

LAWS

OF THE

STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1909.

LEGISLATURE CONVENED JANUARY 6, ADJOURNED APRIL 9.



CONCORD, N. H.

1909.

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PRINTED BY IRA C. EVANS CO., CONCORD.

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LYFORD A. MERROW, } *Councilors.*

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TOM W. ROBINSON, *Superintendent Industrial School.*

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REUBEN E. WALKER,	}	<i>Associate Justices.</i>
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JOHN E. YOUNG,		
ROBERT J. PEASLEE,		
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JOHN H. RIEDELL,	<i>Law Reporter.</i>	

SUPERIOR COURT.

ROBERT M. WALLACE,	<i>Chief Justice.</i>	
ROBERT G. PIKE,	}	<i>Associate Justices.</i>
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ROBERT N. CHAMBERLIN,		
WILLIAM A. PLUMMER,		

LAWS

OF THE

STATE OF NEW HAMPSHIRE,

PASSED JANUARY SESSION, 1909.

CHAPTER 1.

AN ACT TO AMEND CHAPTER 104 OF THE SESSION LAWS OF 1901, IN RELATION TO THE ARRAIGNMENT AND TRIAL OF PERSONS CHARGED WITH MURDER IN EITHER DEGREE.

SECTION

1. At trial for murder in second degree one justice may preside.

SECTION

2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out the last sentence of section 2 chapter 104 session Laws of 1901 which is as follows: "At such trial two of the justices of the court shall be present" and insert in place thereof the following: At the trial of a person indicted for murder in the first degree two of the justices of the court shall be present, but at the trial of a person indicted for murder in the second degree one justice may preside, so that said section as amended shall read as follows: SECT. 2. A person indicted for murder in either degree may be arraigned before the court holden by one justice, and, if he plead guilty, the court may award sentence against him according to law; if he do not plead guilty, the court may assign him counsel, and take all other measures preparatory to a trial. At the trial of a person indicted for murder in the first degree two of the justices of the court shall be present, but at the trial of a person indicted for murder in the second degree one justice may preside.

At trial for murder in second degree one justice may preside.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

Takes effect on passage; repealing clause.

[Approved February 3, 1909.]

CHAPTER 2.

AN ACT IN RELATION TO SELECTMEN OF TOWNS AND MAYORS AND ALDERMEN OF CITIES.

SECTION	SECTION
1. Towns not to publish names of aided veterans.	3. Penalty for violation.
2. Itemized account exhibited on demand.	4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Names not to be published.

SECTION 1. The selectmen of every town and the mayor and aldermen of every city shall not publish and shall not allow to be published in the annual reports of such towns or cities, the name of any soldier or sailor who has received aid from said town or city, but may enter the items under the heading of Aid furnished Soldiers and Sailors.

Items exhibited on demand.

SECT. 2. That any taxpayer of said town or city shall be allowed to see the itemized account of such aid furnished, as it appears on the record books of said town or city, by making demand of the said officials of such town or city.

Penalty.

SECT. 3. Any person violating the provisions of this act shall be punished by a fine not to exceed ten dollars (\$10) for each offense.

Takes effect on passage.

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

[Approved February 4, 1909.]

CHAPTER 3.

AN ACT IN AMENDMENT OF SECTION 19 OF CHAPTER 149 OF THE PUBLIC STATUTES, RELATING TO DIVIDEND PAYING CORPORATIONS.

SECTION	SECTION
1. Stockholders' right to vote, how limited.	2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Right to vote limited.

SECTION 1. Section 19 of chapter 149 of the Public Statutes is hereby amended by striking out the word "banks" in said section, and inserting in place thereof the word those, and adding after the word "charters" the words or articles of agreement, so that said section as amended shall read as follows: SECT. 19. Every stockholder in a corporation, except those whose charters or articles of

agreement otherwise provide, may give one vote at any meeting thereof for every share he owns therein, not exceeding one eighth part of the whole number of shares.

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

Takes effect
on passage.

[Approved February 4, 1909.]

CHAPTER 4.

AN ACT RELATING TO THE SALARY OF THE SOLICITOR OF THE COUNTY OF ROCKINGHAM.

SECTION

1. Annual salary of \$800; repealing clause.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the salary of the solicitor of the county of Rockingham shall hereafter be eight hundred dollars per annum, payable as now provided by law; and so much of section 17, chapter 286 of the Public Statutes as is inconsistent with this act is hereby repealed.

Annual salary
of \$800;
repealing
clause.

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

Takes effect
on passage.

[Approved February 9, 1909.]

CHAPTER 5.

AN ACT TO PROTECT DOMESTIC PIGEONS OR DOVES.

SECTION

1. Doves protected; penalty.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. If any person shall hunt, capture, or destroy any domestic pigeon, commonly known as dove, not his own, he shall be fined not exceeding ten dollars for each offense; but nothing in this act shall be so construed as to prevent any person from destroying any of said birds when found doing damage to his buildings or crops.

Doves pro-
tected;
penalty.

SECT. 2. This act shall take effect on its passage.

Takes effect
on passage.

[Approved February 17, 1909.]

CHAPTER 6.

AN ACT PROTECTING PHEASANTS AND OTHER FOREIGN GAME BIRDS.

SECTION	SECTION
1. Pheasants and other foreign game birds protected; penalty.	2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Pheasants,
etc., pro-
tected;
penalty.

SECTION 1. No person shall kill, or have in his possession when dead, if killed within the limits of the state, a pheasant, or any variety of foreign game bird which may hereafter be introduced, under penalty of ten dollars (\$10) for each offense.

Takes effect
on passage.

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

[Approved February 17, 1909.]

CHAPTER 7.

AN ACT TO PROHIBIT FISHING THROUGH THE ICE IN MOSQUITO POND IN MANCHESTER, N. H. DURING THE TERM OF FIVE (5) YEARS FROM JANUARY 1, 1909.

SECTION	SECTION
1. Ice-fishing prohibited.	3. Repealing clause; act takes effect on passage.
2. Penalty for violation.	

Be it enacted by the Senate and House of Representatives in General Court convened:

Ice-fishing
prohibited.

SECTION 1. All persons are prohibited from catching fish of all kinds through the ice in Mosquito Pond in Manchester, N. H. during the term of five (5) years from January 1, 1909.

Penalty.

SECT. 2. Any person or persons so caught fishing through the ice during said prohibited term shall be subject to a fine of ten dollars (\$10) for each offense.

Repealing
clause; act
takes effect
on passage.

SECT. 3. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage.

[Approved February 17, 1909.]

CHAPTER 8.

AN ACT TO AMEND SECTION 1, CHAPTER 267, OF THE PUBLIC STATUTES,
RELATING TO CRUELTY TO ANIMALS.

SECTION 1. Sale or exchange of unfit animal prohibited.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Section 1, chapter 267, of the Public Statutes, is hereby amended by inserting the words sell or exchange after the word "use" in the second line thereof, so that said section as amended shall read as follows: SECTION 1. If any person shall overdrive, overwork, drive when overloaded, use, sell or exchange when unfit for labor, torture, deprive of necessary sustenance or shelter, cruelly beat, mutilate, or kill, cruelly abandon, or transport in an unnecessarily cruel or inhuman manner, any animal, or shall aid therein, or shall knowingly and wilfully permit any animal in his care to be subjected to unnecessary torture, suffering, or cruelty of any kind, he shall be fined not exceeding two hundred dollars, or be imprisoned not exceeding one year or both, for each offense.

Sale or ex-
change of
unfit-animal
prohibited.

[Approved February 17, 1909.]

CHAPTER 9.

AN ACT IN AMENDMENT OF SECTION 12, CHAPTER 169 OF THE PUBLIC
STATUTES, AUTHORIZING THE INSURANCE COMMISSIONER TO EXTEND
THE TIME FOR FILING ANNUAL STATEMENTS OF FOREIGN INSURANCE
COMPANIES.

SECTION

1. Extension of time authorized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Section 12, chapter 169 of the Public Statutes is hereby amended by adding at the end of said section the following: For cause the commissioner may extend the time within which any such annual statement may be filed, but not to a date later than the first day of March. But a life company shall not be required to file that part of its annual statement known as the Gain and Loss Exhibit until May first next succeeding; so that said section as

Extension
authorized.

amended shall read as follows: SECT. 12. Every such insurance company doing business in this state, shall, on or before the first day of February in each year, transmit to the insurance commissioner a statement, under oath, of its president and secretary, of the whole amount of premiums received in money or in the form of notes, credits, loans or any other substitute for money, by or on account of the company, during the year ending on the thirty-first day of the preceding December, for insurance made by it on property located or persons resident in this state; also giving its assets, liabilities, amount of capital stock actually paid in, amount of outstanding risks, and the business standing and affairs of the company generally; in accordance with blanks to be furnished by the commissioner, adapted to the business of the company. It shall also transmit to the commissioner a like statement of its standing and affairs at any other time when he shall require it. For cause the commissioner may extend the time within which any such annual statement may be filed, but not to a date later than the first day of March. But a life company shall not be required to file that part of its annual statement known as the Gain and Loss Exhibit until May first next succeeding.

Takes effect on passage.

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

[Approved February 17, 1909.]

CHAPTER 10.

AN ACT PROVIDING FOR ESTIMATES OF STATE EXPENSES AND THE PREPARATION OF AN APPROPRIATION BILL OR BILLS TO MEET THE SAME.

SECTION

- 1. State officers to file estimates of expenses.
- 2. Biennial estimates provided for.

SECTION

- 3. Estimates to be submitted to appropriations committee.
- 4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Estimates to be filed.

SECTION 1. The chief of each department of the state government, each state board of commissioners, the trustees or managers of each state institution, and all agents of the state in charge of public works shall on or before February 15, 1909, file with the state treasurer, estimates, in detail, of the amounts required by their respective departments, boards and institutions for each of the fiscal years ending August 31, 1910 and August 31, 1911.

SECT. 2. Similar estimates shall be filed with the state treasurer, for each biennial period, on or before the first day of January pre- ceding each legislative session.

Biennial estimates.

SECT. 3. Such estimates shall be submitted to the appropriations committee of the house of representatives who shall seasonably prepare and introduce an appropriation bill or bills to provide for the necessities of the state for each biennial period.

To be submitted to appropriations committee.

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

Takes effect on passage.

[Approved February 17, 1909.]

CHAPTER 11.

AN ACT IN AMENDMENT OF CHAPTER 79, SESSION LAWS OF 1901, AS AMENDED BY THE SESSION LAWS OF 1903, 1905 AND 1907, RELATING TO FISH AND GAME.

SECTION

1. Compensation of commissioners, how paid.
2. Beaver protected.
3. Hunting with ferret prohibited: penalty.

SECTION

4. Evidence of violation of deer law.
5. Length of fish which may be legally taken.
6. Lobsters protected: penalty.
7. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 11 (eleven) of said chapter be amended by adding thereto the following words: said compensation and expenses to be paid, so far as the governor and council may deem advisable, from the fish and game fund, so called so that the section as amended shall read SECT. 11. Said commissioners shall be paid their traveling and other expenses necessarily connected with the discharge of their duties, and the chairman of the board shall receive as compensation for his services the sum of one thousand dollars per annum, and the two remaining members the sum of eight hundred dollars each per annum. Said compensation and expenses to be paid, so far as the governor and council may deem advisable from the fish and game fund, so called.

Compensation of commissioners; how paid.

