION 3. This act shall be submitted to the registered voters of said city at the regular 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 passed by the General Court in the year nineteen hundred and thirty-five, entitled 'An Act placing the Office of Chief of the Fire Department of the City of Leominster 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 June 13, 1935.

Chap. 354 AN ACT PROVIDING FOR REDEMPTION IN PART FROM TAX SALES IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 60, § 68, etc., amended.

SECTION 1. Section sixty-eight of chapter sixty of the General Laws, as most recently amended by section three of chapter two hundred and twenty-four of the acts of the current year, is hereby further amended by adding at the end thereof the following new paragraph: —

Redemption of land from tax sales.

If the land has been divided by sale, mortgage, upon a petition for partition or otherwise and such division has been duly recorded in the registry of deeds, the court may permit redemption of any of the portions into which the land has been divided, upon such terms as it may deem just and equitable toward all parties and may make a decree under section sixty-nine barring redemption of the remaining portions.

G. L. (Ter. Ed.), 60, new section 76A, added.

Redemption of part of land.

SECTION 2. Said chapter sixty is hereby further amended by inserting after section seventy-six, as appearing in the Tercentenary Edition, the following new section: — *Section 76A.* If real estate has been divided by sale, mortgage, upon a petition for partition or otherwise and such division has been duly recorded in the registry of deeds, and such real estate has been taken or sold for failure to pay a tax assessed on it as a whole, the land court, upon petition by the owner or mortgagee of any portion thereof, may, after notice to all other persons interested in any portion of such real estate, permit the petitioner to redeem the portion in which he is interested, in the manner provided by section seventy-six, upon such terms as it may deem just and

equitable both toward the petitioner and toward such other persons.

SECTION 3. This act shall take effect on the first day of October in the current year, and shall apply to all land and taxes thereon, whether the property was purchased or taken, or divided, before or after said date, and section one hereof shall apply to petitions for foreclosure of tax titles brought prior to said date, if returnable then or thereafter.

Effective date.

Approved June 13, 1935.

AN ACT RELATIVE TO THE SALARIES OF THE MEMBERS AND THE SECRETARY OF THE LICENSING BOARD FOR THE CITY OF BOSTON.

Chap. 355

Be it enacted, etc., as follows:

SECTION 1. Section two of chapter two hundred and ninety-one of the acts of nineteen hundred and six, as affected by chapter seventy-six of the acts of nineteen hundred and twenty-seven, is hereby amended by striking out, in the second line, the words "four thousand" and inserting in place thereof the words:— fifty-five hundred, — by striking out, in the third line, the words "thirty-five hundred" and inserting in place thereof the words: — five thousand, — and by striking out, in the fourth line, the words "twenty-five hundred" and inserting in place thereof the words: — five thousand, — so as to read as follows:—

SECTION 2. The annual salary of the chairman of said board shall be fifty-five hundred dollars, that of each of the other two members five thousand dollars, and that of the secretary five thousand dollars. Such salaries shall be paid in monthly instalments by the city of Boston. Subject to the approval of the governor and council, said board shall be provided with such rooms, in the headquarters of the police commissioner hereinafter named, as shall be convenient and suitable for the performance of its duties, the rent of which shall be paid by the city of Boston. Said rooms shall be suitably furnished and equipped, and the expense therefor shall be paid by said city upon requisition of said board.

SECTION 2. Nothing in this act shall affect the provisions of chapter three hundred and eighty-seven of the acts of nineteen hundred and nine.

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

Approved June 14, 1935.

AN ACT RE-ESTABLISHING A PORTION OF THE TOWN LINE BETWEEN THE TOWNS OF BREWSTER AND ORLEANS.

Chap. 356

Be it enacted, etc., as follows:

SECTION 1. The following described line shall hereafter constitute a portion of the boundary line between the towns of Brewster and Orleans:— beginning at a point in the

Brewster-Orleans line which is in the westerly line of the County road as relocated by the county commissioners April thirtieth, nineteen hundred and thirty-five, said point bearing about three feet north twenty-eight degrees twenty-seven minutes west from town bound number five, as shown in the state boundary atlas; thence in a generally southerly direction following the westerly line of the County road as now laid out about eighteen hundred and sixteen feet to a point bearing N82-57-34W three and ninety-two one hundredths feet from town bound number six; thence S82-57-34E sixty-one and fifty-four one hundredths feet to a point bearing N82-57-34W twelve and thirteen one hundredths feet from town bound number seven; thence in a generally southerly direction following the easterly line of the County road as now laid out about thirty-three hundred and fourteen feet to a point bearing south forty-nine degrees forty-four minutes east about eight feet from town bound number eight, said point being the intersection of the easterly line of the County road and the Brewster-Orleans town line.

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

Approved June 20, 1935.

Chap. 357 AN ACT FURTHER REGULATING THE POWERS OF THE SALISBURY WATER SUPPLY COMPANY.

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 two hundred and forty-three of the Special Acts of nineteen hundred and fifteen is hereby amended by striking out section five and inserting in place thereof the following:—*Section 5.* Said corporation may distribute water through the town of Salisbury or any part thereof, may make such contracts with said town or with any fire district now or hereafter established therein, or with any individual or corporation, to supply water for the extinguishment of fires or for other purposes as may be agreed upon, may regulate the use of water so distributed, may maintain and operate a system of sewage disposal and contract with said town, or with any individual or corporation, relative to the same, and may fix rates to be paid for the use of said water and sewer system; provided, that all rates established hereunder to be paid for the use of water so distributed shall be subject to revision and control by the department of public utilities and all rates so established for use of said system of sewage disposal are hereby subjected to like revision and control by said department.

Approved June 20, 1935,

AN ACT RELATIVE TO PROBATION OF PERSONS CONVICTED
IN THE COURTS AND SENTENCED TO PAY FINES ONLY. *Chap. 358*

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and seventy-nine of the General Laws, as most recently amended by section one of chapter two hundred and five of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "and" in the eighth line the words: — in its discretion, — and by striking out, in the twelfth line, the word "shall" the second time it appears and inserting in place thereof the words: — may in its discretion, — 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 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 in its discretion 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 may in its discretion 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.

G. L. (Ter. Ed.), 279, § 1, etc., amended.

Execution of sentences, suspension of in certain cases.

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.

Effective date. SECTION 2. This act shall take effect on the first day of October in the current year. *Approved June 20, 1935.*

Chap. 359 AN ACT REQUIRING CERTAIN NOTICES FROM EMPLOYERS NOT INSURED UNDER THE WORKMEN'S COMPENSATION LAW.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, new section 19A, added.

Notices from employers of number employed.

Chapter one hundred and fifty-two of the General Laws is hereby amended by inserting after section nineteen, as appearing in the Tercentenary Edition, the following new section: — *Section 19A.* In each year on or before January fifteenth, every employer of more than five persons who is not then an insured person, as defined in section one, shall report that fact to the department in such manner as it shall prescribe, and such reports shall become public records. Any employer, except a county, city, town or district, refusing to make any such report shall be punished by a fine of not more than ten dollars. *Approved June 20, 1935.*

Chap. 360 AN ACT RELATIVE TO THE ISSUANCE OF NEW LICENSES FOR THE OPERATION OF MOTOR VEHICLES AFTER THE REVOCATION OF FORMER LICENSES THEREFOR IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 24, etc., amended.

Issuance of new licenses to operate motor vehicles after revocation.

Section twenty-four of chapter ninety of the General Laws, as amended by section one of chapter twenty-six of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the eighty-third line, the word "final" and inserting in place thereof the words: — his original, — so that the sentence included in lines sixty-five to ninety-seven, inclusive, shall read as follows: — The registrar in his discretion may issue a new license to any person acquitted in the appellate court, or after an investigation or upon hearing may issue a new license to a person convicted in any court; provided, that no new license shall be issued by the registrar to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor until one year after the date of final conviction, if for a first offence, or five years after any subsequent conviction, or to any person convicted of going away without stopping and making known his name, residence and the number of his motor vehicle after having, while operating such vehicle upon any way or in any place to which the public has a right of access, knowingly collided with or otherwise caused injury to any person, until one

year after the date of his original conviction, if for a first offence, or two years after any subsequent conviction, or to any person convicted of violating any other provision of this section until sixty days after the date of his original conviction, if for a first offence, or one year after the date of any subsequent conviction; and provided, further, that notwithstanding the foregoing, no new license shall be issued by the registrar to any person convicted of operating a motor vehicle while under the influence of intoxicating liquor, until ten years after the date of final conviction, in case the registrar determines, upon investigation and after a hearing, that the action of the person so convicted in committing such offence caused an accident resulting in the death of another, nor at any time after a subsequent final conviction of a like offence, in case the registrar determines in the manner aforesaid that the action of such person so subsequently convicted in committing such subsequent offence caused an accident resulting in the death of another.

Approved June 20, 1935.

AN ACT RELATIVE TO PAYMENTS UNDER THE WORKMEN'S COMPENSATION LAW TO DEPENDENTS OF DECEASED MINOR EMPLOYEES.

Chap. 361

Be it enacted, etc., as follows:

Section thirty-two of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after paragraph (e) the following paragraph: —

G. L. (Ter. Ed.), 152, § 32, amended.

If a parent determined to be dependent for support in whole or in part on a child shall die, leaving the other parent surviving, the surviving parent shall succeed to the rights to compensation of the deceased parent, if such child was living with such surviving parent at the time of the injury resulting in the death of such child.

Surviving parent to succeed to rights to compensation.

Approved June 20, 1935.

AN ACT RELATIVE TO THE OBSTRUCTION OF HARBORS OR THE CHARLES RIVER BASIN BY THE GROUNDING OF VESSELS AND OTHER FLOATING STRUCTURES, AND PROVIDING A PENALTY FOR BREAKING UP OR ALTERING ANY SUCH STRUCTURE WITHIN THE LIMITS OF ANY HARBOR OR SAID BASIN WITHOUT A LICENSE THEREFOR.

Chap. 362

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.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter ninety-one of the General Laws is hereby amended by inserting after section forty-six, as appearing in the Tercentenary Edition, the following new

G. L. (Ter. Ed.), 91, new section 46A, added.

Penalty for breaking up vessels, etc., without a license.

G. L. (Ter. Ed.), 91, § 49, amended.
Penalty for grounding scow, etc.

section: — *Section 46A.* Whoever, without first obtaining the license required by section forty-six, causes or permits the work of breaking up or altering of any vessel, scow, lighter or other structure, as described in said section, shall be subject to a penalty of not less than five dollars nor more than five hundred dollars to the use of the commonwealth to be recovered by an information in equity brought by the attorney general in the superior court.

SECTION 2. Said chapter ninety-one is hereby further amended by striking out section forty-nine, as so appearing, and inserting in place thereof the following: — *Section 49.* Whoever grounds or abandons any vessel, scow, lighter or other floating structure within the limits of any harbor of the commonwealth or upon any property other than his own, along the shores of the commonwealth without the permission of the owner of said property, or permits other persons to do so, or whoever being the owner of, in whole or in part, or agent or other person exercising any control over, such vessel, scow, lighter or structure which has, or has been, so grounded or abandoned, fails to remove the same within such time as shall be designated in a written notice by the department of public works, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars. This section shall not apply in any case, where, by reason of accident, emergency, errors of navigation, or in order to prevent loss of life or the sinking of a vessel, scow, lighter or other structure, such vessel, scow, lighter or structure is or has been grounded within the limits of any harbor or on any of the shores of the commonwealth. The provisions of this section shall be enforced by the department of public safety and by all other officers authorized to make an arrest. If, in any prosecution under this section, the defendant alleges that such structure was grounded or abandoned on property with the permission of the owner of said property, the burden of proving said permission shall be upon the defendant.

Approved June 21, 1935.

Chap. 363 AN ACT REQUIRING THE INSTALLATION OF PICK CLOCKS, SO CALLED, ON LOOMS IN CERTAIN TEXTILE FACTORIES.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and fifty-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 "identification" in the eleventh line the words: — ; and in factories operating the looms on a piece rate basis pick clocks shall be placed on each loom, other than a gang loom, so called, in operation on work other than carpet weaving or elastic web weaving, and each weaver shall be paid according to the number of picks registered on said clock, — so as to read as follows: — *Section 156.*

G. L. (Ter. Ed.), 149, § 156, amended.

Pick clocks,

The occupier or manager of every textile factory shall post in every room where any employees work by the job, in legible writing or printing, and in sufficient numbers to be easily accessible to such employees, specifications of the character of each kind of work to be done by them, and the rate of compensation. Such specifications in the case of weaving rooms shall state the intended and maximum length of a cut or piece, the count per inch of reed, and the number of picks per inch, width of loom, width of cloth woven in the loom, and the price per cut or piece, or per pound; or, if payment is made per pick or per yard, the price per pick or per yard; and each warp shall bear a designating ticket or mark of identification; and in factories operating the looms on a piece rate basis pick clocks shall be placed on each loom, other than a gang loom, so called, in operation on work other than carpet weaving or elastic web weaving, and each weaver shall be paid according to the number of picks registered on said clock. In roving or spinning rooms, the number of roving or yarn and the price per hank for each size machine shall be stated; and each machine shall bear a ticket stating the number of the roving or yarn made upon it. In spooling rooms the boxes shall bear a ticket stating the number of pounds the box contains and the price per pound. The maximum length of a cut or piece shall not exceed its intended length by more than three per cent; but if it appears that a variation in excess of the amount hereinbefore set forth has been caused in whole or in part by any weaver in the employ of any person charged with the violation of this section, it shall be deemed a sufficient defence to a prosecution. The said specifications shall also contain a detailed schedule of the method of computation of the price of cotton or silk or mixed cotton and silk weaving to be paid by the said occupier or manager, and no particular in the specifications shall be expressed by means of symbols, but every particular shall be sufficiently clear and complete to enable the operative to determine readily the price payable for the cut or piece. Violation of any provision of this section shall for the first offence be punished by a fine of one hundred dollars, for the second offence by a fine of two hundred dollars, and for a subsequent offence by a fine of five hundred dollars or by imprisonment for not more than one month, or both.

SECTION 2. This act shall take effect on December thirty-first, nineteen hundred and forty. Effective date.

Approved June 21, 1935.

installation of
in certain
factories.

Chap. 364 AN ACT PROVIDING FOR PAYMENTS FOR TOTAL AND PERMANENT DISABILITY UNDER THE WORKMEN'S COMPENSATION LAW AND ESTABLISHING METHODS OF DETERMINING THE SAME.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, new section 34A, added.

Payments for total disability regulated.

Chapter one hundred and fifty-two of the General Laws is hereby amended by inserting after section thirty-four, as appearing in the Tercentenary Edition, the following new section: — *Section 34A.* At any time before or after an injured employee has received the maximum compensation to which he is or may be entitled under sections thirty-four and thirty-five, or either of them, such employee and the insurer may agree, or, on application for a hearing by either party, a member or, on review, the board may find, that the disability suffered by the injured employee is total and permanent. After such an agreement or finding, during the continuance of such total and permanent disability, the insurer shall make or continue to make payments to the injured employee under section thirty-four so long as compensation is payable under said section, and thereafter during such continuance shall pay to the injured employee a weekly compensation equal to one half his average weekly wages, but not more than eighteen dollars a week nor less than nine dollars a week, except that the weekly compensation of the injured employee shall be equal to his average weekly wages in case such wages are less than nine dollars; but in no case shall such compensation be less than seven dollars a week where the normal working hours of the injured employee were fifteen hours or more a week. In any hearing or investigation under this chapter, loss of both hands, or both feet, or both legs, or both eyes, or injury to the skull resulting in incurable imbecility or insanity, or injury to the spine resulting in permanent and complete paralysis of both legs or both arms shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In all other cases permanent total disability shall be determined in accordance with the facts, and proof thereof shall be by weight of the evidence. If an employee who has been agreed or found to be totally and permanently disabled earns wages at any time thereafter, payments of compensation may be suspended in the manner provided by section twenty-nine. If such wages are earned before the injured employee has received the maximum compensation to which he is or may be entitled as aforesaid, such employee, during the period of suspension, may, if otherwise entitled thereto, receive payments under section thirty-five; but if such wages are earned after he has received such maximum, no payments shall be made during such period.

Approved June 21, 1935.

AN ACT RELATIVE TO THE PENALTY FOR POULTRY THIEVING. *Chap. 365*
Be it enacted, etc., as follows:

Section twenty-two of chapter two hundred and sixty-six of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "of" in the third line the word: — live, — by inserting after the word "entering" in the eighth line the following: — , if a first offence, — by striking out, in the ninth line, the words "less than one hundred nor" and, in the tenth and eleventh lines, the words "less than six months nor", — and also by adding at the end thereof the following: — and, if a subsequent offence, by such fine or imprisonment, or both, or by imprisonment in the state prison for not more than three years, — so as to read as follows: — *Section 22.* Whoever, with intent to commit larceny, breaks or enters or enters in the night without breaking any building or enclosure wherein is kept or confined any kind of live poultry, may be detained or kept in custody in a convenient place by the owner of the poultry, or by his agent or employee, for not more than twenty-four hours, Sunday excepted, until a complaint can be made against him for the offence and he be taken upon a warrant issued upon such complaint, and, upon conviction of such trespassing or breaking or entering, if a first offence, shall be punished by a fine of not more than five hundred dollars or by imprisonment in the house of correction for not more than two years, or by both such fine and imprisonment and, if a subsequent offence, by such fine or imprisonment, or both, or by imprisonment in the state prison for not more than three years.

G. L. (Ter. Ed.), 266, § 22, amended.

Penalty for poultry thieving.

Approved June 21, 1935.

AN ACT ESTABLISHING THE SALARY OF THE JUSTICE OF THE DISTRICT COURT OF PEABODY. *Chap. 366*

Be it enacted, etc., as follows:

SECTION 1. Section seventy-six of chapter two hundred and eighteen of the General Laws, as amended by section one of chapter two hundred and sixty-nine of the acts of nineteen hundred and thirty-two, is hereby further amended by adding at the end thereof the following: — ; district court of Peabody, three thousand dollars, — so as to read as follows: — *Section 76.* The salary of the justice of the Boston juvenile court shall be five thousand dollars, and that of the clerk of said court an amount equal to seventy-five per cent of the salary of the justice. The salary of the justice of the municipal court of the Charlestown district shall be forty-five hundred dollars. The salary of the justice of the municipal court of the South Boston district shall be forty-five hundred dollars. The salaries of the justices of the following district courts shall severally be as

G. L. (Ter. Ed.), 218, § 76, etc., amended.

Salaries of justices of certain district courts.

follows: First district court of Barnstable, twenty-seven hundred dollars; second district court of Essex, twenty-four hundred dollars; second district court of Plymouth, thirty-two hundred dollars; third district court of Plymouth, twenty-five hundred dollars; fourth district court of Plymouth, twenty-five hundred dollars; district court of Peabody, three thousand dollars.

G. L. (Ter. Ed.), 218, § 80, amended.

Salary of clerk of district court of Peabody.

Acceptance of act.

SECTION 2. Section eighty of said chapter two hundred and eighteen, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following new sentence: — The salary of the clerk of the district court of Peabody shall be equal to sixty per cent of the salary established for the justice of said court.

SECTION 3. This act shall take effect upon its acceptance during the current year by the county commissioners of Essex county.
Approved June 21, 1935.

Chap. 367 AN ACT PROVIDING FOR A FULL TIME DIRECTOR OF THE DIVISION OF IMMIGRATION AND AMERICANIZATION.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 15, § 12, amended.

Division of immigration and Americanization.

Chapter fifteen of the General Laws is hereby amended by striking out section twelve, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 12.* The division of immigration and Americanization shall consist of a director, at such salary, not exceeding thirty-five hundred dollars, as the governor and council may determine, and an advisory board of six persons. Upon the expiration of the term of office of a director of the division, his successor shall be appointed for five years by the governor, with the advice and consent of the council. Two members of the advisory board shall be appointed annually for three years each, by the governor, with like advice and consent. Said board shall meet quarterly and at such times as may be determined by the director; provided, that a special meeting shall be called by the director on the written request of any three members. The members of said board shall receive no compensation for their services, but shall be reimbursed for their actual necessary expenses incurred in the performance of their duties.
Approved June 21, 1935.

Chap. 368 AN ACT MAKING FURTHER PROVISION FOR THE CONSTRUCTION OF AN OVERPASS OVER HUNTINGTON AVENUE AT OR NEAR ITS INTERSECTION WITH RIVERWAY AND JAMAICAWAY IN BOSTON AND BROOKLINE.

Be it enacted, etc., as follows:

Chapter three hundred and eighty of the acts of nineteen hundred and thirty-four is hereby amended by striking out section three and inserting in place thereof the following: —

Section 3. The department may make a contract or contracts for said work 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.

Approved June 21, 1935.

AN ACT RELATIVE TO THE SALE AND DISTRIBUTION OF EGGS.

Chap. 369

Be it enacted, etc., as follows:

Chapter ninety-four of the General Laws is hereby amended by inserting after section ninety, as appearing in the Tercentenary Edition, the following new section: —

Section 90A. Except as hereinafter otherwise provided, no person shall sell, or offer, expose or advertise for sale, eggs as “fresh eggs”, “strictly fresh eggs”, “nearby eggs” or “new-laid eggs” or eggs described with words of similar import, unless they meet the following specifications when examined by a method known as “candling”, viz.: — (1) the shell shall be clean and sound, (2) the air cell shall be not more than one quarter inch in depth and shall be localized and regular in outline, (3) the white shall be firm and clear, (4) the yolk shall not be plainly visible but may be dimly or slightly visible, and (5) there shall be no visible germ development.

G. L. (Ter. Ed.), 94, new section 90A, added.

Sale of eggs regulated.

Not more than ten per cent of the number of eggs sold at wholesale or offered, exposed or advertised for sale as aforesaid under any such description, and not more than two eggs in each dozen sold at retail or offered, exposed or advertised for sale as aforesaid under any such description, may vary from the foregoing specifications but only in the following particulars: — (1) the air cell may be not more than three eighths of an inch in depth and may be slightly tremulous, (2) the yolk may be plainly visible and mobile, (3) the white may be reasonably firm, and (4) germ development may be slightly visible; and, in addition, there shall be permitted, in respect to the selling, or offering, exposing or advertising for sale, of eggs at wholesale as aforesaid, a reasonable tolerance established by rules and regulations of the department, authority to establish the same being hereby granted.

No person shall sell, or offer or expose for sale, eggs which have been preserved or protected by treating the shells thereof unless the basket, box or other container in which the eggs are placed shall be plainly marked with letters not less than one half inch in height as “shell-treated” or “shell-protected”. Whoever violates any provision of this section shall be punished by a fine of not more than twenty-five dollars for the first offence, and not more than one hundred dollars for each subsequent offence. The department of agriculture shall enforce the provisions of this section.

Approved June 21, 1935.

Chap. 370 AN ACT REQUIRING THAT AN OATH OR AFFIRMATION BE TAKEN AND SUBSCRIBED TO BY CERTAIN PROFESSORS, INSTRUCTORS AND TEACHERS IN THE COLLEGES, UNIVERSITIES AND SCHOOLS OF THE COMMONWEALTH.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 71, new section 30A, added.

Oath required of teachers, etc.

SECTION 1. Chapter seventy-one of the General Laws is hereby amended by inserting after section thirty, as appearing in the Tercentenary Edition, the following new section:— *Section 30A.* Every citizen of the United States entering service, on or after October first, nineteen hundred and thirty-five, as professor, instructor or teacher at any college, university, teachers' college, or public or private school, in the commonwealth shall, before entering upon the discharge of his duties, take and subscribe to, before an officer authorized by law to administer oaths, or, in case of a public school teacher, before the superintendent of schools or a member of the school committee of the city or town in whose schools he is appointed to serve, each of whom is hereby authorized to administer oaths and affirmations under this section, the following oath or affirmation:— "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the Commonwealth of Massachusetts, and that I will faithfully discharge the duties of the position of (insert name of position) according to the best of my ability." Such oath or affirmation shall be so taken and subscribed to by him in duplicate. One of such documents shall be filed with such superintendent of schools or principal officer of such college, university or school in the commonwealth and shall be transmitted by him to the commissioner of education, and the other shall be delivered by the subscriber to the board, institution or person employing him. No professor, instructor or teacher who is a citizen of the United States shall be permitted to enter upon his duties within the commonwealth unless and until such oath or affirmation shall have been so subscribed and one copy thereof so filed and the other so delivered.

Temporary provisions.

SECTION 2. Every citizen of the United States who, upon the effective date of this act, is in service as a professor, instructor or teacher at any college, university, teachers' college, or public or private school, in the commonwealth, shall within sixty days after said date comply with the pertinent provisions of section thirty A of chapter seventy-one of the General Laws, inserted therein by section one of this act.

Not to affect right of free speech, etc.

SECTION 2A. Nothing herein contained shall be construed to interfere in any way with the basic principle of the constitution which assures every citizen freedom of thought and speech and the right to advocate changes and improvements in both the state and federal constitutions.

Effective date.

SECTION 3. This act shall take effect on October first in the current year.

Approved June 26, 1935.

AN ACT AUTHORIZING THE TOWN OF BOXBOROUGH TO USE
CERTAIN PARK LAND FOR HIGHWAY PURPOSES.

Chap. 371

Be it enacted, etc., as follows:

SECTION 1. The town of Boxborough may use for highway purposes such portion of the parcel of land in said town, known as the Common, located in front of Library Hall and used for park purposes, as it may deem desirable.

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

Approved June 26, 1935.

AN ACT RELATIVE TO THE DISCONTINUANCE OF COMPENSA-
TION UNDER THE WORKMEN'S COMPENSATION LAW.

Chap. 372

Be it enacted, etc., as follows:

Chapter one hundred and fifty-two of the General Laws is hereby amended by striking out section twenty-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 29.* No compensation shall be paid for any injury which does not incapacitate the employee for a period of at least seven days from earning full wages, but if incapacity extends beyond such period, compensation shall begin on the eighth day after the injury, and if incapacity extends beyond a period of four weeks, compensation shall be paid from the day of injury, but except under section thirty-five no compensation shall be paid for any period for which any wages were earned. When compensation shall have begun it shall not be discontinued except with the written assent of the employee, or with the approval of the department or a member thereof, granted only after an impartial examination or after a personal interview with the employee by a member or employee of the department or after failure of the employee to report for or submit to such examination or interview after reasonable notice by the department; provided, that such compensation shall be paid in accordance with section thirty-five if the employee in fact earns wages after the original agreement or decision is filed.

Approved June 26, 1935.

G. L. (Ter. Ed.), 152, § 29, amended.

Payments under compensation law.

Waiting period.

AN ACT RELATIVE TO THE ACQUISITION OF ADDITIONAL LANDS
FOR STATE FORESTS.

Chap. 373

Be it enacted, etc., as follows:

Section thirty-three of chapter one hundred and thirty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventh line, the word "thirty-five" and inserting in place thereof the word: — thirty-six, — so as to read as follows: — *Section 33.* In addition to lands acquired under section thirty the commissioner may purchase or, with the approval of the governor and council, take by eminent domain

G. L. (Ter. Ed.), 132, § 33, amended.

Additional lands for state forests.

under chapter seventy-nine and hold for state forests lands within the commonwealth suitable for the production of timber to the extent of not more than one hundred and fifty thousand acres. The land shall be purchased before August fifth, nineteen hundred and thirty-six, at a rate not exceeding an average cost of five dollars per acre or at such price as the general court may from time to time determine. The forester shall reclaim the said lands by replanting or otherwise in order to produce timber and to protect the water supply of the commonwealth. The forester may employ temporarily such persons as foresters, assistant foresters, engineers, surveyors, forest fire observers and foremen as he deems necessary to assist him in carrying out his duties under this section, and the employment of such persons shall not be subject to chapter thirty-one.

Approved June 26, 1935.

Chap. 374 AN ACT PROVIDING FOR THE CONSTRUCTION OF A CHANNEL FROM NANTUCKET SOUND TO SENGEKONTACKET POND IN THE TOWN OF OAK BLUFFS AND THE CONSTRUCTION OF A HIGHWAY BRIDGE ACROSS SAID CHANNEL.

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized to construct a channel thirty feet wide from Nantucket sound to Sengekontacket pond in the town of Oak Bluffs and to construct a bridge, and approaches thereto, to carry the existing state highway between the towns of Oak Bluffs and Edgartown across said channel. Said department shall also construct jetties on each side of the entrance of said channel at Nantucket sound. No work shall be begun hereunder until the town of Oak Bluffs has contributed and paid into the treasury of the commonwealth, under authority hereby granted, the sum of twelve thousand five hundred dollars, which together with such sum, not exceeding twelve thousand five hundred dollars, as may hereafter be appropriated by the commonwealth, shall constitute a fund for the work herein authorized.

SECTION 2. For the purpose of meeting the payment of twelve thousand five hundred dollars required to be paid by the town of Oak Bluffs 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 26, 1935.

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO ACQUIRE AND USE FOR HIGHWAY PURPOSES A CERTAIN PORTION OF CEMETERY PROPERTY OF THE CITY OF HOLYOKE.

Chap. 375

Be it enacted, etc., as follows:

In so far as special authority is required under section forty-one of chapter one hundred and fourteen of the General Laws the department of public works is hereby authorized to lay out and construct a highway upon a parcel of land on the westerly side of the Northampton road in the city of Holyoke, comprising a portion of the city of Holyoke cemetery property as shown on a plan drawn by A. W. Dean, chief engineer, on file in the office of said department, and entitled: "The Commonwealth of Massachusetts Plan showing Proposed Land Taking from the City of Holyoke on Northampton Road Scale: 40 feet to an inch. December 14, 1934. Department of Public Works, 100 Nashua St., Boston, Mass.," said parcel of land being located between stations 107+73.49 and 110+19.62 of the base line shown on said plan, and bounded as follows: westerly by a proposed state highway location line 243.42 feet; easterly by the westerly location line of the city layout on Northampton road 184.58 feet; southeasterly by the northwesterly location line of the 1910 state highway layout 61.88 feet; and southwest by the northeasterly boundary of the Mount Tom state reservation 15.00 feet; containing about nineteen hundred and eighty-six square feet.

Approved June 26, 1935.

AN ACT RELATIVE TO THE SHUTTING OFF OF GAS OR ELECTRIC SERVICE IN HOMES WHERE THERE IS SERIOUS ILLNESS.

Chap. 376

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 one hundred and twenty-four, as most recently amended by chapter two hundred and thirty-seven of the acts of the current year, the following new section: — *Section 124A.* No gas or electric company shall shut off gas or electric service in any home during such time as there is serious illness therein, as certified to such company by the local board of health or a registered physician. Any such company violating this section shall be punished by a fine of not more than fifty dollars.

G. L. (Ter. Ed.), 164, new section 124A, added.

Gas, etc., not to be shut off when illness exists.

SECTION 2. Section one hundred and twenty-four of said chapter one hundred and sixty-four, as so amended, is hereby further amended by striking out the article "A" in the first line and inserting in place thereof the following: — Except as otherwise provided in section one hundred and twenty-four A, a, — so as to read as follows: — *Section*

G. L. (Ter. Ed.), 164, § 124, etc., amended.

Gas and

electricity may
be shut off,
when.

124. Except as otherwise provided in section one hundred and twenty-four A, a gas or electric company may stop gas or electricity from entering the premises of any person failing to pay the amount due therefor or for the use of the meter or other article hired by him from such company; and, for such purpose, the officers, servants or workmen thereof may, after thirty-six hours' notice, enter his premises between the hours of eight in the forenoon and four in the afternoon and separate and take away such meter or other property of the company, and may disconnect any meter, pipe, wires, fittings or other works, whether they are property of the company or not, from its mains, pipes or wires.

Approved June 26, 1935.

Chap. 377 AN ACT EXTENDING FURTHER THE DURATION OF A LAW PROVIDING FOR THE TRIAL OR DISPOSITION OF CERTAIN CRIMINAL CASES BY DISTRICT COURT JUDGES SITTING IN THE SUPERIOR COURT.

Be it enacted, etc., as follows:

Chapter four hundred and sixty-nine of the acts of nineteen hundred and twenty-three, as most recently amended by chapter one hundred and fifty-seven of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out section five and inserting in place thereof the following:— *Section 5.* The act shall not be operative after December thirty-first, nineteen hundred and thirty-seven.

Approved June 26, 1935.

Chap. 378 AN ACT PROVIDING FOR THE LICENSING AND BONDING OF CERTAIN THEATRICAL BOOKING AGENTS, PERSONAL AGENTS AND MANAGERS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 140, new sections 180A to 180D, inc., added.

Theatrical
booking
agents,
licensing of.

Chapter one hundred and forty of the General Laws is hereby amended by inserting after section one hundred and eighty, as appearing in the Tercentenary Edition, under the heading THEATRICAL BOOKING AGENTS, PERSONAL AGENTS AND MANAGERS, the four following new sections:— *Section 180A.* The aldermen or selectmen, or in Boston the police commissioner, hereinafter and in the three following sections called the licensing authorities, may license persons to engage, within their city or town, in the business of booking actors, actresses and musicians, or any of them, for vaudeville and other stage performances, including floor shows, so called, in restaurants, clubs, beer gardens and similar places of amusement. The term of, and fee for, any license issued under this section shall be as determined from time to time by the licensing authorities. Every person licensed under this section shall maintain one or more offices in each city or town in which he is licensed to conduct his business.

Section 180B. No license under section one hundred and eighty A shall be issued unless and until the applicant therefor deposits with the licensing authorities a bond for the faithful compliance by such applicant, as licensee, during the term of the license, with the provisions of sections one hundred and eighty A to one hundred and eighty D, inclusive, such bond to run to their city or town, to be in the penal sum of one thousand dollars, to contain such conditions and to be in force during such term as such authorities may require, and to have as sureties, at the option of such authorities, either two or more individuals or a surety company authorized to transact business in the commonwealth.

Bond.

Section 180C. Any person from whom any licensee under section one hundred and eighty A has withheld any sum in excess of the amount permitted under any agreement between the licensee and such person may, without expense to the city or town, bring an action in the name of the city or town treasurer upon the bond of such licensee, and may recover upon such bond for his own benefit all sums, up to the penal sum of such bond, or any balance thereof remaining, as the case may be, improperly withheld from him by such licensee.

Actions on bond.

Section 180D. Whoever, not being licensed under section one hundred and eighty A so to do, engages in the business described in said section shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or both.

Penalty.

Approved June 26, 1935.

AN ACT AUTHORIZING THE COUNTY OF WORCESTER TO CONTRIBUTE TOWARD THE RECONSTRUCTION OF CERTAIN STREETS IN THE CITY OF WORCESTER.

Chap. 379

Be it enacted, etc., as follows:

SECTION 1. For the purpose of contributing, together with the commonwealth, to the cost of the reconstruction of Stafford street from Young street to James street, of James street from Stafford street to South Ludlow street, and of South Ludlow street from James street to the Worcester-Auburn boundary line, in the city of Worcester, the county of Worcester is hereby authorized to make an allotment out of the current appropriation for highways and bridges for said county.

SECTION 2. This act shall take effect upon its acceptance during the current year by the county commissioners of said county.

Approved June 26, 1935.

Chap. 380 AN ACT EXTENDING THE TERM OF OFFICE AND THE POWERS OF THE EMERGENCY PUBLIC WORKS COMMISSION.

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. Section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three is hereby amended by striking out, in the eleventh line, the word "thirty-five" and inserting in place thereof the word:— thirty-seven, — so that the first paragraph will read as follows:— There shall be in the department of the state treasurer, but in no manner subject to his control, an emergency public works commission, hereinafter called the commission, consisting of the chairman of the commission on administration and finance, ex officio, one resident of the commonwealth appointed by the president of the senate, one such resident appointed by the speaker of the house of representatives, and two such residents appointed by the governor; and the commission shall continue in office until and including June thirtieth, nineteen hundred and thirty-seven, but no longer. The commission shall elect from its own number a chairman. Any vacancy in the appointive membership of the commission shall be filled for the unexpired term in the same manner as original appointments. The action of a majority of the members shall constitute action of the commission; and whenever any action by the commission is required to be in writing, such writing shall be sufficient when signed by a majority of its members.

SECTION 2. Said chapter three hundred and sixty-five is hereby further amended by striking out section two, as amended by section one of chapter forty-one of the acts of nineteen hundred and thirty-four, 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 and in any public project falling within one or more of the classes of projects for which an appropriation of federal funds has been made available by section one of the joint resolution of Congress known as the Emergency Relief Appropriation Act of nineteen hundred and thirty-five, 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; provided, that such approval by the commission or by the governor shall not be granted for any project which will cause the aggregate expenditure hereunder to be in excess of twenty-five million 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 in 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 of said Emergency Relief Appropriation Act 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 or under said Emergency Relief Appropriation Act 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 said 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 said section two A.

Approved June 29, 1935.

Chap. 381 AN ACT PROHIBITING THE DISCHARGE OF OILS AND THEIR PRODUCTS, REFUSE AND CERTAIN OTHER MATTER INTO OR ON THE WATERS AND FLATS OF BOSTON HARBOR AND ITS TRIBUTARIES.

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 health and convenience.

Be it enacted, etc., as follows:

SECTION 1. Whoever pumps, discharges or deposits or causes to be pumped, discharged or deposited, any crude petroleum or any of its products, or any other oils, or any bilge water or water from any receptacle containing any of said substances, or any other matter or refuse, into or on the waters or flats of Boston harbor, as defined in section one of chapter ninety-one of the General Laws, as appearing in the Tercentenary Edition, or its tributaries, in such a manner and to such an extent as to be a pollution or contamination of said waters or flats or a nuisance or to be injurious to the public health, shall be punished by a fine of not more than five hundred dollars. But the use of oil for the extermination of mosquitoes or other insects in any place within the limits of such harbor, tributaries or flats which shall be declared to be a breeding place of mosquitoes or other insects by the town, city or county within which such place is located, the commonwealth or the federal government, or by their respective duly authorized officers, or by the commissioners of a reclamation district or of a mosquito control project, acting under chapter two hundred and fifty-two of the General Laws, shall not be deemed to be a violation of the provisions of this act, provided such use of oil conforms to such rules and regulations pertaining thereto as shall be duly established by such town, city, county, the commonwealth or federal government, or by their duly authorized officers, or by such district or project commissioners. The provisions of this act shall be enforced by the state department of public safety and by all officers authorized to make arrests.

SECTION 2. Nothing in section one shall prevent the disposal of sewage by any municipality, district or public institution in any manner authorized by law or prevent any corporation or person from disposing of sewage in accordance with express statutory authority, or interfere with any prescriptive right of drainage, or prevent the use of any sewer, or drain, or outlet thereof lawfully existing; but neither this nor section one shall in any way limit the powers of the department of public health or of any local board of health.

Approved June 29, 1935.

AN ACT RELATIVE TO THE AUBURN WATER COMPANY.

Chap. 382

Be it enacted, etc., as follows:

SECTION 1. Chapter three hundred and twenty-six of the acts of nineteen hundred and twenty-four is hereby amended by striking out section seven and inserting in place thereof the following: — *Section 7.* Irrespective of the restrictions of section eight of chapter two hundred and forty-one of the Special Acts of nineteen hundred and nineteen, the town of Auburn may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, all or any of the properties, privileges, franchises and other rights appurtenant to the business of the water supply of the Auburn Water Company, incorporated under said chapter two hundred and forty-one, but nothing herein contained shall be construed as preventing the town of Auburn from introducing a system of water supply in accordance with this act without taking by eminent domain, or acquiring by purchase or otherwise, all or any of the properties, privileges, franchises and other rights of said Auburn Water Company so appurtenant.

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

Approved June 29, 1935.

AN ACT AUTHORIZING THE METROPOLITAN DISTRICT COMMISSION TO LAY OUT AND CONSTRUCT A PARKWAY FROM ADMINISTRATION ROAD IN THE CITY OF QUINCY TO GRANITE STREET IN THE TOWN OF BRAINTREE.

Chap. 383

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 metropolitan district commission is hereby authorized to lay out and construct a parkway, in accordance with the provisions of chapter ninety-two of the General Laws relative to the laying out and constructing of parkways, from Administration road in the city of Quincy, at or near its junction with Wampatuck road in the Blue Hills reservation, over land of the commonwealth to Granite street in the town of Braintree. For said purposes, said commission may expend not exceeding thirty thousand dollars out of the appropriation made by item six hundred and ninety-two of the general appropriation act of the current year.

Approved June 29, 1935.

Chap. 384 AN ACT REGULATING THE CHARACTER OF SEWAGE, DRAINAGE AND OTHER WASTES TO BE DISCHARGED INTO THE SEWERS OF THE SOUTH ESSEX SEWERAGE DISTRICT AND CLARIFYING CERTAIN PROVISIONS OF LAW RELATING TO SAID DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The second paragraph of section two of chapter three hundred and thirty-nine of the acts of nineteen hundred and twenty-five is hereby amended by striking out, in the first line, the words "city engineer" the second time they appear and inserting in place thereof the words:— commissioner of public works,— so as to read as follows:—

The city engineer of Salem, the commissioner of public works of Peabody, the commissioner of public works of Beverly, the engineer acting as county engineer for the county of Essex, and the chief engineer of the department of public health of the commonwealth shall be members of said board, *ex officio*. The sixth member, who shall be a person to represent the town of Danvers, shall be appointed, within ninety days after the effective date of this act, and every three years thereafter, or whenever a vacancy may otherwise occur, by the board, committee or officer having charge of sewerage in said town, for a term of three years. The seventh member, who shall not be a resident of Essex county nor hold property nor have a usual place of business therein, shall be appointed, within ninety days after said effective date and every three years thereafter, by the governor, with the advice and consent of the council, for a term of three years, and may in like manner be removed at any time for cause. He shall be chairman of said board and shall receive from said district such annual compensation as the governor and council may from time to time determine. Each of the other members of said board shall receive from said district during the prosecution of the construction work provided for herein, in addition to any compensation from any other source, such annual compensation, not exceeding five hundred dollars, as the governor and council may from time to time determine.

SECTION 2. Section fourteen of said chapter three hundred and thirty-nine is hereby amended by striking out the last paragraph and inserting in place thereof the following paragraph:—

Said board shall have control of the sewers, pumping stations and their appurtenances, as herein outlined, described or referred to, except as herein otherwise provided, and of their operation, and shall maintain them at all times in the best practicable operating condition. It shall prevent, so far as practicable, the discharge into the sewers of substances which may cause obstruction therein or impede the flow of sewage. It shall have the right to enter

any premises from which any sewer or drain is connected with any part of the sewerage system under its control, or with any tributary sewerage system to determine the condition of said sewer, drain, tank or treatment works, the character of sewage, drainage or other wastes flowing therefrom, and whether such sewage, drainage or other wastes is a source of obstruction to the sewers or works under its control or is likely to impede the flow of sewage therein. It shall examine all settling tanks and other treatment works for treating sewage, drainage or other wastes discharged into said sewerage system or its tributary systems. Said board shall for the proper and reasonable operation of its works make regulations as to the character of any sewage, drainage or other wastes discharged into any sewer under its control or any sewer tributary thereto and may, if it deems it necessary and desirable for the proper and reasonable operation of the works, make regulations governing the rate of discharge of any such sewage, drainage or other wastes, provided, that if any city or town, institution or person notifies said board in writing that any such regulation as to the quantity or character of the sewage, drainage or other wastes, or as to its rate of discharge, is unreasonable or unnecessary, either said board or the said complainant may appeal to the department of public health, which after a hearing may approve, rescind, modify or amend such regulations, and the same as so approved, modified or amended shall thereupon be in full force and effect.

SECTION 3. Said chapter three hundred and thirty-nine is hereby further amended by striking out section twenty and inserting in place thereof the following:—*Section 20.* The supreme judicial court shall have jurisdiction in equity to enforce the provisions of this act and of all regulations made under the provisions of section fourteen. Said court shall fix and determine the compensation of all commissioners appointed by it under the provisions of section nineteen, which compensation shall be paid in the first instance by said district and shall be added to the cost of maintenance and operation of said sewers and other works for the year in which it is paid. Said court may, in its discretion, award costs against the losing party.

Approved June 29, 1935.

AN ACT ESTABLISHING THE WOODLAND WATER DISTRICT IN THE TOWN OF AUBURN. *Chap. 385*

Be it enacted, etc., as follows:

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

Beginning at the city of Worcester and the town of Auburn boundary line at its intersection with the center

line of Sumner street extended, thence easterly by the said boundary line ten hundred and thirty-five feet more or less to the high water line of Trowbridge pond, thence following said high water line in a southeasterly irregular course forty-one hundred feet more or less to a bound, thence south twenty-one degrees three minutes west four hundred eighty-nine and nine tenths feet more or less on the westerly boundary of land now or formerly of Charles H. Bancroft heirs, thence south seventy-six degrees eighteen minutes west four hundred fifty-seven and seventy-eight one hundredths feet more or less, thence north two degrees forty-five minutes west five hundred seventy-seven and thirty-two one hundredths feet more or less, thence south sixty-nine degrees fourteen minutes west fourteen hundred thirteen and seventy-four one hundredths feet more or less, thence north forty degrees twenty-one minutes west three hundred ten and five tenths feet more or less, thence north twenty-two degrees nine minutes east one hundred fifty and thirty-seven one hundredths feet more or less, thence north sixty-seven degrees fifty-one minutes west one hundred forty-three and thirty-seven one hundredths feet more or less to a boundary stone on the easterly side of Boyce street, thence northerly on the east bound of Boyce street fifty-nine and seventy-seven one hundredths feet more or less to a stone bound, thence north one degree west nineteen hundred eighty feet more or less to a bound on the southerly side of Alden street, thence westerly along the southerly side of Alden street to the intersection of the center of Sumner street, thence to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the Woodland Water District of Auburn, 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, for 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. Said district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, said district, acting by and through its board of water commissioners hereinafter provided for, may contract with the city of Worcester, or any other town or city, acting through its water department, or with any water company, or with any other water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or may take under chapter seventy-nine of the General Laws, or acquire by purchase or otherwise, and hold, the waters,

or any portion thereof, of any pond or stream, or of any ground sources of supply by means of driven, artesian or other wells within the town of Auburn not already appropriated for the purposes of a public water supply, and the water rights connected with any such water sources; and for such 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 created hereby; 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 state department of public health, and that the location of 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 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 pipe lines, 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 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 Auburn. 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. 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 work or for any other purpose authorized by this act.

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 said 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 for the system of water supply under the provisions of this act, other than expenses of maintenance and operation, the said district may borrow from time to time 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 Woodland Water District Loan, Act of 1935. 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. Said 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 said district by the assessors of said town of Auburn 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 commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, and/or receive no benefit in fire insurance grading therefrom, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, in any ordinary or reasonable manner could not be supplied with water from the said system; but all other estates in said district shall be deemed to be benefited and shall be subject to the tax. A certified list of the estates exempt from taxation under the provisions of this section shall annually be sent by the board of water commissioners to the assessors, at the same time at which

the clerk shall send a certified copy of the vote as aforesaid. 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 said district. Said 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 boundaries set forth in section one 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. Said district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act is accepted or at a special meeting thereafter called for the purpose, three persons, resident taxpayers of said district, 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 following 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 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 said district shall elect by ballot a treasurer of said district, who shall be other than a commissioner, and who shall give bond to said district in such an amount as may be approved by the commissioners. 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 said district at any legal meeting called for the purpose. No money shall be drawn from the treasury of said 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 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 11. Said 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 said district meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this act shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than twelve 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 and not otherwise served by a public water supply 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 June 29, 1935.

AN ACT ESTABLISHING THE ELM HILL WATER DISTRICT IN THE TOWN OF AUBURN. *Chap. 386*

Be it enacted, etc., as follows:

SECTION 1. The inhabitants of the town of Auburn, liable to taxation in said town and residing within the territory comprised within the following boundary lines, to wit:—beginning at a point on the easterly boundary of the Norwich-Worcester division of the New York, New Haven and Hartford railroad and the Auburn-Worcester boundary; thence southerly along said easterly boundary of said railroad to a point; thence due east to a point in the center line of Southbridge street two hundred feet southerly from its intersection with the center line of Hampden street; thence easterly crossing Southbridge street and Pakachoag street to a point two hundred feet east of the easterly boundary of Pakachoag street and two hundred feet southerly of the southerly boundary of Curtis street; thence northerly parallel to and two hundred feet east from the easterly boundary of Pakachoag street to the Worcester-Auburn boundary line; thence running westerly by said boundary line between Auburn and Worcester to the point of beginning, — shall constitute a water district, and are hereby made a body corporate by the name of the Elm Hill Water District of Auburn, 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, for 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. Said district shall have power to prosecute and defend all actions relating to its property and affairs.

SECTION 2. For the purposes aforesaid, said district, acting by and through its board of water commissioners hereinafter provided for, may contract with the city of Worcester, or any other town or city, acting through its water department, or with any water company, or with any other water district, for whatever water may be required, authority to furnish the same being hereby granted, and/or may take under chapter seventy-nine of the General Laws,

or acquire by purchase or otherwise, and hold, the waters, or any portion thereof, of any pond or stream, or of any ground sources of supply by means of driven, artesian or other wells within the town of Auburn not already appropriated for the purposes of a public water supply, and the water rights connected with any such water sources; and for such 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 created hereby; 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 state 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 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 pipe lines, 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 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 Auburn. 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. 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 work or for any other purpose authorized by this act.

SECTION 3. Any person sustaining damages in his prop-

erty by any taking under this act or any other thing done under authority thereof may recover such damages from said 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 for the system of water supply under the provisions of this act, other than expenses of maintenance and operation, the said district may borrow from time to time 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 Elm Hill Water District Loan, Act of 1935. 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. Said 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 said district by the assessors of said town of Auburn 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 commissioners hereinafter provided for, in such manner as they shall deem for the best interest of the district.

SECTION 7. Whenever a tax is duly voted by said district for the purposes of this act, the clerk shall send a certified copy of the vote to the assessors of said town, who shall assess the same in the same manner in all respects in which town taxes are required by law to be assessed; provided, that no estate shall be subject to any tax assessed on account of the system of water supply under this act if, in the judgment of the board of water commissioners hereinafter provided for, after a hearing, such estate is so situated that it can receive no aid in the extinguishment of fire from the said system of water supply, and/or receive no benefit in fire insurance grading therefrom, or if such estate is so situated that the buildings thereon, or the buildings that might be constructed thereon, in any ordinary or reasonable manner could not be supplied with water from the said system; but all other estates in said district shall be deemed to be benefited and shall be subject to the tax. A certified list of the estates exempt from taxation under the provisions

of this section shall annually be sent by the board of water commissioners to the assessors, at the same time at which the clerk shall send a certified copy of the vote as aforesaid. 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 said district. Said 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 boundaries set forth in section one 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. Said district shall, after the acceptance of this act as aforesaid, elect by ballot, either at the same meeting at which this act is accepted or at a special meeting thereafter called for the purpose, three persons, resident taxpayers of said district, 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 following 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 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 said district shall elect by ballot a treasurer of said district, who shall be other than a commissioner and who shall give bond to said district in such an amount as may be approved by the commissioners. 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 said district at any legal meeting called for the purpose. No money shall be drawn from the treasury

of said 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 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 11. Said 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 said district meetings may also be called by warrant as provided in section eight. Said district may also establish rules and regulations for the management of its water works, not inconsistent with this act or with law, and may choose such other officers not provided for in this act as it may deem necessary or proper.

SECTION 12. Whoever wilfully or wantonly corrupts, pollutes or diverts any water obtained or supplied under this act, or wilfully or wantonly injures any reservoir, standpipe, aqueduct, pipe or other property owned or used by said district for any of the purposes of this act shall forfeit and pay to said district three times the amount of damages assessed therefor, to be recovered in an action of tort, and upon conviction of any of the above acts shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than twelve 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 and not otherwise served by a public water supply 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 June 29, 1935.

Chap. 387 AN ACT RELATIVE TO WANT OF NOTICE IN ACTIONS UNDER THE EMPLOYERS' LIABILITY LAW, SO CALLED.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 153, § 6, amended.

Notice of injury under employers' liability law.

Section six of chapter one hundred and fifty-three of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following: — Want of notice as required by this section shall not bar proceedings if it is shown that the employer, or any agent of the employer exercising superintendence, had knowledge of the injury, or if it is found as a fact that the employer was not prejudiced by such want of notice, — so as to read as follows: — *Section 6.* No action for the recovery of damages for injury under section one of this chapter or for death under section four or seven of chapter two hundred and twenty-nine shall be maintained unless notice of the time, place and cause of the injury is given to the employer within sixty days, and the action is commenced within one year, after the accident which causes the injury or death. Such notice shall be in writing, signed by the person injured or by a person in his behalf. If the person injured dies within the time required for giving the notice, his executor or administrator may give such notice within sixty days after his appointment; and in such case the action may be begun within one year after the appointment of such executor or administrator. If from physical or mental incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give it within ten days after such incapacity has been removed, and if he dies within said ten days his executor or administrator may give such notice within sixty days after his appointment. If the employer dies without such notice having been given and before the time for giving such notice has elapsed, the notice may be given to his executor or administrator, and the time within which the notice may be given as herein provided shall run from the appointment of the executor or administrator. A notice given under this section shall not be held invalid or insufficient solely by reason of an inaccuracy in stating the time, place or cause of the injury if it is shown that there was no intention to mislead, and that the employer was not in fact misled thereby. If the employer dies without such action having been brought and before the time for bringing the action has elapsed, the action may be begun against his

executor or administrator not less than six months and not more than one year after the executor or administrator has given bond for the performance of his trust. Any form of written communication signed by the person so injured, or by some person in his behalf, or by his executor or administrator, or by some person in behalf of such executor or administrator, containing the information that the person was so injured, giving the time, place and cause of the injury or death, shall be considered a sufficient notice. Want of notice as required by this section shall not bar proceedings if it is shown that the employer, or any agent of the employer exercising superintendence, had knowledge of the injury, or if it is found as a fact that the employer was not prejudiced by such want of notice.

Approved June 29, 1935.

AN ACT RELATIVE TO THE POWERS OF BOARDS OF APPEAL UNDER THE MUNICIPAL ZONING LAWS, SO CALLED.

Chap. 388

Be it enacted, etc., as follows:

SECTION 1. Section thirty of chapter forty of the General Laws, as appearing in section one of chapter two hundred and sixty-nine of the acts of nineteen hundred and thirty-three, is hereby amended by striking out the word "the" before the word "appeal" in the sixty-second line and inserting in place thereof the word: — any, — and by inserting after the word "it", in the same line, the words: — or any petition for a variance, — so that the paragraph contained in the sixty-first to the seventieth lines will read as follows: —

G. L. (Ter. Ed.), 40, § 30, etc., amended.

The board of appeals shall fix a reasonable time for the hearing of any appeal or other matter referred to it or any petition for a variance, and give public notice thereof in an official publication, or a newspaper of general circulation, in the municipality, and also send notice by mail, postage prepaid, to the petitioner and to the owners of all property deemed by the board to be affected thereby, as they appear on the most recent local tax list, and decide the same within a reasonable time. At the hearing any party may appear in person or by agent or by attorney.

Board of appeals on zoning regulations.

SECTION 2. Said section thirty, as so appearing, is hereby further amended by inserting after the word "appeal" in the eightieth line the words: — , or upon petition in cases where a particular use is sought for which no permit is required, — so that the paragraph contained in the eightieth to ninetieth lines will read as follows: —

G. L. (Ter. Ed.), 40, § 30, etc., amended.

3. To authorize upon appeal, or upon petition in cases where a particular use is sought for which no permit is required, with respect to a particular parcel of land a variance from the terms of such an ordinance or by-law where, owing to conditions especially affecting such parcel but not affecting generally the zoning district in which it is

Same subject.

located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship to the appellant, and where desirable relief may be granted without substantial detriment to the public good and without substantially derogating from the intent or purpose of such ordinance or by-law, but not otherwise.

Approved June 29, 1935.

Chap. 389 AN ACT PROVIDING FOR CERTAIN IMPROVEMENTS AT THE STATE PIER IN THE CITY OF NEW BEDFORD.

Be it enacted, etc., as follows:

The department of public works is hereby authorized and directed to provide for additional protection for merchandise at the state pier in the city of New Bedford and to make such other improvements thereat as it may deem necessary. For the purposes of this act, said department may expend such sums, not exceeding, in the aggregate, ten thousand dollars, as may be hereafter appropriated therefor.

Approved June 29, 1935.

Chap. 390 AN ACT REGULATING THE AMOUNTS OF FEES OF PHYSICIANS AND OTHER EXAMINERS ACTING FOR THE RETIREMENT BOARD IN DISABILITY RETIREMENT CASES.

Be it enacted, etc., as follows:

Section two of chapter thirty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out paragraphs (10) and (11) and inserting in place thereof the following: —

(10) If any member is found by the board to have died from injuries received while in the discharge of his duty, and leaves a widow, or if no widow any child or children under the age of sixteen, a pension equal to the retirement allowance to which such member would have been entitled under paragraph (9) had he been permanently incapacitated shall be paid to such widow so long as she remains unmarried, or for the benefit of such child or children so long as he or any one of them continues under the age of sixteen. A person receiving a pension under this paragraph shall not receive from the commonwealth any other sum by way of annuity, pension or compensation. Payments under this paragraph shall not be made as of a date earlier than that of the receipt by the board of written application therefor, except that payments to a child of a deceased member shall date from the day as of which payments to his widow shall terminate.

(11) The word "injuries", as used in paragraphs (9) and (10) of this section, shall mean any injury which is a natural and proximate result of an accident occurring in the performance and within the scope of duty and without fault

G. L. (Ter. Ed.), 32, § 2, amended.

State retirement association. Payments to widows of deceased members.

Word "injuries" defined.

of the member. The board may employ physicians or others as examiners and obtain X-ray plates whenever in its judgment it is necessary to assist in determining the cause, nature and degree of disability under paragraph (8) or (9) or to determine such facts at the time of a re-examination under paragraph (9). The fee for an office examination in any one case shall not exceed ten dollars in amount to each physician or other examiner employed by the board. If the member's physician shall certify in writing to the retirement board that the physical or mental condition of the member will not permit him to present himself for office examination he may be examined at his residence or wherever he may be, in which case the fee of each physician or other examiner employed by the board shall not exceed twenty dollars. A fee shall cover all services and expenses other than X-ray plates, including a written report to the retirement board which may be a joint report. All fees of physicians and other examiners employed by the board and all expenses of obtaining X-ray plates shall be subject to its approval, and upon such approval shall be paid by the commonwealth. The decision of the board on the question of disability and retirement under said paragraph (8) or (9) shall be final. *Approved June 29, 1935.*

AN ACT AUTHORIZING THE CITY OF NEW BEDFORD TO APPLY THE PROCEEDS OF A CERTAIN LOAN, AND MONEY RECEIVED FROM THE FEDERAL GOVERNMENT FROM A GRANT, TO THE IMPROVEMENT OF ITS WATER SUPPLY SYSTEM OR TO THE CANCELLATION OF CERTAIN OF ITS WATER DEBTS.

Chap. 391

Be it enacted, etc., as follows:

SECTION 1. The city of New Bedford is hereby authorized to appropriate the balance of the grant received from the United States government on account of Public Works Administration project No. 2038 for the construction of a water main to the purchase and cancellation of bonds designated as the New Bedford Water Loan of 1934.

SECTION 2. The said city is hereby further authorized to appropriate the unexpended balance of the proceeds of the New Bedford Water Loan of 1934, remaining after payment of the cost of construction of the forty-eight inch force main, to pay the cost of reconditioning the old steel force main between the Quittacas pumping station in Rochester and the High Hill reservoir in Dartmouth, or for the cancellation of bonds designated as the New Bedford Water Loan of 1934.

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

Approved July 3, 1935.

Chap. 392 AN ACT AUTHORIZING TEMPORARY BORROWINGS BY THE COMMONWEALTH IN ANTICIPATION OF RECEIPTS FROM FEDERAL GRANTS FOR EMERGENCY PUBLIC WORKS.

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:

In order to provide funds to carry out public works projects entered into under authority of the provisions of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three or of said chapter as heretofore or hereafter amended, over and above the amount authorized to be borrowed by the commonwealth under said provisions, in anticipation of the receipt by the commonwealth of contributions therefor due from the federal government under agreements for grants, the state treasurer, with the approval of the governor, may borrow from time to time, on the credit of the commonwealth, such amounts as may be certified by the emergency public works commission to be necessary to provide such temporary funds, but not exceeding at the time of any such certification the balance of such federal grants then remaining unpaid, and the state treasurer may issue and renew notes of the commonwealth therefor, bearing interest payable at such times and at such rates as shall be fixed by him, with the approval of the governor. 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. All notes issued hereunder shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

Approved July 3, 1935.

Chap. 393 AN ACT PROVIDING THAT CERTAIN MOTOR VEHICLES BE EQUIPPED WITH SAFETY GLASS, SO CALLED.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 90, § 9A,
etc., amended.

Non-scatter-
able glass
wind shields on
motor vehicles.

SECTION 1. Chapter ninety of the General Laws is hereby amended by striking out section nine A, as most recently amended by section one of chapter one hundred and sixty-eight of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 9A.* No person shall operate any automobile, and the owner or custodian of an automobile shall not permit the same to be operated, with partitions, doors, windows or wind shields of glass unless such glass is of a type known as non-scatterable or safety glass; provided, that this section shall not apply to the operation of any motor vehicle owned by a non-resident and operated in the commonwealth under

authority of section three, nor to any privately owned passenger motor vehicle of less than eight passenger seating capacity not used for carrying passengers for compensation or hire or any truck owned by a farmer and principally used to transport farm produce, equipment or materials to, from, or upon his farm, if such motor vehicle or truck is registered under this chapter having been previously registered in another state by the same owner while a bona fide resident of such other state. The term "non-scatterable or safety glass", as used herein, shall include any glass designed to minimize the likelihood of personal injury from its breaking or scattering when broken, and approved by the department, which shall keep on file at the office of the registrar, for public inspection, a list of types of such glass so approved.

SECTION 2. This act shall not apply to any motor vehicle manufactured or assembled, or both, prior to January first, nineteen hundred and thirty-six.

Application
of act.

Approved July 3, 1935.

AN ACT AUTHORIZING THE ARMORY COMMISSIONERS TO ACQUIRE ADDITIONAL LAND FOR THE STATE RIFLE RANGE.

Chap. 394

Be it enacted, etc., as follows:

After an appropriation has been made for the purpose, the armory commissioners are hereby authorized, with the approval of the governor and council, to acquire by purchase or to take by eminent domain under chapter eighty A of the General Laws, the land lying in the towns of Reading, North Reading and Lynnfield and adjoining the northern boundary of the present state rifle range. The land to be taken shall adjoin the state rifle range and shall extend in a northerly direction four thousand yards north of the present firing point on the state rifle range and shall extend to a line five degrees to the east of the most easterly present line of fire and shall extend to a line five degrees to the west of the most westerly present line of fire.

Approved July 3, 1935.

AN ACT INCREASING THE AMOUNT TO BE PAID INTO THE TREASURY OF THE COMMONWEALTH IN CERTAIN CASES OF INDUSTRIAL ACCIDENTS RESULTING IN DEATH.

Chap. 395

Be it enacted, etc., as follows:

Section sixty-five of chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the third line, the words "one hundred" and inserting in place thereof the words: — two hundred and fifty, — so as to read as follows: — *Section 65.* For every case of personal injury resulting in death covered by this chapter, when there are no

G. L. (Ter.
Ed.), 152, § 65,
amended.

Special funds
for certain
payments.

dependents, the insurance company shall pay into the treasury of the commonwealth two hundred and fifty dollars. Such payments shall constitute a special fund in the custody of the state treasurer who shall make payments therefrom upon the written order of the department for the purposes set forth in section thirty-seven.

Approved July 3, 1935.

Chap. 396 AN ACT RELATIVE TO CERTAIN CONTRACTS OF CONDITIONAL SALE OF HOUSEHOLD OR PERSONAL EFFECTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 255, new section 13B, added.

Conditional sale contracts, provisions of, regulated.

Chapter two hundred and fifty-five of the General Laws is hereby amended by inserting after section thirteen A, inserted by section one of chapter three hundred and forty-eight of the acts of nineteen hundred and thirty-five, the following new section: — *Section 13B.* Any provision of a written contract of conditional sale of household furniture, jewelry or other household or personal effects at a price of less than one thousand dollars which purports to provide for the inclusion of any personal property, other than that sold for said purchase price, as security for payment of such price or any part thereof shall be null and void; but the other provisions of such contract shall not be affected thereby.

Approved July 3, 1935.

Chap. 397 AN ACT RELATIVE TO THE PURCHASE FOR PUBLIC INSTITUTIONS OF ARTICLES OR SUPPLIES PRODUCED BY BLIND PERSONS AND RELATIVE TO THE EMPLOYMENT OF BLIND PERSONS FOR CERTAIN SERVICES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 69, § 25, amended.

Articles produced by the blind to be used in public institutions.

Chapter sixty-nine of the General Laws is hereby amended by striking out section twenty-five, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 25.* The state purchasing agent, such officers in charge of state institutions as may be authorized by him to make purchases and officers in charge of other public institutions shall purchase brooms, mops and other supplies, other than products of prison labor, from the division of the blind; provided, that the division has the same for sale and that they were produced by persons under the supervision of the division or in industrial schools or workshops under its supervision. Said purchasing agent and officers shall, when employing persons for piano tuning, cane seating or mattress renovating, employ persons who are under the supervision of said division or who work in any such industrial school or workshop. Any officer who wilfully refuses or neglects to comply with any requirement of this section relative to the purchase of articles and employment of persons shall be punished by a fine of not

more than one hundred dollars. The term "public institutions", as used in this section, shall include all offices, departments and institutions of the several counties, cities and towns. The director of said division may issue a release from the provisions of this section, upon the request of the purchasing officer of a county, city or town, when convenience or emergency requires it.

Approved July 3, 1935.

AN ACT PROVIDING FOR TRANSPORTATION FACILITIES OF THE BOSTON ELEVATED RAILWAY COMPANY FROM CLEARY SQUARE IN THE HYDE PARK DISTRICT OF THE CITY OF BOSTON TO THE HYDE PARK-DEDHAM BOUNDARY LINE.

Chap. 398

Be it enacted, etc., as follows:

The Boston Elevated Railway Company is hereby authorized to provide motor bus transportation from Cleary square in the Hyde Park district of the city of Boston to the Hyde Park-Dedham boundary line. The fare to be charged persons using the transportation facilities provided for hereunder between said terminals or intervening points shall not exceed five cents; provided, that persons transferring at said Cleary square, after having paid a fare of ten cents between said terminals or between said Cleary square and any other point on the system of said company, shall be entitled to the usual free transfer privileges.

Approved July 3, 1935.

AN ACT AUTHORIZING THE CONSTRUCTION BY THE DEPARTMENT OF PUBLIC WORKS OF A DIKE AND INCIDENTAL STRUCTURES IN TIDE WATER WITHIN THE TERRITORY OF THE SALISBURY RECLAMATION DISTRICT.

Chap. 399

Be it enacted, etc., as follows:

SECTION 1. The department of public works is hereby authorized and directed to construct a dike and incidental structures in tide water within the territory of the Salisbury reclamation district, hereinafter called the district, in the town of Salisbury, in connection with the control works in process of construction by the district. For said purposes said department may expend such sums, not exceeding thirteen thousand dollars, as may hereafter be appropriated therefor; provided, however, that no work shall be begun hereunder until the district has acquired the lands on which said dike and structures are to be located and has provided at some point reasonably near the site of the proposed dike, materials to be used as fill and marsh sod to be used as surface protection for said dike and structures and has assumed liability for all damages that may be incurred hereunder. After completion said dike and structures shall be the property of the district and shall be maintained and operated by it to the satisfaction of the state reclamation board.

SECTION 2. This act shall take effect upon its acceptance, prior to September first in the current year, by the proprietors of the said Salisbury reclamation district.

Approved July 3, 1935.

Chap. 400 AN ACT RELATIVE TO THE RETIREMENT ALLOWANCE OF HARRIET ALICE SMITH UNDER THE STATE RETIREMENT SYSTEM.

Be it enacted, etc., as follows:

Harriet Alice Smith, employed by the commonwealth in the department of public welfare as a visitor and investigator, shall receive, on her retirement under the state retirement system, in addition to the retirement allowance to which she may otherwise be entitled under said system, an extra pension for life equal to the annuity that could have been purchased under paragraph (2) B (a) of section five of chapter thirty-two of the General Laws if amounts equal to five per cent contributions from the salary paid to her by the city of Boston for service as an employee in the children's institutions department of said city, now known as the child welfare division of the institutions department of said city, had been paid into the state retirement fund from time to time in the manner provided in section four (2) A of said chapter thirty-two with respect to salaries payable by the commonwealth, from June first, nineteen hundred and twelve, up to the date of her membership in the state retirement association and if such contributions had been accumulated with regular interest, as defined in section one of said chapter thirty-two, up to the time of her retirement. For the purpose of computing said extra pension, all service rendered by said Smith for the city of Boston shall be counted as state service.

(The foregoing was laid before the governor on the first day of July, 1935, 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. 401 AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF PLYMOUTH COUNTY TO EXECUTE A LEASE FOR SUITABLE QUARTERS FOR THE SECOND DISTRICT COURT OF PLYMOUTH IN THE TOWN OF HINGHAM.

Be it enacted, etc., as follows:

SECTION 1. The county commissioners of Plymouth county are hereby authorized to execute a lease for suitable quarters for the second district court of Plymouth in the town of Hingham for a term of fifteen years.

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

Approved July 12, 1935.

AN ACT FURTHER REGULATING THE PUBLICATION AND SALE OF THE MASSACHUSETTS REPORTS AND OF THE ADVANCE SHEETS OF THE OPINIONS AND DECISIONS OF THE SUPREME JUDICIAL COURT.

Chap. 402

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:

Chapter nine of the General Laws is hereby amended by inserting after section nineteen, as appearing in the Tercentenary Edition, the following new section: — *Section 20.* There shall be in the department of the state secretary, but not subject to his supervision or control except as herein provided, a board, consisting of the attorney general, the state secretary, the reporter of decisions of the supreme judicial court, and a member of the commission on administration and finance to be designated by its chairman, which board shall from time to time advertise for proposals for the execution of the printing and binding, and provide for the sale to the public at such price as said board may fix, of the reports of the decisions of the supreme judicial court, styled "Massachusetts Reports", during a term of one, two or three years from a date specified by said board in its advertisement. Said board shall take into consideration the circumstances and facilities of the several bidders for the above-mentioned work, as well as the terms offered; may reject any bids received; shall award the contract to such bidder as in its judgment the interests of the commonwealth may require; and shall execute the contract in the name and behalf of the commonwealth. Said board may from time to time negotiate for, and execute in the name and behalf of, the commonwealth a contract for the printing and sale to the public, during such period of time and at such price as said board may fix, of advance copies of opinions of said court filed with the reporter of decisions. Bonds or securities satisfactory to said board, in an amount not less than ten thousand dollars, shall be given to or deposited by each person to whom any contract is awarded under authority of this section, to secure faithful performance thereof.

G. L. (Ter. Ed.), 9, new section 20, added.

Publication and sale of decisions of supreme judicial court.

Approved July 12, 1935.

AN ACT RELATIVE TO THE CALLING OF TOWN MEETINGS AND THE VALIDATING OF THE ACTS AND PROCEEDINGS OF CERTAIN TOWNS.

Chap. 403

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:

G. L. (Ter.
Ed.), 39, §10,
amended.

Warrants for
town meetings.

SECTION 1. Section ten of chapter thirty-nine of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "town" the first time such word appears in the seventh line the words:—, or in a manner approved by the attorney general, — so as to read as follows:— *Section 10.* Every town meeting, except as hereinafter provided, shall be called in pursuance of a warrant, under the hands of the selectmen, notice of which shall be given at least seven days before such meeting. The warrant shall be directed to the constables or to some other persons, who shall forthwith give notice of such meeting in the manner prescribed by the by-laws, or, if there are no by-laws, by a vote of the town, or in a manner approved by the attorney general. The warrant for all town meetings shall state the time and place of holding the meeting and the subjects to be acted upon thereat. The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town. No action shall be valid unless the subject matter thereof is contained in the warrant. Two or more distinct town meetings for distinct purposes may be called by the same warrant.

Validating
meetings
previously
called.

SECTION 2. All town meetings called in pursuance of a warrant, under the hands of the selectmen, notice of which was given at least seven days before such meeting, and the acts and proceedings thereof, and of the officers elected thereat, in so far as said meetings, acts or proceedings were invalid by reason of the failure to call the meetings in accordance with section ten of chapter thirty-nine of the General Laws or corresponding provisions of earlier laws, are hereby validated and confirmed.

Approved July 12, 1935.

Chap. 404 AN ACT RELATIVE TO THE SECURING OF THE BENEFITS OF THE NATIONAL INDUSTRIAL RECOVERY ACT AND THE EMERGENCY RELIEF APPROPRIATION ACT OF 1935 BY COUNTIES, CITIES, TOWNS AND DISTRICTS.

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. Section two of Part one of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended by section one of chapter twenty-

one of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "Any" in the first line the words: — county, except Suffolk or Nantucket, if authorized by the county commissioners, or any, — by inserting after the word "Act" in the eighth line the words: — and in any useful public project authorized under the joint resolution of congress known as the Emergency Relief Appropriation Act of 1935, — by inserting after the words "Title II" in the twelfth and in the twenty-first lines, in each instance, the words: — or under said joint resolution, as the case may be, — by inserting after the words "Title II" in the fourteenth line the words: — or of said joint resolution, as the case may be, — by inserting after the word "such" in the eighteenth line, after the word "Each" in the eighty-first line, after the word "such" in the eighty-fourth line, in the ninetieth line and in the ninety-fourth line, in each instance, the word: — county, — and by inserting after the word "indebtedness" in the eighty-fifth line the following: —, if any, — so as to read as follows: — *Section 2.* Any county, except Suffolk or Nantucket, if authorized by the county commissioners, or 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 and in any useful public project authorized under the joint resolution of congress known as the Emergency Relief Appropriation Act of 1935, 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 or under said joint resolution, as the case may be. Such projects, so approved, shall be carried out in all respects subject to the provisions of said Title II or of said joint resolution, as the case may be, 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 county, 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 or under said joint resolution, as the case may be; 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 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 herein-

before 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 county, 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 county, city or town, its outstanding indebtedness within and without its limit of indebtedness, if any, the estimated cost of the project, the alleged necessity therefor, 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 county, 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 county, city or town and to increase or decrease the tax burden upon its inhabitants.

SECTION 2. Section two A of said Part one of said chapter three hundred and sixty-six is hereby amended by inserting after the word "federal" in the fourth line the following: — , county, — so as to read as follows: — *Section 2A.* All projects for the construction, reconstruction or resurfacing of roads and the construction of sewers shall be done by human labor, except in so far as machinery is, in the opinion of the federal, county, city or town 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.

SECTION 3. Said Part one of said chapter three hundred and sixty-six is hereby further amended by inserting after section two A the following new section: — *Section 2B.* The county commissioners of any county, the mayor of any city, the board of selectmen of any town, or the governing body of any district, may submit to the board any such proposed public works project or useful public project, in such form as the board may by rule or regulation require. If, in the opinion of the board after a hearing and careful investigation, any such project is in the public interest and otherwise meets the requirements of section two of this act, it shall approve the same and thereupon such project shall be submitted to the governor for his approval. Such projects so approved shall, as soon as may be, be submitted to the proper federal authorities for their approval. This section shall not be construed as prohibiting the submission of such projects to the proper federal authorities, in the form required by applicable federal regulations, for preliminary study prior to approval by the board and the governor.

SECTION 4. Section three of said Part one of said chapter three hundred and sixty-six is hereby amended by

inserting after the article "a" in the first line the word: — county, — and by inserting after the word "such" in the seventh line the word: — county, — so as to read as follows: — *Section 3.* Any officer or department of a county, city or town charged with the duty of carrying out any project so approved shall have, in addition to any powers expressly given by statute, such powers as may be determined and certified by the board to be proper and reasonably necessary to carry out such project, including the power to take property by eminent domain on behalf of such county, city or town provided that no source of water supply and no works for the disposal of sewage shall be installed without first having the approval of the state department of public health. If such officer or department is aggrieved by such action, he or it may, within ten days after notice thereof, appeal to the governor, whose decision shall be final. The board is hereby authorized to make all necessary orders, rules and regulations and perform all necessary actions under this act; and none of such orders, rules, regulations and actions shall be declared inoperative, illegal or void for any omission of a technical nature in respect thereto. Nothing in this act shall require any action in contravention of applicable federal laws and rules and regulations nor preclude action in conformity therewith.

SECTION 5. Section four of said Part one of said chapter three hundred and sixty-six is hereby amended by inserting after the word "the" in the third line the word: — counties, — and by inserting after the word "Act" in the fifth line the following: —, or under the joint resolution of congress known as the Emergency Relief Appropriation Act of 1935, — so as to read as follows: — *Section 4.* The governor of the commonwealth is hereby authorized to take any and all steps necessary from time to time to enable the counties, cities and towns of this commonwealth to secure any benefits to which they may be entitled under the National Industrial Recovery Act, or under the joint resolution of congress known as the Emergency Relief Appropriation Act of 1935, and the board is hereby directed to co-operate and assist him in every way possible.

SECTION 6. Said Part one of said chapter three hundred and sixty-six is hereby further amended by striking out section six and inserting in place thereof the following: — *Section 6.* The provisions of Part I of this act shall, so far as applicable, apply to any district.

SECTION 7. Any county which has heretofore been authorized by any special act to accept and use federal funds in the carrying out of any public project for the county or the tuberculosis hospital district therein may accept and use federal funds under Part one of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as amended by this act, to the same extent as though the provisions of said Part one, as so amended,

had been in effect at the time such special act became effective.

SECTION 8. If a county, city, town or district shall have borrowed money under authority of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, or under said chapter as heretofore, hereby or hereafter amended and shall have an agreement with the federal government whereby such government grants such county, city, town or district a sum of money on account of the project for which the money was borrowed, the treasurer of such county, city, town or district, with the approval of the county commissioners, mayor, selectmen or prudential committee or commissioners, as the case may be, in anticipation of the receipt of the proceeds of such grant, may incur debt, which in the case of a city, town or district may be outside the debt limit, to an amount not exceeding the amount of the grant as shown by the grant agreement, and may issue notes therefor payable in not exceeding one year from their dates; and the proceeds of the grant, so far as necessary, shall be applied to the discharge of the loan.

Approved July 12, 1935.

AN ACT ESTABLISHING IN THE DEPARTMENT OF PUBLIC UTILITIES A COMMERCIAL MOTOR VEHICLE DIVISION, UNDER THE CHARGE OF A DIRECTOR THEREOF.

Chap. 405

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 safety and convenience.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter twenty-five of the General Laws is hereby amended by inserting after section twelve E, inserted therein by section one of chapter three hundred and fifty-two of the acts of nineteen hundred and thirty-four, the following new section: — *Section 12F*. There shall be in the department, and under the general supervision and control of the commission, a commercial motor vehicle division which shall be under the charge of a director, who shall be subject to chapter thirty-one and the rules and regulations made under authority thereof. The commission shall appoint said director and, subject to the approval of the governor and council, shall fix his compensation. Said division, subject to such supervision and control, shall perform such functions in relation to the administration and enforcement of chapters one hundred and fifty-nine A and one hundred and fifty-nine B imposed upon the department by said chapters as the commission may from time to time determine by order duly recorded in the office of the commission and open to public inspection. Such an order may also provide for appeals to the commission from rulings and decisions of the said director. The commission

G. L. (Ter. Ed.), 25, new section 12F, added.

Commercial motor vehicle division.

may employ such assistants and employees to serve in said division as it may deem necessary.

G. L. (Ter. Ed.), 31, § 5, amended.

Employees exempt from civil service.

SECTION 2. Section five of chapter thirty-one of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "commonwealth" in the eleventh line the words: —, except as provided in section twelve F of chapter twenty-five, — so as to read as follows: — *Section 5.* No rule made by the board shall apply to the selection or appointment of any of the following:

Judicial officers; officers elected by the people or, except as otherwise expressly provided in this chapter, by a city council; officers whose appointment is subject to confirmation by the executive council, or by the city council of any city; officers whose appointment is subject to the approval of the governor and council; officers elected by either branch of the general court and the appointees of such officers; heads of principal departments of the commonwealth or of a city except as otherwise provided by the preceding section; directors of divisions authorized by law in the departments of the commonwealth, except as provided in section twelve F of chapter twenty-five; employees of the state treasurer appointed under section five of chapter ten, employees of the commissioner of banks, and of the treasurer and collector of taxes of any city; two employees of the city clerk of any city; public school teachers; secretaries and confidential stenographers of the governor, or of the mayor of any city; clerical employees in the registries of probate of all the counties; police and fire commissioners and chief marshals or chiefs of police and of fire departments, except as provided in section forty-nine; and such others as are by law exempt from the operation of this chapter.

Approved July 12, 1935.

Chap. 406 AN ACT HARMONIZING THE DEFINITION OF EMPLOYEES UNDER THE WORKMEN'S COMPENSATION LAW WITH CERTAIN OTHER PROVISIONS THEREOF.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, § 1, etc., amended.

Section one of chapter one hundred and fifty-two of the General Laws, as most recently amended by section one of chapter three hundred and thirty-two of the acts of the current year, is hereby further amended by striking out the paragraph numbered (4), as appearing in the Tercentenary Edition, and inserting in place thereof the following paragraph: —

"Employee" defined.

(4) "Employee", every person in the service of another under any contract of hire, express or implied, oral or written, excepting masters of and seamen on vessels engaged in interstate or foreign commerce, and excepting one whose employment is not in the usual course of the trade, business, profession or occupation of his employer, but not excepting

a person conclusively presumed to be an employee under section twenty-six of this chapter. Any reference to an employee who has been injured shall, when the employee is dead, also include his legal representatives, dependents and other persons to whom compensation may be payable.

Approved July 12, 1935.

AN ACT RELATIVE TO INJUNCTION AND CONTEMPT PROCEDURE
IN LABOR DISPUTES.

Chap. 407

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty-nine of the General Laws is hereby amended by inserting after section twenty A, inserted by section one of chapter three hundred and fifty-one of the acts of nineteen hundred and thirty-three, the two following new sections: — *Section 20B.* No officer or member of any association or organization, and no association or organization, participating or interested in a labor dispute, as defined in section twenty C, shall be held responsible or liable in any court for the unlawful acts of individual officers, members or agents, except upon clear proof of actual participation in, or actual authorization of, such acts, or of ratification of such acts after actual knowledge thereof.

G. L. (Ter. Ed.), 149, new sections 20B and 20C, added.

Liability of officers, etc., of labor organizations limited.

Section 20C. For the purposes of this and the preceding section, sections one, nine and nine A of chapter two hundred and fourteen, and sections thirteen A and thirteen B of chapter two hundred and twenty, —

Same subject.

(a) A case shall be held to involve or to grow out of a labor dispute when the case involves persons who are engaged in the same industry, trade, craft or occupation; or who are employees of the same employer; or who are members of the same or an affiliated organization of employers or employees; whether such dispute is (1) between one or more employers or associations of employers and one or more employees or associations of employees; (2) between one or more employers or associations of employers and one or more employees or associations of employees; or (3) between one or more employees or associations of employees and one or more employers or associations of employees; or when the case involves any conflicting or competing interests in a "labor dispute" (as hereinafter defined) of "persons participating or interested" therein (as hereinafter defined).

(b) A person or association shall be held to be a person participating or interested in a labor dispute if relief is sought against him or it, and if he or it is engaged in the same industry, trade, craft or occupation in which such dispute occurs, or has a direct or indirect interest therein, or is a member, officer or agent of any association composed in whole or in part of employers or employees engaged in such industry, trade, craft or occupation.

(c) The term "labor dispute", when used in the sections hereinbefore referred to, includes any controversy concern-

Term "labor dispute" defined.

ing terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange, terms or conditions of employment.

G. L. (Ter. Ed.), 214, § 1, amended.

Jurisdiction of courts in labor disputes.

SECTION 2. Section one of chapter two hundred and fourteen of the General Laws, as appearing in the Tercenary Edition, is hereby amended by adding at the end thereof the following: —, except that the superior court shall have exclusive original jurisdiction of all suits in which injunctive relief is sought in any matter involving or growing out of a labor dispute as defined in section twenty C of chapter one hundred and forty-nine, — so as to read as follows: — *Section 1.* The supreme judicial and superior courts shall have original and concurrent jurisdiction in equity of all cases and matters of equity cognizable under the general principles of equity jurisprudence and, with reference thereto, shall be courts of general equity jurisdiction, except that the superior court shall have exclusive original jurisdiction of all suits in which injunctive relief is sought in any matter involving or growing out of a labor dispute as defined in section twenty C of chapter one hundred and forty-nine.

G. L. (Ter. Ed.), 214, § 9, etc., amended.

Preliminary injunction and temporary restraining orders.

SECTION 3. Section nine of said chapter two hundred and fourteen, as amended by chapter three hundred and eighty-one of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out all after the word "notice" in the eighth line down to and including the word "order" in the twelfth line, — by striking out in the thirteenth line the word "any" and inserting in place thereof the words: — such a, — by inserting after the word "granted" in the same line the words: — without notice, — and by adding at the end thereof the words: — or to labor disputes as defined in section twenty C of chapter one hundred and forty-nine, — 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. If in such a case a temporary restraining order is granted without notice, 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 or to labor disputes as defined in section twenty C of chapter one hundred and forty-nine.

SECTION 4. Said chapter two hundred and fourteen is hereby further amended by inserting after said section nine the following new section:— *Section 9A.* (1) No court shall have jurisdiction to issue a preliminary or permanent injunction in any case involving or growing out of a labor dispute, as defined in section twenty C of chapter one hundred and forty-nine, except after hearing the testimony of witnesses in open court (with opportunity for cross-examination) in support of the allegations of a complaint made under oath, and testimony in opposition thereto, if offered, and except after findings of fact by the court, to the effect —

G. L. (Ter. Ed.), 214, new section 9A, added.
Preliminary injunctions, etc.

(a) That unlawful acts have been threatened and will be committed unless restrained or have been committed and will be continued unless restrained, but no injunction or temporary restraining order shall be issued on account of any threat or unlawful act excepting against the person or persons, association or organization making the threat or committing the unlawful act or actually authorizing or ratifying the same after actual knowledge thereof;

(b) That substantial and irreparable injury to the complainant's property will follow;

(c) That as to each item of relief granted greater injury will be inflicted upon the complainant by the denial of relief than will be inflicted upon the defendants by the granting of relief;

(d) That the complainant has no adequate remedy at law; and

(e) That the public officers charged with the duty to protect the complainant's property are unable or unwilling to furnish adequate protection.

(2) Such hearing shall be held after due and personal notice thereof has been given, in such manner as the court shall direct, to all known persons against whom relief is sought, and also to the chief of those public officials of the city or town within which the unlawful acts have been threatened or committed charged with the duty to protect the complainant's property; provided, however, that if a complainant shall also allege that, unless a temporary restraining order shall be issued without notice, a substantial and irreparable injury to the complainant's property will be unavoidable, such a temporary restraining order may be issued upon testimony under oath, sufficient, if sustained, to justify the court in issuing a preliminary injunction upon a hearing after notice, and a statement of the grounds justifying the issuance of such order shall be made a matter of record by the court. Such a temporary restraining order

shall be effective for no longer than five days and shall become void at the expiration of said five days and shall not be subject to renewal. No temporary restraining order or preliminary injunction shall be issued except on condition that the complainant shall first file an undertaking with adequate security in an amount to be fixed by the court sufficient in its opinion to recompense those enjoined for any loss, expense or damage caused by the improvident or erroneous issuance of such order or injunction, including all reasonable costs (together with a reasonable attorney's fee) and expense of defense against the order or against the granting of any injunctive relief sought in the same proceeding and subsequently denied by the court.

(3) The undertaking herein mentioned shall be understood to signify an agreement entered into by the complainant and the surety upon which a decree may be rendered in the same suit or proceeding against said complainant and surety, upon a hearing to assess damages of which hearing the complainant and surety shall have reasonable notice, the said complainant and surety submitting themselves to the jurisdiction of the court for that purpose. But nothing herein contained shall deprive any party having a claim or cause of action under or upon such undertaking from electing to pursue his ordinary remedy by action at law or suit in equity.