SECT. 2. That section 22 of said chapter be amended by striking out the figures 1909, and substituting therefor the figures 1915. So that the section as amended shall read, SECT. 22. No person shall take, kill or have in his possession any beaver within this state prior to the first day of January, 1915.

Beaver protected.

Hunting with
ferret
prohibited;
penalty.

SECT. 3. That section 26 of said chapter be amended by inserting, after the word "ferret," the words, or shall be found with a ferret in his possession while hunting, so that the amended section shall read as follows. SECT. 26. If any person shall at any time take or kill any rabbit or hare by the use of a ferret, or shall be found with a ferret in his possession while hunting, he shall be fined not exceeding ten dollars (\$10) or be imprisoned thirty days, or both.

Evidence of
violation of
deer law.

SECT. 4. That section 28 of the chapter be amended by striking out the words, "or fawn," so that the section as amended shall read, SECT. 28. If any person shall at any time have in his possession the carcasses or hides of any moose, caribou, elk, or the parts thereof, or the carcasses or hides or parts thereof of more than two deer, in the open season on deer, or the carcasses or hides or parts thereof of any deer when it [is] unlawful to take or kill deer, or the carcasses or hides or parts thereof of any other animal mentioned in this act when it is unlawful to take or kill such animal, it shall be *prima facie* evidence that such person has hunted and killed the same contrary to law.

Length of fish
which may be
taken.

SECT. 5. Strike out the whole of section 68 of the chapter, and substitute the following: SECT. 68. If any person shall take, kill or have in his possession at any time, a brook trout of a length less than five inches, a black bass of a length less than eight inches, a land-locked salmon or a pickerel of a length less than twelve inches, or an aureolus or golden trout of a length less than ten inches, he shall be fined five dollars (\$5) for each fish so taken, killed or had in possession.

Lobsters
protected;
penalty.

SECT. 6. Strike out the whole of section 76 of said chapter and substitute therefor the following: SECT. 76. If any person shall catch, preserve, have in possession, sell or expose for sale, any lobster under ten and one half inches in length, measuring from one extremity of the body to the other, exclusive of claws and feelers, or shall kill or destroy any female lobster while carrying her spawn, he shall be fined one dollar (\$1) for each lobster so caught, preserved, had in possession, sold or exposed for sale.

Takes effect
on passage.

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

[Approved February 17, 1909.]

CHAPTER 12.

AN ACT IN RELATION TO MARKING THE LOCATION OF PUBLIC AND HISTORIC INCIDENTS.

SECTION

1. Erection of monuments, etc.
2. Damages, how assessed.
3. Petition for change of location.

SECTION

4. Return and record of decision.
5. Application to superior court.
6. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Selectmen of towns may permit the erection of monuments, tablets and markers by individuals or societies in public highways or other public grounds in such places and of such character as may be approved by said selectmen, for the purpose of indicating the occurrence of historic events and matters of public interest, *provided* that the reasonable use of such highway or other public place shall not thereby be interfered with.

Erection of monuments, etc.

SECT. 2. If any person shall be damaged in his estate by the location or erection of such monument, tablet or marker, he may apply to the selectmen within six months after such location or erection, but not afterwards, to assess his damages, and thereupon such proceedings shall be had, including proceedings on appeal, as are provided in the case of assessment of damages in the laying out of highways.

Damages, how assessed.

SECT. 3. Any person whose rights or interests shall be affected by such location may within sixty days after the approval of the selectmen, as provided in section 1, but not afterwards, petition the selectmen for such changes in the terms of the location as he may desire; and after notice to parties and hearing, the selectmen may make such alterations in said location, including revocation thereof, as justice may require.

Petition for change of location.

SECT. 4. The selectmen shall within thirty days make a return of their proceedings and decision upon every petition presented to them under section 3 of this act and of every location by them approved under the provisions of this act, and shall cause the same to be recorded by the town clerk. The fees of the selectmen and town clerk shall be paid by the petitioner.

Return and record of decision.

SECT. 5. If the selectmen shall neglect or refuse after thirty days to decide and make return of their proceedings upon any petition addressed to them under the provisions of section 3 of this act, or if any party whose interests are affected by such decision is dissatisfied therewith, such petitioner or party so dissatisfied may apply to the superior court for relief within sixty days after the expiration of said thirty days or after such decision; and like

Application to superior court.

proceedings shall thereupon be had as in the case of appeals from the laying out of highways.

Takes effect on passage.

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

[Approved February 17, 1909.]

CHAPTER 13.

AN ACT AUTHORIZING AND APPROVING REQUEST OF THE BOARD OF TRUSTEES OF THE NEW HAMPSHIRE COLLEGE OF AGRICULTURE AND MECHANIC ARTS FOR THE ADMISSION OF THE COLLEGE TO THE BENEFITS OF THE "CARNEGIE FOUNDATION FOR THE ADVANCEMENT OF TEACHING."

SECTION

1. Request authorized, ratified, and approved.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Request authorized, ratified, and approved.

SECTION 1. That the action of the board of trustees of the New Hampshire College of Agriculture and Mechanic Arts in requesting admission of said college to the benefits of the "Carnegie Foundation for the Advancement of Teaching," according to the resolution passed by said trustees January 14, 1909, is hereby authorized, ratified and approved.

Takes effect on passage.

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

[Approved February 19, 1909.]

CHAPTER 14.

AN ACT PROVIDING FOR THE REGISTRATION OF RESIDENT HUNTERS.

SECTION

1. Hunting permits, issuance of; disposition of fees.

2. Permit to bear signature of holder, etc.

SECTION

3. Owners and occupants of land exempted.

4. Penalty for violation; takes effect July 1, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

Hunting permits, issuance of; disposition of fees.

SECTION 1. No citizen of the United States, residing in New Hampshire, shall at any time, hunt, pursue or kill any variety of wild animals or birds within the limits of the state, without having

first procured from some person in the town or city in which he resides, said person to be designated by the fish and game commissioners, a permit to so hunt, pursue or kill, and the authorized agents of the commissioners shall issue, upon application therefor, to any resident of their own city or town entitled to receive one, such a permit; the cost of each permit shall be one dollar, and the holder thereof shall be privileged to engage in hunting, in conformity with the fish and game laws of the state, during the calendar year in which his permit is dated. All money received for the issuing of these permits, less twenty-five cents for each one, which may be retained as a fee by the agent authorized to issue them, shall be paid into the state treasury, and may be used from time to time, by the fish and game commissioners, as they may deem necessary, with the approval of the governor and council, for the protection and propagation of fish and game.

SECT. 2. No permit shall be valid unless the signature of the person to whom it is issued is written thereon, and every such person shall at all times while hunting, carry his permit with him, and shall present the same for inspection to any person requesting him so to do, under penalty of forfeiture for non-compliance.

Permit to be signed by holder, etc.

SECT. 3. Nothing in this act shall be construed to prohibit land-owners, or occupants of lands leased for agricultural purposes, and members of their immediate families, from hunting, pursuing or killing wild animals or birds, upon lands so owned or occupied by them, without permits as aforesaid.

Owners and occupants of land exempted.

SECT. 4. The penalty for violating section 1 of this act shall be a sum not exceeding ten dollars for each offense and the act itself shall take effect on July first, 1909.

Penalty; takes effect July 1, 1909.

[Approved February 19, 1909.]

CHAPTER 15.

AN ACT TO REPEAL ALL ANNUAL AND STANDING APPROPRIATIONS.

- SECTION
1. No state expenditure without specific appropriation.
 2. Provisions for annual appropriations of stated sums repealed.

- SECTION
3. Takes effect August 31, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That from and after the first day of September 1909, no moneys shall be paid from the state treasury for any purpose, without a specific appropriation authorizing the expenditure.

Specific appropriations required.

Annual appropriations repealed.

SECT. 2. So much of any statute now in force, as authorizes annual appropriations of stated sums for an indefinite period for any department of the state government, state institution, or public work, except salaries of officials, is hereby repealed.

Takes effect August 31, 1909.

SECT. 3. This act shall take effect August 31, 1909.

[Approved February 19, 1909.]

CHAPTER 16.

AN ACT FOR THE ADOPTION OF A STATE FLAG.

SECTION

1. State flag adopted.
2. Color and design.
3. When to be displayed.

SECTION

4. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

Flag adopted.
Color and design.

SECTION 1. That a state flag be adopted.

SECT. 2. The body or field of the flag shall be blue and shall bear upon its center in suitable proportion and colors a representation of the state seal. The motto shall include the date 1784. Said seal shall be surrounded by a wreath of laurel leaves with nine stars interspersed. When used for military purposes said flag shall conform to the regulations of the United States.

When displayed.

SECT. 3. Said flag shall be displayed above the state house whenever the legislature is in session, and during meetings of the governor and council when expedient, and upon such other occasions as the governor may designate.

Takes effect on passage; repealing clause.

SECT. 4. This act shall take effect upon its passage and all acts or parts of acts inconsistent with this act are hereby repealed.

[Approved February 24, 1909.]

CHAPTER 17.

AN ACT IN AMENDMENT OF CHAPTER 114 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT FOR THE IMPROVEMENT OF FISHING IN LAKE SUNAPEE."

SECTION

1. Black bass protected.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out the figures "15" in the third line of section 1, in said chapter, and insert in place thereof, the figure 9, so that said section as amended will read: SECTION 1. If any person shall take or kill any black bass in the waters of Lake Sunapee during the months of May and June in any year, except with a fly after June 9, he shall be fined ten dollars for each fish so taken or killed, or be imprisoned sixty days, or both.

Black bass protected.

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

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 18.

AN ACT TO PROVIDE FOR THE RECORDING OF SALES OF REAL ESTATE FOR TAXES.

SECTION

- 1. Sheriff or collector to forward record to registry of deeds.
- 2. Record of sale by register.

SECTION

- 3. Fees of collector and register.
- 4. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Each tax collector or sheriff, within two days after selling any real estate for taxes, shall forward by registered mail to the register of deeds for the county in which the real estate is situated, a statement of the following facts relating to each parcel of real estate sold, certified by him to be true: the name of the person, persons or corporation to whom the real estate was taxed, as it appears in the tax list committed to him; the description, if any, of the property as it appears in said list; the amount of the taxes for which the sale was made; the date of the sale; the name of the purchaser; the sum paid or to be paid by the purchaser; a description of the parcel or interest sold; and a statement of the officer's fees and expenses in making the sale, and reporting the

Record to be sent to registry of deeds.

same to the register of deeds. When any such sale shall be redeemed, the tax collector or sheriff shall within two days notify the register of deeds of his county of the fact of such redemption, the date of the same and the person or persons or corporation so redeeming.

Register to record sales.

SECT. 2. Each register of deeds shall record all of the facts reported to him by the tax collectors or sheriffs of his county in a book or books to be kept for that purpose. He shall keep an index of such book or books showing the location of the property and the names of the owners to whom taxed, of the purchasers at tax sales and of those who redeem. Said index may be the same as that for other records in his office or a separate one, as each register shall determine.

Fees.

SECT. 3. The tax collector or sheriff shall be allowed a fee of twenty-five cents for each parcel of real estate sold by him for taxes, together with the actual cost of postage for reporting the facts as provided in section 1; and the register of deeds shall be allowed twenty-five cents for recording the facts as to each parcel, to be advanced by the tax collector or sheriff, and taxed with his other fees and charges for making the sale. Like fees shall be allowed in cases of redemption of property from tax sales, to be paid by the person redeeming.

Repealing clause; act takes effect on passage.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved February 24, 1909.]

CHAPTER 19.

AN ACT REGULATING THE USE OF PURSE SEINES IN THE WATERS OF THE ATLANTIC OCEAN.

SECTION

- 1. Use of purse seines regulated.
- 2. Penalty for violation.

SECTION

- 3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Use regulated.

SECTION 1. No person shall at any time of the year, take or catch with a purse seine any of the fish called cod, haddock, pollock, hake, or flounders, along the shores of the Atlantic ocean between Rye ledges, and the Massachusetts line.

SECT. 2. Any person violating the provisions of section 1 of this act, shall, for each offense be punishable by a fine not exceeding fifty dollars (\$50) or by imprisonment not exceeding six months or by both. Penalty.

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

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 20.

AN ACT RELATING TO INCOMPATIBILITY OF CERTAIN OFFICES OF SCHOOL DISTRICTS.

SECTION

1. Member of school board not to be treasurer, auditor, or teacher.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. No person holding office as a member of a school board shall at the same time act as district treasurer or auditor, nor shall any member of a school board be employed as a teacher in his district. Certain offices incompatible.

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

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 21.

AN ACT AMENDING SECTION 5 CHAPTER 36 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT AMENDING CHAPTER 79 SESSION LAWS OF 1901, AND CHAPTER 38 SESSION LAWS OF 1905 RELATING TO FISH AND GAME."

SECTION 1. Hares and rabbits protected.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 5 be amended by striking out the word "first" and substituting therefor the word thirty-first, so that the amended section shall read as follows: SECT. 5. If any person Hares and rabbits protected.

shall take or kill any hare or rabbit between the thirty-first day of March and the first day of October in any year, he shall be fined not exceeding ten dollars (\$10), or imprisoned thirty days, or both such fine and imprisonment.

[Approved February 24, 1909.]

CHAPTER 22.

AN ACT IN RELATION TO THE SALARIES OF SCHOOL BOARDS AND TRUANT OFFICERS.

SECTION

- 1. District to determine salaries.
- 2. Selectmen to assess sums de-
termined.

SECTION

- 3. Treasurer to pay salaries.
- 4. Repealing clause; act takes effect
on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

District to fix salaries.

SECTION 1. At its annual meeting each school district shall determine and appoint the salaries of its school board and truant officer or officers, and the district clerk shall certify the same to the selectmen.

Selectmen to assess sums fixed.

SECT. 2. The selectmen shall annually assess upon the polls and ratable estate of the district a sum equal to amounts determined by the district as prescribed in section 1 and shall pay over the same to the district treasurer.

Treasurer to pay salaries.

SECT. 3. The district treasurer shall pay to the school board the salaries aforesaid and he shall likewise pay the truant officer upon the order of the school board, they certifying that he has performed the duties required of him by law.

Repealing clause; act takes effect on passage.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved February 24, 1909.]

CHAPTER 23.

AN ACT IN AMENDMENT OF CHAPTER 89 OF THE PUBLIC STATUTES,
AND DEFINING THE TOWN SCHOOL DISTRICT.

SECTION

1. Each town a school district; legally organized districts are corporations.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Sections 1 and 2 of chapter 89 of the Public Statutes are hereby amended so that the said sections shall read as follows:

Each town a school district; districts are corporations.

SECTION 1. Each town shall constitute a single district for school purposes, *provided, however,* that districts organized under special acts of the legislature may retain their present organization; and the word "town" wherever used in the statutes in connection with the government, administration, support, or improvement of the public schools shall be held to mean district.

SECT. 2. All districts legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the use of the schools therein, to make necessary contracts in relation thereto.

SECT. 2. All acts and parts of acts inconsistent with the foregoing are hereby repealed and this act shall take effect on its passage.

Repealing clause; act takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 24.

AN ACT IN AMENDMENT OF CHAPTER 79 OF THE PUBLIC STATUTES
ENTITLED "SIDEWALKS AND SEWERS."

SECTION

1. Payment of sewer assessments by instalments.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The following section shall be added to chapter 79 of the Public Statutes and shall be known as section 11 of said chapter: SECT. 11. The mayor and aldermen of any city and the selectmen of any town where the provisions of this chapter are in

Sewer assessments by instalments.

force may, in their discretion, in making any assessment under section 4 of this chapter, assess the same to be paid in annual fractional instalments extending over a period not exceeding five years and, in such case, their assessment so made shall create a lien upon the land on account of which it is made and the lien of each annual fractional instalment so assessed shall continue for one year from the first day of June of the year such annual fractional instalment becomes due. Nothing herein shall be construed to prevent the making and collection of assessments under section 5 of said chapter 79.

Takes effect
on passage.

SECT. 2. This act shall take effect from its passage.

[Approved February 24, 1909.]

CHAPTER 25.

AN ACT IN AMENDMENT OF SECTION 9, CHAPTER 286 OF THE PUBLIC STATUTES OF NEW HAMPSHIRE, RELATING TO CLERICAL EXPENSES IN THE ADJUTANT-GENERAL'S OFFICE.

SECTION

1. Annual appropriation of \$800.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Annual
appropriation
of \$800.

SECTION 1. That section 9 chapter 286 of the Public Statutes of New Hampshire be amended by striking out the words "five hundred" and inserting in place thereof the words eight hundred, so that said section as amended shall read: The sum of eight hundred dollars is annually appropriated for clerical expenses in the adjutant-general's office to be expended according to the discretion of the adjutant-general.

Takes effect
on passage.

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

[Approved February 24, 1909.]

CHAPTER 26.

AN ACT PROHIBITING FISHING THROUGH THE ICE ON PLEASANT LAKE, NEW LONDON.

SECTION

1. Ice-fishing prohibited.

SECTION

Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. If any person shall fish through the ice from the date of the passage of this act, on Pleasant lake, in the town of New London, he shall be punished by a fine of ten dollars for each offense.

Ice-fishing prohibited.

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

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 27.

AN ACT TO AMEND SECTION 1, CHAPTER 53 OF THE PUBLIC STATUTES, RELATING TO VILLAGE DISTRICTS.

SECTION

1. Village districts for care of public parks.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 1, chapter 53 of the Public Statutes, by inserting after the word "sewers" in the tenth line of said section, the following words:—the construction, maintenance and care of parks or commons—so that said section, as amended, shall read as follows: SECTION 1. Upon petition of ten or more legal voters, inhabitants of any village situate in one or more towns, the selectmen of such town or towns shall fix, by suitable boundaries, a district including the village and such adjacent parts of the town or towns as may seem to them convenient, for any or either of the following purposes: The extinguishment of fires, the lighting or sprinkling of streets, the planting and care for shade and ornamental trees, the supply of water for domestic and fire purposes, the construction and maintenance of sidewalks and main drains or common sewers, the construction [,] maintenance and care of parks or commons and the appointing and employing of watchmen and police officers. They shall cause a record of the petition and their

Village districts for care of public parks.

doings thereon to be recorded in the records of the towns in which the district is situate.

Repealing
clause: act
takes effect
on passage.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage.

[Approved February 24, 1909.]

CHAPTER 28.

AN ACT IN AMENDMENT OF CHAPTER 29, SESSION LAWS OF 1903, CONCERNING ATTENDANCE ON TEACHERS' INSTITUTES.

SECTION 1. Attendance of teachers at teachers' institutes.

Be it enacted by the Senate and House of Representatives in General Court convened:

Attendance at
teachers'
institutes.

SECTION 1. In line 4 after the word "exceeding" strike out the words "three days in any term or five days in any year" and insert the words one day in any term, so that it shall read: Teachers of public schools may attend teachers' institutes held within the state, as provided by law, not exceeding one day in any term, and the time so spent shall be regarded as spent in the service of the district.

[Approved February 24, 1909.]

CHAPTER 29.

AN ACT TO AMEND CHAPTER 61 OF THE SESSION LAWS OF 1903 RELATING TO THE CARE AND SUPPORT OF THE DEPENDENT INSANE BY THE STATE.

SECTION 1. To be cared for by state after January 1, 1913.

Be it enacted by the Senate and House of Representatives in General Court convened:

To be cared
for by state
after January
1, 1913.

SECTION 1. Section 1 of chapter 61 of the session Laws of 1903 is amended by striking out the words, "the first day of January 1909," and inserting in lieu thereof the words, the first day of January 1913, so that said section shall read: SECTION 1. The state from and after the first day of January 1913, shall have the care, control and treatment of all insane persons who are now

cared for by the various counties at the county almshouses; and no county shall hereafter establish any asylum or other additional structure for the care of the insane, nor after said date maintain any institution for the insane, or be liable for the board, treatment, care or act of any insane person.

[Approved February 24, 1909.]

CHAPTER 30.

AN ACT IN AMENDMENT OF SECTION 10 OF CHAPTER 84 OF THE PUBLIC STATUTES RELATING TO AID TO SOLDIERS.

SECTION 1. Account of aid to soldiers, how kept.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 10 of chapter 84 of the Public Statutes by striking out the word "dependent" in the third line of said section so that said section as amended shall read as follows

SECT. 10. The expense of support furnished under the provisions of the preceding section shall be kept and reported in a separate account under the head of Aid furnished to Soldiers and Their Families, and not in the general pauper account, but shall be recoverable of the person, town, or county liable therefor as in other cases.

Accounts, how kept.

[Approved February 24, 1909.]

CHAPTER 31.

AN ACT TO PROTECT THE GRAND ARMY OF THE REPUBLIC, BENEVOLENT, HUMANE, FRATERNAL, CHARITABLE OR OTHER ORGANIZATIONS IN THE USE OF THEIR NAMES AND EMBLEMS AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

SECTION

- 1. Unauthorized use of name prohibited.
- 2. Unauthorized use of insignia prohibited.

SECTION

- 3. Violation may be enjoined.
- 4. Penalty for violation.
- 5. Repealing clause.
- 6. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Unauthorized use of name prohibited.

SECTION 1. No person, society, association or corporation shall assume, adopt or use the name of a military, ex-military, patriotic, benevolent, humane, fraternal or charitable organization, incorporated under the laws of this or any other state, or of the United States, or a name so nearly resembling the name of such incorporated organization as to be a colorable imitation thereof, or calculated to deceive persons not members, with respect to such corporation. In all cases where two or more such societies, associations or corporations claim the right to the same name, or to names substantially similar as above provided, the organization which was first organized and used the name, and first became incorporated under the laws of the United States or of any state of the Union, shall be entitled in this state to the prior and exclusive use of such name, and the rights of such societies, associations or corporations, and of their individual members shall be fixed and determined accordingly.

Unauthorized use of insignia prohibited.

SECT. 2. No person shall wear or exhibit the badge, button, emblem, decoration, insignia, or charm, or shall assume or use the name of any military, ex-military, patriotic, humane, fraternal or charitable corporation, incorporated under the laws of this or any other state, or of the United States, or shall assume or claim to be a member thereof, or of a military, ex-military, patriotic, benevolent, humane, fraternal or charitable corporation, the name of which shall so nearly resemble the name of any other corporation existing prior to the organization of the corporation or association of which such person may claim to be a member, the name whereof may be calculated to deceive the people with respect to any such prior corporation, unless he shall be authorized under the laws, statutes, rules, regulations and by-laws of such former corporation, to wear such badge, button, emblem, decoration, insignia or charm or to use and assume such name as a member thereof.