(4) No restraining order or injunctive relief shall be granted to any complainant who has failed to comply with any obligation imposed by law which is involved in the labor dispute in question, or who has failed to make every reasonable effort to settle such dispute either by negotiation or with the aid of any available governmental machinery of mediation or voluntary arbitration.

(5) No restraining order, other than a temporary restraining order issued without notice as provided in subdivision (2) of this section, and no preliminary or permanent injunction shall be granted in a case involving or growing out of a labor dispute, except on the basis of findings of fact made and filed by the court in the record of the case prior to the issuance of such restraining order or injunction; and every restraining order or injunction granted in a case involving or growing out of a labor dispute shall include only a prohibition of such specific act or acts as may be expressly complained of in the bill of complaint or petition filed in such case and as shall be expressly included in said statement of grounds or findings of fact made and filed by the court as provided herein.

(6) Whenever the court shall issue or deny a preliminary injunction in a case involving or growing out of a labor dispute, the court, upon the request of any party to the proceeding, shall forthwith report any questions of law involved in such issue or denial to the supreme judicial court and stay further proceedings except those necessary to preserve the rights of the parties. Upon the filing of such report, the

questions reported shall be heard in a summary manner by a justice of the supreme judicial court, who shall with the greatest possible expedition affirm, reverse or modify the order of the superior court. The decision of such justice of the supreme judicial court upon the questions so raised shall be final, but without prejudice to the raising of the same questions before the full court upon exceptions, appeal or report after a final decree in the case.

SECTION 5. Chapter two hundred and twenty of the General Laws is hereby amended by inserting after section thirteen, as appearing in the Tercentenary Edition, the two following new sections: — *Section 13A.* Any person who shall wilfully disobey any lawful writ, process, order, decree or command of the court in any suit in which injunctive relief is sought in any matter involving or growing out of a labor dispute, as defined in section twenty C of chapter one hundred and forty-nine, by doing any act or thing in or by such writ, process, order, decree or command forbidden to be done by him, if the act or thing so done by him is of such character as to constitute also a criminal offence under the laws of the commonwealth shall enjoy the right to a speedy and public trial for his said contempt by an impartial jury of the county wherein it shall have been committed; provided, that this right shall not apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice or apply to the misbehavior, misconduct or disobedience of any officer of the court in respect to the writs, orders or process of the court.

Section 13B. The defendant in any proceeding for contempt of court in such a case may file with the court a demand for the retirement of the justice sitting in such case, if the contempt arises from an attack upon the character or conduct of such justice and the attack occurred elsewhere than in the presence of the court or so near thereto as to interfere directly with the administration of justice. Upon the filing of any such demand, prior to the hearing in the contempt proceeding, the justice shall thereupon proceed no further, but another justice shall be assigned by the chief justice of the court.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held unconstitutional or otherwise invalid, the remaining provisions of the act and the application of such provisions to other persons or circumstances shall not be affected thereby.

Approved July 12, 1935.

G. L. (Ter. Ed.), 220, new sections 13A and 13B, added.

Penalty for failure to comply with court orders, etc.

Contempt proceedings, rights of defendant in.

Act not invalid, when.

Chap. 408 AN ACT RELATIVE TO SENIORITY RIGHTS IN RESPECT TO THE SUSPENSION AND RE-EMPLOYMENT OF PERSONS IN THE CLASSIFIED CIVIL SERVICE IN CERTAIN CASES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 31, new section 46G, added.

Re-employment after suspension.

Chapter thirty-one of the General Laws is hereby amended by inserting after section forty-six F, inserted by chapter three hundred and thirty-seven of the acts of nineteen hundred and thirty-five, the following new section: —

Section 46G. If the separation from service of persons in the classified service becomes necessary from lack of work because of the season, because of lack of appropriations, or from any other temporary cause, they shall be suspended and re-employed according to their seniority in the service so that the oldest employees in point of service shall be retained the longest, and re-employed first and before new names are certified.

Approved July 12, 1935.

Chap. 409 AN ACT RELATIVE TO THE FEES FOR THE REGISTRATION OF CERTAIN MOTOR VEHICLES AND TRAILERS.

Be it enacted, etc., as follows:

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

Registration fees of certain motor vehicles.

SECTION 1. Section thirty-three of chapter ninety of the General Laws, as most recently amended by section four of chapter three hundred and thirty-two of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out the paragraphs inserted by said section four and inserting in place thereof the following: —

(1) For the registration of every non-gasoline driven automobile used for the transportation of goods, wares or merchandise except an electric motor truck or an electric commercial automobile, fifty cents, or, in the case of an electric motor truck or an electric commercial automobile so used, twenty-five cents, and of every gasoline driven automobile so used, fifteen cents, for every hundred pounds of the weight of such vehicle and of its maximum carrying capacity, but in no event less than twenty dollars in the case of a non-gasoline driven automobile so used or ten dollars in the case of a gasoline driven automobile so used; provided, that for the registration of every automobile of the semi-passenger type of a carrying capacity not exceeding one thousand pounds used for the transportation of tools, utensils, goods, wares or merchandise, the fee shall be fifteen dollars when non-gasoline driven and four dollars and fifty cents when gasoline driven. (2) For the registration of every semi-trailer unit used for the transportation of goods, wares or merchandise, fifteen cents for every hundred pounds of the weight of such semi-trailer unit and of its maximum carrying capacity, but in no event less than twelve dollars. (3) For the registration of each additional semi-trailer used with the tractor of a semi-trailer unit so

registered, ten dollars; provided, that, when in use, the weight of the resulting semi-trailer unit and its maximum carrying capacity does not exceed the weight and maximum carrying capacity of the original semi-trailer unit for which a registration fee as required by this section has been paid.

(4) For the registration of every heavy-duty platform trailer, fifteen cents for every hundred pounds of the weight of every such vehicle and its maximum carrying capacity.

(5) For the registration of every trailer of a carrying capacity not exceeding one thousand pounds used for the transportation of commodities in connection with commerce, four dollars and fifty cents, and when not so used, one dollar. (6) For the registration of every tractor not a part of a semi-trailer unit, fifteen cents for every hundred pounds of the weight of such tractor and its equipment. The provisions of this paragraph shall not apply to any vehicle the fee for the registration of which is provided for in the second preceding paragraph. The aforesaid weight shall mean the weight of such vehicle when fully equipped for the road. The commissioner of public works may establish rules for determining the weight of such vehicle and its maximum carrying capacity, and he may in his discretion use the maker's weight with due allowance for extras.

SECTION 2. This act shall take effect on the first day of January, nineteen hundred and thirty-six. Effective date.

Approved July 12, 1935.

AN ACT RELATIVE TO THE ATTACHMENT OF WAGES.

Chap. 410

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and forty-six of the General Laws is hereby amended by striking out section twenty-eight, as appearing in the Tercentenary Edition and as temporarily affected by chapter seventy-four of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *Section 28.* If wages for personal labor or personal services of a defendant are attached for a debt or claim, an amount not exceeding twenty dollars out of the wages then due to the defendant for labor performed or services rendered during each week for which such wages were earned but not paid shall be reserved in the hands of the trustee and shall be exempt from such attachment. The amount so reserved shall be paid by the trustee to the defendant in the same manner and at the same time as such amount would have been paid if no such attachment had been made. Every writ of attachment shall contain a statement of the amount exempted from attachment under this section and also a direction to the trustee to pay over the exempted amount as hereinbefore provided.

G. L. (Ter. Ed.), 246, § 28, amended.

Wages exempt from attachment.

SECTION 2. Chapter seventy-four of the acts of nineteen hundred and thirty-four is hereby repealed; but such repeal shall not be deemed to invalidate any lawful attachment

Repeal of temporary act.

or reservation of wages under authority thereof prior to the effective date of this act.

Effective date.

SECTION 3. This act shall become effective November first of the current year and section one thereof shall apply only to attachments by trustee process made on or after said effective date.

Approved July 12, 1935.

Chap. 411 AN ACT RELATIVE TO THE METHOD OF PAYMENT OF SALARIES OF MEMBERS OF THE COMMISSION ON PUBLIC UTILITIES AND OF CERTAIN SALARIES AND EXPENSES INCURRED BY THE DEPARTMENT OF PUBLIC UTILITIES IN THE PERFORMANCE OF CERTAIN OF ITS FUNCTIONS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 25, §§ 11 and 12, repealed.

SECTION 1. Sections eleven and twelve of chapter twenty-five of the General Laws, as appearing in the Tercentenary Edition, are hereby repealed.

Effective date.

SECTION 2. This act shall take effect on the first day of December in the current year and shall not affect the assessment and collection of items designated by any appropriation act of said year for the purposes stated in said section eleven.

Approved July 12, 1935.

Chap. 412 AN ACT MAKING UNIFORM CERTAIN PHASES OF THE LAWS RELATING TO THE SALE AND DISTRIBUTION OF NARCOTIC DRUGS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, § 197, amended.

SECTION 1. Section one hundred and ninety-seven of chapter ninety-four of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the paragraph contained in the tenth to the fifteenth lines and inserting in place thereof the following: — "Narcotic drug", coca leaves, cocaine, alpha or beta eucaine, or any synthetic substitute for them or any salts, compound or derivative thereof except decocainized coca leaves and preparations thereof, opium, morphine, heroin, codeine, or any preparation thereof or any salt, compound or derivative of the same; and, subject to section two hundred and six, cannabis, including (a) the dried flowering or fruiting tops of the pistillate plant *cannabis sativa* L., from which the resin has not been extracted, (b) the resin extracted from such tops, and (c) every compound, manufacture, salt, derivative, mixture, or preparation of such resin, or of such tops from which the resin has not been extracted.

Narcotic drugs, definition.

G. L. (Ter. Ed.), 94, § 198, amended.

SECTION 2. Section one hundred and ninety-eight of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the first and second lines, the words "one hundred and ninety-nine and two hundred" and inserting in place thereof the words: — one hundred and ninety-seven to two hundred and six, inclusive, — and by striking out,

in the third and fourth lines, the words "manufacturer or jobber in drugs, wholesale druggist" and in the forty-ninth and fiftieth lines the words "manufacturer or jobber of drugs, or wholesale druggist" and inserting in place thereof, in each instance, the words: — licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, — so as to read as follows: — *Section 198.* Except as otherwise provided in sections one hundred and ninety-seven to two hundred and six, inclusive, no person shall sell, furnish, give or deliver any narcotic drug except upon the written order of a licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, registered pharmacist actively engaged in business as such, physician, dentist or veterinarian registered under the laws of the state where he resides, or an incorporated hospital, college or scientific institution through its superintendent or official in immediate charge, or upon the written prescription of a physician, dentist or veterinarian registered as above provided, such order bearing his legal signature, the date of the signature, his office address, the registry number given him under the act of congress approved December seventeenth, nineteen hundred and fourteen, and the name, age and address of the patient for whom it is prescribed. The prescription, when filled, shall show the date of filling and the legal signature of the person filling it, written across the face of the prescription, and the prescription shall be retained on file for at least two years by the druggist filling it. No prescription shall be filled except in the manner indicated therein and at the time when it is received, and the full quantity of each substance prescribed shall be given. No order or prescription shall be either received for filling or filled more than five days after its date of issue as indicated thereon. Each pharmacist who fills a prescription for a narcotic drug shall securely attach to the container thereof a label giving the name and address of the store where the prescription is filled, the date of filling, the name of the person for whom it is prescribed, the name of the physician, dentist or veterinarian who issued it; and the narcotic drug so delivered shall always be kept in its container until used. No prescription shall be refilled, nor shall a copy of the same be made except for the purpose of record by the druggist filling the same, such record to be open at all times to inspection by the officers of the department of public health, the board of registration in pharmacy, the board of registration in medicine, authorized agents of said department and boards, and by the police authorities and police officers of towns; provided, that sections one hundred and ninety-seven to two hundred and thirteen, inclusive, shall not apply to prescriptions, nor to the sale, distribution, giving, dispensing or possession of preparations or remedies, if such prescriptions do not call for, or such preparations and remedies do not contain, more than two grains of opium or more than one quarter of a

Sale of,
regulated.

grain of morphine, or more than one eighth of a grain of heroin or more than one grain of codeine, in one fluid ounce, or, if a solid or semi-solid preparation, in the avoirdupois ounce; nor shall they apply to liniments, ointments or other preparations which are prepared for external use only, except liniments, ointments and other preparations containing cocaine or alpha or beta eucaine; provided, that such preparations, remedies or prescriptions are sold, distributed, given, dispensed or held in possession in good faith as medicines and not for the purpose of evading any provision of the last named sections, and provided that the possession of any narcotic drug, except in the form of prescriptions and preparations or remedies especially exempted in this section, by any one not being a licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, registered pharmacist actively engaged in business as such, or a physician, dentist or veterinarian registered as above provided, or superintendent or official in charge of an incorporated hospital, college or scientific institution shall, except as provided in section two hundred and five, be presumptive evidence of an intent to violate sections one hundred and ninety-eight to two hundred and ten, inclusive. This section shall not apply to a person having in his possession any of the above mentioned articles by virtue of a legal prescription legally issued under any provision of sections one hundred and ninety-eight to two hundred and ten, inclusive, and not obtained by any false representation made to the physician, dentist or veterinarian issuing it, or to the pharmacist who filled it; nor shall such sections apply to decocainized coca leaves or preparations made therefrom or to other preparations of coca leaves which do not contain cocaine.

G. L. (Ter. Ed.), 94, new sections 198A and 198B, added.

License to manufacture.

SECTION 3. Said chapter ninety-four is hereby further amended by inserting after section one hundred and ninety-eight, as amended by section two of this act, the two following new sections:— *Section 198A.* No person shall manufacture, compound, mix, cultivate, grow, or by any other process produce or prepare narcotic drugs, and no person as a wholesaler shall supply the same, without having first obtained a license so to do from the department of public health. This section shall not apply to retail pharmacists registered under the provisions of chapter one hundred and twelve.

Licenses, how issued.

Section 198B. The department of public health may annually issue licenses as required by the preceding section, but no such license shall be issued unless and until the applicant therefor has furnished proof satisfactory to the department of public health: (a) that the applicant is a citizen of the United States and of good moral character or, if the applicant is an association or corporation, that the managing officers thereof are of good moral character, and citizens of the United States, and (b) that the applicant is equipped as to land, buildings and paraphernalia properly to carry on the business described in his application.

No license shall be granted to any person who has within five years been convicted of a violation which said department finds to have been wilful of any law of the United States, or of any state, relating to opium, coca leaves or other narcotic drugs, or to any person who is a narcotic drug addict. Said department may suspend or revoke any license for cause. Said department may make rules and regulations adequately to carry into effect the duties herein imposed upon it. A fee of ten dollars shall be charged for issuing each such license.

SECTION 4. Section two hundred and one of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the first and second lines, the words "manufacturer or jobber of drugs, wholesale druggist" and in the eleventh line the words "manufacturer or jobber in drugs, wholesale druggist" and inserting in place thereof, in each instance, the words:— licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, — so as to read as follows:— *Section 201.* Subject to section two hundred and sixteen, any licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, registered pharmacist actively engaged in business as such, and any physician, dentist or veterinarian registered under the laws of the state where he resides may sell a narcotic drug to any of the persons aforesaid or to any incorporated hospital, college or scientific institution, but such substances or preparations, excepting such preparations as are included within the exemptions set forth in section one hundred and ninety-eight, shall be sold only upon the written order of such hospital, college or institution, duly signed by its superintendent or official in immediate charge, or upon a written order duly signed by any licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, registered pharmacist actively engaged in business as such, or physician, dentist or veterinarian registered as above provided, and the order shall state the articles ordered, the quantity ordered and the date. Said orders shall be kept on file in the laboratory, warehouse, pharmacy or store in which they are filled, by the proprietor thereof or his successor, for not less than two years after delivery, and shall at all times be open to inspection by the department of public health, the board of registration in pharmacy, the board of registration in medicine, authorized agents of said department and boards, and by the police authorities and police officers of towns.

SECTION 5. Section two hundred and three of said chapter ninety-four, as so appearing, is hereby amended by inserting after the word "or" in the fifth line the second time said word appears the words:— that he is licensed under sections one hundred and ninety-eight A and one hundred and ninety-eight B, or that he is a, — and by inserting after the word "is" in the sixth line the word:— a, — so as to read as follows:— *Section 203.* Whoever, for

G. L. (Ter. Ed.), 94, § 201, amended.

Sales to certain persons and institutions, regulated.

G. L. (Ter. Ed.), 94, § 203, amended.

False representations

deemed
violations.

the purpose of evading or assisting in the evasion of any provision of sections one hundred and ninety-eight to two hundred and ten, inclusive, falsely represents that he is a physician, dentist or veterinarian, or that he is a manufacturer of or jobber in drugs or wholesale druggist or that he is licensed under sections one hundred and ninety-eight A and one hundred and ninety-eight B, or that he is a pharmacist actively engaged in business as such, or that he is a superintendent or official in immediate charge of an incorporated hospital, college or scientific institution, or a person registered under the act of congress mentioned in the preceding section, or whoever, not being an authorized physician, dentist or veterinarian, makes or alters a prescription or written order for a narcotic drug, or knowingly issues or utters a prescription or written order falsely made or altered, or whoever makes any false representation or statement as to his name, age, address or any other matter, either in writing or orally, to any physician, dentist, pharmacist or veterinarian for the purpose of procuring a prescription for, or the delivery of, a narcotic drug, shall be punished as provided in section two hundred and thirteen. Each prescription or order which is altered, or is obtained by a false representation, shall be void and of no effect.

G. L. (Ter.
Ed.), 94, § 206,
amended.

SECTION 6. Section two hundred and six of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the fifth line, the words "indica and cannabis sativa", — by striking out, in the seventh and eighth lines, the words "indica or more than one half grain of extract of cannabis sativa", — and by striking out, in the tenth and eleventh lines, the words "indica and cannabis sativa", — so as to read as follows: — *Section 206.* The provisions of sections one hundred and ninety-eight to two hundred and thirteen, inclusive, except such as require the ordering of narcotic drugs on an official order blank and the keeping of the same on file, and the keeping of the record relative thereto, shall apply to cannabis, except that such provisions shall not apply to prescriptions, preparations or remedies which do not contain more than one half grain of extract of cannabis in one fluid ounce, or, if a solid or semi-solid preparation, in the avoirdupois ounce, nor to liniments, ointments or other preparations containing cannabis which are prepared for external use only.

Cannabis.

G. L. (Ter.
Ed.), 94, § 211,
amended.

SECTION 7. Section two hundred and eleven of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the first and second lines, the words "manufacturer or jobber of drugs, wholesale druggist" and inserting in place thereof the words: — licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, — so as to read as follows: — *Section 211.* Whoever, not being a licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, registered pharmacist, registered physician, registered veterinarian, registered dentist, nurse acting under the direc-

Illegal
possession
penalized.

tion of a physician, or employee of an incorporated hospital acting under the direction of its superintendent or official in immediate charge, or a common carrier or messenger when transporting any narcotic drug between persons mentioned in this section in the same package in which the drug was delivered to him for transportation, is found in possession thereof except by reason of a physician's prescription lawfully and properly issued shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two and one half years in the house of correction.

SECTION 8. Section two hundred and fourteen of said chapter ninety-four, as so appearing, is hereby amended by striking out, in the fourth line, the words "indica, cannabis sativa", — by striking out, in the tenth and eleventh lines, the words "manufacturer or jobber of drugs, wholesale druggist" and inserting in place thereof the words: — licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, — by striking out, in the twenty-sixth line, the word "fifty" and inserting in place thereof the words: — one thousand, — and by striking out, in the twenty-seventh line, the words "three months" and inserting in place thereof the words: — one year, or both, — so as to read as follows: — *Section 214.* If a person makes complaint under oath to a district court, or to a trial justice or justice of the peace authorized to issue warrants in criminal cases, that he has reason to believe that opium, morphine, heroin, codeine, cannabis, peyote or any other hypnotic drug, or any salt, compound or preparation of said substances, or any cocaine, alpha or beta eucaine, or any synthetic substitute for them, or any preparation containing the same, or any salts or compounds thereof, is kept or deposited by a person named therein in a store, shop, warehouse, building, vehicle, steamboat, vessel or any place whatever, such person being other than a licensee under sections one hundred and ninety-eight A and one hundred and ninety-eight B, registered pharmacist, registered physician, registered veterinarian, registered dentist, registered nurse, employee of an incorporated hospital, or a common carrier or messenger when transporting any drug mentioned herein between parties hereinbefore mentioned, such court or justice, if it appears that there is probable cause to believe that said complaint is true, shall issue a search warrant to a sheriff, deputy sheriff, city marshal, chief of police, deputy marshal, police officer or constable, commanding him to search the premises where it is alleged that any of the above mentioned drugs is kept or deposited, and to seize and securely keep the same until final action, and to arrest the person in whose possession such drug is found, together with all persons present where such drug is found, and to return forthwith the warrant with his doings thereon, to a court or trial justice having jurisdiction in the town where said drug is alleged to be kept or de-

G. L. (Ter. Ed.), 94, § 214, amended.

Issue of search warrants.
Penalty for being present, etc.

posited. Whoever is so present where any of the aforesaid drugs is found shall be punished by a fine of not more than one thousand dollars or by imprisonment in the house of correction for one year, or both.

G. L. (Ter. Ed.), 94, § 215, amended.

SECTION 9. Section two hundred and fifteen of said chapter ninety-four, as so appearing, is hereby amended by inserting after the word "commonwealth" in the eleventh line the following:— Said department may deliver such drugs to any public hospital within the commonwealth, not operated for private gain, or may deliver such drugs to the United States commissioner of narcotics or to the United States attorney, in its discretion. Said department shall keep a full and complete record of all such drugs received and disposed of, — so as to read as follows: — *Section 215.* If after such notice as the court or trial justice orders it appears that any drug seized under the preceding section was, at the time of the making of the complaint, unlawfully in the possession of the person alleged therein, the court or trial justice shall order that such article or drug so seized be forfeited to the commonwealth and shall order such article or drug sent to the department of public health. Possession of such drug shall be prima facie evidence that such possession was in violation of law. Said department may destroy such article or drug or cause it to be destroyed or to be disposed of in any way not prohibited by law, and, after paying the cost of the transportation and disposition of the same, it shall pay over the net proceeds to the commonwealth. Said department may deliver such drugs to any public hospital within the commonwealth, not operated for private gain, or may deliver such drugs to the United States commissioner of narcotics or to the United States attorney, in its discretion. Said department shall keep a full and complete record of all such drugs received and disposed of. Section eight of chapter two hundred and seventy-six shall apply to all judgments rendered and orders made under this and the preceding section.

Articles seized to be forfeited.

G. L. (Ter. Ed.), 94, § 217, amended.

SECTION 10. Section two hundred and seventeen of said chapter ninety-four, as so appearing, is hereby amended by inserting after the word "health" in the first line the words: — , the department of public safety, the board of registration in pharmacy, all police officers and all district attorneys, — by striking out, in the third line, the words "ninety-eight, one hundred and ninety-nine and two hundred and one" and inserting in place thereof the words: — ninety-seven to two hundred and thirteen, inclusive, and whenever there appears to be a violation of said sections all such officers, officials or departments shall co-operate with all agencies charged with the enforcement of the laws of the United States pertaining to narcotic drugs, — and by striking out, in the tenth line, the words "said department" and inserting in place thereof the words: — the department of public health, — so as to read as follows: —

Section 217. The department of public health, the department of public safety, the board of registration in pharmacy, all police officers and all district attorneys shall cause the prosecution of all persons violating any provision of sections one hundred and ninety-seven to two hundred and thirteen, inclusive, and whenever there appears to be a violation of said sections all such officers, officials or departments shall co-operate with all agencies charged with the enforcement of the laws of the United States pertaining to narcotic drugs, but no prosecution shall be brought for the sale at retail or for the gift or exchange of any patent or proprietary medicine or food preparation containing any drug or preparation the sale of which is prohibited by sections one hundred and ninety-eight and two hundred and one, or against any wholesale or retail druggist for the sale, gift or exchange of any patent or proprietary preparation containing cocaine or alpha or beta eucaïne, or any synthetic substitute for them unless the department of public health, prior to such sale, gift or exchange, has given public notice in some trade journal that the gift, exchange or sale at retail of such medicine or food preparation, or the gift, sale or exchange of such patent or proprietary preparation, as the case may be, naming it in each instance, would be contrary to law.

Prosecutions
of certain
violations
regulated.

Approved July 12, 1935.

AN ACT PROVIDING FOR THE CONTROL OF THE FLOOD WATERS
OF THE HOUSATONIC RIVER IN THE CITY OF PITTSFIELD.

Chap. 413

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:

SECTION 1. The department of public works is hereby authorized and directed to provide for the control of the flood waters of the Housatonic river in the city of Pittsfield for the purpose of safeguarding and protecting the lives and property of the people of said city against perils from floods and erosion of the banks of said river, and for said purpose the department may exercise all the powers conferred upon it by chapter ninety-one of the General Laws relative to the improvement of rivers and harbors. No work shall be begun hereunder until the city of Pittsfield has assumed liability, in the manner provided by section twenty-nine of said chapter ninety-one, for all damages that may be incurred hereunder, nor until there has been paid into the treasury of the commonwealth by the county of Berkshire the sum of twenty-five hundred dollars, and by said city of Pittsfield the sum of ten thousand dollars, which, together with such sum, not exceeding twelve thousand five hundred dollars, as may hereafter be appropriated by the commonwealth, shall constitute a fund for the improve-

ments herein authorized; provided, that the total cost of such improvements shall not exceed twenty-five thousand dollars.

SECTION 2. For the purpose of meeting the payment required to be made by the county of Berkshire under this act, the treasurer of said county, with the approval of the county commissioners, may borrow the sum of twenty-five hundred dollars for the term of one year and may issue notes of the county therefor.

For the purpose of meeting the payment required to be made by the city of Pittsfield under this act, said city may borrow a sum not exceeding ten thousand dollars, and may issue bonds or notes therefor, payable in not more than two years from the dates thereof. Indebtedness incurred by said city 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.

The said county and city may sell the said securities at public or private sale, but not for less than their par value.

Approved July 15, 1935.

Chap. 414 AN ACT RELATIVE TO INTEREST UPON TAX TITLES AND TO REDEMPTION THEREFROM BY INSTALMENT PAYMENTS.

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.), 60, § 50, etc., amended.

Deed to city or town. Contents, custody, proceedings for foreclosure.

SECTION 1. Section fifty of chapter sixty of the General Laws, as most recently amended by section six of chapter three hundred and twenty-five of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word "charges" in the eighteenth line the words: — thereon, including interest accrued up to the date of such certification, — so as to read as follows: — *Section 50.* If the town becomes the purchaser, the deed to it, in addition to the statements required by section forty-five, shall set forth the fact that no sufficient bid was made at the sale or that the purchaser failed to pay the amount bid, as the case may be, and shall confer upon such town the rights and duties of an individual purchaser. Every such deed and every instrument of taking described in section fifty-four shall be in the custody of the town treasurer, and there shall be set up on the books of the town, whether kept by the treasurer or otherwise, a separate account of each parcel of land covered by any such deed or instrument, to which shall be charged the amount stated in the deed or instrument, the cost of recording the same, and, upon certification in accordance with section sixty-one, all uncollected

taxes assessed to such parcel for any year subsequent to that for the taxes for which such parcel was purchased or taken, with all legal costs and charges thereon, including interest accrued up to the date of such certification, until redemption or foreclosure. The town treasurer shall institute proceedings for foreclosure as soon as such proceedings are authorized by sections sixty-two and sixty-five. The commissioner may at his discretion institute proceedings in the name of the treasurer in the event that such proceedings are not instituted by the treasurer. Any expense incurred by the commissioner hereunder shall be assessed against the city or town and collected in the same manner as expenses for auditing municipal accounts under the provisions of section forty-one of chapter forty-four.

SECTION 2. Section sixty-two of chapter sixty of the General Laws, as most recently amended by chapter two hundred and seventy-eight of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out the first paragraph and inserting in place thereof the following:—

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 land has been taken or purchased by the town, may redeem the same by paying or tendering to the treasurer the amount of the tax title account of the land being redeemed, and interest at six and one half per cent upon the original sum for which the land was taken or sold, from the date of sale, and upon each sum certified in accordance with section sixty-one, from the date of certification, together with all charges lawfully added to the tax title account of such land subsequent to such taking or sale, or may redeem the same by paying or tendering to said treasurer instalments on account of the tax title account, each of which, except the last, shall be in amount not less than twenty-five per cent of the sum for which the land was originally sold, together with the full amount of interest, as aforesaid, to the date of payment of the amount of the tax title account or balance thereof remaining due at the time of such payment, and all charges lawfully added as aforesaid, until the full amount of the tax title account, with interest as aforesaid and all such charges, is paid. Each such instalment shall be received, receipted for, and applied toward the redemption of the land so taken or purchased. 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.

G. L. (Ter. Ed.), 60, § 62, etc., amended.

Redemption of land taken or sold for taxes.

G. L. (Ter. Ed.), 60, § 68, etc., amended.

Answer, offer to redeem, finding of court for redemption.

SECTION 3. Section sixty-eight of said chapter sixty, as most recently amended by section one of chapter three hundred and fifty-four of the acts of nineteen hundred and thirty-five, is hereby further amended by striking out, in the fifth line, as appearing in section three of chapter two hundred and twenty-four of the acts of nineteen hundred and thirty-five, the word "premises" and inserting in place thereof the word: — land, — and by striking out, in the eleventh line, as so appearing, the word "eight" and inserting in place thereof the words: — six and one half, — so as to read as follows: — *Section 68.* Any person claiming an interest, on or before the return day or within such further time as may on motion be allowed by the court, shall, if he desires to redeem, file an answer setting forth his right in the land, and an offer to redeem upon such terms as may be fixed by the court. Thereupon the court shall hear the parties, and may in any case in its discretion make a finding allowing the party to redeem, within a time fixed by the court, upon payment to the petitioner of an amount sufficient to cover the original sum, costs, interest at the rate of six and one half per cent per annum, and all subsequent taxes, costs and interest to which the petitioner may be entitled under section sixty-one or sixty-two, together with the costs of the proceeding and such counsel fee as the court deems reasonable. The court may impose such other terms as justice and the circumstances warrant.

If the land has been divided by sale, mortgage, upon a petition for partition or otherwise and such division has been duly recorded in the registry of deeds, the court may permit redemption of any of the portions into which the land has been divided, upon such terms as it may deem just and equitable toward all parties and may make a decree under section sixty-nine barring redemption of the remaining portions.

Application of act.

SECTION 4. In so far as this act relates to procedure merely, it shall apply to all land and taxes thereon, whether the property was purchased or taken for taxes before or after its effective date; but the interest rate provided by this act shall apply only in case of land purchased or taken subsequently to said date. *Approved July 15, 1935.*

Chap. 415 AN ACT PROVIDING FOR THE ACQUISITION BY THE COMMONWEALTH OF ADDITIONAL PROPERTY FOR THE SALISBURY BEACH RESERVATION AND RELATIVE TO THE MAINTENANCE OF SAID RESERVATION.

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. Subject to the conditions herein imposed, the commissioner of conservation, on behalf of the common-

wealth, may take by eminent domain under chapter eighty A of the General Laws but not otherwise, or may acquire by purchase or gift, and thereafter maintain as a part of the Salisbury Beach state reservation, in addition to the property acquired for said purpose under authority of chapter four hundred and forty-two of the acts of nineteen hundred and thirty-one, as amended, or under other authority of law, the whole or any portion of the property in the town of Salisbury included in blocks thirteen to forty-six, inclusive, shown on a plan entitled "Plan of Salisbury Beach and Adjacent Marshes", dated March eleventh, nineteen hundred and seventeen, and on file in the office of said commissioner. The aggregate amount of compensation and damages to be paid for the acquisition of property hereunder shall not exceed two hundred and fifty thousand dollars, and if it appears that the aggregate amount necessary for purchases hereunder and for such compensation and damages exceeds two hundred and fifty 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 acquisition and discontinue the proceedings as provided in section eleven of said chapter eighty A.

SECTION 2. If it appears that the said property can be acquired as hereinbefore provided at a total cost of less than two hundred and fifty thousand dollars, the remaining balance may be expended for the acquisition by said commissioner for the purpose aforesaid, in the same manner and subject to the same conditions provided in the preceding section, of the whole or any part of the property in said town of Salisbury, not already owned by the commonwealth or authorized to be acquired by the preceding section, within the area bounded and described as follows:— Beginning in the west boundary of land of the commonwealth along Salisbury beach and in the north line of Murray street, so called; thence in a north line of Murray street extended westerly to the west line of Cable avenue, so called; thence northerly by Cable avenue to land of the commonwealth; thence westerly and continuing by land of the commonwealth as surveyed and defined by bounds to the northwest corner of land formerly of one Pike; thence southerly by a line passing about two hundred and fifty feet west of the most westerly point of Black Rock creek a distance of about two thousand feet; thence southwesterly by a line passing about eleven hundred and thirty feet north of the most northerly point of said creek about thirteen hundred feet; thence southwesterly by a line passing about seven hundred and twenty feet west of the most westerly point of said creek about forty-three hundred feet to the extreme lower water line of the Merrimack river; thence by said extreme low water line of said river easterly to the Jetty, so called; thence northerly by land of the commonwealth along Salisbury beach to the point of beginning, excluding from said

tract all property of the United States government and rights and interests pertaining to said property.

SECTION 3. The proportion in which each city and town of the commonwealth, exclusive of those comprising the metropolitan parks district, but including Cohasset, shall annually pay into the treasury of the commonwealth to meet the cost of maintenance of the Salisbury Beach reservation, shall be determined and assessed in the manner provided by sections four to six, inclusive, of chapter one hundred and thirty-two A of the General Laws. All sums of money collected or received by the commissioner of conservation or the division of parks of the department of conservation in the exercise of his or its functions in relation to said reservation, including sums received in the exercise of said functions for rentals, sales or use of property in connection with said reservation, shall, unless otherwise provided, be accounted for and paid to the state treasurer, who shall receive the same and hold and invest the same as a separate account. Said account shall be used as a credit to the cities and towns of the commonwealth, exclusive of those comprising the metropolitan parks district, but including Cohasset, toward the payment of assessments made thereon under authority of law to meet the cost of maintenance of said reservation.

SECTION 4. To meet the expenditures necessary in carrying out the provisions of this act, the state treasurer shall from time to time, upon request of the commissioner of conservation and subject to the approval of the governor and council, issue bonds in the name of the commonwealth to an amount not exceeding two hundred and fifty thousand dollars. Such bonds shall be issued as coupon or registered bonds, shall be for a term of ten years, and shall bear interest at such rate as shall be fixed by the state treasurer, with the approval of the governor and council. The amount required to meet interest and serial payment requirements on said bonds shall 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 by said sections four to six, inclusive, of said chapter one hundred and thirty-two A.

Approved July 15, 1935.

Chap. 416 AN ACT RELATIVE TO THE APPOINTMENT OF CERTAIN EMPLOYEES IN THE DEPARTMENT OF THE STATE SECRETARY.

Be it enacted, etc., as follows:

Chapter nine of the General Laws is hereby amended by striking out section two, as appearing in the Tercentenary Edition thereof, and inserting in place thereof the following: — *Section 2.* He may appoint a first deputy, a second deputy, a cashier for whose conduct he shall be responsible and from whom he may require a bond, and a

G. L. (Ter. Ed.), 9, § 2, amended.

State secretary, appointment of deputies, etc., by.

chief of the archives division. He may also appoint clerks, messengers and other assistants necessary for the prompt despatch of public business. He may also employ such clerical assistance as he may deem necessary to carry out the laws relative to primaries and elections, and such employment and the appointment of such deputies, cashier and chief of the archives division shall not be subject to chapter thirty-one.

Approved July 15, 1935.

AN ACT AUTHORIZING THE COUNTY COMMISSIONERS OF
MIDDLESEX COUNTY TO MAKE ALTERATIONS AND ADDITIONS
TO THE MIDDLESEX COUNTY TUBERCULOSIS HOSPITAL. Chap. 417

Be it enacted, etc., as follows:

SECTION 1. The Middlesex county commissioners are hereby authorized to raise and expend a sum not exceeding seven hundred and twenty-five thousand dollars, subject to the provisions of sections seventy-eight to ninety, inclusive, of chapter one hundred and eleven of the General Laws, for the purpose of making alterations and constructing additions in and to the Middlesex county tuberculosis hospital, in Waltham and Lexington.

SECTION 2. The provisions of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three and acts in amendment thereof and in addition thereto, whereby cities and towns, and fire, water, light and improvement districts may secure the benefits provided by the National Industrial Recovery Act, and acts in amendment thereof and in addition thereto or by any other act of Congress, are hereby extended and made applicable to the county of Middlesex for the purposes of the work contemplated by this act, and the county commissioners of said county shall, with the consent of the governor, take any and all steps necessary from time to time to enable the county of Middlesex to secure for said purposes any benefits to which said county may be entitled under said National Industrial Recovery Act and acts in amendment thereof and in addition thereto or any other act of Congress.

SECTION 3. In fixing the amount to be assessed under section eighty-three of chapter one hundred and eleven of the General Laws on the cities and towns included in the Middlesex county tuberculosis hospital district, following the completion of the work provided for by this act, the county commissioners of said county shall first deduct any sum which the federal government shall then have obligated itself to give as a grant toward said work under said National Industrial Recovery Act and acts in amendment thereof and in addition thereto or other act of Congress, and shall also deduct any other sums which shall have then been actually received from any municipality or municipalities as a contribution on account of becoming a part of said district. Any municipality which has made such contribu-

tion shall not thereby be exempted from such assessment. Sums received from the federal government and from municipalities as aforesaid may be applied toward payment either of the expenditures authorized by section one of this act or of the principal of the bonds or notes authorized by section four or section six hereof.

SECTION 4. For the purpose of funding such part of the temporary loans issued for the alteration of the Middlesex county tuberculosis hospital and the construction and equipment of additions thereto as shall not have been paid from federal grants or from the contributions of municipalities mentioned in section three or from the proceeds of assessments to be made therefor against the municipalities of the Middlesex county tuberculosis hospital district, including interest on renewal notes on account of such loans and on temporary funding notes issued as hereinafter authorized and all expenses incurred in connection with preparing, issuing and marketing such renewal and temporary notes, the county commissioners of Middlesex county may borrow on the credit of the county such sum as may be necessary, and the county treasurer thereof, on request of said county commissioners, shall issue bonds or notes of the county therefor, which shall bear on their face the words Middlesex County Tuberculosis Hospital Addition Funding Loan, Act of 1935. Said bonds or notes shall be issued as a single loan and shall be payable by such annual payments beginning not more than one year from the date of such loan as will extinguish the same in not more than fifteen years from said date and so that 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. The maturities of such bonds or notes shall be so arranged that assessments for the payment of the principal thereof against each municipality liable thereto shall be payable by it as hereinafter provided. The county may sell 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. The aggregate amount necessary to make full payment of the principal of said bonds or notes shall be apportioned among the municipalities which file elections under section five in proportion to their then unpaid outstanding assessments on account of the expenditures authorized by section one of this act or so much thereof as they elect to have funded hereby, and the amount so apportioned to each such municipality shall be payable by it over the term of such loan or such lesser period as may have been specified by it under said section five, by annual assessments equal in amount as nearly as may be, having due regard for the proper fixing of the denominations of the securities evidencing said loan and for other factors. Amounts necessary to meet payments on account of interest on such bonds or notes shall be so apportioned among such municipalities that each will

pay an amount equal to the interest on the amount of principal so apportioned to it which is outstanding during the year immediately preceding each payment of principal. All sums necessary during any year to meet interest payments on said bonds or notes and payments on account of the principal thereof as the same mature shall be assessed in January of that year with the assessments for maintenance made in accordance with section eighty-five of chapter one hundred and eleven of the General Laws and shall be collected in the same manner as therein provided.

The said county commissioners may from time to time borrow on the credit of the county to meet interest payments on the bonds or notes hereinbefore authorized and payments on account of the principal thereof, pending the receipt of assessments therefor, and said county treasurer, on the request of said county commissioners, shall issue temporary notes of the county therefor.

Any sums necessary to meet expenses incurred in connection with preparing, issuing and marketing such bonds or notes and temporary notes shall be apportioned among such municipalities in the same proportion as their aggregate payments of principal aforesaid and shall be included in the assessments authorized hereby.

SECTION 5. A municipality of the said hospital district shall be entitled to participate in the benefits provided by section four only if it files with said county commissioners, not later than April fifteenth, nineteen hundred and thirty-seven, an election that all or any specified portion of its then outstanding assessments on account of the expenditures authorized by section one of this act shall be funded as herein authorized, executed, in case of a city, in accordance with a vote of its city council approved by the mayor thereof, or, in case of a town, in accordance with a vote of its town meeting, and any such municipality may specify in such election a lesser period than the maximum term provided for the funding loan authorized hereby, for the payment by it of assessments on account of such loan.

SECTION 6. The county treasurer, 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, and may renew the same; 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 or from grants or contributions received under section three, or from all such sources.

SECTION 7. Nothing in this act shall be construed to limit the present powers of the county commissioners under section eighty-two of chapter one hundred and eleven of the General Laws.

SECTION 8. This act shall take effect upon its acceptance

during the current year by the county commissioners of Middlesex county, but only on the condition that the federal government shall have obligated itself during said year to make a grant therefor as contemplated by section two of this act.

Approved July 15, 1935.

Chap. 418 AN ACT ESTABLISHING A UNIFORM AERONAUTICAL CODE.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 16, § 6, amended.

Rules and regulations.

SECTION 1. Section six of chapter sixteen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the word "fifty-eight" and inserting in place thereof the word: — forty-one, — so as to read as follows: — *Section 6.* Except as otherwise provided by sections thirty-one and forty-one of chapter ninety and section sixty of chapter one hundred and forty, all rules and regulations within the jurisdiction of the department shall be drafted by the commissioner and associate commissioners and shall take effect when approved by them, and at such time as they shall designate. Said commissioner and associate commissioners shall also have power to make all needful rules and regulations for carrying out the provisions of law relating to the department.

G. L. (Ter. Ed.), 90, §§ 35 to 60, inc., etc., amended.

Aircraft, definitions.

SECTION 2. Chapter ninety of the General Laws is hereby amended by striking out sections thirty-five to sixty, inclusive, as amended, and inserting in the place thereof the following: — *Section 35.* The following words and phrases used in sections thirty-five to fifty, inclusive, shall have the following meanings, unless a different meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the legislature: —

"Aeronautics", the act or practice of the art and science of transportation by aircraft, and operation, construction, repair or maintenance of aircraft, airports, landing fields, landing strips, air navigation facilities or air instruction.

"Aircraft", any contrivance now known or hereafter invented, used, or designed for navigation of, or flight in the air, except a parachute or other contrivance designed for such navigation and used primarily as safety equipment.

"Air instruction", the imparting of aeronautical information in any air school, flying club, or by an aviation instructor.

"Airman", any individual including the one in command, and any pilot including a student, mechanic, or member of the crew, who engages in the navigation of aircraft while under way, or any individual who is in charge of the inspecting, overhauling or repair of aircraft or aircraft engines, or any parachute rigger and repairman.

"Airport", any area, either land or water, which is used or which is made available for the landing and take-off of aircraft, and which provides facilities for the shelter, supply

and repair of aircraft, and which meets the minimum requirements as to size, design, surface, marking, equipment, and management as may from time to time be provided by the registrar.

“Air school”, any person engaged in giving instruction, or offering to give instruction in aeronautics, either in flying or ground subjects, or both, for or without hire or reward, and advertising, representing, or holding himself out as giving or offering to give such instruction.

“Civil aircraft”, any aircraft other than a public aircraft.

“Glider”, a motorless heavier than air aircraft.

“Landing field”, any area, either of land or water, which is used or which is made available for the landing and take-off of aircraft, which may or which may not provide facilities for the shelter, supply and repair of aircraft, and which meets the minimum requirements as to size, design, surface, marking, equipment and management as may from time to time be provided by the registrar.

“Landing strip”, an area, either of land or water, which is available for the landing and take-off of aircraft, having not less than two hundred feet of usable width and not less than eight hundred feet of usable length.

“Navigable air space”, air space above the minimum safe altitudes of flight prescribed by regulation by the registrar. Such navigable air space is subject to a public right of air navigation in conformity with the provisions of this chapter and with the regulations and air traffic rules issued by the registrar.

“Person”, any individual, association, copartnership, firm, company, corporation, or other association of individuals.

“Public aircraft”, an aircraft used exclusively in the governmental service, including military and naval aircraft, or of any state or territory thereof.

Section 36. The public safety requiring, and the advantages of uniform regulation making it desirable in the interest of aeronautical progress, that a person engaging within this commonwealth in navigating or operating aircraft in any form of navigation should have the qualifications necessary for operating and holding a pilot's license, issued by the department of commerce of the United States or other proper licensing authority, it shall be unlawful for any person to operate or navigate any aircraft in this commonwealth unless such person is the holder of an appropriate effective pilot's license or permit, issued by the said department or authority; provided, that this restriction shall not apply to those persons operating military aircraft of the United States or possessions thereof, public aircraft of any state or territory, or any aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft, nor to glider pilots who are licensed by the registrar in accordance with such regulations as he may prescribe.

No person
to operate
airplane unless
holder of
pilot's license.

Aircraft to be licensed by federal authorities.

Section 37. The public safety requiring, and the advantages of uniform regulation making it desirable in the interest of aeronautical progress, that aircraft operated within this commonwealth should conform with respect to design, construction and air-worthiness to the standards prescribed by the United States government with respect to navigation of civil aircraft subject to its jurisdiction, it shall be unlawful to operate or navigate any aircraft within the commonwealth, unless such aircraft has an appropriate effective license, issued by the department of commerce of the United States or other proper licensing authority and is registered by said department or other authority; provided, that this restriction shall not apply to military aircraft of the United States or possessions thereof, public aircraft of any state or territory, aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering the operation of such licensed aircraft nor to gliders which are licensed by the registrar in accordance with such regulations as he may prescribe; and, provided further, that the registrar may at his discretion waive the provisions of this section in the interest solely for inspection or test purposes, of a non-passenger carrying flight.

Resident owner to register federal licenses. Certificate of approval.

Section 38. All resident airmen and owners and/or operators of all aircraft shall register the federal licenses of said airmen and of said aircraft in such manner as the registrar may by regulation prescribe, and the registrar is hereby authorized to issue a certificate of approval in each case. Non-resident airmen and owners and/or operators of aircraft may operate within the commonwealth without such registration for ten days in any calendar year. No aircraft carrying mail, passengers or express for hire, except in the case of an emergency, shall land upon or take off from any area in the commonwealth, other than an airport, landing field or landing strip. No license, rule, order or regulation promulgated under the authority of sections thirty-five to fifty, inclusive, shall apply to airports, landing fields, air beacons or other air navigation facilities owned or operated by the government of the United States or by this commonwealth.

Registrar to be attorney upon whom service of process may be made.

Section 39. The operation by any person, by himself or his agent, of any aircraft, whether registered or unregistered, and with or without a license to operate, within this commonwealth, shall be deemed equivalent to an appointment by such person of the registrar, or his successor in office, to be his true and lawful attorney upon whom may be served all lawful processes in any action or proceeding against him growing out of any accident or collision in which he may be involved while operating aircraft within the commonwealth, and such operation shall be a signification of agreement by such person that any lawful process against him which is served upon the registrar, or his successor in office, as such attorney shall be of the same legal force and validity as if

served on him personally, and that the registrar, and his successor in office, shall continue to be his said attorney so long as any liability on account of such an accident or collision remains outstanding against him. Sections three A to three E, inclusive, shall apply to such service.

Section 40. The certificate of the license required for pilots shall be kept in the personal possession of the licensee when he is operating aircraft within this commonwealth and must be presented for inspection upon the demand of any passenger, or any peace officer of this commonwealth, any authorized official or employee of the registry of motor vehicles or any official, manager, or person in charge of any airport in this commonwealth upon which such licensee shall land. The aircraft license shall be carried in the aircraft at all times and shall be conspicuously posted therein where it may be readily seen by passengers or by the persons hereinbefore authorized to inspect the same; and said license shall be presented for inspection upon the demand of any passenger, or any peace officer of this commonwealth, or authorized official or employee of the registry of motor vehicles, or any official, manager or person in charge of any airport in this commonwealth upon which it shall land.

Certificate
to be kept
on person
when flying.

Section 41. The registrar is hereby empowered to prescribe and enforce such rules and regulations as he may deem necessary and advisable for the public safety and for the promotion of aeronautics governing the location, designing, laying out, building, equipping, operation, use and management of all airports, landing fields, landing strips, air instruction, air markings, air beacons or other air navigation facilities within the commonwealth. The registrar is further empowered to prescribe and enforce such rules and regulations as he may deem necessary and advisable for the public safety and for the safety of aircraft and airmen; provided, that no rule or regulation prescribed by the registrar under this section shall be inconsistent with the then current federal legislation governing aeronautics and the regulations duly promulgated thereunder, and provided, further, that all rules and regulations prescribed by the registrar under the authority of this section shall be subject to approval and shall take effect in the manner prescribed by section six of chapter sixteen.

Rules and
regulations.

Section 42. Airports, landing fields and landing strips for aircraft may be established from time to time and may be maintained by the department, or by other public officials in charge of any land owned or controlled by the commonwealth or by any city, town or district thereof. Such landing places shall, in respect to design, laying out, location, building, equipping, operation, use and management be governed by the rules and regulations promulgated by the registrar under the provisions of section forty-one.

Airports, etc.,
to be
established.

Section 43. The owner and/or operator of any aircraft which is in any manner involved in an accident in which any person is killed or injured shall forthwith report in

Owner, etc.,
to report
accidents.

writing to the registrar. When an aircraft shall have been damaged in any structural part, a copy of the accident report required by the federal department of commerce shall be submitted to the registrar by the owner or operator thereof. Whenever the death of any person results from any such accident the registrar may suspend forthwith the right of the person or persons involved in said accident to operate. The registrar shall investigate the cause of any accident within the commonwealth in which a civil aircraft is involved.

Suspension
of right to
operate.

Section 44. The registrar may suspend, or after due hearing revoke, an airman's right to operate in this commonwealth for the violation of any of the provisions of sections thirty-five to fifty, inclusive, or for the violation of any rule or regulation for the enforcement of said sections made by the registrar. The registrar may also suspend, or after due hearing revoke, the right of operation of an aircraft in this commonwealth if it is found to be unairworthy or is operated in violation of said sections or in violation of any rule or regulation made by the registrar for the enforcement thereof.

Advisory
board of
experts.

Section 45. The registrar shall appoint an advisory board of aeronautical experts which shall consist of five members, who shall be designated in their original appointments to serve respectively for one, two, three, four and five years. Upon the expiration of the term of office of a member, his successor shall be appointed by the registrar for five years. The duties of such board shall be to advise with the registrar on matters pertaining to aviation, and to promote and encourage aviation. Such board shall meet at least bi-monthly and shall annually submit to the commissioner of public works such recommendations as it may deem necessary or advisable.

Penalty
for certain
violations.

Section 46. Any person failing to comply with the requirements of, or violating any of the provisions of sections thirty-five to fifty, inclusive, or the rules and regulations for the enforcement of said sections made by the registrar, shall be punished by a fine of not less than ten nor more than five hundred dollars, or by imprisonment for not less than one month nor more than six months, or both. Whoever operates an aircraft while under the influence of intoxicating liquor shall be punished by imprisonment for not less than one month nor more than two years.

Appeal from
ruling of
registrar.

Section 47. Any person aggrieved by any regulation, ruling or decision of the registrar, relative to the use, operation, and registration of aircraft, or by an order of the registrar, may appeal as provided in section twenty-eight, and the provisions of said section shall apply to such appeal.

Flight of
aircraft,
regulation of.

Section 48. Flight of aircraft over the lands and waters of this commonwealth, within the navigable air space as defined in section thirty-five, is lawful unless at such a low altitude as to interfere with the then existing use to which the land or water or space over the land or water is put by

the owner or occupant, or unless so conducted as to be imminently dangerous to persons or property lawfully on the land or water beneath.

Section 49. The superior court shall have jurisdiction in equity to enforce the provisions of sections thirty-five to fifty, inclusive, and rules, regulations and orders made thereunder by the registrar, and to restrain the violation thereof.

Enforcement of act.

Section 50. If any provision of said sections thirty-five to forty-nine, inclusive, is declared unconstitutional or the application thereof to any person or circumstance is held invalid, the validity of the remaining provisions thereof and the application of such provision to other persons and circumstances shall not be affected thereby.

Validity of act not to be affected, etc.

Approved July 15, 1935.

AN ACT RELATIVE TO THE HOLDING OF HEARINGS BY THE BOARD OF APPEAL ON MOTOR VEHICLE LIABILITY POLICIES AND BONDS.

Chap. 419

Be it enacted, etc., as follows:

Section eight A of chapter twenty-six of the General Laws, as most recently amended by chapter two of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "council" in the fortieth line the following: — The board may hold hearings at any place within the commonwealth and the members and secretary thereof shall be allowed their necessary traveling and other expenses in holding hearings outside the city of Boston, — so as to read as follows: — *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 in-

G. L. (Ter. Ed.), 26, § 8A, etc., amended.

Board of appeal on motor vehicle policies and bonds.

surance, 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 may hold hearings at any place within the commonwealth and the members and secretary thereof shall be allowed their necessary traveling and other expenses in holding hearings outside the city of Boston. 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 July 15, 1935.

Chap. 420 AN ACT INCREASING THE NUMBER OF STATE EXAMINERS OF ELECTRICIANS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 13, § 32, amended.

State examiners of electricians.

SECTION 1. Chapter thirteen of the General Laws is hereby amended by striking out section thirty-two, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 32.* The state examiners of electricians, hereinafter called the board, shall consist of the commissioner of civil service, the state fire marshal and the commissioner of education, ex officio, and two persons to be appointed for terms of three years each by the governor, with the advice and consent of the council. One of said appointees shall be a master electrician holding a "Certificate A" license issued under chapter one hundred and forty-one, a citizen of the commonwealth, and shall have had at least ten years' experience as an employing master electrician, and one shall be a journeyman electrician holding a "Certificate B" license issued under said chapter, shall be a wage earner, a citizen of the commonwealth, and shall have had at least ten years' practical experience in the installation of wires and appliances for carrying electricity for light, heat or power purposes. The state fire marshal shall be chairman. The board shall appoint an executive secretary who shall be a wage earner, a citizen of

the commonwealth, and a practical electrician of at least ten years' experience in such installation. The members, ex officio, shall receive no compensation for their services under chapter one hundred and forty-one, but the appointive members shall each receive for their services thereunder a salary of five hundred dollars. The board may expend for the salaries of the appointive members and of the secretary and other employees and for necessary traveling and other expenses for themselves and their employees such sums as are annually appropriated therefor.

SECTION 2. The tenure, powers, duties and civil service rights of the executive secretary of the state examiners of electricians in office upon the effective date of this act shall not be affected thereby, and he shall continue to serve therein under chapter thirty-one of the General Laws.

Approved July 15, 1935.

Tenure of office of present secretary.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF THE NORFOLK STATE HOSPITAL FOR THE CARE OF THE CRIMINAL INSANE.

Chap. 421

Be it enacted, etc., as follows:

SECTION 1. As soon as funds become available for the construction of a state hospital for the criminal insane, the commissioner of correction is hereby authorized, with the approval of the governor and council, to transfer to the department of mental diseases the control of so much of the land now occupied by the state prison colony at Norfolk as, in the opinion of the commissioner of correction, the commissioner of mental diseases and the chairman of the commission on administration and finance, may be necessary for such a state hospital.

Transfer of land at state prison colony to department of mental diseases.

SECTION 2. Upon the transfer to the department of mental diseases of the control of any land under section one there shall be constructed thereon a state hospital for the criminal insane, to be known as the Norfolk state hospital, and any funds received from the federal government may be used for such construction. Upon receipt of notification from said department that said state hospital is ready for the reception of patients, the governor shall issue his proclamation establishing said hospital and fixing a time for the opening thereof for use as a state hospital for the criminal insane. Thereupon said hospital shall be subject to all provisions of law applicable to state hospitals for the criminal insane, under the control of said department. As soon as may be after the time fixed by such proclamation, all insane criminals then confined at the Bridgewater state hospital shall be transferred to said Norfolk state hospital or to some other state hospital under the control of said department.

Norfolk state hospital, construction of.

SECTION 3. Section five of chapter nineteen of the General Laws, as amended by section two of chapter three

G. L. (Ter. Ed.), 19, § 5, etc., amended.

Institutions in the department of mental diseases.

hundred and fourteen of the acts of the current year, is hereby further amended by inserting after the word "hospital" the first time it occurs in the eighth line the words: —, Norfolk state hospital, — so as to read as follows: — *Section 5*. The boards of trustees of the following public institutions shall serve in the department: Belchertown state school, Boston psychopathic hospital, Boston state hospital, Danvers state hospital, Foxborough state hospital, Gardner state hospital, Grafton state hospital, Walter E. Fernald state school, Medfield state hospital, Metropolitan state hospital, Monson state hospital, Norfolk state hospital, Northampton state hospital, Taunton state hospital, Westborough state hospital, Worcester state hospital and Wrentham state school.

G. L. (Ter. Ed.), 123, § 25, etc., amended.

SECTION 4. Section twenty-five of chapter one hundred and twenty-three of the General Laws, as amended by section three of said chapter three hundred and fourteen, is hereby further amended by inserting after the word "hospital" in the tenth line the words: —, Norfolk state hospital, — so as to read as follows: — *Section 25*. The state institutions under the control of the department shall be Worcester state hospital, Taunton state hospital, Northampton state hospital, Danvers state hospital, Grafton state hospital, Westborough state hospital, Foxborough state hospital, Medfield state hospital, Monson state hospital, Gardner state hospital, Wrentham state school, Boston state hospital, Walter E. Fernald state school, Boston psychopathic hospital, Belchertown state school, Metropolitan state hospital, Norfolk state hospital, and such others as may hereafter be added by authority of law.

List of state hospitals.

Trustees of Norfolk state hospital, original appointment.

SECTION 5. Of the appointments of trustees of the Norfolk state hospital which shall be originally made by the governor, with the advice and consent of the council, under authority of this act, as soon as may be after the proclamation of the governor provided for in section two, one shall serve until the expiration of one year, one until the expiration of two years, one until the expiration of three years, one until the expiration of four years, one until the expiration of five years, one until the expiration of six years, and one until the expiration of seven years, from the first Wednesday in February following such proclamation, subject, however, to the provisions of section six of chapter nineteen of the General Laws.

Effective date of sections 3 and 4.

SECTION 6. Section three shall become effective upon the original appointment of the trustees of the Norfolk state hospital, and section four upon the proclamation provided for in section two.

Approved July 15, 1935.

AN ACT PROVIDING FOR THE IMPROVEMENT FOR PARK AND BEACH PURPOSES OF CERTAIN LAND OWNED BY THE COMMONWEALTH ADJOINING OLD COLONY PARKWAY IN THE DORCHESTER DISTRICT OF BOSTON.

Chap. 422

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 metropolitan district commission is hereby authorized and directed to improve for park purposes the land owned by the commonwealth and located on the easterly and westerly sides of Old Colony parkway between Savin Hill and Freeport street in the Dorchester district of the city of Boston, by grading, loaming, seeding and planting said land and by doing all such other work thereon as the commission deems desirable, and to construct a beach and public bath house on that portion of said land which is located on said easterly side of said parkway and adjoins Dorchester bay.

SECTION 2. For the purpose of carrying out the work authorized by this act, the commission may expend such sums, not exceeding, in the aggregate, one hundred thousand dollars, as may hereafter be appropriated, the same to be paid by 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 in section fifty-nine of chapter ninety-two of the General Laws.

Approved July 16, 1935.

AN ACT MAKING THE LAW RELATIVE TO ONE DAY'S REST IN SEVEN APPLICABLE TO CERTAIN WATCHMEN AND TO CERTAIN EMPLOYEES MAINTAINING FIRES.

Chap. 423

Be it enacted, etc., as follows:

SECTION 1. Section fifty of chapter one hundred and forty-nine of the General Laws, as amended by chapter two hundred and twenty-five of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out all after the word "anticipated" in the ninth line, — so as to read as follows:— *Section 50.* Sections forty-seven and forty-eight shall not apply to (a) janitors; (b) employees whose duties include no work on Sunday other than (1) setting sponges in bakeries, (2) caring for live animals, (3) caring for machinery; (c) employees engaged in the preparation, printing, publication, sale or delivery of newspapers; (d) farm or personal service; (e) any labor called for by an emergency that could not reasonably have been anticipated.

G. L. (Ter. Ed.), 149, § 50, etc., amended.

One day's rest in seven. Exceptions.

G. L. (Ter. Ed.), 149, new section 50A, added.
Same subject.

"Watchman" defined.

G. L. (Ter. Ed.), 149, § 48, etc., amended.

Penalty.

SECTION 2. Said chapter one hundred and forty-nine is hereby further amended by inserting after said section fifty the following new section:— *Section 50A*. Every person employed as a watchman in establishments other than those described in section forty-eight, or employed in maintaining fires in such establishments, but not including janitors in residential apartment houses, shall be allowed at least twenty-four consecutive hours of rest in every seven consecutive days. No provision of any other section of this chapter shall be construed as limiting the rights given by this section. The term "watchman" as used in section forty-eight or in this section shall include guards in banks, as defined in section one of chapter one hundred and sixty-seven. An employer violating this section shall be punished by a fine of fifty dollars.

SECTION 3. Said chapter one hundred and forty-nine is hereby further amended by striking out section forty-eight, as most recently amended by chapter one hundred and eighty-five of the acts of the current year, and inserting in place thereof the following:— *Section 48*. Every employer of labor engaged in carrying on any manufacturing or mercantile establishment in the commonwealth shall allow every person, except those specified in section fifty, but including watchmen and employees maintaining fires, employed in such manufacturing or mercantile establishment at least twenty-four consecutive hours of rest in every seven consecutive days. No employer shall operate any such manufacturing or mercantile establishment on Sunday unless he has complied with section fifty-one. Whoever violates this section shall be punished by a fine of fifty dollars.

Approved July 16, 1935.

Chap. 424 AN ACT PROVIDING FOR THE REFERENCE OF CERTAIN CASES UNDER THE WORKMEN'S COMPENSATION ACT TO INDUSTRIAL DISEASE REFEREES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 152, new section 9B, added.

List of registered physicians. Industrial disease referees.

Chapter one hundred and fifty-two of the General Laws is hereby amended by inserting after section nine A, as appearing in the Tercentenary Edition, the following new section:— *Section 9B*. The board of registration in medicine shall, as soon as this section takes effect, prepare and transmit to the department a list of registered physicians. In the event of any employee, or in case of his death his legal representative or dependents, making a claim for compensation alleging that his injury is due to an industrial disease, the industrial accident board shall submit the claim to three physicians selected by it from said list, who shall be impartial. Such three physicians shall be known as industrial disease referees. They may make such examinations of the employee and cause to be made such inspections of the place or places of employment as they deem necessary,

and shall report their diagnosis to the department. The insurer shall reimburse the department for the fees and other expenses of such referees, subject to the approval of the industrial accident board. The diagnosis shall be made by a majority vote of the referees, and shall be included in the decision of the single member and in the decision of the reviewing board, and such diagnosis shall be binding on the parties. The reviewing board, if a claim for review is filed, may refer the matter back to the industrial disease referees for further diagnosis. The board of registration in medicine from time to time may, and on request of the industrial accident board shall, revise the list of physicians from which industrial disease referees may be appointed, and shall notify the department in writing of such revision.

Approved July 16, 1935.

AN ACT TO SAFEGUARD AND EXTEND THE WORKMEN'S COMPENSATION LAW BY MAKING VOID CERTAIN CONTRACTS OR AGREEMENTS IN THE NATURE OF INSURANCE WHICH DO NOT INSURE THE PAYMENT OF THE COMPENSATION PROVIDED FOR BY SAID LAW.

Chap. 425

Be it enacted, etc., as follows:

Chapter one hundred and fifty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting before section fifty-five the following new section: — *Section 54A.* Every contract or agreement the purpose of which is to insure an employer in whole or in part against liability on account of injury or death of an employee, other than a domestic servant or a farm laborer, shall be void unless it also insures the payment of the compensation provided for by this chapter. Nothing in this section shall affect any such contract or agreement made with an employer of less than six persons. The second paragraph of section fifty-five shall not apply in case of a contract or agreement made void by this section.

G. L. (Ter. Ed.), 152, new section 54A, added.

Contracts of insurance regulated.

Approved July 16, 1935.

AN ACT PROVIDING FOR THE LICENSING OF CERTAIN DEALERS IN BOVINE ANIMALS.

Chap. 426

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.

Emergency preamble.

Be it enacted, etc., as follows:

Chapter one hundred and twenty-nine of the General Laws is hereby amended by inserting after section thirty-six, as appearing in the Tercentenary Edition, the following new section: — *Section 36A.* No person shall engage in the business of dealing in bovine animals, except for immediate

G. L. (Ter. Ed.), 129, new section 36A, added.

Dealers' licenses.

slaughter, without obtaining a license therefor from the director. The director, subject to the approval of the commissioner of agriculture and of the governor and council, may make rules and regulations governing the issue of such licenses and the carrying out of the business so licensed, and relative to the maintenance of premises, buildings and conveyances, the health rating of bovine animals intended for sale and the method and time of inspection and checking of said animals. The director may revoke any license granted by him hereunder if in his judgment the licensee is not complying with the rules and regulations made hereunder. Licenses shall expire on November thirtieth of each year. The fee for a license or renewal thereof shall be five dollars. If a license is refused or revoked, an appeal may be taken to the advisory board of the department of agriculture, whose decision shall be final. Whoever engages in the business of dealing in bovine animals, except for immediate slaughter, without a license shall be punished by a fine of not more than five hundred dollars. *Approved July 17, 1935.*

Chap. 427 AN ACT PROVIDING FOR THE ESTABLISHMENT OF BIENNIAL MUNICIPAL ELECTIONS IN THE CITY OF HOLYOKE.

Be it enacted, etc., as follows:

SECTION 1. Beginning with the year nineteen hundred and thirty-five, municipal elections in the city of Holyoke for the choice of mayor, aldermen, members of the school committee, city clerk and city treasurer shall be held biennially on the first Tuesday in December in each odd-numbered year.

SECTION 2. At the biennial municipal election to be held in the year nineteen hundred and thirty-five and at every biennial municipal election thereafter, the mayor, and the aldermen to be elected thereat, shall be elected for terms of two years from the first Monday in January following their election and until their successors are qualified. The aldermen at large elected in the year nineteen hundred and thirty-four shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and thirty-seven. The inauguration meeting of the city government shall be held on the first Monday of January following each biennial municipal election, or on the following day whenever said first Monday falls on a holiday.

SECTION 3. At the biennial municipal election to be held in the year nineteen hundred and thirty-seven and at every second biennial municipal election thereafter, the city clerk and the city treasurer shall be elected for terms of four years from the first Monday in January following their election and until their successors are qualified.

SECTION 4. At the biennial municipal election to be held in the year nineteen hundred and thirty-five and at

every biennial municipal election thereafter, each member of the school committee to be elected thereat at large shall be elected for a term of four years, and all members of said committee to be elected thereat by wards shall be elected for terms of two years, from the first Monday in January following their election and until their successors are qualified. The members of said committee elected in the year nineteen hundred and thirty-three shall continue to hold office until the qualification of their successors who shall be elected at the biennial municipal election in the year nineteen hundred and thirty-seven.

SECTION 5. If a vacancy occurs in the office of mayor before the last three months of the term of office, the board of aldermen shall order an election to fill the same for the unexpired term. If a vacancy occurs in the board of aldermen before the last six months of the term of office, the remaining members of the board of aldermen shall fill the same for the unexpired term. If a vacancy occurs in the office of city clerk or city treasurer, the aldermen shall fill the same until the first Monday in January following the next regular municipal election, and if there would be a vacancy on said first Monday, it shall be filled at such regular municipal election for the unexpired term.

SECTION 6. So much of chapter four hundred and thirty-eight of the acts of eighteen hundred and ninety-six, and acts in amendment thereof and in addition thereto, as is inconsistent with this act, is hereby repealed.

SECTION 7. The provisions of sections one to six, inclusive, of this act shall be submitted for acceptance to the qualified voters of said city 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 sections one to six, inclusive, of an act passed by the general court in the current year, entitled, 'An Act providing for the establishment of biennial municipal elections in the city of Holyoke', be accepted?" If a majority of the votes cast on said question are in the affirmative, said sections shall thereupon take full effect; otherwise they shall be of no effect and the officers elected at said election shall respectively hold office for the terms now provided by law.

SECTION 8. Chapter one hundred and forty-one of the acts of the current year is hereby repealed.

Approved July 17, 1935.

AN ACT ESTABLISHING A BOARD OF REGISTRATION OF HAIRDRESSERS AND REGULATING THE OCCUPATION OF HAIRDRESSING.

Chap. 428

Be it enacted, etc., as follows:

SECTION 1. Chapter thirteen of the General Laws is hereby amended by inserting after section forty-one, as

G. L. (Ter. Ed.), 13, new sections 42,

43 and 44,
added.

appearing in the Tercentenary Edition, the following three new sections, under the following heading: —

BOARD OF REGISTRATION OF HAIRDRESSERS.

Board of
registration of
hairdressers.
Appointment,
term, etc., of
members.

Section 42. There shall be a board of registration of hairdressers, to be appointed by the governor, with the advice and consent of the council, consisting of three members, citizens of the commonwealth, each of whom at the time of his appointment shall be a practical hairdresser operating in this commonwealth and shall have had at least three years practical experience as such hairdresser. At least two members of the board shall be independent hairdressers operating their own establishments, but such members shall not, while in office, actually do the work of hairdressing for compensation. No two members of the board, while in office, shall be in any way interested in any hairdressing establishments in the same town, nor shall any member, while in office, be a teacher at, or have any financial interest in, any school giving courses of instruction in hairdressing or manicuring. As the term of office of a member expires, his successor shall be appointed by the governor, with like advice and consent, to serve for three years. The governor may also, with like advice and consent, fill any vacancy in the board for the unexpired term. After the expiration of one year following the original appointment of members of the board, no person shall be appointed to the board who is not a registered hairdresser. Definitions contained in section eighty-seven T of chapter one hundred and twelve shall, so far as appropriate, apply to this and the two following sections.

Chairman
and secretary.
Powers of
board.

Section 43. The board shall hold regular meetings at the state house on the second Tuesday of January, May and October in each year, and such additional meetings at such times and places as it may determine. At the regular meeting in January it shall annually organize by the choice of a chairman and a secretary who shall be members of the board. Before entering upon the discharge of the duties of his office, the secretary shall give to the state treasurer a bond, in such amount and with such sureties as shall be approved by the governor and council, upon the recommendation of the board, conditioned upon the faithful discharge of his duties. Such bond, with the approval of the governor and council and with the oath of office endorsed thereon, shall be filed in the office of the state secretary. The board shall have a common seal, and the members thereof may administer oaths. The board may appoint such agents and employes as the work of the board may require.

Salaries, etc.

Section 44. The members of the board shall devote their full time to the duties of their offices and they shall receive from the commonwealth the following salaries: — the secretary, twenty-five hundred dollars and his necessary expenses incurred in the discharge of his official duties,

and each of the other two members, two thousand dollars and his necessary expenses so incurred; provided that the salaries and expenses of the members of the board, and the expenses of the board, shall not be in excess of the receipts for registration and from other sources received by the state treasurer from the board.

SECTION 2. Chapter one hundred and twelve of the General Laws is hereby amended by inserting after section eighty-seven S, as appearing in the Tercentenary Edition, the following seventeen new sections, under the following heading: —

G. L. (Ter. Ed.), 112, new sections 87T to 87JJ, added.

REGISTRATION OF HAIRDRESSERS.

Section 87T. The following words, as used in sections eighty-seven T to eighty-seven JJ, inclusive, shall have the following meanings:

Definitions.

“Apprentice,” a person studying hairdressing or manicuring in a shop.

“Board,” the board of registration of hairdressers established by section forty-two of chapter thirteen.

“Hairdresser,” any person who engages in hairdressing for compensation, except the following persons: —

1. A barber engaged in his usual occupation, or only in cutting the hair of any female.

2. A person who engages in behalf of a manufacturer or distributor solely in demonstrating the use of any machine or other article for purposes of sale, without charge to the person who is the subject of such demonstration.

“Hairdressing,” arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similarly treating the hair of any female, or performing work as a cosmetologist as defined in section eighty-seven F, or any combination of any of the foregoing, but not including the removal of superfluous hair or skin blemishes by direct application of an electric current, or any treatment of the bust.

“Operator,” a person engaged in hairdressing or in any of its branches under the supervision of a registered hairdresser.

“Manicurist,” any person who engages in manicuring for compensation.

“Manicuring,” the cutting, trimming, polishing, tinting, coloring, or cleansing the nails of any person.

“School,” except in section eighty-seven Z, a school or other institution privately owned, conducted for the purpose of teaching hairdressing or such of its branches as the board may require.

“Shop,” a beauty shop or other place to which customers come for hairdressing.

“Student,” a person studying hairdressing or manicuring in a school.

Section 87U. All students enrolled in registered schools and all apprentices employed or studying in registered shops shall, within fifteen days after entering upon their courses of

Students to be registered.

study, be registered with the board by such schools or shops. Students at registered schools and apprentices at registered shops may, within such fifteen day period, register with the board. No fee shall be required for such registration. No student or apprentice shall practice hairdressing or manicuring upon any paying customer, except to assist a registered hairdresser or operator who is working on such customer. Subject to this section, a school or shop may pay a student or apprentice for any services rendered by him.

Examination
of operators,
fee, registra-
tion.

Section 87V. Any registered student who has completed a course of at least six months, including at least one thousand hours of professional training, in a school approved by the board, and any registered apprentice who in the opinion of the board has received the equivalent of such a course, if such registrant after application accompanied by an examination fee of five dollars for a first examination or three dollars for a second or subsequent examination, passes an examination satisfactory to the board, may be registered by the board as an operator, and as such may practice hairdressing for compensation under the supervision of a registered hairdresser during the period of such original registration, and thereafter, upon payment annually of a renewal fee of two dollars.

Registration
of hairdressers,
examination,
fee, etc.

Section 87W. Any operator who has had not less than six months practical experience as such, and who, after application accompanied by an examination fee of ten dollars for a first examination or five dollars for a second or subsequent examination, passes a practical examination satisfactory to the board, may be registered by the board as a hairdresser, and thereafter may practice hairdressing for compensation and may supervise operators, without additional payment for the period during which such person was originally registered as an operator, and thereafter upon payment annually of a hairdresser's renewal fee of two dollars.

Registration of
manicurists,
examination,
fee, etc.

Section 87X. Any registered student who has completed a course of at least one month, including at least one hundred hours of professional training in manicuring, in a school approved by the board, and any registered apprentice who, in the opinion of the board, has received the equivalent of such a course, if such registrant after application accompanied by an examination fee of three dollars for a first examination or two dollars for a second or subsequent examination, passes an examination satisfactory to the board, may be registered by the board as a manicurist and may practice manicuring for compensation during the period of such original registration, and thereafter upon payment annually of a renewal fee of two dollars.

Frequent
examinations
to be held.

Section 87Y. The board shall hold examinations at least once every four months in such cities throughout the commonwealth as it may deem most convenient for applicants, and at such additional times as it may from time to time determine.

Section 87Z. The board may register, without examination, any hairdresser or any manicurist who has been registered as such under the laws of another state which, in the opinion of the board, maintains a standard substantially equivalent to that of this commonwealth, and in which hairdressers and manicurists registered in this commonwealth are given like recognition, upon payment of a fee of twenty dollars, in the case of a hairdresser, and five dollars in the case of a manicurist. Any person who has completed in another state, or in a school in this commonwealth supported by public funds, a course of professional training, substantially equivalent to that required by section eighty-seven V, and who, after application accompanied by an examination fee of five dollars for a first examination or three dollars for a second or subsequent examination, passes an examination satisfactory to the board, may be registered by the board as an operator.

Registration
without
examination.

Section 87AA. The board may authorize one or more registered hairdressers, or any person employing one or more registered hairdressers, upon payment to the board of a shop registration fee of ten dollars, to operate a registered shop, and such person or persons may thereafter operate such shop upon payment annually of a shop registration renewal fee of five dollars; provided, that in the case of a shop conducted solely by a hairdresser owning the same, the shop registration fee and shop registration renewal fee shall each be two dollars.

Registered
shop.

Section 87BB. The board may register any school which it approves, upon payment of a school registration fee of fifty dollars, and such school may annually be registered upon payment of a renewal fee of twenty-five dollars; provided, that standards of professional training satisfactory to the board are there maintained and a sufficient course is there given.

Registered
school.

Section 87CC. The board shall make such uniform and reasonable rules and regulations as are necessary for the proper conduct of its business, the establishment of proper standards of professional skill in relation to, and the proper supervision of, hairdressers, manicurists, operators, shops, schools, students and apprentices, and especially may prescribe such sanitary rules, subject to the approval of the department of public health, as it may deem necessary to prevent the spreading of infectious or contagious diseases, or both, but nothing herein shall authorize the board to limit the number of hairdressers, manicurists, shops, schools, operators, students or apprentices in the commonwealth or in any given locality, or to regulate or fix compensation or prices, or to refuse to register a shop solely for the reason that such shop is to be conducted by a person in his own home on a full or part time basis, or to interfere in any way with the conduct of the business of hairdressing or manicuring, except so far as is necessary for the protection of the public health, safety or morals.

Rules and
regulations.

Inspection
of schools
and shops.

Section 87DD. Any member or agent of the board may enter and inspect any shop or school in a proper manner at any time during business hours thereof. Whenever a complaint is made to the board that any person has suffered personal injury as a result of the practice of the occupation of hairdressing, or that any female person has been exposed to moral hazard, or that any contagious or infectious disease has been imparted, at any shop or school, or that any shop or school is kept in an unsanitary condition, or that any person has been engaged in hairdressing or manicuring for compensation in violation of any provision of sections eighty-seven T to eighty-seven JJ, inclusive, a member or agent of the board shall visit and inspect such shop, school or place whereat such violation is alleged to have occurred, and enforce the provisions of said sections eighty-seven T to eighty-seven JJ, inclusive. The board and its members and agents may investigate the standard of professional training at any school, and the sufficiency of the course or courses there given.

Suspension
of registration.

Section 87EE. The board, under such reasonable rules or regulations as it may make, may for cause suspend or cancel any registration granted under sections eighty-seven T to eighty-seven JJ, inclusive; provided, that before any registration shall be so suspended or cancelled the registrant shall have had notice in writing of the charge or charges against him or it, and, at a day specified in said notice, which shall be at least five days after the service of notice thereof, shall have been given a public hearing and an opportunity to present testimony in his or its behalf, and to confront the witnesses against him or it. The mailing of a registered letter, postage prepaid, containing a notice of such hearing, and addressed to the registrant at his or its address in this commonwealth as it appears in his or its registration, shall be a sufficient service of such notice, and said five days shall begin to run from the day of such mailing.

Revocation,
etc., of sus-
pension.

Section 87FF. The board may, after a public hearing, and after investigation, again register a person or school whose registration has been cancelled, or revoke the suspension of a registration under section eighty-seven EE, if satisfied that this can be done consistently with the public interest.

Expiration of
registrations.

Section 87GG. Each registration granted under sections eighty-seven T to eighty-seven JJ, inclusive, shall expire on December thirty-first next succeeding its date, and shall not be renewed unless application therefor is filed before its expiration. Any hairdresser, manicurist or operator whose registration has not been so renewed shall, upon payment of the prescribed renewal fee, be reregistered, and any shop or school may be reregistered at any time during the year following the expiration of its registration upon payment of the renewal fee prescribed therefor.

Appeal from
decisions of
board.

Section 87HH. Any person aggrieved by the refusal of the board to grant, or by its suspension or cancellation of,

a registration, or by its refusal to again register him, may, within ten days after such action, appeal to the district court within the judicial district of which he resides by bringing a petition in said court addressed to the justice of the court, praying for a rehearing by the court. Upon the filing of the petition for a rehearing in the case of a suspension or cancellation of a registration, such suspension or cancellation shall be stayed pending the final decision of the court. After such notice to the board as the court deems necessary, the court shall hear the witnesses and shall affirm the decision of the board, unless it shall appear that it was made without proper cause or in bad faith, in which case the decision of the board shall be reversed. The court shall hear the petition within thirty days of the filing of it in said court. The decision of the court shall be final and conclusive.

Section 87II. Whoever engages in or follows, or attempts to engage in or follow, the occupation of hairdressing or manicuring, unless duly registered by the board, and whoever conducts, or attempts to conduct, a shop or school not so registered, and whoever violates any provision of sections eighty-seven T to eighty-seven HH, inclusive, or any rule or regulation made under authority thereof, shall, in addition to any other penalty prescribed or authorized by said sections, be punished by a fine of not more than one hundred dollars.

Penalty.

Section 87JJ. Nothing in sections eighty-seven T to eighty-seven II, inclusive, shall be deemed to authorize a hairdresser or operator to engage in massage or other occupation requiring a license, unless duly licensed therefor, or to prohibit a person registered under said sections from practicing or teaching any such occupation, if duly licensed therefor.

Limitation of certain sections.

SECTION 3. Section fifty-one of chapter one hundred and forty of the General Laws, as most recently amended by chapter two hundred and seventy-five of the acts of nineteen hundred and thirty-two, is hereby further amended by striking out, in the second line, the words "manicuring or", — and by striking out, in the fifth line, the word "manicuring", — so as to read as follows: — *Section 51.* No person shall practice massage, or conduct an establishment for the giving of vapor baths for hire or reward, or advertise or hold himself out as being engaged in the business of massage or the giving of said baths without receiving a license therefor from the board of health of the town where the said occupation is to be carried on; provided, that a person registered as a barber or apprentice under the provisions of section eighty-seven H or section eighty-seven I of chapter one hundred and twelve may practice facial and scalp massaging without taking out a license as provided in this section. The board of health may grant the license upon such terms and conditions, and may make such rules and regulations in regard to the carrying on of the occupa-

G. L. (Ter. Ed.), 140, § 51, etc., amended.

Manicuring, massage or vapor baths, regulated.

tion so licensed, as it deems proper, and may revoke any license granted by it for such cause as it deems sufficient, and without a hearing; provided, that a person licensed to massage or to conduct an establishment for the giving of vapor baths in any town may, at the request of a physician, attend patients in any other town in the commonwealth without taking out an additional license.

G. L. (Ter. Ed.), 140, § 52, amended.

Police may enter premises.

Original appointment of board.

Registration of certain persons in business at time act takes effect.

SECTION 4. Section fifty-two of said chapter one hundred and forty, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the second line, the words "manicuring or", — so as to read as follows:— *Section 52.* Members of the police department of any town may enter and inspect any premises in that town used for massage or the giving of vapor baths.

SECTION 5. In the month of December in the current year the governor, with the advice and consent of the council, shall appoint three persons, qualified as hereinbefore provided, as members of the board of registration of hairdressers hereinbefore established, of whom one shall serve for one year, one for two years and one for three years, as the governor may designate, from the first day of January next following. Upon the expiration of the term of a member, his successor shall be appointed as hereinbefore provided.

SECTION 6. Any person who, from the date of the passage of this act up to the date of its taking full effect, has been engaged in this commonwealth in the actual practice of the occupation of hairdressing as defined in this act, shall, without any examination, be registered as a hairdresser by the board hereinbefore established, and any person who at the date when this act takes full effect is engaged in such actual practice, but was not engaged therein at the time of its passage, shall, upon his request, be given an examination by the board, and, upon passing such examination to the satisfaction of the board, shall be registered by it as a hairdresser, and any person who at the date when this act takes full effect is engaged in such practice and does not take or fails to pass such examination shall be registered as an operator, and any person who, at the date when this act takes full effect, is engaged in the occupation of manicuring and is duly licensed therefor, shall, without examination, be registered as a manicurist; provided, that such person makes application to the board for such registration, accompanied by such information as it may require, and by a fee of ten dollars in the case of a hairdresser, or five dollars in the case of an operator, or three dollars in the case of a manicurist, within six months after said date of taking full effect. A person who has applied under this section for registration as a hairdresser and paid the required fee, and has failed to pass the examination, shall not be required to pay any further fee for original registration as an operator. Any person applying for registration as an operator shall be credited by the board with the time spent in practice

as a hairdresser prior to the date when this act takes full effect. The original shop registration fee for shops existing upon said date of taking full effect, shall be five dollars; provided, that in the case of a shop so existing and operated solely by a hairdresser owning the same, the original shop registration fee shall be two dollars.

SECTION 7. Section five of this act shall take effect on December first of the current year, and the remainder shall take effect on January first, nineteen hundred and thirty-six, or upon such later date as the members of the board established by this act shall be qualified.

Effective date
of certain
sections.

Approved July 17, 1935.

AN ACT AUTHORIZING THE COMMISSIONER OF LABOR AND INDUSTRIES TO SUSPEND UNTIL APRIL FIRST, NINETEEN HUNDRED AND THIRTY-SIX, THE SIX O'CLOCK LAW, SO CALLED, RELATING TO THE HOURS OF EMPLOYMENT OF WOMEN IN THE TEXTILE INDUSTRY.

Chap. 429

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, safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

Section one of chapter three hundred and forty-seven of the acts of nineteen hundred and thirty-three is hereby amended by striking out, in the fourth to seventh lines, inclusive, the words "for and during such time as any code for the regulation of any of the textile industries, approved by the President of the United States under the provisions of the National Industrial Recovery Act, is in effect, and", and inserting in place thereof the words: — until April first, nineteen hundred and thirty-six, — so as to read as follows: — *Section 1.* The commissioner of labor and industries is hereby authorized, in conformity with Article XX of Part the First of the Constitution of the Commonwealth, to suspend, until April first, nineteen hundred and thirty-six, subject to such restrictions and conditions as the said commissioner may prescribe, so much of section fifty-nine of chapter one hundred and forty-nine of the General Laws, as amended by section one of chapter one hundred and ninety-three of the acts of the current year, as prohibits the employment of women in the manufacture of textile goods after six o'clock in the evening; and, during such time, those parts of said section fifty-nine which are so suspended shall be inoperative and of no effect.

Approved July 19, 1935.

Chap. 430 AN ACT RELATIVE TO THE OPERATION OF CERTAIN MOTOR VEHICLE TRAILERS OWNED BY THE CITY OF SPRINGFIELD ON THE WAYS OF SAID CITY AND CERTAIN ADJOINING TOWNS.

Be it enacted, etc., as follows:

SECTION 1. Motor vehicle trailers owned by the city of Springfield and having a carrying capacity of more than one thousand pounds may be operated or drawn on the ways of said city and the towns of Agawam, Ludlow and Wilbraham, any provision of section nineteen of chapter ninety of the General Laws to the contrary notwithstanding.

SECTION 2. Chapter three hundred and twenty of the acts of the current year is hereby repealed.

SECTION 3. Section one of this act shall take effect January first, nineteen hundred and thirty-six, and shall become inoperative July first in said year, and section two thereof shall take effect upon its passage.

Approved July 19, 1935.

Chap. 431 AN ACT PROVIDING FOR THE SANITARY PROTECTION BY THE CITY OF WORCESTER OF THE WATERS OF LAKE QUINSIGAMOND AND ITS TRIBUTARIES.

Be it enacted, etc., as follows:

SECTION 1. Subject to rights now or hereafter granted by the general court, and subject to such regulations and obligations as may hereafter be prescribed or imposed thereby, or otherwise as provided in this act, the city of Worcester, hereinafter called the city, for the purpose of preventing pollution and securing the sanitary control of the waters of Lake Quinsigamond and the waters of Flints and Hovey ponds, and for the purpose of utilizing the fall of water from said lake and said ponds in carrying out said control, may take by eminent domain under chapter seventy-nine of the General Laws, except as hereinafter provided, or acquire by purchase or otherwise, the water rights in said lake and said ponds and in the tributaries thereto, and may hold and use said waters and conduct the same into the stream below Hovey dam or to any mills in the valley of the Quinsigamond river below said dam, or into said stream and to any or all of such mills, and may hold and use the dams connected therewith for any or all of the purposes set forth in this act. For the purpose of building and maintaining dams, reservoirs, penstocks and pipe lines, and of collecting, storing, preserving and protecting the purity of the water taken under the provisions of this act, and conducting the same as aforesaid, the city may also take by eminent domain under and in accordance with said chapter seventy-nine, except as hereinafter provided, or acquire by purchase or otherwise, all lands, dams, reservoirs, structures, pipe lines, penstocks, buildings, water rights, rights of way and easements within the city and the towns of

Shrewsbury, Millbury and Grafton which may be necessary, including specifically the lands, reservoirs, dams, penstocks, and other structures belonging to The Linen Thread Company in the town of Grafton and the water rights connected therewith; provided, that no lands or water rights necessary for developing the supply of Lake Quinsigamond or for preserving the quality of the water in said lake shall be taken or used without first obtaining the advice and approval of the department of public health; and provided, further, that the location and arrangement of all dams, reservoirs, structures, penstocks, buildings and other works necessary in carrying out the provisions of this act shall be subject to the approval of said department of public health and the department of public works; and provided, further, that in the manner of taking said water from Lake Quinsigamond and from Hovey and Flints ponds and their tributaries the city shall conform to such reasonable regulations as may be established from time to time by said departments, and shall install such measuring and recording devices as may, in the opinion of said departments, be necessary to record accurately and permanently the amount of water stored in said lake and said ponds and the amount of water taken from said lake and said ponds by the city; and provided, further, that all records so taken shall be kept on file by the city and shall be open at all reasonable times to inspection by the public.

SECTION 2. The city may construct and maintain on the land acquired and held under the provisions of this act proper dams, reservoirs, structures, penstocks, pipe lines, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and may provide such other means and appliances and do such other things as may be necessary in carrying out the provisions of this act; and for the aforesaid purposes the city may construct, lay and maintain aqueducts, conduits, pipes, pipe lines, penstocks and other works under and over any land, water courses, railroads and street or electric railways and public or other ways in the city and in the towns of Shrewsbury, Millbury and Grafton 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, penstocks and other works, and for all other purposes of this act the city may dig up or raise and embank any such lands, or public or other ways in such manner as to cause the least hindrance to public travel thereon; provided, that any public way in the towns of Shrewsbury, Millbury and Grafton, or any of said towns, in which work is done under the provisions of this act shall be restored by the city to a condition satisfactory to the board of selectmen of the town of Shrewsbury, Millbury or Grafton, as the case may be, in the case of works constructed in any of said towns. The city shall not enter upon, construct or lay any aqueducts, conduits, pipes, pipe lines,

penstocks or other works within the location of any railroad corporation except at such times 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. The taking of land or other property under this act may be permanent or temporary and shall be in accordance with said chapter seventy-nine of the General Laws, except that —

(a) The city need make no award of damages for injuries sustained by any person or municipality on account of any taking of water or water rights.

(b) The notice required by section eight of said chapter seventy-nine need not be given in case of a taking of water or water rights.

(c) Petitions for the assessment of damages under section fourteen of said chapter seventy-nine may be filed within two years after the right to such damages has vested, without any extension of time by reason of failure to receive notice under section eight thereof or otherwise.

(d) The city shall, within thirty days after making any taking, cause a copy of the order of taking to be printed in full in one or more daily or weekly newspapers published in the county in which the lands affected are situated, or, in the case of a taking of water or water rights, in the county in which the point of diversion is situated.

(e) An owner of land or other property taken shall, upon request made within six months of the taking, be furnished within thirty days of such request with a plan or description of his land or other property taken.

(f) The city may, by vote of its city council, incorporated in the order of taking, determine the amount of water to be taken and appropriated under this act, and no water shall be released from Lake Quinsigamond, Flints and Hovey ponds, except in the case of repairing dams or a similar emergency, in a manner which will lower the water in these ponds to an elevation more than one and one half feet below the center of the brass bolt located in the westerly vertical wall of the waste way in Hovey dam, which bolt has been determined by the department of public works to be at elevation 359.43 mean sea level datum plane, and the center of said brass bolt is hereby designated as the "high-water mark" in said Lake Quinsigamond, Flints and Hovey ponds, and one and one half feet below the center of said brass bolt is hereby designated as the "low-water mark" in said lake and said ponds.

SECTION 4. Any person or municipality sustaining damage in his or its property by the taking of land, water, water rights, easement or other property, or by the entry upon or the use of any property, or by the making of any change of grade, layout, construction, alteration, discontinuance of way, or by anything done by the city under authority of this act, shall be entitled to recover the same

from the city under said chapter seventy-nine; provided, that the right to any damages for the taking of any water, water right or any injury thereto shall not vest until water is actually withheld or diverted under such taking. Damages for the temporary use or injury to property may, on the request of the petitioner, be assessed by monthly payments, to be continued so long as the property is used or injured.

SECTION 5. The city 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 6. If the city shall under authority of this act construct any reservoir in such manner as to flow any existing public way, it shall raise the way to such grade as will make it reasonably safe and convenient for travel, or shall build in place of any part of said way so flowed another suitable way, which shall thereafter be a public way, with all necessary fences and culverts; provided, that any work performed by the city under authority of this section in any other city or town shall be performed to the satisfaction of the city council or board of selectmen thereof.

SECTION 7. The city, with the advice and approval of the department of public works and the department of public utilities, may sell at public or private sale, or may exchange, any real property, or any easements taken or acquired under authority of this act by eminent domain or otherwise, and no longer needed for works under its charge, or may from time to time lease any such property not then so needed; and may, in its discretion, by lease, license or other agreement, permit the construction and maintenance on any such land under its control of towers, poles, wires and other structures for the purpose of transmitting electric power over lands and water of the city held under this act; provided, that in the opinion of the said departments such lease, license or agreement will not affect or interfere with the proper storage of water in Lake Quinsigamond, Flints and Hovey ponds; and provided, further, that the city may revoke or cancel any such lease, license or agreement for cause to be determined by it, with the approval of said departments.

SECTION 7A. Whoever wilfully diverts or releases any water taken or held under this act, or injures any structure, work or other property owned, held or used by the city under authority of this act, shall be punished by a fine not exceeding one hundred dollars.

SECTION 8. The supreme judicial court or any justice thereof and the superior court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act and of any rule, regulation or any order made by the city in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the district attorney of the middle district upon the request of the city.

SECTION 9. The city shall manage, improve and control the land and other property taken or otherwise acquired under the provisions of this act, and may prohibit all persons from entering in, upon or over the waters of any reservoirs constructed under authority of this act or upon any lands taken or acquired by the city hereunder. The city shall execute, superintend and direct the performance of all the works, matters and things constructed or done under authority of this act. All the authority granted to the city by this and the preceding sections of this act shall be vested in the department selected by the city government of Worcester.

SECTION 10. For the purposes set forth in this act, the 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, sixty thousand dollars, and may issue bonds and notes therefor, which shall bear on their face the words "City of Worcester, Lake Quinsigamond Loan, Act of 1935". 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, except as herein provided, be subject to chapter forty-four of the General Laws.

SECTION 11. The city shall at the time of authorizing said loan or loans provide for the payment thereof in accordance with section ten, and when a vote to that effect has been passed, a sum which, together with the income derived from the leases made under authority of this act, will be sufficient to pay the annual expense of operating its works and interest as it accrues on the bonds or notes issued as aforesaid by the city, and to make such payments on the principal as may be required under the provisions of said section ten, shall, without further vote, be assessed by the assessors of the city thereafter in the same manner as other city taxes, until the debt incurred by said loan or loans is extinguished.

SECTION 12. Nothing in this act shall be construed as affecting in any way the provisions of chapter ninety-one of the General Laws.

SECTION 13. This act shall take full effect upon its acceptance, prior to July first, nineteen hundred and thirty-six, by a majority vote of the city council of the city of Worcester, but not otherwise. *Approved July 19, 1935.*

Chap. 432 AN ACT RELATIVE TO THE PENSIONING OF LABORERS IN THE EMPLOY OF THE CITY OF LOWELL.

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter sixty-one of the acts of nineteen hundred and thirty is hereby amended by adding at the end thereof the following new sentence: — The word "laborer", as used in this section shall include foremen, mechanics, craftsmen and chauffeurs.

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

Approved July 19, 1935.

AN ACT PROVIDING AN ADDITIONAL ASSISTANT DISTRICT ATTORNEY FOR THE EASTERN DISTRICT, AND ESTABLISHING HIS SALARY.

Chap. 433

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:

SECTION 1. Section fourteen of chapter twelve of the General Laws, as most recently amended by chapter two hundred and nine of the acts of the current year, is hereby further amended by striking out the paragraph contained in the seventh and eighth lines, as appearing in the Tercentenary Edition, and inserting in place thereof the following new paragraph: —

G. L. (Ter. Ed.), 12, § 14, etc., amended.

For the eastern district, four assistant district attorneys.

Eastern district, assistants in.

SECTION 2. Section sixteen of said chapter twelve, as so appearing, is hereby amended by striking out the paragraph contained in the ninth to eleventh lines, inclusive, and inserting in place thereof the following new paragraph: —

G. L. (Ter. Ed.), 12, § 16, amended.

For the eastern district, one assistant, thirty-six hundred dollars; one assistant, three thousand dollars; two assistants, twenty-four hundred dollars.

Salaries.

Approved July 19, 1935.

AN ACT PROVIDING FOR AN ADDITIONAL JUDGE OF PROBATE FOR THE COUNTY OF HAMPDEN.

Chap. 434

Be it enacted, etc., as follows:

SECTION 1. Section one of chapter two hundred and seventeen of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out the word "and" in the first line and inserting in place thereof a comma, — and by inserting after the word "Worcester" in the second line the words: — and Hampden, — so as to read as follows: — *Section 1.* In each county except Suffolk, Middlesex, Essex, Worcester and Hampden, there shall be one judge of probate and insolvency, in this chapter called the judge of probate.

G. L. (Ter. Ed.), 217, § 1 amended.

One judge of probate in certain counties.

SECTION 2. Section two of said chapter two hundred and seventeen, as most recently amended by chapter two hundred and ninety of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the fourth line, the word "and" and inserting in place thereof a comma, — and by inserting after the word "Worcester"

G. L. (Ter. Ed.), 217, § 2, etc., amended.

Two and three
judges in cer-
tain counties.

in the same line the words: — and Hampden, — 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, Worcester and Hampden. 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 chapter 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 July 19, 1935.

Chap. 435 AN ACT FURTHER REGULATING THE ENTRANCE OR DISCHARGE OF SEWAGE OR OTHER INJURIOUS MATTER INTO LAKE QUINSIGAMOND AND FLINTS AND HOVEY PONDS.

Be it enacted, etc., as follows:

SECTION 1. The Lake Quinsigamond Commission, established by chapter two hundred and ninety-four of the Special Acts of nineteen hundred and sixteen, hereinafter called the commission, is hereby authorized and directed to prohibit the entrance or discharge of sewage into Lake Quinsigamond or into Flints pond or Hovey pond, or all of them, or into any tributaries to said lake and to said ponds, or any of them, in the county of Worcester, and to prohibit the entrance or discharge therein of any substance which by itself or in combination with any other substance might be injurious to the public health or might tend to create a public nuisance or to fill in said lake or said ponds or to obstruct the flow into or from said lake or said ponds, including all waste or refuse from any dwelling, building, factory or other establishment, unless the owner or occupant, or both, thereof, in the opinion of the commission, use the best practicable and reasonably available means to render such waste or refuse harmless. The commission shall consult and advise with the owner or occupant of any such dwelling, building, factory or other establishment at his request or of its own motion as to the best practicable and reasonably available means of rendering the waste or refuse

therefrom harmless, and the department of public health shall, upon request, advise the commission as to methods of treating any sewage, waste, or refuse. For the purposes of this section said commission may make orders, rules and regulations.

SECTION 2. Whoever refuses or neglects to comply with any such order or violates any provision of such rules and regulations shall be punished by a fine not exceeding one hundred dollars.

SECTION 3. The supreme judicial court or any justice thereof and the superior court or any justice thereof shall have jurisdiction in equity to enforce the provisions of this act and of any rule, regulation or order made by the commission in conformity therewith. Proceedings to enforce any such order shall be instituted and prosecuted by the district attorney of the middle district upon the request of the commission.

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

Approved July 22, 1935.

AN ACT RELATIVE TO CERTAIN DEDUCTIONS FROM INCOME RECEIVED FROM PROFESSIONS, EMPLOYMENT, TRADE OR BUSINESS UNDER THE INCOME TAX LAWS.

Chap. 436

Be it enacted, etc., as follows:

SECTION 1. Section six of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by striking out clause (g) and inserting in place thereof the following: —

G. L. (Ter. Ed.), 62, § 6, amended.

(g) An amount equal to five per cent of the assessed value, less the amount of all mortgages thereon, of the stock in trade and other tangible property, real and personal, except such ships and vessels as are described in section eight of chapter fifty-nine, owned by the person taxed and used or employed in the profession, employment, trade or business within the commonwealth, on the day as of which such property is assessed in the year for which the income is computed; but this deduction shall be allowed only from gross income, as defined in this section, exclusive of gains from the sale of capital assets.

Deductions from certain income.

SECTION 2. This act shall take effect as of January first, nineteen hundred and thirty-five.

Effective date.

Approved July 22, 1935.

AN ACT RELATIVE TO THE SENTENCING AND REMOVAL TO THE STATE PRISON OF PERSONS CONVICTED OF CAPITAL CRIMES.

Chap. 437

Be it enacted, etc., as follows:

SECTION 1. Section eleven of chapter one hundred and twenty-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end the following new sentence: — Said prison shall also be used for the detention of persons who have been sentenced to the

G. L. (Ter. Ed.), 125, § 11, amended.

Purposes of
state prison.

punishment of death, — so as to read as follows: — *Section 11.* The state prison at Boston shall be the general penitentiary and prison of the commonwealth where all male persons convicted of crime in a court of the commonwealth or in any court of the United States and sentenced by them according to law to solitary imprisonment and confinement in the state prison at hard labor shall be securely confined and employed at hard labor; but a person convicted and sentenced before a court of the United States need not be received in said prison unless the United States shall agree with the commissioner to pay all expenses incurred by the commonwealth in maintaining him therein. Said prison shall also be used for the detention of persons who have been sentenced to the punishment of death.

G. L. (Ter.
Ed.), 279,
§ 3A, etc.,
amended.

SECTION 2. Section three A of chapter two hundred and seventy-nine of the General Laws, as amended by section two of chapter fifty of the acts of the current year, is hereby further amended by adding at the end thereof the following: — ; provided, that nothing herein shall preclude the district attorney from again making such a motion in any case where the imposition of sentence is delayed under section forty-seven, — so as to read as follows: — *Section 3A.* Not later than seven days after a plea of guilty or after a verdict of guilty and in any event before adjournment of the sitting at which such plea or verdict has been taken and recorded in a case of felony wherein no question of law has been reported for decision by the supreme judicial court, the district attorney shall move for sentence; provided, that nothing herein shall preclude the district attorney from again making such a motion in any case where the imposition of sentence is delayed under section forty-seven.

Expedition
of sentence.

SECTION 3. Said chapter two hundred and seventy-nine is hereby further amended by striking out section four, as amended by section three of said chapter fifty, and inserting in place thereof the following: — *Section 4.* Sentence shall be imposed upon conviction of a crime, except as otherwise provided in section forty-seven in case of a conviction of a capital crime, although exceptions have been alleged or an appeal taken. If sentence is imposed upon conviction of a crime not punishable by death, the reservation, filing or allowance of exceptions or the entry of an appeal shall not stay the execution of the sentence unless the justice imposing it, or a justice of the supreme judicial court, files a certificate that in his opinion there is reasonable doubt whether the judgment should stand; and if execution of sentence is so stayed, the justice may at the same time make an order relative to the custody of the prisoner or for admitting him to bail.

G. L. (Ter.
Ed.), 279, § 4,
etc., amended.

Sentence
notwithstand-
ing appeal.

If sentence is imposed upon conviction of a crime punishable by death, the justice imposing the sentence shall at the same time stay the execution of the sentence, such stay to be effective until revoked by the superior court, which is

hereby granted full powers of revocation in the premises. The clerk of such court shall, forthwith upon the revocation by the court of any such stay of execution of sentence upon a male convict, certify that said stay has been revoked and cause said certificate to be served upon the warden of the state prison, or the officer performing his duties, by any officer qualified to serve criminal process; and the officer serving the same shall forthwith make due return of service to the clerk.

SECTION 4. Said chapter two hundred and seventy-nine is hereby further amended by striking out section forty-three, as amended by section four of said chapter fifty, and inserting in place thereof the following: — *Section 43.* Immediately upon the pronouncing of the sentence of death upon a male person convicted of a capital crime, and immediately upon the revocation under section four of the stay of execution of such a sentence pronounced upon a female so convicted, the clerk shall make out, sign and deliver to the sheriff of the county where the conviction is had a warrant under the seal of the court stating the conviction and sentence, and that a stay of execution of the sentence has been granted under section four and, in the case of a female convict, that such stay has been revoked under said section, and shall at the same time transmit to the warden of the state prison a certified copy of the warrant. Such warrant shall be directed to said warden commanding him to cause execution to be done in accordance with the provisions of such sentence. The clerk of the court shall, upon revocation under section four of the stay of execution of the sentence, make out and deliver to the governor a certified copy of the whole record of the conviction and sentence, including any rescripts from the supreme judicial court.

SECTION 5. Said chapter two hundred and seventy-nine is hereby further amended by striking out section forty-four, as amended by section five of said chapter fifty, and inserting in place thereof the following: — *Section 44.* The sheriff of the county in a jail whereof a convict sentenced to the punishment of death is confined, or a deputy designated by the sheriff, within seven days after the imposing of such sentence in the case of a male convict or within ten days after receipt by the sheriff of the warrant for the execution of such a sentence in the case of a female convict, shall, at a time chosen by the sheriff, convey such male or female convict, as secretly as may be, to the state prison and deliver him or her, with the warrant in either case, to the warden thereof or to the officer performing his duties. Within ten days after service on said warden or officer performing his duties of a certificate of the clerk of the court of the revocation under section four of the stay of execution of such a sentence in the case of a male convict, and upon her delivery to the state prison as aforesaid in the case of a female convict, such convict shall forthwith be placed in a cell provided for the purpose and shall

G. L. (Ter. Ed.), 279, § 43, etc., amended.

Appointment of time for execution of death sentence.

G. L. (Ter. Ed.), 279, § 44, etc., amended.

Confinement of prisoner under sentence.

thereafter be kept therein until the sentence of death is executed upon him or her, and no person shall be allowed access to him or her without an order of the court, except the officers and employees of the prison, his or her counsel, and such physicians, priest or minister of religion as the warden may approve, and the members of his or her family who are identified to the satisfaction of the warden. If the execution of the sentence of death is respited by the governor, or is otherwise delayed by process of law, the convict may, in the discretion of the warden, be confined in a cell used for solitary confinement. The superior court may make any order relative to the custody of a person confined in the state prison under this section in case he or she is granted a new trial.

G. L. (Ter.
Ed.), 279,
§ 45, amended.

Sentence,
when executed.

SECTION 6. Said chapter two hundred and seventy-nine is hereby further amended by striking out section forty-five, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 45.* The sentence of death shall be executed by the warden of the state prison, or by a person acting under his direction, not earlier than twenty days nor later than thirty days after service upon said warden or officer performing his duties of a certificate of the clerk of the court that the stay of the execution of the sentence has been revoked under section four, in the case of a male convict, or after her delivery to the state prison as aforesaid, in the case of a female convict, unless the governor pardons the crime, commutes the punishment therefor or respites the execution or said execution is otherwise delayed by process of law. If the execution is respited or stayed by process of law, the sentence of death shall be executed within the week beginning on the day next after the day on which the term of respite or stay expires. The sentence of death shall be executed upon such day within the limits of time provided in this section as the warden elects, at some time between midnight and sunrise; but no previous announcement thereof shall be made, except to such persons as may be permitted to be present.

Repeal.

SECTION 7. Sections one and six of said chapter fifty are hereby repealed.

Effective date.

SECTION 8. This act shall take effect on October first of the current year and shall apply only in case of persons convicted of capital crimes committed on or after said October first. Notwithstanding the provisions of this act, the provisions of law effective as to a capital crime committed before said October first shall continue in effect thereafter with respect to such crime.

Approved July 22, 1935.

AN ACT RELATIVE TO THE INCOME TAXATION OF GAINS FROM CERTAIN TRANSACTIONS IN REAL PROPERTY. Chap. 438

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty-two of the General Laws is hereby amended by inserting after section seven, as appearing in the Tercentenary Edition, the following two new sections: — *Section 7A.* Gains accruing to a person from the taking by eminent domain or purchase by the commonwealth, or by any political subdivision thereof, of real property for public purposes, provided such person acquired the same by purchase within a period of one year prior to such taking or purchase, shall be taxed at the rate of fifty per cent. Proceeds of taxes received under this section shall, in case the damages or price for such taking or purchase was paid by a county, city, town or district, be remitted by the state treasurer to such county, city, town or district within such time as the commissioner may determine; otherwise such proceeds shall be retained by the commonwealth.

G. L. (Ter. Ed.), 62, new sections 7A and 7B, added.

Taxes on income from property taken for public purposes.

Section 7B. A tax levied under the preceding section shall be abated by the commissioner within the time limited by section forty-three, or within such further time as the commissioner may allow, if he is satisfied that the person assessed purchased said real estate as aforesaid without knowledge or expectation of its contemplated use for public purposes.

Abatement.

SECTION 2. Section eighteen of said chapter sixty-two, as most recently amended by section seven of chapter three hundred and fifty of the acts of nineteen hundred and thirty-three, is hereby further amended by inserting at the beginning thereof the words: — Except as provided in section seven A, — so as to read as follows: — *Section 18.* Except as provided in section seven A, the state treasurer shall, on or before April fifteenth in each year, distribute the amounts of taxes on incomes under chapter sixty-two theretofore collected by the commonwealth to the several cities and towns in proportion to the amounts of the last preceding state tax imposed upon them, and shall, on or before November twentieth in the same year, distribute to such cities and towns in the same proportion the balance of such taxes collected after said April fifteenth, after deducting a sum sufficient to reimburse the commonwealth for the expenses incurred in the collection and distribution of said income taxes and for such of said taxes as have been refunded under said chapter sixty-two or section twenty-seven of this chapter during said year, together with any interest or costs paid on account of refunds, which shall be retained by the commonwealth, and after deducting also a sufficient sum to be distributed under Part I of chapter seventy.

G. L. (Ter. Ed.), 62, § 18, etc., amended.

Distribution of income taxes.

SECTION 3. Said chapter sixty-two is hereby further

G. L. (Ter. Ed.), 62, new

section 25A,
added.

Return to
be filed.

amended by inserting after section twenty-five, as appearing in the Tercentenary Edition, the following new section: — *Section 25A*. Every person who during the preceding year has received any income taxable under section seven A shall file a return thereof with the commissioner. Except as herein provided, the provisions of sections twenty-two to thirty-two, inclusive, shall apply to such a return.

Approved July 22, 1935.

Chap. 439 AN ACT PROVIDING FOR THE STERILIZATION OF FEATHERS, DOWN AND SECOND HAND MATERIAL INTENDED FOR USE IN THE MANUFACTURE OF ANY ARTICLE OF BEDDING OR OF UPHOLSTERED FURNITURE.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 94, new
sections 270A
and 270B,
added.

Sterilization of
feathers, regu-
lation of
business in.

Chapter ninety-four of the General Laws is hereby amended by inserting after section two hundred and seventy, as appearing in the Tercentenary Edition, the two following new sections: — *Section 270A*. No person shall maintain an establishment for the sterilization of feathers or down or any material intended for use for filling in the manufacture of any article of bedding or of upholstered furniture without a license from the department of public health. Any person desiring such a license may make written application to said department, stating the location of the establishment and furnishing such other information as may be required by the rules and regulations for the enforcement of this section and section two hundred and seventy B, which said department is hereby authorized to make. Upon receipt of the application, the department shall cause an examination of the establishment to be made and if the establishment is in accordance with said rules and regulations and properly equipped to carry on such business, said department upon receipt of a license fee of fifty dollars shall cause a license to be issued to the applicant for one year. If any such establishment is deemed by said department to be operated or maintained in violation of said rules and regulations, said department shall close such establishment until such time as it has been put in a condition to conform with the requirements of this section, and said department may suspend the license if the required changes are not made within a reasonable time. Any member or duly authorized employee of said department may enter at any reasonable time any such establishment and any factory, shop, warehouse, store or other place where such material is manufactured, or stored for sale, and may take therefrom samples of such material for the purpose of examination or of evidence. Whoever violates any provision of this section, or of the rules and regulations made hereunder, shall for the first offence be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, and for a subsequent offence by a fine of not less than fifty nor more than three hundred dollars.

License.
Rules and
regulations.

Section 270B. Whoever uses in the manufacture of any article of bedding or of upholstered furniture any material for filling which has been previously actually in use as a part of a manufactured article or any feathers or down unless such material, feathers or down has been sterilized in accordance with said rules and regulations of said department shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one month, or both.

Penalty.

Approved July 22, 1935.

AN ACT MAKING ADDITIONAL SUNDRY CHANGES IN THE LAWS RELATING TO ALCOHOLIC BEVERAGES.

Chap. 440

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 thirty-eight of the General Laws, as amended, is hereby further amended by inserting after the word "weight" in the eighteenth line, as appearing in section two of chapter three hundred and seventy-six of the acts of nineteen hundred and thirty-three, the following new paragraph:—

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

"Alcohol", all alcohol other than denatured alcohol or alcohol described in section three hundred and three A of chapter ninety-four.

"Alcohol" defined.

SECTION 2. Said chapter one hundred and thirty-eight is hereby further amended by striking out section two, as amended, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 138, § 2, etc., amended.

Section 2. No person shall manufacture, with intent to sell, sell or expose or keep for sale, store, 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, storage or transportation by a person or public officer under a provision of law which requires him to sell personal property, or to sales, storage or transportation by executors, administrators, receivers and trustees duly authorized by proper judicial order or decree. Assignees under any voluntary assignment for the benefit of creditors to whom any alcoholic beverage or alcohol is so assigned, and insurers and their agents in disposing of alcoholic beverages or alcohol damaged by fire or other casualty may, if authorized by a special permit of the commission, sell, store and transport such alcoholic beverage 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, store and transport such alcoholic beverages or alcohol subject to such conditions and restrictions as the commission may prescribe; provided,

Regulation of sale and manufacture of alcoholic beverages, etc.

that no such pledge or mortgage shall be given or made to a person holding any interest in a business licensed under this chapter. Violation of any provision 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.

G. L. (Ter. Ed.), 138, § 3, etc., amended.

Provisions not applicable to private use.

SECTION 3. Section three of said chapter one hundred and thirty-eight, as appearing in said section two of said chapter three hundred and seventy-six, is hereby amended by inserting after the word "manufacture" in the first and second lines the words: — or storage, — so as to read as follows: — *Section 3.* This chapter shall not apply to the manufacture or storage of alcoholic beverages by a person for his own private use or to sales of cider at wholesale by the original makers thereof, or to sales of cider by farmers, not to be drunk on the premises, in quantities not exceeding in the aggregate the product of apples raised by them in the season of, or next preceding, such sales, or to sales of cider in any quantity by such farmers not to be drunk on the premises if such cider does not contain more than three per cent of alcohol by weight at sixty degrees Fahrenheit; nor shall this chapter apply to sales of cider by the original makers thereof other than such makers and farmers selling not to be drunk on the premises as aforesaid, if the cider does not contain more than three per cent alcohol as aforesaid, not to be drunk on the premises as aforesaid.

G. L. (Ter. Ed.), 138, § 7, etc., amended.

Board to be provided with office.

SECTION 4. Section seven of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by inserting after the word "printing" in the sixth line the word: — , traveling, — so as to read as follows: — *Section 7.* Each city which has such a board shall provide it with suitable rooms, properly furnished, heated and lighted, shall pay such salaries as the city council, subject to the approval of the mayor, may from time to time establish, and shall also pay all expenses incurred by said board for blank books, printing, traveling and other necessary expenses approved by said board.

G. L. (Ter. Ed.), 138, § 10, etc., amended.

Certain cities exempt from operation of certain sections.

SECTION 5. Section ten of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out the comma in the seventh line and inserting in place thereof the word: — or, — and by striking out all after the word "city" in the fifteenth line, — so as to read as follows: — *Section 10.* The following cities shall be exempt from the operation of the six preceding sections: First, cities having a licensing board or commission created by special statute or under the provisions of a charter. Second, other cities not having a board appointed under the earlier provisions of law antecedent to and corresponding with the provisions of section four or under section three of chapter one hundred and twenty of the acts of nineteen hundred and thirty-three, but if any such city hereafter, at a biennial state election, votes to authorize the granting of licenses for

the sale of any alcoholic beverage the board shall, thereupon, not later than the thirty-first day of December following said election, be appointed for such city as above provided, and the provisions of the six preceding sections shall thereafter apply to said city.

SECTION 6. Section eleven A of said chapter one hundred and thirty-eight, as amended, is hereby further amended by striking out the last paragraph; but nothing in this section shall affect any action heretofore taken under said paragraph.

SECTION 7. Section twelve of said chapter one hundred and thirty-eight, as most recently amended by sections two, three and four of chapter two hundred and fifty-three of the acts of the current year, is hereby further amended by striking out the first paragraph and inserting in place thereof the following:— 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, 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; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. 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.

SECTION 8. Said section twelve of said chapter one hundred and thirty-eight is hereby further amended by striking out the third paragraph, as appearing in section three of chapter three hundred and eighty-five of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following:—

The local licensing authorities may determine in the first

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

Submission to voters of license questions.

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

Granting of licenses.

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

Same subject.

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 under this section for the sale of all alcoholic beverages, and in no case less than one hundred dollars, nor, except as hereinafter provided, more than five hundred dollars for a tavern license or one thousand dollars for any other license under this section for the sale of wines and malt beverages, or either; 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; and provided, further, that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing the sale of alcoholic beverages on all days of the week and for restaurant licenses authorizing such sale on secular days only. If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. 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.

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

Same subject.

G. L. (Ter. Ed.), 138, § 13, etc., amended.

Licenses to railroad corporations, etc.

SECTION 9. Said section twelve, as so amended, is hereby further amended by striking out the next to the last paragraph.

SECTION 10. Said chapter one hundred and thirty-eight is hereby further amended by striking out section thirteen, as amended by section four of said chapter three hundred and eighty-five, and inserting in place thereof the following: — *Section 13.* A railroad or car corporation operating any line of railroad or furnishing refreshments upon railroad cars within the commonwealth may sell, in any dining, club, buffet or lounge car, alcoholic beverages to be drunk in such cars, if the commission sees fit to issue a license to such railroad or car corporation. The fee for each license under this section shall be one hundred dollars and for each certified copy thereof one dollar. The commission may also issue licenses to sell alcoholic beverages to the owner or operator of any vessel or shipping company carrying passengers and operating out of any port of the commonwealth. Sales of alcoholic beverages by licensees under this section shall be made only under such regulations as the commission may prescribe. The annual license fee for each vessel shall be one hundred dollars. No other license

shall be required under this chapter for sales as authorized under this section.

SECTION 11. Section fourteen of said chapter one hundred and thirty-eight, as amended by section three of chapter three hundred and seventy of the acts of nineteen hundred and thirty-four, is hereby further amended by adding at the end the following new paragraph:—

A license under this section shall not be granted to any person while his application for a license under section twelve is pending before the licensing authorities.

SECTION 12. Section fifteen of said chapter one hundred and thirty-eight, as amended, is hereby further amended by striking out the first paragraph and inserting in place thereof the following:—The local licensing authorities in any city or town which votes to authorize the granting of licenses for the sale of all alcoholic beverages, and such authorities in any city or town which votes to authorize the granting of licenses for the sale of wines and malt beverages only, may grant licenses for the sale at retail of such alcoholic beverages or wines and malt beverages, as the case may be, not to be drunk on the premises, to applicants therefor who are citizens and residents of the commonwealth, or partnerships composed solely of such citizens and residents or to corporations organized under the laws of the commonwealth and whereof all directors shall be citizens of the United States and a majority residents of the commonwealth. 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, shall be granted, in the aggregate, more than three such licenses in the commonwealth, or be granted more than one such license in a town or two in a city. No such license shall be granted except to an applicant approved by the commission. Each license shall describe the premises to which it applies. Not more than one location shall be included in any such license, nor shall any location or premises for which a license has been granted under section twelve be included therein or connected therewith. 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 package and at the prices stated on the current posted price list. All malt beverages containing not more than three and two tenths per cent of alcohol by weight shall be so labelled.

SECTION 13. Said chapter one hundred and thirty-eight is hereby further amended by striking out section fifteen A, inserted by section five of said chapter three hundred and seventy, and inserting in place thereof the following:—

G. L. (Ter. Ed.), 138, § 14, etc., amended.

Special licenses.

G. L. (Ter. Ed.), 138, § 15, etc., amended.

Licenses for sale, etc., not to be drunk on the premises.

G. L. (Ter. Ed.), 138, § 15A, etc., amended.

Publication of application for a license.

Section 15A. Local licensing authorities shall cause to be published at the expense of the applicant a notice of every application for a license under section twelve, fifteen or thirty A within ten days after the receipt of such application. Such notice shall be published at least once in a newspaper published in the city or town in which the premises whereon the license is intended to be exercised are situated, or if no newspaper is published in such city or town, then in some newspaper published in the county. The 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 intended to be exercised, designating the building or part of the building to be used and, if practicable, the street and number. Notation of the time and date of filing shall be made on all applications for such licenses and no action shall be taken thereon by the local licensing authorities until at least ten days after the last publication of the notice. An affidavit of the person making such publication on behalf of such authorities, together with an attested copy of the notice published, shall be filed in the office of such authorities, and a certified copy of such affidavit shall be prima facie evidence that such notice has been published in accordance with this section. If any citizen of the city or town within which any such license is issued makes complaint to the commission that such license was granted without such previous publication, and after due hearing it appears that such notice was not given as aforesaid, the commission shall revoke the license and give notice of such revocation to the authorities issuing the license.

G. L. (Ter. Ed.), 138, § 16B, etc., amended.

Time within which licenses shall be granted, etc.

SECTION 14. Said chapter one hundred and thirty-eight is hereby further amended by striking out section sixteen B, as appearing in said section two of said chapter three hundred and seventy-six, and inserting in place thereof the following:—*Section 16B.* Applications for licenses or permits authorized to be granted by the commission shall be granted or dismissed not later than thirty days after the filing of the same, and, except as provided in section sixteen A, applications for licenses authorized to be granted by the local licensing authorities shall be acted upon within a like period and if favorably acted upon by the said authorities shall be submitted for approval by the commission not later than three days following such favorable action. A license so approved shall be issued by said authorities not later than three days following receipt of notice of approval by the commission. Any applicant for a license under this chapter who fails to comply with the requirements of section seventy within fourteen days after notice that a license has been authorized to be granted to him shall forfeit any right thereto, unless the licensing authorities to which application was made otherwise determine.

G. L. (Ter. Ed.), 138, § 17, etc., amended.

SECTION 15. Said chapter one hundred and thirty-eight is hereby further amended by striking out section seventeen, as most recently amended by chapter eighty-one of

the acts of the current year, and inserting in place thereof the following: — *Section 17.* Except as otherwise provided in this chapter, the number of licenses granted by the local licensing authorities in any city or town under sections twelve and fifteen shall not exceed in the aggregate one for each population unit of one thousand or fraction thereof; provided, that within said aggregate number the licensing authorities may grant three licenses under section fifteen in any city or town having a population of five thousand or more but not exceeding fifteen thousand and may grant not more than one license thereunder for each population unit of five thousand or fraction thereof in any city or town having a population of more than fifteen thousand; and provided, further, that the licensing authorities in any town may grant two licenses under section twelve and also two licenses under section fifteen, irrespective of population; and provided, further, that in the city of Boston licenses under section twelve may be granted up to a total number not exceeding one thousand and licenses under section fifteen up to a total number not exceeding three hundred and fifty; and provided, further, that in any city or town which has an increased resident population during the summer months, the local licensing authorities may make an estimate prior to April first in any year of such temporary resident population as of July tenth following, a copy of which estimate shall be transmitted forthwith to the commission, and one additional license under section twelve, to be effective from April first to November thirtieth only, may be granted for each unit of one thousand or additional fraction thereof of such population as so estimated, and one additional license under section fifteen, to be effective from April first to November thirtieth only, may be granted for each unit of five thousand or additional fraction thereof of such population as so estimated; and provided, further, that said authorities may grant in addition and irrespective of any limitation of number of licenses contained in this section seasonal licenses under section twelve to duly incorporated clubs in their city or town if deemed by them to be in the public interest.

Number of
licenses.

Irrespective of the number of licenses that may otherwise be granted as provided in this section, there may be granted to legally chartered clubs in any city or town five licenses under section twelve, and in any city or town having a population exceeding twenty-five thousand one additional license as aforesaid for each population unit of ten thousand or fraction thereof over twenty-five thousand; but the foregoing provision shall not prevent the granting of additional licenses to such clubs, if within the number of licenses that may be granted under section twelve in such city or town as provided in this section. No license issued under section twelve or fifteen for the sales of wines or malt beverages only, or both, shall be included within the quota of licenses limited by this section.

Unless expressly authorized by this chapter, local licensing authorities shall not grant licenses to any person, firm or corporation under more than one section of this chapter.

G. L. (Ter. Ed.), 138, § 18, etc., amended.

Wholesalers' and importers' licenses.

SECTION 16. Section eighteen of said chapter one hundred and thirty-eight, as amended, is hereby amended by striking out the first paragraph, as appearing in said section two of said chapter three hundred and seventy-six, and inserting in place thereof the following:— The commission may issue to any individual who is both a citizen and resident of the commonwealth and to partnerships composed solely of such individuals, and to corporations organized under the laws of the commonwealth whereof all the directors are citizens of the United States and a majority thereof residents of the commonwealth, licenses as wholesalers and importers (1) to sell for resale to other licensees under this chapter alcoholic beverages manufactured by any manufacturer licensed under the provisions of section nineteen and to import alcoholic beverages into the commonwealth from other states and foreign countries for sale to such licensees, or (2) to sell for resale wines and malt beverages so manufactured to such licensees and to import as aforesaid wines and malt beverages for sale to such licensees. Licenses may be granted under this section authorizing the holders (a) to sell wines to be used for sacramental purposes only, to any registered, regularly ordained priest, minister or rabbi, or to any church or religious society, (b) to sell alcoholic beverages to registered pharmacists holding certificates of fitness under section thirty, (c) to sell alcoholic beverages as authorized by section twenty-eight, or (d) to sell alcohol for use in the manufacture or preparation of articles mentioned in section thirty-five of chapter one hundred and twelve, or to sell alcoholic beverages for any or all the purposes specified in this section. Importations of beverages by any licensee under this section may be in casks, barrels, kegs or other containers, as well as in bottles, in either case bearing such seals, or other evidences of the identity and origin of the contents, as the commission may prescribe. Subject to such regulations as may be prescribed by the commission, licensees under this section may bottle, and may compound, rectify or blend, any alcoholic beverages purchased by them in bulk, but such bottling, including the sealing and labelling of the bottles, and such compounding, rectifying and blending, shall be done only upon such premises and under such conditions as the commission shall approve. 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, shall be granted more than one license throughout the commonwealth under this section. The license fee for a license issued under this section to sell and import all alcoholic beverages shall be not less than two thousand nor more than five thousand dollars. The license fee for a license issued under this

section to sell and import wines and malt beverages only shall be not less than five hundred nor more than twenty-five hundred dollars; provided that the license fee for a license issued under this section to sell wines for sacramental use only shall not be less than two hundred and fifty nor more than one thousand dollars.

SECTION 17. Section eighteen A of said chapter one hundred and thirty-eight, inserted by chapter three hundred and twelve of the acts of nineteen hundred and thirty-four, is hereby amended by striking out the first paragraph and inserting in place thereof the following: — The commission may issue to any individual who is both a citizen and resident of the commonwealth, or to any partnership composed solely of such individuals, or to any corporation organized under the laws of the commonwealth or organized under the laws of any other state of the United States or of any foreign country and 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 manufacturing, importing or selling alcoholic beverages, 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; provided, that any licensee hereunder may, upon receipt of orders received from the holder of a license under section eighteen, cause to be delivered to such holder from a warehouse bonded under the laws of the United States any alcoholic beverages lawfully received and contained in such a warehouse.

G. L. (Ter. Ed.), 138, § 18A, etc., amended.

Licenses for agents of out of state principals.

SECTION 18. Section nineteen of said chapter one hundred and thirty-eight, as amended, is hereby further amended by striking out the first paragraph, as appearing in said section two of said chapter three hundred and seventy-six, and inserting in place thereof the following: — The commission may issue to any individual who is both a citizen and resident of the commonwealth and to partnerships, composed solely of such individuals, and to corporations organized under the laws of this commonwealth or organized under the laws of any other state of the United States and admitted to do business in this commonwealth, licenses to manufacture alcoholic beverages. Manufacturers of such beverages may sell the same to any licensee holding a valid license granted by the licensing authorities for the sale within the commonwealth in accordance with the provi-

G. L. (Ter. Ed.), 138, § 19, etc., amended.

Licenses to manufacture.

sions of this chapter, and may also sell such beverages for export from this commonwealth into any state where the sale of the same is not by law prohibited, and into any foreign country; and manufacturers of such beverages may sell the same to any registered pharmacist holding a certificate of fitness under section thirty and also as authorized by section twenty-eight.

G. L. (Ter. Ed.), 138, § 19, etc., further amended.

SECTION 19. The last paragraph of section nineteen of said chapter one hundred and thirty-eight, as amended by section ten of said chapter three hundred and eighty-five, is hereby further amended by inserting after the word "sum" in the ninth line the following: —, not less than twenty-five nor more than two hundred and fifty dollars, — so as to read as follows: —

Same subject.
License fee.

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, not less than twenty-five nor more than two hundred and fifty dollars, 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.

G. L. (Ter. Ed.), 138, § 19A, etc., amended.

SECTION 20. Said chapter one hundred and thirty-eight is hereby further amended by striking out section nineteen A, inserted by section eleven of said chapter three hundred and eighty-five, and inserting in place thereof the following: — *Section 19A.* The commission may annually grant to individual citizens of the commonwealth employed as salesmen for licensees under section eighteen, eighteen A 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 to whom their employers are authorized to sell such beverages, and the fee for each such permit shall be ten dollars. The commission may make and enforce rules and regulations covering the granting of permits under this section and regulating the exercise of the authority granted under such permits.

Salesmen's
licenses.

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.

G. L. (Ter. Ed.), 138, § 21, etc., amended.

SECTION 21. Section twenty-one of said chapter one hundred and thirty-eight, as amended by section thirteen of said chapter three hundred and eighty-five, is hereby further amended by inserting after the word "beverages" in the seventh line the following: —, other than wines to be

used for sacramental purposes only, — so that the first paragraph will read as follows: — 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, other than wines to be used for sacramental purposes only, within the commonwealth as follows:

Excise.

SECTION 22. Said chapter one hundred and thirty-eight is hereby further amended by striking out section twenty-two, as amended by section fourteen of said chapter three hundred and eighty-five, 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 or alcohol, without any license or permit, but not exceeding in amount, at any one time, eight gallons of malt beverages, three gallons of any other alcoholic beverage, or one gallon of alcohol, or their measured equivalent; 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 alcoholic beverages manufactured by him for his own private use.

G. L. (Ter. Ed.), 138, § 22, etc., amended.

Transportation permits.

Licensees for the sale of alcoholic beverages or alcohol, as the case may be, may transport and deliver anywhere in the commonwealth alcoholic beverages or alcohol lawfully bought or sold by them, in vehicles owned or leased by them or their employees, if each vehicle used for such transportation and delivery is covered by a permit issued by the commission; provided, that vehicles owned or leased by holders of permits under section nineteen A shall be used only for the transportation of samples. The permit fee for each vehicle shall be one dollar.

Any railroad or car corporation or the owner or operator of any vessel or shipping company may, if authorized by a permit issued by the commission, transport and deliver alcoholic beverages or alcohol; and the fee for such a permit covering all the cars or vessels thereof shall be one hundred dollars.

Any individual, partnership or corporation regularly and lawfully conducting a general express or trucking business may, if authorized by a permit issued by the commission, transport and deliver alcoholic beverages or alcohol; and the fee for such a permit shall be five dollars.

No holder of an express or trucking permit under this section shall be granted a permit under section nineteen A.

Certified copies of any permit issued under this section shall be furnished for one dollar each.

The commission may make and enforce rules and regulations governing the transportation and delivery of alcoholic beverages and alcohol under permits granted under this section.

Every person operating a vehicle when engaged in such transportation or delivery shall carry the vehicle permit or a certified copy thereof 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 be prima facie evidence of unlawful transportation and shall, in the discretion of the commission, be sufficient cause for the suspension, cancellation, revocation or forfeiture of such permit.

Penalty.

Whoever knowingly transports within the commonwealth any alcoholic beverages or alcohol except as authorized by this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.

G. L. (Ter. Ed.), 138, § 23, etc., amended.

SECTION 23. Section twenty-three of said chapter one hundred and thirty-eight, as amended, is hereby further amended by striking out the last four paragraphs, as appearing in section sixteen of said chapter three hundred and eighty-five, and inserting in place thereof the following: —

Terms of licenses and permits.

The licensing authorities empowered to issue any license or permit may order refunded the whole or any part of the fee for such a license or permit in case of an error in the kind of a license or permit issued, or may order the fee paid for such a license or permit refunded to the applicant if he has withdrawn his application prior to the issuance of the license or permit applied for, or to the licensee or permittee if he has surrendered the license or permit issued to him and such licensing authorities are satisfied that no right, power or privilege has been exercised thereunder. Any sums ordered refunded as aforesaid shall be paid from any available funds in the treasury of the commonwealth or municipality as the case may be.

The licensing authorities may transfer any license granted by them from one location to another, but such transfer shall be granted only to the holder of such license. All requirements imposed by this chapter applicable in case of the granting of a license thereunder shall apply in case of such a transfer, except that no new license fee shall be required.

Any license under this chapter held by an individual, partnership or corporation may be transferred to a corporation, qualified to receive such a license in the first instance, which succeeds to the licensed business, if the parties interested in such business retain substantially the same interest therein, as determined by the licensing authorities granting the same. If the local licensing authorities determine that a corporation is not entitled to a transfer as aforesaid of a license granted by them, the applicant for such transfer may appeal to the commission as if such authorities had refused to grant the license to such corporation upon an original application therefor, and the decision of the commission upon such appeal shall be final.

In the case of the death of an individual holder of any license or permit under this chapter, such license or permit, unless earlier surrendered, revoked or cancelled, shall authorize the executor or administrator of the deceased licensee or permittee to exercise all authority conferred upon such licensee or permittee until the termination thereof.

Every license and permit granted under the provisions of this chapter, unless otherwise provided in such provisions, shall expire on December thirty-first of the year of issue, subject, however, to revocation or cancellation within its term.

SECTION 24. Section twenty-six of said chapter one hundred and thirty-eight, as appearing in said section two of said chapter three hundred and seventy-six, is hereby amended by inserting after the word "beverages" in the first line the words:—or alcohol,—and by inserting after the word "licensee" in the eighth line the following:—; provided, that nothing herein shall prevent the granting of a license under section eighteen A to any corporation organized under the laws of a foreign country or the granting of a vehicle permit to such a corporation so licensed,—so that the first paragraph will read as follows:— No license for the sale of alcoholic beverages or alcohol and no vehicle permit for the transportation thereof shall be issued to any person who is not, at the time of his application therefor, a citizen of the United States, or to any agent of any such person, or to any corporation a majority of whose directors are in fact aliens, and no person not such a citizen shall be appointed as manager or other principal representative of any licensee; provided, that nothing herein shall prevent the granting of a license under section eighteen A to any corporation organized under the laws of a foreign country or the granting of a vehicle permit to such a corporation so licensed.

G. L. (Ter. Ed.), 138, § 26, etc., amended.

Licenses, etc., not to be issued to aliens.

SECTION 25. Said chapter one hundred and thirty-eight is hereby further amended by striking out section twenty-nine, as so appearing, and inserting in place thereof the following:— *Section 29.* A registered pharmacist in a city or town who holds a certificate of fitness under the following section, having complied with all provisions of law relative to the practice of pharmacy, irrespective of the vote of the city or town under section eleven, may use alcohol for the manufacture of United States pharmacopoeia or national formulary preparations and all medicinal preparations unfit for beverage purposes, and may sell alcohol, and, upon the prescription of a registered physician, (1) wines, (2) malt beverages, and (3) other alcoholic beverages. Each of the three foregoing classes shall be sold only on separate prescriptions and in quantity not exceeding one gallon of wines, one gallon of malt beverages and one quart of other alcoholic beverages. Every such prescription shall be dated and signed by the physician and shall contain the name of the person prescribed for.

G. L. (Ter. Ed.), 138, § 29, etc., amended.

Sales by druggists.

All such prescriptions shall be retained and kept on file in a separate book by the pharmacist selling the same and shall not be refilled. Such prescription book shall be open at all times to inspection of the board of registration in pharmacy, licensing authorities and their agents and police officers. Nothing in this chapter shall disqualify a registered pharmacist from being licensed under section fifteen, provided that he sells no cooked food to be consumed on the premises; but a license issued to a registered pharmacist under said section shall not be included in computing the number of licenses that may be granted in any city or town as provided in section seventeen.

Sales of alcoholic beverages hereunder shall be made only in the original sealed packages, and such beverages shall not be permitted to be drunk on the premises.

G. L. (Ter. Ed.), 138, § 30A, etc., amended.

Druggists' licenses.

SECTION 26. Said chapter one hundred and thirty-eight is hereby further amended by striking out section thirty A, as amended by section seven of said chapter three hundred and seventy, 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 beverages 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. Sales of alcoholic beverages hereunder shall be made only in the original sealed packages and such beverages shall not be permitted to be drunk on the premises. Sales of such beverages by a licensee hereunder shall be permitted only during such hours as sales thereof may be made by a licensee under section fifteen. The fee for a license under this section shall be not less than fifty nor more than three hundred dollars.

G. L. (Ter. Ed.), 138, § 30B, etc., amended.

Kinds of licenses issued to druggists limited.

SECTION 27. Section thirty B of said chapter one hundred and thirty-eight, as appearing in said section two of said chapter three hundred and seventy-six, is hereby amended by striking out the first sentence, — so as to read as follows:—*Section 30B.* One or more licenses may be granted annually under the provisions of section thirty A by the licensing authorities of a city or town to retail druggists who are registered pharmacists actively engaged in business on their own account, or on the account of the widow, executor or administrator of a deceased registered pharmacist, or of the wife of one who has become incapacitated, upon presentation to said authorities of the certificate prescribed by section thirty, if it appears that the applicant is a proper person to receive such license. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be considered as actively

engaged in business on his own account and as qualified to receive a license for such store. The licensing authorities may refuse to grant any and all such licenses.

SECTION 28. Section thirty D of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out, in the second line, the word "liquor" and inserting in place thereof the word: — beverages, — so as to read as follows:— *Section 30D.* Retail pharmacists licensed under section thirty A shall not sell alcoholic beverages of any kind for medicinal, mechanical or chemical purposes except upon the certificate of the purchaser, which shall state the use for which it is wanted, and which shall be immediately cancelled at the time of sale in such manner as to show the date of cancellation.

G. L. (Ter. Ed.), 138, § 30D, etc., amended.

Sales for certain purposes restricted.

SECTION 29. Section thirty E of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out, in the fifth and in the ninth line, the word "liquor" and inserting in place thereof, in each instance, the word: — beverage, — so that the first paragraph will read as follows: — Every retail pharmacist licensed under section thirty A shall keep a book in which he shall enter, at the time of every such sale, the date thereof, the name of the purchaser, the kind, quantity and price of said beverage, the purpose for which it was sold, and the residence by street and number, if any, of said purchaser. If such sale is made upon the prescription of a physician, the book shall also contain the name of the physician and shall state the use for which said beverage is prescribed and the quantity to be used for such purpose, and the prescription shall be cancelled in the manner provided in the preceding section with reference to certificates. Said book shall be in form substantially as follows:

G. L. (Ter. Ed.), 138, § 30E, etc., amended.

Record book of sales to be kept.

SECTION 30. Said chapter one hundred and thirty-eight is hereby further amended by striking out section thirty F, as so appearing, and inserting in place thereof the following: — *Section 30F.* The book, certificates and prescriptions provided for in the two preceding sections shall at all times be kept on the licensed premises and be open to the inspection of the board of registration in pharmacy, the licensing authorities or their agents, the aldermen, the selectmen when not constituting the local licensing authorities, the board of public welfare, sheriffs, constables, police officers and justices of the peace.

G. L. (Ter. Ed.), 138, § 30F, etc., amended.

Books, etc., to be open for inspection

SECTION 31. Section thirty G of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by striking out, in the second and in the seventh line, the word "liquors" and inserting in place thereof, in each instance, the word: — beverages, — so as to read as follows:— *Section 30G.* A person, not a registered pharmacist, who procures a license for the sale of alcoholic beverages under section thirty A in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate,

G. L. (Ter. Ed.), 138, § 30G, etc., amended.

Penalty for illegal sale.

and, being himself the owner or manager of the place, personally or by his servants sells alcoholic beverages, shall be punished by a fine of not less than fifty nor more than five hundred dollars and by imprisonment for not less than one nor more than six months. Section eleven of chapter two hundred and seventy-nine shall not apply to a conviction under this section.

G. L. (Ter. Ed.), 138, new section 30H, added.

Illegal possession prima facie evidence of intent to sell, etc.

SECTION 32. Said chapter one hundred and thirty-eight is hereby further amended by inserting after section thirty G, as so appearing, the following new section:— *Section 30H.* Possession on the licensed premises by any licensee under this chapter of any alcoholic beverages or alcohol not authorized to be sold or used under the terms of his license shall be prima facie evidence that such beverage or alcohol is kept for sale in violation of this chapter. Transportation of any alcoholic beverage or alcohol in any vehicle covered by a transportation permit issued to a licensee under this chapter or his employee shall, if such alcoholic beverage or alcohol is not authorized to be sold or used under the terms of the license issued to such licensee, be prima facie evidence that such alcoholic beverage or alcohol is being transported in violation of this chapter.

G. L. (Ter. Ed.), 138, § 31, etc., amended.

Employment of aliens by licensees prohibited.

SECTION 33. Section thirty-one of said chapter one hundred and thirty-eight, as appearing in said section two of said chapter three hundred and seventy-six, is hereby amended by inserting after the word "employed" in the second line the words:— or permitted, — and by inserting after the word "beverage" in the third line the words:— or alcohol, — so as to read as follows:— *Section 31.* No person, except a citizen of the United States, shall be employed or permitted to sell, serve or deliver any alcoholic beverage or alcohol. Violation of any provision of this section shall be punished by a fine of not less than twenty-five dollars, and shall be sufficient cause for the revocation or suspension of the license of any licensee under this chapter contributing to or aiding or abetting such violation.

G. L. (Ter. Ed.), 138, § 34, etc., amended.

Employment of minors prohibited.

SECTION 34. Section thirty-four of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by inserting after the word "beverages" in the fifth line and in the sixth line, in each instance, the words:— or alcohol, — so as to read as follows:— *Section 34.* No person shall receive a license or permit under this chapter who is under twenty-one years of age. Whoever being licensed under this chapter employs any person under twenty-one years of age in the direct handling or selling of alcoholic beverages or alcohol or whoever makes a sale of any such beverages or alcohol to any person under twenty-one years of age shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months, or both.

G. L. (Ter. Ed.), 138, § 34A, etc., amended.

SECTION 35. Said chapter one hundred and thirty-eight is hereby further amended by striking out section thirty-four A, inserted by chapter one hundred and forty-six of

the acts of the current year, and inserting in place thereof the following:— *Section 34A.* Whoever, being a minor, makes a false statement as to his age in order to procure a sale or delivery of alcoholic beverages or alcohol, either for his own use or for the use of another, and whoever knowingly makes a false statement as to the age of a minor in order to procure a sale or delivery of such beverages or alcohol to such minor, either for the use of the minor or for the use of some other person, and whoever induces a minor to make a false statement as to his age in order to procure a sale or delivery of such beverages or alcohol to such minor, shall be punished by a fine of not less than ten nor more than one hundred dollars.

Penalty for false statements by minors.

SECTION 36. Section forty-two of said chapter one hundred and thirty-eight, as appearing in said section two of said chapter three hundred and seventy-six, is hereby amended by adding at the end thereof the following new paragraph:—

G. L. (Ter. Ed.), 138, § 42, etc., amended.

For the purposes of this and the thirteen following sections, the words “alcoholic beverages” shall be deemed to include “alcohol”.

“Alcoholic beverages” defined.

SECTION 37. Section forty-six of said chapter one hundred and thirty-eight, as amended by section ten of said chapter three hundred and seventy, is hereby further amended by striking out, in the fourth 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 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 illegal search or seizure.

SECTION 38. Said chapter one hundred and thirty-eight is hereby further amended by striking out section fifty-six, as appearing in said section two of said chapter three hundred and seventy-six, and inserting in place thereof the following:— *Section 56.* A deputy sheriff, chief of police, deputy chief of police, city marshal, deputy or assistant marshal, police officer, including a state police officer, or constable, or, in the county of Dukes or Nantucket, the sheriff anywhere within his county, may without a warrant arrest any person whom he finds in the act of selling without being authorized so to do by a license or permit under this chapter, or of illegally transporting or delivering alcoholic beverages or alcohol, and seize the said beverages or alcohol, vessels and implements of sale in the possession of such person, and detain them until warrants can be procured against such person, and for the seizure of said beverages or alcohol, vessels and implements, under this chapter. Such officers shall enforce or cause to be enforced the penalties provided by law against every person who is guilty of a violation of any law relative to alcoholic beverages or

G. L. (Ter. Ed.), 138, § 56, etc., amended.

Arrest without warrant in certain cases.

alcohol of which they can obtain reasonable proof. Any investigator of the commission may without a warrant arrest any person whom he finds in the act of illegally transporting alcoholic beverages or alcohol, and seize the said beverages or alcohol in the possession of such person and detain him until warrants can be procured against such person, and for the seizure of said beverages or alcohol under this chapter.

G. L. (Ter. Ed.), 138, § 62, etc., amended.

General penalty.

SECTION 39. Section sixty-two of said chapter one hundred and thirty-eight, as so appearing, is hereby amended by inserting after the word "licensee" in the third line the words: — or permittee, — and by inserting after the word "license" in the same line the words: — or permit, — so as to read as follows: — *Section 62*. A violation by any person of any provision of this chapter for which a specific penalty is not provided or a violation by a licensee or permittee of any provision of his license or permit or of any regulation made under authority of this chapter 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.

G. L. (Ter. Ed.), 138, § 63, etc., amended.

Local licensing authorities may enter premises.

SECTION 40. Said chapter one hundred and thirty-eight is hereby further amended by striking out section sixty-three, as amended by section nineteen of said chapter three hundred and eighty-five, and inserting in place thereof the following: — *Section 63*. 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 holding a license or permit under this chapter, to ascertain the manner in which such licensee or permittee conducts his business. Such licensing authorities or their agents may at any time take samples for analysis from any beverages or alcohol kept on such premises, and the vessel or vessels containing such samples shall be sealed on the premises in the presence of the licensee or permittee or one of his employees, and shall remain so sealed until presented to the state department of public health for analysis and duplicate samples shall be left with the licensee or permittee.

G. L. (Ter. Ed.), 138, § 63A, etc., amended.

Penalty for interfering with inspector, etc.

SECTION 41. Said chapter one hundred and thirty-eight is hereby further amended by striking out section sixty-three A, as appearing in said section two of said chapter three hundred and seventy-six, and inserting in place thereof the following: — *Section 63A*. Any person who hinders or delays any authorized investigator of the commission in the performance of his duties, or who refuses to admit to or locks out any such investigator from any place which such investigator is authorized to inspect, or who refuses to give to such investigator such information as may be required for the proper enforcement of this chapter, shall be punished 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.

SECTION 42. Said chapter one hundred and thirty-eight is hereby further amended by striking out section sixty-seven, as amended by section twenty-one of said chapter three hundred and eighty-five, and inserting in place thereof the following: — *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 person 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 following 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 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 who are 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 a license or the conduct of the business being done thereunder and may, after a hearing, modify, suspend, revoke or cancel such license if, in its opinion, circumstances warrant.

G. L. (Ter. Ed.), 138, § 67, etc., amended.

Appeal on refusal, etc., to grant license.

If the local licensing authorities fail to issue 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 issued or performed by the local licensing authorities.

SECTION 43. Said chapter one hundred and thirty-eight is hereby further amended by striking out section seventy-six, as most recently amended by section twenty-two of said chapter three hundred and eighty-five, and inserting in place thereof the following: — *Section 76.* The commission may annually grant licenses for the manufacture, transportation, importation, exportation and sale of alcohol for mechanical, manufacturing or chemical purposes only, or for sale to any person holding a license under section eighteen or nineteen, to any registered pharmacist holding a certificate of fitness, any registered physician or dentist, 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 hereunder shall be not less than three hundred nor more than five 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 44. Section thirty-three of chapter two hundred and sixty-eight of the General Laws, as appearing in

G. L. (Ter. Ed.), 268, § 33, amended.

Penalty for falsely assuming to be an investigator, etc., of alcoholic beverages control commission.

the Tercentenary Edition, is hereby amended by inserting after the word "vehicles" in the fourth line the following: —, or investigator or other officer of the alcoholic beverages control commission, — so as to read as follows:— *Section 33.* Whoever falsely assumes or pretends to be a justice of the peace, notary public, sheriff, deputy sheriff, medical examiner, associate medical examiner, constable, police officer, probation officer, or examiner or investigator appointed by the registrar of motor vehicles, or investigator or other officer of the alcoholic beverages control commission, and acts as such or requires a person to aid or assist him in a matter pertaining to the duty of such officer, shall be punished by a fine of not more than four hundred dollars or by imprisonment for not more than one year.

Approved July 25, 1935.

Chap. 441 AN ACT FURTHER REGULATING THE MANUFACTURE, BOTTLING AND SALE OF CERTAIN NON-ALCOHOLIC BEVERAGES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 94, sections 10A to 10E, stricken out, and new sections 10A to 10G, added. Non-alcoholic beverages. Permits to bottle or manufacture.

Chapter ninety-four of the General Laws is hereby amended by striking out sections ten A to ten E, inclusive, as appearing in the Tercentenary Edition, and inserting in place thereof the following seven new sections:— *Section 10A.* No person shall engage within the commonwealth in the business of manufacturing or bottling carbonated non-alcoholic beverages, soda waters, mineral or spring waters without a permit so to do from the board of health of the town where his plant is or is to be located, and no person engaged without the commonwealth in said business shall sell any such beverage within the commonwealth without a permit from the state department of public health, and 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 such beverage unless the manufacturer and bottler thereof is the holder of a permit issued under authority of section ten B and then in full force.

Granting of permits.

Section 10B. Local boards of health may grant permits to engage within their respective municipalities in the business of manufacturing or bottling of beverages specified in the preceding section, and the state department of public health may grant permits to the owners of plants for the manufacture or bottling of such beverages located without the commonwealth to sell such beverages within the commonwealth. Such a permit granted by said department shall apply only to one such plant and shall be valid throughout the commonwealth. Each permit granted under this section shall expire one year from the date of its issue. The fee for each such permit and for each annual renewal thereof shall be twenty dollars. Each local board of health shall pay to the state department of public health, for the use of

the commonwealth, one half of the fee collected for each permit granted by it hereunder and shall send to said department a copy of each such permit so granted.

Section 10C. The premises of any person granted a permit under section ten B shall, from time to time, be examined by the state department of public health and, if granted by the local board of health, by the board which granted it, and if such premises or the equipment used therein in connection with the business of such person is found to be in an unsanitary condition, or in violation of any provision of the rules and regulations made under section ten E, such permit may be revoked by said department or by the local board of health which granted it, as the case may be, after a hearing, ten days' written notice of which shall be given to such person.

Inspection of licensed premises.

Section 10D. All materials used in the manufacture of beverages specified in section ten A shall be stored, handled, transported and kept in such a manner as to protect them from spoilage, contamination and unwholesomeness. No ingredient or material, including water, shall be used in the manufacture or bottling of any such beverage which is spoiled or contaminated, or which may render the product unwholesome, unfit for food, or injurious to health. Persons granted permits under section ten B shall comply with sections one hundred and eighty-six to one hundred and ninety-six, inclusive.

Keeping of materials, etc., used in manufacture, regulated.

Section 10E. The state department of public health and local boards of health may make rules and regulations to carry out the four preceding sections.

Rules and regulations.

Section 10F. Whoever violates any provision of sections ten A to ten D, inclusive, or of any rule or regulation made thereunder, shall be punished for a first offence by a fine of not more than one hundred dollars and for a subsequent offence by a fine of not more than five hundred dollars.

Penalty.

Section 10G. The provisions of sections ten A to ten F, inclusive, shall not apply to persons registered under sections thirty-seven to forty, inclusive, of chapter one hundred and twelve.

Exceptions from operation of certain sections.

Approved July 25, 1935.

AN ACT RELATIVE TO EXPENSES OF THE DEPARTMENT OF PUBLIC WELFARE FOR THE ADMINISTRATION OF OLD AGE ASSISTANCE.

Chap. 442

Be it enacted, etc., as follows:

Chapter one hundred and thirty-eight of the General Laws is hereby amended by striking out section twenty-seven, as amended by section one of chapter three hundred and one and section twenty-three of chapter three hundred and eighty-five, both of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 138, § 27, etc., amended.

Section 27. All fees for licenses and permits authorized to be granted by the commission under this chapter and all

Certain receipts for licenses, etc.,

to be used
for assistance
for aged
persons.

moneys payable under section twenty-one shall be paid into the state treasury and, after deducting therefrom the expenses of the commission, and the expenses of the department of public welfare with respect to the granting of assistance to aged citizens under the provisions of chapter one hundred and eighteen A, shall be used, so far as necessary, for reimbursing cities and towns for such assistance given by them, in the manner provided by section three of said chapter, and any balance then remaining shall be used further to reimburse cities and towns for such assistance and be distributed on the same basis; 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.

Approved July 25, 1935.

Chap. 443 AN ACT PROVIDING FOR CERTAIN CHANGES IN THE TOWN MANAGER FORM OF GOVERNMENT IN THE TOWN OF MIDDLEBOROUGH.

Be it enacted, etc., as follows:

SECTION 1. Chapter five hundred and ninety-two of the acts of nineteen hundred and twenty is hereby amended by striking out sections four and five and their respective captions and inserting in place thereof, under the caption, FINANCE COMMITTEE, the two following sections:— *Section 4.* There shall be a finance committee, hereinafter and in sections five and six called the committee, consisting of seven persons. At the annual town meeting in the year nineteen hundred and thirty-seven, or at a special town meeting held prior thereto for the purpose, the town shall elect by official ballot three members of the committee until the expiration of three years, two members until the expiration of two years, and two members until the expiration of one year, from the date of said annual town meeting; and thereafter at each annual town meeting the successors of members whose terms shall then expire shall be elected to hold office for three years. Any vacancy occurring in the committee shall be filled by the election, at the next annual town meeting, of a person to serve for the unexpired term and until such election said vacancy shall be filled by a majority vote of the remaining members of the committee and the members of the board of selectmen, meeting in joint convention.

The members of the committee shall serve during the terms for which they are elected and until their successors are qualified. They shall be sworn to the faithful performance of their duties, shall serve without salary and shall not hold any other town office or employment.

Section 5. The committee shall consider and advise as to all matters relating to proposed appropriations and the manner of raising the amounts appropriated, and shall re-

port in writing at each town meeting on all articles in the warrant relating to the appropriation or borrowing of money or the indebtedness of the town. The town may by by-law provide for the publication of such reports in advance of town meetings. The committee may make recommendations in writing at any time to the town, or to the board of selectmen, relating to the financial affairs of the town. It shall submit to the town at the annual town meeting a report showing appropriations recommended for each fund or department, the estimated income from all sources, exclusive of taxes on property and poll taxes, the amount required to meet charges for interest and maturing indebtedness, and the estimated amount to be levied and raised by taxation to meet all expenses and liabilities of the town. Said report shall be filed with the town clerk and made available to the public on or before the first Monday of February in each year. The validity of appropriations made by any town meeting shall not be affected by the failure of the committee to report as herein provided.

For the purpose of enabling the committee to perform its duties, all boards, committees and officers of the town shall, within ten days after December thirty-first of each year, submit to the committee in writing a detailed estimate of the appropriations required for the efficient and proper conduct of the departments under their charge during the ensuing fiscal year and of all items of income to be received by such departments during said year and shall, at any time, furnish any other information relative thereto in their possession which may be requested in writing by the committee.

The committee is hereby authorized to incur such expenses as it may deem necessary, including the cost of the employment of experts and other assistants and the cost of printing its reports; provided, that such expenses shall not exceed, in the aggregate, the sum of two hundred and fifty dollars in any one year, unless a larger amount shall be appropriated for the purpose by the town; and expenses so incurred shall be paid by the town on requisition by the committee.

Nothing herein shall be construed as limiting the power of the town to impose additional duties on the committee, in accordance with section sixteen of chapter thirty-nine of the General Laws.

SECTION 2. Said chapter five hundred and ninety-two is hereby further amended by striking out section six and its caption and inserting in place thereof, under the caption, APPROVAL OF BILLS, PAYROLLS AND CLAIMS, the following: — *Section 6.* No bill or payroll contracted by the town manager or by any department under the supervision of the selectmen shall be paid by the town treasurer until such bill or payroll shall have been approved by the selectmen. The selectmen may designate one or more of their members to make such approval, but this provision shall

not limit the responsibility of each member of the board. Whenever any payroll, bill or other claim against the town is presented to the town manager, town clerk, town treasurer and collector of taxes or trustees of the public library, he or they shall, if the same seems to him or them to be of doubtful validity, excessive in amount, or otherwise contrary to the interests of the town, refer it to the committee who shall immediately investigate the facts and report their findings and recommendations to the selectmen who shall determine what, if any, payment should be made. Pending such investigation and determination payment shall be withheld.

SECTION 3. Said chapter five hundred and ninety-two is hereby further amended by striking out section nine and inserting in place thereof the following: — *Section 9.* At each annual town meeting, except as hereinafter provided, the town shall elect by ballot a town officer to be known as the town treasurer and collector of taxes. The town treasurer and collector of taxes so elected shall have and exercise all the powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon town treasurers and collectors of taxes. Said town treasurer and collector of taxes shall receive such compensation for his services as the town may fix. The town may by by-law, from time to time, fix the term of office of the town treasurer and collector of taxes at one, two, or three years, but such by-law shall not operate to increase or decrease the term of an incumbent of said office. If the term of said office is changed as herein provided the successor of an incumbent serving a two or three year term shall be elected at the annual town meeting in the last year of the term for which he was elected.

SECTION 4. Said chapter five hundred and ninety-two is hereby further amended by striking out section eleven and its caption and inserting in place thereof, under the caption, ASSESSORS, the following: — *Section 11.* At each annual town meeting, beginning with the year nineteen hundred and thirty-seven, the town shall elect by official ballot one assessor for the term of three years to succeed the assessor whose term shall then expire. Any vacancy occurring in the office of assessor shall be filled in the manner provided by general law. The assessors shall have and exercise 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, they shall be sworn to the faithful performance thereof as provided by general law.

SECTION 5. Said chapter five hundred and ninety-two is hereby further amended by striking out section thirteen and its caption and inserting in place thereof, under the caption, PUBLIC WELFARE DEPARTMENT, the following: — *Section 13.* The selectmen shall have and exercise all the

powers and rights and be subject to all the duties and liabilities now or hereafter conferred or imposed by law upon boards of public welfare in towns, and the town manager, under their supervision, shall administer the welfare relief of the town either directly or through a person or persons appointed by him.

SECTION 6. Said chapter five hundred and ninety-two is hereby further amended by striking out section fifteen and inserting in place thereof the following: — *Section 15.* The selectmen shall appoint two or more constables annually in February, each for the term of one year from the following first day of March, and may at any time appoint such additional constables as in their opinion may be necessary, who shall hold office during the pleasure of the selectmen but not beyond the first day of March following the date of their appointment.

SECTION 7. Said chapter five hundred and ninety-two is hereby further amended by striking out section sixteen and inserting in place thereof the following: — *Section 16.* The chief of the fire department shall be appointed by the selectmen, and shall receive such salary as the selectmen may from time to time determine, not exceeding the amount annually appropriated therefor. He may be removed for cause by the selectmen at any time after a hearing. He shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. He shall purchase subject to the approval of the selectmen and keep in repair all property and apparatus used for and by the fire department. He shall have and exercise all the powers and rights and be subject to all the duties and liabilities conferred or imposed by law upon engineers in towns, except as herein provided, and shall appoint a deputy chief and such officers and firemen as he may think necessary, and may remove the same at any time for cause and after a hearing. He shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the selectmen from time to time as they may require, and shall annually report to the town the condition of the department with his recommendations thereon. He shall fix the compensation of the permanent and call members of the fire department, subject to the approval of the selectmen. In the expenditure of money the chief shall be subject to such further limitations as the town may from time to time prescribe.

SECTION 8. Section eighteen of said chapter five hundred and ninety-two is hereby amended by striking out the sentence contained in the fourteenth to nineteenth lines, inclusive, — so as to read as follows: — *Section 18.* The selectmen elected as provided in section two shall appoint, as soon as practicable, a town manager who shall be the administrative head of all departments of the town government, the conduct of which is by the general laws and by this act placed upon the selectmen of the town, except as

provided otherwise in this act. The town manager 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 or experience to perform the duties of the office. He shall be appointed without regard to his political belief, and he may or may not when appointed be a resident of the town or state. He shall be responsible for the efficient administration of all departments within the scope of his duties. Before entering upon the duties of his office, the town manager shall be sworn to the faithful and impartial performance thereof by the chairman of the selectmen, or by the town clerk, or by a justice of the peace. He shall execute a bond in favor of the town for the faithful performance of his duties in such sum and with such surety or sureties as may be fixed or approved by the selectmen.

SECTION 9. Said chapter five hundred and ninety-two is hereby further amended by striking out section thirty-six and inserting in place thereof the following: — *Section 36.* At any time in the year nineteen hundred and forty or any subsequent year, but not less than ninety days before the date of an annual town meeting, a petition signed by not less than twenty-five per cent of the registered 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 at a date not later than forty-five days after the filing of the petition, unless such requirement would cause such meeting to be held between the fifteenth day of June and the first Tuesday of September, in which event such meeting shall be called within ten days after the first Tuesday of September. At such meeting the vote shall be taken in answer to the following question, which shall be printed on the official ballot: "Shall the acceptance by the town of Middleborough of an act passed by the general court in the year nineteen hundred and twenty, entitled 'An Act to Establish a Town Manager Form of Government for the Town of Middleborough', and all amendments thereto, be revoked?" If such revocation is favored by a majority of the voters voting thereon by ballot, the next annual town meeting shall be called by the selectmen in office and shall be held in accordance with the provisions of general law relating thereto. At such meeting town officers shall be elected in accordance with the provisions of general law, who shall have the powers therein provided, and upon the qualification of the officers so elected the terms of the town officers existing under the provisions of this act shall cease. Until such next annual town meeting and the election and qualification of such officers as provided by general law the existing form of town government shall continue under the provisions of this act and all powers and duties of the town officers therein provided for shall continue. After such next annual town meeting and the

qualification of the town officers elected thereat the provisions of this act shall cease to apply, and thereafter all provisions of general law relative to town government and town officers shall apply to the town of Middleborough. Any special laws relative to said town which are repealed by this act shall be revived when such revocation takes effect. By-laws in force when such revocation takes effect, so far as they are consistent with general laws respecting town government and town officers and with said special laws, if any, shall not be affected thereby.

SECTION 10. This act shall be submitted to the qualified voters of the town of Middleborough at the annual town meeting in the year nineteen hundred and thirty-six. The vote shall be taken by ballot in answer to the following question, which shall be printed on the official ballot: "Shall an act passed by the general court in the year nineteen hundred and thirty-five, entitled 'An Act providing for Certain Changes in the Town Manager Form of Government in the Town of Middleborough', be accepted?" If this act is accepted by a majority of the qualified voters voting thereon it shall thereupon take full effect.

Appointees of the officers and boards abolished or changed by this act shall continue to draw compensation at the same rate and to exercise like powers, authority and jurisdiction until other provision is made. The terms of office of the members of the board of public welfare of the town in office when this act takes full effect shall terminate upon the qualification of the selectmen elected at the annual town meeting in the year nineteen hundred and thirty-six. Notwithstanding the provisions of this act, the selectmen shall continue to have and exercise the powers and rights and to perform the duties and be subject to the liabilities imposed or conferred upon them by the provisions of sections four and five of said chapter five hundred and ninety-two of the acts of nineteen hundred and twenty, as in effect immediately prior to the full taking effect of this act, until the election and qualification of the members of the finance committee created by this act. *Approved July 25, 1935.*

AN ACT ESTABLISHING A FORTY-EIGHT HOUR WEEK FOR CERTAIN EMPLOYEES OF THE COMMONWEALTH.

Chap. 444

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section thirty-nine, as appearing in the Tercentenary Edition, and inserting in place thereof the following new section: —
 Section 39. The hours of labor of laborers, workmen and mechanics, of ward attendants, ward nurses, industrial and occupational therapists and watchmen, and of employees in the kitchen, dining-room and domestic services, in state institutions, and of officers and instructors of state penal

G. L. (Ter. Ed.), 149, § 39, amended.

Hours of labor of officers, etc., of state penal institutions.

institutions, shall not exceed forty-eight in each week. Any person whose hours of labor are regulated by this section and whose presence is required at any such institution seven days a week shall be given at least four days off in each month, without loss of pay, in addition to the regular annual vacation. The words "hours of labor" as used in this section shall not be deemed to include any period of time during which a person is in his living quarters wherever located although his presence there is required for the purpose of exercising a measure of supervision over patients or inmates through availability for duty during such time. This section shall not prevent the superintendent, warden, or executive officer from requiring the services of any person in any emergency where the health or safety of patients or inmates would otherwise be endangered, or in any extraordinary emergency, or in apprehending an escaped inmate, nor shall it apply to the hours of labor of any person whose position entitles him to family maintenance as a part of his compensation.

Restriction of
employment of
additional
persons.

SECTION 2. Employment of additional persons by reason of the enactment of section one of this act shall be restricted to persons who are citizens of the commonwealth.

Approved July 25, 1935.

Chap. 445 AN ACT PROVIDING FOR THE CARE AT THE MIDDLESEX COUNTY TUBERCULOSIS HOSPITAL OF INHABITANTS OF THE CITY OF CAMBRIDGE SUFFERING FROM TUBERCULOSIS.

Be it enacted, etc., as follows:

SECTION 1. For the purpose of caring for those inhabitants of the city of Cambridge who are suffering from tuberculosis, said city shall on January first, nineteen hundred and thirty-six, become a part of the Middlesex county tuberculosis hospital district and shall be subject to all the provisions of sections seventy-eight to ninety, inclusive, of chapter one hundred and eleven of the General Laws applicable to municipalities in counties having tuberculosis hospitals, and the provisions of section ninety-one of said chapter exempting any city having one hundred thousand or more inhabitants shall not be applicable to said city. And said city shall on that date sell and convey to the county commissioners of Middlesex county, acting as trustees of said hospital district, the land, buildings and equipment now owned and used in whole or in part by said city for tuberculosis hospital purposes. And said city of Cambridge shall on that date pay to the county treasurer of said county, acting as treasurer of said district, as the contribution of said city for admission to said district, the sum of three hundred and thirty-four thousand eight hundred dollars, less the sum of one hundred and fifty thousand dollars which shall be allowed as the purchase price of the property to be sold and conveyed as aforesaid to the district.

SECTION 2. Money received hereunder by said hospital district shall be used only for the construction of alterations and additions to the Middlesex county tuberculosis hospital at Waltham and Lexington authorized by section one of chapter four hundred and seventeen of the acts of the current year, and for equipment for such additions.

SECTION 3. For the purpose of providing funds for the aforesaid payment to said hospital district, the city of Cambridge may borrow money to an amount not exceeding one hundred and eighty-four thousand eight hundred dollars, and may issue bonds or notes, which shall bear on their face the words: — Cambridge Tuberculosis Loan, Act of 1935. Such loans shall be paid in not more than twenty years from their dates. Indebtedness incurred under this act shall be in excess of the statutory limit, but, except as herein otherwise provided, shall be subject to chapter forty-four of the General Laws, exclusive of the limitation contained in the first paragraph of section seven thereof.

SECTION 4. This act shall be submitted for acceptance to the registered voters of the city of Cambridge at its biennial 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 of the General Court passed in the current year, entitled ‘An Act providing for the care at the Middlesex County Tuberculosis Hospital of inhabitants of the city of Cambridge suffering from tuberculosis’, be accepted?” If a majority of the voters voting upon said question vote in the affirmative, the preceding sections of this act shall thereupon take effect, but not otherwise. *Approved July 25, 1935.*

AN ACT ESTABLISHING THE MERRIMACK RIVER VALLEY SEWERAGE DISTRICT AND DEFINING ITS POWERS AND DUTIES. *Chap. 446*

Be it enacted, etc., as follows:

SECTION 1. A sewerage district, to be known as the Merrimack River Valley Sewerage District, hereinafter called the district, is hereby created and shall include all the territory of the cities and towns of Amesbury, Andover, Chelmsford, Dracut, Groveland, Haverhill, Lawrence, Lowell, Merrimac, Methuen, Newburyport, North Andover, Salisbury, Tewksbury, Tyngsborough and West Newbury.

SECTION 2. The district shall be under the management and control of a board, which is hereby created and shall be known as the Merrimack River Valley Sewerage Board, hereinafter called the board. The board shall consist of five members, who shall be appointed, and may for cause be removed, by the governor, with the advice and consent of the council. Four members of the board shall reside within the district. Of the members of the board first appointed two shall be appointed for the term of three

years, two for two years and one for one year, and thereafter as the term of a member expires his successor shall be appointed in like manner for the term of three years. Every member shall serve until the qualification of his successor. The governor shall from time to time designate the chairman of the board, who shall not be a resident of the district. There shall be paid to the chairman fifteen dollars, and to each of the other members ten dollars, for every day spent in the performance of his duties; provided, that the total sum paid hereunder shall not in any year exceed twenty-five hundred dollars in the case of the chairman, and five hundred dollars in the case of each of the other members. Compensation paid under authority of this section shall be paid by the district and shall be considered a part of the expense of maintenance of the district.

SECTION 3. The district shall have a seal consisting of a circular die bearing the words "Commonwealth of Massachusetts. Merrimack River Valley Sewerage District, 1935", which seal may be used, whenever deemed advisable by the board, on notes or other evidences of indebtedness, papers and documents issued or executed by the board or by any officer of the district thereunto authorized by the board.

SECTION 4. The board may appoint and may at pleasure remove a treasurer and a clerk, who need not be members of the board, and both offices, if the board deems it advisable, may be held by the same person. The treasurer shall give to the board a bond payable to the district with a surety company satisfactory to the board as surety, in such sum as the board may prescribe and conditioned on the faithful performance of his duties. The clerk shall take oath to faithfully and impartially perform his duties. The duties of the treasurer and the clerk shall be those usually appertaining to said offices, respectively, and in addition such as may from time to time be prescribed by the board. The compensation of the treasurer and of the clerk shall be determined by the board. The board shall also appoint and determine the compensation of, and may at pleasure remove, a chief engineer, who shall direct the engineering work and act as executive manager of the district. The board shall also from time to time appoint or employ such other engineers and such experts, agents, officers, clerks and other employees as it deems necessary, shall determine their duties and compensation, and may remove them at pleasure. The salaries or compensation of all persons appointed under authority of this section shall not exceed ten thousand dollars in any year, shall be paid by the district and shall be considered as a part of the expense of maintenance of the district.

The board shall secure convenient quarters for an office and for the keeping of maps, plans, documents and other papers relating to the business of the board. It shall at all times keep full and accurate accounts of its receipts,

expenditures, disbursements, assets and liabilities, and shall annually on or before December thirty-first make a written report to the governor and council.

SECTION 5. No work authorized by section six shall be commenced unless and until sufficient funds therefor shall have been allocated for such purpose by the federal government under authority of appropriate federal legislation.

SECTION 6. The board shall construct, maintain and operate for the district, subject to the approval of the department of public health, such trunk sewers, pumping stations, intercepting sewers, connections and other sewerage works as may be required for a system for suitably treating, disposing of or diverting from the waters of the Merrimack river, sewage and other pollution originating in any of said cities and towns.

SECTION 7. The board may make such contracts and enter into such other arrangements as it may deem necessary for the construction, operation and maintenance of sewers or other works hereinbefore authorized, may purchase necessary materials and supplies therefor and may secure necessary labor therefor. Every contract calling for an expenditure of more than five hundred dollars shall be in writing, and no such contract shall be awarded unless proposals for bids therefor shall previously have been published once a week for three successive weeks in two daily papers published in Essex county. Such bids shall be opened publicly at the time and place announced in such newspaper publication.

SECTION 8. In carrying out the powers and duties conferred and imposed upon the board by this act, it may locate and maintain sewers or other works hereinbefore authorized and any other necessary equipment in, on or over public ways, in public parks, and in or over railroad or railway locations, and it may alter or change the course or direction of any water course or location or grade of any way; provided, that it shall not take in fee any land of any railroad or railway corporation, nor enter upon or construct any drain, sewer or other works within the location of any railroad or railway corporation, except at such times 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; and provided, further, that in entering upon and digging up, raising or embanking any way, the board shall be subject to such reasonable regulations as may be made by the mayor, aldermen, city council, selectmen, or other officials having jurisdiction in the premises, in the city or town in which such work is performed. In case of dispute between the board or any such city or town, the question at issue shall be determined by the state department of public works.

SECTION 9. For the purposes aforesaid the board, acting on behalf of the district, may take by eminent domain under chapter seventy-nine of the General Laws, or acquire

by purchase or otherwise, such lands, water courses, rights of way or other easements, property and rights therein as it may deem necessary. Any person, corporation or municipality whose property has been taken or injured by any action of said board under authority of this act may recover from said district under the provisions of said chapter seventy-nine such damages therefor as he or it may be entitled to. The board may sell at public auction any property, including land, acquired by it hereunder and in its opinion no longer needed in the performance of the powers and duties conferred and imposed upon it by this act, and may from time to time lease any property not then needed for such purposes by it. The board may enter upon any lands or waters for the purpose of making surveys, test pits and borings and may take or otherwise acquire the right to temporarily occupy any lands necessary for the carrying out of any of said purposes.

SECTION 10. The board may connect private sewers, or new sewers under construction with any existing sewers and may operate such sewerage system upon such terms, conditions and regulations as the board may prescribe, including the right to levy assessments upon any person for the privilege of using the sewerage facilities furnished by the board.

SECTION 11. Annually before January first the board, on behalf of the district, shall certify to the assessors of each city or town within the district the sum constituting the share of such city or town of the estimated cost of the maintenance and operation of the works maintained by the board under authority of this act for the ensuing year and also its share of any deficit for the then current or any preceding year; and the amount so certified shall be raised and appropriated by said city or town during said ensuing year and shall be paid into the treasury of the district. Each such city and town shall be annually assessed hereunder such proportion of such cost of maintenance and operation as the board shall determine, based upon the respective populations of said cities and towns as ascertained by the last preceding state or national census, except that the computation of the population of the town of Tewksbury shall not include inmates of the state infirmary in said town.

SECTION 12. For the purpose of paying the expenses of the construction of the work hereinbefore authorized, the district is hereby authorized to receive from the federal government all sums of money allocated by it for any or all of the purposes of this act, but the board shall have no right to levy upon, or to charge or collect against, any city or town in the district any portion of the cost of such construction; all expenses of construction, but excluding compensation, to be paid for exclusively out of such federal funds so allocated.

Upon the completion of any of such works, the district shall thereafter bear the entire expense of the operation and maintenance thereof.

SECTION 13. For the purpose of temporarily financing the maintenance of works constructed under authority of this act, including compensation, the district may issue its notes to an amount necessary therefor, said notes to be payable, in not more than one year from the date of their issue, in part from sums received by the board as a result of the operation and maintenance of such works and in part from sums certified to and collected from the several cities and towns of the district as hereinbefore provided.