SECT. 3. Whenever there shall be an actual or threatened violation of the above act, an application may be made to the court or judge having jurisdiction, to issue an injunction upon notice to the defendant of not less than five days, for an injunction so restraining such actual or threatened violation, or if it shall appear to such court or justice that the defendant is in fact using the name of a military, ex-military, patriotic, benevolent, humane, fraternal or charitable corporation, incorporated as aforesaid, or a name so nearly resembling it as to be calculated to deceive the public, or is wearing or exhibiting the badge, insignia or emblem of such corporation without authority thereof, and in violation of the above act, an injunction may be issued by said court or justice enjoining or restraining such actual or threatened violation, without requiring proof that any person has in fact been misled or deceived thereby.

Violation may be enjoined.

SECT. 4. Any person wilfully violating the provisions of section 1 or 2 of this act shall be deemed guilty of a misdemeanor and upon conviction thereof fined not exceeding ten dollars or imprisoned in the county jail not exceeding thirty days or both such fine and imprisonment.

Penalty.

SECT. 5. Chapter 62 of the Laws of 1907 and all acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

SECT. 6. This act shall take effect on its passage.

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 32.

AN ACT IN AMENDMENT OF CHAPTER 79 OF THE LAWS OF 1901, AS AMENDED BY CHAPTER 82 OF THE LAWS OF 1903, AND OF CHAPTER 36 OF THE LAWS OF 1907. FOR THE BETTER PROTECTION OF LAKE TROUT, LAND-LOCKED SALMON AND WHITE FISH.

SECTION

1. Lake trout, land-locked salmon, etc., protected.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend chapter 79 of the Laws of 1901, by striking out all of section 56 as amended by chapter 82 of the Laws of 1903, and also amend chapter 36 of the Laws of 1907 by striking out all of section 10, and inserting in place thereof as section 56 of the Laws of 1901 the following: SECT. 56. No person shall take,

Lake trout, land-locked salmon, etc., protected.

kill, or have in his possession from the waters of Lake Winnepesaukee, Lake Paugus, or Lake Winnisquam any lake trout or land-locked salmon between the first day of July in any year and the first day of January next following, or from any of the other waters of the state between the fifteenth day of September in any year and the first day of January next following. And no person shall take, kill, or have in his possession from any of the waters of this state, any white fish, known as shad, shad waiters, bill fish, or blue fins, between the first day of May in any year and the first day of January next following.

Takes effect
on passage.

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

[Approved February 24, 1909.]

CHAPTER 33.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF A STATE TAX FOR THE YEAR 1909.

SECTION

1. State tax of \$800,000.
2. Repealing clause.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

State tax of
\$800,000.

SECTION 1. The sum of eight hundred thousand dollars shall be raised for the use of the state for the year 1909, and the state treasurer is hereby directed seasonably to issue his warrants to the selectmen of the several towns and places and to the assessors of the several cities in this state, according to the apportionment of the public taxes made at the January session of the legislature in 1907; and the selectmen of such towns and places and the assessors of such cities are hereby directed to assess the sums specified in said warrants and cause the same to be paid to said treasurer on or before the first day of December, 1909, and the said treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on the date last above mentioned.

Repealing
clause.

SECT. 2. All parts of section 1 of chapter 141 of the Laws of 1907, entitled "An act to provide for the assessment and collection of an annual state tax for the term of two years," which are inconsistent with this act are hereby repealed.

Takes effect
on passage.

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

[Approved February 24, 1909.]

CHAPTER 34.

AN ACT IN AMENDMENT OF SECTION 14 OF CHAPTER 284 OF THE PUBLIC STATUTES RELATING TO THE INDUSTRIAL SCHOOL.

SECTION

1. Committals during minority.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 14 of chapter 284 of the Public Statutes is hereby amended by striking out the words "for such term not less than one year nor extending beyond the age of twenty-one years as the court or justice shall judge most for his true interest and benefit" and inserting instead thereof the words for minority so that said section shall read as follows: SECT. 14. Whenever a minor under the age of seventeen years shall be convicted of an offense punishable by imprisonment, otherwise than for life, and shall be sentenced accordingly, the court or justice, upon application of the minor, his friends, or the state's attorney, may order that, instead of such imprisonment, the minor may be sent to and be kept employed and instructed at the industrial school for minority, provided he shall conduct himself according to the regulations of the school. A copy of such order shall be sufficient authority for his commitment and detention at the school.

Committals
during
minority.

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

Takes effect
on passage.

[Approved February 24, 1909.]

CHAPTER 35.

AN ACT AUTHORIZING THE APPOINTMENT OF A COMMITTEE TO CONSIDER THE ADVISABILITY OF RE-INDEXING AND CHANGING THE RECORDS IN THE OFFICE OF HILLSBOROUGH COUNTY REGISTRY OF DEEDS.

SECTION

1. Committee authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The members of the legislature for the year 1909, composing the Hillsborough County convention are hereby authorized to appoint a committee of three from their membership to confer with the register of deeds and the commissioners for the said county of Hillsborough and decide what changes, if any, are

Committee
authorized.

necessary to provide a convenient index for the records now in said office and to decide what method, if any, will be more convenient and better adapted to the future indexing of records therein.

Takes effect on passage.

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

[Approved February 25, 1909.]

CHAPTER 36.

AN ACT RELATING TO THE SALARY OF THE SOLICITOR OF THE COUNTY OF SULLIVAN.

SECTION

1. Annual salary of \$500; repealing clause.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Annual salary of \$500; repealing clause.

SECTION 1. That the salary of the solicitor of the county of Sullivan shall hereafter be five hundred dollars per annum, payable as now provided by law; and so much of section 17, chapter 286 of the Public Statutes as is inconsistent with this act is hereby repealed.

Takes effect on passage.

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

[Approved February 25, 1909.]

CHAPTER 37.

AN ACT IN RELATION TO PROBATE BONDS.

SECTION

1. Judge may permit new bond to be filed.

SECTION

2. Repealing clause: act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

New bond, when.

SECTION 1. A judge of probate, on application of the principal to a bond, may permit a new bond to be filed, and, after due notice, may, in his discretion, discharge the sureties to the original bond from all further responsibility thereon.

Repealing clause: act takes effect on passage.

SECT. 2. All acts and parts of acts inconsistent with this act are repealed, and this act shall take effect on its passage.

[Approved February 25, 1909.]

CHAPTER 38.

AN ACT FIXING THE TERMS OF THE SUPERIOR COURT FOR CARROLL COUNTY.

SECTION

1. Terms, when and where held.
2. Prior writs and processes saved.

SECTION

3. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The terms of the superior court for the county of Carroll shall be held at Ossipee on the third Tuesday of May and second Tuesday of November each year. When and where held.

SECT. 2. All writs and processes which have been heretofore issued or which may be issued before this act takes effect, and all precepts, recognizances and proceedings of every kind now returnable at the trial term of the superior court on the second Tuesday of June next shall be taken to be returnable at the corresponding term of the superior court to be holden on the third Tuesday of May next. All cases and proceedings now pending upon the trial term docket of the June term, 1909. of the superior court shall be in order to be heard and tried at the May term, 1909. of the superior court next to be holden in said county. Prior writs and processes saved.

SECT. 3. This act shall take effect upon its passage and all acts or parts of acts inconsistent with this act are hereby repealed. Takes effect on passage; repealing clause.

[Approved February 25, 1909.]

CHAPTER 39.

AN ACT IN AMENDMENT OF SECTION 6 OF CHAPTER 24 OF THE LAWS OF 1895, IN RELATION TO AN ACT IN ADDITION AND SUPPLEMENTAL TO CHAPTER 13 OF THE LAWS OF 1891 ENTITLED "AN ACT FOR THE ERECTION OF A STATE LIBRARY BUILDING."

SECTION

1. Administration of library of New Hampshire Historical Society.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 6 of chapter 24 of the Laws of 1895 is hereby amended by adding at the end thereof the following clause: Upon the removal of the New Hampshire Historical Society to its new Administration of library of New Hampshire Historical Society.

building the trustees are authorized to make such contracts with said society for the administration of the two libraries in conjunction with each other, which may be terminated by the trustees of the state library or the legislature, as shall in their opinion be for the best interests of the two institutions and of the citizens of the state, such contracts and the termination thereof to be subject to the approval of the governor and council, so that said section as amended shall read as follows: SECT. 6. The trustees of the state library are authorized to become the custodians for the state of collections of books, pamphlets, and maps, and writings, and collections of a historical nature, by arrangement with associations or persons who may be the owners or lawful custodians thereof, whereby the public shall enjoy the benefit of using and consulting such collections in the state library upon such terms and under such regulations as may be agreed upon by the parties. Upon the removal of the New Hampshire Historical Society to its new building the trustees are authorized to make such contracts with said society for the administration of the two libraries in conjunction with each other, which may be terminated by the trustees of the state library or the legislature, as shall in their opinion be for the best interests of the two institutions and of the citizens of the state, such contracts and the termination thereof to be subject to the approval of the governor and council.

Takes effect
on passage.

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

[Approved February 25, 1909.]

CHAPTER 40.

AN ACT TO CORRECT AND ESTABLISH THE WAY IN WHICH THE NAME OF
THE TOWN OF TUFTONBOROUGH SHALL BE SPELLED.

SECTION

1. Spelling of town name established.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Spelling of
name
established.

SECTION 1. That the spelling of the corporate name of the town of Tuftonborough be hereby amended by striking out the letters "ugh" after the last "o" in said name, so that the same shall hereafter be spelled as follows; Tuftonboro; and the same shall be the legal name of said town.

Takes effect
on passage.

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

[Approved March 10, 1909.]

CHAPTER 41.

AN ACT IN AMENDMENT OF SECTION 9 OF CHAPTER 118 OF THE LAWS OF 1895, RELATING TO PUBLIC LIBRARIES.

SECTION

1. Library bulletin, contents of.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 9 of chapter 118 of the Laws of 1895 is hereby amended by inserting after the word "work" in the fifth line of said section the following: and such indexes and other bibliographical matters designed to aid in the administration of public libraries in connection with the state library so that said section as amended shall read as follows: SECT. 9. The board of library commissioners shall, at least twice in each year, issue a library bulletin, which shall contain recommendations as to the best methods to be employed in library work, together with notes on library progress, and such other matters of general information relating to library work, and such indexes and other bibliographical matters designed to aid in the administration of public libraries in connection with the state library, as they may deem proper. The said bulletin shall be printed and distributed under the direction of the commissioners, at least three copies of the same being sent to each free public library in the state, and such further distribution being made as the judgment of the board may suggest.

Library
bulletin,
contents of.

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

Takes effect
on passage.

[Approved March 10, 1909.]

CHAPTER 42.

AN ACT IN AMENDMENT OF CHAPTER 72, LAWS OF 1907, RELATING TO THE MANUFACTURE AND SALE OF ICE CREAM.

SECTION 1. Standard of purity established.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. In the third line of section 1 of chapter 72 of the Laws of 1907 strike out after the word "sugar" the words "and some neutral flavoring." and insert in the place thereof the words some natural flavoring and not more than one tenth of one per cent. of filler, so that the section as amended shall read as follows: SEC-

Standard of
purity
established.

TION 1. No person shall manufacture for sale, keep for sale, sell, exchange, barter or deal in ice cream which shall contain any substance other than milk, cream, eggs, sugar some natural flavoring and not more than one-fifth of one per cent. of filler, or which shall contain less than 14 per cent. butter fat.

[Approved March 10, 1909.]

CHAPTER 43.

AN ACT TO PREVENT STOCK GAMBLING AND THE MAINTENANCE OF BUCKET SHOPS.