SECTION 14. Any city or town, within the limits of which any main sewer under the control of the board is situated, shall connect its local sewers with such main sewer subject to the direction, control and regulation of the said board, and any person may, subject thereto and subject to such terms, conditions and regulations as each city or town may prescribe, connect private drains with such main sewer. The sewerage systems of all cities and towns in said district not now provided with such systems shall be constructed in accordance with the so-called separate system of sewerage.

SECTION 15. Unless prior to January first, nineteen hundred and thirty-six, at least the sum of ten million dollars has been allocated by the federal government, under authority of appropriate federal legislation, for some or all of the purposes of this act, it shall thereupon cease to be effective; provided, that nothing herein shall be deemed to affect the validity of any note lawfully issued by the district, under authority of any provision of this act, prior to said date; and provided, further, that after said date the board may continue to function, without compensation, for the purpose of determining, assessing upon and collecting from the several cities and towns in the district any moneys due or to become due from them to the district or to the board under any provision of this act or in consequence of any act or thing lawfully done by the district or by the board under authority of any such provision.

SECTION 16. This act shall take effect upon its passage.

Approved July 26, 1935.

AN ACT RELATIVE TO THE INFORMAL PROCEDURE BEFORE THE BOARD OF TAX APPEALS.

Chap. 447

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 fifty-eight A of the General Laws is hereby amended by striking out section seven A, inserted therein by section three of chapter three hundred and twenty-one of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following: — *Section 7A.* The board shall establish by rule an alternative procedure,

G. L. (Ter.
Ed.), 58A,
§ 7A, etc.,
amended.

Informal pro-
cedure before
board of tax
appeals.

hereinafter referred to as the informal procedure, for the determination of petitions for abatement of any tax upon real estate or tangible personal property, where such procedure is elected by both parties, except as hereinafter provided. Such procedure, to the extent that the board may consider practicable, shall eliminate formal rules of pleading, practice and evidence, and, except for the entry fee herein provided, may eliminate any or all fees and costs, or may provide that costs shall be in the discretion of the board. An appellant desiring to be heard under the informal procedure shall pay to the clerk the entry fee provided in section seven, except that the minimum entry fee shall be two dollars where the property on which the tax appealed from was assessed is occupied in whole or in part by the appellant as his dwelling, and shall file a written waiver of the right of appeal to the supreme judicial court, except upon questions of law raised by the pleadings or by an agreed statement of facts or shown by the report of the board, an election of the informal procedure and a written statement of the facts in the case and of the amount claimed in abatement together with such additional information as the clerk may require. The statement last referred to may be made on forms to be supplied by the board and, if the appellant so requests and the assessed value of the property concerned does not exceed twenty thousand dollars, shall be made out for the appellant by the clerk or an employee of the board designated by the board. The clerk shall then serve a copy of such statement upon the appellee. No further pleadings shall be required under this procedure if the appellee intends to offer no other defense than that the property was not overvalued; otherwise it shall file with the board within thirty days of the service of such statement an answer similar to that required under the procedure provided by section seven, hereinafter referred to as the formal procedure. If the assessed valuation of the property concerned exceeds twenty thousand dollars, the appellee, within ten days of the date of the service of such statement, may elect to have the appeal heard under the formal procedure by so notifying the clerk in writing and by paying to him a transfer fee of five dollars, in which case the said statement shall be considered to be a petition and such service to be service of the petition and the waiver of the right of appeal by the appellant shall be void. If the appellee does not so transfer the case, the informal procedure shall be deemed to have been accepted and all right of appeal waived by the appellee, except upon questions of law raised by the pleadings or by an agreed statement of facts or shown by the report of the board. No statement under the informal procedure shall relate to an assessment on more than one parcel of real estate, except where the board shall specifically permit otherwise. The chairman shall provide for the speedy hearing of all appeals to be heard under the informal procedure. The chairman

shall make every effort to reduce the expense of hearing cases filed under the informal procedure by directing whenever possible that petitions for abatement of taxes assessed upon real estate situated in the same general locality of the same town be heard together, irrespective of the identity of the appellants. *Approved July 26, 1935.*

AN ACT PROVIDING FOR THE PURCHASE BY THE COMMONWEALTH OF THE DAM IN THE CHARLES RIVER NEAR MOODY STREET IN THE CITY OF WALTHAM.

Chap. 448

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 protection of the public health, safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. For the protection of the public health and safety and for the maintenance of an approximately constant water level in the Charles river above the dam formerly owned by the Boston Manufacturing Company near Moody street in the city of Waltham, the metropolitan district commission is hereby authorized to acquire by purchase, at a price not exceeding thirty-five thousand dollars, said dam and such other works and real estate as may be necessary for regulating the flow of said river at that point and for the proper maintenance of said dam, together with such water rights, rights of flowage, lands flowed by said river or rights in such lands, and such other lands, rights and easements, as it may deem advisable for said purposes.

SECTION 2. Upon acquisition by said commission of the land and rights referred to in section one, said city of Waltham shall convey to the commonwealth any lands, water rights and other rights owned by it in or near said Charles river in the neighborhood of said dam, which the metropolitan district commission may find it necessary or desirable to acquire in behalf of the commonwealth for the purposes of this act.

SECTION 3. For the purposes of this act, the metropolitan district commission may expend such sum, not exceeding twenty-five thousand dollars, as may hereafter be appropriated therefor, and in addition, such sums not exceeding in the aggregate ten thousand dollars as may be contributed by organizations or individuals and paid into the state treasury. Said purchase price shall be paid not earlier than December first of the current year, and said sum of twenty-five thousand dollars shall be included in the amounts to be assessed in the year nineteen hundred and thirty-six upon the metropolitan parks district for maintenance of reservations. *Approved July 26, 1935.*

Chap. 449 AN ACT FURTHER ENLARGING THE POWERS OF THE STATE BOARD OF HOUSING AND OF CERTAIN LIMITED DIVIDEND CORPORATIONS, AND AUTHORIZING THE ESTABLISHMENT OF LOCAL HOUSING AUTHORITIES AND DEFINING THEIR POWERS AND DUTIES.

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, safety and convenience.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 18, § 17,
etc., amended.

SECTION 1. Section seventeen 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, is hereby amended by striking out, in the first line, the words "an unpaid" and inserting in place thereof the article: — a, — and by inserting after the word "chairman" in the ninth line the following: — There shall be paid by the commonwealth to the chairman fifteen dollars, and to each of the other members ten dollars, for every day spent in the performance of his duties; provided, that the total sum paid hereunder shall not in any year exceed fifteen hundred dollars in the case of the chairman, and one thousand dollars in the case of each of the other members, — so as to read as follows:— *Section 17.* There shall be in the department a state board of housing, in this and the following section referred to as the housing board, consisting of five members appointed by the governor, with the advice and consent of the council, who shall be designated in their initial appointments to serve respectively for one, two, three, four and five years from December first in the year of appointment. The housing board shall annually elect one of its members as chairman. There shall be paid by the commonwealth to the chairman fifteen dollars, and to each of the other members ten dollars, for every day spent in the performance of his duties; provided, that the total sum paid hereunder shall not in any year exceed fifteen hundred dollars in the case of the chairman, and one thousand dollars in the case of each of the other members. Upon the expiration of the term of office of a member, his successor shall be appointed in the manner aforesaid for five years. The majority of the members of the housing board shall constitute a quorum for the transaction of its business. A vacancy therein shall not impair its powers nor affect its duties. It shall have a seal which shall be judicially noticed, and shall make an annual report to the general court and such additional reports to the general court and the governor as it or he shall deem necessary or advisable. The principal office of the housing board shall be in Boston but it may sit at any place within the commonwealth. The time and place of its meetings shall be prescribed by the chairman. Adequate offices in the state

State board
of housing,
members of,
appointment.

house or elsewhere in said city shall be provided for the housing board, and the proper county commissioners shall provide it with suitable rooms in courthouses or other buildings when necessary for hearings outside said city.

SECTION 1A. Section eighteen of said chapter eighteen, as so inserted, is hereby amended by inserting after the word "it" in the fifth line the following sentence:— The attorney general shall furnish the necessary legal aid and service to the board, — so as to read as follows:— *Section 18.* The housing board may, subject to the approval of the governor and council, appoint and fix the compensation of such employees, including a clerk, and make such expenditures, as may be necessary in order to execute effectively the functions vested in it. The attorney general shall furnish the necessary legal aid and service to the board. The members and employees of the housing board shall receive their necessary traveling expenses and, except as otherwise provided by law, their expenses actually incurred for subsistence while traveling outside the city of Boston in the performance of their duties. The necessary administrative and other expenses of the housing board shall be paid from such appropriations as may be made for the purpose. All moneys received by the housing board as fees or otherwise shall be paid at least monthly to the state treasurer.

G. L. (Ter. Ed.), 18, § 18, etc., amended.

Board may appoint clerks, etc.

SECTION 2. Section twenty-three of chapter one hundred and twenty-one of the General Laws, as amended by section two of said chapter three hundred and sixty-four, is hereby further amended by striking out, in the seventh line, the words "tenement houses" and inserting in place thereof the words:— buildings used for human habitation, — and by inserting after the word "people" in the eleventh line the words:— and of organizations intended to redevelop slum or decadent areas that have become social or economic liabilities to the community, — so as to read as follows:— *Section 23.* The state board of housing, in this and the eleven following sections called the housing board, shall investigate defective housing, the evils resulting therefrom and the work being done in the commonwealth and elsewhere to remedy them, study the operation of building laws and laws relating to buildings used for human habitation, encourage the creation of local planning boards, gather information relating to town planning for the use of such boards, and promote the formation of organizations intended to increase the number of wholesome homes for the people and of organizations intended to redevelop slum or decadent areas that have become social or economic liabilities to the community, and shall supervise and control, as hereinafter provided, the operations of corporations formed under authority of section twenty-six E.

G. L. (Ter. Ed.), 121, § 23, etc., amended.

Duties of the board.

SECTION 2A. Said chapter one hundred and twenty-one, as so appearing, is hereby amended by inserting after section twenty-four the following new section:— *Section 24A.* The housing board may, with the consent of the

G. L. (Ter. Ed.), 121, new section 24A, added.

May accept federal funds.

governor and council, accept and use for carrying out any project under the provisions of section twenty-four any grant of federal funds under any act of congress.

G. L. (Ter. Ed.), 121, § 26H, etc., amended.

Control of board over receipts of housing corporations.

SECTION 3. Said chapter one hundred and twenty-one is hereby further amended by striking out section twenty-six H, as appearing in section six of said chapter three hundred and sixty-four, and inserting in place thereof the following:— *Section 26H.* Should the gross receipts of any such corporation from the operation of any project undertaken by it to provide housing for families of low income, under authority of sections twenty-three to twenty-six H, inclusive, exceed (a) operating and management expenses; (b) taxes; (c) interest on mortgages and income debenture certificates; (d) dividends; (e) authorized transfer to surplus; and (f) amortization; the balance may, in the discretion of the housing board, be applied in whole or in part to renovating or to improving the property, as by installing additional facilities for the use of tenants, to the acquisition and development of additional housing property which shall be subject to the same control and regulation as the original project or as a rebate on rentals due during the fiscal year of such corporation in which the balance was earned; provided, that the amount available for such rebate shall be entirely so applied within one year after it becomes available. The charges for operation and maintenance may include insurance and reserves essential to the management of the property or necessary to meet requirements for depreciation and amortization of bonded indebtedness, but the amount set aside therefor shall be subject to the approval of the housing board. Nothing in sections twenty-three to twenty-six H, inclusive, shall be construed to obligate the commonwealth, or to pledge its credit, to any payment whatsoever to any such corporation or to any stockholder, bondholder or creditor thereof, nor shall anything herein contained be construed as granting to any such corporation any exemption from taxation.

1933, 364, § 8, amended.

Corporations may contract with federal authority.

SECTION 4. Section eight of said chapter three hundred and sixty-four is hereby amended by striking out, in the tenth line, the words "and slum clearance" and inserting in place thereof the words:— or of redevelopment of sub-standard areas, — and by inserting after the word "corporation" in the eighth line the words:— , or with any other federal agency or subdivision thereof, — so as to read as follows:— *Section 8.* Any corporation formed under authority of section twenty-six E of chapter one hundred and twenty-one of the General Laws may enter into any contract with the federal emergency administrator of public works authorized by the act of congress approved June sixteenth, nineteen hundred and thirty-three, and known as the National Industrial Recovery Act, or with the reconstruction finance corporation, or with any other federal agency or subdivision thereof, with respect to the construction, reconstruction, alteration or repair under public regu-

lation or control of low-cost housing or of redevelopment of substandard areas or similar projects, and may accept and receive aid from him or it in the construction or financing of such projects and may purchase or lease from such federal emergency administrator property acquired by him in connection with the construction of any such project; provided, that such corporation shall at all times remain subject to sections twenty-three to twenty-six H, inclusive, of said chapter one hundred and twenty-one, and nothing in said sections or in this act shall render the commonwealth liable for any indebtedness or liability incurred, acts done (including any taking by eminent domain), or omissions or failures to act of any such corporation.

SECTION 5. Said chapter one hundred and twenty-one is hereby further amended by inserting after section twenty-six H, as appearing in section six of said chapter three hundred and sixty-four, under the caption HOUSING AUTHORITIES, the following twenty new sections: —

G. L. (Ter. Ed.), 121, new sections 26I to 26BB, added.

Section 26I. This section and the nineteen following sections shall be known and may be cited as the Housing Authority Law.

Law, how cited.

Section 26J. The following words whenever used in sections twenty-six J to twenty-six AA, inclusive, shall, unless a different meaning clearly appears from the context, have the following meanings: —

Definitions.

“Housing board” or “Board”, the state board of housing established under section seventeen of chapter eighteen.

“Substandard”, a condition inconsistent with the requirements of safe, healthy and moral living.

“Area”, a section of a town wherein unsanitary or substandard housing conditions exist, and wherein at least fifty per cent of the ground space, exclusive of space used for streets and ways, is occupied by buildings which are used principally for human habitation and are substandard. Subject to the foregoing, an area may include land improved or unimproved, and buildings or improvements not in themselves unsanitary or substandard, the inclusion of which is necessary for the effective clearance, replanning or reconstruction of the area or any part thereof.

“Housing Authority” or “Authority”, a public body politic and corporate created pursuant to the provisions of section twenty-six L.

“Project”, a plan or undertaking for the clearance, replanning or reconstruction of an area or areas, or part or parts thereof; and as a part of the plan for the clearance, replanning or reconstruction of such area or areas, for providing for persons of low income housing accommodations in said area or areas and in addition elsewhere, to the extent necessary to provide in the aggregate accommodations for persons equal in number to those whose dwellings on said area or areas are demolished. The word “project” shall include the lands, buildings and improvements acquired, owned, constructed, managed or operated hereunder, to provide

housing accommodations for persons of low income, and such stores, and commercial, social, recreational or communal facilities as may reasonably be incidental or appropriate to such project.

Power to take private property.

Section 26K. It is hereby declared that in certain portions of the commonwealth there exist unsanitary or substandard housing conditions, and that there is not in the commonwealth, within a reasonable distance of the principal centres of employment, an adequate supply of decent, safe and sanitary dwelling accommodations for persons of low income; that this situation tends to cause an increase and spread of disease and crime and constitutes a menace to the health, safety, morals, welfare and comfort of the inhabitants of the commonwealth and is detrimental to property values therein; that this situation cannot readily be remedied by the ordinary operations of private enterprise; that the clearance, replanning and reconstruction of the sections in which unsanitary or substandard housing conditions exist and the providing of decent, safe and sanitary dwelling accommodations in such sections and, in connection with such clearance, the replanning and reconstruction of dwellings elsewhere as provided in section twenty-six J for persons of low income are purposes for which private property may be acquired by eminent domain; and the enactment of sections twenty-six J to twenty-six AA, inclusive, is declared to be a public necessity.

Municipal housing authority may be established.

Section 26L. Whenever the mayor and city council of a city determine that a housing authority is needed therein for the purpose of remedying conditions of the type referred to in section twenty-six A, they may by vote establish such an authority. A town may vote, in an annual town meeting or in a special town meeting called therefor, to establish such an authority for such purpose. If a town so votes, four members of such an authority shall be designated forthwith by the selectmen to serve until the next annual town meeting, when they shall be succeeded by the elective members hereinafter provided for, who shall be elected at such annual town meeting. No special town meeting for the purpose of voting on the question of establishing a housing authority shall be held less than sixty days prior to the annual town meeting. Every such authority shall be a body politic and corporate and shall be managed, controlled and governed by five members, appointed or elected as herein provided. In a city, four members shall be appointed by the mayor and city council and one by the housing board; provided, that, of the members originally appointed, the member appointed by the board shall serve for the term of three years, and that the other members shall be appointed to serve for terms of one, two, four and five years, respectively. In a town, four members shall be elected by the town and one appointed by the housing board; provided, that, of the members originally elected at an annual town meeting, the one receiving the highest number of votes

shall serve for five years, the one receiving the next highest number of votes, for four years, the one receiving the next highest number of votes, for two years, and the one receiving the next highest number of votes, for one year, and that the member originally appointed by the board shall serve for three years. Thereafter, as the term of a member of any such housing authority expires, his successor shall be appointed or elected, in the same manner and by the same authority, for the term of five years. Vacancies, other than by reason of expiration of terms, shall be filled in like manner for the balance of the unexpired term. Three members shall constitute a quorum. Every member, unless sooner removed, shall serve until the qualification of his successor.

The name of every housing authority shall include the name of the city or town and the words "Housing Authority".

As soon as possible after the qualification of the members of a housing authority the city or town clerk, as the case may be, shall file a certificate of such appointment or election, or both, with the board and a duplicate thereof in the office of the state secretary, whereupon such housing authority shall be established. Whenever the membership of a housing authority is changed, by appointment, election, resignation or removal, a certificate and a duplicate certificate to that effect shall promptly be so filed. A certificate so filed shall be conclusive evidence of the proper establishment, or of the change in membership, as the case may be, of the housing authority referred to therein.

The mayor and city council or the board of selectmen may make or receive written charges against, and may after hearing remove, because of inefficiency, neglect of duty and misconduct in office, or any of such causes, a member of a housing authority appointed by the mayor and city council, elected by the town or designated by the selectmen, as the case may be; provided, that such member shall have been given, not less than fourteen days before the date set for such hearing, a copy in writing of the charges against him and written notice of the date and place of the hearing to be held thereon, and at the hearing shall have been given the opportunity to be represented by counsel and to be heard in his own defence. Pending their final action upon any such charges, the mayor and city council or the board of selectmen, as the case may be, may temporarily suspend such member; provided, that if they find that such charges have not been substantiated, they shall immediately reinstate him in his office. In case of any such removal the removing authority shall forthwith deliver to the clerk of the city or town, for filing with the certificate and with the duplicate certificate, attested copies of such charges and of its findings thereon.

The mayor and city council or the board of selectmen, as the case may be, may prefer to the board written charges

of inefficiency, neglect of duty and misconduct in office, or any of such charges, against the member of a housing authority appointed by the board, in which case the pertinent provisions of the preceding paragraph relative to notice, hearing, suspension, removal or reinstatement, and filing, shall apply to proceedings before the board. If, after hearing thereon, the board finds the charges, or any of them, to have been substantiated, and that removal of the member is advisable, it shall remove such member.

Members of a housing authority shall receive no compensation for their services, but shall be allowed, or be reimbursed for, all expenses properly incurred by them in the discharge of their duties. Such expenses may be allocated by the housing authority among its various projects, in such manner and amounts as it deems proper.

Chairman,
etc.

Section 26M. A housing authority shall elect from among its members a chairman and a vice-chairman, and may employ counsel, a director who shall be ex-officio secretary of the housing authority, and such other officers, agents and employees as it deems necessary or proper, and shall determine their qualifications, duties and compensation; provided, that no payments for or on account of the compensation or expenses of any person employed hereunder except as authorized by section twenty-six T shall be made from any funds received from the city or town, but shall be made exclusively from the funds of, and be a part of the expenses of, the project or projects undertaken by such housing authority.

Agents of
authority.

Section 26N. A housing authority may delegate to one or more of its members, agents or employees such powers and duties as it deems necessary or proper for the carrying out of any action determined upon by it.

Members and
agents not to
be interested
financially
in projects.

Section 26O. No member, agent or employee of a housing authority shall, directly or indirectly, have any interest, financial or otherwise, in any property to be included in, or any contract for property, materials or services to be furnished or used in connection with, any project of such housing authority. Whoever violates any provision of this section shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment for not more than one month, or both.

Authority
may borrow
money.

Section 26P. A housing authority, with the written approval of the board in each instance, may enter into agreements, relative to the acceptance or borrowing of funds for any project or providing for the supervision or control of any project, with the federal government or any agency thereof, including specifically, but without limiting the generality of the preceding provision, the Federal Emergency Administration of Public Works, the Federal Housing Administration and the Public Works Emergency Housing Corporation. Any such agreement may also contain such other covenants, terms and conditions as the housing authority, with like approval, may deem advisable.

Section 26Q. A housing authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of sections twenty-six J to twenty-six AA, inclusive, including clearing, replanning or rebuilding areas in the city or town in which it is established and providing housing therein or elsewhere to the extent designated in section twenty-six J for persons of low income and shall have the following powers in addition to others specifically granted elsewhere in said sections: —

Powers of
housing
authority.

(a) To sue and to be sued; to have a seal; to have corporate succession; to receive loans and grants from the federal government or any agency thereof; to conduct investigations relative to housing and living conditions and any other matter deemed by it to be material for its information in connection with any of its powers and duties.

(b) To determine what areas within its jurisdiction are unsanitary or substandard and to prepare plans for projects in such areas or elsewhere to the extent designated in section twenty-six J; to take by eminent domain under chapter seventy-nine or chapter eighty A of the General Laws, or to purchase or lease, or to acquire by gift, bequest or grant, and hold, sell, exchange, transfer, assign or mortgage, any property in such areas, real or personal, or any interest therein, found by it to be necessary or reasonably required to carry out the purposes of sections twenty-six J to twenty-six AA, inclusive, or any of such sections; provided, that no land shall be taken by eminent domain under said chapter seventy-nine for the location of a project unless the authority has first acquired control over at least sixty-five per cent of the territory required for such project by purchase or gift or by contract for or option to purchase; and provided, further, that in case of a taking by eminent domain under said chapter seventy-nine, the provisions of section forty of said chapter shall be applicable, except that the security therein required shall be deposited with the mayor of the city or the selectmen of the town in which the property to be taken is situated; to clear and improve any property so acquired; to engage in or contract for the construction, reconstruction, alteration or repair of any project or parts thereof; to act as agent of, or to cooperate with, any agency of the federal government in any clearance or housing project; to lease, to operate, and to establish, or revise, schedules of rents for, any project or part thereof undertaken by it; to borrow money upon the security of its bonds, notes or other evidences of indebtedness and to secure the same by mortgages upon property held or to be held by it or by pledge of its revenue or in any other lawful manner; to invest in securities legal for the investment of funds of savings banks any funds held by it and not required for immediate disbursement; to enter into, execute and carry out contracts and all other instruments necessary or convenient to the exercise of the powers granted in said sections twenty-six J to twenty-six AA, inclusive; and

to make, and from time to time to amend or repeal, by-laws, rules and regulations to carry into effect its powers and purposes under said sections; provided, that the same are not inconsistent with said sections, or with the pertinent rules and regulations of the housing board, or with law.

Approval of
plans, etc.

Section 26R. When an area shall have been determined by a housing authority to be an area within which a project should be constructed, said housing authority may design a project for the clearance and rebuilding of the area, or any part thereof, or for providing housing accommodations for persons of low income in an area so cleared, and shall submit to the housing board the plans and layout of the project, the estimated cost thereof, the proposed method of financing it, and a detailed estimate of the expenses and revenues thereof. If the housing board finds that the plans and layout conform to proper standards of health, sanitation and safety, that the financial plan is sound and that with the aid of any federal grant or other subsidy the revenue from the project will be sufficient to meet its annually recurring expenses, including, without limitation of the foregoing, taxes, depreciation and service of its indebtedness, and that the probable costs are such that it will be practicable to rent the reconstructed or newly constructed property within the maximum rentals established by the housing board for the locality within which such project is to be undertaken without incurring an annual deficit, it shall, within thirty days after submission of the project give written notice to the authority of its approval. If the housing board shall disapprove any project, it shall state in writing its reasons for disapproval. Unless and until such written approval is obtained, the housing authority shall not, except as otherwise provided in the following section, undertake such project. A project which has not been approved by the housing board when submitted to it may be again submitted to it with such modifications as are necessary to meet its objections.

May secure
options on
property.

Section 26S. When a housing authority has determined the location of a proposed project it may, without awaiting the approval of the housing board, proceed, by option or otherwise, to obtain control of the real property within the area, provided that it shall not unconditionally obligate itself to purchase any such property. When a project has been approved, and notice thereof given to the housing authority, the housing authority may proceed at once to acquire real estate within the location of the project, either by eminent domain as provided in section twenty-six Q or by grant, purchase, lease, gift, exchange or otherwise, and may construct, or contract for the construction of, the buildings and facilities planned for the project. Except as herein otherwise provided, the provisions of said chapter seventy-nine and said chapter eighty A relative to counties, cities, towns and districts, so far as pertinent, shall be applicable to a housing authority, and the members of a housing authority shall act on its behalf under said chapter.

Section 26T. For the purpose of defraying the initial costs and expenses of a housing authority authorized to be established therein, including the expenses of preparing plans, making surveys, and the like, in connection with one or more proposed projects, a city or town with a valuation of less than five million dollars may appropriate not more than one thousand dollars; a city or town with a valuation of five million dollars but less than twenty million dollars may appropriate not more than three thousand dollars; a city or town with a valuation of twenty million dollars but less than seventy-five million dollars may appropriate not more than four thousand dollars; a city or town with a valuation of seventy-five million dollars but not more than one hundred and fifty million dollars may appropriate not more than five thousand dollars; and a city or town with a valuation of more than one hundred and fifty million dollars may appropriate five thousand dollars for each one hundred and fifty million dollars of valuation or fraction thereof.

City or town may borrow funds to pay initial costs, etc.

Section 26U. Upon the completion of a project by a housing authority, it shall be maintained and operated by such authority until the property therein is sold or otherwise disposed of. The rentals for the housing facilities therein shall not exceed the maximum rentals fixed by the housing board for projects in the locality by regulations made pursuant to section twenty-six Y unless higher rentals are authorized by the housing board in any particular case. The real estate of a housing authority, together with improvements thereon, shall be subject to taxation at the same rate and in the same manner as other property in the same city or town. All projects of a housing authority shall be subject to the town planning, zoning, health and building laws, ordinances, by-laws and regulations.

Management of project upon completion.

Section 26V. Each housing authority shall keep an accurate account of all its activities and of all its receipts and expenditures and shall annually in the month of January make a report thereof to the housing board. All moneys received in excess of operating expenses shall first be devoted to the payment of interest upon the obligations and to the fulfillment of all contractual and other requirements with respect to the payment of the principal thereof.

Accounts to be kept.

Section 26W. No bond, note or other evidence of indebtedness executed, or obligation or liability incurred, by a housing authority shall be a debt or charge against the commonwealth or any political subdivision thereof other than such housing authority. A housing authority shall be liable in contract or tort in the same manner as a private corporation. The members of a housing authority shall not be personally liable as such on its contracts, or for torts not committed or directly authorized by them.

Indebtedness restricted.

Section 26X. Whenever a housing authority desires to discontinue its operations, it shall make application to the housing board for authority to dissolve. If such applica-

Discontinuance and dissolution.

tion be granted, the housing board shall act as receiver of such authority, subject to the supervision of the superior court for the county in which the authority is located, and shall take possession, and dispose, of all property belonging to the housing authority and, after paying all indebtedness of the housing authority and the expenses of administering its dissolution, shall pay the balance remaining, if any, into the treasury of the city or town in which the housing authority operated.

Board may investigate affairs of authorities.

Section 26Y. The housing board may investigate the affairs of housing authorities and their dealings, transactions and relationships. It shall have the same power to examine into the properties and records of housing authorities and to prescribe methods of accounting and the rendering of periodical reports in relation to projects undertaken by them as is provided by sections twenty-three to twenty-six H, inclusive, in the case of limited dividend corporations. It may from time to time make, amend and repeal rules and regulations fixing standards and principles governing the planning, construction, maintenance and operation of projects by housing authorities. Such rules and regulations shall provide for limiting the occupancy as tenants of space in housing constructed as part of a project to persons whose financial circumstances are such that they cannot afford to rent space in privately owned housing which is not substandard, within a reasonable distance of such project. The maximum rents to be charged for housing accommodations provided by projects shall be set by the board for each locality at a figure sufficiently low to be within the means of laborers and wage earners of low income. Compliance with the provisions of sections twenty-six J to twenty-six AA, inclusive, the rules and regulations adopted by the housing board hereunder, and the terms of a project approved by the housing board, may be enforced in the same manner as is provided by section twenty-six B for the enforcement of the orders of the housing board in the case of a project operated by a limited dividend corporation, and all pertinent provisions of said section twenty-six B shall apply in case of any non-compliance with any provision of said sections twenty-six J to twenty-six AA, inclusive.

Commonwealth not to be obligated for any indebtedness.

Section 26Z. Nothing in sections twenty-six J to twenty-six AA, inclusive, shall be construed to obligate the commonwealth, or to pledge its credit, to any payment whatsoever to any housing authority or to any stockholder, bondholder or creditor thereof, nor shall anything therein contained be construed as granting to any housing authority any exemption from taxation or to render the commonwealth liable for any indebtedness or liability incurred, acts done (including any taking by eminent domain), or omissions or failures to act, of any housing authority.

Civil service rules, etc., not to apply to employees.

Section 26AA. Chapter thirty-one and the rules and regulations made thereunder shall not apply to any officer,

agent or employee of a housing authority or to any person employed on, or in connection with, any project of a housing authority.

Section 26BB. The provisions of sections twenty-six I to twenty-six AA, inclusive, are hereby declared to be severable and, if any such provision shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not be construed to affect the validity or constitutionality of any of the remaining provisions of said sections. It is hereby declared to be the legislative intent that said sections would have been adopted had such invalid or unconstitutional provision not been included therein.

Constitution-
ality not
affected, when.

Approved July 26, 1935.

AN ACT PROVIDING RETIREMENT ALLOWANCES BASED ON ANNUITY AND PENSION CONTRIBUTIONS FOR EMPLOYEES OF THE CITY OF FITCHBURG.

Chap. 450

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 Fitchburg, 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) "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.

(2) "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.

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

(4) "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.

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

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

(7) "Employee", any person, including any police officer

and fireman, 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, employees of the Burbank hospital, 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.

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

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

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

(11) "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.

(12) "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.

(13) "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.

(14) "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.

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

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

(17) "Retirement system", the arrangement provided in this act for the retirement of, and payment of retirement allowances to, employees as defined in paragraph (7) of this section.

(18) "Service", service as an employee as described in paragraph (7) of this section and paid for by the city.

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 "Fitchburg 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-six.

MEMBERSHIP.

SECTION 4. Except as expressly limited herein as to age, in paragraph four of this section, 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 ninety 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) Persons over the age of fifty-five who enter the service of the city on or after the date when this retirement system becomes operative shall not become members thereof, and no such employee shall remain in the service of the city after reaching the age of seventy.

(5) 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.

(6) 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 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 or the mayor 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, subject 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 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 serve without compensation; but they 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 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; provided, however, that employees who receive more than fifty dollars weekly, in compensation, shall not be assessed for contributions to this fund above that amount. 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 allowances, 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-six hundredths per centum, and the accrued liability contribution shall be one and sixty-eight 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 the 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 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 sections nine and nineteen of this act.

SECTION 18A. If a member of this system becomes eligible for or receives a pension or assistance under the provisions of any statute or enactment of the federal government or of any state or municipality, whether said pension or assistance is payable in whole or in part by federal, state or municipal government, the said member shall be entitled to receive from this fund only such payments as, together with the pension or assistance received as above set forth, will not exceed the regular retirement allowance which said person would receive under this act; provided, that in any event the said member may, at his option, be paid the amount of his accumulated deductions and such payment to him shall be a bar of all further rights accruing to him by reason of his membership in this system.

SECTION 19. Notwithstanding the other provisions of this act to the contrary, any beneficiary of this system may be employed for periods of not exceeding one year at a time, upon re-appointment by the mayor, subject to confirmation by the council, if the city charter requires this method of appointment to said position or, if an appointment by the mayor and confirmation by the council was not required in connection with the original appointment then he may be retained in service for periods of not exceeding one year at a time by the department head or board by whom he was employed, upon the written approval thereof by the mayor. A beneficiary so employed 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 said beneficiary at the time of retirement.

RIGHT OF APPEAL.

SECTION 20. 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 21. Nothing contained in this act shall affect the right or power of the city or other duly constituted authority in regard to demotion, promotion, transfer, suspension or discharge of any employee.

INCONSISTENT ACTS.

SECTION 22. 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.

AMENDMENT OR REPEAL.

SECTION 23. The provisions of this act may be altered or amended from time to time, or may be repealed, and every such alteration or amendment, or repeal, shall, upon its taking effect, become binding upon the city of Fitchburg and the employees who have previously become subject to said act, and all contractual rights entered into by and between the city and the employees thereof, hereunder, shall be deemed to be entered into subject to being subsequently affected by such alterations, amendments or repeal; provided, that no such alteration, amendment or repeal shall affect the rights of employees with reference to deposits previously made, or reduce the amount of any retirement allowance then payable.

ACCEPTANCE OF ACT.

SECTION 24. On or before August 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 Fitchburg 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 biennial 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 nineteen hundred and thirty-five, entitled 'An Act providing retirement allowances based on annuity and pension contributions for employees of the city of Fitchburg', 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; but not otherwise. *Approved July 26, 1935.*

Chap. 451 AN ACT RELATIVE TO PURCHASE OF BONDS OF THE BOSTON ELEVATED RAILWAY COMPANY BY THE BOSTON METROPOLITAN DISTRICT.

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-six, 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, or for the purposes of paying or refunding any 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 three million eight hundred and fifteen thousand dollars; and 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 five hundred and eleven thousand dollars of five per cent bonds of the company due February first, nineteen hundred and thirty-seven, and of the one million two hundred thousand dollars of bonds of the company due July first, nineteen hundred and forty, and for paying or redeeming and refunding the same.

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 of the district 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 July 26, 1935.

Chap. 452 AN ACT TO PROVIDE FOR THE AUTHORIZATION AND SUPERVISION OF BANKING COMPANIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 167, § 1, amended.

SECTION 1. Section one of chapter one hundred and sixty-seven of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "company" in the third line the following:—, any corporation authorized to do the business of a banking company under chapter one hundred and seventy-two A, — and by striking out, in the fourth line, the word "person" and inserting in place thereof the word:— individual, — so as to read as follows:— *Section 1.* In this chapter, unless the context otherwise requires, the following words shall have the following meanings:

Definitions.

"Bank", a savings bank, co-operative bank, trust company, any corporation authorized to do the business of a banking company under chapter one hundred and seventy-two A or any individual, partnership, association or corporation, incorporated or doing a banking business in the commonwealth, subject to the supervision of the commissioner of banks.

"Commissioner", the commissioner of banks.

G. L. (Ter. Ed.), 167, § 2, etc., amended.

SECTION 2. Section two of said chapter one hundred and sixty-seven, as amended by chapter two hundred and fifty-one of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "company" in the eleventh line the following:— and of a corporation authorized to do the business of a banking company under chapter one hundred and seventy-two A, — so that the first paragraph will read as follows:— 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 and of a corporation authorized to do the business of a banking company under chapter one hundred and seventy-two A 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.

Examination of banks.

G. L. (Ter. Ed.), 167, § 12, amended.

SECTION 3. Said chapter one hundred and sixty-seven is hereby further amended by striking out section twelve, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 12.* No domestic or

Unauthorized

foreign corporation or individual, partnership or association, except savings banks and trust companies incorporated under the laws of this commonwealth, or such foreign banking corporations as were doing business in this commonwealth, and were subject to examination or supervision by the commissioner on June first, nineteen hundred and six, shall hereafter make use of any sign at the place where its business is transacted having thereon any name or other words, indicating that such place or office is the place or office of a savings bank, or make use of or circulate any written or printed or partly written and partly printed paper whatever, having thereon any name or other words, indicating that such business is that of a savings bank; nor shall any such corporation, individual, partnership or association, or any agent of a foreign corporation not having an established place of business in this commonwealth, solicit or receive deposits or transact business in the way or manner of a savings bank, or in such a way or manner as to lead the public to believe, or as in the opinion of the commissioner might lead the public to believe, that its business is that of a savings bank. No domestic or foreign corporation or individual, partnership or association other than corporations excepted from the prohibitions contained in the first sentence of this section, co-operative banks incorporated under the laws of this commonwealth, foreign banking associations authorized under section thirty-seven to transact business in this commonwealth, and corporations authorized to do the business of a banking company under chapter one hundred and seventy-two A, shall hereafter transact business under any name or title which contains the word "bank" or "banking", or any word in a foreign language having the same or similar meaning, as descriptive of said business, or, if he or it does a banking business or makes a business of receiving money on deposit, under any name or title containing the word "trust", or any word in a foreign language having the same or similar meaning, as descriptive of said business.

G. L. (Ter Ed.), new chapter 172A, added.

SECTION 4. The General Laws are hereby further amended by inserting after chapter one hundred and seventy-two, as appearing in the Tercentenary Edition, the following new chapter: —

CHAPTER 172A.

BANKING COMPANIES.

Section 1. Any corporation established under chapter one hundred and fifty-six which has an unimpaired paid-in capital of not less than fifty thousand dollars and is conducting within the commonwealth the business of loaning money on the Morris plan, so called, or upon any similar plan, may be authorized to do the business of a banking company in the manner and subject to the conditions and limitations specified in this chapter; provided, that no

Banking company defined.

such corporation shall be authorized to do such business in any city having a population of more than three hundred thousand unless it has an unimpaired paid-in capital of not less than two hundred thousand dollars, or in any city having a population of more than one hundred thousand but not exceeding three hundred thousand unless it has an unimpaired paid-in capital of not less than one hundred thousand dollars.

Certificate to do business.

Section 2. Any such corporation may at a meeting duly called for the purpose by a two thirds vote of each class of stock outstanding authorize an application to the board of bank incorporation, in this chapter referred to as the board, for a certificate authorizing it to carry on business of the character and in the manner set forth in this chapter in a specified city or town within the commonwealth. Such application shall be made in writing by the president or the treasurer in such form as the board shall approve. A notice of such application and of the time fixed for a hearing thereon, in such form as the board shall approve, shall be published at least once a week for three successive weeks in one or more newspapers designated by the board and published in or nearest to the city or town in which the corporation proposes to carry on such business. If the board after a hearing shall determine that public convenience and advantage will be promoted by the granting of the application and that the corporation is in a sound and safe condition to carry on such business, it shall issue such a certificate in such form as it shall determine.

When authorized to do business.

Section 3. Within thirty days after receiving a certificate under the preceding section, the directors of any such corporation may, without further vote of its stockholders, by the procedure established by section forty-three of chapter one hundred and fifty-six, so far as applicable, change its corporate name so as to include therein the words "Banking Company". Upon such change of name becoming effective such corporation may carry on business under this chapter and shall thereafter carry on no other business. Its corporate powers shall thereupon be deemed to be amended accordingly. It shall not thereafter be subject to the requirements of sections forty-seven to fifty-one, inclusive, of said chapter one hundred and fifty-six. Thereafter all provisions of general law from time to time applicable to the increase or the reduction of the capital stock of trust companies shall apply to such corporation. Thereafter no person shall be a director of any such corporation unless he is a stockholder of record holding unpledged stock therein of an aggregate par value of not less than one thousand dollars.

Returns to be made.

Section 4. Such corporation shall at such times as the commissioner of banks, in this chapter called the commissioner, orders, but not exceeding five times within a calendar year, and within ten days after a day designated in the order, make return to the commissioner, signed and sworn to by

its president and treasurer and not less than three of its board of directors, showing accurately the condition of such corporation at the close of business on the day designated. Said return shall be in such form and shall specify such items of the corporation's assets and liabilities as the commissioner shall prescribe. It shall be published at such times and in such manner as the commissioner shall direct by and at the expense of such corporation in a newspaper published in or nearest to the city or town where such corporation is located.

Section 5. Such corporation may receive money in one payment or in instalments, upon certificates which it may issue, fixing the amount received or to be received thereon, the time and other terms of repayment and the rate of interest to be paid. Money thus received shall be known as certificate funds. No interest shall be specified in any certificate or paid on any certificate funds in excess of five per cent per annum, except with the approval of the commissioner. No certificate shall be issued for an amount less than fifty dollars and the total amount of all certificates issued to any individual, estate, trust, corporation, association or partnership shall not exceed five thousand dollars.

May receive deposits.

Such certificates may be issued to represent money to be paid by the certificate holder thereafter in stated instalments as specified therein either with or without the payment of interest on paid-in instalments. All certificates shall be in such form as the commissioner shall approve and a record of all certificates issued and the forms thereof shall be kept on file by the corporation.

No such corporation shall receive or have at any time aggregate certificate funds, exclusive of interest, in excess of seven and one half times the total of its paid-in capital and surplus, except that certificate funds in any manner pledged with it to secure loans made by it shall not be included in its certificate funds for the purpose of this provision.

Section 6. The amount paid on any certificate, whether matured or not, if not pledged to the corporation, may be withdrawn by the certificate holder at any time as a whole by the surrender of his certificate, upon giving ninety days written notice to the treasurer of his intention so to do; but the treasurer may waive such a notice, in his discretion, under such restrictions as may be imposed by the board of directors. Upon such withdrawals there shall be such adjustment of interest as the certificate shall provide.

Withdrawal of certificate funds.

Section 7. The capital, surplus, certificate funds and income derived therefrom of such corporation shall be invested only as follows: —

Investment of funds, etc., regulated.

First. In loans on personal security or secured by the pledge or assignment of any personal property including certificates issued by it, either fully paid up or representing payments being made by instalments. No sum shall be invested directly or indirectly in mortgages of real estate.

Second. In any securities authorized as investments for savings banks by paragraphs second to seventh, inclusive, of section fifty-four of chapter one hundred and sixty-eight; provided, that not more than twenty per cent of its certificate funds shall be invested by any such corporation in this class of securities.

Third. Such sum as the directors may determine but not exceeding twenty-five per cent of its paid-in capital and surplus, except with the approval of the commissioner, may be invested in the purchase of a suitable site and the erection or preparation of a suitable building for the convenient transaction of its business.

In the event that a loan is made secured by a pledge of a certificate issued by such corporation, whether fully paid up or representing payments being made by instalments, such pledged certificate and the note or obligation given for the payment of the loan shall always be considered to be separate instruments.

Liability
regulated.

Section 8. The total liability to any such corporation of any individual, corporation, trust, association or firm for money borrowed, including in such liability of any corporation, trust, association or firm the liabilities of the several directors, trustees, members or partners thereof, shall at no time exceed ten per cent of the aggregate of the paid-in capital and surplus of such corporation, but the discount or purchase of bona fide bills of exchange or acceptances drawn against actually existing values and the discount or purchase of commercial or business paper, leases, conditional sale agreements, mortgages of personal property or other contracts or choses in action actually owned by any individual, corporation, association, trust or firm negotiating or selling the same shall not be considered money so borrowed even though such negotiator or seller remains or becomes secondarily or contingently liable thereon or therefor to such corporation.

Rate of
interest
restricted.

Section 9. No such corporation shall charge for or receive on any loan made by it an amount for interest, discount, charges and expenses, including interest, discount, fines, charges and expenses on account of any certificate issued as security for such loan, which exceeds in the aggregate an amount equivalent to twelve per cent per annum upon the face amount of the note, deducted at the time the loan is made, when the note is of the amount of five hundred dollars or less, or an amount equivalent to nine per cent per annum upon the face amount of the note, deducted at the time the loan is made, when the note is of an amount in excess of five hundred dollars; provided, that no certificate pledged to secure any loan shall require the aggregate amount of payments on such certificate to be more than the actual proceeds of the loan plus any lawful interest or discount which may be taken in advance, and plus all other lawful charges or expenses; and provided, further, that no such certificate shall mature at a date substantially different

from the due date of the loan, or require payments on such certificate, except in the case of the last instalment payment, in excess of equal periodic payments extending over the term for which the loan is made.

Section 10. Every such corporation shall at all times have on hand as a reserve an amount equal to at least five per cent of the aggregate amount of its certificate funds, exclusive of all certificate funds in any manner pledged to it as security for loans. Such reserve shall consist of actual cash, bonds or other obligations of the United States computed at their fair market value, and deposits payable on demand due from any trust company in the commonwealth which is a member of the Federal Reserve System, or from any national banking association doing business either in this commonwealth or in the city of New York, Philadelphia or Chicago, or from the Federal Reserve Bank of Boston. Reserves.

Section 11. The directors of any such corporation may declare dividends on its capital stock of so much of the net profits of such corporation as they shall judge expedient; but such corporation shall, before the declaration of such a dividend, carry to its surplus fund one tenth part of its net profits of the preceding period for which said dividend is paid until such fund, whenever accumulated or acquired, shall amount to fifty per centum of its capital stock. Except in the case of reduction of capital stock as provided in section three, 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, and no such corporation shall during such time, withdraw or permit to be withdrawn any portion of its surplus fund, directly or indirectly, for the purpose of paying dividends on its capital stock. No dividend shall be paid by any such corporation on its capital stock, while it continues operations under this chapter, to an amount greater than its total net undivided profits then on hand, exclusive of the surplus fund provided for in this section, after deducting from such net profits its losses and bad debts for which no other provision has been made. 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. Dividends.

Section 12. The board may authorize any such corporation to establish and operate one or more branch offices in the city or town in which it is authorized to do business under this chapter or in any other city or town within the same county. No such corporation shall maintain a branch office except as herein provided, but this restriction shall not apply to any branch office, wherever located, established by any such corporation prior to the first day of January, nineteen hundred and thirty-five. Branch offices.

Taxation of
company.

Section 13. Every such corporation shall be taxed under the provisions of sections two to seven, inclusive, of chapter sixty-three.

Certain sec-
tions of law to
apply.

Section 14. The provisions of sections eighty-six to one hundred and ten, both inclusive, of chapter one hundred and forty and the provisions of chapter one hundred and ten A and chapter one hundred and seventy-four shall not apply to such corporations. *Approved July 26, 1935.*

Chap. 453 AN ACT RELATIVE TO THE TERM OF CERTAIN NOTES TO BE ISSUED BY THE COMMONWEALTH.

Be it enacted, etc., as follows:

The term of the notes which the state treasurer is authorized to issue under chapter three hundred and ninety-two of the acts of the current year, authorizing temporary borrowings by the commonwealth in anticipation of receipts from federal grants for emergency public works, shall not exceed nine months, as recommended by the governor in a message to the general court dated July twelfth, nineteen hundred and thirty-five, in pursuance of section three of Article LXII of the amendments to the constitution.

Approved July 26, 1935.

Chap. 454 AN ACT MAKING CERTAIN ADJUSTMENTS IN THE LAWS RELATING TO HORSE AND DOG RACES CONDUCTED UNDER THE PARI-MUTUEL OR CERTIFICATE SYSTEM OF BETTING.

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.), 128A,
§ 5, etc.
amended.

SECTION 1. Section five of chapter one hundred and twenty-eight A of the General Laws, as appearing in section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four, is hereby amended by striking out the first paragraph and inserting in place thereof the following:—

Pari-mutuel
system of
wagering
authorized.

Before holding or conducting a racing meeting, every licensee shall provide a place or places, equipped as herein-after provided, on the grounds where such meeting is held or conducted or adjacent thereto, but not elsewhere, at which such licensee shall 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. Such place or places shall be equipped with automatic betting machines

capable of accurate and speedy determination of award or dividend to winning patrons, and all such awards or dividends shall be calculated by a totalisator machine or like machine, except at state or county fairs.

SECTION 2. Section three of said chapter one hundred and twenty-eight A, as amended by chapter two hundred and thirty-nine of the acts of the current year, is hereby further amended by striking out the first paragraph, as appearing in said section three of said chapter three hundred and seventy-four, and inserting in place thereof the following: —

G. L. (Ter. Ed.), 128A, § 3, etc., amended.

If any application for a license, filed as provided by section two, shall be in accordance with the provisions of this chapter, the commission, after reasonable notice and a public hearing in the city or town wherein the license is to be exercised, 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; provided, that if the commission has already taken action on an application in any calendar year, after such notice and public hearing, no other public hearing need be granted on any other application relating to the same premises filed prior to the expiration of said year, unless such other application is for an extension of more than ten days for the racing meeting or for an additional racing meeting.

License to conduct racing meeting.
Application for, contents of.

SECTION 3. Said section three is hereby further amended by striking out, in the second line of paragraph (f), as so appearing, the word "seventy" and inserting in place thereof the word: — ninety, — so that said paragraph will read as follows: — (f) No licenses shall be issued for more than an aggregate of ninety 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. L. (Ter. Ed.), 128A, § 3, etc., further amended.

Number of racing days limited.

SECTION 4. Said section three is hereby further amended by inserting after the word "track" the second time it occurs in the fifth line of paragraph (h), as so appearing, the words: — within the commonwealth, — and by adding at the end thereof the following: — ; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart, — so that said paragraph will read as follows: —

G. L. (Ter. Ed.), 128A, § 3, etc., further amended.

Number of licensed race tracks limited.

(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 within the commonwealth, one mile or more in circumference; provided, that licenses may be issued to permit such meetings to be held or conducted at the same time at not more than two race tracks if such tracks are seventy-five miles apart.

SECTION 5. Section nine of said chapter one hundred

G. L. (Ter. Ed.), 128A,

§ 9, etc.,
amended.

and twenty-eight A, as so appearing, is hereby amended by striking out the last paragraph and inserting in place thereof the following: —

Penalty.

Any person violating any such rule or regulation shall, upon a complaint brought by the commission, be punished by a fine not exceeding five thousand dollars or by imprisonment not exceeding one year, or by both.

G. L. (Ter.
Ed.), 128A,
new section
9A, added.
Rules and
regulations
may control
fees, etc.

SECTION 6. Said chapter one hundred and twenty-eight A is hereby amended by inserting after said section nine the following new section: — *Section 9A.* For the purpose of enabling the commission to exercise and maintain a proper control over horse and dog racing conducted under the provisions of this chapter, the rules, regulations and conditions prescribed by the commission under section nine may provide for the licensing and registering at reasonable and uniform fees, of agents, assumed names, colors, partnerships and minor agreements and may provide for the licensing at reasonable and uniform fees of trainers of horses and dogs and of jockeys participating in such racing and also of owners of dogs. Such rules and regulations may also provide for the suspension and revocation of licenses so granted and also for the imposition on persons so licensed of reasonable forfeitures and penalties for the violation of any rule or regulation prescribed by the commission and for the use of the proceeds of such penalties and forfeitures.

G. L. (Ter.
Ed.), 128A,
§ 13, etc.,
amended.

SECTION 7. Section thirteen of said chapter one hundred and twenty-eight A, as so appearing, is hereby amended by striking out, in the thirteenth line, the word "shall" and inserting in place thereof the word: — may, — and by inserting after the word "barred" in the same line the words: — or suspended, — so as to read as follows: — *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, may be barred or suspended from further participation in racing throughout the commonwealth.

Penalty for
unlicensed
wagering.

G. L. (Ter.
Ed.), 128A,
new section
13A, added.
Approval of
local authori-
ties required.

SECTION 8. Said chapter one hundred and twenty-eight A, as so appearing, is hereby further amended by inserting after section thirteen the following new section: — *Section 13A.* The provisions of section one hundred and eighty-one, chapter one hundred and forty and of sections thirty-one, thirty-three and thirty-four of chapter two hundred and seventy-one, and of chapter four hundred and ninety-

four of the acts of nineteen hundred and eight, shall not apply to race tracks or racing meetings laid out and conducted by licensees under this chapter; except that no license shall be granted by the commission for a racing meeting unless the location of the race track where such meeting is to be held or conducted has been once approved by the mayor and aldermen or the selectmen as provided by said section thirty-three of said chapter two hundred and seventy-one.

Approved July 26, 1935.

AN ACT AUTHORIZING THE CITY OF BOSTON TO PROVIDE CERTAIN ADDITIONAL FUNDS NECESSARY TO MEET THE COST OF CERTAIN IMPROVEMENTS IN CONNECTION WITH THE CONSTRUCTION OF THE VEHICULAR TUNNEL BETWEEN BOSTON PROPER AND EAST BOSTON. Chap. 455

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and ninety-seven of the acts of nineteen hundred and twenty-nine is hereby amended by striking out section eight, as amended by section two of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two, and inserting in place thereof the following: — *Section 8.* For the purpose of meeting the cost of the tunnel, which shall include all expenses incurred in laying out and constructing the same and all facilities and appurtenances incidental thereto, including plazas, street approaches, and additional street and traffic improvements, all as described in section one, and all land damages, expenses of the department, such proportion of the salaries of the department as may in its opinion be properly chargeable thereto and all interest accruing prior to the use of the tunnel on debt incurred for the foregoing, the treasurer of the city shall, from time to time, on request of the department, with the approval of the mayor of the city and without any other authority than that contained in this act, issue and sell at public or private sale the bonds of the city, registered or with interest coupons attached, as he may deem best, to an amount not exceeding nineteen million six hundred thousand dollars. Such bonds shall be designated on their face, Traffic Tunnel Bonds, City of Boston, Act of 1929, sixteen million dollars of which shall be for such terms, not exceeding fifty years, and three million dollars of which shall be for such terms, not exceeding thirty years, and six hundred thousand dollars of which shall be for such terms, not exceeding thirty years, as in each case the mayor and the treasurer of the city may determine, and shall bear such interest, payable semi-annually, as the mayor and the treasurer of the city may determine. Such bonds may be called, retired and cancelled by the city on any date upon which interest is payable on said bonds after twenty years from their respective dates, by payment by the city of the amount of

the face of said bonds with any accumulated unpaid interest, and the bonds shall contain a statement to such effect. The proceeds of such bonds shall be used only to meet the cost of the tunnel as hereinbefore defined. The said three million dollars of bonds shall also be designated on their face, Series B. The said six hundred thousand dollars of bonds shall also be designated on their face, Series C. The debt incurred from time to time under the provisions of this act shall not be included in determining the limit of indebtedness of the city as established by law. The board of sinking fund commissioners of the city shall establish a primary sinking fund for the payment of the said sixteen million dollars of bonds, a first supplemental sinking fund for the payment of the principal and interest of the said three million dollars of bonds and a second supplemental sinking fund for the payment of the principal and interest of the said six hundred thousand dollars of bonds. There shall annually be paid into such primary sinking fund from tolls and charges or otherwise as hereinafter provided such sum at least as is necessary to provide for the payment of the said sixteen million dollars of bonds at the expiration of fifty years from their respective dates, and from the excess of tolls and charges available under section twelve there shall annually be paid into such first supplemental sinking fund such sum at least as is necessary to provide for the payment of the interest on the said three million dollars of bonds as it becomes due and the principal of such bonds at the expiration of thirty years from their respective dates, and from any excess of such tolls and charges then remaining there shall annually be paid into such second supplemental sinking fund such sum at least as is necessary to provide for the payment of the interest on the said six hundred thousand dollars of bonds as it becomes due and the principal of such bonds at the expiration of thirty years from their respective dates; provided, that the first payment into any of said funds shall not be made prior to the expiration of one year after the entire tunnel is in operation. Upon and after the completion of the tunnel as aforesaid there shall also be paid into said primary sinking fund the proceeds received from any sales or leases under section four and the balance of the proceeds of any bonds issued hereunder previous to the effective date of chapter two hundred and eighty-seven of the acts of nineteen hundred and thirty-two and not then any longer required for construction purposes.

All tolls, rents, percentages, compensation and other charges received for any use of the tunnel shall be used by the treasurer of the city only to meet the operating costs, exclusive of interest on the said three million dollars of bonds and of interest on the said six hundred thousand dollars of bonds and payments into the said first and second supplemental sinking funds, and, subject to the provisions of section twelve, the excess in any year of such tolls and

charges over operating costs, exclusive of the said interest and sinking fund payments in respect of the said three million dollars of bonds and in respect of the said six hundred thousand dollars of bonds, shall be paid into said primary sinking fund.

The treasurer of the city may, from time to time, on the request of the department, with the approval of the mayor of the city and without any other authority than that contained in this act, make a temporary loan for a period of not more than one year in anticipation of the money to be derived from the sale of any issue of bonds herein authorized, and may issue notes therefor; and such notes may be refunded from time to time by the issue of new notes maturing within one year from the date of their issue; provided, that the period from the date of issue of the original loan to the date of maturity of the final refunding period of the permanent loans herein authorized shall not be extended by reason of the temporary loans.

SECTION 2. Said chapter two hundred and ninety-seven is hereby further amended by striking out section nine, as most recently amended by chapter three hundred and twelve of the acts of the current year, and inserting in place thereof the following:— *Section 9.* Upon the completion of the tunnel, the public works department of the city shall operate the same as a toll tunnel, and shall from time to time establish a schedule of tolls and charges for the use of the same, which, in the opinion of said public works department, subject to the approval of the department of public utilities, will pay all operating costs, which term wherever used in this act shall include charges for adequate maintenance and upkeep, operating expenses including therein proper policing, lighting, and ventilating, interest on all bonds or notes issued under authority hereof, and such annual amounts as are necessary to provide a primary sinking fund for the payment of the principal of the said sixteen million dollars of bonds upon the expiration of such period of time, not less than twenty nor more than fifty years after their respective dates, a first supplemental sinking fund for the payment of the said three million dollars of bonds upon the expiration of such period of time, not less than twenty nor more than thirty years after their respective dates, and a second supplemental sinking fund for the payment of the said six hundred thousand dollars of bonds upon the expiration of such period of time, not less than twenty years nor more than thirty years after their respective dates, as in each case said public works department, with the approval of the department of public utilities, shall from time to time determine. If in any year such schedule of tolls and charges should prove to be insufficient, the said public works department shall establish such tolls and charges as will provide sufficient revenue to meet any deficit; provided, that if in the opinion of said public works department such new schedule of rates and charges would

not result in an increase in revenue, then it may establish such new schedule of tolls and charges as it deems will produce the maximum revenue and any deficits resulting therefrom shall be met as provided in section eleven. All schedules of tolls and charges established under this section or under section twelve shall be subject to the approval of the department of public utilities. The said public works department shall collect such tolls and charges from the driver of each vehicle using said tunnel, and shall daily pay the same over to the city collector of Boston; provided, that no toll or charge shall be collected from the drivers of vehicles owned by the city, or by the Boston protective department or from drivers of ambulances.

SECTION 3. Said chapter two hundred and ninety-seven is hereby further amended by striking out section ten, as amended by section four of said chapter two hundred and eighty-seven, and inserting in place thereof the following: — *Section 10.* In addition to the full credit of the city, so much of all receipts from tolls and charges for or on account of the use of the tunnel as are required to be expended, by the provisions of this act, for the payment of the principal and interest of the bonds issued under section eight, as and when the same become due and payable, are hereby pledged to such payment subject to the priorities herein provided in favor of the said sixteen million dollars of bonds over the said three million dollars of bonds and over the said six hundred thousand dollars of bonds and in favor of the said three million dollars of bonds over the said six hundred thousand dollars of bonds; and said provisions are hereby declared to constitute contracts between the city and the holders of said bonds within the meaning of section ten of Article 1 of the constitution of the United States, and a recital thereof shall appear on the face of said sixteen million dollars of bonds.

SECTION 4. Said chapter two hundred and ninety-seven is hereby further amended by striking out section twelve, as most recently amended by section two of chapter seventy-four of the acts of the current year, and inserting in place thereof the following: — *Section 12.* Whenever as of the last day of March in any year the receipts from tolls and charges as established under section nine or under this section exceed the operating costs, excluding for this purpose interest and sinking fund requirements in respect of the said three million dollars of bonds and in respect of the said six hundred thousand dollars of bonds, but including sinking fund requirements in respect of the said sixteen million dollars of bonds on a basis of the payment of all of the said sixteen million dollars of bonds at the expiration of twenty years after their respective dates, said excess shall be transferred to the general funds of the city so far as necessary to reimburse it for any amounts raised by taxation under section eleven, exclusive of any amounts so raised for interest or sinking fund requirements in respect

of the said three million dollars of bonds and in respect of the said six hundred thousand dollars of bonds. If any such excess occurs after the city shall have been reimbursed in full for all amounts so raised by taxation, exclusive of amounts for interest and sinking fund requirements in respect of the said three million dollars of bonds and of the said six hundred thousand dollars of bonds, the public works department shall, subject to the provisions of section nine, establish a reduced schedule of tolls and charges, sufficient, however, to meet the operating costs; provided, however, that until all of the said three million dollars of bonds and of the said six hundred thousand dollars of bonds, shall become payable, whether at their final maturity or when called as hereinbefore provided, of such excess not so needed for such reimbursement so much thereof as shall be required for the payment of the interest and principal of the said three million dollars of bonds shall be paid into said first supplemental sinking fund to be applied by the treasurer to the payment of the interest and principal of the said three million dollars of bonds, on a basis of the payment of all of the said three million dollars of bonds at the expiration of twenty years after their respective dates, and the remainder of such excess shall be paid into such second supplemental sinking fund to be applied by the treasurer to the payment of the interest and principal of the said six hundred thousand dollars of bonds. In case it shall be determined that all of such excess cannot be so paid without impairing rights secured by the constitution of the United States to holders of any of the said sixteen million dollars of bonds heretofore sold and paid for or to holders of any of the said three million dollars of bonds heretofore sold and paid for, then to the extent that such excess can be so paid without such impairment, so much thereof as may be required for interest and sinking fund requirements in respect of the said three million dollars of bonds on a basis of the payment thereof at the expiration of twenty years after their respective dates shall be paid into the said first supplemental sinking fund and the remainder shall be paid into the second supplemental sinking fund as hereinbefore provided. If the amounts so directed to be contributed to the said first and second supplemental sinking funds shall be more than necessary to meet the interest on the said three million dollars of bonds and on the said six hundred thousand dollars of bonds and to retire the principal thereof at the expiration of twenty years after their respective dates, the public works department shall establish the said reduced schedule as hereinbefore provided.

SECTION 5. If any provision hereof shall be invalid, such invalidity shall not affect any other provisions of this act or the validity of any of said nineteen million six hundred thousand dollars of bonds as obligations secured not only by the full credit of the city but also by a pledge of the receipts from tolls and charges as herein provided to the extent that such provisions shall be valid.

SECTION 6. Said chapter two hundred and ninety-seven, having been submitted to and accepted by the city council of the city of Boston, in accordance with the provisions of section fifteen thereof, this act in amendment of said chapter shall take effect upon its passage and without being further submitted to the city council of said city.

SECTION 7. Any funds recovered by the city of Boston in actions instituted to recover from the recipients the whole or any part of profits made by them in connection with the taking by the said city of property for the construction of the Sumner Tunnel, so called, shall be paid into the second supplemental sinking fund created by this act, and used for the payment and redemption of the six hundred thousand dollars of bonds authorized hereunder.

Approved July 31, 1935.

Chap. 456 AN ACT RELATIVE TO THE APPROPRIATION OF MONEY FOR WORKS PROGRESS ADMINISTRATION PROJECTS.

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:

Appropriations made, or to be made, for Emergency Relief Administration projects from the proceeds of loans issued under chapters one hundred and eighty-eight and three hundred of the acts of the current year may be expended on projects of the Works Progress Administration or its successor, if any. Appropriations made for Emergency Relief Administration projects from taxation or available funds by cities and towns may, without further vote, be used for any project of the Works Progress Administration.

Approved July 31, 1935.

Chap. 457 AN ACT PROVIDING FOR THE CONSTRUCTION OF ADDITIONAL SEWERAGE WORKS FOR THE SOUTH ESSEX SEWERAGE DISTRICT AND FOR CERTAIN OTHER IMPROVEMENTS IN RELATION TO SUCH WORKS.

Be it enacted, etc., as follows:

The department of public works, with the consent of the South Essex sewerage board and the approval of the department of public health, may, for the purposes of this act, take by eminent domain under chapter seventy-nine of the General Laws, in behalf of the South Essex sewerage district, public or private property in said district, and may reconstruct, relocate, rebuild, re-equip, alter and enlarge the Salem sewage pumping station of said district, may construct works at or near said pumping station for the treatment of sewage received thereat and may construct multiple

outlets in an extension of the present outfall sewer of said district. For all or any of such purposes, said department of public works may apply for, accept and use, in accordance with such federal and state laws as may be in force at the time, such moneys as the federal government may furnish for the purposes; provided, that no portion of any moneys received from the federal government for any of such purposes shall be assessed upon or paid by the cities of Salem, Peabody or Beverly, or the town of Danvers.

Approved July 31, 1935.

AN ACT INCREASING THE NUMBER OF ASSISTANT DISTRICT ATTORNEYS IN THE SUFFOLK AND SOUTHEASTERN DISTRICTS AND ESTABLISHING THE SALARIES OF THE DISTRICT ATTORNEYS FOR THE NORTHWESTERN AND WESTERN DISTRICTS AND OF CERTAIN ASSISTANT DISTRICT ATTORNEYS.

Chap. 458

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 safety and convenience.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter twelve of the General Laws is hereby amended by striking out section fourteen, as most recently amended by section one of chapter four hundred and thirty-three of the acts of the current year, and inserting in place thereof the following: — *Section 14.* District attorneys of the following districts may appoint the following officers, as herein specified, and may at their pleasure remove them:

G. L. (Ter.
Ed.), 12, § 14,
etc., amended.

Assistant
district
attorneys.

For the Suffolk district, twelve assistant district attorneys.

For the northern district, an assistant district attorney and five second assistant district attorneys.

For the eastern district, four assistant district attorneys.

For the middle district, an assistant district attorney, a second assistant district attorney and a third assistant district attorney.

For the southeastern district, an assistant district attorney, a second assistant district attorney and a third assistant district attorney, and, if in the opinion of the district attorney the interests of the commonwealth require, with the approval of the chief justice of the superior court, a deputy district attorney.

For the southern district, an assistant district attorney and a second assistant district attorney.

For the western district, an assistant district attorney and a second assistant district attorney, of whom one shall reside in Berkshire county and the other in Hampden county.

SECTION 2. Said chapter twelve is hereby further amended by striking out section fifteen, as appearing in

G. L. (Ter.
Ed.), 12, § 15,
amended.

the Tercentenary Edition, and inserting in place thereof the following:— *Section 15.* District attorneys shall receive from the commonwealth salaries as follows:

For the Suffolk district, nine thousand dollars.

For the northern district, seven thousand dollars.

For the eastern district, six thousand dollars.

For the middle district, six thousand dollars.

For the southeastern district, six thousand dollars.

For the southern district, five thousand dollars.

For the western district, six thousand dollars.

For the northwestern district, four thousand dollars.

SECTION 3. Said chapter twelve is hereby further amended by striking out section sixteen, as amended by section two of said chapter four hundred and thirty-three, and inserting in place thereof the following:— *Section 16.* Assistant, second assistant and third assistant district attorneys and deputy district attorneys shall receive from the commonwealth salaries as follows:

For the Suffolk district, two assistants, sixty-five hundred dollars; four assistants, five thousand dollars; two assistants, four thousand dollars; and four assistants, three thousand dollars.

For the northern district, assistant, five thousand dollars; second assistants, four thousand dollars.

For the eastern district, one assistant, thirty-six hundred dollars; one assistant, three thousand dollars; two assistants, twenty-four hundred dollars.

For the middle district, assistant, thirty-six hundred dollars; second assistant, three thousand dollars; third assistant, twenty-four hundred dollars.

For the southeastern district, assistant, thirty-six hundred dollars; second assistant, three thousand dollars; third assistant, three thousand dollars; deputy district attorney, such compensation as shall be fixed by the district attorney, with the approval of the chief justice of the superior court.

For the southern district, assistant, three thousand dollars; second assistant, twenty-four hundred dollars.

For the western district, assistant, twenty-four hundred dollars; second assistant, two thousand dollars.

(The foregoing was laid before the governor on the twenty-fifth day of July, 1935, 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.)

Salaries
of district
attorneys.

G. L. (Ter.
Ed.), 12, § 16,
etc., amended.

Salaries of
assistant
district
attorneys.

AN ACT ELIMINATING COMPULSORY MOTOR VEHICLE INSURANCE FOR THE BENEFIT OF GUESTS OF PERSONS WHOSE LIABILITY IS COVERED THEREBY.

Chap. 459

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:

SECTION 1. Section thirty-four A of chapter ninety of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the paragraph defining the word "Certificate" the following new paragraph:—

G. L. (Ter. Ed.), 90, § 34A, amended.

"Guest occupant" or "guest occupant of such motor vehicle", any person, other than an employee of the owner or registrant of a motor vehicle or of a person responsible for its operation with the owner's or registrant's express or implied consent, being in or upon, entering or leaving the same, except a passenger for hire in the case of a motor vehicle registered as a taxicab or otherwise for carrying passengers for hire.

"Guest occupant", term defined.

SECTION 2. Said section thirty-four A, as so appearing, is hereby further amended by striking out the last two paragraphs and inserting in place thereof the following:—

G. L. (Ter. Ed.), 90, § 34A, further amended.

"Motor vehicle liability bond", a bond conditioned that the obligor shall within thirty days after the rendition thereof satisfy all judgments rendered against him or against any person responsible for the operation of the obligor's motor vehicle with his express or implied consent in actions to recover damages for bodily injuries, including death at any time resulting therefrom, and judgments rendered as aforesaid for consequential damages 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 bodily injuries or death, sustained during the term of said bond by any person, other than a guest occupant of such motor vehicle or any employee of the owner or registrant of such vehicle or of such other person responsible as aforesaid who is entitled to payments or benefits under the provisions of chapter one hundred and fifty-two, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle, to the amount or limit of at least five thousand dollars on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of at least ten thousand dollars on account of any one accident resulting in injury to or death of more than one person.

"Motor vehicle liability bond".

"Motor vehicle liability policy", a policy of liability insurance which provides indemnity for or protection to the insured and any person responsible for the operation of the

"Motor vehicle liability policy".

insured's motor vehicle with his express or implied consent against loss by reason of the liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, or consequential damages 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 bodily injuries or death, sustained during the term of said policy by any person, other than a guest occupant of such motor vehicle or of any employee of the owner or registrant of such vehicle or of such other person responsible as aforesaid who is entitled to payments or benefits under the provisions of chapter one hundred and fifty-two, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle, to the amount or limit of at least five thousand dollars on account of injury to or death of any one person, and, subject to such limits as respects injury to or death of one person, of at least ten thousand dollars on account of any one accident resulting in injury to or death of more than one person, or a binder as defined in section one hundred and thirteen A of said chapter one hundred and seventy-five providing indemnity or protection as aforesaid pending the issue of such a policy.

SECTION 3. Said chapter ninety is hereby further amended by striking out section thirty-four D, as so appearing, and inserting in place thereof the following:— *Section 34D.* The applicant for registration may, in lieu of procuring a motor vehicle liability bond or policy, deposit with the department cash in the amount of five thousand dollars or bonds, stocks or other evidences of indebtedness satisfactory to the department of a market value of not less than five thousand dollars as security for the payment by such applicant or by any person responsible for the operation of such applicant's motor vehicle with his express or implied consent of all judgments rendered against such applicant or against such person in actions to recover damages for bodily injuries, including death at any time resulting therefrom, and judgments rendered as aforesaid for consequential damages 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 bodily injuries or death, sustained during the term of registration by any person, other than a guest occupant of such motor vehicle or any employee of the owner or registrant of such motor vehicle or of such other person responsible as aforesaid who is entitled to payments or benefits under the provisions of chapter one hundred and fifty-two, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle, to the amount or limit of at least five thousand dollars on account of any such judgment. The depositor shall be entitled to the interest accruing on his deposit and to the income payable on the securities

G. L. (Ter. Ed.), 90, § 34D, amended.

Deposit of cash, etc., in lieu of bond.

deposited and may from time to time with the consent of the department change such securities. Upon presentation to the department by an officer qualified to serve civil process of an execution issued on any such judgment against the registrant or other person responsible as aforesaid, the department shall pay, out of the cash deposited by the registrant as herein provided, the amount of the execution, including costs and interest, up to but not in excess of five thousand dollars. If the registrant has deposited bonds, stocks or other evidences of indebtedness, the department shall, on presentation of an execution as aforesaid, cause the said securities or such part thereof as may be necessary to satisfy the judgment to be sold at public auction, giving the registrant three days' notice in writing of the time and place of said sale, and from the proceeds of said sale the department shall, after paying the expenses thereof, satisfy the execution as hereinbefore provided when a cash deposit has been made. Any payment upon an execution by the department in accordance with the provisions of this section shall discharge its members from all official and personal liability whatever to the registrant to the extent of such payment. The department shall, whenever the amount of such deposit from any cause falls below the amount required by this section, require, at the option of the registrant, the deposit of additional cash or securities up to the amount required by this section or a motor vehicle liability bond or policy as provided in this chapter. Money or securities deposited with the department under the provisions of this section shall not be subject to attachment or execution except as provided in this section. The department shall deposit any cash received under the provisions of this section in a savings bank or the savings department of a trust company or of a national bank within the commonwealth.

SECTION 4. Section one hundred and thirteen B of chapter one hundred and seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after the first paragraph the following new paragraph: —

The commissioner shall, annually on or before September fifteenth, after due hearing and investigation, fix and establish adequate, just, reasonable and non-discriminatory premium charges to be used and charged by companies in connection with the issue or execution of liability policies or bonds, for the ensuing calendar year or any part thereof, which provide indemnity for or protection to the insured or to the obligor and any person responsible for the operation of the motor vehicle of the insured or of the obligor with his express or implied consent against loss by reason of the liability to pay damages to others for bodily injuries, including death at any time resulting therefrom, or consequential damages consisting of expenses incurred by a husband, wife, parent or guardian for medical, nursing,

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

Establishment
of rates and
premium
charges.

hospital or surgical services in connection with or on account of such bodily injuries or death, sustained during the term of such policy or bond by a guest occupant of such motor vehicle, as defined in section thirty-four A of chapter ninety, and arising out of the ownership, operation, maintenance, control or use upon the ways of the commonwealth of such motor vehicle; provided, that the parties to any such policy or bond may contract for the payment of a higher premium charge than that fixed and established as aforesaid. The provisions of this section applicable to motor vehicle liability policies or bonds, as defined in said section thirty-four A, shall, so far as apt, apply to premium charges fixed under this paragraph.

Application
of act.

SECTION 5. The provisions of this act shall not apply to motor vehicle liability policies and bonds, both as defined in section thirty-four A of chapter ninety of the General Laws, issued or executed in connection with the registration of motor vehicles or trailers for operation prior to or during the current year or any part thereof; nor shall said provisions affect the coverage of any deposit made under said section thirty-four D in relation to such operation.

Approved August 1, 1935.

Chap. 460

AN ACT ESTABLISHING ANNUAL SALARIES FOR SCRUB WOMEN AND CLEANERS EMPLOYED BY THE COMMONWEALTH AND RELATIVE TO THEIR RIGHTS AND PRIVILEGES AS STATE EMPLOYEES.

Be it enacted, etc., as follows:

G. L. (Ter.
Ed.), 8, § 5,
amended.

SECTION 1. Chapter eight of the General Laws is hereby amended by striking out section five, as appearing in the Tercentenary Edition, and inserting in place thereof the following: — *Section 5.* Scrub women and cleaners employed by the commonwealth shall each receive an annual salary of nine hundred and fifty dollars, payable weekly. Their work shall not, without proportionate payment for overtime, exceed thirty-three hours weekly and they shall be entitled to the same rights and privileges in respect to sick leave, holidays and vacations as other state employees.

Scrub women,
compensation
of, established.

Effective date.

SECTION 2. This act shall take effect as of the first day of June in the current year. *Approved August 1, 1935.*

AN ACT PROVIDING FOR PREFERENCE TO BE GIVEN TO VETERANS AND OTHERS IN THE EMPLOYMENT OF MECHANICS, TEAMSTERS, CHAUFFEURS AND LABORERS ON CERTAIN PUBLIC WORKS, AND PROVIDING ALSO FOR THE PRIOR DETERMINATION BY THE COMMISSIONER OF LABOR AND INDUSTRIES OF THE MINIMUM WAGES TO BE PAID TO SAID EMPLOYEES ON SUCH PUBLIC WORKS.

Chap. 461

Be it enacted, etc., as follows:

Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out sections twenty-six and twenty-seven, as appearing in the Tercentenary Edition, and inserting in place thereof the six following new sections: — *Section 26.* In the employment of mechanics, teamsters, chauffeurs and laborers in the construction of public works by the commonwealth, or by a county, town or district, or by persons contracting or sub-contracting for such works, preference shall first be given to citizens of the commonwealth who have served in the army or navy of the United States in time of war and have been honorably discharged therefrom or released from active duty therein, and who are qualified to perform the work to which the employment relates; and secondly, to citizens of the commonwealth generally, and, if they cannot be obtained in sufficient numbers, then to citizens of the United States, and every contract for such work shall contain a provision to this effect. Each county, town or district in the construction of public works, or persons contracting or sub-contracting for such works, shall give preference to veterans and citizens who are residents of such county, town or district. The rate per hour of the wages paid to said mechanics, teamsters, chauffeurs and laborers in the construction of public works shall not be less than the rate or rates of wages to be determined by the commissioner as hereinafter provided; provided, that the wages paid to laborers employed on said works shall not be less than those paid to laborers in the municipal service of the town or towns where said works are being constructed; provided, further, that where the same public work is to be constructed in two or more towns, the wages paid to laborers shall not be less than those paid to laborers in the municipal service of the town paying the highest rate; provided, further, that if, in any of the towns where the works are to be constructed, a wage rate or wage rates have been established in certain trades and occupations by collective agreements or understandings between organized labor and employers, the rate or rates to be paid on said works shall not be less than the rates so established; provided, further, that in towns where no such rate or rates have been so established, the wages paid to mechanics, teamsters, chauffeurs and laborers on public works, shall not be less than the wages paid to the employees in the same trades and

G. L. (Ter. Ed.), 149, §§ 26 and 27, stricken out and §§ 26 to 27D, inserted. Preference to veterans and citizens in public works.

occupations by private employers engaged in the construction industry. This section shall also apply to regular employees of the commonwealth, or of the county, town or district when such employees are employed in the construction, addition to or alteration of said works for which special appropriations are provided.

Lists of public
works projects.
Rate of wages.

Section 27. The commissioner shall prepare, for the use of such public officials or public bodies whose duty it shall be to cause public works to be constructed, a list of the several jobs usually performed on various types of public works upon which mechanics, teamsters, chauffeurs and laborers are employed. The commissioner shall classify said jobs, and he may revise such classification from time to time, as he may deem advisable. Prior to awarding a contract for the construction of public works, said public official or public body shall submit to the commissioner a list of the jobs upon which mechanics, teamsters, chauffeurs and laborers are to be employed, and shall request the commissioner to determine the rate of wages to be paid on each job. The commissioner, subject to the provisions of the preceding section, shall proceed forthwith to determine the same, and shall furnish said official or public body with a schedule of such rate or rates of wages as soon as said determination shall have been made. In advertising or calling for bids for said works, the awarding official or public body shall incorporate said schedule in the advertisement or call for bids by an appropriate reference thereto, and shall furnish a copy of said schedule, without cost, to any person requesting the same. Said schedule shall be made a part of the contract for said works and shall continue to be the minimum rate or rates of wages for said employees during the life of the contract. Any person engaged in the construction of said works shall cause a legible copy of said schedule to be kept posted in a conspicuous place at the site of said works during the life of the contract. Whoever shall pay less than said rate or rates of wages to an employee on said works shall forfeit to the commissioner a sum equal to twice the difference between said rate or rates and the wages actually paid to said employee, said sum to be recovered by the commissioner in an action of contract for the benefit of the employee; and whoever, for himself, or as representative, agent or officer of another, shall take or receive for his own use or the use of any other person, as a rebate, refund, or gratuity, or in any other guise, any part or portion of the wages paid to any employee for work done or service rendered on said public works, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than six months, or both.

Wage de-
termination.

Section 27A. Within three days from the date of the first advertisement or call for bids, two or more employers of labor, or two or more members of a labor organization, or the awarding officer or official, or five or more residents

of the town or towns where the public works are to be constructed, may appeal to the associate commissioners from a wage determination, or a classification of employment as made by the commissioner, by serving on the commissioner a written notice to that effect. Thereupon the commissioner shall immediately cause the associate commissioners to hold a public hearing on the commissioner's action appealed from. The associate commissioners shall render their decision not later than three days after the closing of the hearing. The decision of a majority of the associate commissioners shall be final and notice thereof shall be given forthwith to the awarding official or public body.

Section 27B. Every contractor, sub-contractor or public body engaged in said public works to which the two preceding sections apply, shall keep true and accurate register of all mechanics, teamsters, chauffeurs and laborers employed thereon, showing the name, address and occupational classification of each employee on said works, and the hours worked by, and the wages paid to, each such employee, and shall furnish to the department upon its request a true statement of the same. Such records shall be kept in such manner as the commissioner shall prescribe, and shall be open to inspection by any authorized representative of the department at any reasonable time and as often as may be necessary.

Register to
be kept.

Section 27C. Whoever, either by himself or an agent, superintendent or foreman for another, violates any provision of the four preceding sections, where no other penalty has been provided for, shall be punished by a fine of not less than one hundred nor more than three hundred dollars for a first offence, 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 more than three months, or both. Whoever shall have been convicted of a second violation of any of said provisions shall be prohibited from contracting, directly or indirectly, with the commonwealth or any county, city, or town for the construction of any public works, or from performing any work on the same as contractor or sub-contractor for a period of two years from the date of said conviction.

Penalty.

Section 27D. Wherever used in sections twenty-six to twenty-seven C, inclusive, the words "construction" and "constructed", as applied to public works, shall include additions to and alterations of public works.

Certain terms
defined.

Approved August 1, 1935.

Chap. 462 AN ACT ENABLING THE COMMONWEALTH TO SECURE CERTAIN BENEFITS PROVIDED FOR IN AN ACT OF CONGRESS FOR RESEARCH INTO MATTERS PERTAINING TO THE PRODUCTION, DISTRIBUTION AND SALE OF AGRICULTURAL PRODUCTS AND FOR ALLIED PURPOSES.

Whereas, There has been enacted by the Senate and House of Representatives of the United States of America in Congress assembled An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of co-operative agricultural extension work and the more complete endowment and support of land-grant colleges, approved June twenty-ninth, nineteen hundred and thirty-five; and

Whereas, The provisions of the act and the purposes of the grants of money authorized by the act are made subject to legislative assent of the several states and territories to the provisions of the act and the purposes of said grants; and

Emergency
preamble.

Whereas, The deferred operation of this act would tend to defeat its purpose and to deprive the state from securing benefits from the foregoing act, 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 treasurer
to receive
federal funds.

SECTION 1. The state treasurer is authorized and directed to receive all federal grants allotted to the commonwealth under the provisions of an act of Congress entitled "An Act to provide for research into basic laws and principles relating to agriculture and to provide for the further development of co-operative agricultural extension work and the more complete endowment and support of land-grant colleges", and approved June twenty-ninth, nineteen hundred and thirty-five. All sums received by the state treasurer shall be transmitted by him to the trustees of the Massachusetts state college and shall be expended by said trustees at said college in carrying out the purposes of the said act.

G. L. (Ter.
Ed.), 75, § 6,
amended.

SECTION 2. Section six of chapter seventy-five of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by adding at the end thereof the following: — The term "receipts", as herein used, shall include all federal grants received by the trustees, — so as to read as follows: — *Section 6.* A complete accounting of receipts and expenditures shall be made to the governor annually. Monthly statements of receipts and expenditures shall be made to the comptroller by the treasurer, who shall keep complete records and files of pay rolls and bills in his office. There shall be a complete audit of the accounts of the college, including receipts and expenditures, under the direction of the trustees, at least twice a year. The term

Accounting.
Audits at
state college.

“receipts”, as herein used, shall include all federal grants received by the trustees. *Approved August 2, 1935.*

AN ACT FURTHER REGULATING THE SALE, TRANSPORTATION, STORAGE AND USE OF BENZOL AND ITS COMPOUNDS. *Chap. 463*

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 safety.

Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Section one hundred and forty-two A of chapter one hundred and forty-nine of the General Laws, inserted by chapter three hundred and four of the acts of nineteen hundred and thirty-three, is hereby amended by inserting after the word “manufacturing” in the second and third lines the word: — , mechanical, — and also by adding at the end thereof the words: — or with the words “VOLATILE SOLVENT, POISON. USE WITH ADEQUATE VENTILATION. AVOID PROLONGED BREATHING OF VAPOR”, — so as to read as follows:— *Section 142A*. No person shall keep for sale, sell, transport or store, and no person shall have for use in any manufacturing, mechanical or mercantile establishment, benzene, represented by the chemical formula C_6H_6 , in sections one hundred and forty-two B to one hundred and forty-two F, inclusive, called benzol, in any receptacle other than part of a vehicle used exclusively for outdoor transportation, unless such receptacle is marked with the word “BENZOL” and with the words “BEWARE OF POISONOUS FUMES” or with the words “VOLATILE SOLVENT, POISON. USE WITH ADEQUATE VENTILATION. AVOID PROLONGED BREATHING OF VAPOR”.

G. L. (Ter. Ed.), 149, § 142A, etc., amended.

Benzol, etc., containers for to be marked.

SECTION 2. Said chapter one hundred and forty-nine is hereby further amended by striking out section one hundred and forty-two B, inserted as aforesaid, and inserting in place thereof the following:— *Section 142B*. No person shall keep for sale, sell, transport or store, and no person shall have for use in any manufacturing, mechanical or mercantile establishment, any material containing benzol, in any receptacle other than part of a vehicle used exclusively for outdoor transportation, unless such receptacle is marked with one of the following combinations of words and figures:

G. L. (Ter. Ed.), 149, § 142B, etc., amended.

Labels, how marked.

“CONTAINS LESS THAN 20 PER CENT BENZOL”,
 “CONTAINS MORE THAN 15 PER CENT BENZOL”,
 truly indicating the proportion of benzol incorporated in the mixture as last compounded, and with the words “BEWARE OF POISONOUS FUMES” or with the words “POISON. USE WITH ADEQUATE VENTILATION. AVOID PROLONGED BREATHING OF VAPOR”.

Approved August 2, 1935.

Chap. 464 AN ACT PROVIDING A PUBLIC WORKS PROGRAM FOR THE PURPOSE OF ALLEVIATING EXISTING CONDITIONS RESULTING FROM UNEMPLOYMENT.

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 following classes of public works projects may be carried out by the state department of public works or under its direct supervision, subject to the following conditions and restrictions and within the following limits of aggregate ultimate liability on the part of the commonwealth:

CLASSES OF PROJECTS.	Limits of Aggregate Ultimate Liability on the Part of the Commonwealth.
(1) Highway projects, including alterations of highway bridges over or under railroads and the construction and reconstruction of circles, to be carried out, under the direct supervision of the department of public works, by any city or town eligible to receive allotments under chapter eighty-one or ninety of the General Laws, any such project to be paid for out of one hundred per cent grant to a city or town so eligible, except that an allotment for engineering services may be made at the discretion of the commissioner of said department before any such grant is made	\$2,300,000 00
Said sum of \$2,300,000.00 shall be composed of the following items: I, Engineering, \$200,000.00; II, To towns under chapter 81 of the General Laws, \$50 per mile of public ways; III, To cities and towns not eligible under chapter 81 upon the basis of their respective payments for the state tax.	
(2) Projects for the construction of sidewalks bordering state highways, to be carried out by said department, including expenses for engineering and land damages	4,000,000 00
(3) Highway projects under the Hayden-Cartwright bill, so called	1,741,877 00
(4) Grade crossing eliminations, including alterations of crossings not at grade, and highway projects, including construction, reconstruction and maintenance of state highways, land damages and expenses for engineering services, and also expenses necessary to carry out any highway or grade crossing projects to which the federal government contributes	3,958,123 00
(5) Projects for the improvement, development and protection of rivers and harbors, tide waters and foreshores, including work on Commonwealth Pier	1,000,000 00
[Of which not less than \$250,000.00 shall be expended elsewhere than in Boston harbor.]	

The commissioner of said department shall have full authority to select the projects that may be entered into under authority hereof and to carry out negotiations and enter into agreements relative thereto with the appropriate agencies of the federal government, if deemed advisable by him, and no project shall be entered into hereunder unless it is approved by him. The commonwealth may accept and use for any project so approved any grant of federal funds. For the purpose of carrying out projects under this act, the state treasurer may, from time to time, borrow on the credit of the commonwealth such sums, not exceeding in the aggregate thirteen million dollars and may issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued hereunder shall become due not later than five 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 printed thereon shall have the same effect as his written signature.

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.

All interest payments and payments on account of principal on such obligations shall be paid from the Highway Fund, without appropriation; provided, that, notwithstanding the foregoing, such obligations shall be general obligations of the commonwealth.

In anticipation of the sale of such obligations, 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 under this act; but all money so paid from said fund shall be repaid thereto out of the proceeds of the sale of such obligations.

SECTION 2. For the purposes of this act, the state department of public works and any city or town may enter into agreements whereby a city or town may obligate itself to acquire such lands or rights therein as may be necessary for carrying out any project aforesaid or to pay all expenses incident to the acquisition of such lands and rights therein, or both. For the purposes of this act, the state department of public works, on behalf of the commonwealth, or on behalf of any city or town entering into an

agreement to carry out any project as aforesaid, or any city or town so entering into any agreement aforesaid on its own behalf, may enter upon or 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, including lands or rights therein under the control of the metropolitan district commission, or such public ways, as may be necessary for carrying out any such project, including such lands or rights therein as may be necessary for the construction of any necessary drainage outlets; provided that no damages shall be paid for public lands or parks, parkways or reservations so taken. Upon the recording of an order to that effect by said department in its office, the title to and control of lands or rights therein taken or acquired in connection with a highway project, other than a state highway project, shall become vested in the city or town in which the land lies or the control of land or rights therein so taken or acquired shall become vested in the metropolitan district commission, and thereafter the highway improvement completed under such project shall be kept in good condition and repair by such city or town or the metropolitan district commission, as the case may be.

SECTION 3. For the purpose of paying any expenses incurred under any agreement entered into under the preceding section, a city, town or county may borrow 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 in the case of a city or town, and to chapter thirty-five of the General Laws in the case of a county. Any borrowing hereunder by a city or town may be outside its statutory limit of indebtedness. *Approved August 5, 1935.*

Chap. 465 AN ACT MAKING CERTAIN THAT THE OPERATION OF EXISTING PROVISIONS OF LAW PROHIBITING THE USE OF CERTAIN TRAILERS ON THE WAYS OF THE COMMONWEALTH SHALL CONTINUE TO BE DEFERRED UNTIL JANUARY FIRST, NINETEEN HUNDRED AND THIRTY-SIX.

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:

The provisions of chapter three hundred and twenty-six of the acts of the current year shall not cause the provisions of section three of chapter three hundred and thirty-two of the acts of nineteen hundred and thirty-three to take effect earlier than January first, nineteen hundred and thirty-six. *Approved August 6, 1935.*

AN ACT RELATIVE TO THE PAYMENT OF ANNUITIES TO DEPENDENTS OF POLICEMEN, FIREMEN, INVESTIGATORS OR EXAMINERS OF THE REGISTRY OF MOTOR VEHICLES, INSPECTORS OF THE DEPARTMENT OF LABOR AND INDUSTRIES, LOCAL FOREST WARDENS OR PRISON OFFICERS KILLED OR DYING FROM INJURIES RECEIVED OR HAZARDS UNDERGONE IN THE PERFORMANCE OF DUTY.

Chap. 466

Be it enacted, etc., as follows:

Chapter thirty-two of the General Laws is hereby amended by striking out section eighty-nine, as most recently amended by chapter three hundred and forty-three of the acts of nineteen hundred and thirty-four, and inserting in place thereof the following: — *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, or an inspector of the department of labor and industries, or a prison officer, is killed, or dies from injuries received, or dies as a natural and proximate result of undergoing a hazard peculiar to his employment, while in the performance of his duty, and it shall be proved to the satisfaction of the appropriate public authority as hereinafter defined that such death was the natural and proximate result of an accident occurring, or of undergoing a hazard peculiar to his employment, while he was acting in the performance and within the scope of his duty, and all members of a board consisting of two physicians designated by the public authority hereinafter defined, and one physician to be designated by the commissioner of public health shall certify to the treasurer of the body politic and corporate by which the compensation of such deceased person was payable, that the death was the natural and proximate result of the said injury or hazard, there shall, except as hereinafter provided, be paid out of the treasury of such body politic and corporate, 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 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

G. L. (Ter. Ed.), 32, § 89, etc., amended.

Annuities payable to dependents of policemen, etc., killed, etc., in performance of duty.

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, except as hereinafter provided, exceed the annual rate of compensation received by such deceased person at the date of his death. 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 or underwent the hazard 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 appropriate public authority as hereinafter defined.

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.

The words "appropriate public authority", as used in this section, shall mean, as to a member of the police or fire force or a forest warden of a city, the mayor and city council; as to a member of the police or fire force or a forest warden of a town, the selectmen; as to a member of the department of public safety doing police duty, the commissioner of public safety, with the approval of the governor and council; as to an investigator or examiner of the registry of motor vehicles in the department of public works, the commissioner of public works, with like approval; as to an inspector of the department of labor and industries, the commissioner of labor and industries, with like approval; as to a prison officer of the state prison, the state prison colony, the Massachusetts reformatory, the state farm, or the reformatory for women, the commissioner of correction,

with like approval; and as to a prison officer of a jail or house of correction, the sheriff and county commissioners of the county, except in the county of Suffolk, where the public authority as to prison officers of the jail shall be the sheriff and the mayor of Boston, and, as to prison officers of the house of correction, the penal institutions commissioner and the mayor of Boston.

The provisions of this section shall apply to deaths resulting from injuries received, occurring on or after January first, nineteen hundred and thirty in the case of policemen and firemen and members of the department of public safety doing police duty, occurring on or after August twenty-fifth, nineteen hundred and thirty-two in the case of inspectors or examiners of the registry of motor vehicles in the department of public works, occurring on or after September twenty-fifth, nineteen hundred and thirty-four in the case of forest wardens of cities or towns, and occurring on or after January first, nineteen hundred and thirty-four in the case of inspectors of the department of labor and industries and of prison officers, and to deaths resulting from hazards undergone, occurring on or after January first, nineteen hundred and thirty-five, in the case of policemen, firemen, members of the department of public safety doing police duty, inspectors or examiners of the registry of motor vehicles in the department of public works, forest wardens of cities or towns, inspectors of the department of labor and industries and prison officers, irrespective of the time of receiving the injuries or undergoing the hazards resulting in such death; provided, that nothing contained in this section shall affect any annuity lawfully granted under the provisions thereof as previously from time to time in effect.

Approved August 6, 1935.

AN ACT PROVIDING A PENSION FOR JOSEPH MURPHY OF
HOLYOKE, A FORMER MEMBER OF THE STATE POLICE. *Chap. 467*

Be it enacted, etc., as follows:

Subject to appropriation, there shall be paid out of the state treasury to Joseph Murphy of Holyoke, who was injured while in the performance of his duties as a member of the state police in March, nineteen hundred and thirty-one, an annual pension equal to one half the salary he was receiving at the time of said injury. Said pension shall be payable monthly, commencing upon the date of the approval of payment by the governor and council.

Approved August 6, 1935.

Chap. 468 AN ACT FURTHER REGULATING THE HOURS DURING WHICH SALES OF ALCOHOLIC BEVERAGES MAY BE MADE BY CERTAIN LICENSEES.

Be it enacted, etc., as follows:

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

Licenses, granting of.

SECTION 1. Chapter one hundred and thirty-eight of the General Laws is hereby amended by striking out section twelve, as most recently amended by sections seven to nine, inclusive, of chapter four hundred and forty of the acts of the current year, 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, 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; provided, that no tavern license shall be granted to the holder of a hotel license hereunder. Such sales may also be made, by an innholder licensed hereunder, to registered guests occupying private rooms in his hotel. Upon an application for a restaurant license, the local licensing authorities may in their discretion grant such a license authorizing the sale of alcoholic beverages on all days of the week or one authorizing such sale on secular days only, and the decision of such authorities as to which of the two types may be granted upon any particular application shall be final. 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.

No alcoholic beverage shall be served to or drunk by a woman in a public room or area of a hotel, or in a restaurant or club, licensed under this section, except while seated at a table or seated at a counter equipped with stools, and no such beverage shall be served to or drunk by a woman in a tavern; and no such beverage shall on Sundays be served to or drunk by any person standing at a bar or counter in such a hotel, restaurant or club.

If a license granted under this section to a person holding a license as an innholder or common victualler is sus-

pended 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.

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 under this section for the sale of all alcoholic beverages, and in no case less than one hundred dollars, nor, except as hereinafter provided, more than five hundred dollars for a tavern license or one thousand dollars for any other license under this section for the sale of wines and malt beverages, or either; 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; and provided, further, that nothing herein shall prevent such authorities from establishing license fees differing in amounts within the limitations aforesaid for restaurant licenses authorizing the sale of alcoholic beverages on all days of the week and for restaurant licenses authorizing such sale on secular days only. If different license fees are so established the fee for licenses authorizing the sale of alcoholic beverages on all days of the week shall not be more than twenty-five per cent higher than the fee for licensing such sale on secular days only. 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 secular day between the hours of one 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 such day after eleven o'clock ante meridian and before eleven o'clock post meridian, and that no tavern shall be kept open on any such 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.

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 2. Section thirty-three of said chapter one hundred and thirty-eight, as most recently amended by section nine of chapter three hundred and seventy of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out, in the sixteenth line, the words "between the hours of two o'clock ante meridian and" and inserting in place thereof the word: — before, — so as to read as follows: — *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

G. L. (Ter. Ed.), 138, § 33, etc., amended.

Sales regulated.

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 before 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.

Approved August 6, 1935.

AN ACT PROVIDING FOR THE CONSTRUCTION OF A STATE HIGHWAY OVER THE ROUTE OF THE OLD MIDDLESEX TURNPIKE, SO CALLED, FROM ARLINGTON TO NORTH CHELMSFORD. *Chap. 469*

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 lay out and construct a state highway extending from the junction of Lowell street and Massachusetts avenue in the town of Arlington, through the towns of Burlington, Billerica and Chelmsford, over the route of the Old Middlesex Turnpike, so called, with connecting links between the town of Chelmsford and the city of Lowell.

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, or parts thereof or rights therein, and 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 so taken.

SECTION 3. The cost of laying out and constructing said proposed highway and of 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 paid for lands or rights purchased, and all other expenses incurred in carrying out the provisions of section one, shall be deemed to be the cost of the work therein authorized. Work shall be undertaken hereunder only at such time as federal funds are available to meet the cost of laying out and constructing said proposed highway, exclusive of other expenses included in the cost of such work, except that the department may in its discretion lay out and construct any sections thereof for which money may be available from state appropriations.

Approved August 6, 1935.

Chap. 470 AN ACT RELATIVE TO THE MUNICIPAL FINANCE COMMISSION FOR THE TOWN OF MILLVILLE AND PROVIDING FURTHER FOR THE FINANCIAL RELIEF OF SAID TOWN.

Be it enacted, etc., as follows:

SECTION 1. There is hereby established a commission, to be known as the Millville Municipal Finance Commission, hereinafter called the commission, to consist of three members, designated by the governor, with the advice and consent of the council, each of whom shall, at the time of designation, be regularly employed in the service of the commonwealth, and such members shall serve for a period terminating on April twentieth, nineteen hundred and forty. The governor, with like advice and consent, shall, from time to time, designate one of the members as chairman, may remove any member and shall fill any vacancy in the commission for the unexpired term. The action of any two of the members shall constitute the action of the commission; and 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. Such members shall receive no additional compensation for acting hereunder, but shall be paid by the town their necessary traveling and other expenses incurred in the performance of their duties hereunder. The commission may at such time or times as it may deem advisable make a report or reports to the general court.

SECTION 2. Until April twentieth, nineteen hundred and forty, the town of Millville shall have the capacity to act through and to be bound by the commission and not otherwise, except as hereinafter provided, and the commission shall have and exercise exclusively, so far as will conform to the provisions of this act, all rights, powers and duties now or hereafter conferred or imposed upon the inhabitants of said town and its officers, and the commission shall determine the amount that may be expended for any purpose whatsoever and no liability shall be incurred in excess of the amount so determined, notwithstanding the common law or any provision of statutory law to the contrary. The commission may exercise and perform such rights, powers and duties through such agent or agents as it may designate. The commission, on behalf of the town, may issue bonds or notes of the town, but only with the approval of the governor and council. Upon tender to the state treasurer of any notes issued by the town under this section or issued by it in anticipation of revenue, they shall forthwith be purchased by the commonwealth at the face value thereof. Such notes, if issued for purposes of sale to the commonwealth, shall bear such rates of interest as in the judgment of the state treasurer and the commission will cover the entire cost to the commonwealth incurred on account of loans to the town hereunder, includ-

ing interest on money borrowed by the commonwealth under section six of this act and all expenses in connection with the issue of its notes thereunder. The commission shall have the power of appointment of all agents hereunder and shall fix their compensation and assign to them such of the powers and duties of the commission as it shall specify; may purchase supplies; and may employ persons to do work for the town.

SECTION 3. In the distribution of the proceeds of income taxes under the provisions of section eighteen of chapter fifty-eight of the General Laws in each of the years nineteen hundred and thirty-six to nineteen hundred and forty, inclusive, there shall be distributed to said town, in addition to its normal share, the sum of eight thousand dollars.

SECTION 4. The said town of Millville shall not, in said years nineteen hundred and thirty-six to nineteen hundred and forty, inclusive, be subject to assessment under section eighty-five of chapter one hundred and eleven of the General Laws for the maintenance of the Worcester county tuberculosis hospital, nor shall it be entitled to have its residents who are suffering from tuberculosis cared for and treated at said hospital during said years. The commission and the department of public health are hereby authorized to make a contract or contracts for the care and treatment during said years of residents of said town who are suffering from tuberculosis.

SECTION 5. In each of said years nineteen hundred and thirty-six to nineteen hundred and forty, inclusive, the commission shall assess all property within said town, as far as may be, at its fair cash value at a rate twenty per cent in excess of the average rate of tax of all cities and towns of the commonwealth for the preceding year, and any amount necessary to meet expenditures over and above the amount to be raised from taxes and estimated to be received from other sources shall be advanced temporarily by the commonwealth upon receipt of notes of the town payable in not more than four years from their dates.

SECTION 6. 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 the town of Millville as provided in this act, but not exceeding, in the aggregate, one hundred and fifty thousand 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 forty-one. All notes issued under this section shall be signed by the state treasurer, approved by the governor and countersigned by the comptroller.

SECTION 7. In the month of March in the year nineteen hundred and forty, the commission shall call a town meeting for the purpose of filling all offices theretofore provided to be filled by vote of the inhabitants, and the persons elected at such meeting shall, on April twentieth of said year, or as soon thereafter as they qualify for their offices, take over the affairs of said town of Millville.

SECTION 8. If, on April twentieth, nineteen hundred and forty, the principal and interest on all notes issued by said town hereunder and purchased by the commonwealth have not been paid in full, the state treasurer shall have authority not later than the issue of his warrant for the town's share of the state tax, to issue his warrant requiring its assessors to include in its next annual tax levy the amount necessary to pay in full the portion thereof remaining due or to include in that and any succeeding levy the amount necessary to pay any instalment thereof as determined and certified to him by the commission as hereinafter provided. If, in the opinion of the commission, the financial affairs of said town warrant, the commission may direct the assessment of the amount remaining due, in such number of annual instalments, not exceeding three, as may seem advisable; provided, that the amount of any instalment payable in any year shall not be less than the amount of any instalment payable in any subsequent year. Prior to April twentieth, nineteen hundred and forty, the commission shall determine and certify to the state treasurer the amount of each instalment, if any, required to be assessed upon the said town in the several years. The amount included under authority hereof in the state treasurer's warrant to the assessors of the said town shall be collected and paid to him in the same manner and subject to the same penalties as state taxes, and if such amount is not duly paid as aforesaid by the said town, the state treasurer shall have authority to withhold, from any sum due from the commonwealth to it and not previously pledged, the amount necessary to pay in full the amount remaining due to the commonwealth on April twentieth, nineteen hundred and forty.

SECTION 9. This act shall become effective on April twenty-first, nineteen hundred and thirty-six.

Approved August 7, 1935.

AN ACT RELATIVE TO THE LICENSING, HOLDING OR CONDUCTING OF DOG AND HORSE RACING MEETINGS.

Chap. 471

Be it enacted, etc., as follows:

SECTION 1. Section three of chapter one hundred and twenty-eight A of the General Laws, as most recently amended by sections two, three and four of chapter four hundred and fifty-four of the acts of the current year, is hereby further amended by adding after clause (m) the following new clause:—

G. L. (Ter. Ed.), 128A, § 3, etc., amended.

(n) No licenses shall be issued to permit dog racing meetings to be held or conducted in any location where the surrounding property is substantially of a residential character, as determined by or defined by a zoning ordinance or by-law, if any, controlling such location.

Dog racing meetings, locations for, restriction of.

SECTION 2. Notwithstanding the provisions of section thirteen A of chapter one hundred and twenty-eight A of the General Laws, inserted therein by section eight of chapter four hundred and fifty-four of the acts of the current year, no approval, under section thirty-three of chapter two hundred and seventy-one of the General Laws, of the mayor and aldermen of a city or of the selectmen of a town shall be required to lay out, construct, use or operate a race ground, a license to hold a horse or dog racing meeting at which has been issued on or before July first, nineteen hundred and thirty-five, by the state racing commission.

Temporary provisions.

Approved August 9, 1935.

AN ACT PROVIDING FOR INTERVENTION WITHOUT FORMAL PLEADINGS IN PETITIONS RELATING TO THE APPLICATION OF SECURITY FOR PAYMENT OF LABOR ON PUBLIC WORKS.

Chap. 472

Be it enacted, etc., as follows:

SECTION 1. Chapter thirty of the General Laws is hereby amended by striking out section thirty-nine, as most recently amended by section one of chapter two hundred and seventeen of the acts of the current year, 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, including lumber so employed which is not incorporated in the construction or repair work and is not wholly or necessarily consumed or made so worthless as to lose its identity but only to the extent of its purchase price less its fair salvage value, 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

G. L. (Ter. Ed.), 30, § 39, etc., amended.

Construction and repair of public buildings, etc.

Security for payment for labor and materials.

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; provided, that, notwithstanding the foregoing, in case a petition has been duly filed hereunder, any other person who has duly filed a claim solely for labor performed or furnished on or in connection with a certain public work may obtain his rights in the following manner: — The court, before making final disposition of such petition, shall examine all claims which may arise under this section and which have been duly filed in accordance herewith, and determine the respective amounts due such claimants and their rights to participate in the security and apply the security to the claimants held entitled thereto; and the court shall have power to compel the attendance of any official, with whom such claims might be on file, with such claims. The court may require such officials to furnish for the use of the court copies of any such claims as may be on file. Any claimant whose claim has been duly filed shall have the right to appear at hearings on any petition without formally intervening by any pleadings, and may object, except or appeal from any ruling or decision adversely affecting his claim to the same extent and in the same manner as though he had intervened by formal pleadings.

Any person employing persons on any public works hereinbefore referred to shall post conspicuously, at such place or places as will provide reasonable opportunity for all employees to read the same, a correct copy of this section. The department of labor and industries shall enforce this paragraph.

SECTION 2. Chapter one hundred and forty-nine of the General Laws is hereby amended by striking out section twenty-nine, as most recently amended by section two of said chapter two hundred and seventeen, and inserting in place thereof the following:—*Section 29.* Officers or agents who contract in behalf of any county, city or town 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 materials used or employed in such construction or repair, including lumber so employed which is not incorporated in the construction or repair work and is not wholly or necessarily consumed or made so worthless as to lose its identity but only to the extent of its purchase price less its fair salvage value; but to obtain the benefit of such security the claimant shall

G. L. (Ter. Ed.), 149, § 29, etc., amended.

Security for payment of labor on public works.

file in the office of the county treasurer or of the city or town clerk a sworn statement of his claim within sixty days after the claimant ceases to perform labor or furnish labor or materials, 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; provided, that, notwithstanding the foregoing, in case a petition has been duly filed hereunder, any other person who has duly filed a claim solely for labor performed or furnished on or in connection with a certain public work may obtain his rights in the following manner:—The court, before making final disposition of such petition, shall examine all claims which may arise under this section and which have been duly filed in accordance herewith, and determine the respective amounts due such claimants and their rights to participate in the security and apply the security to the claimants held entitled thereto; and the court shall have power to compel the attendance of any official, with whom such claims might be on file, with such claims. The court may require such officials to furnish for the use of the court copies of any such claims as may be on file. Any claimant whose claim has been duly filed shall have the right to appear at hearings on any petition without formally intervening by any pleadings, and may object, except or appeal from any ruling or decision adversely affecting his claim to the same extent and in the same manner as though he had intervened by formal pleadings.

Any person employing persons on any public works hereinbefore referred to shall post conspicuously, at such place or places as will provide reasonable opportunity for all employees to read the same, a correct copy of this section. The department shall enforce this paragraph.

Approved August 9, 1935.

AN ACT RELATIVE TO THE ASSESSMENT AND PAYMENT OF TAXES OF CERTAIN CORPORATIONS AND OF INTEREST THEREON.

Chap. 473

Be it enacted, etc., as follows:

SECTION 1. Chapter sixty-three of the General Laws is hereby amended by striking out section forty-eight, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 48.* The commissioner shall notify corporations of taxes assessed under sections thirty to fifty-one, inclusive, but failure to receive such notice shall not affect the validity of the tax. Except as otherwise provided by section seventy-six, so much of the tax as is measured by income, or in the event a minimum tax is applicable so much of the tax as is equivalent to what would otherwise have been the portion of the tax measured by income, shall be due and payable in advance of assessment at the time when the tax return is required to be

G. L. (Ter. Ed.), 63, § 48, amended.

Notice of tax.
Time of payment.

filed, and the remainder of the tax on October twentieth following. So much of each portion of said tax as is not paid at its due date shall bear interest from said date at the rate of one half of one per cent per month, or major fraction thereof, until it is paid, if paid prior to assessment, otherwise until the tax as assessed is required to be paid. Taxes assessed under sections thirty-six, forty-four, forty-five and forty-six shall include interest as provided in this section to the date when the tax so assessed or any unpaid balance thereof is required to be paid, which except as otherwise provided in section forty-five shall be the thirtieth day following the date of the notice of the assessment, if such notice issues after September twentieth of the year in which the tax return is required to be filed, or on October twentieth next following the date of issue if such notice issues on or before said September twentieth. Interest so assessed shall become a part of the tax.

G. L. (Ter. Ed.), 63, § 36, etc., amended.

Correction of return.

SECTION 2. Section thirty-six of said chapter sixty-three, as amended by section five of chapter three hundred and twenty-seven of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fifteenth and sixteenth lines, the words "of six per cent per annum from October twentieth" and inserting in place thereof the words: — prescribed in section forty-eight from April tenth, — so as to read as follows: — *Section 36.* Any final determination of the federal net income made pursuant to the provisions of federal law under which such net income is found to differ from the net income originally reported to the federal government shall be reported by the corporation to the commissioner within seventy days of receipt by it of notice of such final determination, with a statement of the reasons for the difference, in such detail as the commissioner may require. If from such report or upon investigation it shall appear that the tax with respect to income imposed by this chapter has not been fully assessed, the commissioner shall within six months of the receipt of such report or within six months of discovery of such a determination, if unreported, assess the deficiency, with interest at the rate prescribed in section forty-eight from April tenth of the year in which the original return of income of the corporation was due to be filed, and the tax so assessed shall be payable thirty days from the date of notice to the corporation of such assessment. If, upon investigation of the facts so reported, it appears that a less tax with respect to income was due the commonwealth than was paid, the commissioner shall abate the excess upon written application therefor by the corporation, filed with the commissioner within sixty days of the filing of said report with him. The commissioner shall certify the amount of such abatement to the state treasurer, who shall repay the amount so certified with interest at the rate of six per cent per annum from the date of overpayment, without further appropriation therefor.

SECTION 3. Section thirty-eight B of said chapter sixty-three, as appearing in the Tercentenary Edition, and as affected by chapter three hundred and seventeen of the acts of nineteen hundred and thirty-four, is hereby amended by adding at the end thereof the words: — ; provided, that said excise shall be due and payable one half at the time when the tax return is required to be filed and the remainder October twentieth following, — so that the last paragraph will read as follows: —

G. L. (Ter. Ed.), 63, § 38B, amended.

Such a corporation shall annually on or before April tenth, file a return in such form as the commissioner shall prescribe giving such information as he shall require for determination of the excise under this section. The commissioner shall assess and collect said excise, and all provisions of this chapter relative to the assessment, collection, payment, abatement, verification and administration of the excise imposed by said section thirty-two, including penalties, shall, so far as pertinent, be applicable to the excise determined under this section; provided, that said excise shall be due and payable one half at the time when the tax return is required to be filed and the remainder October twentieth following.

Returns, etc., of corporations selling securities.

SECTION 4. Section forty-four of said chapter sixty-three, as appearing in the Tercentenary Edition, is hereby amended by inserting after the word "chapter" the first time it appears in the eighth line the following: — He shall include in such assessment interest upon any portion of the excise overdue at the time of assessment which shall thereupon become a part of the tax and bear interest as provided in section seventy, — so as to read as follows: — *Section 44.* The commissioner shall determine, from the returns required by this chapter and from any other available information, the net income derived from business carried on within the commonwealth and the corporate excess of every domestic business corporation, and the net income derived from business carried on within the commonwealth of, and the corporate excess employed within the commonwealth by, every foreign corporation, and shall assess thereon the tax provided for in this chapter. He shall include in such assessment interest upon any portion of the excise overdue at the time of assessment which shall thereupon become a part of the tax and bear interest as provided in section seventy. Except as otherwise provided in this chapter, the part of said tax which is based upon the value of the corporate excess, or corporate excess employed within the commonwealth, shall be assessed and collected in the same manner and with the same powers as provided in this chapter for the taxation of corporate franchises, and shall be subject to the other administrative provisions thereof. He shall not determine the income of any such corporation, which has filed a return within the time prescribed by law, to be in excess of the income shown by such return, without notifying the corporation and giving it an opportunity to

G. L. (Ter. Ed.), 63, § 44, amended.

Assessment of tax.

explain the apparent incorrectness of the return. For the purpose of verifying any such return, the commissioner may, within two years after September first of the year in which such return was due, examine personally or by deputy or agent the books and papers of the corporation, which shall be open to such officer for verification.

G. L. (Ter. Ed.), 63, § 45, etc., amended.

Assessment of additional tax.

SECTION 5. Said chapter sixty-three is further amended by striking out section forty-five, as amended by section one of chapter one hundred and ninety-five of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 45.* If the commissioner discovers from the verification of a return, or otherwise, that the full amount of any tax due under sections thirty to fifty-one, inclusive, has not been assessed, he may, at any time within two years after September first of the year in which such assessment should have been made, assess the same, with interest as provided in section forty-eight to the date when the additional tax so assessed is required to be paid hereunder, first giving notice to the corporation to be assessed of his intention; and a representative of the corporation shall thereupon have an opportunity, within ten days after such notification, to confer with the commissioner as to the proposed assessment. After the expiration of ten days from the notification the commissioner shall assess the amount of the tax remaining due the commonwealth with interest as aforesaid, and shall give notice to the corporation so assessed. Any tax so assessed shall be required to be paid to the commissioner fourteen days after the date of the notice.

G. L. (Ter. Ed.), 63, § 70, amended.

Interest on unpaid taxes.

SECTION 6. Said chapter sixty-three is hereby further amended by striking out section seventy, as appearing in the Tercentenary Edition, and inserting in place thereof the following:— *Section 70.* Taxes assessed corporations under sections thirty to fifty-one, inclusive, remaining unpaid after the date upon which the same are required to be paid shall bear interest at the rate of six per cent per annum until paid, if paid before the commencement of proceedings for the recovery thereof, and twelve per cent if paid after the commencement thereof. Other corporations which neglect to pay taxes assessed by the commissioner under this chapter shall pay interest at the rate of six per cent per annum from the time when such taxes were payable until paid, if such payments are made before the commencement of proceedings for recovery thereof, and twelve per cent if made after the commencement thereof.

Effective date.

SECTION 7. This act shall take effect January first, nineteen hundred and thirty-six. *Approved August 9, 1935.*

AN ACT TO PROVIDE ADDITIONAL COURT HOUSE ACCOMMODATIONS AND FACILITIES FOR THE COURTS AND OTHER OFFICIALS IN THE COUNTY OF SUFFOLK BY THE USE OF FEDERAL, STATE AND CITY OF BOSTON FUNDS. *Chap. 474*

Whereas, The deferred operation of this act would tend to defeat its purpose to provide immediate relief against court house congestion in Suffolk county, which is seriously impeding the administration of justice, 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:

SECTION 1. For the purpose of providing additional court house accommodations and facilities for the courts and other officials in the county of Suffolk, including furnishings and equipment, there is hereby established a commission, hereinafter referred to as the commission, to consist of three citizens of the commonwealth, who shall be appointed within two months after the effective date of this act in the manner following: — one by the governor, one by the mayor of the city of Boston, hereinafter referred to as the mayor, and one by the chief justice of the supreme judicial court, the chief justice of the superior court and the chief justice of the municipal court of the city of Boston, or a majority of them. The commission shall choose its own chairman. The commissioners shall receive such compensation as may be determined by the governor and the mayor, and shall serve for a period of five years from said date. Any vacancy in the office of any commissioner shall be filled in the same manner as the original appointment.

SECTION 2. The commission is hereby authorized and directed to determine upon the location of such additional accommodations and facilities, and whether they shall consist of alterations in or additions or extensions to the present court house building or additional court house units, or any or all thereof; and to determine the type and general style of building or buildings to be utilized, so far as consistent with the laws and regulations relative to the height of buildings applicable to the location, and what streets and ways, if any, shall be closed, altered or extended in order to consolidate locations and to permit of an advantageous lay-out and adequate access thereto. Forthwith upon the determination of said questions and in accordance with such determination, the commission shall proceed to acquire by purchase, or to take by eminent domain under chapter seventy-nine of the General Laws, such land and interests therein, including buildings, as may be necessary to construct such additions, extensions or units, or to relocate or extend public ways; provided, that in case of any taking under said chapter seventy-nine the commis-

sion at the time of taking need make no award of damages sustained by the person whose property is taken, and shall proceed to cause to be closed, altered or extended such streets and ways as may have been determined to be necessary, and to cause to be prepared, subject to the approval of the governor and the mayor, and in compliance with said laws and regulations, plans and specifications for the construction of such alterations, extensions, additions and units, or any of them, together with such remodeling and alterations of the present court house building, as shall have been determined to be necessary as aforesaid, in order properly to house the superior, municipal and juvenile courts and clerks' offices, the probate court, the registry of probate, the registry of deeds, the offices of the district attorney and the sheriff of said county, the social law library, the supreme judicial court, the land court, the reporter of decisions, the board of probation and the board of bar examiners, and adequately to accommodate all other services and facilities incidental thereto and needful for the prompt and effective administration of justice and the despatch of public business. The commission shall be provided with suitable quarters and may employ a secretary, architects, engineers, attorneys and other necessary assistance. The expense incurred under authority of the preceding sentence shall be deemed to be a part of the work authorized by this act. The services of such architects and engineers as may be employed by the commission shall be on the basis of salary or fee plus actual cost of draughting and incidentals, and not of commission.

SECTION 3. Upon completion of the necessary land takings or purchases the commission, with the approval of the governor and the mayor, may proceed by contract, in the manner hereinafter provided, with the wrecking and removal of the old buildings on the land so taken or purchased. When the plans and specifications have been approved by the governor and the mayor as aforesaid, and if it appears to their satisfaction that after making reasonable allowances for unsettled land damages, furnishings and equipment, and contingencies, the total expense of carrying out the provisions of this act will not exceed the unexpended balance of the amount herein authorized to be expended, the commission is hereby authorized, on behalf of the commonwealth and the city of Boston, to proceed with the making of contracts for the construction of the alterations, extensions, and additions and units, or any of them, authorized as herein provided, and the furnishing and equipment thereof. The liability of the commonwealth and of said city under any such contract, or otherwise, shall be limited to the proportions in which the commonwealth and the city respectively, contribute to the cost of the work, as herein provided. The commission may dispose of such furnishings and equipment in the existing court house building as may be replaced hereunder, and

the proceeds shall be available for expenditure for the purposes of this act. All work shall be done under written contract, and no such contract shall be deemed to have been made or executed until the written approval of the governor and the mayor has been affixed thereto. All such contracts shall be awarded by the commission on the basis of competitive bidding, and only after proposals for the same have been invited by advertisements in the Boston City Record 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. Said advertisements shall state the time and place where plans and specifications of the proposed work may be had and the time and place for opening the proposals in answer to said advertisements, and shall reserve to the commission the right to reject any or all of such proposals. All such proposals shall be opened in public. Any contract made as aforesaid may be required to be accompanied by a bond with sureties satisfactory to the commission, or by a deposit of money, certified check or other security for the faithful performance thereof, and such bonds or other securities shall be deposited with the city treasurer until the contract has been carried out in all respects. Alterations in any such contract or in the plans and specifications to which it relates shall require the written approval of the governor or some person designated by him for the purpose and of the mayor or some person designated by him as aforesaid. A member of the commission may be so designated.

SECTION 4. For the purpose of completely carrying out the provisions of this act, including payment of salaries and expenses of its members, the commission may expend, in addition to any sums received under any other provision of this act, a sum not exceeding five million dollars, including such sums as may be allocated by the federal government. Of the balance of the total cost after deducting such sum as may so be allocated, thirty per cent shall be paid by the commonwealth and seventy per cent by the city of Boston. To meet the commonwealth's share of such expenditures, the state treasurer shall from time to time, on the request of the commission and with the approval of the governor and council, place at the disposal of the commission such funds as it may require within the said limit, either from such appropriation or appropriations as may be made or by the issue and sale, at public or private sale, of notes of the commonwealth, to an amount not exceeding such sums as may be necessary to meet such share which shall be designated "Court House Loan, Act of 1935". Such notes shall be for such term of years as may be recommended by the governor in accordance with section three of Article LXII of the amendments to the constitution, and shall bear interest, payable semi-annually, at such rate as shall be fixed by the state treasurer, with the approval of the governor and council.

SECTION 5. The city of Boston shall from time to time, at the request of the commission, place at the disposal of the commission such funds as may be needed to meet the city's share of the expenditures authorized by this act, and for this purpose the treasurer of said city, without further authority, shall borrow from time to time such sums as may be necessary, not exceeding, in the aggregate, such sums as may be necessary to meet such share, and may issue bonds or notes therefor, which shall bear on their face the words, City of Boston, Court House Loan, Act of 1935. Each authorized issue shall constitute a separate loan, and such loans shall be payable in not more than twenty years from their dates. Such indebtedness incurred under this act shall be in excess of the statutory limit, but shall, except as herein otherwise provided, be subject to all laws relative to the incurring of debt by said city.

SECTION 6. From the time when the enlargement and improvement herein provided for shall be substantially completed and actual use of the same shall begin the commonwealth shall contribute annually, at such times and in such amounts as the state treasurer shall from time to time find convenient, with the approval of the council, thirty per cent of the annual costs and charges of maintenance and operation of the Suffolk county court house taken as a whole, and the remaining seventy per cent shall be paid by the city of Boston.

SECTION 7. This act shall not take effect unless and until funds have been allotted by the federal government sufficient to cover such proportion of the cost of providing additional court house accommodations and facilities as aforesaid and carrying out the provisions of this act, as may be approved by the governor of the commonwealth and the mayor of the city of Boston, and then only upon acceptance by the city council of said city, subject to the provisions of its charter. *Approved August 9, 1935.*

Chap. 475 AN ACT PROVIDING FOR MORE ECONOMICAL AND ORDERLY DEVELOPMENT OF THE COMMONWEALTH THROUGH THE CREATION OF A STATE PLANNING BOARD.

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 seventy-four of the acts of nineteen hundred and thirty-four, is hereby further amended by inserting after the word "commission" in the seventh line the following: —, the state planning board, — so as to read as follows: — *Section 17.* The armory commis-

State planning

sioners, the art commission, 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 state planning board, 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.

board
established.

SECTION 2. Said chapter six is hereby further amended by adding after section forty-eight, inserted therein by section two of said chapter three hundred and seventy-four, under the heading STATE PLANNING BOARD, the following four new sections:— *Section 49.* There shall be a state planning board of nine members, in this and the two following sections called the board, consisting of the commissioner of public works, or a representative designated by him from the personnel of his department, the commissioner of public health, or a representative designated by him from the personnel of his department, the commissioner of conservation, or a representative designated by him from the personnel of his department, and six members appointed by the governor, with the advice and consent of the council, who shall be designated in their initial appointments to serve respectively for one, two, three, four, five and six years, and one of whom shall be designated by the governor as chairman. Any designation of his representative by a commissioner as aforesaid shall be made by a writing filed in his office, and shall be effective for such period as he may prescribe therein, and may at any time be revoked by him. The members and employees of the board shall receive their traveling and other necessary expenses incurred in the performance of their duties. Upon the expiration of the term of office of an appointive member, his successor shall be appointed in the manner aforesaid to serve for six years. The board may employ an executive secretary and a chief engineer and may appoint such assistants and temporary technical advisers as the work of the board may require. Such temporary technical advisers shall not be subject to chapter thirty-one and may be removed by the board at any time.

G. L. (Ter. Ed.), 6, new sections 49 to 52, added.

Members, term,
appointment.

Section 50. It shall be the function and duty of the board —

(a) To prepare and from time to time revise and perfect a master plan for the physical development of the commonwealth. Such master plan, with the accompanying maps, plats, charts and descriptive matter, shall show the board's recommendations for the development of the commonwealth, and may include, among other things, the general location, character and extent of highways, bridges, waterways, waterfront developments, flood prevention works,

Duties of
the board.

Master plan.

parcs, reservations, forests, wild-life refuges, aviation fields, drainage and sanitary systems, works for the prevention of stream pollution, railroad, railway and motor vehicle routes, power transmission facilities, public buildings, and other public ways, public grounds, public spaces, utilities, facilities, structures, buildings and works which, by reason of their function, size, extent, location, legal status or other reason, are of state-wide as distinguished from mere local concern, or the location, construction or authorization of which fall, according to law, within the province or jurisdiction of state departments, boards, commissions or officers, or which for any other reasons are appropriate subjects of or fall appropriately within the scope of a state, as distinguished from a local, program or plan; the general location and extent of forests, agriculture areas and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities or the protection of urban and rural development and a land utilization program, including the general classification and allocation of the land within the commonwealth among agricultural, forestry, recreational, soil conservation, water conservation, industrial, urbanization and other uses and purposes.

(b) To plan and assist in planning all projects, public or private, as to which federal appropriations, grants or loans may pay a part or all of the cost.

Said master plan shall be made with the general purpose of guiding and accomplishing a co-ordinated, adjusted, efficient and economic development of the commonwealth, which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and welfare of the people of the commonwealth as well as efficiency and economy in the process of development, including among other things, such distribution of population and of the uses of the land within the commonwealth for urbanization, trade, industry, habitation, recreation, agriculture, forestry and other uses as will tend to create conditions favorable to health, safety, prosperity and transportation, and to create civic, recreational, educational and cultural opportunities, tend to reduce the wastes of physical, financial or human resources which result from either excessive congestion or excessive scattering of population, and tend toward an efficient and economic conservation, production and distribution of food and water, and of sanitary and other facilities.

The board may adopt the said master plan as a whole or, as the work of making the plan progresses, may from time to time adopt a part or parts thereof, any such part or parts to cover one or more of the functional subject-matter which may be included in such a plan. The board may from time to time amend, extend or add to the plan or carry any part thereof into greater detail. The adoption of the plan or any part, amendment, extension or addition thereof or thereto

shall be by vote of the board adopted by the affirmative votes of not less than a majority of its membership at any meeting of the board at which the chairman is present. The vote shall refer expressly to the maps, charts and descriptive matter intended by the board to form the whole or part of the plan, and the action taken shall be recorded on the plan, maps and descriptive matter by a notation bearing the identifying signature of the chairman of the board.

Section 51. The board shall annually submit to the budget commissioner the estimates required by sections three and four of chapter twenty-nine and shall prepare and file an annual report as required by sections thirty-two and thirty-three of chapter thirty. The board shall further from time to time make such reports and recommendations as in its judgment are desirable. It may sell maps prepared by it in connection with its work at such prices and on such conditions as it may determine. It may confer and co-operate with the executive, legislative, planning, housing or zoning authorities of neighboring states and of the counties and municipalities of such states, for the purpose of bringing about a co-ordination between the development of such neighboring states, counties or municipalities and the development of the commonwealth. It shall advise and co-operate with national, regional and county, municipal and other local planning, housing and zoning agencies within the commonwealth for the purpose of promoting co-ordination between the state and local plans and development. It shall, upon the request of any appropriate national, regional or county, municipal, or other local board or official, transmit information possessed by it which bears upon such co-ordination. It may prepare and submit to the governor or general court drafts of legislation for the carrying out of the master plan or of any part thereof, including zoning or land-use regulations, the making of official maps and the preservation of the integrity thereof, and regulations for the conservation of the natural resources of the commonwealth. It shall plan and assist in planning better housing, national, regional and municipal planning and zoning and the better distribution of population and industry.

Section 52. The several officers, boards, commissions, departments and divisions of the commonwealth, and city and town officials, may consult with the board and shall furnish or make available to it on request all data and information within their knowledge or control.

SECTION 3. Chapter one hundred and twenty-one of the General Laws is hereby amended by striking out section twenty-three, as most recently amended by section two of chapter four hundred and forty-nine of the acts of the current year, and inserting in place thereof the following: — *Section 23.* The state board of housing, in this and the eleven following sections called the housing board, shall investigate defective housing, the evils resulting therefrom

Annual estimates, etc., to be submitted to budget commissioner.

Information to be furnished board.

G. L. (Ter. Ed.), 121, § 23, etc., amended.

Duties of board relative to homesteads.

and the work being done in the commonwealth and elsewhere to remedy them, study the operation of building laws and laws relating to buildings used for human habitation, and promote the formation of organizations intended to increase the number of wholesome homes for the people, and of organizations intended to redevelop slum or decadent areas that have become social or economic liabilities to the community, and shall supervise and control, as hereinafter provided, the operations of corporations formed under authority of section twenty-six E.

G. L. (Ter. Ed.), 121, § 26, etc., amended.

Suggestions to planning boards, etc.

SECTION 4. Chapter one hundred and twenty-one of the General Laws is hereby further amended by striking out section twenty-six, as amended by section five of chapter three hundred and sixty-four of the acts of nineteen hundred and thirty-three, and inserting in place thereof the following:— *Section 26.* The housing board shall furnish information and suggestions from time to time to city governments, selectmen and planning boards, which may tend to promote the purposes of section twenty-three, and shall call the attention of mayors, city councils and boards of selectmen to the provisions of sections seventy to eighty-one L, inclusive, of chapter forty-one in so far as said sections relate to housing.

Approved August 9, 1935.

Chap. 476 AN ACT TRANSFERRING A PORTION OF THE PROCEEDS OF THE GASOLINE TAX FROM THE HIGHWAY FUND TO THE GENERAL FUND.

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:

The state treasurer is hereby authorized and directed to transfer the sum of nine million five hundred thousand dollars from the Highway Fund to the General Fund.

Approved August 9, 1935.

Chap. 477 AN ACT RELATIVE TO THE INSPECTION BY THE REGISTRY OF MOTOR VEHICLES OF MOTOR VEHICLES USED FOR THE TRANSPORTATION OF PROPERTY, AND AUTHORIZING THE EMPLOYMENT OF NOT EXCEEDING TWENTY-FIVE INVESTIGATORS AND EXAMINERS IN THE COMMERCIAL MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF PUBLIC UTILITIES.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 90, § 29, etc., amended.

SECTION 1. Section twenty-nine of chapter ninety of the General Laws, as most recently amended by section two of chapter twenty-six of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting

after the word "chapter" in the sixth line the following: — He may establish a section for the inspection of motor vehicles used for the transportation of property with reference to all police requirements, including equipment and weight of loads, — so as to read as follows:— *Section 29.* The registrar shall appoint competent persons to act as investigators and examiners, may remove them for cause, and may define their duties. He may also appoint, and for cause remove, a deputy registrar and an assistant to the registrar, and may delegate to such deputy and assistant the performance of any duty imposed upon the registrar by any provision of this chapter. He may establish a section for the inspection of motor vehicles used for the transportation of property with reference to all police requirements, including equipment and weight of loads. Said investigators and examiners, with respect to the enforcement of the laws relating to motor vehicles, shall have and exercise throughout the commonwealth all the powers of constables, except the service of civil process, and of police officers, including the power to arrest any person who violates any provision of this chapter, and they may serve all processes lawfully issued by the courts, the department in the exercise of its functions under this chapter or the registrar. The registrar may investigate the cause of any accident in which any motor vehicle is involved, and for this purpose may send his investigators into other states. The selectmen of any town and the mayor of any city of less than one hundred thousand inhabitants where there is no police commission or police commissioner, and the police commission or police commissioner, when such exist, of any such city, may appoint special constables, who shall serve without cost to such city or town and who shall have all the powers of police officers and constables in relation to the enforcement of all laws and regulations concerning motor vehicles. The chief officer of the police department of every city and town and the chairman of the selectmen of such towns as have no regular police department shall notify the registrar forthwith, upon blanks furnished by him, of the particulars of every accident referred to in section twenty-six which happens within the limits of his city or town in which a motor vehicle is involved, together with such further information relative to such accident as the registrar may require, and shall also, if possible, ascertain the name of the person operating such vehicle and notify the registrar of the same. Every such officer, upon the request of the registrar, shall demand forthwith the license of any operator and the certificate of registration and number plates of any motor vehicle situated within the city or town where such officer resides when said license or certificate has been suspended or revoked by the registrar, and shall forward the same to the registrar. Whenever the death of any person results from any such accident, the registrar shall suspend forth-

Investigations
of causes of
accidents.

with the license of the person operating the motor vehicle involved in said accident, and shall order the said license to be delivered to him; and the registrar shall revoke the same unless, upon investigation and after a hearing, he determines that the accident occurred without serious fault upon the part of the operator or chauffeur of such motor vehicle. No operator whose license is revoked under this section shall be licensed again within six months after the date of the suspension, nor thereafter except in the discretion of the registrar; provided, that the foregoing shall not be construed to authorize the exercise of such discretion contrary to any provision of section twenty-four.

G. L. (Ter. Ed.), 25, § 12F, etc., amended.

Investigators assigned to division.

SECTION 2. Section twelve F of chapter twenty-five of the General Laws, inserted therein by section one of chapter four hundred and five of the acts of the current year, is hereby amended by adding at the end the following:—, and may assign for service in said division such number, not exceeding twenty-five, of investigators and examiners, as it may deem necessary.

Approved August 10, 1935.

Chap. 478 AN ACT PROVIDING FOR THE CONSTRUCTION OF ADDITIONAL SEWERS IN THE NORTH METROPOLITAN SEWERAGE DISTRICT.

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. Subject to the conditions hereinafter imposed, the metropolitan district commission is hereby authorized and directed to construct a main sewer or sewers, with sewer connections and other works, in the valleys of Aberjona and Mystic rivers and through other territory in the towns and cities of Stoneham, Woburn, Winchester and Medford from a point near the Stoneham, Winchester and Woburn boundary lines to such a point of connection with the north metropolitan sewerage system as said commission may deem best, and, for such purposes, 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. For the purpose of carrying out said project, including any expenditures on account of the purchase or taking of land or damages to land occasioned by the construction hereinbefore provided for, the said commission may expend a sum not exceeding, in the aggregate, three million dollars of which not more than one million eight hundred thousand dollars shall ultimately be borne by the common-

wealth, to be entered into only on the basis of grants of federal money.

SECTION 2. Said project shall not be entered into unless it is approved as hereinafter provided by the emergency public works commission, established under section one of chapter three hundred and sixty-five of the acts of nineteen hundred and thirty-three, and by the governor. Said emergency public works commission shall, in addition to the powers and duties heretofore conferred and imposed upon it, exercise and perform the powers and duties herein-after conferred or imposed upon it, and the provisions of said section which relate to action by said commission shall apply in the case of action under this act. Said project, when so approved, shall be carried out in all respects subject to the provisions of the appropriate federal law providing for projects of that class, and the rules and regulations made pursuant thereto, and to such terms, conditions, rules and regulations, not inconsistent with such federal laws and rules and regulations, as the said commission may establish, with the approval of the governor, to ensure the proper execution of said project. The commonwealth may accept and use for carrying out said project so approved any grant of federal funds under any federal law, authority to make application therefor being hereby granted to the said emergency public works commission. For the purpose only of carrying out said project approved as aforesaid, the state treasurer may from time to time borrow, on the credit of the commonwealth, such sums, not exceeding in the aggregate one million eight hundred thousand dollars and may issue in one or more series bonds, notes or other forms of written acknowledgment of debt, hereinafter referred to as obligations. Each series shall carry such rates of interest as the state treasurer may fix, with the approval of the governor, and shall be payable serially in such amounts and at such times as the state treasurer may determine, with the approval of the governor; provided, that the principal payments of each series shall be made annually in amounts as nearly equal as may be. The obligation last payable of any series issued for the purpose of carrying out said project shall become due not later than such number of years from the date of the obligations of such series 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.

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 printed thereon shall have the same effect as his written signature.

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.

All interest payments and payments on account of principal on such obligations, and the cost of maintenance and operation of the sewerage works constructed hereunder, shall be deemed to be, and shall be paid as, a part of the interest, sinking fund or serial bond requirements and costs specified in chapter four hundred and thirty-nine of the acts of eighteen hundred and eighty-nine and acts in amendment thereof and in addition thereto and affecting the same, and shall be apportioned, assessed and collected in the manner provided by the provisions of chapter ninety-two of the General Laws relative to the north metropolitan sewerage system.

SECTION 3. No payment shall be made or obligation incurred for the carrying out of said project upon its approval by the said emergency public works commission and the governor and its approval for federal aid by the proper federal authorities, until plans and specifications therefor have been approved by the said commission, unless otherwise provided by such rules or regulations as the said commission may make.

SECTION 4. The state treasurer shall receive all moneys granted to the commonwealth for the purpose of carrying out the project authorized under this act. Payment from the state treasury for expenditures incurred under this act shall be made upon vouchers filed with the comptroller in accordance with the procedure prescribed under section eighteen of chapter twenty-nine of the General Laws, and all other provisions of said chapter twenty-nine shall apply in the case of the project undertaken under this act or any expenditure necessary for carrying out the purposes hereof, except in so far as such provisions of law may be in conflict with applicable federal laws and regulations.

SECTION 5. The metropolitan district commission shall have, in addition to any powers expressly given by statute, such powers as may be determined and certified by the said emergency public works commission to be proper and reasonably necessary to carry out said project, including the power to take property by eminent domain on behalf of the commonwealth. The said emergency public works commission is hereby authorized to make all necessary orders, rules and regulations and perform all necessary actions under this act; and none of such orders, rules, regulations and actions shall be declared inoperative, illegal or void for any omission of a technical nature in respect thereto.

SECTION 6. The authority given to the state treasurer by chapter three hundred and ninety-two of the acts of the current year to borrow in anticipation of the payment of grants by the federal government is hereby extended to such grants as may be authorized for the project provided for in this act.

Approved August 10, 1935.

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND ADMINISTRATION OF UNEMPLOYMENT COMPENSATION.

Chap. 479

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 three of chapter twenty-three of the General Laws, as amended by section one of chapter three hundred and thirty-one of the acts of nineteen hundred and thirty-four, is hereby further amended by striking out the second and third sentences and inserting in place thereof the following: — Except as otherwise provided, 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, shall direct all inspections and investigations, and may assign the officers and employees of the department to the several divisions thereof. He shall organize in the department a division of standards, a division on the necessaries of life, a division of occupational hygiene, and such other divisions as he may from time to time determine, other than the division of public employment offices, provided for in section nine L.

G. L. (Ter. Ed.), 23, § 3, etc., amended.

Certain duties of commissioner of labor and industries.

SECTION 2. Section four of said chapter twenty-three, as amended by section two of said chapter three hundred and thirty-one, is hereby amended by striking out the word "seven", in the fourth line, and inserting in place thereof the word: — six, — by inserting after the word "division", in the tenth line, the words: — , other than the division of public employment offices, — and by striking out, in the fifteenth line, the words "in section nine B", — 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 six 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 necessaries of life, shall have charge of said division, and each of the others shall be assigned to take charge of a division, other than the division of public employment offices. 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, 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

G. L. (Ter. Ed.), 23, § 4, etc., amended.

Directors. Other appointees.

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.

G. L. (Ter. Ed.), 23, § 5, amended.

Certain requirements of officers and employees.

SECTION 3. Section five of said chapter twenty-three, as appearing in the Tercentenary Edition, is hereby amended by striking out, in the seventh line, the word "The" and inserting in place thereof the words:— Except as otherwise provided, the,— so as to read as follows:— *Section 5.* All directors, inspectors and other permanent employees of the department shall devote their whole time to the affairs of the department; and all directors and inspectors and such other employees as may be designated by the commissioner shall, before entering upon their duties, be sworn to the faithful performance thereof. The number of inspectors heretofore authorized by law may be increased only with the approval of the governor and council. Except as otherwise provided, the commissioner, assistant commissioner and associate commissioners shall determine from time to time how many of the inspectors employed shall be women.

G. L. (Ter. Ed.), 23, new sections 9I to 9N, added.

Unemployment compensation commission.

SECTION 4. Said chapter twenty-three is hereby further amended by inserting after section nine H, as most recently amended by chapter three hundred and sixty-two of the acts of nineteen hundred and thirty-three, the following six new sections:— *Section 9I.* (a) There shall be in the department, but not subject to its direction, a commission to be known as the Unemployment Compensation Commission, in this and the five following sections called the commission, which shall administer the provisions of chapter one hundred and fifty-one A. The commission shall be composed of three members appointed by the governor, with the advice and consent of the council, of whom one shall be a person who, on account of his previous vocation, employment, occupation or affiliation, can be classed as an employer, one shall be a person who, on account of his previous vocation, employment, occupation or affiliation, can be classed as an employee, and one shall be a person who shall represent the public and shall be chairman. Not more than two members of the commission shall be members of the same political party, and no commissioner, while in office, shall serve on any committee of any political party. Of the members first appointed one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and thereafter as the term of a member expires the governor, with the advice and consent of the council, shall appoint his successor for the term of six years. Vacancies shall be filled in like manner for the balance of the unexpired term. All members shall serve until the qualification of their respective successors.

(b) The chairman of the commission shall receive a

salary of sixty-five hundred dollars and each other member shall receive a salary of six thousand dollars.

(c) The commission shall determine its own method of procedure. Any investigation, inquiry or hearing which the commission is authorized to hold or undertake may be held or undertaken by or before any one member of the commission, or by or before one of its authorized representatives or deputies, and every order made by a member thereof, or by one of its authorized representatives or deputies, when approved and confirmed by a majority of the commission, and so shown on its record of proceedings, shall be deemed to be the order of the commission.

(d) The commission shall have a secretary, who shall be appointed by the commission with the approval of the governor and council, and who shall not be subject to chapter thirty-one and the rules and regulations made thereunder.

Section 9J. The commission, subject to the approval of the governor and council, may adopt, amend, alter or repeal, and shall enforce, all such reasonable rules, regulations and orders as may be necessary or suitable for the administration and enforcement of chapter one hundred and fifty-one A. Such rules and regulations, and any amendments, alterations or repeals thereof, shall be recorded in the minutes of the commission, and, upon the filing with the state secretary of a certified copy thereof and a certificate that they have been approved by the governor and council, shall have the force and effect of law. The commission may make any expenditures, subject to appropriation, require any reports and take any other action, necessary and suitable to carry out the provisions of said chapter. It shall make an annual report to the governor and to the general court covering the administration and operation of said chapter during the preceding fiscal year, together with such recommendations as it deems proper.

Rules and regulations.

Section 9K. Subject to appropriation, the commission may appoint and employ all officers, accountants, clerks, secretaries, agents, investigators, auditors and other officers and employees, necessary for the proper administration of chapter one hundred and fifty-one A. All persons so appointed or employed shall be selected on a non-partisan merit basis, subject to chapter thirty-one and the rules and regulations made thereunder, and also subject to such rules and regulations consistent therewith as may be adopted by the commission. The commission shall not appoint or employ any person who is serving as an officer or committee member of any political party. The commission shall fix the duties and powers of all persons appointed and employed by it, and may authorize any such person to perform any of the functions of a commissioner under this chapter. The commission may, in its discretion, bond any person handling moneys or signing checks hereunder.

Appointment of employees.

Division of
public em-
ployment
offices.

Section 9L. There shall be in the department, subject to the supervision and control of the commission, a division of public employment offices. The commission may, with the approval of the governor and council, appoint, and fix the salary of, the director of said division, and may, with like approval, remove him. The commission may appoint or employ, and remove, such inspectors, investigators, clerks and other assistants as the work of said division may require. Said division shall be the state agency for co-operation with the United States Employment Service under chapter forty-nine of the acts of the Seventy-third Congress, Session I, known as the Wagner-Peyser Act, and shall have all the powers of such an agency as specified in said act. It shall have exclusive control of the establishment, maintenance and operation of free public employment offices by the commonwealth.

Employment
districts.

Section 9M. The commission shall divide the commonwealth into employment districts. Subject to appropriation, it may establish and maintain such additional free public employment offices as it may find necessary to provide at least one such office within the limits of each such employment district, and may further establish such branch or local offices within each district as it may find necessary or convenient for the proper administration of chapter one hundred and fifty-one A. Each district office shall be in charge of a district superintendent. Each branch or local office shall be in charge of a branch or local manager. Said district and branch or local offices shall be available for the payment of benefits, presentation of claims, registration of the unemployed, placement of the unemployed in available employment, and for the proper administration of chapter one hundred and fifty-one A.

State advisory
council.

Section 9N. (a) There shall be a state advisory council of nine members, to be appointed by the governor with the advice and consent of the council. Three of said members shall be persons who, because of their previous vocations, employments, occupations or affiliations, can be classed as employers; three shall be persons who, for like reasons, can be classed as employees; and three shall be persons representative of the public. Of the members originally appointed, one of each of the aforesaid groups shall be chosen for a term of two years; one of each group for a term of four years; and one of each group for a term of six years; and thereafter as their terms expire the governor, with the advice and consent of the council, shall appoint or reappoint members for a term of six years. Not more than five members of the state advisory council shall be members of the same political party. Vacancies shall be filled by appointment by the governor, with the advice and consent of the council, for the unexpired term. All members shall serve until the qualification of their respective successors. The members shall serve without salary, but shall be allowed actual and necessary traveling and other incidental expenses.

SECTION 5. The General Laws are hereby amended by inserting after chapter one hundred and fifty-one, the following new chapter: —

G. L. (Ter. Ed.), new chapter 151A, added.

CHAPTER 151A.

UNEMPLOYMENT COMPENSATION.

DEFINITIONS.

Section 1. The following words and phrases as used in this chapter shall have the following meanings, unless the context clearly requires otherwise: —

Definitions.

(a) "Employment", any employment in which all or the greater part of the employee's work is customarily performed within the commonwealth, under any contract of hire, oral or written, express or implied, whether such employee was hired and paid directly by the employer or through any other person employed by him, if the employer had actual or constructive knowledge of such contract. Such employment shall include the employee's entire employment. In the case of all other individuals employed partly in the commonwealth and partly elsewhere, the term "employment" shall include the employment of such persons to the extent prescribed by general rules adopted by the commission.

The term employment, unless the context otherwise requires, shall not apply to —

- (1) Employment as a farm laborer;
 - (2) Employment in personal or domestic service in private homes;
 - (3) Employment by the federal or state government or any subdivision or agency thereof;
 - (4) Employment on a governmental relief project approved by the commission;
 - (5) Employment by any corporation, association or group organized and operated exclusively for religious, charitable, medical, scientific, literary or educational purposes, no part of the net earnings of which inures to the benefit of any shareholder or individual having a like interest;
 - (6) Employment, on a commission basis, by one or more employers, where the employee is master of his own time and efforts, and where his wages or compensation wholly depend on the amount of effort he chooses to expend in his occupation;
 - (7) Employment as a share fisherman wholly remunerated by share;
 - (8) Employment at work, wholly or in major part done at the worker's own home, whether done for himself or others, such work being paid for in proportion to the piece or part thereof completed;
 - (9) Employment as a short-time or casual worker for a period of four weeks or less.
- (b) "Employee", any individual employed for hire

by any employer and in any employment subject to this chapter, except any individual employed at a rate of twenty-five hundred dollars a year, or more.

(c) "Employer", any individual, partnership, firm, association, corporation, whether domestic or foreign, or the legal representative, trustee in bankruptcy, receiver, or trustee thereof, or the legal representative of a deceased person, who or whose agent or predecessor in interest has elected to become fully subject to this chapter as hereinafter provided, and whose election remains in force, or who has employed at least eight individuals in employment subject to this chapter on some day in each of twenty weeks in the preceding calendar year; provided, that such employment in the calendar year nineteen hundred and thirty-five shall make an employer subject to this chapter on January first following, and that such employment in any subsequent calendar year shall make an employer, not previously subject to this chapter, subject thereto for all purposes as of January first of the calendar year in which such employment occurs.

In determining whether an employer of any individuals in the commonwealth employs a sufficient number to be an employer subject hereto, and in determining for what contributions he is liable hereunder, he shall, whenever he contracts with any contractor or subcontractor for any work which is part of the employer's usual trade, occupation, profession or business, be deemed to employ all individuals employed by such contractor or subcontractor on such work, and the employer alone shall be liable for the contributions measured by wages paid to such individuals for such work; but the foregoing provisions of this paragraph shall not apply if any such contractor or subcontractor, who would in the absence of such provisions be liable to pay said contributions, accepts exclusive liability therefor under an agreement with such employer made pursuant to general rules of the commission.

All individuals employed by an employer in all of his several places of employment maintained within the commonwealth shall be treated as employed by a single employer for the purposes of this chapter; and where any employer, either directly or through a holding company, voting trust, trustees or otherwise, has a majority control or ownership of otherwise separate business enterprises employing individuals in the commonwealth, all such enterprises shall be treated as a single employer for the purposes of this chapter.

No employer subject to this chapter shall cease to be subject hereto, except upon a written application therefor by him and after a finding by the commission that he has not within any week within the last completed calendar year employed eight or more individuals in employment subject hereto. Any employer of any individual within the commonwealth not otherwise subject to this chapter

shall become fully subject hereto, upon filing by such employer with the commission of his election to become fully subject hereto for not less than two calendar years, and upon the written approval of such election by the commission.

(d) "Commission", the unemployment compensation commission established under section nine I of chapter twenty-three, or its authorized representative.

(e) "Contributions", the money payments to the unemployment compensation fund required by this chapter.

(f) "Fund", the unemployment compensation fund established by this chapter.

(g) "Unemployment compensation administration account", the account set up for the purpose of meeting the expenses of administration under this chapter.

(h) "Benefit", the money allowance payable to an employee as compensation for his wage losses due to unemployment as provided in this chapter.

(i) "Wages", every form of remuneration for employment received by an employee from his employer, whether paid directly or indirectly, including salaries, commissions, bonuses, and the reasonable value of board, rent, housing, lodging, payments in kind and similar advantages.

(j) "Full-time weekly wage", the weekly earnings an employee would receive from his employment if employed at the hourly rate of earnings and for the full-time weekly hours applicable to such employee. The commission shall make such rules and adopt such methods of calculating full-time weekly wages under this section as may be suitable and reasonable.

(1) "Hourly rate of earnings" means a rate per hour to be determined by averaging the employee's actual earnings from employment with the most recent employer for whom he has worked for at least one hundred hours.

(2) "Full-time weekly hours" means the standard weekly hours customarily worked by employees in the employment in question. Where there are no such customary standard weekly hours, the commission shall determine the standard by averaging weekly hours for all weeks, in at least the past three months, in which the employee has worked thirty hours or more, or by such other equitable method as the commission may by general rule prescribe.

(k) "Day of employment", any day during which an employee performs more than half a day's work in an employment and for an employer subject to this chapter.

(l) "Week", calendar week.

(m) "Week of employment", employment for not less than eighty per cent of full-time weekly hours or yielding not less than eighty per cent of full-time weekly wages.

(n) "Pay roll", the total amount of all wages, salaries and remunerations paid by an employer to his employees entitled to benefits under this chapter.

(o) "Unemployment". An employee shall be deemed unemployed in any week in which he performs no wage-earning service whatever, and in which he earns no wages or other pay for personal services, including net earnings from self-employment, and in which, though capable of and available for employment, he is unable to obtain any employment and cannot reasonably return to any self-employment in which he is customarily engaged.

(p) "Employment office", the free public employment office operated by the commonwealth in the employment district in which the employee resides or is employed, or the branch or local office nearest to his place of residence or employment, unless otherwise prescribed by general rule of the commission.

CONTRIBUTIONS.

Contributions.

Section 2. On and after January first, nineteen hundred and thirty-six, contributions shall become due and payable by each employer subject to this chapter on said date. Contributions by any employer not then subject to this chapter shall become due and payable on and after the date on which he becomes subject hereto. The contributions required hereunder shall be paid by each employer in such manner and at such times as the commission may prescribe, and shall be paid over by the commission to the state treasurer, who shall credit the same to the fund.

Employers' contributions.

Section 3. (a) Employers: Each employer shall contribute in his own behalf for the calendar year nineteen hundred and thirty-six an amount equal to one per cent of his pay roll, less any amount not credited to him by any federal law governing unemployment compensation or the administration thereof, for the year nineteen hundred and thirty-seven an amount equal to two per cent of his pay roll, less any amount not so credited to him, and for each year thereafter, an amount equal to three per cent of his pay roll, less any amount not so credited to him.

Employees' contributions.

(b) Employees: From January first to December thirty-first, inclusive, nineteen hundred and thirty-seven, each employee shall contribute to the fund one per cent of his wages; and thereafter, he shall contribute an amount equal to one half of the amount contributed by his employer for him. Each employer shall withhold such contribution from the wages of his employees, shall show such deduction on his pay roll records, and shall transmit all such contributions to the fund, pursuant to general rules of the commission.

Classification of employees.

Section 4. In nineteen hundred and forty-one the commission shall classify, and at reasonable times thereafter shall reclassify, employers in accordance with the actual experience with regard to the contributions which they have paid in their own behalf and the approximate benefits which have been paid from the fund to their employees, as computed from the employer's contribution

records or otherwise, and the commission may fix contribution rates in accordance with such classifications, in the case only of employers who have made contributions to the fund for at least three years. No such rate shall be less than one per cent of the employer's pay roll. Such rates shall be known as merit ratings.

Section 5. The commission shall investigate and report upon the approximate degree of unemployment hazard in the various industries, occupations and employments and their cost to the fund. It shall recommend to employers, in industries, occupations or employments showing an excessive cost to the fund, measures for stabilizing employment therein. It shall also, if it deems necessary, recommend to the general court a higher rate of contribution for any classification of industries, occupations or employments in which unemployment is excessive or chronic.

Investigations.

Section 6. If any employer, after due notice, fails to make when due any payments required of him under this chapter, such overdue payments shall carry interest at the rate of one per cent per month from such due date until paid, and the commission shall collect such overdue payments, together with such interest, in an action of contract in the name of the commonwealth. Any sums so collected shall be paid to the state treasurer and credited by him to the fund.

Interest on overdue payments.

Section 7. Such overdue payments to the fund, with interest thereon, shall, until collected, be a lien against the assets of the employer, subordinate, however, to claims for unpaid wages and prior recorded liens.

Same subject.

Section 8. In the event of an employer's dissolution, bankruptcy, adjudicated insolvency, receivership, assignment for benefit of creditors, judicially confirmed extension proposals or composition, contribution payments then or thereafter due under this chapter shall have priority over all other claims, except taxes and wage claims.

Priority.

UNEMPLOYMENT COMPENSATION FUND.

Section 9. There is hereby created a fund, to be known as the unemployment compensation fund, to be administered by the commission without liability on the part of the commonwealth beyond the amounts credited to and earned by the fund. The fund shall consist of all contributions and moneys paid into the treasury of the commonwealth and credited to the fund as provided in this chapter, of property and securities acquired by and through the use of moneys belonging to the fund, and of interest earned thereon, less payments therefrom under this chapter.

Unemployment compensation fund.

Section 10. The fund shall be administered in trust and used solely to pay benefits hereunder, upon vouchers drawn thereon by the commission pursuant to its general rules, and no other disbursements shall be made therefrom.

Administration of fund.

Section 11. The state treasurer shall be, ex officio,

State treasurer

custodian
of fund.

the treasurer and custodian of the fund; and all disbursements therefrom shall be paid by him upon vouchers duly drawn in accordance with general rules of the commission. He shall have custody of all moneys, securities and property belonging to the fund and not otherwise held, deposited or invested under this chapter. He shall give a separate and additional bond, conditioned on the faithful performance of his duties as treasurer and custodian of the fund, in an amount recommended by the commission and approved by the governor and council and with sureties satisfactory to the attorney general. Such bond shall be deposited with the state secretary. Premiums upon bonds required pursuant to this section shall be paid from the unemployment compensation administration account.

Investment
of fund.

Section 12. The state treasurer shall deposit or invest the fund under the supervision and control of the commission, subject to the provisions of this chapter; provided, that upon the establishment by the United States government or its authorized agency of an unemployment trust fund, from which the state treasurer, as the state agency which is custodian of the fund, may be entitled to requisition at any time such sums standing to his account therein as may be required by the commission to carry out the purposes of section ten, said treasurer shall, if required by federal law, deposit or invest the fund therein and keep it so deposited or invested, except sums requisitioned as aforesaid, so long as such trust fund exists and remains subject to such requisition.

Investment
board,
duties of.

Section 13. An investment board of three members shall be responsible for directing how and to what extent the fund shall from time to time be held, deposited and invested under this chapter. Said board shall consist of the state treasurer, the commissioner of banks and the chairman of the commission, or their authorized representatives, and may perform its duties by the recorded vote of any two of its members and under rules to be adopted by said board. During the first year of contribution payments under this chapter the board shall promptly direct the investment of all moneys received by the fund, except as otherwise provided in section twelve. Thereafter, except as otherwise provided in said section, as determined from time to time by the board, not less than twenty nor more than forty per cent of the fund shall either be deposited with the federal reserve bank of Boston, if said bank is authorized to receive and to pay interest on such deposits, or shall be deposited by the state treasurer in the same manner and subject to all the provisions of law applying to the deposit of other state funds, or shall at the direction of the board be held in ear-marked cash either by the state treasurer or by the federal reserve bank of Boston, if said bank is authorized to hold such funds for the commonwealth, or in other safe depositories selected by said board. Except as otherwise provided in section twelve,

the balance of the fund shall at the direction of the board be invested in any or all of the classes of securities referred to in section fourteen. If the fund is so invested, the board may purchase and sell such securities therefor at current market prices, may invest and reinvest the fund from time to time in its discretion, and may, in its discretion, borrow against its investments for current payments. To enable the board to perform its duties under this section the commission shall furnish the board with any necessary assistance duly requested by the board and approved by the commission.

Section 14. All investments of the fund shall, as far as practicable, be readily convertible into cash when needed. To this end the board shall invest the fund, except as provided in section twelve, only in the following classes of securities: (a) United States treasury notes and certificates; (b) other direct obligations of the United States of America; (c) securities which are the direct obligations of the commonwealth; (d) bonds and other interest-bearing obligations of any legally constituted governmental subdivision of the commonwealth, if such subdivision has never defaulted in the payment of the principal or interest of any of its bonds or other interest-bearing obligations.

Classes of securities in which investment fund is to be placed.

Section 15. The fund shall be the sole and exclusive source for the payment of benefits hereunder, and such benefits shall be deemed to be due and payable only to the extent that contributions, with increments thereon, are actually collected and credited to the fund.

Benefits from fund.

BENEFITS.

Section 16. After contributions by employers have been due under this chapter for two years, benefits shall become payable from the fund to any employee eligible for benefits under this chapter, who thereafter is or becomes unemployed. Such benefits shall be paid through the employment offices at such times and in such manner as the commission may by general rule prescribe.

When benefits payable.

Section 17. Benefits shall be payable to an employee for no more than his weeks of unemployment subsequent to a waiting period, the duration of which shall be determined as follows: —

Same subject.

(a) An employee who is unemployed shall be eligible for benefits for unemployment subsequent to a waiting period of four successive weeks, and no benefits shall be or become payable during said required waiting period; provided, that no such waiting period shall be required of any employee more than once in any twelve months; and provided, further, that any week of partial employment during which an employee receives less than half of his full-time weekly wage shall not interrupt the continuity of such four weeks, and shall be counted toward said waiting period as one half of one week.

(b) The waiting period shall commence on the day an unemployed employee registers as such at an employment office or other place of registration maintained or designated by the commission or on the day that he has otherwise given notice of his unemployment in accordance with the rules of the commission.

(c) There shall not be counted towards an employee's required waiting period any week in which under section eighteen or nineteen he is ineligible for benefits.

Payment of
benefits
limited.

Section 18. No employee shall be entitled to any benefits under this chapter unless he —

(a) Has had not less than ninety days of employment as defined in this chapter with an employer or employers subject hereto within the fifty-two weeks immediately preceding the date of his registration as unemployed, or other notice as provided in paragraph (b) of section seventeen, or in the alternative unless he has had not less than one hundred and thirty days of employment as defined in this chapter, with an employer or employers subject hereto, within the one hundred and four weeks immediately preceding the date of his registration as unemployed or other notice as aforesaid.

(b) Is capable of and available for employment and is unable to obtain work in his usual occupation or any other occupation for which he is reasonably fitted, including employments not subject to this chapter.

(c) Has registered, as provided in paragraph (b) of section seventeen, as unemployed and has registered for work and filed claim for benefits at the employment office designated by the commission for this purpose, within such time limits and with such frequency and in such manner as the commission may by general rule prescribe. No employee shall be eligible for benefits for any week in which he fails without good cause to comply with such registration and filing requirements. The commission shall furnish copies of its rules covering such requirements to each employer, who shall notify his employees of the terms thereof when they become unemployed.

Payment of
benefits upon
termination of
employment
regulated.

Section 19. (a) No benefits shall be paid to an employee under this chapter for any week in which his unemployment is directly due to a strike, lockout or other trade dispute still in active progress in the establishment where he was last employed.

(b) Any employee who has left his employment voluntarily without reasonable cause attributable to his employer, or has been discharged for misconduct, shall be ineligible for benefits for four consecutive weeks additional to the waiting period provided in section seventeen; and the duration of benefits for unemployment to which the employee may be entitled shall thereby be reduced by four weeks.

(c) If an otherwise eligible employee fails, without good cause, to apply for suitable employment when notified so

to do by the employment office, or to accept suitable employment when offered him, in each such instance he shall become ineligible for benefits for the week in which such failure occurred and for the four next following weeks; and such weeks shall be charged, as if benefits for unemployment had been paid therefor, against the employee's most recent weeks of employment against which benefits have not previously been charged hereunder, and shall also be counted against his maximum weeks of benefit per year; provided, that the period thus charged shall not exceed the period of actual unemployment.

"Suitable employment", as said words are used in the preceding paragraph, shall mean any employment not detrimental to the health, safety or morals of an employee, for which he is reasonably fitted by training and experience, including employment not subject to this chapter, which is located within reasonable distance of his residence or last employment, and which does not involve travel expenses substantially greater than that required in his former employment. No employment shall be deemed suitable, and benefits shall not be denied under this chapter to any otherwise eligible employee for refusing to accept new work, under any of the following conditions: (1) if there is a strike, lockout or other labor dispute in the establishment in which the employment is offered; (2) if the wages, hours and other conditions of the work offered are so substantially less favorable to the employee than those prevailing for similar work in the locality as to depress unduly wages or working conditions; (3) if acceptance of such employment would require the employee to join a company union or would abridge or limit his right to join or retain membership in any bona fide labor organization or association of workmen.

(d) No benefits shall be payable under this chapter to an employee who becomes unemployed by reason of commitment to any penal institution.

(e) No benefits shall be payable under this chapter to an employee who is receiving compensation under chapter one hundred and fifty-two; provided, that if he is receiving only partial compensation under said chapter one hundred and fifty-two, which is less than the benefits which would otherwise be due him hereunder for unemployment, he shall receive such unemployment benefits reduced by the amount of such partial compensation.

Section 20. An employee unemployed and eligible for benefits shall be paid benefits for each week of unemployment after the specified waiting period at the rate of fifty per cent of his full-time weekly wage, but such benefits shall not exceed fifteen dollars per week or be less than five dollars per week.

Section 21. The aggregate amount of benefits an employee may receive shall be limited by the number of his past weeks of employment against which benefits have not

Rate of benefit.

Total benefit payable regulated.

been charged hereunder. Each employee shall receive benefits in the ratio of one week of unemployment benefits to each four weeks of his full-time employment or its equivalent occurring within the one hundred and four weeks preceding the close of his most recent week of employment; but in no case shall an eligible employee receive more than sixteen weeks of unemployment benefits within any fifty-two consecutive weeks, except as provided in section twenty-two.

Same subject.

Section 22. An employee, who has received the maximum benefits permitted under section twenty-one, shall receive, for the time during which he remains unemployed and eligible, additional benefits in the ratio of one week of unemployment benefit for each unit of eighteen weeks of employment, for which he has paid the required employee contribution, occurring within the six years preceding the close of his most recent week of employment, and against which benefits have not already been charged under this chapter; and after such additional benefits have been exhausted he shall receive, for the time during which he remains unemployed and eligible, one week of unemployment benefit for each unit of twenty-six weeks of employment, for which he has paid the required employee contribution provided herein and against which benefits have not already been charged under this chapter.

Same subject.

Section 23. When an eligible employee has drawn in any one year the maximum benefits to which he is entitled under sections twenty-one and twenty-two, he shall not be eligible for benefits in a subsequent year until the payment in his behalf of eight full weekly contributions.

Commission may modify scale of payments.

Section 24. If in any six months' period the amount paid in benefits from the fund has exceeded the income, or if, in the judgment of the commission, the reserves in the fund are in serious danger of depletion, the commission may declare an emergency and announce a modified scale of benefits, an increased waiting period, or other changes in the rules and regulations regarding eligibility for receipt of benefits which it may deem necessary to maintain the reserves of the fund.

If as a result of experience there should be found among the employments subject to this chapter certain industries or occupations normally providing individual workers periods of employment of less than two weeks for any given employer, or normally involving work for a number of employers, the commission may place such industries or occupations in categories having special rules regarding eligibility for payment of benefits or reduced scale of benefits.

Lump sum benefit payments.

Section 25. In lieu of paying to an eligible employee in weekly or other installments the maximum amount of benefits to which his past weeks of employment might entitle him under this chapter in case he remained continuously unemployed and eligible, the commission may discharge the

fund's entire existing benefit liability to such employee by paying him a lump sum equalling not less than fifty per cent nor more than eighty per cent of said maximum amount of benefits; provided, that lump sum payments shall be thus made only in unusual cases, as when an employee has no prospect of securing further employment in the locality but may secure employment elsewhere. The commission shall by general rules determine on what percentage basis and under what unusual conditions such lump sum payments shall be made, and each such case shall be subject to specific approval by the commission.

Section 26. Wherever in any industry, employment or occupation, or branch thereof, because of its seasonal nature, it is customary to operate only during a regularly recurring period or periods of less than one year in length, and whenever there are individuals employed in such industry, employment or occupation who are not ordinarily employed during the year in any other employment for hire, whether an employment subject to this chapter or not, the commission shall ascertain and determine or redetermine, after investigation and due notice, such seasonal period or periods for each such seasonal industry, employment or occupation, or branch thereof. When the commission has determined such seasonal period or periods, it shall also fix the right to benefits and the conditions required for the payment of benefits to such individuals, and shall modify the requirements for eligibility to benefits and the conditions required for payment thereof in such manner that such individuals will receive benefits in reasonable proportion to the length of time during which they have been employed in such industry, employment or occupation. For the purposes of this chapter, no industry, employment or occupation or branch thereof shall be deemed seasonal, until the commission has made such a determination.

Seasonal occupations.

Section 27. An employee who, for reasons personal to himself, is unable or unwilling to work the usual full time, and who normally works less than the full time prevailing in his place of employment and in the type of employment in which he is engaged, shall register as a part-time worker in such manner as the commission shall prescribe. For the purposes of this chapter, the time which such employee normally works in any week shall be deemed his week of full-time employment, and the wages which he earns in such week shall be deemed his full-time weekly wages. The commissioner shall fix the proportionate number of days of employment required to qualify for benefits in place of the provisions contained in paragraph (a) of section eighteen, and proportionate maximum and minimum benefits in place of the maximum and minimum amounts provided in section twenty.

Part time workers.

Section 28. An employer desirous of employing additional employees for short-time work only, without liability for premiums and benefits for such employees, may obtain

Casual employment.

express permission from the commission for such employment, which shall thereupon be deemed casual employment and exempted from the provisions of this chapter for a period of not more than four weeks. The commission shall make and publish rules governing the exemption of such casual employment, and distinguishing it from part-time employment.

Waiver of
benefits
prohibited.

Section 29. No agreement by an employee to waive his right to benefit or any other right under this chapter, or to pay all or any portion of the contributions required hereunder from his employer, shall be valid. No employer shall make or permit or require any deduction from wages or salary of an employee to finance in whole or in part the contributions required of the employer, or require any waiver by an employee of any right hereunder. The commission may make rules, regulations and orders for the enforcement of this section, and shall cause any violations hereof to be prosecuted.

Benefits not
assignable, etc.

Section 30. Benefits which are or may become due under this chapter shall not be assigned, pledged, encumbered, released, commuted or trusted before payment; and when awarded, adjudged or paid shall, as long as they are not mingled with other funds of the beneficiary, be exempt from all claims of creditors, and from levy, execution and attachment or other remedy now or hereafter provided for recovery or collection of debt, which exemption may not be waived.

Fees
prohibited.

Section 31. (a) No fee shall be charged in any proceeding under this chapter by the commission or its agents or representatives.

(b) In any proceeding under this chapter a party may be represented by an agent, but no fees for services rendered by such agent shall be allowable or payable unless the amount has been approved by the commission. Any individual, firm, association or corporation who shall exact or receive any remuneration or gratuity for any services rendered on behalf of a claimant, except as allowed by this section, or who shall solicit the business of appearing on behalf of a claimant, or who shall make it a business to solicit employment for another in connection with any claim for benefits under this chapter, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both.

SETTLEMENTS OF CLAIMS AND DISPUTES.

Benefit claims.

Section 32. Benefit claims shall be filed at the employment office at which the employee has registered as unemployed, pursuant to general rules of the commission. Such claims shall be filed in such form, at such time and in such manner as the commission shall, by general rules, prescribe. Notice of the claim so filed shall be given to the employee's last employer. Every employee making a claim shall

certify under the penalties of perjury that he has not received wages or compensation for any employment, whether subject to this chapter or not, otherwise than as specified in his claim. Any failure accurately to state such amounts so received shall disqualify the employee making such inaccurate statement from receiving any benefits for one calendar year from the time of such statement; but the commission may cancel such penalty wholly or in part as it deems proper and equitable if, after hearing the employee, and such other investigation as it deems desirable, it determines that any such misstatement was not intentional and was made under such circumstances that it believes the penalty should be lessened. Failure to make a claim within the time fixed by the commission shall not bar proceedings under this chapter if it is found that such failure was occasioned by mistake or other reasonable cause, or if it is found that the employer or other interested parties were not prejudiced by the delay.

Section 33. The commission shall make rules governing the manner in which claims shall be presented, the reports thereon required from the employee and from employers, and the conduct of hearings and appeals. Such rules shall be designed to ascertain the substantive rights of the parties involved, without regard to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. Rules.

Section 34. The local or branch employment office official designated by the commission shall promptly determine, in accordance with the rules and procedure established by the commission, and after making such inquiries and investigation as he deems necessary, whether or not the claim is valid and the amount, if any, of the benefits payable thereunder, and shall promptly give notice of such decision to the employee, his most recent employer and such other parties as the commission may by general rule prescribe. In accordance with the rules of the commission benefits shall be paid or denied accordingly, unless a hearing is requested by a party affected within seven days after such notification. If a hearing is so requested, said official, after affording all parties interested reasonable opportunity to be heard, shall render a decision as promptly as possible and shall notify the parties affected, and shall file with the commission a statement of his findings and other matters pertinent to the questions arising before him, in accordance with the rules of the commission. Local employment offices, duties in respect to claims.

Section 35. Any party affected by such decision of the local or branch employment office official may file an appeal, in such manner and within such time as the commission may require, with such appeal board as the commission may by rule establish for said purpose. The parties interested shall be duly notified of the decision on appeal, and said decision shall be final, except in cases where the commission Appeal from findings of local officials.

acts on its own motion, or, pursuant to the rules of the commission, permits a proper party or proper parties to apply for review by the commission, or where, in the absence of such action or rule, appeal is taken to a district court under section thirty-seven.

Where the commission does not act on its own motion and no appeal is filed within the time provided by section thirty-seven and no application for review, if permitted by rule of the commission, is made within the time provided by rule therefor, the decision of the local employment office official shall be final on all questions of fact and of law, and the commission shall proceed to pay the benefits, if any, found payable.

Proceedings
before com-
mission, etc.

Section 36. The commission may remove or transfer the proceedings on any claim pending before a local or branch employment office official or appeal board; and, on its own motion, or upon an application for review, if permitted under its rules, may, within ten days after the date of any decision by such official or appeal board, affirm, reverse, change, modify or set aside any such decision on the basis of the evidence previously submitted in such case, or upon the taking of additional testimony.

Jurisdiction
of supreme
judicial and
district courts.

Section 37. Any party aggrieved by any decision of fact or of law in proceedings under this chapter, in which the value in controversy exceeds one hundred dollars, may after exhaustion of other appellate remedies provided in section thirty-five and by the rules of the commission, appeal within ten days after notice of such decision to the district court in the judicial district of which the employee lives or was employed, whereupon said court shall render judgment in accordance with its determination and notify the parties. The decision of the court shall be final and conclusive upon the parties upon questions of fact. The appeal board shall be represented by the attorney general in any appeal hereunder.

On final determination of an appeal hereunder, the appeal board shall enter an order in accordance with such determination.

The supreme judicial court, upon bill in equity brought by the commission against the claimant and all other interested parties, may determine any question of law arising upon any claim filed under section thirty-two, and also shall have general jurisdiction in equity, upon a bill brought by the commission, to enforce the provisions of this chapter. In all such cases the attorney general shall represent the commission. Such cases, and petitions for writs of certiorari against district courts acting under this section, shall have precedence over all other civil cases in said court, except cases arising under chapter one hundred and fifty-two.

Officials may
administer
oaths.

Section 38. In the discharge of the duties prescribed by this chapter any designated official, member of an appeal board, commissioner, or duly authorized representative of

the commission shall have power to administer oaths, take depositions, certify to official acts, and require by summons the attendance of witnesses and the production of books, papers, documents and records, necessary or convenient to be used in connection with any disputed claim. Witnesses summoned shall be paid the same fees as witnesses summoned to appear before the courts.

Section 39. No person shall be excused from testifying or from producing any book, record, document or other paper, pertinent to the matter in question, in any investigation or inquiry by or upon any hearing before the commission, when ordered to do so by the commission, upon the ground that the testimony or evidence, book, record, document or other paper required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which under oath, after claiming his privilege, he shall by order have testified or produced documentary evidence, except for perjury committed in giving such testimony or forgery committed by him in such documentary evidence.

Witnesses
required to
testify.

ADMINISTRATION.

Section 40. The commission, subject to the approval of the commission on administration and finance, shall cause to be printed in proper form for distribution to the public the full text of this chapter, its general rules, its annual reports, its regulations, classifications, rates and rules of procedure, and any other material it deems relevant and suitable, and shall furnish the same to any person upon request. Unless the contrary is provided hereunder, or by the rules or regulations of the commission, such printing and availability on application shall be deemed a sufficient publication of the same.

Law to be
distributed.