SECTION

1. Maintenance of bucket shop prohibited; evidence of violation.
2. Penalty for violation.
3. Offense complete, when; who deemed accessory.

SECTION

4. Commission merchants and brokers to furnish statements of transactions.
5. Illegal business may be enjoined.

Be it enacted by the Senate and House of Representatives in General Court convened:

Maintenance of bucket shop prohibited; evidence of violation.

SECTION 1. No person or corporation shall keep or cause to be kept a "bucket shop," office, store or other place in which is conducted or permitted the pretended buying or selling of stocks or bonds of a corporation, or petroleum, cotton, grain, provisions, pork or other produce, either on margins or otherwise, without any intention of receiving and paying for the property so bought, or of delivering the property so sold, or in which is conducted or permitted the pretended buying or selling of such property on margins, or when the party buying, or offering to buy such property, does not intend actually to receive the same if purchased or to deliver it if sold. Whenever stocks or bonds are in any manner quoted in such places, or the expression "corporation," "association," or "company," or any abbreviation thereof, used therein and therewith, it shall be *prima facie* evidence that such stocks or bonds are the stocks or bonds of then going corporations; and whenever such stocks or bonds, or such petroleum, cotton, grain, provisions, pork or other produce are not actually received when purchased or actually delivered when sold, it shall be *prima facie* evidence that such property was sold or purchased without any intention of receiving it or paying for or delivering it; that such property was bought or sold on margins; and that the parties buying or selling or offering to buy or sell such property did not intend actually to receive or deliver the same.

SECT. 2. A person or corporation, whether acting individually, Penalty. or for another person or persons, or as a member, officer, agent or employee of a corporation, who violates the preceding section, shall be fined not more than one thousand dollars and not less than two hundred dollars; a person who is guilty of a second offense, in addition to the penalty above described, shall be imprisoned six months. The continuance of such establishment after its first conviction shall be deemed a second offense.

SECT. 3. The offense shall be complete as against a person or corporation pretending or offering to sell or to buy, as provided in the second preceding section, whether the offer to sell or buy is accepted or not; and a person or corporation communicating, receiving, exhibiting or displaying in any manner such offer to so buy or sell, or any statements or quotations of the prices of such property, with a view to such transaction, shall be deemed an accessory, and shall be fined and punished as provided in the preceding section. Offense complete, when; who deemed accessory.

SECT. 4. A person or corporation doing business as a commission merchant or broker shall furnish, on demand, to any customer or principal for whom such person or corporation has executed an order for the actual purchase or sale of any of the commodities mentioned in the three preceding sections, either for immediate or future delivery, a written statement containing the names of the parties from whom such property was bought, or to whom to sold, the time when, place where, and price at which the same was bought or sold; and if such person or corporation refuses promptly to furnish statement upon reasonable demand, such refusal shall be *prima facie* evidence that such property was not bought or sold in a legitimate manner. Commission merchants and brokers to furnish statements of transactions.

SECT. 5. When a prosecution is commenced for the violation of any of the provisions of this act, the attorney-general or county solicitor for the county in which said shop, office, store or other place is located, may petition the superior court or any justice thereof, in term time or vacation, to enjoin the carrying on of such unlawful business in the place where a complaint, information or indictment charges that it has been conducted. Said court shall hear and determine such petition, and may, if the allegations therein are sustained, permanently enjoin the person, firm or corporation, shown to have kept or caused to have been kept such place, from conducting such prohibited business therein. Said court may upon petition therefor in such proceeding issue a temporary injunction to effect, during the pendency of the petition, the closing of such place against such unlawful business. The costs of the proceedings aforesaid, in case the state prevail, shall be taxed against the defendant. Illegal business may be enjoined.

[Approved March 10, 1909.]

CHAPTER 44.

AN ACT IN AMENDMENT OF SECTION 11 OF CHAPTER 81 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT TO PROVIDE FOR THE TAXATION OF EXPRESS COMPANIES."

SECTION

1. "Express business," meaning of.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

"Express business," meaning of.

SECTION 1. Section 11 of chapter 81 of the session Laws of 1907, entitled "An act to provide for the taxation of express companies" is amended by adding at the end of said section the following sentence: The term "express business" shall be construed to mean the business of transporting property, as express, over the lines of railroads, so that said section as amended will read: SECT. 11. The word "company" as used in this act shall apply to all persons, co-partnerships, associations or corporations doing an express business in this state. The term "express business" shall be construed to mean the business of transporting property as express, over the lines of railroads.

Repealing clause; act takes effect on passage.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on its passage.

[Approved March 10, 1909.]

CHAPTER 45.

AN ACT AUTHORIZING STREET RAILWAY CORPORATIONS TO CARRY FREIGHT AND EXPRESS.

SECTION

1. Authority granted.
2. Rates, how regulated.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority granted.

SECTION 1. Any street railway operating within the state of New Hampshire, under a special act of the legislature, or organized under the Public Statutes of the state, provided its board of directors shall annually vote so to do, and provided the consent of the railroad commissioners shall first have been obtained, shall have the right to carry freight and express matter and charge and collect proper toll therefor.

SECT. 2. All fares established by street railways for carrying freight and express as provided in section 1 shall be subject to regulation, revocation and control by the railroad commissioners.

Rates, how regulated.

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

Takes effect on passage.

[Approved March 10, 1909.]

CHAPTER 46.

AN ACT IN RELATION TO THE RATE OF TAXATION.

SECTION

1. Rate of taxation of certain public service corporations.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the rate of taxation assessed upon the property of persons and corporations owning or operating telegraph and telephone lines, parlor, sleeping and dining cars, and upon the property of persons, associations or corporations engaged in express business, shall be a rate as nearly equal as may be to the average rate of taxation on the first day of April of each year upon other property throughout the state, excepting property specially taxed, savings-bank deposits and polls.

Rate of taxation of certain corporations.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause; act takes effect on passage.

[Approved March 10, 1909.]

CHAPTER 47.

AN ACT TO AMEND SECTIONS 5 AND 7 OF CHAPTER 102, LAWS OF 1901. RELATING TO THE CARE AND EDUCATION OF FEEBLE-MINDED CHILDREN.

SECTION

1. Committals by judge of probate.
2. Order of admission to School for Feeble-Minded Children.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 5 of chapter 102, Laws of 1901, by striking out the whole of said section and inserting in its place the following: SECT. 5. Whenever it is made to appear upon applica-

Committals by judge of probate.

tion to the judge of probate for any county, and after a proper hearing, that any feeble-minded child or any feeble-minded female of child-bearing age resident within said county, and who is not already in any almshouse, the industrial school, or the New Hampshire hospital, or supported by any town or county, is a fit subject for the New Hampshire School for Feeble-Minded Children, such judge may commit such child or feeble-minded female to said New Hampshire School for Feeble-Minded Children by an order of commitment directed to the trustees thereof, accompanied by the certificate of two physicians who are graduates of some legally organized medical college and have practiced three years in this state that such feeble-minded female is a suitable subject for said institution. Whenever, upon such application, there is occasion for the judge of probate to attend a hearing on days other than those fixed by statute as the regular days for the sitting of the probate court he shall be allowed five dollars a day for his services and his expenses, which shall be paid by the county treasurer upon the certificate of the county commissioners.

Order of
admission to
School for
Feeble-Minded
Children.

SECT. 2. Amend section 7 of chapter 102, Laws of 1901, by striking out the word "children" in the first line and inserting in place thereof the word persons, and further by inserting after the word "or" in the seventh line the word persons so that said section as amended shall read as follows: SECT. 7. Feeble-minded persons shall be admitted to the institution in the following order: First, feeble-minded children now in public institutions supported entirely at public expense; second, the feeble-minded children not supported as aforesaid; third, the feeble-minded children of the state not in any public institution, who have no parents, kinsmen, or guardian able to provide for them, or persons who are committed by a judge of probate; fourth, those residing within the state whose parents, kinsmen, or guardian bound by law to support such children are able to pay; fifth, children of other states whose parents or guardians are able and willing to pay.

Takes effect
on passage.

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

[Approved March 10, 1909.]

CHAPTER 48.

AN ACT PROHIBITING HUNTING FROM POWER BOATS.

SECTION

1. Hunting from power boats prohibited.

SECTION

2. Penalty for violation.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Hunting and shooting wild animals and birds from motor boats or power boats upon any of the waters of this state, including tide waters within the three-mile limit, are hereby prohibited. Prohibition.

SECT. 2. Any person violating the provisions of the preceding section shall be fined not exceeding ten dollars for each offense. Penalty.

SECT. 3. This act shall take effect upon its passage. Takes effect on passage.

[Approved March 10, 1909.]

CHAPTER 49.

AN ACT IN AMENDMENT OF CHAPTER 92, SECTION 6, OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 40, SESSION LAWS OF 1895, AND CHAPTER 31, SESSION LAWS OF 1903, RELATING TO INSTRUCTION IN THE PUBLIC SCHOOLS.

SECTION

1. Instruction as to humane treatment of animals prescribed.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Chapter 92, section 6, of the Public Statutes as amended by chapter 40, session Laws of 1895, and chapter 31, session Laws of 1903, is hereby amended by inserting after the word "scholars" the words and shall see that a well prescribed reading course dealing with the principle of the humane treatment of the lower animals shall be included in the ordinary instruction in reading or otherwise, so that the section as amended shall read: SECT. 6. They shall prescribe in all mixed schools and in all graded schools above primary, the studies of physiology and hygiene, having special reference to the effects of alcoholic stimulants and of narcotics upon the human system, and shall see that the studies so Instruction as to humane treatment of animals prescribed.

prescribed are thoroughly taught in said schools and that well approved text-books upon these subjects are furnished to teachers and scholars, and shall see that a well prescribed reading course dealing with the principle of the humane treatment of the lower animals shall be included in the ordinary instruction in reading or otherwise, and that the constitution of the United States and of the State of New Hampshire be read aloud by the scholars at least once during the last year of the course below the high school, and may permit or prescribe the study of algebra, geometry, surveying, bookkeeping, philosophy, chemistry, and natural history, or any of them, and other suitable studies. School boards shall, annually, in the month of June or July, and at such other times as they deem best, hold an examination of candidates for certificates of qualification to teach in the public schools. Candidates shall be examined in the studies prescribed by law, or by the school board in accordance with law. Such candidates as pass an examination satisfactory to the school board, and present satisfactory evidence of good moral character and capacity for government, shall receive certificates of qualifications signed by the school board, to continue in force not more than one year from the date thereof.

SECT. 2. All acts or parts of acts that are inconsistent with the foregoing are hereby repealed, and this act shall take effect upon its passage.

[Approved March 10, 1909.]

Repealing
clause; act
takes effect
on passage.

CHAPTER 50.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMISSION TO MAKE RECOMMENDATIONS TO THE NEXT CONSTITUTIONAL CONVENTION AS TO THE MANNER IN WHICH THE MEMBERSHIP OF THE HOUSE OF REPRESENTATIVES CAN BE REDUCED.

SECTION

1. Commission authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the governor by and with the advice and consent of the council shall in the month of December 1909 appoint a commission of three competent persons only two of whom shall be of the same political party who shall serve without pay, with a view to ascertaining whether the membership of the house of repre-

Commission
authorized.

representatives can be reduced proportionately throughout the state. Said commission to investigate and examine the conditions prevailing in this state and elsewhere and report to the next constitutional convention the manner in which the representation of the different towns and cities of the state can be best reduced.