Section 41. The state advisory council established under section nine N of chapter twenty-three shall perform all the duties imposed on it by this chapter, and in addition it shall consider and advise the commission upon all matters connected with this chapter submitted to it by the commission, and may recommend upon its own initiative such changes in the administration of this chapter as it deems necessary. It shall have full investigatory powers, and shall have direct access to all sources of information. It shall promote as far as possible the regularization of employment within the commonwealth. It shall so aid in the formation of policies related to the administration of this chapter as to insure a fair, impartial and neutral administration hereof, free from political influences.

Duties of state
advisory
council.

Section 42. The commission shall co-operate with the appropriate agencies and departments of the federal government in matters relating to the administration of this chapter, and shall comply with all reasonable federal regu-

Commission to
co-operate
with other
departments.

lations governing the expenditures of sums allotted or apportioned to the commonwealth for such administration and accepted by the commonwealth.

Employers to
keep records.

Section 43. (a) Every employer, whether subject to this chapter or not, shall keep true and accurate records of all persons employed by him, showing the weekly hours worked for him by each employee, the weekly wages paid by him to each employee, the number of employees laid off, and the reason and duration of such lay-off. Such records shall be open to inspection by the commission or its authorized representative at any reasonable time. The commission may require from any employer such reports on wages, hours, employment, unemployment and related matters concerning his employees as the commission deems necessary to the effective administration of this chapter, and every employer shall fully, correctly and promptly furnish the commission all information required by it to carry out the purposes and provisions of this chapter. The commission may require that such information be verified under oath, which may be administered by the commission, any member thereof, or any person thereto authorized by the commission.

Information
not to be
made public.

(b) Information secured from employers or employees pursuant to this chapter shall be confidential and for the exclusive use and information of the commission in the discharge of its duties hereunder, and shall not be open to the public nor be used in any court in any action or proceeding pending therein unless the commission or the commonwealth is a party to such action or proceeding. Any officer or employee of the commission or of the commonwealth who, except with authority of the commission or pursuant to its regulations, or as otherwise required by law, shall disclose the same, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months, or both; provided, that nothing herein shall be construed to prevent the commission from making, upon request, full and complete reports to the federal social insurance board relating to the effect and administration of this chapter, on forms to be prescribed by the board, and from making available, upon request, to any agency of the United States charged with the administration of public works or other assistance through public employment, the names, addresses and ordinary occupation of each recipient of unemployment benefits and the date when such recipient received the last regular payment of benefits to which he was entitled under this chapter, or to prevent the commission from conducting any investigations it deems relevant in connection herewith. The commission may publish in statistical form the results of any such investigations without disclosing the identity of the individuals involved.

Notice of
unemployment
required.

Section 44. Every employee in order to qualify for benefits under this chapter, shall give notice of his unemployment, either by registering at a public employment

office or in such other manner, and within such time, as the rules and regulations of the commission may prescribe. Thereafter he shall give notice of the continuance of his unemployment as frequently and in such manner as the commission may prescribe.

UNEMPLOYMENT COMPENSATION ADMINISTRATION
ACCOUNT.

Section 45. There is hereby created the Unemployment Compensation Administration Account, to consist of all moneys appropriated by the commonwealth for the administration of this chapter and of all moneys received under this chapter or federal law and designated for the administration hereof or said account. The entire cost of the administration hereof, including salaries, cost of public employment offices, and other expenditures and expenses required, shall be paid out of said account; provided, that in no case, except for the fiscal year during which this chapter takes effect, shall the administrative expenses exceed ten per cent of the annual contributions of employers and employees. Said special account shall be kept and accounted for by the state treasurer in the same manner as other moneys of the commonwealth, except that its annual balances shall be carried forward and shall remain continuously available to the commission solely for the purposes herein specified.

Unemployment compensation administration account.

Section 46. All federal moneys allotted or apportioned to the commonwealth by the federal social insurance board, or other federal agency, for the administration of this chapter, shall be paid into the unemployment compensation administration account.

Funds to be paid into account.

Section 47. A special "employment service account" shall be maintained as a part of said account, for the purpose of segregating such money as may be made available by the commonwealth for the public employment service, together with such money as may be allotted to the commonwealth under the Wagner-Peyser Act, so-called.

Employment service account.

EXEMPTION UNDER EMPLOYERS' PLANS.

Section 48. Any employer or group of employers, and his or their employees, may be exempted by the commission from all the contributions required hereunder, as long as such employer or employers maintain in operation an unemployment compensation plan, with provisions for such compensation substantially equivalent to those of this chapter, which was in effect on June first, nineteen hundred and thirty-five. Any employer seeking such exemption shall submit his plan to the commission for approval.

Exemptions.

MISCELLANEOUS PROVISIONS.

Section 49. Contributions made by employers to the fund in accordance with this chapter shall be considered ordinary and necessary expenses of the business of the em-

Contributions deductible.

ployer, and deductible from gross income from professions, employments, trades or businesses returnable for taxation under chapter sixty-two, or from corporate income under chapter sixty-three. Contributions made by employees shall be deductible from gross income from wages or salaries returnable for taxation under chapter sixty-two.

Penalties.

Section 50. Whoever wilfully makes a false statement or representation to obtain or increase any benefit or other payment under this chapter, either for himself or for any other person, 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 thirty days, or both. Each such false statement or representation shall constitute a separate and distinct offence.

Any employer or agent of an employer who wilfully makes a false statement or representation to avoid or reduce any contribution or benefit payment required of such employer under this chapter, or who wilfully fails or refuses to pay any such benefit or contribution, or to furnish any reports, audits or information duly required by the commission under this chapter, or makes or requires any deduction from wages to pay any portion of the contributions required from employers under this chapter, or attempts by threats or coercion of any kind to induce any employee to waive any rights under this chapter, shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or by imprisonment for not more than ninety days, or both; and each such false statement or representation, and each day of such failure and neglect, and each such deduction from wages, and each such attempt to coerce, shall constitute a separate and distinct offence. If such employer or the employer of such agent is a corporation, the president, the secretary and the treasurer, or officers exercising corresponding functions, shall each be subject to the aforesaid penalties for any violation of any provision of this section, of which they, respectively, had or, in the proper exercise of their duties, ought to have had knowledge.

The commission or its authorized representative may make complaint against any person for a violation of any provision of this chapter within three years after the date thereof. All fines collected under this section shall be paid to the state treasurer and credited to the unemployment compensation administration account.

Section 51. This chapter shall be known as and may be cited as the Unemployment Compensation Law.

Section 52. If any part, section or subdivision of this chapter, or the application thereof, shall be held invalid, unconstitutional or inoperative as to any particular person, persons or conditions, the remainder hereof, or the application of any such part, section or subdivision to other persons and conditions, shall not be affected thereby.

Chapter,
how cited.

Constitution-
ality, effect of.

Reservations.

Section 53. The general court reserves the right to

amend, alter or repeal any provision of this chapter, and no person shall be or be deemed to be vested with any property or other right by virtue of the enactment of this chapter.

SECTION 6. Chapter forty-nine of the acts of the Seventy-third Congress of the United States, Session I, known as the Wagner-Peyser Act, is hereby accepted by the commonwealth. The existing division of public employment offices is hereby transferred to the jurisdiction of the unemployment compensation commission established by this act. So far as is consistent herewith, such transfer shall be accomplished without removing any officer or employee or displacing or disturbing any part, section or branch of said division.

Acceptance
of federal act.

SECTION 7. This act shall take effect upon its passage; provided, that no appointments shall be made hereunder, nor shall the provisions relating to contributions and the payment of benefits become operative, until the effective date of a federal law imposing a tax for unemployment compensation upon substantially the same base as provided by paragraph (a) of section three of chapter one hundred and fifty-one A of the General Laws and until the federal authorities charged with the enforcement of said law grant to employers contributing to the fund established under said chapter one hundred and fifty-one A the credits provided by said law, or until such time as the governor of this commonwealth officially declares that eleven of the following states (Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Maine, Maryland, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont) have in operation unemployment compensation laws which impose burdens on employers substantially equivalent to those imposed by this act. But in the event that such federal law, after its passage, is declared unconstitutional, the operation of this act shall cease, and the provisions hereof shall not again become effective until such time as the governor officially declares that eleven of the above named states have in operation unemployment compensation laws which impose burdens on employers substantially similar to those imposed by this act.

Effective date.

Approved August 12, 1935.

AN ACT PROVIDING FOR A TEMPORARY ADDITIONAL TAX
UPON PERSONAL INCOMES, CORPORATIONS, SUCCESSIONS
AND LEGACIES.

Chap. 480

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. There is hereby imposed, in addition to the taxes levied under the provisions of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, taxes levied under the provisions of section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three, and taxes levied under the provisions of sections thirty to sixty, inclusive, of chapter sixty-three of the General Laws, as appearing in the Tercentenary Edition, and all acts in amendment thereof and in addition thereto, an additional tax equal to ten per cent of the taxes imposed under the provisions of said sections, acts and chapters, and all provisions of law relative to the assessment, payment, collection and abatement of the said taxes shall apply to the taxes imposed by this section; provided, that no tax assessed under this section in or on account of the calendar year nineteen hundred and thirty-five shall bear interest prior to October first of said year.

SECTION 2. All property subject to a legacy and succession tax under the provisions of chapter sixty-five of the General Laws, as appearing in the Tercentenary Edition, and of any further amendments thereof or additions thereto, shall be subject to an additional tax of ten per cent of all taxes imposed by said provisions. All provisions of law relative to the determination, certification, payment, collection and abatement of such legacy and succession taxes shall apply to the additional tax imposed by this section.

SECTION 3. All the taxes provided by sections one and two shall be retained by the commonwealth.

SECTION 4. Section one shall apply only to the assessment of taxes in or on account of the calendar year nineteen hundred and thirty-five. Section two shall apply only to property or interests therein passing or accruing upon the death of persons who die in the calendar year nineteen hundred and thirty-five.

Approved August 13, 1935.

Chap. 481 AN ACT RELATIVE TO THE TAXATION OF THE EXCESS OF GAINS OVER LOSSES ACCRUING FROM THE SALES OF CERTAIN SHARES OF STOCK.

Be it enacted, etc., as follows:

SECTION 1. Section five of chapter sixty-two of the General Laws is hereby amended by striking out subsection (c), as most recently amended by section one of chapter three hundred and sixty-three of the acts of nineteen hundred and thirty-four, 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

G. L. (Ter. Ed.), 62, § 5, etc., amended.

Tax on excess of gains, etc.

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 stock dividend, apportioned over the old and the new shares held after the receipt of such stock dividend, except that when the new stock received as a dividend has been taxed, under this chapter or under chapter three hundred and seven of the acts of nineteen hundred and thirty-three, to the seller as a dividend, the cost of such new stock when sold shall be the value at which such stock was taxed. For the purpose of this subsection, 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 subsection against principal in any accounting which he makes as such fiduciary. 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.

SECTION 2. This act shall apply to income received from such sales during the calendar year nineteen hundred and thirty-five and thereafter.

Application
of act.

Approved August 13, 1935.

AN ACT MAKING CERTAIN NECESSARY CHANGES IN THE ELECTION LAWS INCIDENT TO THE REDIVISION OF CITIES INTO WARDS.

Chap. 482

Be it enacted, etc., as follows:

SECTION 1. Section fifty-four of chapter fifty-three of the General Laws, as amended by section twenty-one of chapter three hundred and ten of the acts of nineteen hundred and thirty-two, is hereby further amended by inserting after the word "governor" in the seventeenth line the following two new sentences:— At the second party primary following the redivision of a city into wards under the provisions of section one of chapter fifty-four there shall be elected one delegate from each ward as established by such redivision and such additional delegates, if any, from such city as would be elected from the wards thereof

G. L. (Ter.
Ed.), 53, § 54,
etc., amended.

Delegates to
pre-primary
conventions.

if no such redivision had been made. The state committee shall apportion the number of said additional delegates by wards and notify the state secretary of such apportionment on or before March first preceding said party primary.

G. L. (Ter. Ed.), 54, § 4, amended.

When new division of cities into wards takes effect.

SECTION 2. Chapter fifty-four of the General Laws is hereby amended by striking out section four, as appearing in the Tercentenary Edition, and inserting in place thereof the following:—*Section 4.* For all elections and primaries held prior to the second party primary following a redivision of a city into wards, and for the assessment of taxes in the year following such a redivision, the wards as existing previous to such redivision shall continue, and for such purposes the election officers shall be appointed and hold office, and voting lists shall be prepared, and all other things required by law shall be done, as if no such redivision had been made; provided, that the city council of a city may, for the purposes of any municipal election and its antecedent primary, if any, held prior to said party primary, order that the new wards shall be in effect and thereupon the mayor of such city may make such adjustments in the personnel and assignments of election officers as may be necessary.

Approved August 13, 1935.

Chap. 483 AN ACT PROVIDING FOR TRIAL TOGETHER OF TWO OR MORE ACTIONS ARISING OUT OF THE SAME MOTOR VEHICLE ACCIDENT PENDING IN DISTRICT COURTS.

Be it enacted, etc., as follows:

G. L. (Ter. Ed.), 223, new section 2A, added.

Consolidation of certain actions.

SECTION 1. Chapter two hundred and twenty-three of the General Laws is hereby amended by inserting after section two, as most recently amended by section two of chapter three hundred and eighty-seven of the acts of nineteen hundred and thirty-four, the following new section:—*Section 2A.* The appellate division of a district court, upon motion of any principal party in an action of tort in such district court arising out of an accident in which a motor vehicle or trailer is involved, in case it appears that one or more actions arising out of the same accident are pending in another district court or courts, may order the consolidation of such actions for the purpose of trial and their trial together in one such district court to be designated in the order; provided, that if such motions are filed in more than one appellate division in actions arising out of the same accident, all such motions shall be referred for decision to the appellate division in which the first motion is filed; and provided, further, that if all the principal parties to all said actions agree upon such consolidation and trial together in one such district court, they shall be ordered to be so consolidated and tried in the court agreed upon. The party making such motion shall give notice thereof to the clerks of the district courts in

which said actions are pending and to all parties to such actions, and thereafter none of said actions shall be placed on the trial list until the disposition of said motion. This section shall apply only to actions as to which the time limit for removal to the superior court under sections one hundred and two A and one hundred and four of chapter two hundred and thirty-one has expired.

SECTION 2. The appellate divisions of the northern, southern and western districts and the chief justice of the municipal court of the city of Boston, acting jointly, shall make rules to carry out the purpose of section one. Rules.

SECTION 3. Section one of this act shall become operative on October first in the current year and the remainder thereof on its passage. Effective date.
Approved August 13, 1935.

AN ACT RELATIVE TO REPRESENTATION OF THE INDUSTRIAL ACCIDENT BOARD IN WORKMEN'S COMPENSATION CASES IN COURT AND TO SPEEDY HEARINGS IN SUCH CASES IN THE SUPERIOR COURT. Chap. 484

Be it enacted, etc., as follows:

Section eleven of chapter one hundred and fifty-two of the General Laws, as amended by section one of chapter one hundred and twenty-nine of the acts of nineteen hundred and thirty-two, is hereby further amended by adding at the end thereof the following new paragraph: — In the event of certification or appeal to the superior court in accordance with this section, except in cases concerning employees of the commonwealth, the industrial accident board shall thereupon become a party to the proceedings and the attorney general shall, if requested by the industrial accident board, represent said board in any matter relating thereto. The chief justice of the superior court shall, in all counties, arrange hearings on workmen's compensation cases so that they shall be heard more speedily than other matters coming before the court sitting without a jury; and in the county of Suffolk said chief justice shall assign at least one day in each week, during which a justice shall devote his time first to hearings on workmen's compensation cases, to the end that there may be a speedy disposition thereof.

G. L. (Ter. Ed.), 152, § 11, etc., amended.

Powers of superior court in certain workmen's compensation cases.

Approved August 14, 1935.

AN ACT FURTHER ENLARGING THE POWERS OF THE STATE BOARD OF HOUSING AND OF LOCAL HOUSING AUTHORITIES. Chap. 485

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, safety and convenience. Emergency preamble.

Be it enacted, etc., as follows:

SECTION 1. Chapter one hundred and twenty-one of the General Laws is hereby amended by inserting after section twenty-four A, inserted by section two A of chapter four

G. L. (Ter. Ed.), 121, new section 24B, added.

Powers of
state board of
housing and
of local hous-
ing authorities.

hundred and forty-nine of the acts of the current year, the following new section: — *Section 24B*. For the purpose of aiding and co-operating in the undertaking, construction or operation by the United States of America or any agency or instrumentality thereof of any project in the commonwealth to relieve congestion of population and provide dwelling accommodations for mechanics, laborers, wage earners of any kind, or other citizens of the commonwealth, the housing board may, with the consent of the governor and council, take by eminent domain under chapter seventy-nine or chapter eighty A any land or interest therein for such project, but only in case said United States obligates itself to save the commonwealth harmless from any expense on account of any such taking; and the housing board, upon such terms and conditions as it shall determine, may grant, sell, convey, lease or deliver possession of property so taken to the United States of America or such agency or instrumentality thereof; provided that such property shall not be sold at less than the cost thereof. The purpose for which such acquisition of property by the housing board is herein authorized is hereby declared to be a public purpose for which private property may be acquired by eminent domain.

G. L. (Ter.
Ed.), 121,
§26Q, etc.,
amended.

Co-operation
with federal
authorities.

SECTION 2. Section twenty-six Q of said chapter one hundred and twenty-one, inserted by section five of said chapter four hundred and forty-nine, is hereby amended by inserting after subdivision (b) the following new subdivision: — (c) For the purpose of aiding and co-operating in the undertaking, construction or operation by the United States of America or any agency or instrumentality thereof, but only in case said United States obligates itself to save the commonwealth and its political subdivisions harmless from any expense on account of any such taking of any project located within the area in which it is empowered to act, any housing authority may take by eminent domain under chapter seventy-nine or chapter eighty A any property, real or personal, or any interest therein, found by it to be necessary or reasonably required for such project; and the housing authority, upon such terms and conditions as it shall determine, may grant, sell, convey, lease or deliver possession of property so taken to the United States of America or such agency or instrumentality thereof. The purpose for which such acquisition of property by a housing authority is herein authorized is hereby declared to be a public purpose for which private property may be acquired by eminent domain. Any housing authority may exercise the power of eminent domain for the purposes of this subdivision without regard to any of the limitations or restrictions provided in this chapter with respect to its acquiring property for other purposes by eminent domain, purchase or otherwise. *Approved August 14, 1935.*

AN ACT AUTHORIZING THE TOWN OF WALPOLE TO USE CERTAIN PARK LAND FOR SCHOOL PURPOSES. Chap. 486

Be it enacted, etc., as follows:

SECTION 1. The town of Walpole is hereby authorized to use for school and school yard purposes a portion of Memorial Park, so called, located in said town and bounded and described as follows: — Beginning at a cross-cut at the southerly corner of said park at an angle point in the north-westerly side line of School street; thence running N 48-40-45 W two hundred and eighty-four and seventy one hundredths feet along the side line of the present Stone School lot to a point; thence N 41-54-15 E three hundred and fifty feet to a point; thence S 48-40-45 E one hundred and seventy-nine and ninety-four one hundredths feet to a point in the northwesterly side line of said School street; thence turning and running S 25-14-30 W three hundred and sixty-five and thirty-four one hundredths feet along the side line of said School street to the point of beginning. Said parcel contains eighty-one thousand square feet, more or less, and is shown on a plan entitled "Plan of Portion of Memorial Park, Walpole, Mass. to be transferred to School Purposes," by F. F. Libby, town engineer, dated August seventh, nineteen hundred and thirty-five.

SECTION 2. This act shall take effect upon its passage.
Approved August 14, 1935.

AN ACT RELATIVE TO THE WIDENING AND RECONSTRUCTION OF OCEAN AVENUE IN THE CITY OF REVERE BY THE DEPARTMENT OF PUBLIC WORKS. Chap. 487

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 two of chapter three hundred and seventy-five of the acts of nineteen hundred and thirty-four is hereby amended by striking out, in the seventh and eighth lines, the words "five hundred and sixty" and inserting in place thereof the words: — six hundred and ten, — so as to read as follows: — *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 six hundred and ten thousand dollars.

SECTION 2. Said chapter three hundred and seventy-

five is hereby further amended by striking out section three and inserting in place thereof the following: — *Section 3.* 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, 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. Section four of said chapter three hundred and seventy-five is hereby repealed.

SECTION 4. Said chapter three hundred and seventy-five is hereby further amended by striking out section five and inserting in place thereof the following: — *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 not exceeding one hundred and five thousand dollars 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-six.

SECTION 5. Chapter three hundred and seventy-five is hereby further amended by adding at the end thereof the following new section: — *Section 7.* When the work herein authorized shall have been completed, said Ocean avenue shall be under the control of said city of Revere and shall be kept in good condition and repair by it, except that any portion thereof belonging to the metropolitan district commission shall remain under the control of said commission.

Approved August 14, 1935.

Chap. 488 AN ACT REALLOCATING THE COST OF THE REPAIR OF THE SLADE'S FERRY BRIDGE, SO CALLED, OVER THE TAUNTON RIVER.

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. Section one of chapter three hundred and sixty-seven of the acts of nineteen hundred and thirty-four is hereby amended by striking out, in the fourteenth line, the word "forty" and inserting in place thereof the word: — thirty, — so as to read 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 thirty 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. Section two of said chapter three hundred and sixty-seven is hereby further amended by inserting after the word "hundred" in the second line the words: — and twenty-five, — and by striking out, in the twelfth line, the words "the current year" and inserting in place thereof the words: — nineteen hundred and thirty-four and item six hundred and forty-five of chapter two hundred and forty-nine of the acts of nineteen hundred and thirty-five, — so as to read as follows: — *Section 2.* The cost of the work hereunder shall not exceed two hundred and twenty-five 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 nineteen hundred and thirty-four and item six hundred and forty-five of chapter two hundred and forty-nine of the acts of nineteen hundred and thirty-five. 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. 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.

SECTION 4. Nothing contained in or done under the authority of said chapter three hundred and sixty-seven or of this act shall be construed to repeal, alter or amend any provision of chapter forty-four of the acts of nineteen hundred and thirty-one or to affect or modify in any way any action taken under its provisions.

Approved August 14, 1935.

Chap. 489 AN ACT RELATIVE TO THE TAXATION OF INCOMES AND OF CERTAIN BUSINESS AND MANUFACTURING CORPORATIONS.

Be it enacted, etc., as follows:

SECTION 1. Section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three is hereby amended by inserting after the word "banks" in the eleventh line the words: — , and income received by any inhabitant of the commonwealth during the year nineteen hundred and thirty-six from such dividends, other than stock dividends paid in new stock of the company issuing the same, — so as to read as follows: — *Section 9.* Income received by any inhabitant of the commonwealth during the years nineteen hundred and thirty-three, nineteen hundred and thirty-four and nineteen hundred and thirty-five from dividends on shares in all corporations, joint stock companies and banking associations, organized under the laws of this commonwealth or under the laws of any state or nation, except co-operative banks, building and loan associations and credit unions chartered by the commonwealth, and except savings and loan associations under the supervision of the commissioner of banks, and income received by any inhabitant of the commonwealth during the year nineteen hundred and thirty-six from such dividends, other than stock dividends paid in new stock of the company issuing the same, shall be taxed at the rate of six per cent per annum. Except as otherwise provided in this section, the provisions of chapter sixty-two of the General Laws, as amended, shall apply to the taxation of income received by any such inhabitant during said years. Subsection (b) of section one of said chapter sixty-two shall not apply to income received during said years.

SECTION 2. Section nine A of said chapter three hundred and seven is hereby amended by striking out, the third time it appears in the ninth line, the word "and" and inserting in place thereof a comma, — and by inserting after the word "thirty-five" in the tenth line the words: — and

nineteen hundred and thirty-six, — so as to read as follows: — *Section 9A.* The credit for dividends paid to inhabitants of this commonwealth by foreign corporations provided by section forty-three of chapter sixty-three of the General Laws in determining the tax leviable on such corporations under paragraph (2) of section thirty-nine of said chapter sixty-three shall not be allowed to foreign corporations or to foreign manufacturing corporations in respect to dividends so paid in the years nineteen hundred and thirty-three, nineteen hundred and thirty-four, nineteen hundred and thirty-five and nineteen hundred and thirty-six.

SECTION 3. Said chapter three hundred and seven is hereby amended by striking out section ten and inserting in place thereof the following: — *Section 10.* Every corporation organized under the laws of this commonwealth, and every corporation doing business therein, including every banking association organized under the laws of any state or nation, and every partnership, association or trust the beneficial interest in which is represented by transferable shares, doing business in the commonwealth unless the dividends paid on its shares are exempt from taxation under said section one of said chapter sixty-two shall in nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six and nineteen hundred and thirty-seven file with the commissioner of corporations and taxation, hereinafter called the commissioner, in such form as he shall prescribe, a complete list of the names and addresses of its shareholders as of record on December thirty-first next preceding, or on any other date satisfactory to the commissioner, or in its discretion, of such shareholders as are residents of the commonwealth, together with the number and class of shares held by each shareholder, and the rate of dividends paid on each class of stock for said preceding year. The second paragraph of section thirty-three of said chapter sixty-two shall not apply to returns relative to shareholders receiving dividends in the years nineteen hundred and thirty-three, nineteen hundred and thirty-four, nineteen hundred and thirty-five and nineteen hundred and thirty-six.

SECTION 3A. Section eleven of said chapter three hundred and seven is hereby amended by striking out, in the third and fourth lines, the words “and nineteen hundred and thirty-six” and inserting in place thereof the words: —, nineteen hundred and thirty-six and nineteen hundred and thirty-seven, — so as to read as follows: — *Section 11.* The state treasurer shall, on or before November twentieth, in the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six and nineteen hundred and thirty-seven, distribute to the several cities and towns, in proportion to the amounts of state tax imposed upon such cities and towns in said years, respectively, the proceeds of the taxes collected by the com-

monwealth under section nine of this act, after deducting a sum sufficient to reimburse the commonwealth for the expenses incurred in the collection and distribution of said taxes, and for such of said taxes as have been refunded under section twenty-seven of chapter fifty-eight of the General Laws, as appearing in the Tercentenary Edition thereof, during said years, together with any interest or costs paid on account of refunds, which shall be retained by the commonwealth; provided, that the state treasurer may withhold out of the amount to which any city or town would otherwise be entitled as aforesaid so much thereof as is necessary to pay the principal or interest of any bonds or notes issued by such city or town under section two and then held by the commonwealth and remaining unpaid, and thereafter interest shall be payable only on the balance of such bonds or notes remaining unpaid. Any amount payable to a city or town hereunder shall be included by the assessors thereof as an estimated receipt, and be deducted, in accordance with the provisions of section twenty-three of chapter fifty-nine, from the amount required to be raised by taxation to meet appropriations made in such years for public welfare, soldiers' benefits and maturing debts, in that order.

SECTION 4. Section one of chapter three hundred and seventeen of the acts of nineteen hundred and thirty-four is hereby amended by striking out, the second time it appears in the second line, the word "and" and inserting in place thereof a comma, — and by inserting after the word "thirty-six" in the third line the words: — and nineteen hundred and thirty-seven, — so that the first paragraph will read as follows: — During the years nineteen hundred and thirty-four, nineteen hundred and thirty-five, nineteen hundred and thirty-six and nineteen hundred and thirty-seven, 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: —

SECTION 5. Any reference in said chapter three hundred and seventeen to section nine of chapter three hundred and seven of the acts of nineteen hundred and thirty-three shall be taken to refer to said section, as amended by section one of this act.

SECTION 6. Subsection (c) of section one of chapter sixty-two of the General Laws, as appearing in the Tercentenary Edition, is hereby amended by inserting after paragraph Second the following new paragraph: —

Third, Partnerships, associations or trusts, the beneficial interest in which is represented by transferable shares, en-

G. L. (Ter.
Ed.), 62, § 1,
amended.

Taxation of
income from
trusts, etc.

gaged principally in the ownership, management or operation of real estate, which file with the commissioner the agreement hereinafter provided for.

SECTION 7. Subsection (e) of said section one of said chapter sixty-two, as so appearing, is hereby amended by striking out, in the second line, the word "and" and inserting in place thereof a comma, — and by inserting after the word "second" in the same line the words: — and third, — so as to read as follows: — (e) Dividends on shares of any partnership, association or trust, of the classes designated in paragraphs first, second and third of subsection (c), shall be subject to taxation under this section unless the trustees or managers thereof file with the commissioner, in such form as he determines, its agreement to pay to the commonwealth annually the tax imposed by subsection (d) and any tax imposed by section five. In case of any breach of the terms of any such agreement, the same may be enforced by information in equity brought by the attorney general at the relation of the commissioner in the supreme judicial court for Suffolk county. This remedy shall be in addition to all other means of collection provided by this chapter, and to the penalties hereinafter imposed.

G. L. (Ter. Ed.), 62, § 1, further amended.

Taxation of certain dividends.

SECTION 8. Subsection (b) of section five of said chapter sixty-two, as so appearing, is hereby amended by inserting after the word "government" in the sixth and seventh lines the words: —, so far as the taxation of such wages and salaries is constitutionally prohibited, — so as to read as follows: — (b) The excess over two thousand dollars of the income, as defined in section six, derived from professions, employments, trade or business shall be taxed at the rate of one and one half per cent per annum. In determining such income the rental value of living quarters furnished any individual as part of his compensation shall be included. The wages and salaries of employees and officers of the United States government, so far as the taxation of such wages and salaries is constitutionally prohibited, shall not be taxed. Retirement allowances, however described, from the commonwealth or any county, city, town or district thereof, or from any person, if not exempt by law, and interest received in the course of business by persons subject to the provisions of sections seventy to eighty-five, inclusive, of chapter one hundred and forty, shall be taxed under this subsection.

G. L. (Ter. Ed.), 62, § 5, amended.

Tax on income from professions, etc.

Approved August 14, 1935.

AN ACT RELATIVE TO THE RETIREMENT OF CHARLES W. PARKER, RETIRED COMMANDANT OF THE SOLDIERS' HOME.

Chap. 490

Be it enacted, etc., as follows:

SECTION 1. For the purpose of determining the eligibility of Charles W. Parker, for many years a faithful employee, and until recently commandant, of the Soldiers' Home in Massachusetts, to receive a pension under sec-

tions fifty-six to fifty-nine, inclusive, of chapter thirty-two of the General Laws, the service of said Parker at said home prior to December first, nineteen hundred and thirty-four, shall be considered as service for the commonwealth.

SECTION 2. This act shall take effect as of January first in the current year. *Approved August 14, 1935.*

Chap. 491 AN ACT RELATIVE TO THE CONSTRUCTION OF A NEW HIGH LEVEL BRIDGE OVER WEYMOUTH FORE RIVER TO REPLACE THE FORE RIVER BRIDGE, SO CALLED.

Be it enacted, etc., as follows:

Section three of chapter three hundred and forty-eight of the acts of nineteen hundred and thirty-three is hereby amended by striking out the word "two" the second time it occurs in the seventh line and inserting in place thereof the word:— five, — so as to read as follows:—

Section 3. The cost of constructing said bridge and 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, any sums paid for lands or rights purchased, and all other expenses incurred in carrying out the provisions of section one, shall not exceed, in the aggregate, two million five hundred thousand dollars. The department may make a contract or contracts for said construction involving the expenditure of funds not exceeding the amount herein authorized to be expended, upon receipt of assurance from the proper federal authorities that the federal government will furnish by grant or loan, or both, under the National Industrial Recovery Act, the funds necessary to meet the cost of said construction, notwithstanding the provisions of section twenty-seven of chapter twenty-nine of the General Laws, as appearing in the Tercentenary Edition thereof. To meet expenses incurred, in anticipation of the securing of funds under said act, in carrying out said construction, expenditures may be made from the appropriation made by item five hundred and seventy-nine of chapter one hundred and seventy-four of the acts of the current year. *Approved August 14, 1935.*

Chap. 492 AN ACT TO PROVIDE FOR THE CONSTRUCTION OF TUNNELS OR SUBWAYS IN THE CITY OF BOSTON AND THE PURCHASE AND REMOVAL OF CERTAIN ELEVATED STRUCTURES IN SAID CITY, WITH THE AID OF FEDERAL FUNDS.

Be it enacted, etc., as follows:

SECTION 1. The following words as used in this act shall, unless the context otherwise requires, have the following meanings:—

"City" shall mean the city of Boston.

"Company" shall mean the Boston Elevated Railway Company, its successors and assigns.

“Department” shall mean the transit department of the city of Boston, or such board or officers as may succeed to its powers and duties.

“Board” shall mean the Emergency Finance Board, established under section one of chapter forty-nine of the acts of nineteen hundred and thirty-three.

“Premises” shall mean the property authorized to be acquired or constructed by the department under the provisions of sections two and five of this act, except equipment and elevated structures.

“Equipment” shall mean the property which the department is authorized to provide and furnish under the provisions of section three of this act.

“Elevated structure” shall mean elevated structure of the company including terminals, stations, shelters, enclosed areas, yards and structures appurtenant thereto, ballast, tracks, rails, fastenings, frogs, switches, switch stands, ties, tie plates, wires, poles, signals, conduits, lighting and power distribution systems, fences, barriers, station equipment and incidental apparatus and all land or rights or interests therein whether acquired in connection with the construction and use of said elevated structure or otherwise, not including, however, any rolling stock.

Whenever any act is required or authorized to be done or performed by the department, such action shall be in the name of and on behalf of the city of Boston, and whenever any action is required or permitted to be taken by the city, such act shall be performed by the department, unless otherwise expressly provided.

SECTION 2. Provided the board and the governor approve any public works project as hereinafter authorized, and provided the proper federal authorities approve a grant therefor of federal money under section two hundred and three of Title II of the National Industrial Recovery Act, or under the joint resolution of congress known as the Emergency Relief Appropriation, Act of 1935, and the conditions hereinafter set forth are complied with, the department may construct a tunnel or subway connecting with the present Washington street tunnel at or near the northerly end of the Union-Friend station and extending to a point at or near the present Sullivan square terminal of the company in that part of the city known as Charlestown, and a tunnel or subway connecting with said Washington street tunnel at or near Kneeland street and extending to a point at or near the Dudley street terminal of the company in that part of the city known as Roxbury, or such other point south of said Dudley street terminal as the mayor of the city may determine, or either or any part of such tunnels or subways, and may purchase of the company, in accordance with the provisions of section ten, all its right, title and interest in and to all or any part of the present elevated structure, beginning at and connecting with said Washington street tunnel at its northerly terminus and extending

to a point at or near said Sullivan square terminal, and all or any part of the present elevated structure beginning at and connecting with said Washington street tunnel at its southerly terminus and extending to a point at or near said Dudley street terminal or such other point determined as aforesaid, and may remove all or any part of said elevated structure so purchased by the city. The department, in connection with the construction of any such tunnel or subway, shall lay out and construct therefor suitable terminals, stations, transfer areas, connections with the remaining elevated structures of the company to be operated by the company in connection with such tunnel or subway and also any other structures deemed by the department to be necessary for the safe and convenient operation of such subway or tunnel. In connection with the construction of any such tunnel or subway or other work authorized by this act the department shall have all the powers conferred upon the Boston transit commission by chapter seven hundred and forty-one of the acts of nineteen hundred and eleven and acts in amendment thereof and in addition thereto. Any such project, so approved, shall be carried out in all respects subject to the provisions of said Title II or of said joint resolution, as the case may be, 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 said project. The city 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, or under said joint resolution, as the case may be.

SECTION 3. The department shall provide, equip and furnish any tunnel or subway or any part thereof constructed under the provisions of section two, including terminals, stations, shelters, enclosed areas, yards and structures appurtenant thereto with all necessary ballast, tracks, rails, fastenings, frogs, switches, switch stands, ties, tie plates, wires, poles, signals, conduits, lighting and power distribution systems, fences, barriers, station equipment and incidental apparatus, and in general shall completely equip and furnish the same with all property, appliances, apparatus, machinery, furniture and fixtures proper and adapted thereto and necessary for the convenient maintenance and operation of such a tunnel or subway or part thereof, not including, however, any rolling stock.

SECTION 4. The department may make such preliminary investigations, surveys and plans as it may deem expedient and to that end the department, its employees or any other persons acting with its authority may enter upon any lands, or places, without being liable in trespass, in order to make surveys and investigations, and may place and maintain marks and monuments thereon, and make borings and excavations and do all other acts necessary

for such investigations, surveys and the preparation of plans. The department may expend such sum, not exceeding twenty thousand dollars, as it deems necessary therefor, to be paid by the treasurer of the city of Boston, but if construction is begun hereunder the amount so expended shall be charged to and become part of the cost of construction.

No taking, use, purchase, or acquisition under section five shall be made and no work of construction shall be begun unless and until plans for such construction shall be approved by the mayor of the city, and unless and until a contract between the city and the company shall be executed for the sole and exclusive use by the company of the premises and equipment, or such part thereof as is shown on the plans so approved, and for the purchase by the city of the whole or part of the elevated structures of the company, in accordance with the provisions set forth in section ten, and unless and until the approval of the board, the governor and the proper federal authorities provided for in section two shall be obtained. Any plans so approved may be altered at any time by a new plan approved in like manner except that after the execution of said contract no such alteration shall be made without the consent thereto of the company in writing.

SECTION 5. For the purpose of carrying out the provisions of this act, the department may use, without compensation therefor, public lands and ways, and may acquire on behalf of the city by purchase or otherwise, and may take by eminent domain, under chapter seventy-nine of the General Laws or any alternative method now or hereafter provided by general law, lands in fee, including buildings thereon, and easements, estates and rights in land, including the right to go under the surface thereof, or through or under buildings or parts of buildings thereon, or any leasehold rights, or other rights therein or relative thereto, including any and all lands, easements and rights owned by any railroad company; such taking in fee or otherwise may be made whether the land or other rights taken or otherwise affected are held under or by title derived by eminent domain or otherwise, and the department may, for such purpose, acquire for the city by purchase or otherwise, or may take, any property and rights of any kind deemed by it essential to the construction of said public works projects. Such taking in fee or otherwise may be made for the purpose of providing locations for pipes, wires, conduits and other structures, the relocation of which is made necessary or expedient by the construction authorized by this act. A taking or purchase under this section of an easement or other estate or right in a given parcel of real estate or any right taken, whether such parcel or other right taken consists of unimproved land or of land and buildings or rights of any nature, may be confined to a portion or section of such parcel or right

fixed by planes of division, or otherwise, below or above or at the surface of the soil, and in such case no taking need be made of upper or lower portions, or other parts or sections thereof, except of such easements therein, if any, as the department may deem necessary. The department shall, so far as may be practicable, notify all known owners of such takings, but the validity thereof shall not be affected by want of such notice. Any person sustaining damage by reason of property or rights in property taken or injured by the department under authority of this act, except public lands and ways which may be taken and used without compensation as hereinbefore provided, shall be entitled to recover the same from the city under said chapter seventy-nine or under other provisions of law providing an alternative method of taking by eminent domain, as the case may be. The members of the department shall not be liable personally for any such damage. For the purpose of constructing the work authorized by this act the department may enter upon and use the land of others. Any person injured in his property by such entry or use of his land by the department may recover his damages under chapter seventy-nine of the General Laws. To such extent and under such conditions as the mayor of the city may from time to time determine, all action taken by the department under this section shall be with the written approval of the mayor.

SECTION 6. The department may sell the buildings or other structures upon any lands taken by it, or may remove the same, and shall sell, if a sale be practicable, or if not, shall lease, if a lease be practicable, any lands or rights or interests in lands or other property taken or purchased for the purposes of this act, whenever the same shall, in the opinion of the department, cease to be needed for the said purpose. The department may sell any or all of the elevated structures purchased by the city as salvage or otherwise. The proceeds of any such sale or lease shall be used for the payment of costs of construction, or for the payment of interest on the bonds authorized to be issued under section nine or for the payment or the retirement of such bonds, as the department shall determine.

SECTION 7. The department may order the removal or relocation of any surface tracks, and the removal or relocation of any conduits, pipes, wires, poles, or other property located in public ways or places, which it deems to interfere with the laying out, construction or operation of the public works projects authorized by this act, and shall grant new locations for any such structures so removed or relocated. Such orders, to the extent specified therein, shall be deemed a revocation of the right or license to maintain such tracks, pipes, conduits, wires, poles, or other property in such public ways or places, and the owner of any such structures in public ways or lands shall comply with such orders without expense to the city. If any such

owner shall fail to comply with the order of the department within a reasonable time, to be fixed in the order, the department may discontinue and remove such tracks, conduits, pipes, wires, poles or other property, and may relocate the same, and the cost of such discontinuance, removal or relocation shall be repaid to the city by the owner. No such discontinuance, removal or relocation shall entitle the owner of the property thus affected to any damages on account thereof. Any such structure in or upon private lands may be removed and relocated by the department, or, if removed and relocated by the owner thereof, the reasonable expense shall be repaid to him by the department. Any gas or electric lighting company shall shut off the gas or current from any pipes or wires affected by any acts done hereunder, so far and for such time as may be necessary to prevent the escape or explosion of gas, or other public danger. This section shall not apply to facilities on property of the commonwealth under the control of the department of public works or installed under licenses or permits granted by said department, except with its approval.

SECTION 8. All work done under this act, under or near public streets and places, shall be conducted, so far as may be practicable, in such manner as to leave such streets and places or a reasonable part thereof, open for traffic between the hours of seven in the forenoon and six in the afternoon of each secular day, except legal holidays, and as to permit the safe operation of service upon existing elevated structures and connections until beginning of use of the premises by the company.

SECTION 9. For the purpose of meeting the cost of any public works project authorized by this act, the city may borrow from the United States of America or other sources, or both, such sums as may be fixed by the board; and the treasurer of the city may, from time to time, on request of the department, with the approval of the mayor of the city, and without further authorization than herein contained, issue and sell at public or private sale bonds of the city, registered or with interest coupons attached, as he may deem best. Such bonds shall be designated on their face "Tunnel Extension Bonds, City of Boston, Act of 1935". The board shall fix the terms of and maximum rates of interest on such bonds, 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 indebtedness incurred by the city under the authority of this act shall be outside the statutory limit of indebtedness of the city and shall not in any way affect or limit the power of the city to borrow under the provisions of section two of Part I of chapter three hundred and sixty-six of the acts of nineteen hundred and thirty-three, as most recently

amended by chapter four hundred and four of the acts of nineteen hundred and thirty-five, or to borrow under any other provisions of law now or hereafter in force.

SECTION 10. The department may, with the approval of the mayor, execute a contract with the company upon the terms and conditions herein prescribed for the sole and exclusive use of the premises and equipment, or any part thereof, by the company for the running of trains and cars therein and thereon, and for such other uses as the department and the company may agree. Said contract shall provide that the company shall convey to the city and the city shall purchase of the company at such time as the department and the company shall agree upon and set forth in said contract all of the right, title and interest of the company in and to the elevated structures described in section two or such part thereof as the department and the company shall agree upon and set forth in said contract and that the company shall receive as full compensation for such conveyance and for any loss or damage which may result to the company by reason of the construction of the premises and equipment, or any part thereof, or by reason of the removal of the elevated structures conveyed as aforesaid, the right to the sole and exclusive use of said premises and equipment, or such part thereof as the department and the company shall agree upon and set forth in said contract, without the payment of rental therefor, for a term of forty years, beginning with the use thereof. Said contract shall further provide that the existing contract for the use of the Washington street tunnel shall not be terminated by either party thereto prior to the expiration of said term of forty years. The use of such premises and equipment shall begin upon certification by the department of public utilities that such premises and equipment are in safe and proper condition for operation. Said contract shall not in any respect impair any right which the commonwealth or any political subdivision thereof may at any time have to take the railway properties of the company or any right which the commonwealth or any political subdivision thereof has under section sixteen of chapter one hundred and fifty-nine of the Special Acts of nineteen hundred and eighteen or under section seventeen of chapter three hundred and thirty-three of the acts of nineteen hundred and thirty-one.

SECTION 11. The provisions of chapter five hundred and fifty of the acts of nineteen hundred and seven, as amended, shall not apply to the work authorized by this act.

SECTION 12. In respect to the use and operation of the premises and equipment, or any part thereof, the company shall have all the powers and privileges, and be subject to all the duties, liabilities, restrictions and provisions set forth in general and special laws now or hereafter in force applicable to it. To provide for proper connections with the premises or any part thereof, the company may make

such alterations or extensions of its tracks and locations as the department may approve.

SECTION 13. Section four shall take effect upon its passage. The remaining provisions of this act shall take effect upon their acceptance by vote of the city council of the city, approved by the mayor, and by the Boston Elevated Railway Company, by vote of its stockholders and by vote of its board of directors, and upon the filing of certificates of such acceptance with the secretary of the commonwealth, provided that such acceptances, approval and filing occur during the current year.

Approved August 14, 1935.

AN ACT PROVIDING FOR THE MAKING OF CERTAIN IMPROVEMENTS BY THE METROPOLITAN DISTRICT COMMISSION AT THE NAHANT BEACH PLAYGROUND IN THE CITY OF LYNN. Chap. 493

Be it enacted, etc., as follows:

The metropolitan district commission is hereby authorized and directed to establish adequate equipment and facilities at the playground at Nahant beach in the city of Lynn for volley ball, baseball and other sports. Said commission is hereby further authorized and directed to fill in that portion of said playground that is now below grade. The cost of the work required by this act shall be paid from Item 707 of the current appropriation act.

Approved August 14, 1935.

AN ACT RELATIVE TO THE ACCEPTANCE AND EXPENDITURE OF CERTAIN FEDERAL FUNDS UNDER THE SOCIAL SECURITY ACT, SO CALLED, AND CHANGING THE RESIDENCE REQUIREMENTS FOR MOTHERS' AID AND OLD AGE ASSISTANCE SO FAR AS NECESSARY TO OBTAIN SAID FUNDS. Chap. 494

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.

Emergency
preamble.

Be it enacted, etc., as follows:

SECTION 1. The departments of public welfare, public health and education shall co-operate with the appropriate federal authorities in the administration of the act of congress approved in August in the current year, known as the Social Security Act, and accept for the commonwealth the benefits thereof, and the state treasurer shall be the custodian of the funds allotted to the commonwealth under the provisions of said act. The funds so allotted shall be expended without specific appropriation under the order of the commissioner of public welfare in carrying out the provisions of said act so far as they relate to mothers' aid, old age assistance, care of homeless or neglected children and

the care of crippled children; under the order of the commissioner of public health in carrying out the provisions of said act so far as they relate to maternal and child health services and public health work, and under the order of the commissioner of education in carrying out the provisions of said act so far as they relate to vocational rehabilitation and aid to the blind.

G. L. (Ter. Ed.), 118, § 1, amended.

Scope of chapter.

SECTION 2. Chapter one hundred and eighteen 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.* This chapter shall apply to all mothers and their dependent children under the age of sixteen, whether or not they or any of them may have a settlement within the commonwealth, who shall have resided therein not less than one year immediately preceding the date of application for aid under this chapter, and to mothers with dependent children born within the commonwealth within one year immediately preceding the date of such application if the mother has resided in the commonwealth for one year immediately preceding the birth. A mother shall not be disqualified from receiving aid under this chapter because of having but one such child.

G. L. (Ter. Ed.), 118A, § 1, etc., amended.

SECTION 3. Section one of chapter one hundred and eighteen A of the General Laws, as most recently amended by chapter three hundred and twenty-eight of the acts of nineteen hundred and thirty-three, is hereby further amended by striking out, in the fourth to the tenth lines, the words “twenty years immediately preceding the date of application for such assistance, subject to such reasonable exceptions as to continuity of residence as the department of public welfare, in this chapter called the department, may determine by rules hereinafter authorized, shall be granted under the supervision of the department” and inserting in place thereof the words:—five years during the nine years immediately preceding the date of application for such assistance and who shall have resided in the commonwealth continuously for one year immediately preceding said date of application, shall be granted under the supervision of the department of public welfare, in this chapter called the department, — so as to read as follows:—

State department of public welfare to supervise rendering of assistance to aged persons.

Section 1. Adequate assistance to deserving citizens in need of relief and support seventy years of age or over who shall have resided in the commonwealth not less than five years during the nine years immediately preceding the date of application for such assistance and who shall have resided in the commonwealth continuously for one year immediately preceding said date of application, shall be granted under the supervision of the department of public welfare, in this chapter called the department. Financial assistance granted hereunder shall be given from the date of application therefor, but in no event before the applicant reaches the age of seventy, and in determining the amount of assistance to be given for any period preceding the date

on which the application was favorably passed upon, consideration shall be given to the amount of welfare relief, if any, given to such applicant during said period under any other provision of law. Such assistance shall, wherever practicable, be given to the aged person in his own home or in lodgings or in a boarding home, and it shall be sufficient to provide such suitable and dignified care. No person receiving assistance hereunder shall be deemed to be a pauper by reason thereof. *Approved August 14, 1935.*

AN ACT RELATIVE TO THE TERMS OF CERTAIN BONDS, NOTES OR OTHER FORMS OF WRITTEN ACKNOWLEDGMENT OF DEBT TO BE ISSUED BY THE COMMONWEALTH. *Chap. 495*

Be it enacted, etc., as follows:

SECTION 1. The term of the bonds which the state treasurer is authorized to issue under chapter four hundred and fifteen of the acts of the current year, providing for the acquisition by the commonwealth of additional property for the Salisbury Beach reservation and relative to the maintenance of said reservation, shall not exceed ten years, as recommended by the governor in a message to the general court dated August fourteenth, nineteen hundred and thirty-five, in pursuance of section three of Article LXII of the amendments to the constitution.

SECTION 2. The term of the notes which the state treasurer is authorized to issue under chapter four hundred and seventy-four of the acts of the current year, providing for additional court house accommodations and facilities for the courts and other officials in the county of Suffolk by the use of federal, state and city of Boston funds, shall not exceed ten years, as recommended by the governor in a message to the general court dated August fourteenth, nineteen hundred and thirty-five, in pursuance of section three of Article LXII of the amendments to the constitution.

SECTION 3. The term of the bonds, notes and other forms of written acknowledgment of debt which the state treasurer is authorized to issue under chapter four hundred and seventy-eight of the acts of the current year, providing for the construction of additional sewers in the north metropolitan sewerage district, shall not exceed twenty years, as recommended by the governor in a message to the general court dated August fourteenth, nineteen hundred and thirty-five, in pursuance of section three of Article LXII of the amendments to the constitution.

Approved August 14, 1935.

Chap. 496 AN ACT AUTHORIZING THE ESTABLISHMENT AND MAINTENANCE AT THE WESTFIELD STATE SANATORIUM OF A DIVISION FOR THE CARE AND TREATMENT OF PERSONS SUFFERING FROM CANCER.

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 department of public health is hereby authorized to establish and maintain at the Westfield state sanatorium a division for the care and treatment of persons suffering from cancer.

SECTION 2. Patients may be admitted to said division in the same manner and upon the same terms as to the Pondville hospital under sections sixty-nine A to sixty-nine D, inclusive, of chapter one hundred and eleven of the General Laws, as appearing in the Tercentenary Edition thereof, and the provisions of said sections shall, so far as apt, apply to said division. *Approved August 14, 1935.*

Chap. 497 AN ACT IN ADDITION TO THE GENERAL APPROPRIATION ACT MAKING APPROPRIATIONS TO SUPPLEMENT CERTAIN ITEMS CONTAINED THEREIN, AND FOR CERTAIN NEW ACTIVITIES AND PROJECTS.

Be it enacted, etc., as follows:

Appropriations
to supplement
certain items
contained in
general approp-
riation act,
and for certain
activities and
projects.

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.

SECTION 2.

Service of the Legislative Department.

Item

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|----|---|------------|
| 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, and notwithstanding the limitation contained in section thirteen of chapter three of the General Laws, as appearing in the Tercentenary Edition 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 |
| 11 | For the compensation for travel of doorkeepers, assistant doorkeepers, general court officers, pages and other employees of the sergeant-at-arms, | |

Item		
	authorized by law to receive the same, a sum not exceeding forty-four dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$44 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 twenty-three hundred thirty-three dollars and thirty-two cents, the same to be in addition to any amount heretofore appropriated for the purpose	2,333 32
20	For clerical and other assistance of the senate committee on rules, a sum not exceeding one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	150 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 fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,500 00
22a	For traveling expenses of the recess committee on public welfare; a sum not exceeding twenty-five hundred dollars	2,500 00
22b	For certain expenses in connection with the contested election case of Cyrus C. Rounseville, Jr., in accordance with an order of the house of representatives, a sum not exceeding two hundred fifty dollars and sixty-five cents	250 65
25	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 forty-seven hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,760 00
27	For office and other expenses of the committee on rules on the part of the senate, a sum not exceeding fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	50 00
30	For office and other expenses of the committee on rules on the part of the house, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	100 00
31	For office expenses of the counsel to the house of representatives, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	100 00
32	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 fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,500 00
33	For telephone service, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,000 00
34	For the purchase of outline sketches of members of the senate and house of representatives, 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
	Total	\$19,037 97

Service of the Legislative Investigations.

Item		
35a	For expenses of the commission on interstate compacts affecting labor and industries, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,500 00
35c	For certain expenses in connection with the interstate legislative assembly and the commission on conflicting taxation, as authorized by chapter twelve of the resolves of the current year, a sum not exceeding one thousand dollars	1,000 00
35d	For expenses of an investigation by a special commission relative to the newspaper publication of legal notices and citations, as authorized by chapter thirty-five of the resolves of the current year, a sum not exceeding one hundred dollars	100 00
35e	For expenses of an investigation and study by a special commission relative to municipal financing in the city of Boston, as authorized by chapter forty-eight of the resolves of the current year, a sum not exceeding fifteen hundred dollars	1,500 00
35f	For expenses of an investigation by a special commission relative to the advisability of revising the provisions of the General Laws relating to a contributory retirement system for cities and towns, as authorized by chapter fifty-three of the resolves of the current year, a sum not exceeding thirty-five hundred dollars.	3,500 00
35g	For expenses of an investigation and study by the commissioner of banks relative to certain practices in connection with foreclosure of real estate mortgages and relative to the limitation of actions on certain promissory notes, as authorized by chapter fifty-five of the resolves of the current year, a sum not exceeding fifteen hundred dollars.	1,500 00
35h	For expenses of a special commission to study and revise the laws relating to public welfare, as authorized by chapter fifty-six of the resolves of the current year, a sum not exceeding twenty-five hundred dollars	2,500 00
35i	For expenses of an investigation by a special commission relative to the advisability of providing for the licensing and regulation of the business of financing purchases of certain personal property, as authorized by chapter fifty-one of the resolves of the current year, a sum not exceeding one thousand dollars	1,000 00
35j	For expenses of a study by a special commission relative to the sliding scale methods of rates for use by public utility corporations engaged in the distribution of gas and electricity, as authorized by chapter fifty-eight of the resolves of the current year, a sum not exceeding five thousand dollars	5,000 00
35k	For expenses of a study by a special commission relative to the advisability of amending the constitution of the commonwealth to provide for biennial sessions of the general court and for a biennial budget, as authorized by chapter fifty-nine of the resolves of the current year, a sum not exceeding three thousand dollars	3,000 00
35l	For expenses of an investigation by a special commission of certain matters relating to district court system of the commonwealth, the trial of civil actions in district courts by juries of six, the extension of the rule-making power of the supreme	

Item		
	judicial court, and increasing the number of justices of the superior court, as authorized by chapter sixty-two of the resolves of the current year, a sum not exceeding five thousand dollars	\$5,000 00
35m	For expenses of an investigation and study by a special commission relative to the taxation of tangible and intangible property and related matters, as authorized by chapter sixty-three of the resolves of the current year, a sum not exceeding twenty-five hundred dollars	2,500 00
	Total	\$28,100 00

Service of the Judicial Department.

Supreme Judicial Court, as follows:

37a	For the pensions of retired justices of the supreme judicial court, a sum not exceeding six hundred forty-five dollars and fifteen cents	\$645 15
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Probate and Insolvency Courts, as follows:

58	For the salaries of judges of probate of the several counties, a sum not exceeding eight hundred twelve dollars and fifty cents, the same to be in addition to any amount heretofore appropriated for the purpose	812 50
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District Attorneys, as follows:

78	For the salaries of the district attorney and assistants for the Suffolk district, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,000 00
79	For the salaries of the district attorney and assistants for the northern district, a sum not exceeding forty-seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,700 00
80	For the salaries of the district attorney and assistants for the eastern district, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	800 00
81	For the salaries of the district attorney, deputy district attorney and assistants for the southeastern district, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
84	For the salaries of the district attorney and assistants for the western district, a sum not exceeding six hundred sixty-six dollars and sixty-seven cents, the same to be in addition to any amount heretofore appropriated for the purpose	666 67
85	For the salary of the district attorney for the northwestern district, a sum not exceeding three hundred thirty-three dollars and thirty-three cents, the same to be in addition to any amount heretofore appropriated for the purpose	333 33

	Total	\$10,957 65
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Service of the Executive Department.

107a	For the payment of rewards for apprehension of persons participating in murders at hold-up of Needham Trust Company, with the approval of the governor and council, a sum not exceeding twenty thousand dollars	\$20,000 00
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Item

107b For installation of heat control apparatus at the power plants of certain state institutions, with the approval of the department heads and of the governor and council, a sum not exceeding twenty thousand dollars \$20,000 00

Service of the Adjutant General.

111 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 twenty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$2,500 00

Service of the Militia.

112a For the cost of materials and equipment and incidental expenses of training persons in the use of chemical gas, a sum not exceeding ten thousand dollars \$10,000 00

114 For pay and transportation of certain boards, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose 500 00

120 For expenses of rifle practice, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose 4,000 00

128 For instruction in military authority, organization and administration, and in the elements of military art, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose 1,800 00

132 For personal services necessary for the operation of the commonwealth depot and motor repair park, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose 600 00

Total \$16,900 00

Service of the State Quartermaster.

141 For the maintenance of armories of the first class, including the purchase of certain furniture, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$10,000 00

144 For maintenance, other than personal services, of the commonwealth depot and motor repair park, 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 \$15,000 00

Service of the Commission on Administration and Finance.

150 For personal services of assistants and employees, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose \$1,000 00

151 For other expenses incidental to the duties of the commission, a sum not exceeding eleven hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose 1,125 00

Total \$2,125 00

Service of the Armory Commissioners.

Item		
153	For compensation of members, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$500 00
156	For the purchase of land for a camp site, as authorized by chapter one hundred and ninety-six of the acts of the current year, a sum not exceeding one hundred thousand dollars.	100,000 00
156a	For the purchase of land for use for the state rifle range, as authorized by chapter three hundred and ninety-four of the acts of the current year, a sum not exceeding thirteen thousand five hundred dollars	13,500 00
	Total	\$114,000 00

Service of the Commissioner of State Aid and Pensions.

158	For personal services of agents, clerks, stenographers and other assistants, a sum not exceeding thirty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$30 00
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For Expenses on Account of Wars.

162a	For expenses of the Grand Army of the Republic, Department of Massachusetts, as authorized by chapter nine of the resolves of the current year, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,500 00
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Service of the Massachusetts Soldiers' Home.

163	For the maintenance of the Soldiers' Home in Massachusetts, with the approval of the trustees thereof, a sum not exceeding twenty-four thousand three hundred dollars, the same to be in addition to certain receipts from the United States government and to be in addition to any amount heretofore appropriated for the purpose	\$24,300 00
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Service of the Art Commission.

164	For expenses of the commission, a sum not exceeding fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$50 00
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Service of the Alcoholic Beverages Control Commission.

167	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 eighty-three hundred and forty 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 most recently amended, and which shall be in addition to any amount heretofore appropriated for the purpose	\$8,340 00
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Service of the State Emergency Public Works Commission.

168	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,	
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Item		
	a sum not exceeding seventy-six hundred and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$7,625 00
	<i>Service of the Superintendent of Buildings.</i>	
178	For other personal services incidental to the care and maintenance of the state house, 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
183	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 three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,000 00
184	For office and other expenses of the central mailing room, a sum not exceeding thirteen hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,350 00
	Total	\$9,550 00

Service of the State Racing Commission.

185	For the administrative expenses of the state racing 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 fifty-eight thousand four hundred and thirty dollars, which shall be payable from fees collected under chapter one hundred and twenty-eight A of the General Laws, inserted therein by section three of chapter three hundred and seventy-four of the acts of nineteen hundred and thirty-four and which shall be in addition to any amount heretofore appropriated for the purpose; provided, that no salaries shall be paid under authority of this item to employees who are not citizens of the commonwealth	\$58,430 00
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Service of the Secretary of the Commonwealth.

189	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 amended, 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
	For printing laws, etc.:	
201	For printing and binding public documents, 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
	For matters relating to elections:	
204	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 cer-	

Item	tain registration facilities, a sum not exceeding sixteen hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,660 00
	Total	\$4,610 00

Service of the Treasurer and Receiver-General.

208	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$500 00
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State Board of Retirement:

213	For personal services in the administrative office of the state board of retirement, a sum not exceeding one hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	150 00
215	For requirements of annuity funds and pensions for employees retired from the state service under authority of law, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	5,000 00

Board of Tax Appeals:

216	For personal services of the members of the board and employees, a sum not exceeding sixteen hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,650 00
	Total	\$7,300 00

Service of the Emergency Finance Board.

218	For administrative expenses of the emergency finance board, 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 Auditor of the Commonwealth.

223	For services other than personal, traveling expenses, office supplies and equipment, 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
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Service of the Attorney General's Department.

225	For the compensation of assistants in his office, and for such other legal and personal services as may be required, a sum not exceeding eight thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$8,000 00
226	For services other than personal, traveling expenses, office supplies and equipment, a sum not exceeding three thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,000 00
227	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, the same to be in addition to any amount heretofore appropriated for the purpose	5,000 00

Item		
228	For the settlement of certain claims, as provided by law, on account of damages by cars owned by the commonwealth and operated by state employes, a sum not exceeding seventy-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$7,500 00
	Total	\$23,500 00
<i>Service of the Department of Agriculture.</i>		
230	For personal services of clerks and stenographers, a sum not exceeding three hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$350 00
Division of Dairying and Animal Husbandry:		
235	For personal services, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
236	For other expenses, including the enforcement of the dairy laws of the commonwealth, 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:		
242	For other expenses, a sum not exceeding nine hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	900 00
Milk Control Board:		
246	For administrative expenses of the milk control board, including compensation and salaries of the members of the board and their employees, and for all contingent expenses, including rent of offices, travel, office and incidental expenses, a sum not exceeding thirty-four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	34,000 00
State Reclamation Board:		
252	For expenses of the board, 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 Livestock Disease Control:		
260	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 amended, during the present and previous year, a sum not exceeding twenty 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	20,000 00
	Total	\$60,250 00

Service of the Department of Conservation.

Item		
	Division of Forestry:	
266	For personal services of office assistants, 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
271a	For the cost of installing certain radio equipment in connection with the forest fire prevention service, a sum not exceeding two thousand dollars	2,000 00
274	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 or as amended, a sum not exceeding three 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, and for the purchase of land in connection with C. C. C. camps, fifty thousand dollars	53,000 00
	Division of Parks:	
279	For other expenses, a sum not exceeding two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,000 00
	Salisbury Beach Reservation:	
281	For the maintenance of Salisbury beach reservation, a sum not exceeding five 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, and to be in addition to any amount heretofore appropriated for the purpose	500 00
281b	For improving the surface of certain parking spaces at the Salisbury beach reservation, a sum not exceeding twenty-three hundred and fifty dollars	2,350 00
	Division of Fisheries and Game:	
285	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 one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
	Supervision of public fishing and hunting grounds:	
293a	For improvements at fish hatcheries and game farms and for propagation and field work, as authorized by chapter three hundred and thirty-eight of the acts of the current year, a sum not exceeding eighteen thousand dollars	18,000 00
	Protection of wild life:	
294	For expenses incurred in the protection of certain wild life, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00

Item		
	State Supervisor of Marine Fisheries:	
296	For office and other expenses of the state supervisor of marine fisheries, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	\$1,000 00
	Enforcement of shellfish and other marine fishery laws:	
297	For personal services for the administration and enforcement of laws relative to shellfish and other marine fisheries, a sum not exceeding four hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	475 00
298a	For the cost of assisting coastal towns in the propagation of food fish and the suppression of enemies thereof, as authorized by section three A of chapter one hundred and thirty of the General Laws, inserted therein by chapter three hundred and twenty-four of the acts of the current year, a sum not exceeding eighteen thousand dollars .	18,000 00
299a	For the payment, in compliance with a decree in equity allowing the same, of fees and expenses of certain apportionment commissioners, in accordance with the provisions of section seventy-eight 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 twenty-two hundred thirty-four dollars and fifty-four cents; provided, that the state treasurer shall assess said sum upon the cities and towns of the district affected, as a part of the state tax .	2,234 54
	Total	<u>\$101,309 54</u>

Service of the Department of Banking and Insurance.

Division of Banks:

302	For services of deputy, directors, examiners and assistants, clerks, stenographers and experts, a sum not exceeding five thousand one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$5,100 00
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Supervisor of Loan Agencies:

305	For services other than personal, printing the annual report, office supplies and equipment, a sum not exceeding seven hundred fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	750 00
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Division of Insurance:

307	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 sixteen thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	16,000 00
308	For other services, including printing the annual report, traveling expenses, necessary office supplies and equipment, and rent of offices, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose. The commissioner is hereby	

Item	authorized to provide for the cost of travel for the board of appeal on motor vehicle liability insurance out of this item	\$500 00
	Total	\$22,350 00

Service of the Department of Corporations and Taxation.

Corporations and Tax Divisions:

313	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 one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,000 00
314	For other services, necessary office supplies and equipment, travel, and for printing the annual report, other publications and valuation books, a sum not exceeding four thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,500 00

Income Tax Division (the two following appropriations are to be made from the receipts from the income tax):

315	For personal services of the director, assistant director, assessors, deputy assessors, clerks, stenographers and other necessary assistants, a sum not exceeding eight thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	8,000 00
316	For services other than personal, and for traveling expenses, office supplies and equipment, a sum not exceeding eight thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	8,500 00

Division of Accounts:

321	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 two thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,000 00
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Reimbursement of loss of taxes:

322	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-five, a sum not exceeding five thousand three hundred and twenty-two dollars and twelve cents, the same to be in addition to any amount heretofore appropriated for the purpose	5,322 12
	Total	\$29,322 12

Service of the Department of Education.

323	For expenses incidental to furnishing school committees with rules for testing the sight and hearing of pupils, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$100 00
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Item		
329	For printing school registers and other school blanks for cities and towns, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose .	\$200 00
329a	For the administrative cost of carrying out the provisions of chapter three hundred and seventy of the acts of the current year relative to the oath requirement for teachers, a sum not exceeding seven hundred dollars .	700 00
339	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
	Division of Immigration and Americanization:	
346	For personal services, a sum not exceeding one thousand four hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,450 00
	Division of the Blind:	
351	For the maintenance of local shops, a sum not exceeding six thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	6,000 00
353	For the maintenance of certain industries for men, to be expended under the authority of said division, a sum not exceeding twelve thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	12,000 00
356	For aiding the adult blind, subject to the conditions provided by law, 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 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, and to be in addition to any amount heretofore appropriated for the purpose, as follows:	
365	State teachers' college at Bridgewater, a sum not exceeding two thousand dollars	2,000 00
366	State teachers' college at Bridgewater, boarding hall, a sum not exceeding two thousand three hundred dollars	2,300 00
367	State teachers' college at Fitchburg, a sum not exceeding three thousand eight hundred and twenty-five dollars	3,825 00
368	State teachers' college at Fitchburg, boarding hall, a sum not exceeding four thousand seven hundred dollars	4,700 00
372	State teachers' college at Framingham, a sum not exceeding seven thousand one hundred dollars	7,100 00
373	State teachers' college at Framingham, boarding hall, a sum not exceeding three thousand seven hundred dollars	3,700 00
374	State teachers' college at Hyannis, a sum not exceeding one thousand eight hundred and eighty dollars	1,880 00
375	State teachers' college at Hyannis, boarding hall, a sum not exceeding nine hundred and fifty dollars.	950 00
378	State teachers' college at North Adams, a sum not exceeding seven hundred and fifty dollars	750 00

Item		
380	State teachers' college at Salem, a sum not exceeding one thousand three hundred and sixty-eight dollars	\$1,368 00
381	State teachers' college at Westfield, a sum not exceeding one thousand two hundred dollars	1,200 00
383	State teachers' college at Worcester, a sum not exceeding one thousand three hundred dollars	1,300 00
	Textile Schools:	
385	For the maintenance of the Bradford Durfee textile school of Fall River, with the approval of the commissioner of education and the trustees, and to be in addition to any amount heretofore appropriated for the purpose, a sum not exceeding two thousand dollars	2,000 00
386a	For the cost of installing certain edgestones at the Lowell textile institute, a sum not exceeding six hundred dollars	600 00
	Massachusetts State College:	
388	For maintenance and current expenses of the Massachusetts state college, with the approval of the trustees, 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
394c	For the cost of reconstructing a certain coal hoist, a sum not exceeding ten thousand dollars	10,000 00
394d	For laboratory and other expenses incidental to the study and investigation of Dutch elm disease, a sum not exceeding four thousand dollars, provided, that expenses incurred under this item may be paid for the period beginning July first of the current year	4,000 00
394e	For the cost of materials and trucking in connection with the construction of tennis courts, a sum not exceeding three thousand dollars	\$3,000 00
	Total	<u>\$77,623 00</u>

Service of the Department of Civil Service and Registration.

Division of Civil Service:

398	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 four hundred and thirty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$435 00
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Division of Registration:

400	For clerical and certain other personal services of the division, a sum not exceeding eight hundred and ten dollars, the same to be in addition to any amount heretofore appropriated for the purpose	810 00
401	For services of the division other than personal, printing the annual reports, office supplies and equipment, except as otherwise provided, a sum not exceeding eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose; provided, that the expenses of rent for certain offices outside of the state house may be paid from this item; and there is hereby transferred to this item from item four hundred and twenty of chapter two hundred and forty-nine of the acts of the current year the sum of thirteen hundred and fifty dollars	800 00

Item		
	Board of Dental Examiners:	
406	For traveling expenses, a sum not exceeding three hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$350 00
	Board of Registration in Pharmacy:	
409	For personal services of an agent and assistants, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,500 00
410	For traveling expenses, a sum not exceeding eleven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,100 00
	State Examiners of Electricians:	
419a	For personal services of the members of the board, a sum not exceeding one hundred and fifty dollars	150 00
	State Examiners of Plumbers:	
424	For traveling expenses, a sum not exceeding two hundred and eighty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	280 00
	Board of Registration of Barbers:	
	The appropriation made by Item 426 of chapter two hundred and forty-nine of the acts of the current year is hereby made available for the payment of rent of quarters outside of the state house.	
	Board of Registration of Hairdressers:	
426a	For administrative expenses of the board of registration of hairdressers, as authorized by chapter four hundred and twenty-eight of the acts of the current year, a sum not exceeding fifteen hundred dollars	1,500 00
	Total	\$6,925 00
	<i>Service of the Department of Industrial Accidents.</i>	
428	For personal services of secretaries, medical adviser, inspectors, clerks and office assistants, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,500 00
	<i>Service of the Department of Labor and Industries.</i>	
436	For services other than personal, traveling expenses, office and laboratory supplies and equipment, and rent, for the division of occupational hygiene, a sum not exceeding seven hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$740 00
437	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 thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,500 00
437a	For the expenses of the investigation authorized by chapter thirty-three of the resolves of the current year, a sum not exceeding one thousand dollars	1,000 00

Item			
440	For personal services for the division on necessities of life, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$200	00
441	For services other than personal, traveling expenses, office supplies and equipment for the division on necessities of life, a sum not exceeding six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	600	00
	Total	\$5,040	00

Service of the Department of Mental Diseases.

450	For personal services of officers and employees, a sum not exceeding eight hundred forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$840	00
453	For other services, including printing the annual report, traveling expenses and office supplies and equipment, a sum not exceeding one thousand four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,400	00

For the maintenance of and for certain improvements at the following institutions under the control of the Department of Mental Diseases, the same to be in addition to any amount heretofore appropriated:

455	Boston psychopathic hospital, a sum not exceeding two thousand three hundred dollars	2,300	00
457	Boston state hospital, a sum not exceeding eleven thousand dollars	11,000	00
461	Danvers state hospital, a sum not exceeding nine thousand five hundred dollars	9,500	00
467	Foxborough state hospital, a sum not exceeding nine thousand dollars	9,000	00
470	Gardner state hospital, a sum not exceeding twenty-two thousand six hundred dollars	22,600	00
473a	For the cost of replacing a barn destroyed by fire at the Gardner state hospital, a sum not exceeding eight thousand dollars	8,000	00
474	Grafton state hospital, a sum not exceeding twelve thousand three hundred dollars	12,300	00
477	Medfield state hospital, a sum not exceeding sixteen thousand dollars	16,000	00
482	Metropolitan state hospital, a sum not exceeding twenty-two thousand six hundred and fifty dollars	22,650	00
483	Northampton state hospital, a sum not exceeding seven thousand nine hundred and fifty dollars	7,950	00
487	Taunton state hospital, a sum not exceeding eleven thousand eight hundred dollars	11,800	00
491	Westborough state hospital, a sum not exceeding ten thousand four hundred dollars	10,400	00
496a	For installation of coal saving equipment on boilers at the Westborough state hospital, a sum not exceeding twelve thousand dollars	12,000	00
497	Worcester state hospital, a sum not exceeding fourteen thousand five hundred dollars	14,500	00
502	Monson state hospital, a sum not exceeding thirteen thousand five hundred dollars	13,500	00
505	Belchertown state school, a sum not exceeding four thousand three hundred dollars	4,300	00
508	Walter E. Fernald state school, a sum not exceeding twenty thousand dollars	20,000	00

Item		
512	Wrentham state school, a sum not exceeding thirteen thousand three hundred dollars	\$13,300 00
	Total	\$223,340 00

Service of the Department of Correction.

517	For personal services of deputies, members of the board of parole and advisory board of pardons, agents, clerks and stenographers, a sum not exceeding eighteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,800 00
518	For services other than personal, including printing the annual report, necessary office supplies and equipment, a sum not exceeding three hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	350 00
520	For the removal of prisoners, to and from state institutions, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
	For the maintenance of and for certain improvements at the following institutions under the control of the Department of Correction:	
524	State farm, a sum not exceeding twelve thousand three hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	12,300 00
	The unexpended balance of the appropriation made by Item 473 of chapter one hundred and seventy-four of the acts of nineteen hundred and thirty-three is hereby reappropriated.	
525	State prison, a sum not exceeding ninety-seven hundred eighty-seven dollars and ten cents, which sum includes eighty-seven dollars and ten cents for medical attendance and other expenses on account of injuries received by officers Witham and Freeman, and which is to be in addition to any amount heretofore appropriated for the purpose	9,787 10
526	Massachusetts reformatory, a sum not exceeding seventeen thousand eight hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	17,800 00
527	Reformatory for women, a sum not exceeding nine thousand and twenty-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	9,025 00
529	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
535a	For the cost of completing the dairy unit at the state prison colony, 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
535b	For the cost of completing the equipment for turbine and generator at the state prison colony, a sum not exceeding nine hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	900 00
535c	For the cost of installation of certain equipment for gas protection at the state prison colony, a sum	

Item	not exceeding twelve thousand five hundred dollars	\$12,500 00
	Total	<u>\$75,962 10</u>

Service of the Department of Public Welfare.

State Board of Housing:

539	For personal services, a sum not exceeding four thousand eight hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose	\$4,800 00
540	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 nine hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose	900 00

Division of Juvenile Training, Trustees of Massachusetts Training Schools:

555	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 five hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose	500 00
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Girls' Parole:

560	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 one thousand two hundred dollars, the same to be in addition to any amount heretofore appropriated for this purpose	1,200 00
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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, same to be in addition to any amount heretofore appropriated:

562	Industrial school for boys, a sum not exceeding seven thousand nine hundred dollars	7,900 00
564	Industrial school for girls, a sum not exceeding six thousand one hundred dollars	6,100 00
565	Lyman school for boys, a sum not exceeding fifteen thousand nine hundred dollars	15,900 00

Massachusetts Hospital School:

566	For the maintenance of the Massachusetts hospital school, to be expended with the approval of the trustees thereof, a sum not exceeding eleven thousand two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	11,200 00
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State Infirmary:

567	For the maintenance of the state infirmary, to be expended with the approval of the trustees thereof, a sum not exceeding sixty-six thousand two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	66,200 00
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Total	<u>\$114,700 00</u>
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Service of the Department of Public Health.

Item		
	Administration:	
570	For services other than personal, including printing the annual report, traveling expenses, office supplies and equipment, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$500 00
	Service of Adult Hygiene (cancer):	
571	For personal services of the division, including cancer clinics, a sum not exceeding one thousand six hundred and twenty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,620 00
572	For other expenses of the division, including cancer clinics, a sum not exceeding four thousand eight hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,850 00
	Service of Maternal and Child Hygiene:	
576	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 one thousand seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,700 00
	Division of Communicable Diseases:	
578	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 one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
	Wassermann Laboratory:	
581	For personal services of the Wassermann laboratory, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	200 00
	Inspection of Food and Drugs:	
585	For personal services of the director, analysts, inspectors and other 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
586	For other services, including traveling expenses, supplies, materials and equipment, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
	Water Supply and Disposal of Sewage:	
589	For personal services of directors, engineers, chemists, clerks and other assistants in the division of engineering and the division of laboratories, a sum not exceeding three thousand seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3,700 00
590	For other services, including traveling expenses, supplies, materials and equipment, for the division of engineering and the division of laboratories, a sum not exceeding three thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	3 500 00

Item		
590a	For laboratory and other expenses of sundry investigations required by legislation of the current session, a sum not exceeding three thousand dollars	\$3,000 00
	Division of Tuberculosis:	
591	For personal services of the director, stenographers, clerks and other assistants, a sum not exceeding one hundred and ten dollars, the same to be in addition to any amount heretofore appropriated for the purpose	110 00
	For the maintenance of and for certain improvements at the sanatoria, and to be in addition to any amount heretofore appropriated for the purpose, as follows:	
596	Lakeville state sanatorium, a sum not exceeding eleven thousand six hundred and fifty dollars	11,650 00
598	North Reading state sanatorium, a sum not exceeding two thousand two hundred and eighty dollars	2,280 00
600a	For the purchase of land for the North Reading state sanatorium, a sum not exceeding thirty-five dollars	35 00
601	Rutland state sanatorium, a sum not exceeding five thousand five hundred dollars	5,500 00
604	Westfield state sanatorium, a sum not exceeding five thousand seven hundred dollars	5,700 00
607	Pondville cancer hospital, a sum not exceeding seventeen thousand dollars	17,000 00
612a	For improvements in equipment for the generation and distribution of power at the Pondville cancer hospital, a sum not exceeding eighteen thousand five hundred dollars	18,500 00
	Total	\$81,795 00

Service of the Department of Public Safety.

Administration:

614	For personal services of clerks and stenographers, a sum not exceeding one thousand eight hundred and seventy-five dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,875 00
615	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 thirteen thousand one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	13,100 00

Division of State Police:

617	For personal services of civilian employees, 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
618	For other necessary expenses of the uniformed division, including traveling expenses of detectives, a sum not exceeding thirteen thousand five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	13,500 00

Item		
619	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 three thousand four hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,400 00
	Fire Prevention Service:	
629	For personal services of fire inspectors, a sum not exceeding five hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	560 00
631	For other services, office rent and necessary office supplies and equipment, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose The department is hereby authorized to make transfers of money appropriated for the current year as follows: — from Item 629 to Item 616, from Item 630 to Item 618, from Item 630 to Item 631.	200 00
	Total	\$33,385 00

Service of the Department of Public Works.

The appropriation made in the following item is to be paid three quarters from the Highway Fund and one quarter from the Port of Boston receipts:

636	For personal services of clerks and assistants to the commissioner, a sum not exceeding twelve hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,200 00
	Functions of the department relating to highways (the following appropriations, except as otherwise provided, are made from the Highway Fund):	
639	For the maintenance and operation of the public works building, a sum not exceeding twenty-five thousand seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	25,700 00
640	For the salaries of watchmen for the public works building, a sum not exceeding sixty-five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	6,500 00
642	For personal services of the chief engineer, engineers and office assistants, including certain clerks and stenographers, a sum not exceeding fourteen hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,440 00
643a	For expense of membership of the department in the American Association of State Highway Officials, a sum not exceeding three hundred and fifty dollars	350 00
647	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,	

Item	a sum not exceeding four hundred ninety-seven thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose . . .	\$497,000 00
	Registration of Motor Vehicles:	
650	For personal services, a sum not exceeding ten thousand five hundred dollars, to be paid from the Highway Fund and to be in addition to any amount heretofore appropriated for the purpose . . .	10,500 00
651	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 thirty-seven thousand dollars, to be paid from the Highway Fund and to be in addition to any amount heretofore appropriated for the purpose	37,000 00
	Specials:	
653a	For the payment of land damages incidental to the road expenditures authorized by chapter four hundred and twenty of the acts of nineteen hundred and thirty, a sum not exceeding twenty-five thousand dollars, to be paid from the Highway Fund. Section twelve of said chapter four hundred and twenty shall not apply to this item	25,000 00
653b	For the payment of land damages incidental to the road expenditures authorized by chapter three hundred and forty-one of the acts of nineteen hundred and thirty-four, a sum not exceeding twenty-five thousand dollars, to be paid from the Highway Fund	25,000 00
	Functions of the department relating to waterways and public lands:	
660	For expenses of surveying certain town boundaries, by the department of public works, a sum not exceeding five hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	500 00
665	For the operation and maintenance of the Cape Cod Canal pier, a sum not exceeding one thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,000 00
666	For expenses of perambulating state boundary lines, 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
666b	(This item omitted.)	
666c	For expenses of certain improvements at the New Bedford pier, as authorized by chapter three hundred and eighty-nine of the acts of the current year, a sum not exceeding ten thousand dollars	10,000 00
666d	For expenses of certain improvements in the Salisbury reclamation district, as authorized by chapter three hundred and ninety-nine of the acts of the current year, a sum not exceeding thirteen thousand dollars	13,000 00
666e	For expenditures for flood control of the Housatonic river, as authorized by chapter four hundred and thirteen of the acts of the current year, a sum not exceeding twelve thousand five hundred dollars	12,500 00

Item		
	Functions of the department relating to Port of Boston (the following items are to be paid from the Port of Boston receipts):	
668	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 sixty-two hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$6,250 00
668a	For deficiencies in appropriations of previous years 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 four thousand sixty dollars and six cents	4,060 06
669	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 twenty thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	20,000 00
670	For dredging channels and filling flats, a sum not exceeding thirty-five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	35,000 00
670a	For the removal of certain abandoned hulks in Boston harbor, as authorized by chapter two hundred and eighty-two of the acts of the current year, a sum not exceeding five thousand dollars	5,000 00
	Total	\$739,500 06
	<i>Service of the Department of Public Utilities.</i>	
675	For personal services of the telephone and telegraph division, a sum not exceeding one thousand two hundred and forty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$1,240 00
	Special:	
680	For the administration of chapter one hundred and fifty-nine B of the General Laws, being the law relative to the regulation of motor truck traffic, a sum not exceeding eight thousand seven hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	8,700 00
	Sale of Securities:	
688	For personal services in administering the law relative to the sale of securities, a sum not exceeding two thousand eighty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,080 00
	Total	\$12,020 00
	<i>Miscellaneous.</i>	
	The following items are to be paid from the Highway Fund, with the approval of the Metropolitan District Commission:	
691	For maintenance of boulevards and parkways, a sum not exceeding twenty-eight thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$28,000 00

Item

692a	For the extension of the Mystic Valley Parkway, so-called, as authorized by chapter three hundred and seven of the acts of the current year, a sum not exceeding ten thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$10,000 00
Total		\$38,000 00

Unclassified Accounts and Claims.

695	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 Tercentenary Edition thereof, a sum not exceeding five thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$5,000 00
696	For the compensation of certain prison officers and instructors formerly in the service of the commonwealth, now retired, a sum not exceeding two thousand three hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,300 00
705	For the payment of claims authorized by certain resolves of the current year, a sum not exceeding thirty-six thousand eight hundred forty-seven dollars and ninety-six cents of which sum twenty-five hundred dollars shall be paid from the Highway Fund: 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 as full compensation on the part of the commonwealth in respect thereto	36,847 96
Total		\$44,147 96

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:

706	For maintenance of the Charles River basin, a sum not exceeding thirty-three hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$3,300 00
707	For maintenance of park reservations, a sum not exceeding sixty-nine thousand one hundred and forty dollars, including retirement of soldiers under the provisions of the General Laws, the same to be in addition to any amount heretofore appropriated for the purpose	69,140 00
707a	For certain investigations authorized by chapter fifty of the resolves of the current year, a sum not exceeding five thousand dollars, to be paid from maintenance of park reservations	5,000 00
708a	For the extension of the Mystic Valley Parkway, so-called, as authorized by chapter three hundred and seven of the acts of the current year, a sum not exceeding ten thousand dollars, to be paid from maintenance of park reservations and to be in addition to the amount appropriated in Item 692a.	10,000 00

Item		
708b	For certain improvements in the Old Colony Parkway, as authorized by chapter four hundred and twenty-two of the acts of the current year, a sum not exceeding one hundred thousand dollars, to be paid from maintenance of park reservations .	\$100,000 00
	To carry out the provisions of chapter four hundred and forty-eight of the acts of the current year providing for the purchase of certain property, including a dam on the Charles river in the city of Waltham, the commission is hereby authorized to anticipate an appropriation of twenty-five thousand dollars, to be assessed upon the metropolitan parks district in the year nineteen hundred and thirty-six. Payment for such property within the limits aforesaid may be made at any time after December first, nineteen hundred and thirty-five.	
712	For the maintenance and operation of a system of sewage disposal for the north metropolitan sewerage district, a sum not exceeding five thousand eight hundred and seventy dollars, including retirement of soldiers under the provisions of the General Laws, the same to be in addition to any amount heretofore appropriated for the purpose.	5,870 00
713	For the maintenance and operation of a system of sewage disposal for the south metropolitan sewerage district, a sum not exceeding six thousand six hundred and eighty dollars, including retirement of soldiers under the provisions of the General Laws, the same to be in addition to any amount heretofore appropriated for the purpose . . .	6,680 00
714	For the maintenance and operation of the metropolitan water system, a sum not exceeding one thousand two hundred and fifty dollars, including retirement of soldiers under the provisions of the General Laws, the same to be in addition to any amount heretofore appropriated for the purpose .	1,250 00
716a	For the investigation authorized by chapter forty-two of the resolves of the current year relative to the condition of certain water in Boston harbor, a sum not exceeding fifteen thousand dollars; provided, that the limitation as to the time for making the report under said resolve shall not affect the expenditure of money in carrying out the purpose of the investigation	15,000 00
	Total	<u>\$216,240 00</u>

DEFICIENCIES.

For deficiencies in certain appropriations of previous years, in certain items, as follows:

Department of Education.

For maintenance of the state teachers' college at Westfield, the sum of four hundred fifty-seven dollars and fifty-one cents	\$457 51
For maintenance and current expenses of the Massachusetts state college, the sum of one hundred sixty-two dollars and ninety-two cents	162 92

Department of Correction.

For services other than personal, including printing the annual report, necessary office supplies and equipment, the sum of one hundred five dollars and thirty cents	\$105 30
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Item

For maintenance of the reformatory for women, the sum of fourteen hundred twenty-six dollars and fifty-nine cents	\$1,426 59
For maintenance of the state prison colony, the sum of one hundred ninety-five dollars and ninety-six cents	195 96

Department of Public Works.

For services other than personal for functions of the department relating to highways, including printing pamphlet of laws and the annual report, and necessary office supplies and equipment, the sum of eight dollars, to be paid from the Highway Fund	8 00
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 twenty dollars, to be paid from the Highway Fund	20 00
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, the sum of one hundred forty-nine dollars and eighteen cents	149 18

Unclassified Accounts and Claims.

For reimbursing officials for premiums paid for procuring sureties on their bonds, as provided by law, the sum of forty dollars	40 00
Total	<u>\$2,565 46</u>

Other Appropriations.

17 For the salaries of the chaplains of the senate and house of representatives, a sum not exceeding two hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$200 00
19 For personal services of the counsel to the house of representatives and assistants, a sum not exceeding four thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	4,000 00
21 For clerical and other assistance of the house committee on rules, 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
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 seventeen thousand dollars, the same to be in addition to any amount heretofore appropriated for the purpose	17,000 00
680 For the administration of chapter one hundred and fifty-nine B of the General Laws, being the law relative to the regulation of motor truck traffic, a sum not exceeding twenty-six hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	2,600 00

Item		
695	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 Tercentenary Edition thereof, a sum not exceeding two thousand and seventy dollars, the same to be in addition to any amount heretofore appropriated for the purpose	\$2,070 00
697	For the compensation of state police officers formerly in the service of the commonwealth, and now retired, a sum not exceeding one hundred and sixty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	160 00
	A transfer in the sum of five hundred dollars is hereby made from Item 601 of chapter two hundred and forty-nine of the acts of the current year, and said sum is hereby added to Item 602a of said chapter two hundred and forty-nine.	
168a	For administrative expenses of the state planning board, as authorized by chapter four hundred and seventy-five of the acts of the current year, a sum not exceeding seven thousand dollars.	7,000 00
448a	For administrative expenses of the unemployment compensation commission, as authorized by chapter four hundred and seventy-nine of the acts of the current year, a sum not exceeding seven thousand dollars	7,000 00
450	For personal services of officers and employees in the department of mental diseases, a sum not exceeding fifteen hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,500 00
482	For maintenance of the Metropolitan state hospital, a sum not exceeding one hundred dollars, the same to be in addition to any amount heretofore appropriated for the purpose	100 00
2A	For additional travel allowance for certain members of the general court and additional compensation to certain officers and employees of the general court, in consideration of the extraordinary duration of the current session of the general court, in accordance with the terms of a joint order of the general court adopted August fourteenth of the current year, a sum not exceeding twenty-six thousand one hundred dollars	26,100 00
168	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 eleven hundred and fifty dollars, the same to be in addition to any amount heretofore appropriated for the purpose	1,150 00
653	For the reconstruction of Ocean avenue in the city of Revere, as authorized by chapter three hundred and seventy-five of the acts of nineteen hundred and thirty-four, as amended by chapter four hundred and eighty-seven of the acts of the current year, a sum not exceeding twenty-five thousand dollars, to be paid from the Highway Fund and to be in addition to any amount heretofore appropriated for the purpose; provided, that the department of public works is hereby authorized to contract forthwith for work and to incur any other incidental expenses authorized up to the amount of six hundred and ten thousand dollars,	

Item			
	as authorized by said chapter three hundred and seventy-five, as amended, and the state treasurer, for the purposes of this act, may borrow under authority granted by section forty-seven of chapter twenty-nine of the General Laws, as appearing in the Tercentenary Edition thereof		\$25,000 00
645	For the construction and repair of town and county ways, a sum not exceeding twenty-five thousand dollars, to be paid from the Highway Fund and to be in addition to any amount heretofore appropriated for the purpose		25,000 00
22c	For traveling expenses of the joint committee on ways and means during the recess, as authorized by a joint order of the current year, a sum not exceeding twenty-five hundred dollars		2,500 00

SECTION 3. To provide for the salaries and compensation of additional employees whose employment is made necessary by reason of the provisions of chapter four hundred and forty-four of the acts of the current year, there is hereby appropriated from the general fund of the commonwealth the sum of three hundred and fifty thousand dollars, the same to be in addition to any appropriations heretofore made for the salaries and compensation of employees of departments and institutions affected by the provisions of said chapter four hundred and forty-four. For the purpose of apportioning the appropriation made by this section, each sum expressed by section two of chapter two hundred and forty-nine of the acts of the current year to be available in whole or in part for personal services shall be increased by such amount, if any, as will make available for salaries and compensation covered thereby so much as is required to provide for the salaries and compensation of additional employees required by said chapter four hundred and forty-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 of chapter two hundred and forty-nine and this section, the sums so expressed as increased as aforesaid, and he shall forthwith notify each officer having charge of any department or institution 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 section.

General and Highway Funds	\$2,541,220 86
Metropolitan District Commission	216,240 00

SECTION 4. This act shall take effect upon its passage.
Approved August 15, 1935.

Chap. 498 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:

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-two hundred dollars	\$9,200 00
Acton, six thousand dollars	6,000 00
Acushnet, fifty-six hundred dollars	5,600 00
Adams, sixteen thousand nine hundred dollars	16,900 00
Agawam, fourteen thousand two hundred dollars	14,200 00
Alford, five hundred dollars	500 00
Amesbury, fifteen thousand four hundred dollars	15,400 00
Amherst, fourteen thousand four hundred dollars	14,400 00
Andover, twenty-six thousand five hundred dollars	26,500 00
Arlington, eighty-nine thousand three hundred dollars	89,300 00
Ashburnham, twenty-nine hundred dollars	2,900 00
Ashby, sixteen hundred dollars	1,600 00
Ashfield, nineteen hundred dollars	1,900 00
Ashland, forty-four hundred dollars	4,400 00
Athol, seventeen thousand nine hundred dollars	17,900 00
Attleboro, thirty-nine thousand four hundred dollars	39,400 00
Auburn, ninety-seven hundred dollars	9,700 00
Avon, thirty-two hundred dollars	3,200 00
Ayer, fifty-five hundred dollars	5,500 00
Barnstable, thirty-two thousand seven hundred dollars	32,700 00
Barre, fifty-one hundred dollars	5,100 00
Becket, fourteen hundred dollars	1,400 00
Bedford, forty-two hundred dollars	4,200 00
Belchertown, twenty-six hundred dollars	2,600 00
Bellingham, forty-one hundred dollars	4,100 00
Belmont, seventy thousand eight hundred dollars	70,800 00
Berkley, fourteen hundred dollars	1,400 00
Berlin, seventeen hundred dollars	1,700 00
Bernardston, fifteen hundred dollars	1,500 00
Beverly, sixty-four thousand seven hundred dollars	64,700 00
Billerica, fourteen thousand three hundred dollars	14,300 00
Blackstone, forty-one hundred dollars	4,100 00
Blandford, twelve hundred dollars	1,200 00
Bolton, seventeen hundred dollars	1,700 00
Boston, two million five hundred thirty-seven thousand two hundred dollars	2,537,200 00
Bourne, thirteen thousand five hundred dollars	13,500 00
Boxborough, six hundred dollars	600 00
Boxford, twenty-one hundred dollars	2,100 00
Boylston, sixteen hundred dollars	1,600 00
Braintree, forty thousand five hundred dollars	40,500 00
Brewster, three thousand dollars	3,000 00
Bridgewater, ninety-four hundred dollars	9,400 00
Brimfield, fifteen hundred dollars	1,500 00
Brockton, one hundred eighteen thousand eight hun- dred dollars	118,800 00
Brookfield, twenty-two hundred dollars	2,200 00
Brookline, two hundred seventeen thousand six hundred dollars	217,600 00

Buckland, forty-three hundred dollars	\$4,300 00
Burlington, thirty-seven hundred dollars	3,700 00
Cambridge, two hundred seventy-five thousand two hundred dollars	275,200 00
Canton, thirteen thousand one hundred dollars	13,100 00
Carlisle, sixteen hundred dollars	1,600 00
Carver, forty-five hundred dollars	4,500 00
Charlemont, eighteen hundred dollars	1,800 00
Charlton, three thousand dollars	3,000 00
Chatham, eighty-two hundred dollars	8,200 00
Chelmsford, eleven thousand one hundred dollars	11,100 00
Chelsea, seventy-five thousand six hundred dollars	75,600 00
Cheshire, twenty-three hundred dollars	2,300 00
Chester, twenty-three hundred dollars	2,300 00
Chesterfield, one thousand dollars	1,000 00
Chicopee, sixty-three thousand seven hundred dollars	63,700 00
Chilmark, one thousand dollars	1,000 00
Clarksburg, fourteen hundred dollars	1,400 00
Clinton, eighteen thousand one hundred dollars	18,100 00
Cohasset, fourteen thousand two hundred dollars	14,200 00
Colrain, twenty-four hundred dollars	2,400 00
Concord, fifteen thousand one hundred dollars	15,100 00
Conway, sixteen hundred dollars	1,600 00
Cummington, nine hundred dollars	900 00
Dalton, eleven thousand seven hundred dollars	11,700 00
Dana, seven hundred dollars	700 00
Danvers, twenty thousand nine hundred dollars	20,900 00
Dartmouth, seventeen thousand five hundred dollars	17,500 00
Dedham, thirty-seven thousand two hundred dollars	37,200 00
Deerfield, six thousand dollars	6,600 00
Dennis, fifty-one hundred dollars	5,100 00
Dighton, fifty-six hundred dollars	5,600 00
Douglas, thirty-one hundred dollars	3,100 00
Dover, sixty-nine hundred dollars	6,900 00
Draeut, seven thousand dollars	7,000 00
Dudley, fifty-five hundred dollars	5,500 00
Dunstable, seven hundred dollars	700 00
Duxbury, ninety-nine hundred dollars	9,900 00
East Bridgewater, seventy-eight hundred dollars	7,800 00
East Brookfield, seventeen hundred dollars	1,700 00
East Longmeadow, six thousand dollars	6,000 00
Eastham, seventeen hundred dollars	1,700 00
Easthampton, sixteen thousand one hundred dollars	16,100 00
Easton, eighty-eight hundred dollars	8,800 00
Edgartown, sixty-six hundred dollars	6,600 00
Egremont, fourteen hundred dollars	1,400 00
Enfield, seven hundred dollars	700 00
Erving, thirty-two hundred dollars	3,200 00
Essex, three thousand dollars	3,000 00
Everett, one hundred seven thousand nine hundred dollars	107,900 00
Fairhaven, seventeen thousand seven hundred dollars	17,700 00
Fall River, one hundred seventy-five thousand three hundred dollars	175,300 00
Falmouth, twenty-nine thousand two hundred dollars	29,200 00
Fitchburg, seventy-eight thousand six hundred dollars	78,600 00
Florida, nineteen hundred dollars	1,900 00
Foxborough, eighty-nine hundred dollars	8,900 00
Framingham, fifty-two thousand six hundred dollars	52,600 00
Franklin, fourteen thousand one hundred dollars	14,100 00
Freetown, twenty-four hundred dollars	2,400 00
Gardner, thirty-five thousand six hundred dollars	35,600 00
Gay Head, two hundred dollars	200 00
Georgetown, thirty-one hundred dollars	3,100 00
Gill, fifteen hundred dollars	1,500 00
Gloucester, fifty-eight thousand nine hundred dollars	58,900 00

Goshen, five hundred dollars	\$500 00
Gosnold, eighteen hundred dollars	1,800 00
Grafton, seventy-four hundred dollars	7,400 00
Granby, sixteen hundred dollars	1,600 00
Granville, twenty-seven hundred dollars	2,700 00
Great Barrington, thirteen thousand six hundred dollars	13,600 00
Greenfield, forty-one thousand eight hundred dollars	41,800 00
Greenwich, eight hundred dollars	800 00
Groton, seventy-eight hundred dollars	7,800 00
Groveland, twenty-eight hundred dollars	2,800 00
Hadley, forty-five hundred dollars	4,500 00
Halifax, twenty-one hundred dollars	2,100 00
Hamilton, eighty-one hundred dollars	8,100 00
Hampden, twelve hundred dollars	1,200 00
Hancock, seven hundred dollars	700 00
Hanover, fifty-eight hundred dollars	5,800 00
Hanson, forty-three hundred dollars	4,300 00
Hardwick, three thousand dollars	3,000 00
Harvard, thirty-six hundred dollars	3,600 00
Harwich, eighty-six hundred dollars	8,600 00
Hatfield, forty-one hundred dollars	4,100 00
Haverhill, eighty-five thousand three hundred dollars	85,300 00
Hawley, four hundred dollars	400 00
Heath, six hundred dollars	600 00
Hingham, twenty-one thousand nine hundred dollars	21,900 00
Hinsdale, sixteen hundred dollars	1,600 00
Holbrook, fifty-four hundred dollars	5,400 00
Holden, fifty-three hundred dollars	5,300 00
Holland, three hundred dollars	300 00
Holliston, fifty-nine hundred dollars	5,900 00
Holyoke, one hundred twenty-eight thousand six hundred dollars	128,600 00
Hopedale, eleven thousand five hundred dollars	11,500 00
Hopkinton, forty-six hundred dollars	4,600 00
Hubbardston, thirteen hundred dollars	1,300 00
Hudson, eleven thousand five hundred dollars	11,500 00
Hull, twenty-four thousand dollars	24,000 00
Huntington, seventeen hundred dollars	1,700 00
Ipswich, ten thousand five hundred dollars	10,500 00
Kingston, sixty-five hundred dollars	6,500 00
Lakeville, twenty-three hundred dollars	2,300 00
Lancaster, five thousand dollars	5,000 00
Lanesborough, nineteen hundred dollars	1,900 00
Lawrence, one hundred fifty-six thousand eight hundred dollars	156,800 00
Lee, seventy-seven hundred dollars	7,700 00
Leicester, fifty-five hundred dollars	5,500 00
Lenox, ninety-two hundred dollars	9,200 00
Leominster, forty-one thousand three hundred dollars	41,300 00
Leverett, eight hundred dollars	800 00
Lexington, thirty-two thousand dollars	32,000 00
Leyden, five hundred dollars	500 00
Lincoln, forty-eight hundred dollars	4,800 00
Littleton, forty-three hundred dollars	4,300 00
Longmeadow, seventeen thousand seven hundred dollars	17,700 00
Lowell, one hundred sixty-three thousand eight hundred dollars	163,800 00
Ludlow, twelve thousand seven hundred dollars	12,700 00
Lunenburg, thirty-five hundred dollars	3,500 00
Lynn, two hundred eleven thousand one hundred dollars	211,100 00
Lynnfield, fifty-six hundred dollars	5,600 00
Malden, one hundred nine thousand dollars	109,000 00
Manchester, sixteen thousand dollars	16,000 00
Mansfield, eleven thousand six hundred dollars	11,600 00
Marblehead, twenty-eight thousand eight hundred dollars	28,800 00

Marion, seventy-two hundred dollars	\$7,200 00
Marlborough, twenty-five thousand seven hundred dol- lars	25,700 00
Marshfield, ten thousand four hundred dollars	10,400 00
Mashpee, thirteen hundred dollars	1,300 00
Mattapoisett, fifty-five hundred dollars	5,500 00
Maynard, eleven thousand dollars	11,000 00
Medfield, forty-one hundred dollars	4,100 00
Medford, one hundred twenty-one thousand three hun- dred dollars	121,300 00
Medway, fifty-three hundred dollars	5,300 00
Melrose, fifty-six thousand dollars	56,000 00
Mendon, twenty-one hundred dollars	2,100 00
Merrimac, twenty-seven hundred dollars	2,700 00
Methuen, thirty-one thousand five hundred dollars	31,500 00
Middleborough, fourteen thousand four hundred dollars	14,400 00
Middlefield, five hundred dollars	500 00
Middleton, thirty-one hundred dollars	3,100 00
Milford, twenty-three thousand nine hundred dollars	23,900 00
Millbury, ninety-eight hundred dollars	9,800 00
Millis, forty-nine hundred dollars	4,900 00
Millville, nineteen hundred dollars	1,900 00
Milton, fifty-three thousand two hundred dollars	53,200 00
Monroe, seventeen hundred dollars	1,700 00
Monson, fifty-six hundred dollars	5,600 00
Montague, fifteen thousand one hundred dollars	15,100 00
Monterey, twelve hundred dollars	1,200 00
Montgomery, four hundred dollars	400 00
Mount Washington, three hundred dollars	300 00
Nahant, eighty-four hundred dollars	8,400 00
Nantucket, seventeen thousand four hundred dollars	17,400 00
Natick, thirty thousand seven hundred dollars	30,700 00
Needham, thirty-five thousand six hundred dollars	35,600 00
New Ashford, two hundred dollars	200 00
New Bedford, one hundred eighty-eight thousand dollars	188,000 00
New Braintree, eight hundred dollars	800 00
New Marlborough, two thousand dollars	2,000 00
New Salem, seven hundred dollars	700 00
Newbury, thirty-three hundred dollars	3,300 00
Newburyport, twenty thousand nine hundred dollars	20,900 00
Newton, two hundred twenty-five thousand nine hundred dollars	225,900 00
Norfolk, twenty-five hundred dollars	2,500 00
North Adams, thirty-six thousand eight hundred dollars	36,800 00
North Andover, thirteen thousand nine hundred dollars	13,900 00
North Attleborough, sixteen thousand one hundred dol- lars	16,100 00
North Brookfield, four thousand dollars	4,000 00
North Reading, thirty-nine hundred dollars	3,900 00
Northampton, forty-one thousand dollars	41,000 00
Northborough, thirty-three hundred dollars	3,300 00
Northbridge, fifteen thousand five hundred dollars	15,500 00
Northfield, thirty-one hundred dollars	3,100 00
Norton, thirty-eight hundred dollars	3,800 00
Norwell, thirty-two hundred dollars	3,200 00
Norwood, thirty-eight thousand three hundred dollars	38,300 00
Oak Bluffs, seventy-one hundred dollars	7,100 00
Oakham, seven hundred dollars	700 00
Orange, eighty-three hundred dollars	8,300 00
Orleans, fifty-two hundred dollars	5,200 00
Otis, nine hundred dollars	900 00
Oxford, fifty-two hundred dollars	5,200 00
Palmer, thirteen thousand two hundred dollars	13,200 00
Paxton, fourteen hundred dollars	1,400 00
Peabody, thirty-seven thousand two hundred dollars	37,200 00
Pelham, eleven hundred dollars	1,100 00

Pembroke, forty-two hundred dollars	\$4,200 00
Pepperell, forty-eight hundred dollars	4,800 00
Peru, four hundred dollars	400 00
Petersham, twenty-one hundred dollars	2,100 00
Phillipston, six hundred dollars	600 00
Pittsfield, ninety-four thousand four hundred dollars	94,400 00
Plainfield, five hundred dollars	500 00
Plainville, twenty-six hundred dollars	2,600 00
Plymouth, thirty-six thousand six hundred dollars	36,600 00
Plympton, eleven hundred dollars	1,100 00
Prescott, one hundred dollars	100 00
Princeton, nineteen hundred dollars	1,900 00
Provincetown, sixty-seven hundred dollars	6,700 00
Quincy, one hundred eighty-four thousand six hundred dollars	184,600 00
Randolph, ninety-five hundred dollars	9,500 00
Raynham, twenty-nine hundred dollars	2,900 00
Reading, twenty-four thousand three hundred dollars	24,300 00
Rehoboth, four thousand dollars	4,000 00
Revere, fifty-six thousand eight hundred dollars	56,800 00
Richmond, twelve hundred dollars	1,200 00
Rochester, twenty-one hundred dollars	2,100 00
Rockland, thirteen thousand one hundred dollars	13,100 00
Rockport, eighty-eight hundred dollars	8,800 00
Rowe, eleven hundred dollars	1,100 00
Rowley, twenty-three hundred dollars	2,300 00
Royalston, thirteen hundred dollars	1,300 00
Russell, fifty-nine hundred dollars	5,900 00
Rutland, twenty-two hundred dollars	2,200 00
Salem, eighty-seven thousand nine hundred dollars	87,900 00
Salisbury, fifty-two hundred dollars	5,200 00
Sandisfield, one thousand dollars	1,000 00
Sandwich, thirty-nine hundred dollars	3,900 00
Saugus, twenty-four thousand two hundred dollars	24,200 00
Savoy, four hundred dollars	400 00
Seituate, seventeen thousand six hundred dollars	17,600 00
Seekonk, seventy-seven hundred dollars	7,700 00
Sharon, ninety-two hundred dollars	9,200 00
Sheffield, twenty-four hundred dollars	2,400 00
Shelburne, forty-three hundred dollars	4,300 00
Sherborn, thirty-four hundred dollars	3,400 00
Shirley, thirty-two hundred dollars	3,200 00
Shrewsbury, thirteen thousand seven hundred dollars	13,700 00
Shutesbury, six hundred dollars	600 00
Somerset, seventeen thousand seven hundred dollars	17,700 00
Somerville, one hundred eighty-one thousand seven hun- dred dollars	181,700 00
South Hadley, thirteen thousand one hundred dollars	13,100 00
Southampton, fifteen hundred dollars	1,500 00
Southborough, fifty-four hundred dollars	5,400 00
Southbridge, eighteen thousand one hundred dollars	18,100 00
Southwick, thirty-two hundred dollars	3,200 00
Spencer, seventy-seven hundred dollars	7,700 00
Springfield, four hundred twenty-two thousand three hundred dollars	422,300 00
Sterling, three thousand dollars	3,000 00
Stockbridge, seventy-five hundred dollars	7,500 00
Stoneham, twenty-two thousand dollars	22,000 00
Stoughton, fourteen thousand four hundred dollars	14,400 00
Stow, twenty-two hundred dollars	2,200 00
Sturbridge, twenty-four hundred dollars	2,400 00
Sudbury, forty-two hundred dollars	4,200 00
Sunderland, eighteen hundred dollars	1,800 00
Sutton, twenty-nine hundred dollars	2,900 00
Swampscott, thirty-six thousand nine hundred dollars	36,900 00
Swansea, seventy-one hundred dollars	7,100 00

Taunton, fifty-seven thousand six hundred dollars	\$57,600 00
Templeton, fifty-three hundred dollars	5,300 00
Tewksbury, sixty-six hundred dollars	6,600 00
Tisbury, seventy-five hundred dollars	7,500 00
Tolland, five hundred dollars	500 00
Topsfield, fifty-three hundred dollars	5,300 00
Townsend, thirty-nine hundred dollars	3,900 00
Truro, twenty-one hundred dollars	2,100 00
Tyngsborough, twenty-five hundred dollars	2,500 00
Tyringham, seven hundred dollars	700 00
Upton, twenty-five hundred dollars	2,500 00
Uxbridge, twelve thousand three hundred dollars	12,300 00
Wakefield, thirty-two thousand five hundred dollars	32,500 00
Wales, six hundred dollars	600 00
Walpole, twenty-one thousand four hundred dollars	21,400 00
Waltham, eighty-five thousand two hundred dollars	85,200 00
Ware, ninety-one hundred dollars	9,100 00
Wareham, eighteen thousand six hundred dollars	18,600 00
Warren, forty-three hundred dollars	4,300 00
Warwick, six hundred dollars	600 00
Washington, four hundred dollars	400 00
Watertown, eighty thousand two hundred dollars	80,200 00
Wayland, eighty-seven hundred dollars	8,700 00
Webster, seventeen thousand seven hundred dollars	17,700 00
Wellesley, fifty-three thousand five hundred dollars	53,500 00
Wellsfleet, twenty-nine hundred dollars	2,900 00
Wendell, fourteen hundred dollars	1,400 00
Wenham, fifty-three hundred dollars	5,300 00
West Boylston, thirty-five hundred dollars	3,500 00
West Bridgewater, forty-nine hundred dollars	4,900 00
West Brookfield, twenty-two hundred dollars	2,200 00
West Newbury, twenty-three hundred dollars	2,300 00
West Springfield, thirty-seven thousand five hundred dol- lars	37,500 00
West Stockbridge, two thousand dollars	2,000 00
West Tisbury, twelve hundred dollars	1,200 00
Westborough, seventy-three hundred dollars	7,300 00
Westfield, thirty thousand two hundred dollars	30,200 00
Westford, sixty-six hundred dollars	6,600 00
Westhampton, six hundred dollars	600 00
Westminster, twenty-seven hundred dollars	2,700 00
Weston, fourteen thousand four hundred dollars	14,400 00
Westport, eighty-six hundred dollars	8,600 00
Westwood, seventy-four hundred dollars	7,400 00
Weymouth, sixty-eight thousand one hundred dollars	68,100 00
Whately, eighteen hundred dollars	1,800 00
Whitman, thirteen thousand two hundred dollars	13,200 00
Wilbraham, forty-seven hundred dollars	4,700 00
Williamsburg, twenty-one hundred dollars	2,100 00
Williamstown, eleven thousand four hundred dollars	11,400 00
Wilmington, sixty-seven hundred dollars	6,700 00
Winchendon, ninety-one hundred dollars	9,100 00
Winchester, forty-four thousand four hundred dollars	44,400 00
Windsor, seven hundred dollars	700 00
Winthrop, thirty-seven thousand dollars	37,000 00
Woburn, thirty-two thousand nine hundred dollars	32,900 00
Worcester, four hundred sixty thousand dollars	460,000 00
Worthington, one thousand dollars	1,000 00
Wrentham, fifty-five hundred dollars	5,500 00
Yarmouth, sixty-eight hundred dollars	6,800 00
	<hr/>
	\$10,000,000 00

SECTION 2. The state treasurer shall forthwith send his warrants to the selectmen or assessors of each city and town taxed as aforesaid, requiring them respectively to

assess in the manner provided in section twenty-one of chapter fifty-nine of the General Laws the sum so charged, and any other taxes or charges which may be due and payable to the commonwealth as specifically provided by law or as certified to him by the proper state board, department or commission, and to add the amount of such taxes and charges to the amount of city, town and county taxes to be assessed by them respectively on each city and town.

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-five, 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-five.

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-five; and if the same remains unpaid after December first in the year nineteen hundred and thirty-five, 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. The state treasurer may deduct at any time from any moneys which may be due from the commonwealth to any city or town the whole or any part of the tax herein apportioned or any other tax or charge which may be due to the commonwealth from such city or town, with the interest accrued thereon.

Approved August 15, 1935.

RESOLVES

RESOLVE VALIDATING THE ACTS OF FRANK H. STEWART OF
NEWTON AS A NOTARY PUBLIC. *Chap. 1*

Resolved, That the acts of Frank H. Stewart of Newton as a notary public, between January ninth, nineteen hundred and thirty-one, and October 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 February 14, 1935.

RESOLVE VALIDATING THE ACTS OF HARRY B. FRY OF GREAT
BARRINGTON AS A NOTARY PUBLIC. *Chap. 2*

Resolved, That the acts of Harry B. Fry of Great Barrington as a notary public, between September fourteenth, nineteen hundred and thirty-four, and December eighteenth, 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 14, 1935.

RESOLVE VALIDATING THE ACTS OF HELEN TIGHE LINDBLAD
OF SPRINGFIELD AS A NOTARY PUBLIC. *Chap. 3*

Resolved, That the acts of Helen Tighe Lindblad of Springfield as a notary public, between August seventeenth, nineteen hundred and thirty-four, and January fifth, nineteen hundred and thirty-five, both dates 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 February 14, 1935.

RESOLVE DIRECTING THE COMMISSION ON INTERSTATE COMPACTS AFFECTING LABOR AND INDUSTRIES TO CONSIDER A CERTAIN PROBLEM AFFECTING THE EMPLOYMENT OF PERSONS IN EARLY MIDDLE LIFE AND TO SEEK THE CO-OPERATION OF THE INTERSTATE CONFERENCE ON LABOR COMPACTS IN THE SOLUTION THEREOF. *Chap. 4*

Whereas, There exists at present a difficult problem as to discrimination in employment because of age, which is of common concern to this commonwealth and its sister industrial states, and the solution of which problem is highly desirable; and

Whereas, This problem was referred for investigation and study to a special recess commission which was not able to give due consideration to the relative effect of possible solutions thereof upon this and other industrial states, owing to the inadequacy of time available to dispose of this matter in addition to the other contentious matters referred to it; therefore, be it

Resolved, That the commission on interstate compacts affecting labor and industries is hereby directed to consider so much of the subject matter referred for investigation and study to a special commission under chapter thirty-nine of the resolves of nineteen hundred and thirty-four as relates to discrimination by industry and business against persons in employment who have reached a certain age in early middle life and also to seek the co-operation of the interstate conference on labor compacts 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.

Approved April 1, 1935.

Chap. 5 RESOLVE PROVIDING FOR THE INDEXING OF THE SPECIAL LAWS OF THE COMMONWEALTH.

Resolved, That, for the purpose of expediting and promoting accuracy in the work of the general court, and of the several state departments, the counsel to the senate and the counsel to the house of representatives are hereby authorized and directed to cause to be indexed the special laws passed by the general court during such years as the said counsel, with the approval of the president of the senate and the speaker of the house of representatives, may from time to time determine, and to expend for such purpose such sums as may be appropriated. For such purpose there may be expended in the current fiscal year a sum not exceeding three thousand dollars.

Approved April 3, 1935.

Chap. 6 RESOLVE VALIDATING THE ACTS OF WILLIS BENJAMIN FELLOWS OF NEWTON AS A NOTARY PUBLIC.

Resolved, That the acts of Willis Benjamin Fellows of Newton as a notary public, between December seventeenth, nineteen hundred and thirty-one, and February twenty-eighth, nineteen hundred and thirty-five, 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 8, 1935.*

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE JUDICIAL COUNCIL RELATIVE TO AUTHORIZING THE MAKING BY ATTORNEYS AT LAW OF CERTAIN CONTINGENT FEE AGREEMENTS WITH THEIR CLIENTS. *Chap. 7*

Resolved, That the judicial council be requested to investigate the subject matter of current house document numbered nine hundred and ninety, relative to authorizing the making by attorneys at law of certain contingent fee agreements with their clients, 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 April 15, 1935.

RESOLVE RELATIVE TO SUNDRY ACCOUNTS OF THE REGISTRAR OF MOTOR VEHICLES WITH THE COMMONWEALTH. *Chap. 8*

Resolved, That the registrar of motor vehicles, or his authorized agent, is hereby relieved from accounting to the state treasurer for the sum of eight hundred and thirty-six dollars and forty-one cents, the same being the sum of various deficits appearing in his account with the commonwealth on November thirtieth, nineteen hundred and thirty-three, and in his cash account on February first, nineteen hundred and thirty-four, all as set forth in the report of the state auditor on his examination of the accounts of the registry of motor vehicles completed April twenty-fourth, nineteen hundred and thirty-four.

Approved April 18, 1935.

RESOLVE IN AID OF THE GRAND ARMY OF THE REPUBLIC, DEPARTMENT OF MASSACHUSETTS. *Chap. 9*

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth a sum not exceeding fifteen hundred dollars, in addition to any unexpended balance remaining from any amount heretofore appropriated for the same purpose, 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 26, 1935.

RESOLVE VALIDATING THE ACTS OF JOSEPH W. DALEY OF BELMONT AS A NOTARY PUBLIC. *Chap. 10*

Resolved, That the acts of Joseph W. Daley of Belmont as a notary public, between July twentieth, nineteen hundred and thirty-four, and April first, nineteen hundred and thirty-five, 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 26, 1935.

- Chap. 11* A RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL UNPAID COMMISSION OF THE PUBLIC HEALTH LAWS AND POLICIES IN THE COMMONWEALTH.

Resolved, That an unpaid special commission, consisting of the commissioner of public health and the commissioner of mental diseases, ex officio, and ten other members to be appointed by the governor, is hereby established for the purpose of studying and investigating the public health laws and policies of the commonwealth. After completing said study and investigation, but not later than the first Wednesday in December in the current year, said commission shall report to the general court by filing with the clerk of the house of representatives, the results of its study and investigation, with its recommendations, if any, as to what changes it deems necessary in such laws and policies, together with drafts of such legislation as may be necessary to carry such recommendations into effect.

Approved May 10, 1935.

- Chap. 12* 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. Such delegates shall not exceed three in number and shall represent both political parties.

Approved May 10, 1935.

- Chap. 13* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF CONSERVATION RELATIVE TO THE ACQUISITION BY THE COMMONWEALTH OF PROPERTY IN THE CITY OF SALEM KNOWN AS OLD DERBY WHARF AND THE USE THEREOF AS A MEMORIAL PARK AND PLAYGROUND.

Resolved, That the department of conservation is hereby authorized and directed to investigate the subject matter of current house document numbered three hundred and twenty-five, relative to the acquisition by the commonwealth of the property in the city of Salem, known as Old Derby wharf, and the use thereof as a memorial park and playground. Said department shall report to the general court the results of its investigation and its recommenda-

tions, if any, together with estimates of cost and 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 of December in the current year.

Approved May 21, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DIVISION OF METROPOLITAN PLANNING RELATIVE TO THE ADVISABILITY OF ELECTRIFYING THE SAUGUS BRANCH OF THE BOSTON AND MAINE RAILROAD.

Chap. 14

Resolved, That the division of metropolitan planning of the metropolitan district commission is hereby authorized and directed to investigate as to the advisability and feasibility of electrifying the Saugus branch of the Boston and Maine railroad between the cities of Boston and Lynn, so that rapid transit facilities may be provided for the districts served by said branch of said railroad. Said division shall report to the general court the results of its investigation and estimates of cost, 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 May 21, 1935.

RESOLVE REVIVING AND CONTINUING THE SPECIAL COMMISSION RELATIVE TO UNEMPLOYMENT INSURANCE, RESERVES AND BENEFITS.

Chap. 15

Whereas, A majority of the special commission on unemployment insurance, reserves and benefits, established by chapter forty-two of the resolves of nineteen hundred and thirty-four, has reached definite conclusions as to the principles that should be followed in this commonwealth in providing unemployment insurance; and

Whereas, There is reason to believe that the Congress of the United States will, at its present session, and while the general court of this commonwealth is in session, enact a law providing for federal co-operation with the several states in providing unemployment insurance; and

Whereas, Under the circumstances, better results will be obtained and with no material delay if said special commission formulates unemployment insurance laws for this commonwealth after the attitude of the federal government on this matter is known; therefore be it

Resolved, That the said special commission is hereby revived and continued, and its final report, together with drafts of legislation necessary to carry its recommendations into effect, shall be filed with the clerk of the house of representatives on or before June fifteenth in the current year.

For the purpose of this resolve, said special commission

may expend such sum, not exceeding fifteen hundred dollars, as may be hereafter appropriated therefor, in addition to any unexpended balance of the amount appropriated by or included in item thirty-two h of chapter three hundred and eighty-four of the acts of nineteen hundred and thirty-four.

Approved May 24, 1935.

- Chap. 16* RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE STANDARDIZATION OF CALIPERS USED IN MEASURING WOOD.

Resolved, That the director of standards and the state forester, acting jointly, are hereby authorized and directed to investigate the matter of standardizing calipers used in measuring wood for the purpose of recommending proper standards and specifications to be established therefor. They shall report to the general court the results of their investigation, and their 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 the first Wednesday of December in the current year.

Approved May 27, 1935.

- Chap. 17* RESOLVE PROVIDING FOR ADDING THE NAMES OF CERTAIN CHAPLAINS TO THE MEMORIAL TABLET IN THE STATE HOUSE ERECTED IN RECOGNITION OF SERVICE OF CHAPLAINS IN THE WORLD WAR.

Resolved, That the art commission be authorized to add to the memorial tablet erected in the state house in recognition of the service of certain chaplains in the American Expeditionary Forces during the world war the names of Reverend William Joseph Farrell, first lieutenant of the one hundred and third United States field artillery and of the one hundred and fourth United States infantry, Reverend Lyman Rollins, first lieutenant of the one hundred and first United States infantry, and such other chaplains who served in said forces as the said commission may from time to time deem proper. The commission is hereby authorized to make such provision as may be deemed by them to be necessary for changes in or additions to said tablet for the purposes of this resolve.

Approved May 29, 1935.

- Chap. 18* RESOLVE PROVIDING FOR THE DISTRIBUTION OF THE TERCENTENARY EDITION OF THE GENERAL LAWS TO CERTAIN MEMBERS OF THE PRESENT GENERAL COURT.

Resolved, That the state secretary, in distributing the Tercentenary Edition of the General Laws to members of the general court in accordance with chapter fifty-three of the resolves of nineteen hundred and thirty-two, shall also distribute, upon written request, one copy thereof, and of

the index thereto, to each member of the present general court who was not a member of the general court of the years nineteen hundred and thirty-one and nineteen hundred and thirty-two or the years nineteen hundred and thirty-three and nineteen hundred and thirty-four.

Approved May 29, 1935.

RESOLVE IN FAVOR OF LAURA M. HAMMOND OF SPRINGFIELD.

Chap. 19

Resolved, That if Laura M. Hammond of Springfield, a member of the Massachusetts teachers' retirement association enrolled as number twenty-two thousand, three hundred and sixty-six, makes formal application for a refund of the amount to her credit in the said association before she attains the age of seventy on August twenty-seventh, nineteen hundred and thirty-five, the refund shall be made by the retirement board, irrespective of the provisions of paragraph (1) section eleven, chapter thirty-two of the Tercentenary Edition of the General Laws, and by accepting said refund she shall waive for herself, her heirs, legal representatives or any designated beneficiary, any and all claims to any pension or annuity to which she would otherwise be entitled under the provisions of section ten of said chapter thirty-two.

Approved June 3, 1935.

RESOLVE SIGNIFYING THE COMMONWEALTH'S ACCEPTANCE OF A MURAL PAINTING REPRESENTING THE OFFICIAL INSIGNIA OF THE DISABLED AMERICAN VETERANS OF THE WORLD WAR, AND AUTHORIZING ITS LOCATION IN THE STATE HOUSE.

Chap. 20

Resolved, That a mural painting representing the official insignia of the Disabled American Veterans of the World War, which painting is proposed to be presented to the commonwealth by the department of Massachusetts of said organization, be accepted, subject to the approval of the art commission of the commonwealth, the same to be placed, with like approval, in some appropriate location within the state house.

Approved June 5, 1935.

RESOLVE VALIDATING THE ACTS OF BLANCHE M. MORIN OF HOLYOKE AS A NOTARY PUBLIC.

Chap. 21

Resolved, That the acts of Blanche M. Morin of Holyoke as a notary public, between December twelfth, nineteen hundred and thirty-four, and March twenty-second, nineteen hundred and thirty-five, both dates 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 5, 1935.

- Chap. 22* 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, or corresponding provisions of earlier laws, notwithstanding the expiration of the time limited by said section for the recovery of such sum:

<i>Name of Deceased Person</i>	<i>Date and Place of Death</i>
Carl Adolph Scharlan . . .	December 22, 1904, in Boston, Mass.
Anna Hlastawa	October 4, 1919, in Wilbraham, Mass.
Sarah A. Dolan	In 1920, in Southbridge, Mass.
Martha E. Chadwick . . .	November 18, 1919, in Worcester, Mass.

Approved June 20, 1935.

- Chap. 23* RESOLVE IN FAVOR OF LOUIS BERRETT AND CLEMENT F. MOLWAY, BOTH OF BOSTON.

Whereas, A robbery and murder of great atrocity occurred at the Paramount theatre in Lynn during the year nineteen hundred and thirty-three; and

Whereas, Louis Berrett and Clement F. Molway, both of Boston, were arrested, indicted and placed on trial upon charges of having committed said atrocious crimes, and at said trial were positively but mistakenly identified as the persons who committed the same, and were saved from conviction thereof only by the confession, near the end of their trial, of one of the persons guilty of said robbery and murder, as a result of which confession it became absolutely certain that said Berrett and said Molway were in no way implicated in said crimes; and

Whereas, During a considerable period following their arrest and up to the time of their acquittal, said Louis Berrett and Clement F. Molway suffered imprisonment; and

Whereas, As the result of said arrest, indictment, trial and imprisonment said Berrett and said Molway suffered greatly both in body and in mind, were put in great fear for their lives and were put to great expense, prevented from attending to their usual occupations for a long period and greatly damaged in their reputations and hampered in their opportunities of obtaining employment after their acquittal; now, therefore, be it

Resolved, That, subject to appropriation, there be paid out of the treasury of the commonwealth, as compensation for their said undeserved suffering and damage, the sum of twenty-five hundred dollars to said Louis Berrett and the sum of twenty-five hundred dollars to said Clement F. Molway.

Approved June 20, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE ADVISABILITY OF EXTENDING THE RAPID TRANSIT SYSTEM OF THE BOSTON ELEVATED RAILWAY COMPANY IN THE CITY OF BOSTON FROM MATTAPAN SQUARE TO THE FOREST HILLS DISTRICT OF SAID CITY BY WAY OF THE HYDE PARK DISTRICT THEREOF.

Chap. 24

Resolved, That the division of metropolitan planning of the metropolitan district commission is hereby authorized and directed to investigate the advisability of extending the rapid transit system of the Boston Elevated Railway Company in the city of Boston from Mattapan square to the Forest Hills district of said city by way of the Hyde Park district thereof. 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 legislation necessary for carrying 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 20, 1935.

RESOLVE IN FAVOR OF ELIZABETH R. SMITH OF BOSTON.

Chap. 25

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth to Elizabeth R. Smith of Boston the sum of one hundred and ninety dollars to reimburse her for expenses incurred by her in the burial of Hannah Holland, wife of James Holland, an absentee the balance of whose estate was paid into the state treasury in the year nineteen hundred and twenty-seven.

Approved June 21, 1935.

RESOLVE IN FAVOR OF ALBERT KEEFE OF BELMONT.

Chap. 26

Resolved, That, subject to appropriation, there be allowed and paid from the treasury of the commonwealth, under the direction of the attorney general, to Albert Keefe, of Belmont, such sum, not exceeding seventy-five dollars, as may be found by the attorney general to be the unexpended balance, including accrued interest, of a deposit made by said Keefe as security for the payment of fees in an insolvency case, numbered two thousand nine hundred and eighty-three, in the year eighteen hundred and ninety-four, in the Suffolk county insolvency court, which balance was paid into said treasury on January fifth, nineteen hundred and eleven, under the corresponding earlier provisions of

section one hundred and twenty-three of chapter two hundred and sixteen of the General Laws, notwithstanding the expiration of the time limited by said section for the recovery of such sum.

Approved June 21, 1935.

- Chap. 27* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE ACQUISITION BY SAID COMMISSION OF CERTAIN LAND IN THE CITY OF REVERE AND THE MAINTENANCE THEREOF AS A MOTOR VEHICLE PARKING AREA AND AS A PART OF THE REVERE BEACH RESERVATION.

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current house document numbered sixteen hundred and thirty-five, relative to the acquisition by said commission of certain land in the city of Revere and the maintenance thereof as a motor vehicle parking area and as a part of the Revere Beach reservation. Said commission shall report to the general court the results of its investigation 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 the first Wednesday of December in the current year.

Approved June 21, 1935.

- Chap. 28* RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE DEVELOPMENT OF CEDAR SWAMP POND AND ADJACENT TERRITORY IN THE TOWN OF MILFORD FOR RECREATIONAL AND OTHER PURPOSES.

Resolved, That the commissioner of conservation and the commissioner of public health, acting jointly, are hereby authorized and directed to investigate the desirability, feasibility and probable cost of developing Cedar Swamp pond and adjacent territory in the town of Milford, with a view to establishing the same as a state reservation or otherwise making the same available to the public for recreational purposes, and to promoting the public health. Said commissioners shall report to the general court the results of their investigation, and their 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 the first Wednesday of December in the current year.

Approved June 26, 1935.

- Chap. 29* RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO THE ADVISABILITY OF DREDGING THE WESTPORT RIVER IN THE TOWN OF WESTPORT.

Resolved, That the department of public works is hereby authorized and directed to investigate the subject matter of current senate document numbered three hundred and

forty, relative to the dredging of the Westport river in the town of Westport. Said department shall report to the general court the results of its investigation and its recommendations, if any, together with estimates of cost and 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 of December in the current year.

Approved June 26, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE ACQUISITION BY THE COMMONWEALTH OF CERTAIN ISLANDS IN SALEM BAY AND VICINITY AND THE USE THEREOF FOR CERTAIN PUBLIC PURPOSES.

Chap. 30

Resolved, That the commissioner of conservation and the commissioner of public health, acting jointly, are hereby authorized and directed to investigate the subject matter of current house document numbered three hundred and twenty-six, relative to the acquisition by the commonwealth of certain islands in Salem bay and vicinity and the use thereof for public purposes. Said commissioners shall report to the general court the results of their investigation and their recommendations, if any, together with estimates of cost and 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 of December in the current year.

Approved June 26, 1935.

RESOLVE AUTHORIZING THE ABATEMENT BY THE METROPOLITAN DISTRICT COMMISSION OF CERTAIN BETTERMENTS ASSESSED IN CONNECTION WITH THE LAYING OUT AND CONSTRUCTION OF THE WEST ROXBURY PARKWAY IN THE CITY OF BOSTON.

Chap. 31

Resolved, That the metropolitan district commission may, notwithstanding the provisions of section five of chapter eighty of the General Laws, abate in full all betterments assessed by it on account of the laying out and construction of the West Roxbury parkway, together with any accrued interest, on property located in the West Roxbury district of the city of Boston, and shown as lots numbered 347, 348, 349, 382, 383, 384, 385 and 386 on a plan numbered 19373 of said commission, entitled "West Roxbury Parkway Extension", dated August 14, 1930, and on file in the office of said commission. The amounts of betterments to be abated hereunder shall not exceed, in the aggregate, the sum of six hundred and forty-seven dollars and twenty cents.

Approved June 26, 1935.

- Chap. 32* RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF ESTABLISHING A SYSTEM OF PUBLIC CLINICS, HOSPITALS OR OTHER ESTABLISHMENTS FOR THE TREATMENT OF PERSONS ADDICTED TO GROSS AND CONFIRMED HABITS OF INTOXICATION.

Resolved, That a special commission to consist of the commissioner of correction, the commissioner of mental diseases and the commissioner of public health, is hereby established to investigate the advisability of establishing public clinics, hospitals or other establishments where persons addicted to gross and confirmed habits of intoxication may be treated. Any of said commissioners, if he so elects, may designate an officer or employee in his department to serve in his place on said commission. Said commission shall report to the general court the results of its investigation 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 the first Wednesday of December in the current year.

Approved June 26, 1935.

- Chap. 33* RESOLVE PROVIDING FOR FURTHER INVESTIGATION BY THE DEPARTMENT OF LABOR AND INDUSTRIES RELATIVE TO THE MATTER OF PREVENTING DISCRIMINATION AGAINST CERTAIN PERSONS IN EMPLOYMENT ON ACCOUNT OF THEIR AGE.

Resolved, That the department of labor and industries is hereby authorized and directed to continue the investigation and study, heretofore conducted under chapter thirty-nine of the resolves of nineteen hundred and thirty-four, of the causes of the tendency toward discrimination 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. Said department shall hold hearings and 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 department shall include in its annual report for the current year to the general court its findings and recommendations with relation to the subject matter of this resolve, together with drafts of legislation necessary to carry said recommendations into effect.

Approved June 26, 1935.

RESOLVE AUTHORIZING THE CONVEYANCE OR RELEASE BY THE COMMONWEALTH TO JOHN F. CORRERIA OF ANY RIGHT, TITLE OR INTEREST IT MAY HAVE IN CERTAIN PROPERTY LOCATED IN THE TOWN OF OAK BLUFFS. *Chap. 34*

Resolved, That the attorney general, in the name and on behalf of the commonwealth, is hereby authorized to convey or release to John F. Correria of the town of Oak Bluffs, by proper instrument or instruments and without payment of compensation by said Correria, all the right, title and interest the commonwealth may have in the following parcels of land located in said town, — viz.: — Lots numbered one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty and one hundred and sixty-one shown on a plan of Forest Hills, recorded in the registry of deeds for Dukes County, book fifty, page five hundred and eighty-one.

Approved June 26, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE NEWSPAPER PUBLICATION OF LEGAL NOTICES AND CITATIONS. *Chap. 35*

Resolved, That a special unpaid commission, to consist of the state secretary, or a deputy state secretary to be designated by the state secretary, the attorney general or an assistant attorney general to be designated by the attorney general, and a third person, who shall be a newspaper publisher, to be appointed by the governor, with the advice and consent of the council, is hereby established for the purpose of further defining the word "newspaper" as used in the laws requiring publication of legal notices and citations, and especially of investigating the subject matter of current house document number fifteen hundred and thirty-three. The commission may expend such sums, not exceeding, in the aggregate, one hundred dollars, as may be appropriated therefor, and shall report to the general court its findings and 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 not later than the first Wednesday of December in the current year.

Approved June 29, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE ADVISABILITY OF DREDGING THE PONDS IN THE SAINT MORITZ SECTION OF THE BLUE HILLS RESERVATION. *Chap. 36*

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the advisability and probable cost of dredging the ponds located in that part of the Blue Hills reservation known as the Saint Moritz section. Said commission shall report to the general court the results of its investigation and its recom-

mendations, 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 the first Wednesday of December in the current year.

Approved June 29, 1935.

Chap. 37 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE COMMISSIONER OF INSURANCE RELATIVE TO THE PAYMENT BY INSTALMENTS OF PREMIUMS ON POLICIES AND BONDS UNDER THE COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE LAW, SO CALLED.

Resolved, That the commissioner of insurance is hereby authorized and directed to investigate the subject matter of current senate document numbered two hundred and fifty-two and current house documents numbered twelve hundred and one and twelve hundred and fifty-six, relative to the payment by instalments of premiums on policies and bonds under the compulsory motor vehicle liability insurance law, so called. Said commissioner shall report to the general court the results of his investigation, and his 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 the first Wednesday in December in the current year.

Approved June 29, 1935.

Chap. 38 RESOLVE AUTHORIZING THE CONSTRUCTION BY THE DEPARTMENT OF PUBLIC WORKS BY THE USE OF FEDERAL FUNDS OF A NEW BRIDGE OVER THE NASHUA RIVER TO REPLACE THE PRESENT LANCASTER MILLS BRIDGE IN THE TOWN OF CLINTON.

Resolved, That, if and when funds sufficient to meet the cost of the work hereinafter referred to have been allotted under the provisions of the National Industrial Recovery Act or any other appropriate federal statute, the department of public works is hereby authorized and directed to construct a new bridge, together with the necessary approaches thereto, over the Nashua river to replace the existing Lancaster Mills bridge, so called, in the town of Clinton; provided, that the entire cost of such work shall be met solely out of such federal funds.

Approved July 1, 1935.

Chap. 39 RESOLVE AUTHORIZING THE TRANSFER OF THE CONTROL OF CERTAIN STATE LAND IN THE CITY OF WORCESTER FROM THE DEPARTMENT OF MENTAL DISEASES TO THE ARMORY COMMISSIONERS.

Resolved, That the commissioner of mental diseases is hereby authorized, with the approval of the governor and council, to transfer to the armory commissioners so much

of the land in the city of Worcester now belonging to the Summer Street department of the Worcester state hospital as, in the opinion of said commissioner, the armory commissioners and the chairman of the commission on administration and finance, may be more advantageously used by the commonwealth for military purposes.

Approved July 3, 1935.

RESOLVE IN FAVOR OF THE HEIRS OF ANN KELLIHER.

Chap. 40

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 Ann Kelliher, who died in the city of Springfield on December seventeenth, nineteen hundred and twenty-three, 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 Ann Kelliher, 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 July 12, 1935.

RESOLVE IN FAVOR OF THE PARENTS OF THOMAS F. CONNOLLY, JR., AND THE MOTHER OF WALTER LIPKIND, BOTH OF BOSTON.

Chap. 41

Resolved, That, for the purpose of discharging moral obligation of the commonwealth in the premises, there shall be allowed and paid out of the treasury thereof to the parents of Thomas F. Connolly, Jr., late of Boston, the sum of two thousand dollars and to the mother of Walter Lipkind, late of said Boston, the sum of two thousand dollars, on account of the death of said Thomas F. Connolly, Jr. and of Walter Lipkind, respectively, caused by the negligent administering of medicine to them while inmates of the Boston State hospital.

Approved July 12, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION RELATIVE TO THE DISCHARGE OF SEWAGE FROM THE METROPOLITAN SEWER DISTRICT INTO BOSTON HARBOR AND ITS TRIBUTARY WATERS AND RELATIVE TO CERTAIN RELATED MATTERS.

Chap. 42

Resolved, That a special unpaid commission, to consist of the commissioner of public works or an associate commissioner designated by him, the commissioner of public health or a representative of his department designated by him, the commissioner of the metropolitan district commission or a representative of his commission designated by him, the health commissioner of the city of Boston and the commissioner of public works of the city of Boston, is hereby authorized and directed to investigate relative to the dis-

charge of sewage from the metropolitan sewerage district into Boston harbor and into the rivers and estuaries tributary thereto and to consider what changes, if any, may be necessary in any of the present systems of sewerage or sewage disposal in territory tributary to said harbor, rivers or estuaries, in order to prevent nuisances or to remove objectionable conditions. In making said investigation said commission shall consider the subject matter of current senate documents numbered one hundred and forty-one, one hundred and forty-two, one hundred and forty-three, one hundred and forty-four and current house document numbered eight hundred and eighty-one. Said commission may employ such engineering and other assistance, and may incur such expenses, as may be necessary to carry out the purposes of this resolve, and for said purposes may expend such sums, not exceeding, in the aggregate, fifteen thousand dollars, as may hereafter be appropriated therefor. The cost of this investigation shall be paid one third each by the cities and towns in the metropolitan sewerage district, north system, metropolitan sewerage district, south system, and the city of Boston, and the state treasurer is hereby directed to assess the same in accordance with the provisions of law relative to assessments upon said districts and assessments for the state tax. Said commission shall report to the general court the results of its investigations and its recommendations relative thereto, together with maps, plans and estimates of the cost of any changes in existing sewer systems or outlets or sewage disposal works that it may deem necessary or desirable, and 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 July 12, 1935.

Chap. 43 RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION RELATIVE TO THE CONSTRUCTION OF AN EXTENSION OF THE MYSTIC VALLEY PARKWAY AND A TRAFFIC CIRCLE IN CONNECTION THEREWITH IN THE CITY OF MEDFORD.

Resolved, That the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current senate document numbered three hundred and sixty-nine, relative to the construction of an extension of the Mystic Valley parkway in the city of Medford and the construction of a traffic circle in said city at the junction of Mystic avenue, Harvard street and said Mystic Valley parkway as so extended. Said commission shall report to the general court the results of its investigation and its recommendations, together with estimates of cost and 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 July 12, 1935.

RESOLVE IN FAVOR OF VIRGINIA ALLEN OF BOSTON.

Chap. 44

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth in the premises and after an appropriation has been made, there be allowed and paid out of the treasury thereof to Paul C. Allen of Boston, father and duly appointed guardian of Virginia Allen, a minor, the sum of twenty-five hundred dollars in full compensation for injuries sustained by her on November seventeenth, nineteen hundred and thirty, by reason of being struck by a motor vehicle owned by the commonwealth and operated by an employee of the state department of public works.

Approved July 12, 1935.

RESOLVE IN FAVOR OF EMMA V. MEEGAN OF WARE.

Chap. 45

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 shall be allowed and paid out of the treasury thereof to Emma V. Meegan of Ware, the sum of six hundred and twenty-seven dollars and thirty-one cents to reimburse her for expenses incurred by her for the hospital care and burial of her father, James Spellman, who sustained fatal injuries by reason of being struck by a motor vehicle operated by an employee of the state department of mental diseases.

Approved July 12, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE DIVISION OF METROPOLITAN PLANNING RELATIVE TO THE EXTENSION OF RAPID TRANSIT FACILITIES IN THE EAST BOSTON DISTRICT OF THE CITY OF BOSTON AND THE ACQUISITION BY THE BOSTON METROPOLITAN DISTRICT OF THE BOSTON, REVERE BEACH AND LYNN RAILROAD AND THE OPERATION THEREOF BY THE BOSTON ELEVATED RAILWAY COMPANY.

Chap. 46

Resolved, That the division of metropolitan planning of the metropolitan district commission is hereby authorized and directed to investigate the subject matter of current house document numbered eighteen hundred and fifty-nine, relative to an extension of rapid transit facilities in the East Boston district of the city of Boston and to the acquisition by the Boston metropolitan district of all or a part of the Boston, Revere Beach and Lynn railroad and the operation thereof by the Boston Elevated Railway Company. Said division shall report to the general court the results of its investigation, 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 July 15, 1935.

- Chap.* 47 RESOLVE PROVIDING FOR THE PAYMENT OF COMPENSATION BY THE COMMONWEALTH TO CERTAIN PERSONS ON ACCOUNT OF MEDICAL AND NURSING SERVICES RENDERED BY THEM TO JOSEPH MURPHY OF HOLYOKE, A FORMER MEMBER OF THE STATE POLICE.

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 shall be allowed and paid out of the treasury thereof to Ernest A. Mandeville of Holyoke, the sum of five hundred and forty-six dollars, to Bridget Haley of West Springfield the sum of one hundred and eight dollars and to Nora I. Thompson of Holyoke the sum of one hundred and two dollars, on account of medical services furnished by said Mandeville and nursing services furnished by said Haley and Thompson to Joseph Murphy of Holyoke, a former member of the state police.

Approved July 16, 1935.

- Chap.* 48 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO MUNICIPAL FINANCING IN THE CITY OF BOSTON.

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 one person to be appointed by the governor, with the advice and consent of the council, one person to be appointed by the mayor of the city of Boston and one person to be appointed by the school committee of said city, is hereby established for the purpose of making an investigation and study of the laws and ordinances effective in said city relative to its financing, with a view to determining the advisability of making said city further subject to the laws regulating municipal financing in other municipalities. Said commission shall be provided with quarters in the state house or elsewhere, shall hold hearings and may expend, after an appropriation has been made, for clerical and other services and expenses, such sums, not exceeding, in the aggregate, fifteen hundred dollars, as may be approved by the governor and council. Said commission shall report to the general court the results of its investigation 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 not later than the first Wednesday of December in the current year.

Approved July 18, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE ATTORNEY GENERAL RELATIVE TO A CERTAIN CLAIM OF FRANK B. CURRIER OF WINTHROP AGAINST THE COMMONWEALTH. *Chap. 49*

Resolved, That the attorney general is hereby requested to investigate the claim of Frank B. Currier of Winthrop against the commonwealth referred to in house document numbered sixteen hundred and sixty-four of the current year, and to examine the law and facts in relation thereto. For the purpose of the investigation herein requested, the attorney general, or an assistant attorney general designated by him, shall hold one or more public hearings, of which the claimant and the state reclamation board shall be notified, and may take evidence, administer oaths and issue subpoenas. The attorney general is hereby further requested to make a report of such investigation and examination to the general court by filing such report with the clerk of the house of representatives not later than the first Wednesday in December in the current year.

Approved July 19, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE METROPOLITAN DISTRICT COMMISSION AND THE DEPARTMENT OF PUBLIC WORKS RELATIVE TO CERTAIN WAYS, BRIDGES, BEACHES AND RECREATIONAL FACILITIES. *Chap. 50*

Resolved, That the metropolitan district commission and the department of public works, acting as a joint board, are hereby authorized and directed to investigate the subject matter of current house document numbered two thousand and twenty-one, relative to the widening, reconstructing and extending, and the better lighting, of Woburn parkway, in Woburn, of current house document numbered twenty-one hundred and six, relative to the widening and reconstruction of a certain highway in Medford and Stoneham, of current house document numbered twenty-one hundred and eight, relative to the laying out and construction of a boulevard in said Medford, of current house documents numbered seventeen hundred and eighty-eight and twenty-one hundred and nine, relative to the construction of a bridge over the Charles river in Watertown, of current senate documents numbered twenty-three, one hundred and thirty-nine, two hundred and seventy-five and two hundred and seventy-nine and current house documents numbered six hundred and thirteen, eleven hundred and forty-three, seventeen hundred and eighteen, nineteen hundred and twenty, nineteen hundred and forty-seven and twenty-one hundred and twenty-seven, relative to the construction of certain beaches and the construction and maintenance of bath houses thereat and to providing certain other recreational facilities on the shores of the Neponset river in Boston and Milton, of the Charles river in Waltham, Cam-

bridge and Watertown, of the Mystic river in Somerville and Arlington, of Dark Hollow pond in Stoneham and of Houghton's pond in Milton, and of current house document numbered twenty-one hundred and sixty-eight, relative to the acquisition, for reservation purposes, of all the real estate, not already owned by the commonwealth, abutting on the easterly side of a portion of Endicott avenue in Revere, and the advisability, feasibility and probable cost of the several projects therein referred to. Said board may expend for the purposes of this resolve such sum, not exceeding five thousand dollars, as may hereafter be appropriated therefor, and shall report to the general court the results of its investigations and its recommendations, including estimates of cost, together with drafts of legislation necessary to carry said 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 July 19, 1935.

Chap. 51 RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF PROVIDING FOR THE LICENSING AND REGULATION OF THE BUSINESS OF FINANCING PURCHASES OF CERTAIN PERSONAL PROPERTY.

Resolved, That the attorney general or an assistant to be designated by the attorney general, the commissioner of corporations and taxation and the commissioner of banks or an assistant to be designated by each of said commissioners, acting as a special commission, are hereby authorized and directed to investigate the subject matter of current senate document numbered four and house document numbered eight hundred and five, relative to providing for the licensing and regulation of the business of financing purchases of certain personal property. Said commission shall be provided with quarters in the state house or elsewhere, shall hold hearings and may expend, after an appropriation has been made, for clerical and other services and expenses, such sums, not exceeding, in the aggregate, one thousand dollars, as may be approved by the governor and council. Said commission shall report to the general court the results of its investigation 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 not later than the first Wednesday of December in the current year.

Approved July 19, 1935.

Chap. 52 RESOLVE IN FAVOR OF NAPOLEON BENOIT OF BELCHERTOWN.

Resolved, That, after an appropriation has been made, there be allowed and paid out of the state treasury to Napoleon Benoit, of Belchertown, the sum of nine hundred dollars, in full compensation and satisfaction for all claims

and demands whatsoever against the commonwealth which he ever had, now has, or which he or his heirs, executors, administrators or assigns, hereafter can, shall or may have for all damages to his property or business by reason of sewage escaping or released from the Belchertown state school or sewage or treated sewage which may escape or be released from the sewage disposal beds erected on the grounds of said school, as now maintained and operated, into the brook flowing down through the farm of the said Benoit. The said amount shall be certified by the comptroller of the commonwealth only upon the filing of a release, in form approved by the attorney general, duly executed by the said Napoleon Benoit, agreeing that the said sum is received in full satisfaction of any and all claims against the commonwealth and against any officer, agent or employee of the commonwealth on account of such damages.

Approved July 19, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF REVISING THE PROVISIONS OF THE GENERAL LAWS RELATING TO A CONTRIBUTORY RETIREMENT SYSTEM FOR CITIES AND TOWNS.

Chap. 53

Resolved, That the commissioner of insurance or an assistant to be designated by said commissioner, the director of the division of accounts in the department of corporations and taxation or an assistant to be designated by said director, and the executive secretary of the state board of retirement, acting as a special commission, are hereby authorized and directed to make a survey and study of the provisions of the General Laws providing for a contributory retirement system for cities and towns that may be accepted by them, with a view to the revision and improvement of said provisions so as to make them more acceptable to cities and towns desirous of establishing therein contributory retirement systems, and thus avoid the existing practice of enacting special legislation for the purpose of establishing such retirement systems in the various cities and towns. Said commission shall, in the course of its survey and study hereunder, consult with the mayor and city council of the city of Malden and obtain their views and recommendations as to the revision and improvement of said provisions, with especial reference to the needs of said city. Said commission may expend, with the approval of the governor and council, for expenses and expert actuarial, clerical and other assistance such sums, not exceeding, in the aggregate, thirty-five hundred dollars, as may hereafter be appropriated. Said commission 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 July 19, 1935.

Chap. 54 RESOLVE IN FAVOR OF JOHN J. O'CONNOR OF WORCESTER.

Resolved, That, for the purpose of discharging the moral obligation of the commonwealth in the premises, and after an appropriation has been made, there be allowed and paid out of the treasury thereof to John J. O'Connor of Worcester, the sum of sixty-five hundred fifty-four dollars and thirty-seven cents, in consideration of the expense to him of performing certain work in connection with the erection of the female ward buildings at the Foxborough state hospital, at the request of the department of mental diseases.

Approved July 19, 1935.

Chap. 55 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO CERTAIN PRACTICES IN CONNECTION WITH FORECLOSURE OF REAL ESTATE MORTGAGES AND RELATIVE TO THE LIMITATION OF ACTIONS ON CERTAIN PROMISSORY NOTES.

Resolved, That the commissioner of banks is hereby authorized and directed to make an investigation and study relative to practices of mortgagees in foreclosures of mortgages on real estate whereby mortgagors are sued for the balance of the amounts due on their mortgage notes in cases where the amount realized from the sale of the property in such foreclosure proceedings is less than the amount of such note, with a view to recommending such legislation as he may deem necessary or desirable to protect the interests of mortgagors in such cases by providing for a judicial determination of the value of the real estate at the time of the foreclosure proceedings, placing a minimum price at which the real estate may be sold in such proceedings, or otherwise, and relative to the subject matter of current house documents numbered four hundred and ninety-five and six hundred and fifty-three, relative to limitation of actions on certain promissory notes. The commissioner shall report to the general court his findings and his recommendations, if any, 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 of the current year.

Approved July 19, 1935.

Chap. 56 RESOLVE ESTABLISHING A SPECIAL COMMISSION TO STUDY AND REVISE THE LAWS RELATING TO PUBLIC WELFARE.

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 make a survey and study of the laws of the commonwealth relating to public welfare, including mothers' aid and old age as-

sistance, with a view to the revision and codification of said laws and to the recommending of such changes therein and additions thereto as may appear necessary or desirable. In making said survey and study, said commission shall consider the subject matter of current senate document numbered forty-four and current house documents numbered two hundred and seven, two hundred and forty-six, five hundred and thirty-one and ten hundred and twenty-four. Said commission shall hold hearings, shall be provided with quarters in the state house or elsewhere and may expend, with the approval of the governor and council, for expenses and legal, clerical and other assistance such sums, not exceeding, in the aggregate, twenty-five hundred 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 July 22, 1935.*

RESOLVE IN FAVOR OF ANNA B. NOSEWORTHY.

Chap. 57

Resolved, That for the purpose of discharging the moral obligation of the commonwealth in the premises, there be allowed and paid out of the treasury of the commonwealth, after an appropriation has been made therefor, the sum of one hundred and thirteen dollars to Anna B. Noseworthy to reimburse her for the expense of hospital and medical care necessarily incurred by her on account of injuries sustained at Camp Devens as a result of the negligence of certain members of the Massachusetts national guard.

Approved July 25, 1935.

RESOLVE PROVIDING FOR A STUDY BY A SPECIAL COMMISSION RELATIVE TO THE SLIDING SCALE METHOD OF RATES FOR USE BY PUBLIC UTILITY CORPORATIONS ENGAGED IN THE DISTRIBUTION OF GAS AND ELECTRICITY.

Chap. 58

Resolved, That a special unpaid commission be established, to consist of two persons to be appointed by the governor, together with the chairman of the commission of the department of public utilities or a commissioner to be designated by said chairman, to investigate and study the sliding scale method of rates and its practicability for use by public utility corporations engaged in the business of the distribution of gas and electricity within the commonwealth. Said special commission shall hold hearings, shall be provided with quarters in the state house or elsewhere, may avail itself of such services of state departments, boards and commissions as it may need in the course of its investigation, and may expend, with the approval of the governor and council, for clerical and other assistance and

expenses such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated. The special commission is further authorized to receive and to utilize in carrying out its duties hereby imposed such aid as may be rendered to it through the co-operation of the federal government. Said special commission shall report to the general court the results of its investigation 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 July 26, 1935.

Chap. 59 RESOLVE PROVIDING FOR A STUDY BY A SPECIAL COMMISSION RELATIVE TO THE ADVISABILITY OF AMENDING THE CONSTITUTION OF THE COMMONWEALTH TO PROVIDE FOR BIENNIAL SESSIONS OF THE GENERAL COURT AND FOR A BIENNIAL BUDGET.

Resolved, That a special unpaid commission, to consist of two members of the senate to be designated by the president thereof, five members of the house of representatives to be designated by the speaker thereof, and four citizens of the commonwealth, at least one of whom shall be a member of the State Grange, so called, to be appointed by the governor, is hereby established for the purpose of making a study relative to the advisability of amending the constitution of the commonwealth to provide for biennial sessions of the general court and for a biennial budget. The commission shall hold hearings, shall be provided with quarters in the state house or elsewhere, and may expend, with the approval of the governor and council, for clerical and other assistance and expenses, such sums, not exceeding, in the aggregate, three thousand dollars, as may hereafter be appropriated. The commission shall report to the general court the results of its study and its recommendations, if any, together with drafts of such amendments to the constitution as may be necessary to carry its recommendations into effect, by filing the same, not later than the first Wednesday of December in the current year, with the clerk of the senate, for presentation by him to the first joint session of the two houses to be called in the year nineteen hundred and thirty-six to consider the proposal for an initiative amendment of the constitution providing for biennial sessions of the general court and for a biennial budget (printed in house document numbered three hundred and five of the year nineteen hundred and thirty-five), introduced into the general court by the initiative petition of Anna C. Bird and others.

Approved July 26, 1935.

RESOLVE INCREASING THE SCOPE OF THE INVESTIGATION TO BE MADE BY THE SPECIAL COMMISSION ESTABLISHED TO STUDY AND REVISE THE LAWS RELATING TO PUBLIC WELFARE. *Chap. 60*

Resolved, That the special commission established by chapter fifty-six of the resolves of the current year to study and revise the laws relating to public welfare shall, in carrying out its work under such resolve, consider the subject matter of current house document numbered twenty-one hundred and forty-four, relative to the old age assistance laws, so called.

Approved July 26, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY THE COMMISSIONER OF LABOR AND INDUSTRIES RELATIVE TO THE SALE WITHIN THE COMMONWEALTH OF FOREIGN-MADE GOODS, WARES AND MERCHANDISE. *Chap. 61*

Resolved, That the commissioner of labor and industries, or a representative of his department designated by him, be authorized and directed to make an investigation of the sale within the commonwealth of goods, wares and merchandise manufactured or produced in a foreign country, for the purpose of determining the advisability, necessity and feasibility of regulating such sale by way of safeguarding the interests and well-being of the citizens and industries of the United States, as affecting their activities within the commonwealth. The commissioner shall report to the general court the results of such investigation and his recommendations, if any, together with drafts of such legislation as may be necessary to carry such recommendations into effect, by filing the same with the clerk of the senate not later than the first Wednesday of December in the current year.

Approved July 26, 1935.

RESOLVE PROVIDING FOR AN INVESTIGATION BY A SPECIAL COMMISSION OF CERTAIN MATTERS RELATING TO THE DISTRICT COURT SYSTEM OF THE COMMONWEALTH, THE TRIAL OF CIVIL ACTIONS IN DISTRICT COURTS BY JURIES OF SIX, THE EXTENSION OF THE RULE-MAKING POWER OF THE SUPREME JUDICIAL COURT AND INCREASING THE NUMBER OF JUSTICES OF THE SUPERIOR COURT. *Chap. 62*

Resolved, That a special unpaid commission, consisting of two members of the senate to be designated by the president thereof, five 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, of whom one shall be a justice of the superior court, is hereby established to investigate so much of the governor's address, printed as current senate document numbered one, as relates to full time service by special

justices of district courts and to adequate compensation for such service, and so much thereof as relates to the establishment of district courts on the circuit or rotating basis, so much of the tenth annual report of the judicial council as relates to adequate salary with full time service for the standing justices of said district courts and so much thereof as relates to an entire revision of salary schedules for justices, special justices, clerks and assistant clerks of district courts, the subject matter of current house documents numbered one hundred and fifteen, one hundred and twenty-five, one hundred and twenty-six, one hundred and twenty-nine, sixteen hundred and seventeen and twelve hundred and sixty-nine, relative to changes in the district court system of the commonwealth and certain related matters, the subject matter of current senate document numbered fifteen, relative to the trial of civil actions in district courts by juries of six, the subject matter of current house document numbered nine hundred and eighty-three, relative to extending the rule-making power of the supreme judicial court, and the subject matter of current house document numbered fifteen hundred and twenty-seven, relative to increasing the number of justices of the superior court. The commission shall be provided with quarters in the state house, may hold hearings therein and elsewhere, and may expend for the employment of clerical and other assistance and to meet such expenditures as the performance of its duties may require, such sums, not exceeding, in the aggregate, five thousand dollars, as may hereafter be appropriated therefor. Said commission shall report to the general court the results of its inquiry and its 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 in the current year.

Approved July 30, 1935.

Chap. 63 RESOLVE PROVIDING FOR AN INVESTIGATION AND STUDY BY A SPECIAL COMMISSION RELATIVE TO THE TAXATION OF TANGIBLE AND INTANGIBLE PROPERTY, AND RELATED MATTERS.

Resolved, That an unpaid special commission, consisting 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, shall make an investigation and study of the subject matter of that portion of the governor's address, printed as current senate document numbered one, that relates to increasing the rate of taxation on income so as to bring it into balance with the increased rate of taxation on real estate, and of the subject matter of current senate documents numbered three hundred and eighty-six, three hundred and eighty-seven, three hundred and eighty-nine, three hundred and ninety, three

hundred and ninety-one, and three hundred and ninety-two, and current house documents numbered one hundred and seventy-eight, two hundred and fifty-one, two hundred and fifty-eight, seven hundred and seventy-three, seven hundred and seventy-nine, ten hundred and thirty-three and ten hundred and thirty-six, relating to taxation. Said commission may also make a study with respect to any other proposals relative to the taxation of intangibles upon their capital value, or upon the income thereof, or to the taxation of business income, or to the taxation of tangible personal property, or relating to exemptions from property taxes, or limiting the rate of taxation of real estate, or relative to any other phase or branch of taxation which in the opinion of the commission should be given consideration. Said commission shall hold hearings and may call upon the commissioner of corporations and taxation and other departments, commissions and officers of the commonwealth and of the several counties and municipalities for such information as may be needed in the course of its investigation. Said commission shall be provided with quarters in the state house or elsewhere, and may expend, with the approval of the governor and council, for expert, clerical and other services and expenses such sums, not exceeding, in the aggregate, twenty-five hundred dollars, as may hereafter be appropriated. Said commission shall make its report to the general court, with its recommendations and 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 of December in the current year.

Approved August 2, 1935.

RESOLVE IN FAVOR OF THE WIDOW OF THE LATE ALBERT
PIERCE.

Chap. 64

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 widow of the late Albert Pierce, who died while a member of the present senate, the balance of the salary to which he would have been entitled had he lived and served until the end of the current session.

(This resolve, returned by the governor to the Senate, the branch in which it originated, with his objections thereto, was passed by the Senate, August 14, 1935, and, in concurrence, by the House of Representatives, August 14, 1935, the objections of the governor notwithstanding, in the manner prescribed by the constitution; and thereby has "the force of a law".)

NUMBER OF ACTS AND RESOLVES APPROVED, APPROVAL WITHHELD, AND LIST OF ACTS VETOED BY THE GOVERNOR AND PASSED OVER HIS VETO.

The general court, during its first annual session held in 1935, passed 494 Acts and 63 Resolves, which received executive approval, and 3 Acts 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 10 Acts and 4 Resolves with his objections thereto in writing. Upon 9 of said Acts and 3 of said Resolves his objections were sustained.

Three (3) Acts entitled, respectively, "An Act removing certain restrictions relative to the sale of alcoholic beverages near the Nantasket Beach reservation" (Chapter 41); "An Act relative to the retirement allowance of Harriet Alice Smith under the state retirement system" (Chapter 400) and "An Act increasing the number of assistant district attorneys in the Suffolk and southeastern districts and establishing the salaries of the district attorneys for the northwestern and western districts and of certain assistant district attorneys" (Chapter 458) 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 have the force of law, under the provisions of the Constitution governing such cases, and have been so certified.

Nine (9) Acts entitled, respectively, "An Act increasing the membership of the board of health of the city of Revere"; "An Act exempting veterans of the Spanish War, the Philippine Insurrection or the China Relief Expedition from certain requirements of the civil service laws"; "An Act authorizing preliminary proceedings to simplify and render more effective the administration of constitutional provisions for the retirement and removal of certain judicial officers"; "An Act authorizing the appointment of an additional court officer for the municipal court of the Roxbury district and for the district court of Chelsea"; "An Act placing under civil service the offices of deputy superintendents of police of the city of Boston"; "An Act placing the office of superintendent of police of the city of Boston under the civil service laws"; "An Act providing for reimbursement to cities and towns by the commonwealth for loss of taxes on certain land used for purposes of state parks"; "An Act regulating and restricting the erection, alteration and use of buildings and structures and of advertising signs and devices upon a certain state highway known as the Concord turnpike"; "An Act relative to the redivision of the city of Boston into wards and to the enumeration

of the legal voters therein" and three (3) resolves entitled, respectively, "Resolve in favor of Clara Dumas of Leicester"; "Resolve in favor of Sebastian Sarna of Amherst" and "Resolve in favor of John E. Sullivan of Springfield" 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 and resolves thereby became void.

One (1) Act entitled "An Act authorizing the city of Somerville to appropriate money for the use of the school savings bank of the city of Somerville" (Chapter 130) and one (1) Resolve entitled "Resolve in favor of the widow of the late Albert Pierce" (Chapter 64) 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 act and resolve have thereby the force of law.

The general court was prorogued on Thursday, August 15, 1935, at twenty-three minutes past four o'clock A.M., the session having occupied 226 days.

RETURN OF VOTES ON QUESTION SUBMITTED UNDER THE PROVISIONS OF ARTICLE XLVIII OF THE AMENDMENTS TO THE CONSTITUTION TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 6, 1934.

Votes on Question No. 1 (Referendum) — "Law Submitted Upon Referendum After Passage."

Shall a law described as follows: —

This law amends General Laws, chapter 131, as previously amended, by repealing section 105A thereof and adding thereto three new sections, 105B, 105C, and 114A.

Section 105B provides that whoever uses any trap or other device for capture of fur bearing animals, which is not designed to kill such animal at once or to take it unhurt and which is likely to cause continued suffering to an animal caught therein, shall be fined fifty dollars, but traps or other devices for protection of property, set not more than fifty yards from any building, cultivated plot, or enclosures used for rearing poultry or game birds, to the use of which the presence of vermin may be detrimental, are excluded from the application of this section.

Section 105C provides for the submission to the voters at a municipal election in any city or town upon petition, of the question of whether the operation of section 105B shall be suspended or if it has been already suspended, of the question whether it shall again be operative in such city or town.

Section 114A provides that the Commissioner of Conservation may suspend the operation of section 105B for a period not exceeding thirty days within any specified territory under the control of his department.

The law also provides for the submission, by the selectmen to the voters at a special town meeting in the current year, upon petition, of the question as to whether the provisions of section 105B shall be suspended in any town; and which was approved by both branches of the General Court by vote not recorded, be approved?

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	1,067	480	1,428	2,975
Bourne	410	210	425	1,045
Brewster	178	55	137	370
Chatham	339	117	304	760
Dennis	333	154	357	844
Eastham	134	54	110	298
Falmouth	883	319	747	1,949
Harwich	372	161	317	850
Mashpee	59	5	86	150
Orleans	262	111	221	594
Provincetown	276	177	653	1,106
Sandwich	257	106	235	598
Truro	116	35	70	221
Wellfleet	180	79	211	470
Yarmouth	329	211	256	796
Totals	5,195	2,274	5,557	13,026

County of Berkshire.

Adams	1,763	516	1,619	3,898
Alford	44	8	40	92
Becket	125	29	70	224
Cheshire	405	56	194	655
Clarksburg	216	67	207	490
Dalton	781	299	696	1,776
Egremont	128	50	90	268
Florida	51	19	44	114

County of Berkshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Great Barrington	1,087	252	833	2,172
Hancock	58	21	30	109
Hinsdale	190	53	168	411
Lanesborough	214	70	148	432
Lee	718	169	474	1,361
Lenox	589	148	398	1,135
Monterey	84	33	27	144
Mount Washington	29	7	3	39
New Ashford	18	3	15	36
New Marlborough	171	29	123	323
NORTH ADAMS	2,702	1,011	3,266	6,979
Otis	75	39	29	143
Peru	32	12	14	58
PITTSFIELD	6,593	2,164	5,804	14,561
Richmond	94	40	64	198
Sandisfield	63	19	20	102
Savoy	50	10	46	106
Sheffield	295	94	135	524
Stockbridge	324	91	189	604
Tyringham	46	41	11	98
Washington	39	10	21	70
West Stockbridge	198	43	113	354
Williamstown	596	237	566	1,399
Windsor	59	9	43	111
Totals	17,837	5,649	15,500	38,986

County of Bristol.

Acushnet	399	154	472	1,025
ATTLEBORO	2,962	1,484	2,926	7,372
Berkley	101	36	106	243
Dartmouth	703	428	943	2,074
Dighton	281	161	405	847
Easton	801	504	937	2,332
Fairhaven	994	716	1,560	3,270
FALL RIVER	8,927	8,530	16,896	34,353
Freetown	149	124	226	499
Mansfield	1,045	456	825	2,326
NEW BEDFORD	9,566	5,999	14,884	30,449
North Attleborough	1,614	637	1,648	3,899
Norton	385	197	290	872
Raynham	232	159	256	647
Rehoboth	327	130	390	847
Seekonk	532	169	493	1,194
Somerset	506	382	762	1,650
Swansea	421	288	578	1,287
TAUNTON	4,074	2,517	6,146	12,737
Westport	382	239	556	1,177
Totals	34,491	23,310	51,299	109,100

County of Dukes County.

Chilmark	41	18	71	130
Edgartown	120	55	237	412
Gay Head	7	7	43	57
Gosnold	13	2	21	36
Oak Bluffs	142	112	275	529
Tisbury	181	121	301	603
West Tisbury	39	18	57	114
Totals	543	333	1,005	1,881

County of Essex.

Amesbury	999	875	2,132	4,006
Andover	1,370	1,188	2,139	4,697
BEVERLY	2,620	2,538	4,844	10,002
Boxford	124	77	97	298
Danvers	1,243	1,138	2,162	4,543
Essex	165	142	349	656
Georgetown	251	202	447	900
GLOUCESTER	2,209	1,605	4,360	8,174
Groveland	265	181	516	962
Hamilton	260	278	389	927
HAVERHILL	4,611	2,979	9,346	16,936
Ipswich	682	420	1,038	2,140
LAWRENCE	7,970	4,550	17,345	29,865
LYNN	11,126	7,775	16,391	35,292
Lynnfield	288	263	414	965
Manchester	455	253	527	1,235
Marblehead	1,278	1,298	2,230	4,806
Merrimac	242	221	573	1,038
Methuen	2,170	1,359	4,386	7,915
Middleton	206	132	362	700

County of Essex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Nahant	249	221	467	937
Newbury	272	167	325	764
NEWBURYPORT	1,718	1,254	3,005	5,977
North Andover	774	616	1,689	3,079
PEABODY	1,936	1,392	3,679	7,007
Rockport	483	388	890	1,761
Rowley	210	116	341	667
SALEM	4,699	3,603	8,283	16,585
Salisbury	261	153	647	1,061
Saugus	1,815	1,294	2,711	5,820
Swampscott	1,568	1,384	1,745	4,697
Topsfield	176	175	186	537
Wenham	191	173	200	564
West Newbury	141	118	311	570
Totals	53,027	38,528	94,526	186,081

County of Franklin.

Ashfield	131	50	115	296
Bernardston	185	51	146	382
Buckland	240	111	304	655
Charlemont	148	44	117	309
Colrain	218	85	187	490
Conway	147	53	145	345
Deerfield	385	147	379	911
Erving	186	50	168	404
Gill	110	47	162	319
Greenfield	2,653	1,058	2,641	6,352
Hawley	34	7	36	77
Heath	39	14	23	76
Leverett	69	27	73	169
Leyden	30	24	46	100
Monroe	30	11	39	80
Montague	1,037	331	1,434	2,802
New Salem	80	30	71	181
Northfield	282	172	245	699
Orange	938	355	857	2,150
Rowe	32	10	36	78
Shelburne	365	116	329	810
Shutesbury	21	16	29	66
Sunderland	154	37	83	274
Warwick	72	24	48	144
Wendell	52	23	52	127
Whately	122	32	123	277
Totals	7,760	2,925	7,888	18,573

County of Hampden.

Agawam	917	479	872	2,268
Blandford	71	37	67	175
Brimfield	214	50	102	366
Chester	188	83	156	427
CHICOPEE	3,911	3,119	6,651	13,681
East Longmeadow	554	311	326	1,191
Granville	77	25	126	228
Hampden	162	83	109	354
Holland	47	9	28	84
HOLYOKE	5,893	3,841	11,117	20,851
Longmeadow	839	793	482	2,114
Ludlow	772	409	752	1,933
Monson	552	260	669	1,481
Montgomery	22	13	17	52
Palmer	1,229	436	1,357	3,022
Russell	178	101	182	461
Southwick	173	68	156	397
SPRINGFIELD	16,625	14,123	18,577	49,325
Tolland	22	5	14	41
Wales	66	28	55	149
West Springfield	2,549	1,475	2,017	6,041
WESTFIELD	2,222	1,251	2,548	6,021
Wilbraham	340	240	262	842
Totals	37,623	27,239	46,642	111,504

County of Hampshire.

Amherst	1,172	643	743	2,558
Belchertown	289	199	257	745
Chesterfield	81	40	84	205
Cummington	149	32	90	271
Easthampton	1,554	656	1,527	3,737
Enfield	85	23	53	161
Goshen	61	20	39	120
Granby	159	91	101	351

County of Hampshire — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Greenwich	37	7	22	66
Hadley	295	120	181	596
Hatfield	292	76	204	572
Huntington	225	83	242	550
Middlefield	39	11	32	82
NORTHAMPTON	3,456	2,005	2,744	8,205
Pelham	57	41	50	148
Plainfield	62	9	42	113
Prescott	8	—	—	8
South Hadley	1,123	589	1,038	2,750
Southampton	131	114	108	353
Ware	832	334	1,207	2,373
Westhampton	66	28	37	131
Williamsburg	336	164	300	800
Worthington	79	25	54	158
Totals	10,588	5,310	9,155	25,053

County of Middlesex.

Acton	405	276	476	1,157
Arlington	4,299	4,512	7,265	16,076
Ashby	103	70	101	274
Ashland	334	329	460	1,123
Ayer	460	260	565	1,285
Bedford	237	235	390	862
Belmont	3,045	3,086	4,281	10,412
Billerica	836	578	1,145	2,559
Boxborough	57	40	61	158
Burlington	256	142	351	749
CAMBRIDGE	11,033	8,349	18,763	38,145
Carlisle	99	63	106	268
Chelmsford	864	660	1,296	2,820
Concord	1,048	744	1,063	2,855
Dracut	617	315	1,222	2,154
Dunstable	52	40	95	187
EVERETT	4,334	3,222	7,394	14,950
Frammingham	2,646	2,045	3,531	8,222
Groton	423	314	448	1,185
Holliston	455	363	581	1,399
Hopkinton	394	287	493	1,174
Hudson	936	565	1,319	2,820
Lexington	1,501	1,183	1,586	4,270
Lincoln	282	189	226	697
Littleton	198	236	208	642
LOWELL	11,451	6,513	19,162	37,126
MALDEN	5,143	4,718	9,241	19,102
MARLBOROUGH	2,160	1,080	3,335	6,575
Maynard	773	451	1,192	2,416
MEDFORD	6,959	5,202	10,741	22,902
MELROSE	2,977	3,573	4,329	10,879
Natick	1,939	1,590	2,638	6,167
NEWTON	9,229	8,482	11,114	28,825
North Reading	252	171	393	816
Pepperell	425	216	517	1,158
Reading	1,376	1,458	1,757	4,591
Sherborn	145	118	162	425
Shirley	263	160	407	830
SOMERVILLE	10,214	7,932	16,262	34,408
Stoneham	1,200	1,032	2,013	4,245
Stow	187	125	123	435
Sudbury	255	174	231	660
Tewksbury	360	195	506	1,061
Townsend	194	178	337	709
Tyngsborough	163	116	236	515
Wakefield	1,975	1,570	3,043	6,588
WALTHAM	4,652	3,834	5,903	14,389
Watertown	4,382	3,062	5,262	12,706
Wayland	426	344	491	1,261
Westford	365	248	547	1,160
Weston	608	570	414	1,592
Wilmington	417	322	679	1,418
Winchester	1,797	2,057	2,282	6,136
WOBURN	2,472	1,772	3,464	7,708
Totals	107,673	85,366	160,207	353,246

County of Nantucket.

Nantucket	312	147	770	1,229
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County of Norfolk.