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

[Approved March 10, 1909.]

Takes effect
on passage.

CHAPTER 51.

AN ACT IN AMENDMENT OF CHAPTER 84 OF THE SESSION LAWS OF 1907
ENTITLED "AN ACT FOR THE PROTECTION OF CLAMS."

SECTION

1. Towns may regulate digging.
2. Penalty for violation.

SECTION

3. Takes effect on passage; repealing clause.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. A town may at an annual or special meeting by major vote regulate the digging of clams within its limits and may make such rules and regulations restricting the sale thereof as are reasonable and may authorize its municipal officers to issue permits in accordance with said regulations; but no inhabitant of such town or transient person therein shall be restricted in the taking of clams for the consumption of himself or family. This section shall not apply to hotel keepers taking clams for the use of their hotels, nor shall it apply to fishermen resident in the town taking the clams for bait. Section 2 of said act is hereby repealed.

Towns may
regulate dig-
ging of clams.

SECT. 2. Amend section 3 of said act by striking out the words "or whoever violates section 2 of this act" so that said section shall read as follows: Whoever takes clams contrary to municipal regulations authorized by section 1 of this act, shall, for each offense, be fined not more than ten dollars (\$10) or imprisonment for not more than thirty days.

Penalty.

SECT. 3. This act shall take effect upon its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect
on passage;
repealing
clause.

[Approved March 10, 1909.]

CHAPTER 52.

AN ACT IN AMENDMENT OF CHAPTER 88 OF THE PUBLIC STATUTES
RELATING TO THE METHOD OF RAISING SCHOOL MONEY.

SECTION

1. School money, how raised.
2. District may raise additional money.

SECTION

3. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

School money,
how raised.

SECTION 1. Chapter 88, section 2, of the Public Statutes is hereby amended by striking out the entire section and inserting in the place thereof the following: SECT. 2. The school board of each district in their annual report shall state in detail the sums of money which will be required during the ensuing fiscal year for the purchase of text-books, scholars' supplies, flags and appurtenances, and for the payment of the tuition of the scholars of the district in high schools and academies in accordance with chapter 96, of the Laws of 1901, and for the payment of all other statutory obligations of the district. The selectmen of the town, in their next annual assessment, shall assess upon the taxable polls and property of the district a sum sufficient to meet the obligations above enumerated and when collected shall pay the same over to the district treasurer.

Additional
money.

SECT. 2. Chapter 88, section 8, of the Public Statutes is hereby amended by adding thereto the words: and all money for the support of public schools, except that provided by section 1 of this chapter, and all moneys for the building, repair or alteration of schoolhouses, for the improvement of school grounds, and for any other purpose connected with the administration, support, equipment and improvement of the public schools, excepting purposes already provided for by statute, shall be raised only in a lawful meeting of the district; so that the section as amended shall read: SECT. 8. Any district may raise money for the support of schools in addition to the sum required by law which shall be assessed, collected and paid over to the district as other school taxes; and all money for the support of public schools, except that provided by section 1 of this chapter and all moneys for the building, repair or alteration of schoolhouses, for the improvement of school grounds, and for any other purpose connected with the administration, support, equipment and improvement of the public schools, excepting purposes already provided for by statute, shall be raised only in a lawful meeting of the district.

Repealing
clause: act
takes effect
on passage.

SECT. 3. All acts or parts of acts that are inconsistent with the foregoing are hereby repealed, and this act shall take effect upon its passage.

[Approved March 10, 1909.]

CHAPTER 53.

AN ACT RELATING TO LEGISLATIVE COUNSEL AND AGENTS.

SECTION	SECTION
1. Counsel and agents to be registered.	4. Penalty for violation; false statement deemed perjury.
2. Statement of fees and expenditures to be filed.	5. Attorney-general to prosecute violations; accomplice not excused from testifying.
3. State to furnish books and blanks.	

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Any person or persons who shall be employed for a consideration by any other person or persons, firm, association, or corporation in a representative capacity to promote or oppose directly or indirectly any legislation pending or proposed before the general court shall first enter his or their appearance with the secretary of state in a book to be kept for that purpose which book shall be open to public inspection. Such entry shall show the full name or names of employer and employed and their respective residences and the usual occupation of each, the date and character of the employment or agreement therefor, the duration of the employment if it can be determined, and the special subjects of legislation, if any, to which the employment relates; and if said employment shall vary from time to time, such entries shall be varied accordingly.

Counsel and agents to be registered.

SECT. 2. Within thirty days after the prorogation of the legislature, every such legislative counsel or agent or employee shall file with the secretary of state an itemized statement under oath of his fees and expenditures in connection with such legislative employment and by whom paid or to whom charged. Such statements shall be in such form as the secretary of state may prescribe and shall be open to public inspection.

Statement of fees and expenditures.

SECT. 3. The secretary of state shall provide suitable books and blanks to carry out the requirements of this act and shall preserve all books and blanks used pursuant hereto.

Books and blanks.

SECT. 4. Whoever violates any provision of this act shall for each offense be punished by a fine of not exceeding one thousand dollars, and whoever shall make and file any statement under this act which is to his knowledge false shall be deemed guilty of perjury and punished accordingly.

Penalty: false statement deemed perjury.

SECT. 5. The attorney-general shall cause prosecutions to be instituted for the violation of any provision of this act. No person shall be excused from testifying in a proceeding instituted against another person or corporation under the foregoing sections for the reason that he might thereby eriminate himself; but no testi-

Attorney-general to prosecute violations; accomplice not excused from testifying.

mony so given by him shall be used directly or indirectly as evidence against him in any prosecution, nor shall he be prosecuted therefor for any offenses so disclosed by him.

[Approved March 10, 1909.]

CHAPTER 54.

AN ACT IN AMENDMENT OF CHAPTER 56 OF THE PUBLIC STATUTES ENTITLED "PERSONS AND PROPERTY, WHERE TAXED."

SECTION

1. Prior provision repealed.
2. Animals, vehicles, and stock in trade taxed where kept.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Prior provision repealed.

SECTION 1. That section 6 of chapter 56 of the Public Statutes be and the same hereby is repealed.

Animals, vehicles, and stock in trade taxed where kept.

SECT. 2. That section 10 of chapter 56 of the Public Statutes, as amended by chapter 122 of the Laws of 1895, be amended by striking out the words "carriages if exceeding fifty dollars in value," after the word "town," so that the section when amended will read: SECT. 10. Animals and vehicles, liable to be taxed, kept in any town, and stock in trade employed in any town, owned by a person not resident therein, shall be taxed in such town to the owner or person having the care thereof on the first day of April, whether such person be a resident in the town or not; and the consent of the person having such care to be taxed for the same shall not be necessary, but he shall have a lien on such property for the amount of the tax paid by him.

Takes effect on passage.

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

[Approved March 10, 1909.]

CHAPTER 55.

AN ACT IN AMENDMENT OF AND ADDITION TO SECTION 13 OF CHAPTER 64, PUBLIC STATUTES, ENTITLED "TAXATION OF RAILROADS," ETC.

SECTION

1. Railroad taxes, how distributed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That division two of section 13, chapter 64, Public Statutes, be amended by adding the following clause to said division: but no apportionment of said railroad taxes shall be made to a town on account of shares of stock held therein by banks, trustees, treasurers of societies or corporations, or by any person, society or corporation holding such shares in a fiduciary capacity, so that said section when amended will read as follows: SECT. 13. The state treasurer shall seasonably apportion all railroad taxes received by him, in each year, in the following manner:

Railroad taxes, how distributed.

1. To the towns in which any railroad is located, one-fourth of the tax paid by the railroad corporation, of which each town shall receive its proportion according to the share of the capital of the corporation expended therein for its buildings and right of way.

2. To each town in the state in which any stock in the corporation was owned on the first day of April preceding, such proportion of the residue of the tax as the number of shares owned in said town bears to the whole number of shares in the corporation, but no apportionment of said railroad taxes shall be made to a town on account of shares of stock held therein by banks, trustees, treasurers of societies or corporations, or by any person, society or corporation holding such shares in a fiduciary capacity; *provided, however,* that the tax commission, or other proper authority, in fixing the equalized valuation for the purpose of assessing state and county taxes, shall exclude such stock.

3. The remainder for the use of the state.

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

Takes effect on passage.

[Approved March 10, 1909.]

CHAPTER 56.

AN ACT IN AMENDMENT OF SECTION 9, CHAPTER 177 OF THE PUBLIC STATUTES, IN RELATION TO THE PRIVATE SALE OF REAL ESTATE BY GUARDIANS.

SECTION

1. Judge of probate may authorize sale, when.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Judge of probate may authorize sale, when.

SECTION 1. Amend section 9, chapter 177 of the Public Statutes by striking out the entire section and inserting in place thereof the following: SECT. 9. The judge may authorize the guardian to sell at private sale, upon such terms as he shall deem advisable, the ward's real estate or his interest in real estate, or any wood or timber growing on land owned by him, if it appears upon a hearing, appointed upon the guardian's petition for the sale, held after due notice, that a sale is necessary for the support of the ward or his family or will be conducive to his or their interests, and that an advantageous offer has been made for the purchase thereof, or that the interests of the ward and his family will in any way be promoted by a private sale instead of an auction sale.

Takes effect on passage.

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

[Approved March 10, 1909.]

CHAPTER 57.

AN ACT IN AMENDMENT OF CHAPTER 38, SESSION LAWS OF 1905, ENTITLED "AN ACT TO REQUIRE NON-RESIDENTS TO PROCURE A LICENSE TO HUNT."

SECTION

1. Non-resident and alien hunters to be licensed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Non-resident and alien hunters to be licensed.

SECTION 1. Strike out from section 1 of the above chapter, the words "not holding first papers, so-called" so that the section as amended shall read, SECTION 1. If any person who is not a *bona fide* resident of this state and actually domiciled therein for a

period of six months, or if any alien shall hunt, pursue or kill within the limits of the state any wild animals, wild fowl or birds, at any time, without having first procured of the fish and game commissioners a license to so hunt, pursue or kill, as hereinafter provided, he shall be fined for each offense not exceeding fifty dollars (\$50) or be imprisoned not exceeding thirty days, together with the costs of prosecution or both such fine and imprisonment; and the same penalty shall be imposed upon any such person who shall be convicted of so hunting, pursuing or killing such wild animals, wild fowl, or birds, on a license which has been issued in the name of another person.

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

Takes effect on passage.

[Approved March 10, 1909.]

CHAPTER 58.

AN ACT IN AMENDMENT OF AN ACT PASSED AT THE JANUARY SESSION, 1907, ENTITLED "AN ACT IN REFERENCE TO PAWNBROKERS."

SECTION

1. Clothing removed in pawnshop not to be received in pawn.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 2 of said act is amended by adding at the end thereof the words, or any article of clothing removed from the person while the person seeking the loan or other advantage mentioned in section 1 is at the place of business of the pawnbroker, so that said section as amended will read as follows: SECT. 2. No person shall receive in pawn or as security for any loan, transfer, service, undertaking or advantage, anything of value from any minor or person in a visible state of intoxication from liquors, drugs, narcotics or otherwise, or any article of clothing removed from the person while the person seeking the loan or other advantage mentioned in section 1 is at the place of business of the pawnbroker.

Clothing removed in pawnshop not to be received in pawn.

SECT. 2. This act shall take effect from and after its passage.

Takes effect on passage.

[Approved March 10, 1909.]

CHAPTER 59.