Avon	299	216	450	965
Bellingham	366	123	476	965
Braintree	2,211	1,550	2,950	6,711

County of Norfolk — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Brookline	5,999	5,512	7,916	19,427
Canton	931	686	859	2,476
Cohasset	560	331	557	1,448
Dedham	1,855	1,426	2,521	5,802
Dover	187	171	178	536
Foxborough	704	370	627	1,701
Franklin	1,162	397	1,021	2,580
Holbrook	415	295	693	1,403
Medfield	341	209	319	869
Medway	509	229	477	1,215
Millis	339	152	340	831
Milton	2,822	2,233	3,349	8,404
Needham	1,572	1,446	1,847	4,865
Norfolk	220	175	183	578
Norwood	2,243	1,238	2,133	5,614
Plainville	259	111	231	601
QUINCY	9,272	6,224	13,089	28,585
Randolph	949	575	1,554	3,078
Sharon	616	538	433	1,587
Stoughton	1,144	643	1,251	3,038
Walpole	982	623	965	2,570
Wellesley	1,587	2,103	1,543	5,233
Westwood	409	319	456	1,184
Weymouth	2,981	1,892	3,787	8,660
Wrentham	356	245	335	936
Totals	41,290	30,032	50,540	121,862

County of Plymouth.

Abington	975	524	1,035	2,534
Bridgewater	897	426	961	2,284
BROCKTON	8,621	5,056	10,146	23,823
Carver	98	65	166	329
Duxbury	454	269	311	1,034
East Bridgewater	478	267	601	1,346
Halifax	122	68	119	309
Hanover	399	230	331	960
Hanson	379	170	369	918
Hingham	1,294	653	905	2,852
Hull	341	219	547	1,107
Kingston	344	158	393	895
Lakeville	172	89	137	398
Marion	239	151	261	651
Marshfield	415	251	335	1,001
Mattapoisett	172	98	258	528
Middleborough	1,079	660	1,471	3,210
Norwell	284	184	246	714
Pembroke	230	112	168	510
Plymouth	1,391	681	2,063	4,135
Plympton	70	50	101	221
Rochester	128	36	100	264
Rockland	1,365	503	1,632	3,500
Scituate	743	433	698	1,874
Wareham	722	417	903	2,042
West Bridgewater	509	256	485	1,250
Whitman	1,159	683	1,534	3,376
Totals	23,080	12,709	26,276	62,065

County of Suffolk.

BOSTON	71,699	47,625	146,935	266,259
CHELSEA	2,909	1,287	7,424	11,620
REVERE	4,456	1,865	4,752	11,073
Winthrop	2,353	2,060	2,849	7,262
Totals	81,417	52,837	161,960	296,214

County of Worcester.

Ashburnham	193	193	215	601
Athol	1,402	618	1,567	3,587
Auburn	1,027	426	890	2,333
Barre	512	234	353	1,099
Berlin	202	87	168	457
Blackstone	656	167	683	1,506
Bolton	136	80	95	311
Boylston	159	109	160	428
Brookfield	294	108	167	569
Charlton	247	168	316	731
Clinton	1,644	917	2,440	5,001
Dana	78	19	69	166
Douglas	325	187	272	784
Dudley	503	172	735	1,410
East Brookfield	110	76	141	327
FITCHBURG	4,214	4,663	5,134	14,011

RETURN OF VOTES, ETC.

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County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
GARDNER	2,176	1,051	2,863	6,090
Grafton	847	410	1,047	2,304
Hardwick	375	99	321	795
Harvard	203	177	111	491
Holden	664	303	442	1,409
Hopedale	487	334	414	1,235
Hubbardston	123	75	109	307
Lancaster	372	229	359	960
Leicester	628	403	750	1,781
LEOMINSTER	2,489	1,789	2,900	7,178
Lunenburg	276	243	296	815
Mendon	194	122	144	460
Millford	1,913	784	2,419	5,116
Millbury	920	421	1,160	2,501
Millville	209	117	451	777
New Braintree	43	15	53	111
North Brookfield	432	221	472	1,125
Northborough	395	235	261	891
Northbridge	1,596	742	1,126	3,464
Oakham	87	30	49	166
Oxford	581	263	698	1,542
Paxton	110	48	91	249
Petersham	183	48	75	306
Phillipston	70	28	52	150
Princeton	102	53	93	248
Royalston	103	40	77	220
Rutland	284	132	198	614
Shrewsbury	976	478	838	2,292
Southborough	296	248	298	842
Southbridge	1,812	557	2,578	4,947
Spencer	803	448	1,184	2,435
Sterling	303	155	230	688
Sturbridge	209	88	266	563
Sutton	347	162	265	774
Templeton	554	189	506	1,249
Upton	355	203	369	927
Uxbridge	957	384	1,045	2,386
Warren	524	186	578	1,288
Webster	1,747	615	2,358	4,720
West Boylston	258	211	299	768
West Brookfield	264	85	177	526
Westborough	905	417	642	1,964
Westminster	202	163	154	519
Winchendon	736	351	910	1,997
WORCESTER	24,524	12,308	28,511	65,343
Totals	63,336	33,884	71,634	168,854

Aggregate of Votes.

Counties.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	5,195	2,274	5,557	13,026
BERKSHIRE	17,837	5,649	15,500	38,986
BRISTOL	34,491	23,310	51,299	109,100
DUKES COUNTY	543	333	1,005	1,881
ESSEX	53,027	38,528	94,526	186,081
FRANKLIN	7,760	2,925	7,888	18,573
HAMPDEN	37,623	27,239	46,642	111,504
HAMPSHIRE	10,588	5,310	9,155	25,053
MIDDLESEX	107,673	85,366	160,207	353,246
NANTUCKET	312	147	770	1,229
NORFOLK	41,290	30,032	50,540	121,862
PLYMOUTH	23,080	12,709	26,276	62,065
SUFFOLK	81,417	52,837	161,960	296,214
WORCESTER	63,336	33,884	71,634	168,854
Totals	484,172	320,543	702,959	1,507,674

RETURNS OF VOTES ON QUESTIONS SUBMITTED UNDER THE PROVISIONS OF THE ACTS OF 1934, CHAPTER 374, TO THE VOTERS OF THE COMMONWEALTH AT THE STATE ELECTION HELD NOVEMBER 6, 1934.

Votes on Question.

"Shall the pari-mutuel system of betting on licensed horse races be permitted in this county?"

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	1,439	760	776	2,975
Bourne	502	301	242	1,045
Brewster	140	147	83	370
Chatham	367	227	166	760
Dennis	326	300	218	844
Eastham	118	85	95	298
Falmouth	1,084	458	407	1,949
Harwich	383	266	201	850
Mashpee	58	15	77	150
Orleans	249	193	152	594
Provincetown	410	212	484	1,106
Sandwich	261	165	172	598
Truro	105	55	61	221
Wellfleet	168	160	142	470
Yarmouth	397	239	160	796
Totals	6,007	3,583	3,436	13,026

County of Berkshire.

Adams	2,186	564	1,148	3,898
Alford	34	25	33	92
Becket	110	66	48	224
Cheshire	380	115	160	655
Clarksburg	247	105	138	490
Dalton	807	523	446	1,776
Egremont	114	91	63	268
Florida	53	37	24	114
Great Barrington	1,166	464	542	2,172
Hancock	44	43	22	109
Hinsdale	208	100	103	411
Lanesborough	216	120	96	432
Lee	768	339	254	1,361
Lenox	685	182	268	1,135
Monterey	60	69	15	144
Mount Washington	16	10	13	39
New Ashford	12	7	17	36
New Marlborough	121	93	109	323
NORTH ADAMS	3,691	1,182	2,106	6,979
Otis	73	41	29	143
Peru	26	16	16	58
PITTSFIELD	8,120	3,122	3,319	14,561
Richmond	97	58	43	198
Sandisfield	55	16	31	102
Savoy	43	21	42	106
Sheffield	228	172	124	524
Stockbridge	301	176	127	604
Tyringham	54	30	14	98
Washington	35	18	17	70
West Stockbridge	179	85	90	354
Williamstown	604	424	371	1,399
Windsor	35	39	37	111
Totals	20,768	8,353	9,865	38,986

County of Bristol.

Acushnet	617	168	240	1,025
ATTLEBORO	3,266	2,930	1,176	7,372
Berkley	95	81	67	243
Dartmouth	1,207	449	418	2,074
Dighton	320	282	245	847
Easton	1,129	719	484	2,332
Fairhaven	1,898	665	707	3,270
FALL RIVER	10,963	13,941	9,449	34,353
Freetown	191	199	109	499
Mansfield	1,219	673	434	2,326
NEW BEDFORD	19,488	4,224	6,737	30,449
North Attleborough	1,873	1,171	855	3,899
Norton	428	299	145	872
Raynham	333	166	148	647
Rehoboth	370	261	216	847
Seekonk	555	412	227	1,194

County of Bristol — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Somerset	468	811	371	1,650
Swansea	387	663	237	1,287
TAUNTON	6,672	2,634	3,431	12,737
Westport	491	456	230	1,177
Totals	51,970	31,204	25,926	109,100

County of Dukes County.

Chilmark	32	50	48	130
Edgartown	174	96	142	412
Gay Head	10	9	38	57
Gosnold	15	6	15	36
Oak Bluffs	221	151	157	529
Tisbury	226	188	189	603
West Tisbury	27	43	44	114
Totals	705	543	652	1,881

County of Essex.

Amesbury	2,057	987	962	4,006
Andover	2,010	1,895	792	4,697
BEVERLY	5,011	3,166	1,825	10,002
Boxford	124	137	37	298
Danvers	2,154	1,450	939	4,543
Essex	277	219	160	656
Georgetown	441	277	182	900
GLOUCESTER	3,929	2,207	2,038	8,174
Groveland	465	234	263	962
Hamilton	534	258	135	927
HAVERHILL	8,912	4,477	3,547	16,936
Ipswich	1,120	560	460	2,140
LAWRENCE	14,460	7,739	7,666	29,865
LYNN	21,546	8,133	5,613	35,292
Lynnfield	523	308	134	965
Manchester	668	337	230	1,235
Marblehead	2,448	1,527	831	4,806
Merrimac	447	362	227	1,036
Methuen	3,608	2,654	1,653	7,915
Middleton	357	186	157	700
Nahant	547	236	154	937
Newbury	334	240	190	764
NEWBURYPORT	2,840	1,580	1,557	5,977
North Andover	1,403	1,050	626	3,079
PEABODY	3,468	1,906	1,633	7,007
Rockport	674	598	489	1,761
Rowley	315	183	169	667
SALEM	8,587	4,589	3,409	16,585
Salisbury	464	299	298	1,061
Saugus	3,478	1,384	958	5,820
Swampscott	2,394	1,688	615	4,697
Topsfield	281	184	72	537
Wenham	242	227	95	564
West Newbury	216	208	146	570
Totals	96,334	51,485	38,262	186,081

County of Franklin.

Ashfield	72	131	93	296
Bernardston	150	126	106	382
Buckland	230	196	229	655
Charlemont	126	101	82	309
Colrain	193	180	117	490
Conway	113	122	110	345
Deerfield	405	236	270	911
Erving	225	54	125	404
Gill	103	115	101	319
Greenfield	3,355	1,581	1,416	6,352
Hawley	13	19	45	77
Heath	12	42	22	76
Leverett	38	62	69	169
Leyden	31	34	35	100
Monroe	34	17	29	80
Montague	1,490	442	870	2,802
New Salem	64	64	53	181
Northfield	205	333	161	699
Orange	928	634	588	2,150
Rowe	23	24	31	78
Shelburne	255	325	230	810
Shutesbury	13	27	26	66
Sunderland	110	99	65	274
Warwick	69	37	38	144
Wendell	58	35	34	127
Whately	116	56	105	277
Totals	8,431	5,092	5,050	18,573

County of Hampden.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Agawam	1,249	451	568	2,268
Blandford	64	52	59	175
Brimfield	143	120	103	366
Chester	205	100	122	427
CHICOPEE	7,189	1,895	4,597	13,681
East Longmeadow	613	415	163	1,191
Granville	70	70	88	228
Hampden	166	114	74	354
Holland	46	17	21	84
HOLYOKE	9,680	2,952	8,219	20,851
Longmeadow	1,062	739	313	2,114
Ludlow	1,109	409	415	1,933
Monson	659	345	477	1,481
Montgomery	14	21	17	52
Palmer	1,489	507	1,026	3,022
Russell	210	130	121	461
Southwick	172	94	131	397
SPRINGFIELD	27,632	10,369	11,324	49,325
Tolland	11	18	12	41
Wales	55	42	52	149
West Springfield	3,588	1,329	1,124	6,041
WESTFIELD	3,196	1,244	1,581	6,021
Wilbraham	365	321	156	842
Totals	58,987	21,754	30,763	111,504

County of Hampshire.

Amherst	1,009	1,006	543	2,558
Belchertown	341	203	201	745
Chesterfield	36	102	67	205
Cummington	93	99	79	271
Easthampton	1,886	673	1,178	3,737
Enfield	81	44	36	161
Goshen	43	58	19	120
Granby	125	123	103	351
Greenwich	27	11	28	66
Hadley	280	153	163	596
Hatfield	294	99	179	572
Huntington	240	115	195	550
Middlefield	32	36	14	82
NORTHAMPTON	4,213	1,654	2,338	8,205
Pelham	49	59	40	148
Plainfield	27	43	43	113
Prescott	1	1	6	8
South Hadley	1,258	673	819	2,750
Southampton	140	99	114	353
Ware	1,170	382	821	2,373
Westhampton	22	84	25	131
Williamsburg	316	238	246	800
Worthington	68	43	47	158
Totals	11,751	5,998	7,304	25,053

County of Middlesex.

Acton	592	328	237	1,157
Arlington	7,645	6,426	2,005	16,076
Ashby	98	102	74	274
Ashland	603	311	209	1,123
Ayer	700	311	274	1,285
Bedford	469	266	127	862
Belmont	4,961	4,032	1,419	10,412
Billerica	1,525	591	443	2,559
Boxborough	73	51	34	158
Burlington	457	150	142	749
CAMBRIDGE	21,506	8,374	8,265	38,145
Carlisle	106	115	47	268
Chelmsford	1,297	888	635	2,820
Concord	1,455	897	503	2,855
Dracut	1,188	439	527	2,154
Dunstable	65	56	66	187
EVERETT	8,445	3,668	2,837	14,950
Framingham	4,741	2,155	1,326	8,222
Groton	488	459	238	1,185
Holliston	637	496	266	1,399
Hopkinton	637	321	216	1,174
Hudson	1,626	567	627	2,820
Lexington	2,274	1,404	592	4,270
Lincoln	322	254	121	697
Littleton	292	253	97	642
LOWELL	21,062	7,343	8,721	37,126
MALDEN	10,240	5,837	3,025	19,102
MARLBOROUGH	3,587	1,384	1,604	6,575
Maynard	1,352	525	539	2,416

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
MEDFORD	13,305	5,558	4,039	22,902
MELROSE	4,935	4,475	1,469	10,879
Natick	3,975	1,349	843	6,167
NEWTON	15,031	10,114	3,680	28,825
North Reading	435	242	139	816
Pepperell	556	349	253	1,158
Reading	2,066	1,929	596	4,591
Sherborn	237	124	64	425
Shirley	409	182	239	830
SOMERVILLE	19,587	8,790	6,031	34,408
Stoneham	2,064	1,549	632	4,245
Stow	198	165	72	435
Sudbury	339	215	106	660
Tewksbury	554	308	199	1,061
Townsend	281	263	165	709
Tyngsborough	283	130	102	515
Wakefield	3,644	2,011	933	6,588
WALTHAM	8,547	3,761	2,081	14,389
Watertown	7,378	3,624	1,704	12,706
Wayland	779	301	181	1,261
Westford	628	272	260	1,160
Weston	703	651	238	1,592
Wilmington	784	356	278	1,418
Winchester	2,792	2,361	983	6,136
WOBURN	4,704	1,834	1,170	7,708
Totals	192,657	98,916	61,673	353,246

County of Nantucket.

Nantucket	546	231	452	1,229
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County of Norfolk.

Avon	519	222	224	965
Bellingham	489	195	281	965
Braintree	3,896	1,764	1,051	6,711
Brookline	10,486	5,879	3,062	19,427
Canton	1,636	572	268	2,476
Cohasset	828	358	262	1,448
Dedham	3,596	1,330	876	5,802
Dover	335	147	54	536
Foxborough	869	549	283	1,701
Franklin	1,231	789	560	2,580
Holbrook	671	382	350	1,403
Medfield	530	207	132	869
Medway	663	306	246	1,215
Millis	485	183	163	831
Milton	4,233	2,836	1,335	8,404
Needham	2,411	1,850	604	4,865
Norfolk	299	207	72	578
Norwood	3,584	1,459	571	5,614
Plainville	292	202	107	601
QUINCY	17,080	6,903	4,602	28,585
Randolph	1,789	617	672	3,078
Sharon	843	588	156	1,587
Stoughton	1,844	729	465	3,038
Walpole	1,235	840	495	2,570
Wellesley	2,140	2,407	686	5,233
Westwood	692	310	182	1,184
Weymouth	5,005	2,278	1,377	8,660
Wrentham	517	281	138	936
Totals	68,198	34,390	19,274	121,862

County of Plymouth.

Abington	1,218	716	600	2,534
Bridgewater	1,170	602	512	2,284
BROCKTON	12,889	6,789	4,145	23,823
Carver	113	130	86	329
Duxbury	525	314	195	1,034
East Bridgewater	574	467	305	1,346
Halifax	153	103	53	309
Hanover	487	287	186	960
Hanson	456	245	217	918
Hingham	1,592	811	449	2,852
Hull	675	172	260	1,107
Kingston	462	217	216	895
Lakeville	183	129	86	398
Marion	327	209	115	651
Marshfield	521	311	169	1,001
Mattapoisett	272	133	123	528
Middleborough	1,640	1,437	233	3,210

County of Plymouth — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Norwell	369	209	136	714
Pembroke	275	155	80	510
Plymouth	2,121	1,011	1,003	4,135
Plympton	89	76	56	221
Rochester	129	86	49	264
Rockland	1,067	777	756	3,500
Scituate	995	518	361	1,874
Wareham	1,035	532	475	2,042
West Bridgewater	567	428	255	1,250
Whitman	1,652	1,087	637	3,376
Totals	32,356	17,951	11,758	62,065

County of Suffolk.

BOSTON	163,601	42,352	60,306	266,259
CHELSEA	6,108	1,689	3,823	11,620
REVERE	7,330	1,496	2,247	11,073
Wintthrop	3,980	2,066	1,216	7,262
Totals	181,019	47,603	67,592	296,214

County of Worcester.

Ashburnham	274	194	133	601
Athol	1,687	1,016	884	3,587
Auburn	1,252	518	563	2,333
Barre	516	318	265	1,099
Berlin	154	191	112	457
Blackstone	912	200	394	1,506
Bolton	124	128	59	311
Boylston	194	113	121	428
Brookfield	276	154	139	569
Charlton	344	154	233	731
Clinton	2,417	955	1,629	5,001
Dana	49	63	54	166
Douglas	371	237	176	784
Dudley	652	236	522	1,410
East Brookfield	163	74	90	327
FITCHBURG	7,285	3,610	3,116	14,011
GARDNER	2,916	1,360	1,814	6,090
Grafton	1,170	496	638	2,304
Hardwick	408	146	241	795
Harvard	193	210	88	491
Holden	656	479	274	1,409
Hopedale	458	496	281	1,235
Hubbardston	141	95	71	307
Lancaster	368	382	210	960
Leicester	922	411	448	1,781
LEOMINSTER	3,904	1,734	1,540	7,178
Lunenburg	332	335	148	815
Mendon	184	197	79	460
Milford	2,556	1,042	1,518	5,116
Millbury	1,268	522	711	2,501
Millville	321	156	300	777
New Braintree	35	35	41	111
North Brookfield	551	233	341	1,125
Northborough	398	320	173	891
Northbridge	1,637	1,179	648	3,464
Oakham	52	75	39	166
Oxford	810	285	447	1,542
Paxton	122	78	49	249
Petersham	111	115	80	306
Phillipston	58	43	49	150
Princeton	93	97	58	248
Royalston	82	86	52	220
Rutland	332	170	112	614
Shrewsbury	1,189	617	486	2,292
Southborough	417	253	172	842
Southbridge	2,429	702	1,816	4,947
Spencer	1,216	480	739	2,435
Sterling	307	233	148	688
Sturbridge	255	93	215	563
Sutton	348	252	174	774
Templeton	532	359	358	1,249
Upton	342	329	256	927
Uxbridge	1,147	638	601	2,386
Warren	604	274	410	1,288
Webster	2,414	642	1,664	4,720
West Boylston	264	330	174	768
West Brookfield	252	149	125	526
Westborough	965	674	325	1,964
Westminster	198	212	109	519
Winchendon	1,048	467	482	1,997
WORCESTER	34,816	13,438	17,089	65,343
Totals	85,491	39,080	44,283	168,854

RETURN OF VOTES, ETC.

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Aggregate of Votes.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	6,007	3,583	3,436	13,026
BERKSHIRE	20,768	8,353	9,865	38,986
BRISTOL	51,970	31,204	25,926	109,100
DUKES COUNTY	705	543	652	1,881
ESSEX	96,334	51,485	38,262	186,081
FRANKLIN	8,431	5,092	5,050	18,573
HAMPDEN	58,987	21,754	30,763	111,504
HAMPSHIRE	11,751	5,998	7,304	25,053
MIDDLESEX	192,657	98,916	61,673	353,246
NANTUCKET	546	231	452	1,229
NORFOLK	68,198	34,390	19,274	121,862
PLYMOUTH	32,356	17,951	11,758	62,065
SUFFOLK	181,019	47,603	67,592	296,214
WORCESTER	85,491	39,080	44,283	168,854
Totals	815,220	366,183	326,271	1,507,674

Votes on Question.

“Shall the pari-mutuel system of betting on licensed dog races be permitted in this county?”

County of Barnstable.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Barnstable	1,029	937	1,009	2,975
Bourne	365	371	309	1,045
Brewster	100	161	109	370
Chatham	258	281	221	760
Dennis	236	348	260	844
Eastham	83	100	115	298
Falmouth	760	604	585	1,949
Harwich	256	321	273	850
Mashpee	39	18	93	150
Orleans	180	210	204	594
Provincetown	283	245	578	1,106
Sandwich	189	183	226	598
Truro	83	73	65	221
Wellfleet	115	179	176	470
Yarmouth	291	290	215	796
Totals	4,267	4,321	4,438	13,026

County of Berkshire.

Adams	1,618	686	1,594	3,898
Alford	24	25	43	92
Becket	90	64	70	224
Cheshire	297	128	230	655
Clarksburg	200	109	181	490
Dalton	646	586	544	1,776
Egremont	86	99	83	268
Florida	37	44	33	114
Great Barrington	926	504	742	2,172
Hancock	40	41	28	109
Hinsdale	179	107	125	411
Lanesborough	188	123	121	432
Lee	723	290	348	1,361
Lenox	580	184	371	1,135
Monterey	51	69	24	144
Mount Washington	13	12	14	39
New Ashford	8	7	21	36
New Marlborough	95	95	133	323
NORTH ADAMS	2,824	1,494	2,661	6,979
Otis	57	49	37	143
Peru	16	17	25	58
PITTSFIELD	6,413	3,556	4,592	14,561
Richmond	74	71	53	198
Sandisfield	55	16	31	102
Savoy	24	28	54	106
Sheffield	178	188	158	524
Stockbridge	228	193	183	604
Tyringham	41	40	17	98
Washington	29	19	22	70
West Stockbridge	132	97	125	354
Williamstown	425	486	488	1,399
Windsor	24	43	44	111
Totals	16,321	9,470	13,195	38,986

County of Bristol.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Acushnet	544	196	285	1,025
ATTLEBORO	2,561	3,276	1,535	7,372
Berkley	79	83	81	243
Dartmouth	959	559	556	2,074
Dighton	262	327	258	847
Easton	897	842	593	2,332
Fairhaven	1,514	851	905	3,270
FALL RIVER	8,910	14,277	11,166	34,353
Freetown	159	199	141	499
Mansfield	897	814	615	2,326
NEW BEDFORD	16,508	5,436	8,505	30,449
North Attleborough	1,128	1,710	1,061	3,899
Norton	335	345	192	872
Raynham	253	204	190	647
Rehoboth	295	285	267	847
Seekonk	460	472	262	1,194
Somerset	374	830	446	1,650
Swansea	311	680	296	1,287
TAUNTON	5,015	3,040	4,682	12,737
Westport	413	498	266	1,177
Totals	41,874	34,924	32,302	109,100

County of Dukes County.

Chilmark	24	47	59	130
Edgartown	137	112	163	412
Gay Head	8	9	40	57
Gosnold	10	10	16	36
Oak Bluffs	177	168	184	529
Tisbury	164	215	224	603
West Tisbury	18	50	46	114
Totals	538	611	732	1,881

County of Essex.

Amesbury	1,401	1,241	1,364	4,006
Andover	1,440	2,224	1,033	4,697
BEVERLY	3,452	3,786	2,764	10,002
Boxford	76	166	56	298
Danvers	1,628	1,706	1,209	4,543
Essex	192	254	210	656
Georgetown	296	342	262	900
GLOUCESTER	2,776	2,859	2,539	8,174
Groveland	322	322	318	962
Hamilton	403	345	179	927
Haverhill	6,238	5,592	5,106	16,936
Ipswich	852	692	596	2,140
LAWRENCE	11,342	8,965	9,558	29,865
LYNN	16,094	10,341	8,857	35,292
Lynnfield	385	384	196	965
Manchester	450	465	320	1,235
Marblehead	1,697	2,024	1,085	4,806
Merrimac	301	424	311	1,036
Methuen	2,710	3,062	2,143	7,915
Middleton	258	248	194	700
Nahant	402	318	217	937
Newbury	214	312	238	764
NEWBURYPORT	2,092	1,894	1,991	5,977
North Andover	1,046	1,247	786	3,079
PEABODY	2,778	2,182	2,047	7,007
Rockport	462	736	563	1,761
Rowley	208	228	231	667
SALEM	6,681	5,412	4,492	16,585
Salisbury	346	303	412	1,061
Saugus	2,644	1,877	1,299	5,820
Swampscott	1,580	2,300	817	4,697
Topsfield	196	242	99	537
Wenham	171	271	122	564
West Newbury	147	244	179	570
Totals	71,280	63,008	51,793	186,081

County of Franklin.

Ashfield	44	139	113	296
Bernardston	106	142	134	382
Buckland	167	199	289	655
Charlemont	76	131	102	309
Colrain	132	190	168	490
Conway	85	120	140	345
Deerfield	292	285	334	911
Erving	169	83	152	404
Gill	77	125	117	319
Greenfield	2,410	1,985	1,957	6,352

County of Franklin — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Hawley	12	18	47	77
Heath	7	45	24	76
Leverett	30	62	77	169
Leyden	20	37	43	100
Monroe	28	20	32	80
Montague	1,184	552	1,066	2,802
New Salem	47	70	64	181
Northfield	143	362	194	699
Orange	696	736	718	2,150
Rowe	20	24	34	78
Shelburne	177	352	281	810
Shutesbury	11	29	26	66
Sunderland	88	108	78	274
Warwick	45	55	44	144
Wendell	44	43	40	127
Whately	97	55	125	277
Totals	6,207	5,967	6,399	18,573

County of Hampden.

Agawam	1,001	580	687	2,268
Blanford	50	57	68	175
Brimfield	111	132	123	366
Chester	167	116	144	427
CHICOPEE	5,614	2,434	5,633	13,681
East Longmeadow	513	479	199	1,191
Granville	48	70	110	228
Hampden	120	135	99	354
Holland	42	19	23	84
HOLYOKE	7,732	3,593	9,526	20,851
Longmeadow	767	992	355	2,114
Ludlow	933	507	493	1,933
Monson	546	392	543	1,481
Montgomery	11	21	20	52
Palmer	1,241	604	1,177	3,022
Russell	180	149	132	461
Southwick	146	111	140	397
SPRINGFIELD	20,236	14,334	14,755	49,325
Tolland	8	19	14	41
Wales	47	47	55	149
West Springfield	2,775	1,851	1,415	6,041
WESTFIELD	2,627	1,463	1,931	6,021
Wilbraham	284	368	190	842
Totals	45,199	28,473	37,832	111,504

County of Hampshire.

Amherst	741	1,146	671	2,558
Belchertown	276	236	233	745
Chesterfield	30	100	75	205
Cummington	67	110	94	271
Easthampton	1,552	804	1,381	3,737
Enfield	59	57	45	161
Goshen	45	56	19	120
Granby	94	127	130	351
Greenwich	28	12	26	66
Hadley	196	182	218	596
Hatfield	201	121	250	572
Huntington	198	126	226	550
Middlefield	25	38	19	82
NORTHAMPTON	3,197	1,964	3,044	8,205
Pelham	40	59	49	148
Plainfield	18	44	51	113
Prescott	1	1	6	8
South Hadley	993	725	1,032	2,750
Southampton	110	114	129	353
Ware	957	457	959	2,373
Westhampton	14	88	29	131
Williamsburg	251	275	274	800
Worthington	50	53	55	158
Totals	9,143	6,895	9,015	25,053

County of Middlesex.

Acton	404	449	304	1,157
Arlington	5,539	7,980	2,557	16,076
Ashby	81	107	86	274
Ashland	426	405	292	1,123
Ayer	504	374	407	1,285
Bedford	343	340	179	862
Belmont	3,391	5,247	1,774	10,412
Billerica	1,194	760	605	2,559
Boxborough	56	63	39	158

County of Middlesex — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Burlington	368	188	193	749
CAMBRIDGE	16,194	11,296	10,655	38,145
Carlisle	77	136	55	268
Chelmsford	1,066	1,021	733	2,820
Concord	976	1,213	666	2,855
Dracut	987	514	653	2,154
Dunstable	39	66	82	187
EVERETT	6,522	4,922	3,506	14,950
Frammingham	3,626	2,828	1,768	8,222
Groton	352	524	309	1,185
Holliston	482	581	336	1,399
Hopkinton	510	392	272	1,174
Hudson	1,225	766	829	2,820
Lexington	1,604	1,866	800	4,270
Lincoln	225	318	154	697
Littleton	224	284	134	642
LOWELL	17,966	8,986	10,174	37,126
MALDEN	7,390	7,103	4,609	19,102
MARLBOROUGH	2,791	1,739	2,045	6,575
Maynard	992	701	723	2,416
MEDFORD	10,137	7,693	5,072	22,902
MELROSE	3,189	5,608	2,082	10,879
Natick	3,002	1,869	1,296	6,167
NEWTON	9,698	13,541	5,586	28,825
North Reading	314	311	191	816
Pepperell	372	392	394	1,158
Reading	1,439	2,397	755	4,591
Sherborn	157	180	88	425
Shirley	309	211	310	830
SOMERVILLE	14,499	11,503	8,406	34,408
Stoneham	1,536	1,825	884	4,245
Stow	143	199	93	435
Sudbury	221	284	155	660
Tewksbury	437	366	258	1,061
Townsend	175	306	228	709
Tyngsborough	233	157	125	515
Wakefield	2,726	2,551	1,311	6,588
WALTHAM	6,537	5,010	2,842	14,389
Watertown	5,505	4,923	2,278	12,706
Wayland	579	433	249	1,261
Westford	506	338	316	1,160
Weston	436	886	270	1,592
Wilmington	600	470	348	1,418
Winchester	1,827	3,020	1,289	6,136
WOBURN	3,694	2,406	1,608	7,708
Totals	143,825	128,048	81,373	353,246

County of Nantucket.

Nantucket	411	274	544	1,229
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County of Norfolk.

Avon	362	272	331	965
Bellingham	387	221	357	965
Braintree	2,939	2,390	1,382	6,711
Brookline	6,124	8,725	4,578	19,427
Canton	1,291	763	422	2,476
Cohasset	621	491	336	1,448
Dedham	2,317	2,001	1,484	5,802
Dover	223	229	84	536
Foxborough	578	690	433	1,701
Franklin	865	921	794	2,580
Holbrook	491	461	451	1,403
Medfield	387	299	183	869
Medway	492	385	338	1,215
Millis	366	241	224	831
Milton	2,621	3,854	1,929	8,404
Needham	1,633	2,409	823	4,865
Norfolk	207	258	113	578
Norwood	2,664	1,979	971	5,614
Plainville	160	298	143	601
QUINCY	13,152	8,825	6,608	28,585
Randolph	1,329	814	935	3,078
Sharon	568	786	233	1,587
Stoughton	1,464	935	639	3,038
Walpole	940	1,081	549	2,570
Wellesley	1,386	3,013	834	5,233
Westwood	478	458	248	1,184
Weymouth	3,747	2,860	2,053	8,660
Wrentham	366	349	221	936
Totals	48,158	46,008	27,696	121,862

County of Plymouth.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Abington	984	806	744	2,534
Bridgewater	850	738	696	2,284
BROCKTON	9,977	7,756	6,090	23,823
Carver	83	144	102	329
Duxbury	363	437	234	1,034
East Bridgewater	424	499	423	1,346
Halifax	118	135	56	309
Hanover	337	386	237	960
Hanson	376	290	252	918
Hingham	1,101	1,172	579	2,852
Hull	545	240	322	1,107
Kingston	348	279	268	895
Lakeville	143	153	102	398
Marion	243	257	151	651
Marshfield	350	417	234	1,001
Mattapoisett	213	173	142	528
Middleborough	1,563	1,317	330	3,210
Norwell	256	276	182	714
Pembroke	200	209	101	510
Plymouth	1,608	1,217	1,310	4,135
Plympton	59	84	78	221
Rochester	108	96	60	264
Rockland	1,533	936	1,031	3,500
Scituate	742	665	467	1,874
Wareham	810	649	583	2,042
West Bridgewater	413	487	350	1,250
Whitman	1,267	1,266	843	3,376
Totals	25,014	21,084	15,967	62,065

County of Suffolk.

BOSTON	123,463	61,355	81,441	266,259
CHELSEA	5,455	1,887	4,278	11,620
REVERE	5,921	2,031	3,121	11,073
Winthrop	2,698	2,730	1,834	7,262
Totals	137,537	68,003	90,674	296,214

County of Worcester.

Ashburnham	202	238	161	601
Athol	1,215	1,161	1,211	3,587
Auburn	993	631	709	2,333
Barre	401	327	371	1,099
Berlin	98	212	147	457
Blackstone	796	230	480	1,506
Bolton	93	138	80	311
Boylston	129	146	153	428
Brookfield	196	188	185	569
Charlton	256	174	301	731
Clinton	1,803	1,136	2,062	5,001
Dana	35	62	69	166
Douglas	276	296	212	784
Dudley	518	289	603	1,410
East Brookfield	124	78	125	327
FITCHBURG	5,526	4,343	4,142	14,011
GARDNER	2,255	1,665	2,170	6,090
Grafton	935	578	791	2,304
Hardwick	329	180	286	795
Harvard	123	257	111	491
Holden	474	544	391	1,409
Hopedale	321	576	338	1,235
Hubbardston	104	121	82	307
Lancaster	254	440	266	960
Leicester	754	486	541	1,781
LEOMINSTER	3,062	2,159	1,957	7,178
Lunenburg	263	364	188	815
Mendon	132	218	110	460
Milford	2,153	1,253	1,710	5,116
Millbury	988	628	885	2,501
Millville	250	174	353	777
New Braintree	27	40	44	111
North Brookfield	404	299	422	1,125
Northborough	294	385	212	891
Northbridge	1,344	1,313	807	3,464
Oakham	38	77	51	166
Oxford	661	365	516	1,542
Paxton	95	88	66	249
Petersham	82	127	97	306
Phillipston	38	48	64	150
Princeton	70	106	72	248
Royalston	57	93	70	220
Rutland	236	224	154	614
Shrewsbury	916	763	613	2,292

County of Worcester — Concluded.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
Southborough	301	328	213	842
Southbridge	1,916	852	2,179	4,947
Spencer	960	568	907	2,435
Sterling	223	250	215	688
Sturbridge	195	106	262	563
Sutton	284	281	209	774
Templeton	409	418	422	1,249
Upton	249	365	313	927
Uxbridge	925	702	759	2,386
Warren	434	336	518	1,288
Webster	2,036	785	1,899	4,720
West Boylston	180	362	226	768
West Brookfield	191	172	163	526
Westborough	718	803	443	1,964
Westminster	159	237	123	519
Winchendon	824	578	595	1,997
WORCESTER	27,134	16,686	21,523	65,343
Totals	66,458	47,049	55,347	168,854

Aggregate of Votes.

Cities and Towns.	Yes.	No.	Blanks.	Total Ballots.
BARNSTABLE	4,267	4,321	4,438	13,026
BERKSHIRE	16,321	9,470	13,195	38,986
BRISTOL	41,874	34,924	32,302	109,100
DUKES COUNTY	538	611	732	1,881
ESSEX	71,280	63,008	51,793	186,081
FRANKLIN	6,207	5,967	6,399	18,573
HAMPDEN	45,199	28,473	37,832	111,504
HAMPSHIRE	9,143	6,895	9,015	25,053
MIDDLESEX	143,825	123,048	81,373	353,246
NANTUCKET	411	274	544	1,229
NORFOLK	48,153	46,008	27,696	121,862
PLYMOUTH	25,014	21,084	15,967	62,065
SUFFOLK	137,537	68,003	90,674	296,214
WORCESTER	66,458	47,049	55,347	168,854
Totals	616,232	464,135	427,307	1,507,674

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 General Laws, Tercentenary Edition, chapter three, section fifty-one.

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.

SECT. 19 amended, 1935, 210.

Chapter 4. — Statutes.

SECT. 5 revised, 1935, 69.

SECT. 7, clause Eighteenth amended, 1934, 283; sentence added at end of same clause, 1935, 26.

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; 1935, Resolve 18.

SECT. 1, last paragraph revised, 1932, 254.

SECT. 9 amended, 1933, 245 § 1.

SECT. 18 amended, 1935, 226 § 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).

* 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.

† References in this table are to the Tercentenary Edition of the General Laws, as most recently amended, unless otherwise specified.

SECT. 12C added, 1932, 153 (relative to the observance of the anniversary of the battle of Bunker Hill). (See 1935, 26.)

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. 12F added, 1935, 23 (relative to the observance of the anniversary of the battle of New Orleans).

SECT. 12G added, 1935, 96 (providing for an annual proclamation by the governor relative to American Education Week).

SECT. 12H added, 1935, 148 (relative to the observance of the anniversary of the death of General Marquis de Lafayette).

SECT. 12I added, 1935, 184 (relative to the annual observance of Indian Day).

SECT. 17 amended, 1932, 305 § 1; 1933, 120 § 1; 336 § 1; 1934, 374 § 1; 1935, 475 § 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.

SECTS. 49-52 added, under caption "STATE PLANNING BOARD", 1935, 475 § 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.

SECTS. 1-12 affected, 1935, 327.

SECT. 4 amended, 1935, 251.

SECT. 5 revised, 1935, 460 § 1. (See 1935, 460 § 2.)

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. 2 revised, 1935, 416.

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.

SECT. 20 added, 1935, 402 (regulating the publication and sale of the Massachusetts Reports and of the advance sheets of the opinions and decisions of the Supreme Judicial Court).

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.)

SECT. 14, paragraph in lines 5 and 6 revised, 1935, 209; paragraph in lines 7 and 8 revised, 1935, 433 § 1; section revised, 1935, 458 § 1.

SECT. 15 revised, 1935, 458 § 2.

SECT. 16, paragraph in lines 9-11 revised, 1935, 433 § 2; section revised, 1935, 458 § 3.

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. 32 revised, 1935, 420 § 1. (See 1935, 420 § 2.)

SECT. 40 amended, 1933, 149 § 1; two sentences added at end, 1934, 299 § 1. (See 1934, 299 § 2.)

SECTS. 42-44 added, under caption "BOARD OF REGISTRATION OF HAIRDRESSERS", 1935, 428 § 1 (establishing a board of registration of hairdressers). (See 1935, 428 §§ 5, 7.)

Chapter 15. — Department of Education.

SECT. 12 revised, 1935, 367.

Chapter 16. — Department of Public Works.

SECT. 6 amended, 1935, 418 § 1.

Chapter 18. — Department of Public Welfare.

SECT. 7 amended, 1935, 311 § 1.

SECTS. 17 and 18 added, under caption "STATE BOARD OF HOUSING", 1933, 364 § 1 (establishing within the department a state board of housing).

SECT. 17 amended, 1935, 449 § 1.

SECT. 18 amended, 1935, 449 § 1A.

Chapter 19. — Department of Mental Diseases.

Division of examination of prisoners abolished, 1933, 77 § 4.

SECT. 5 amended, 1935, 314 § 2; 421 § 3. (See 1935, 421 §§ 5, 6.)

SECT. 6. See 1935, 314 § 1.

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; two sentences revised, 1935, 479 § 1. (See 1935, 479 § 7.)

SECT. 4 amended, 1934, 331 § 2; 1935, 479 § 2. (See 1935, 479 § 7.)

SECT. 5 amended, 1935, 479 § 3. (See 1935, 479 § 7.)

SECT. 9 revised, 1935, 60 § 1.

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.

SECTS. 9I-9N added, 1935, 479 § 4 (establishing the Unemployment Compensation Commission, and defining its powers and duties). (See 1935, 479 §§ 6, 7.)

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.

SECTS. 11 and 12 repealed, 1935, 411 § 1. (See 1935, 411 § 2.)

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.

SECT. 12F added, 1935, 405 § 1 (establishing in the department a commercial motor vehicle division, under the charge of a director thereof); phrase added at end, 1935, 477 § 2.

Chapter 26. — Department of Banking and Insurance.

SECT. 8A revised, 1934, 2; amended, 1935, 419.

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; 1935, 221, 300, 380, 392, 456.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4.

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; 1935, 249 § 7.

SECT. 39 revised, 1934, 351; amended, 1935, 217 § 1; revised, 1935, 472 § 1.

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. 5 amended, 1935, 405 § 2.

SECT. 6, sentence added at end, 1932, 260.

SECT. 6A added, 1935, 228 (dispensing with educational requirements as a condition of taking certain civil service examinations).

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).

SECT. 46F added, 1935, 337 (providing for the reinstatement of members of the police force of the Metropolitan district commission in certain cases).

SECT. 46G added, 1935, 408 (relative to seniority rights in respect to the suspension and re-employment of persons in 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. 2, paragraphs (10) and (11) revised, 1935, 390.

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. 24, paragraph (2)A amended, 1935, 243.

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. 85A revised, 1935, 31 § 1. (See 1935, 31 § 2.)

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; revised, 1935, 466. (See 1933, 340 § 2.)

Chapter 33. — Militia.

Act establishing a special military reservation commission, and authorizing the acquisition by the commonwealth for military purposes of certain properties in Sandwich, Bourne, Falmouth and Mashpee, 1935, 196.

SECT. 6 revised, 1933, 254 § 1. (See 1933, 254 § 66.)

SECT. 18 amended, 1932, 15.

SECT. 25A added, 1935, 295 § 1 (further regulating the calling out of the militia as an aid to the civil power of the commonwealth).

SECT. 26 amended, 1935, 295 § 2.

SECT. 31 amended, 1935, 295 § 3.

SECT. 32 revised, 1935, 295 § 4.

SECT. 33 revised, 1935, 295 § 5.

SECT. 34 amended, 1935, 295 § 6.

SECT. 48, subsection (a) revised, 1932, 161; same subsection amended, 1933, 166.

SECT. 60 amended, 1933, 153 § 1; 1934, 120.

SECT. 67 revised, 1935, 205.

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. 4 amended, 1935, 257 § 1. (See 1935, 257 § 12.)

SECT. 7 amended, 1935, 257 § 2. (See 1935, 257 § 12.)

SECT. 12 revised, 1935, 257 § 3. (See 1935, 257 § 12.)

SECT. 17 revised, 1932, 74.

SECT. 19 amended, 1935, 257 § 4. (See 1935, 257 § 12.)

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.)

For emergency legislation incident to the National Industrial Recovery Act and the Emergency Relief Appropriation Act of 1935, see 1933, 366, as amended by 1934, 21 and 1935, 404.

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.

SECT. 49 amended, 1935, 182 § 1. (See 1935, 182 § 6.)

Chapter 37. — Sheriffs.

SECT. 22 amended, 1932, 180 § 5.

Chapter 38. — Medical Examiners.

SECT. 8 revised, 1932, 118 § 1.

Chapter 39. — Municipal Government.

SECT. 10 amended, 1935, 403 § 1. (See 1935, 403 § 2.)

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; 1935, 106; revised, 1935, 179; (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); clause (39) added, 1935, 28 (authorizing appropriations for the purpose of co-operating with the federal government in certain unemployment relief and other projects).

SECTS. 5, 6. Temporary act, effective during 1935 and 1936, authorizing appropriations for a general unemployment relief fund, 1935, 90.

SECT. 9 amended, 1933, 245 § 3; 1935, 305.

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. 30, paragraph in lines 61-70 (as appearing in 1933, 269 § 1) amended, 1935, 388 § 1; paragraph in lines 80-90 (as appearing in 1933, 269 § 1) amended, 1935, 388 § 2.

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. 42B amended, 1935, 56 § 1. (See 1935, 56 § 2.)

SECT. 42C amended, 1935, 248 § 1.

SECT. 42D, last sentence revised, 1935, 248 § 2.

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. 26A added, 1935, 149 (relative to employment of counsel by boards of assessors in certain cases).

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; between Oak Bluffs and Tisbury (portion) established, 1935, 145; between Brewster and Orleans (portion) established, 1935, 356.

SECT. 1 revised, 1933, 278 § 3.

Chapter 43. — City Charters.

SECT. 15 amended, 1933, 313 § 7.

SECT. 23 amended, 1935, 68 § 1.

SECT. 42 amended, 1935, 68 § 2.

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; to Adams, 1935, 235; to Falmouth, 1935, 349.

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; 1935, 221, 300, 456.

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 and the Emergency Relief Appropriation Act of 1935, see 1933, 366; 1934, 21; 1935, 404.

For temporary legislation in aid of the town of Millville, see 1933, 341; 1935, 470.

For legislation authorizing the renewal by cities and towns of certain temporary revenue loans, see 1935, 12.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4.

For legislation authorizing cities, towns and districts to borrow, during 1935, on account of public welfare and soldiers' benefits and their share of the cost of Emergency Relief Administration projects, see 1935, 188. (See 1935, 456.)

For legislation authorizing temporary borrowings by cities, towns and districts in anticipation of receipts from federal grants for emergency public works, see 1935, 213.

SECT. 4 amended, 1934, 11 § 1; affected, 1934, 11 §§ 2, 3.

SECT. 4A added, 1935, 68 § 3 (temporary loans by cities in anticipation of revenue exempted from charter provisions relative to publication and referendum).

SECT. 5A amended, 1935, 68 § 4.

SECT. 29. As to tax limit of Boston, see 1932, 125; 1933, 159; 1934, 201; 1935, 284.

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 emergency legislation incident to the National Industrial Recovery Act and the Emergency Relief Appropriation Act of 1935, see 1933, 366, as amended by 1934, 21 and 1935, 404.

For legislation authorizing cities, towns and districts to borrow, during 1935, on account of public welfare and soldiers' benefits and their share of the cost of Emergency Relief Administration projects, see 1935, 188. (See 1935, 456.)

For legislation authorizing temporary borrowings by cities, towns and districts in anticipation of receipts from federal grants for emergency public works, see 1935; 213.

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; first paragraph revised, 1935, 345 § 1. (See 1933, 254 §§ 65, 66.)

SECT. 7 amended, 1933, 254 § 6; revised, 1935, 345 § 2. (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; 1935, 37 § 1.

SECT. 27 revised, 1932, 48 § 2; amended, 1935, 37 § 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; amended, 1935, 38.

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; two sentences added, 1935, 482 § 1.

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. 65-70 (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. 112 amended, 1935, 59 § 2.

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. 4 revised, 1935, 482 § 2.

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. 33, last sentence stricken out, and paragraph inserted at end, 1935, 238 § 1.

SECT. 41, third paragraph amended, 1933, 35 § 2.

SECT. 42 amended, 1932, 135 § 5; first paragraph amended, 1935, 238 § 2.

SECT. 43 revised, 1932, 135 § 1.

SECT. 62 amended, 1935, 257 § 5. (See 1935, 257 § 12.)

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. 112 amended, 1935, 257 § 6. (See 1935, 257 § 12.)

SECT. 122 amended, 1935, 257 § 7. (See 1935, 257 § 12.)

SECT. 132 amended, 1932, 33.

SECT. 135, first paragraph amended, 1933, 254 § 17; section revised, 1933, 270; first paragraph revised, 1935, 59 § 1. (See 1933, 254 § 66.)

SECT. 137 amended, 1935, 55.

SECT. 144 revised, 1935, 257 § 8. (See 1935, 257 § 12.)

SECT. 146 amended, 1935, 257 § 9. (See 1935, 257 § 12.)

SECT. 151 amended, 1932, 135 § 3.

SECT. 158 amended, 1935, 257 § 10. (See 1935, 257 § 12.)

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.

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4.

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. 8 revised, 1935, 322 § 1.

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; amended 1935, 438 § 2; 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); revised, 1935, 447. (See 1933, 321 §§ 8, 9.)

SECT. 8 revised, 1933, 321 § 4. (See 1933, 321 § 9.)

SECT. 8A added, 1935, 276 § 1 (providing for adequate discovery in tax appeal cases).

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; same sentence amended, 1935, 218 § 1. (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.)

For legislation relative to the collection of certain taxes and other charges due the commonwealth, see 1935, 498 §§ 2, 3, 4.

As to Boston taxes, see 1932, 125; 1933, 159; 1934, 201; 1935, 284.

SECT. 5, clause Third, subsection (c) amended, 1933, 198 § 1. (See 1933, 198 § 2); clause Seventeenth revised, 1935, 294; 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; paragraph added at end, 1935, 119 § 1. (See 1933, 254 § 66; 1935, 119 § 2.)

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; 1935, 158 § 1. (See 1933, 151 § 2; 254 § 66; 1935, 158 § 2.)

SECT. 59, sentence added at end, 1933, 165 § 1; section revised, 1933, 254 § 43; 266 § 1; 1934, 136 § 2; amended, 1935, 187 § 1. (See 1933, 254 § 66; 266 § 2; 1934, 136 § 3; 1935, 187 § 2.)

SECT. 61, last sentence revised, 1933, 165 § 2.

SECT. 61A added, 1935, 276 § 2 (providing for adequate discovery in proceedings for tax abatement).

SECT. 64, first paragraph amended, 1933, 130 § 1; second paragraph amended, 1935, 218 § 2.

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. 69 amended, 1935, 218 § 3.

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. 3B added, 1935, 322 § 2 (relative to the suspension of payment of certain assessments payable by certain persons entitled to exemption from local taxes.)

SECT. 5 revised, 1933, 168 § 2.

SECT. 15, first paragraph amended, 1934, 151 § 2; 1935, 252 § 1.

SECT. 15A added, 1935, 252 § 2 (further regulating charges and fees for the collection of poll taxes).

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; amended, 1935, 269. (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; section amended, 1935, 183, 236.

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; amended, 1935, 414 § 1. (See 1935, 414 § 4.)

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; same paragraph revised, 1935, 414 § 2; second paragraph revised, 1935, 278. (See 1935, 414 § 4.)
 SECT. 63 amended, 1933, 325 § 11.
 SECT. 65 amended, 1933, 325 § 12.
 SECT. 66 amended, 1935, 224 § 1. (See 1935, 224 § 6.)
 SECT. 67 amended, 1935, 224 § 2. (See 1935, 224 § 6.)
 SECT. 68 amended, 1935, 224 § 3; paragraph added at end, 1935, 354 § 1; section amended, 1935, 414 § 3. (See 1935, 224 § 6; 354 § 3; 414 § 4.)
 SECT. 69 amended, 1935, 224 § 4. (See 1935, 224 § 6.)
 SECT. 70 amended, 1935, 224 § 5. (See 1935, 224 § 6.)
 SECT. 76 revised, 1935, 318 § 1. (See 1935, 318 §§ 2, 8.)
 SECT. 76A added, 1935, 354 § 2 (providing for redemption in part from tax sales in certain cases). (See 1935, 354 § 3.)
 SECT. 78 amended, 1933, 325 § 13. (See 1933, 325 § 20.)
 SECT. 79, second paragraph amended, 1933, 325 § 14; 1935, 173 § 1.
 SECT. 80 amended, 1933, 325 § 15; revised, 1935, 173 § 2.
 SECT. 84 revised, 1935, 260.
 SECT. 84A revised, 1933, 325 § 16; 1935, 181 § 1. (See 1935, 181 § 2.)
 SECT. 92 revised, 1933, 82 § 1; amended, 1934, 259 § 1.
 SECT. 95 revised, 1933, 325 § 17; amended, 1934, 315 § 2; revised, 1935, 248 § 3. (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; 1935, 489.

For legislation, providing for a temporary additional tax upon personal incomes, see 1935, 480.

SECT. 1, subsection (c), paragraph Third added, 1935, 489 § 6; subsection (e) amended, 1935, 489 § 7.

SECT. 5, paragraph (b) amended, 1935, 489 § 8; paragraph (c) revised, 1934, 363 § 1; 1935, 481 § 1. (See 1934, 363 § 2; 1935, 481 § 2.)

SECT. 6, clause (g) revised, 1935, 436 § 1. (See 1935, 436 § 2.)

SECTS. 7A and 7B added, 1935, 438 § 1 (relative to income taxation of gains from certain transactions in real property).

SECT. 18. See SECT. 18 of Chapter 58 in this Table.

SECT. 25A added, 1935, 438 § 3 (relative to returns of taxable gains from certain transactions in real property).

SECT. 30 amended, 1935, 152.

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.

SECTS. 30–51. See 1934, 317 § 2.

SECTS. 30–60. For legislation, providing for a temporary additional tax levied under these sections, see 1935, 480.

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.)

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; amended, 1935, 473 § 2. (See 1933, 327 § 7; 1935, 473 § 7.)

SECT. 38, paragraph 10 added at end, 1933, 342 § 3. (See 1933, 342 § 6.)

SECT. 38B, last paragraph amended, 1935, 473 § 3. (For temporary legislation affecting the taxation, during 1934, 1935 and 1936, of corporations subject to this section, see 1934, 317 § 1. See 1935, 473 § 7; 489 § 4.)

SECT. 39, last paragraph amended, 1933, 327 § 6; new paragraph added at end, 1933, 342 § 4. (See 1933, 327 § 7; 342 § 6.)

SECT. 39A 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, 357; 1935, 489.

SECT. 44 amended, 1935, 473 § 4. (See 1935, 473 § 7.)

SECT. 45 amended, 1933, 195 § 1; revised, 1935, 473 § 5. (See 1933, 195 § 2; 1935, 473 § 7.)

SECT. 48 revised, 1935, 473 § 1. (See 1935, 473 § 7.)

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. 70 revised, 1935, 473 § 6. (See 1935, 473 § 7.)

SECT. 71 amended, 1933, 167 § 3.

SECT. 71A amended, 1935, 150.

Chapter 64A. — Taxation of Sales of Gasoline and Certain Other Motor Vehicle Fuel.

Chapter affected, 1932, 248; 1935, 336.

Chapter 65. — Taxation of Legacies and Successions.

For legislation, providing for a temporary additional tax upon successions and legacies, see 1935, 480.

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. 7 amended, 1935, 275.

SECT. 8 amended, 1932, 127 § 4.

SECT. 25 revised, 1935, 397.

SECT. 26, paragraph added at end, 1935, 286.

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. 30A added, 1935, 370 § 1 (requiring that an oath or affirmation be taken and subscribed to by certain professors, instructors and teachers in the colleges, universities and schools of the commonwealth). (See 1935, 370 §§ 2, 2A, 3.)

- SECT. 42 revised, 1934, 123.
 SECT. 46A amended, 1932, 159.
 SECT. 47 revised, 1935, 199.
 SECT. 48A amended, 1935, 47.
 SECT. 52 amended, 1932, 90.
 SECT. 58 amended, 1932, 127 § 8; revised, 1935, 287.
 SECT. 68 revised, 1934, 97 § 1. (See 1934, 97 § 2.)
 SECT. 69 revised, 1935, 258.
 SECT. 71 amended, 1935, 193.

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; 1935, 277.)
 SECT. 6 amended, 1932, 127 § 16.
 SECT. 7 amended, 1932, 127 § 17; revised, 1935, 21.

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).
 SECT. 47E, new paragraph added at end, 1935, 22.

Chapter 75. — Massachusetts State College.

- SECT. 5 revised, 1935, 288.
 SECT. 6 amended, 1935, 462 § 2. (See 1935, 462 § 1.)

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 78. — Libraries.

- SECT. 4 revised, 1935, 202.

Chapter 79. — Eminent Domain.

- SECT. 44A added, 1935, 189 (relative to certain tax liens upon real estate taken by right of eminent domain).

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).

SECT. 34 amended, 1935, 309.

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).

SECT. 30 amended, 1935, 30.

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 in lines 41-45 (defining "register number") revised, 1935, 43; 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; 1935, 393 § 1. (See 1932, 168 §§ 2, 3; 1935, 393 § 2.)

SECT. 10 amended, 1935, 219.

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; 1935, 223 § 1; section revised, 1935, 326 (but see 1935, 465). (See 1933, 332 § 5; 1935, 223 § 2.)

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); revised, 1935, 176. (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; sentence contained in lines 65-97 amended, 1935, 360.

SECT. 29, last sentence amended, 1932, 26 § 2; section amended, 1935, 477 § 1.

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; two paragraphs so inserted stricken out, and new paragraph inserted, 1935, 409 § 1; first four 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; 1935, 409 § 2.)

SECT. 34, four words stricken out, 1933, 197 § 3; first paragraph amended, 1934, 364 § 1. (See 1934, 364 § 3.)

SECT. 34A, new paragraph (defining "guest occupant") added, 1935, 459 § 1; paragraphs defining "motor vehicle liability bond" and "motor vehicle liability policy" revised, 1935, 459 § 2. (See 1935, 459 § 5.)

SECT. 34B, second paragraph revised, 1933, 83 § 1; 1935, 302; fourth paragraph revised, 1933, 83 § 2. (See 1933, 83 § 3.)

SECT. 34C amended, 1932, 180 § 13.

SECT. 34D revised, 1935, 459 § 3. (See 1935, 459 § 5.)

SECT. 34H, first paragraph amended, 1933, 119 § 4; new paragraph inserted, 1933, 119 § 5. (See 1933, 119 § 6.)

SECTS. 35-60 stricken out, and new sections 35-50 (uniform aeronautical code) inserted, 1935, 418 § 2.

SECT. 53, last sentence amended, 1932, 180 § 14. [See notation next above.]

Chapter 91. — Waterways.

SECT. 46A added, 1935, 362 § 1 (penalizing the unlicensed breaking up or altering of vessels, scows, lighters or certain other structures).

SECT. 49 revised, 1935, 362 § 2.

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. 10A-10E stricken out, and new sections 10A-10G (regulating the manufacture, bottling and sale of certain non-alcoholic beverages) inserted, 1935, 441.

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. 42A amended, 1935, 126.

SECT. 42F revised, 1934, 180 § 1.

SECT. 42H, paragraph 2 revised, 1934, 180 § 2.

SECT. 43 revised, 1932, 305 § 4; amended, 1935, 88. (See 1932, 305 §§ 5, 6.)

SECT. 45 revised, 1935, 317.

SECT. 48B added, 1935, 259 (requiring institutions supported wholly or in part by funds of the commonwealth to use milk, other than cream and certified milk, produced within the commonwealth.

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. 90A added, 1935, 369 (relative to the sale and distribution of eggs).

SECT. 92B added, under caption "MEATS AND POULTRY", 1935, 97 (requiring the retail sale of meats and poultry to be by weight).

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. 152A amended, 1935, 157 § 1.

SECT. 152B revised, 1935, 157 § 2.

SECT. 153A added, 1933, 116 (relative to the sale of meat and meat products containing certain preservatives); revised, 1933, 311.

SECT. 197, paragraph in lines 10-15 revised, 1935, 412 § 1.

SECT. 198 amended, 1935, 412 § 2.

SECTS. 198A and 198B added, 1935, 412 § 3 (relative to the licensing of certain dealings in narcotic drugs).

SECT. 201 amended, 1935, 412 § 4.

SECT. 203 amended, 1935, 412 § 5.

SECT. 206 amended, 1935, 412 § 6.

SECT. 211 amended, 1935, 412 § 7.

SECT. 214 amended, 1935, 412 § 8.

SECT. 215 amended, 1935, 412 § 9.

SECT. 217 amended, 1935, 412 § 10.

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.

SECTS. 270A and 270B added, 1935, 439 (providing for the sterilization of feathers, down and second-hand material intended for use in the manufacture of any article of bedding or of upholstered furniture).

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).

SECT. 303A amended, 1935, 342.

SECT. 303F added, under caption "FUEL OILS", 1935, 95 (regulating the sale of fuel oils).

Chapter 98. — Weights and Measures.

SECT. 20 amended, 1934, 373 § 3.

SECT. 21 amended, 1934, 373 § 4.

SECT. 30 repealed, 1935, 60 § 2.

SECT. 32 amended, 1935, 60 § 3.

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. 16 revised, 1935, 42.

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 105. — Public Warehouses.

SECT. 1 amended, 1935, 310 § 1.

SECTS. 2A and 2B added, 1935, 122 § 1 (relative to the termination of liability of sureties on bonds furnished by public warehousemen). (See 1935, 122 § 3.)

SECT. 6 revised, 1935, 122 § 2. (See 1935, 122 § 3.)

SECT. 9, clause (*h*) revised, 1935, 310 § 2.

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. 78. See 1935, 52.

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 operation 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. 117 revised, 1935, 155.

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; 1935, 306.

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.

SECT. 50 amended, 1935, 344.

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.

SECTS. 87T-87JJ added, under caption "REGISTRATION OF HAIR-

DRESSERS", 1935, 428 § 2 (regulating the registration of hairdressers).
(See 1935, 428 §§ 6, 7.)

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. 24 revised, 1935, 164.

SECT. 35 amended, 1932, 180 § 19.

Chapter 118. — Aid to Mothers with Dependent Children.

SECT. 1 revised, 1935, 494 § 2. (See 1935, 494 § 1.)

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.)

SECT. 1 amended, 1933, 219; revised, 1933, 328; amended, 1935, 494 § 3. (See 1934, 374 § 3 subsection 15; 1935, 494 § 1.)

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. 8A added, 1935, 311 § 2 (relative to funds received by the director of the division of aid and relief for the benefit of persons under the care and supervision of the department).

SECT. 9A added, 1934, 167 (relative to the interstate transportation of poor and indigent persons).

SECT. 23 (and caption) amended, 1933, 364 § 2; section amended, 1935, 449 § 2; revised, 1935, 475 § 3. (See 1933, 364 § 8.)

SECT. 24 amended, 1933, 364 § 3. (See 1933, 364 § 8.)

SECT. 24A added, 1935, 449 § 2A (authorizing the acceptance and use by the state board of housing of grants of federal funds).

SECT. 24B added, 1935, 485 § 1 (authorizing the state board of housing to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects).

SECT. 25 revised, 1933, 364 § 4. (See 1933, 364 § 8.)

SECT. 26 amended, 1933, 364 § 5; revised, 1935, 475 § 4. (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. 26H revised, 1935, 449 § 3.

SECTS 26I-26BB, under caption "HOUSING AUTHORITIES", added, 1935, 449 § 5 (relative to the establishment, powers and duties, and discontinuance, of local housing authorities).

SECT. 26Q, subsection (c) added, 1935, 485 § 2 (authorizing local housing authorities to take land by eminent domain in order to aid or co-operate with the United States with respect to federal housing projects).

SECT. 27 repealed, 1933, 364 § 7.

SECT. 42 amended, 1932, 180 § 22.

Chapter 122. — State Infirmary.

SECT. 6 amended, 1933, 345.

Chapter 123. — Commitment and Care of the Insane and Other Mental Defectives.

For legislation relative to the establishment of the Norfolk state hospital for the care of the criminal insane, see 1935, 421.

SECT. 8A added, 1935, 301 (providing for co-operation between the departments of mental diseases and public works relative to roads at state hospitals).

SECT. 19 repealed, 1935, 163.

SECT. 25 amended, 1935, 314 § 3; 421 § 4. (See 1935, 421 § 6.)

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. 50 revised, 1935, 314 § 4.

SECT. 52 amended, 1932, 85.

SECT. 77, first sentence amended, 1935, 314 § 5.

SECT. 78, first sentence revised, 1935, 314 § 6.

SECT. 79, first sentence revised, 1935, 314 § 7.

SECT. 86 amended, 1935, 314 § 8.

SECT. 90, first sentence amended, 1932, 180 § 23.

SECT. 102 revised, 1934, 15.

Chapter 124. — Powers and Duties of the Department of Correction.

SECT. 8 amended, 1935, 48 § 1. (See 1935, 48 § 2.)

Chapter 125. — Penal and Reformatory Institutions of the Commonwealth.

SECT. 4 amended, 1932, 282 § 3.

SECT. 11 amended, 1935, 437 § 1. (See 1935, 437 § 8.)

SECT. 30 amended, 1932, 180 § 24.

Chapter 127. — Officers and Inmates of Penal and Reformatory Institutions, Paroles and Pardons.

For legislation providing for the disposition of certain prisoners confined in the prison camp and hospital prior to its discontinuance, see 1935, 111.

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. 109B added, 1935, 113 § 1 (relative to the transfer of certain prisoners from the Massachusetts Reformatory to the State Prison). (See 1935, 113 § 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.

SECT. 154A added, 1935, 225 (requiring consideration by the advisory board of pardons of the cases of certain life prisoners on the question of extending clemency).

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.

SECT. 3, first paragraph revised, 1935, 454 § 2; clause (f) amended, 1935, 454 § 3; clause (h) amended, 1935, 454 § 4; clause (n) added, 1935, 239 (forbidding the licensed racing of horses and dogs under the pari-mutuel system of betting, on publicly owned premises); clause (n) added, 1935, 471 § 1 (forbidding the licensed racing of dogs under such system, in certain residential neighborhoods). (See 1935, 471 § 2.)

SECT. 5, first paragraph revised, 1935, 454 § 1.

SECT. 9, last paragraph revised, 1935, 454 § 5.

SECT. 9A added, 1935, 454 § 6 (relative to rules, regulations and conditions to be prescribed by the racing commission).

SECT. 13 amended, 1935, 454 § 7.

SECT. 13A added, 1935, 454 § 8 (relative to the application of certain laws as to betting and certain local requirements as to race tracks and public amusements, in the case of racing meetings under this chapter). (See 1935, 471 § 2.)

SECT. 14 revised, 1935, 279 § 2. (See 1935, 279 § 3.)

SECT. 14A added, 1935, 279 § 1 (providing for the resubmission to the voters of the several counties of the question of licensing dog races at which the pari-mutuel system of betting shall be permitted). (See 1935, 279 § 3.)

Chapter 129. — Animal Industry.

SECT. 1 revised, 1934, 340 § 12; paragraph (defining "Domestic animals") added, 1935, 70. (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. 36A added, 1935, 426 (providing for the licensing of certain dealers in bovine animals).

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. 3A added, 1935, 324 (providing for state aid to coastal cities and towns in conserving and increasing the supply of shellfish and in exterminating the enemies thereof).

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. 48, first paragraph amended, 1935, 110.

SECT. 73 amended, 1935, 117.

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. 68 revised, 1935, 120.

SECT. 73A added, 1935, 98 (authorizing the use of certain traps for the purpose of catching fish bait in the inland waters of the commonwealth).

SECT. 74 revised, 1932, 272 § 6.

SECT. 77 revised, 1933, 154.

SECT. 83 revised, 1935, 107.

SECT. 85 amended, 1932, 28; 1935, 13.

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 waterfowl 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; amended, 1935, 5 § 1.

SECT. 112 revised, 1933, 192 § 3; amended, 1935, 5 § 2.

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.

SECT. 13 revised, 1935, 87.

SECT. 33 amended, 1935, 373.

SECT. 34, new paragraph added at end, 1935, 233.

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; 1935, 78.

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. 21 revised, 1935, 104, 169.

SECT. 22. See 1933, 136; 1935, 49.

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.

The following references are to chapter 138, as appearing in the Tercenary 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 (definition of "Club") revised, 1934, 385 § 1; definition of "Tavern" amended, 1935, 253 § 1; new paragraph (definition of "Alcohol") added, 1935, 440 § 1.

SECT. 2 revised, 1934, 305; 372 § 4; 1935, 440 § 2.

SECT. 3 amended, 1935, 440 § 3.

SECT. 4 amended, 1934, 385 § 2.

SECT. 7 amended, 1935, 440 § 4.

SECT. 10 amended, 1935, 440 § 5.

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. 11. See 1935, 281.

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; last paragraph stricken out, 1935, 440 § 6. (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 revised, 1934, 370 § 2; section revised, 1934, 385 § 3; first paragraph amended, 1935, 253 § 2; revised 1935, 440 § 7; new paragraph inserted after first paragraph, 1935, 253 § 3; proviso contained in lines 46-48 stricken out, 1935, 253 § 4; third paragraph revised, 1935, 440 § 8; next to last paragraph stricken out, 1935, 440 § 9; section revised, 1935, 468 § 1.

SECT. 13, last two sentences stricken out, 1934, 385 § 4; section revised, 1935, 440 § 10.

SECT. 14 amended, 1934, 370 § 3; paragraph added at end, 1935, 440 § 11.

SECT. 15, last paragraph revised, 1934, 370 § 4; section further revised, 1934, 385 § 5; first paragraph revised, 1935, 440 § 12.

SECT. 15A added, 1934, 370 § 5 (relative to the publication of applications for original licenses); revised, 1935, 440 § 13.

SECT. 16A revised, 1934, 385 § 6.

SECT. 16B revised, 1935, 440 § 14.

SECT. 17, last paragraph revised, 1934, 83; second proviso amended, 1934, 385 § 7; first paragraph amended, 1935, 81; section revised, 1935, 440 § 15.

SECT. 18, two paragraphs added, 1934, 385 § 8; first paragraph revised, 1935, 440 § 16.

SECT. 18A added, under caption "SELLING AGENTS OF FOREIGN IMPORTERS AND MANUFACTURERS", 1934, 312; first paragraph revised, 1935, 440 § 17.

SECT. 19, second paragraph amended, 1934, 385 § 9; last paragraph amended, 1934, 385 § 10; 1935, 440 § 19; first paragraph revised, 1935, 440 § 18.

SECT. 19A added, 1934, 385 § 11 (relative to the licensing of salesmen for manufacturers and for wholesalers and importers); revised, 1935, 440 § 20.

SECT. 20 revised, 1934, 385 § 12.

SECT. 21 revised, 1934, 385 § 13; first paragraph amended, 1935, 440 § 21.

SECT. 22 revised, 1934, 385 § 14; 1935, 440 § 22.

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; fifth paragraph amended, 1935, 253 § 5; last four paragraphs stricken out, and five new paragraphs inserted, 1935, 440 § 23.

SECT. 24, first sentence amended, 1934, 232.

SECT. 26, first paragraph amended, 1935, 440 § 24.

SECT. 27 revised, 1934, 301 § 1 amended, 1934, 385 § 23; revised, 1935, 442.

SECT. 28 amended, 1934, 112.

SECT. 29 revised, 1935, 440 § 25.

SECT. 30 amended, 1935, 83 § 1. (See 1935, 83 § 2).

SECT. 30A revised, 1934, 370 § 7; 1935, 440 § 26.

SECT. 30B amended, 1935, 440 § 27.

SECT. 30D amended, 1935, 440 § 28.

SECT. 30E, first paragraph amended, 1935, 440 § 29.

SECT. 30F revised, 1935, 440 § 30.

SECT. 30G amended, 1935, 440 § 31.

SECT. 30H added, 1935, 440 § 32 (possession or transportation of alcoholic beverages or alcohol under certain circumstances deemed prima facie evidence of violation of law).

SECT. 31 amended, 1935, 440 § 33.

SECT. 32 amended, 1934, 370 § 8.

SECT. 33 revised, 1934, 370 § 9; amended, 1935, 468 § 2.

SECT. 34 amended, 1935, 440 § 34.

SECT. 34A added, 1935, 146 (relative to procuring by false representation sales or delivery of alcoholic beverages to minors); revised, 1935, 440 § 35.

SECT. 36 amended, 1934, 385 § 17.

SECT. 37 revised, 1934, 385 § 18.

SECTS. 42-55 affected, 1935, 440 § 36.

SECT. 42, paragraph added at end, 1935, 440 § 36.

SECT. 46 amended, 1934, 370 § 10; 1935, 440 § 37.

SECT. 56 revised, 1935, 440 § 38.

SECT. 62 amended, 1935, 440 § 39.

SECT. 63, first sentence revised, 1934, 385 § 19; section revised, 1935, 440 § 40.

SECT. 63A revised, 1935, 440 § 41.

SECT. 64 revised, 1934, 385 § 20.

SECT. 67 amended, 1934, 385 § 21; revised, 1935, 440 § 42.

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; section revised, 1935, 440 § 43.

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. 10 amended, 1935, 167.

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; 1935, 428 § 3. (See 1935, 428 §§ 6, 7.)

SECT. 52 amended, 1935, 428 § 4. (See 1935, 428 § 7.)

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.)
 SECTS. 180A-180D added, under caption "THEATRICAL BOOKING AGENTS, PERSONAL AGENTS AND MANAGERS", 1935, 378 (providing for the licensing and bonding of certain theatrical booking agents, personal agents and managers).
 SECT. 181. Affected by 1935, 454 § 8.
 SECT. 183A amended, 1935, 102 § 1. (See 1935, 102 § 2.)
 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.

SECT. 50 amended, 1935, 67.

Chapter 147. — State and Other Police, and Certain Powers and Duties of the Department of Public Safety.

SECT. 10 amended, 1934, 23.

SECT. 32 revised, 1935, 262 § 1.

SECT. 33 amended, 1935, 262 § 2.

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; section amended, 1935, 123 § 1. (See 1932, 22 § 2.)

SECT. 18 repealed, 1934, 182 § 2.

SECT. 23 amended, 1935, 123 § 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; Res. 25; 1935, 315 §§ 1-3.

SECT. 6 amended, 1934, 132 § 1. (See 1934, 132 § 2.)

SECT. 11 amended, 1935, 328.

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.)

SECTS. 20B and 20C added, 1935, 407 § 1 (regulating the liability of labor unions and others involved in labor disputes, and defining labor disputes and other terms used in connection therewith. (See 1935, 407 § 6.)

SECT. 23 amended, 1935, 114.

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.

SECTS. 26 and 27 stricken out, and new sections 26-27D added, 1935, 461 (relative to preference and minimum wages of veterans and others in certain employments on certain public works.)

SECT. 29 amended, 1935, 217 § 2; revised, 1935, 472 § 2.

SECT. 39 revised, 1935, 444 § 1. (See 1935, 444 § 2.)

SECT. 48 revised, 1935, 185; 423 § 3.

SECT. 50 revised, 1933, 225; amended, 1935, 423 § 1.

SECT. 50A added, 1935, 423 § 2 (making one day's rest in seven law applicable to watchmen and employees maintaining fires in certain establishments).

SECT. 56 amended, 1932, 110 § 1; revised, 1935, 200.

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; time for suspension as to the textile industry extended, 1935, 429.)

SECT. 60 revised, 1935, 203.

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. 117 revised, 1935, 208.

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. 142A amended, 1935, 463 § 1.

SECT. 142B revised, 1935, 463 § 2.

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; section revised, 1935, 350.

SECT. 150, sentence added at end, 1932, 101 § 2.

SECT. 156 amended, 1935, 363 § 1. (See 1935, 363 § 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; 1935, 267.) (See also 1933, Res. 44; 1934, 383; Res. 25.)

Chapter 151A. — Unemployment Compensation.

Chapter added, 1935, 479 § 5. (See 1935, 479 §§ 6, 7.)

Chapter 152. — Workmen's Compensation.

SECT. 1, two sentences added at end of paragraph (1), 1935, 332 § 1; paragraph (4) revised, 1935, 406.

SECT. 9B added, 1935, 424 (providing for the reference of certain cases under the workmen's compensation law to industrial disease referees).

SECT. 11 amended, 1932, 129 § 1; paragraph added at end, 1935, 484.

SECT. 12, last paragraph amended, 1932, 117 § 1. (See 1932, 117 § 2; 1935, 351.)

SECT. 13, sentence added at end, 1933, 68.

SECT. 15A amended, 1934, 252.

SECT. 19, paragraph in lines 17 and 18 revised, 1935, 339.

SECT. 19A added, 1935, 359 (requiring certain notices from employers not insured under the workmen's compensation law).

SECT. 20 revised, 1935, 340.

SECT. 27 revised, 1935, 331.

SECT. 28 amended, 1934, 292 § 2.

SECT. 29 revised, 1935, 372.

SECT. 31, first paragraph amended, 1934, 250.

SECT. 32, new paragraph added, 1935, 361 (relative to payments under the workmen's compensation law to dependents of deceased minor employees).

SECT. 34 revised, 1935, 332 § 2.

SECT. 34A added, 1935, 364 (providing for payments for total and permanent disability under the workmen's compensation law, and establishing methods of determining the same).

SECT. 36, paragraph (j) revised, 1933, 257; revised, 1935, 333.

SECT. 54A added, 1935, 425 (relative to safeguarding and extending the workmen's compensation law by making void certain contracts or agreements in the nature of insurance which do not insure the payment of the compensation provided for by said law).

SECT. 55, second paragraph revised, 1934, 137 § 1.

SECT. 65 amended, 1935, 395.

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 153. — Liability of Employers to Employees for Injuries not resulting in Death.

SECT. 6 amended, 1935, 387.

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. 1 revised, 1935, 297 § 1. (See 1935, 297 § 3.)

SECT. 10 amended, 1933, 11.

SECT. 23A added, 1935, 297 § 2 (regulating sales of stocks, bonds and other securities of corporations to their employees). (See 1935, 297 § 3.)

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.

SECT. 8 affected, 1935, 24.

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; 1935, 451.

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.

SECT. 91A added, 1935, 101 (relative to the number of guards on passenger trains operated by street railway companies).

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. 14 amended, 1935, 222.

SECT. 17A added, 1932, 132 (regulating the lending of money by gas and electric companies).

SECT. 33 amended, 1932, 180 § 32.

SECT. 76A added, 1935, 335 § 1 (giving to the department of public utilities supervision over certain affiliates of gas and electric companies).

SECT. 84A added, 1934, 202 § 1 (requiring gas and electric companies to make additional annual returns).

SECT. 85, second paragraph amended, 1935, 335 § 2.

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. 94C added, 1935, 227 (relative to payments, charges, contracts, purchases, sales or obligations or other arrangement between gas or electric companies and affiliated companies, and the burden of proving the reasonableness thereof).

SECT. 105A added, 1932, 119 (regulating the storage, transportation and distribution of gas).

SECT. 119 revised, 1934, 365.

SECT. 124 amended, 1935, 237, 376 § 2.

SECT. 124A added, 1935, 376 § 1 (relative to the shutting off of gas or electric service in homes where there is serious illness).

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. 15A added, 1935, 242 (regulating charges by telephone companies for the use of hand sets, so called).

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 cooperate 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.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162.

SECT. 1 amended, 1935, 452 § 1.

SECT. 2 revised, 1934, 251; first paragraph amended, 1935, 452 § 2.

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. 12 revised, 1935, 452 § 3.

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 exist-

ence 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 cooperate 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, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162.

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; 1935, 72 §§ 1, 2; 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; 1935, 72 §§ 1, 2.

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; term extended to ten years, 1935, 82; amount which a member bank may borrow without collateral further regulated, 1935, 136.

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; amended, 1935, 76, 80.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162.

For temporary act, authorizing co-operative banks, within a three-year period, to make loans upon real estate differing from ordinary co-operative bank loans, see 1935, 191.

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. 25, sentence added at end, 1935, 174.

SECT. 33 amended, 1935, 190.

SECT. 34 amended, 1934, 203 § 1.

SECT. 35, last paragraph stricken out, 1934, 203 § 2.

SECT. 47 revised, 1935, 75.

SECT. 50, first paragraph amended, 1935, 54.

SECT. 50A added, under caption "CONVERSION", 1935, 215 (establishing the procedure to be followed by a co-operative bank in converting into a federal savings and loan association).

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.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162.

SECT. 15, last sentence stricken out, and paragraph added at end, 1933, 163 § 1; new paragraph added, 1935, 272.

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.

For temporary act, authorizing banking institutions, during a three-year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162.

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; 1935, 40.

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; amended, 1935, 18.

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; 1935, 172 § 1.

SECT. 54A added, 1935, 172 § 2 (authorizing trust companies under certain conditions to deposit in their commercial departments certain funds held in their trust departments).

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 172A. — Banking Companies.

Chapter inserted, 1935, 452 § 4.

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.

For temporary act, authorizing insurance companies, during a three-

year period, to make loans insured under the provisions of the National Housing Act, see 1935, 162.

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. 22A revised, 1935, 234.

SECT. 25, last paragraph of Form A stricken out, 1934, 12; last paragraph of section amended, 1934, 92 § 2.

SECT. 36, second paragraph revised, 1935, 140.

SECT. 47, clause Twelfth revised, 1935, 204.

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; amended, 1935, 296 § 1. (See 1933, 145 § 3; 1935, 296 § 2.)

SECT. 113B, new paragraph added, 1935, 459 § 4. (See 1935, 459 § 5.)

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. 147B added, 1935, 232 (requiring foreign life insurance companies to provide for paid-up and extended term insurance and cash surrender values on policies of industrial life insurance issued in the commonwealth).

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. 10 amended, 1935, 330 § 1.

SECT. 11 amended, 1935, 330 § 2.

SECT. 11A added, 1935, 330 § 3 (relative to non-payment of premiums on annuity and certain other contracts).

SECT. 15 amended, 1935, 330 § 4.

SECT. 17 revised, 1935, 330 § 5.

SECT. 19 amended, 1935, 330 § 6.

SECT. 21 revised, 1935, 330 § 7.

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. 12A amended, 1935, 246.

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, clause (b) revised, 1935, 318 § 3; clause (c) revised, 1935, 318 § 4; clause (j)½ 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; clause (k) revised, 1934, 67 § 1; clauses (l) and (m) added, 1935, 318 § 5 (granting to said court original jurisdiction con-

current with supreme judicial and superior courts of certain suits in equity). (See 1934, 67 § 2; 1935, 318 § 8.)

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.

SECT. 11 revised, 1933, 300 § 1. (See 1933, 300 § 4.)

Chapter 212. — The Superior Court.

For act further extending to January 1st, 1938, the operation of certain provisions of law relative to the more prompt disposition of criminal cases in the superior court, see 1935, 377.

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.

SECT. 26A added, 1935, 229 § 1 (providing for the transfer from the superior court to the land court of certain actions at law and suits in equity where any right, title or interest in land is involved). (See 1935, 229 § 2.)

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. 1 amended, 1935, 407 § 2. (See 1935, 407 § 6.)

SECT. 9 amended, 1934, 381; 1935, 407 § 3. (See 1935, 407 § 6.)

SECT. 9A added, 1935, 407 § 4 (limiting authority of courts to grant injunctive relief in cases involving or growing out of labor disputes). (See 1935, 407 § 6.)

Chapter 215. — Probate Courts.

SECT. 6 amended, 1933, 237 § 1.

SECT. 6B added, 1935, 247 § 1 (providing for interpretative judgments in the probate courts as to the meaning of written instruments). (See 1935, 247 § 2.)

SECT. 30A amended, 1934, 330.

SECT. 62, paragraph in lines 17-20 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 45-51 revised, 1935, 132; paragraph in lines 56 and 57 revised, 1933, 274. (See 1934, 175 § 2.)

Chapter 217. — Judges and Registers of Probate and Insolvency.

SECT. 1 amended, 1935, 434 § 1.

SECT. 2 amended, 1934, 290; 1935, 434 § 2.

SECT. 30 revised, 1935, 143 § 1; 1935, 313 § 1. (See 1935, 313 § 3.)

SECT. 31A added, 1935, 313 § 2 (providing for the appointment of a messenger for the probate court of Essex county). (See 1935, 313 § 3.)

Chapter 218. — District Courts.

For act further extending to January 1st, 1938, the operation of certain provisions of law authorizing certain justices of district courts to sit in criminal cases in the superior court, see 1935, 377.

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; amended, 1935, 71 § 1. (See 1935, 71 § 2.)

SECT. 63 revised, 1935, 341.

SECT. 76 amended, 1932, 269 § 1; 1935, 366_a § 1. (See 1935, 366 § 3.)

SECT. 80, sentence added at end, 1935, 366 § 2. (See 1935, 366 § 3.)

Chapter 219. — Trial Justices.

SECT. 28 amended, 1934, 328 § 23.

Chapter 220. — Courts and Naturalization.

SECTS. 13A and 13B added, 1935, 407 § 5 (regulating procedure in trials for contempt arising out of disobedience to decrees or process of courts in labor dispute cases). (See 1935, 407 § 6.)

SECTS. 16 and 17 repealed, 1932, 144 § 3.

SECT. 19 repealed, 1932, 16.

Chapter 221. — Clerks, Attorneys and Other Officers of Judicial Courts.

SECT. 4 amended, 1935, 89 § 1. (See 1935, 89 § 2.)

SECT. 5 amended, 1932, 51.

SECT. 46 revised, 1935, 346 § 1.

SECTS. 46A and 46B added, 1935, 346 § 2 (prohibiting individuals not members of the bar from practising law or attempting so to do and providing a means of restraining unauthorized practice of law).

SECT. 47 repealed, 1935, 346 § 3.

SECT. 49 repealed, 1935, 346 § 3.

SECT. 58 amended, 1932, 40 § 1.

* Void for non-acceptance.

SECT. 60 repealed, 1932, 40 § 2.

SECT. 73 revised, 1935, 182 § 2. (See 1935, 182 §§ 5, 6.)

SECT. 76 revised, 1935, 182 § 3. (See 1935, 182 §§ 5, 6.)

SECT. 80 amended, 1935, 182 § 4. (See 1935, 182 § 6.)

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.)

SECT. 2A added, 1935, 483 § 1 (providing for trial together of two or more actions arising out of the same motor vehicle accident pending in district courts). (See 1935, 483 §§ 2, 3.)

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. 55 amended, 1935, 318 § 6. (See 1935, 318 § 8.)

SECT. 59C added, under caption "SPEEDY TRIAL OF CERTAIN ACTIONS FOR MALPRACTICE, ERROR OR MISTAKE", 1935, 118 § 1 (relative to the advancement for speedy trial in the superior court of actions against physicians and others for malpractice, error or mistake). (See 1935, 118 § 2.)

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.)

SECT. 142 amended, 1935, 318 § 7. (See 1935, 318 § 8.)

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. 1 amended, 1935, 257 § 11. (See 1935, 257 § 12.)
 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; revised, 1935, 410 § 1. (See 1935, 410 §§ 2, 3.)

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).
 SECT. 3 amended, 1935, 86 § 2.
 SECTS. 7A-7E added, 1935, 86 § 1 (relative to the mortgaging of crops and certain other classes of personal property).
 SECT. 13A added, 1935, 348 § 1 (regulating conditional sales of motor vehicles). (See 1935, 348 § 2.)
 SECT. 13B added, 1935, 396 (relative to certain contracts of conditional sale of household or personal effects).

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. 32 revised, 1935, 280.

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.

Chapter 265. — Crimes against the Person.

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. 22 amended, 1935, 365.

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).

SECT. 116A added, 1935, 116 (providing for the protection of wild azaleas, wild orchids and cardinal flowers).

Chapter 268. — Crimes against Public Justice.

SECT. 16 revised, 1934, 344.

SECT. 26 amended, 1934, 328 § 24.

SECT. 27 amended, 1934, 328 § 25.

SECT. 29 amended, 1934, 328 § 26.

SECT. 33 amended, 1935, 440 § 44.

Chapter 269. — Crimes against Public Peace.

SECT. 10 amended, 1935, 290.

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.

SECTS. 31, 33, 34 affected by 1935, 454 § 8; 471 § 2.

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.

SECT. 2 amended, 1933, 224.

Chapter 275. — Proceedings to prevent Crimes.

SECT. 15 repealed, 1932, 180 § 42.

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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SECTS. 48 and 49 repealed, 1932, 180 § 44. (See G. L. chapter 276 § 37A, inserted by 1932, 180 § 43.)

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SECT. 2, last sentence stricken out, 1934, 364 § 2; sentence added at end, 1935, 303 § 1. (See 1934, 364 § 3; 1935, 303 § 2.)

The Commonwealth of Massachusetts

OFFICE OF THE SECRETARY, BOSTON, November 1, 1935.

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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