AN ACT CONFERRING SPECIAL AUTHORITY UPON THE GOVERNOR AND COUNCIL TO CLOSE THE OPEN SHOOTING SEASON DURING PERIODS OF PROTRACTED DROUTH.

SECTION

1. Authority conferred.
2. Close season laws in force during period.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority conferred.

SECTION 1. The governor and council, when, in their opinion, the discharge of firearms might endanger property by starting fires in the woodlands during a period of excessive dryness, may suspend by official proclamation, posted and promulgated through the newspapers of the state, the open season, so-called, for such time as they may designate.

Close season laws in force during period.

SECT. 2. For the period which such proclamation shall cover, all provisions of the law relating to the close season shall be construed to be in force, and if, during the continuance of such period, any person shall shoot an animal or bird for which there is no close season otherwise provided by law, he shall be punished by a fine of fifty dollars and costs.

Takes effect on passage.

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

[Approved March 10, 1909.]

CHAPTER 60.

AN ACT RELATIVE TO THE PRICE AT WHICH RAILROAD CORPORATIONS SHALL OFFER NEW STOCK TO THEIR STOCKHOLDERS.

SECTION

1. Stockholders to be given preference in distribution; notice of increase, how given.
2. If increase not over four per cent., new shares may be sold by auction.

SECTION

3. Amount of stock issued to be based upon price fixed.
4. Repealing clause.
5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Stockholders to be given preference; notice of increase, how given.

SECTION 1. Any railroad company which is in actual possession of and operating a railroad shall, upon any increase of its capital stock, except as provided in the following section, offer the new shares proportionately to its stockholders at such price not less

than the par value thereof as may be determined by its stockholders. The directors upon the approval of such increase, as provided in chapter 19 of the Laws of 1897, shall cause written notice of such increase to be given to each stockholder of record upon the books of the company at the date of the vote to increase, stating the amount of the increase, the number of shares or fractions of shares to which, according to the proportionate number of his shares at the date of the vote to increase, he is entitled, the price at which he is entitled to take them, and fixing a time not less than fifteen days after the date of such vote to increase within which he may subscribe for such additional stock. Each stockholder may within the time limited subscribe for his portion of such stock, which shall be paid for in cash before the issue of a certificate therefor.

SECT. 2. If the increase in the capital stock which is subject to the provisions of the preceding section does not exceed four per cent. of the existing capital stock of the company, the directors, without first offering the same to the stockholders, may sell shares by auction to the highest bidder, at not less than the par value thereof, to be actually paid in cash. They may also so sell at public auction any shares, which, after the expiration of the time limited in the notice required by the preceding section, remain unsubscribed for by the stockholders entitled to take them. Such shares shall be offered for sale in the city of Boston, or in such other city or town as may be prescribed by the board of railroad commissioners; and notice of the time and place of such sale shall be published at least five times during the ten days immediately preceding the sale in each of at least three of such daily newspapers as may be prescribed by said board. No shares shall be sold or issued under this or the preceding section for a less amount to be actually paid in cash than the par value thereof.

If increase not over four per cent., new shares may be sold by auction.

SECT. 3. The determination by the board of railroad commissioners, under the provisions of chapter 19 of the Laws of 1897, as to the amount of stock which is reasonably necessary for the purpose for which such stock has been authorized shall, in the case of the corporations described in this act, be based upon the price at which such stock is to be issued as fixed by the stockholders: *Provided*, that the board shall refuse to approve any particular issue of stock if, in the opinion of the board, the price fixed by the stockholders is so low as to be inconsistent with the public interest.

Amount issued to be based on price fixed.

SECT. 4. All acts and parts of acts inconsistent herewith are hereby repealed, so far as they apply to corporations described in this act.

Repealing clause.

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

Takes effect on passage.

[Approved March 10, 1909.]

CHAPTER 61.

AN ACT TO REGULATE THE SALE OF AGRICULTURAL SEEDS.

SECTION

- 1. Seeds to have guarantee of purity and vitality.
- 2. Tests upon which guarantees may be based.
- 3. Publication of tests and analyses.

SECTION

- 4. Penalty for violation.
- 5. Not applicable to sales for food.
- 6. Secretary of board of agriculture to enforce.

Be it enacted by the Senate and House of Representatives in General Court convened:

Seeds to have guarantee of purity and vitality.

SECTION 1. Every lot of agricultural seeds, including the seeds of cereals, grasses, forage plants, vegetables, garden plants and white pine trees, but not including those of other trees, shrubs and ornamental plants, which is sold, offered or exposed for sale for seed in bulk or package of one pound or more, within this state, shall be accompanied by a plainly written or printed guarantee stating first, its percentage of purity from foreign seeds and other matter, and second, its percentage of vitality.

Tests on which guarantees based.

SECT. 2. Sellers or dealers in seeds may base their guarantees upon tests or analyses conducted by themselves, their agents, or by the secretary of the state board of agriculture or his agents; *provided*, that such tests or analyses shall be made in such a manner, and under such conditions as the said secretary may prescribe.

Publication of tests.

SECT. 3. The results of all tests or analyses of seeds made by the said secretary, together with the names and addresses of the persons from whom the samples of seed were obtained, shall be published annually in a bulletin by the New Hampshire College Agricultural Experiment Station, and biennially in the report of the state board of agriculture. The said secretary shall also publish from time to time in the quarterly report of the state board of agriculture equitable standards of purity and vitality, together with such other information concerning agricultural seeds as may be of public benefit.

Penalty.

SECT. 4. Whoever sells, offers or exposes for sale or for distribution, within this state, any agricultural seeds heretofore named in this act without complying with the requirements of sections 1 and 2, or whoever, with intention to deceive, wrongly marks or labels any lot of agricultural seeds including the seeds of cereals, grasses, forage plants, vegetables, garden plants and white pine trees, but not including those of other trees, shrubs and ornamental plants, as pertains to their percentage of purity and vitality, shall be punished by a fine not exceeding one hundred dollars for the first offense, and not exceeding two hundred dollars for each subsequent offense.

SECT. 5. The provisions of the four preceding sections shall not apply to any person growing, selling, offering or exposing for sale cereals and other agricultural seeds for food. Sales for food excepted.

SECT. 6. The secretary of the state board of agriculture shall diligently enforce the provisions of sections 1 and 4 of this act, and in his discretion prosecute offenses against the same. Enforcement.

[Approved March 10, 1909.]

CHAPTER 62.

AN ACT IN AMENDMENT OF SECTION 1, CHAPTER 114, LAWS OF 1901,
RELATING TO INVESTMENTS OF SAVINGS BANKS.

SECTION

1. Investment in stock of real estate trust company.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend said section by adding after paragraph 21 the following paragraph: 22. In the stock of any real estate trust company of this state and whose property is occupied and improved and is located in this state, whose capital stock is one hundred thousand dollars or more, *provided* the total indebtedness of such company does not exceed one half of the capital stock actually paid in and remaining unimpaired, and *provided* such company has earned and paid regular dividends of at least four per cent. per annum upon its capital stock or shares for five years previous to such investment; but not exceeding five per cent. of the deposits shall be so invested. Investment in stock of real estate trust company.

SECT. 2. This act shall take effect upon its passage. Takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 63.

AN ACT RELATING TO THE BONDS OF SHERIFFS.

SECTION

1. Sheriff to give bond not exceeding
\$20,000.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Bond not
exceeding
\$20,000.

SECTION 1. That the bond of each sheriff shall be in a sum not to exceed twenty thousand dollars, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Takes effect
on passage.

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

[Approved March 11, 1909.]

CHAPTER 64.

AN ACT TO CHANGE THE NAME OF WHEELRIGHT POND, IN THE TOWN
OF LEE.

SECTION

1. Name changed to Lake Wheelright.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Name changed.

SECTION 1. That the name of a body of water situated in the town of Lee known as Wheelright pond be, and hereby is changed to Lake Wheelright.

Takes effect
on passage.

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

[Approved March 11, 1909.]

CHAPTER 65.

AN ACT TO REPEAL CHAPTER 238 OF THE PUBLIC STATUTES OF NEW HAMPSHIRE, RELATING TO NATURALIZATION.

SECTION

1. Superior court given jurisdiction of naturalization.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That chapter 238 of the Public Statutes of New Hampshire be and the same is hereby repealed, with the exception of section 1 of said chapter, which section is amended by substituting superior for "supreme" in the first line and striking out the word "exclusive" at the end of the line, so that said section will read: The superior court shall have and entertain jurisdiction of applications and other proceedings for the naturalization of aliens under any of the acts of Congress in relation thereto.

Superior court given jurisdiction of naturalization.

SECT. 2. This act shall be in force and take effect on its passage.
[Approved March 11, 1909.]

Takes effect on passage.

CHAPTER 66.

AN ACT TO AMEND SECTION 1 OF CHAPTER 64 OF THE PUBLIC STATUTES, RELATING TO TAXATION OF RAILROADS, AND TELEGRAPH AND TELEPHONE LINES.

SECTION

1. Railroads, how taxed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 1 of chapter 64 of the Public Statutes is hereby amended by adding to the end of said section the following: excepting property specially taxed, savings-bank deposits, and polls, so that said section as amended will read: SECTION 1. Every railroad corporation in this state, not exempted from taxation, shall pay to the state an annual tax upon the actual value of its road, rolling stock and equipments on the first day of April of each year, at a rate as nearly equal as may be to the average rate of taxation at that time upon other property throughout the state, excepting property specially taxed, savings-bank deposits, and polls,

Railroads, how taxed.

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

Takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 67.

AN ACT IN AMENDMENT OF SECTION 18 OF CHAPTER 205 OF TITLE 28
"COURTS AND THEIR OFFICERS" OF THE PUBLIC STATUTES.

SECTION

1. Court may make reasonable allowance to master.

SECTION

2. Repealing clause: act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Court may make reasonable allowance to master.

SECTION 1. Section 18 of chapter 205 of the Public Statutes is hereby amended by adding at the end of said section the following: The court may allow a reasonable compensation to masters for their services and expenses, which shall be paid by the county. So that said section as amended will read: SECT. 18. The appointment of commissioners and receivers, the reference of questions to masters, granting writs of injunction to stay proceedings or waste, making interlocutory decrees and orders, and other incidental proceedings, may be had and done by one justice, in term time or vacation, in any county; but injunctions so issued shall continue, unless sooner dissolved, only until the end of the next term for the county in which the proceedings are pending. The court may allow a reasonable compensation to masters for their services and expenses, which shall be paid by the county.

Repealing clause: act takes effect on passage.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect on its passage.

[Approved March 11, 1909.]

CHAPTER 68.

AN ACT PROVIDING FOR LEGAL SEPARATION IN CASES IN WHICH A DIVORCE MIGHT BE DECREED.

SECTION

1. Legal separation authorized: effect.
2. Procedure as in libel for divorce.
3. Resumption of marital relations.

SECTION

4. Effect of such resumption.
5. Clerks of court to make returns of decrees, etc.

Be it enacted by the Senate and House of Representatives in General Court convened:

Decree of separation authorized; effect.

SECTION 1. In any case in which a divorce might be decreed, the superior court, on petition of the party who would be entitled to a divorce, may decree a legal separation of the parties, which

separation shall have in all respects the effect of a divorce, except that the parties shall not thereby be made free to marry any third person, and except as hereinafter expressly provided.

SECT. 2. Upon such petition the procedure shall be in all respects the same as upon libels for divorce, and the court shall have the same power in all matters relating to restraining orders, and decrees, allowances, alimony, custody of children, and division or apportioning of the property of the parties, as in cases of divorce. But the name of the wife shall not be changed.

Procedure.

SECT. 3. The parties to such a petition may at any time resume marital relations upon filing with the clerk of the superior court for the county in which the separation was decreed their declaration in writing, by them signed, acknowledged before a justice of the peace or notary public, and witnessed, of their intention so to resume such relation. Such declaration shall be duly entered upon the docket of said court, under the entries to such petition.

Resumption of marital relations.

SECT. 4. Such resumption of marital relations shall terminate and annul all restraining orders and decrees, and all decrees relating to alimony or the custody of children, but shall not affect any decree relating to the division or apportionment of property.

Effect of resumption.

SECT. 5. The clerk of the superior court shall make return of all such decrees of separation and declarations of the resumption of marital relations to the registrar of vital statistics in the manner by law provided for the return of divorces decreed in said court.

Return of decrees, etc.

[Approved March 17, 1909.]

CHAPTER 69.

AN ACT TO PROHIBIT SALES OF MERCHANDISE IN BULK IN FRAUD OF CREDITORS.

SECTION

1. Sale in bulk void unless list of creditors taken and notice given.

SECTION

2. Certain sales excepted.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The sale in bulk of any part or the whole of a stock of merchandise, otherwise than in the ordinary course of trade and in the regular and usual prosecution of the seller's business, shall be fraudulent and void as against the creditors of the seller, unless the purchaser demands and receives from the seller a written list of names and addresses of creditors of the seller, and certified by the seller, under oath, to be, to the best of his knowledge and

Sale in bulk void, when.

belief, a full, accurate and complete list of his creditors; and unless the purchaser shall, at least five days before taking possession and becoming the owner of such merchandise, or paying therefor, notify personally, or by registered mail, every creditor whose name and address are stated in said list, of the proposed sale and of the terms and conditions thereof.

Certain sales
excepted.

SECT. 2. Sellers and purchasers under this act shall include corporations, associations, co-partnerships and individuals, but nothing contained in this act shall apply to sales by executors, administrators, receivers, assignees under a voluntary assignment for the benefit of creditors, trustees in bankruptcy, or by any public officer under judicial process.

Takes effect
on passage.

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

[Approved March 17, 1909.]

CHAPTER 70.

AN ACT RELATING TO THE FEES OF DEPUTY SHERIFFS.

SECTION

1. Fees for attendance at court; re-
pealing clause.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Fees for
attendance at
court; repeal-
ing clause.

SECTION 1. That each deputy sheriff shall be paid as his fee for each day's attendance upon the superior and the supreme court by order thereof the sum of three dollars to be paid as now provided by law, and so much of section 16 chapter 287 of the Public Statutes as is inconsistent with this act is hereby repealed.

Takes effect
on passage.

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

[Approved March 17, 1909.]

CHAPTER 71.

AN ACT RELATING TO FISHING IN WEBSTER LAKE IN FRANKLIN.

SECTION

1. Fishing prohibited from November 1 to April 1.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. It shall not be lawful for any person to take from the waters of Webster lake in Franklin, any fish between November first of any year and April first next following, under penalty of not less than (\$10) for each offense.

Fishing prohibited from November 1 to April 1.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

Repealing clause; act takes effect on passage.

[Approved March 17, 1909.]

CHAPTER 72.

AN ACT TO CHANGE THE NAME OF CLOUGH POND, SO CALLED, IN THE TOWN OF HOPKINTON TO JOE SYLVIA LAKE.

SECTION

1. Name changed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the name of Clough pond, so called, situated in Hopkinton, in the county of Merrimack, be changed, and hereafter be designated as Joe Sylvia lake.

Name changed.

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

Takes effect on passage.

[Approved March 17, 1909.]

CHAPTER 73.

AN ACT TO AMEND SECTION 4 OF CHAPTER 40 OF THE PUBLIC STATUTES,
RELATING TO THE POWERS OF TOWNS.

SECTION

1. May appropriate money for head stones.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

May appropriate money for headstones.

SECTION 1. Any town may by vote raise and appropriate money for the purpose of erecting markers or headstones in any cemetery owned by the town.

Takes effect on passage.

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

[Approved March 17, 1909.]

CHAPTER 74.

AN ACT FOR THE PROTECTION OF ICE IN CERTAIN CASES.

SECTION

- 1. Ponds may be closed to fishing.
- 2. Notice of hearing, how given.
- 3. Expense of marking, how borne.

SECTION

- 4. Penalty for violation.
- 5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Ponds used for ice cutting may be closed to fishing.

SECTION 1. Upon application of any person, corporation, or co-partnership interested in the cutting, or harvesting of ice, for domestic or commercial purposes in any of the public ponds, or lakes in the state, or interested in fishing therein, the fish and game commissioner may, upon hearing, close to fishing, for such period or periods of time as they may order, in whole, or in part, any such lake, or pond, as they may deem necessary to protect the crop of ice thereon while the same is being formed, cultivated, cut, and harvested.

Notice of hearing, how given.

SECT. 2. The fish and game commissioners shall give notice of such hearing by posting notice thereof, stating the date, place and hour of such hearing, and the purpose thereof, at least five days before the date of said hearing, in at least three public places in the town or towns, where such pond, or lake is located.

SECT. 3. The expense of separating, by suitable marks, or monuments, or boundaries, the space on such ponds, or lakes, left open for fishing, shall be borne by the petitioner. Expense of marking borne by petitioner.

SECT. 4. Any person who shall fish through the ice, or cut holes in the ice for fishing, on such portions of such ponds and lakes, as under the provisions of this act have been closed to fishing, shall be fined not exceeding twenty dollars (\$20), or imprisoned not more than sixty days, or both. Penalty.

SECT. 5. This act shall take effect upon its passage. Takes effect on passage.

[Approved March 17, 1909.]

CHAPTER 75.

AN ACT TO CREATE THE OFFICE OF STATE AUDITOR.

SECTION

1. Appointment and term of office.
2. To have no other office or employment.
3. Salary to be fixed by governor and council.
4. Employment of clerks.
5. Bond of auditor.
6. Duties of auditor.
7. To prescribe form of accounts, etc.
8. No money to be paid except in conformity with appropriation or contract.
9. Auditor to keep bills, vouchers, and contracts.

SECTION

10. To keep account of state receipts and expenditures; to audit state treasurer's accounts.
11. To submit annual reports.
12. Report to contain what.
13. Report to give detailed debt and expense statement.
14. Purchases and liabilities not to exceed appropriations.
15. Bank commissioners may be detailed to audit state accounts.
16. Repealing clause; operation of act limited.
17. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. On or before the first day of June, 1909, the governor, with the advice and consent of the council, shall appoint a state auditor who shall hold office for the term of two years and until his successor has been appointed and qualified. Thereafter in the month of June of each alternate year a state auditor shall be appointed in like manner to hold office for the term of two years and until his successor is chosen and qualified. Appointment and term of office.

SECT. 2. Said auditor shall hold no other office except that of justice of the peace or notary public under the state or federal government and have no other paid employment and may be removed at the pleasure of the governor and council. To have no other office or employment.

SECT. 3. Said auditor shall receive an annual salary to be fixed by the governor and council, and shall be provided with suitable rooms for his office in the city of Concord. Salary.

Employment
of clerks.

SECT. 4. Said auditor with the consent and approval of the governor and council, may, from time to time, employ such clerks or assistants as in their opinion are necessary for the proper transaction of the business of the office, compensation to be fixed by the governor and council.

Bond of
auditor.

SECT. 5. Said auditor before he shall enter upon the duties of his office shall execute and file in the office of the secretary of state a bond to the State of New Hampshire in such penal sum not less than twenty thousand dollars as the governor and council shall require, with sureties approved by the governor and council, conditioned for the faithful performance of his duty.

Duties of
auditor.

SECT. 6. Said auditor shall examine all accounts and demands against the state, except those for the salaries of the governor and the per diem and expenses of the executive council, the justices of the supreme and superior court, and the salaries of such state officers as are fixed by law, the principal or interest of a public debt, or the pay-roll of the senate and the house of representatives, or their employees, or other expenses of the senate or house during the biennial and special sessions of the legislature authorized by concurrent vote of the senate and house. He may require affidavits that articles have been furnished, services rendered and expenses incurred as claimed. The affidavit for any state institution shall be made by such officer of such institution as is entrusted with the management thereof. The auditor shall in all cases make a certificate, fully specifying the amount due and allowed on each claim or demand, the name of the person to whom such amount is payable, the law authorizing the same, and under what appropriation, whether fixed or special, the expenditure is chargeable. If the general court, by express statute, authorizes a board or public officer to approve demands against the state, and an appropriation has been made therefor, the auditor shall, when such demands have been properly approved, promptly audit and certify such an amount not exceeding the appropriation for that purpose as he may deem correct; and if it appears to him that there are improper charges in said accounts, he shall report the same to the governor and council with a separate certificate therefor. He shall retain in his office copies of all such certificates and transmit the originals to the governor, who, with the advice and consent of the council, may issue his warrant to the treasurer for the amount therein specified as due.

To prescribe
form of ac-
counts, etc.

SECT. 7. The accounts of all state, penal and charitable institutions, and all other public institutions, for the support of which appropriations are annually made, shall be as nearly uniform as the nature of the institution will permit. The auditor shall prescribe the number and form of all vouchers, accounts and financial

records of such institutions and the methods of keeping the same. Such accounts shall show in detail the expenditures and estimated cash value of the products of the department of the institution to which it relates, whether sold or applied to the use of the institution, and also as nearly as may be the value of the labor of the inmates entering into such production. The auditor under the direction of the governor and council, may expend such amount as may be necessary to comply with the requirements of this section.

SECT. 8. No bill or demand against the state, or any department thereof, which it is the duty of the auditor to examine, shall be approved or allowed, unless it is in strict conformity with the standing or special appropriation under which the bill or demand is contracted, or in strict conformity with any contract under which said bill or demand is contracted.

No money to be paid except in conformity with appropriation or contract.

SECT. 9. All original bills and vouchers on which money may be paid from the state treasury, subsequent to the thirty-first day of August, 1909, shall be kept in the auditor's department, and all boards, commissions, or public officers, who now are or may hereafter be authorized to make contracts under which money may be payable from the state treasury, shall file with the auditor certified copies thereof.

To keep bills, vouchers, and contracts.

SECT. 10. Said auditor shall keep a distinct account of all public receipts and expenditures under proper heads. He shall annually in the month of August, examine the books, accounts and vouchers of the state treasurer, and his own books of account shall be subject at any time to such examination as the governor and council, or the general court may order. He shall comply with any regulations relating to the duties of his office which may be made in writing by the governor and council.

To keep account of receipts and expenditures; to audit treasurer's accounts.

SECT. 11. Said auditor shall annually on or before the thirty-first day of August submit to the governor and council, and at other times when required by the governor and council, an abstract of his report in print or otherwise, exhibiting a full and accurate account of the financial condition of the state for the preceding year, any special time that the governor and council may require, and on or before the thirtieth day of September annually he shall make a report in print to the governor and council to be exhibited to the general court, a sufficient number of printed copies of his report being printed under the direction of the governor and council for the use of the members of the general court.

Annual reports.

SECT. 12. Such report shall contain a summary statement of the receipts into, and payments from the state treasury for the two years preceding; a detailed statement of such receipts and expenditures, including the expense incurred for the support of all permanent departments, services and institutions, and all excep-

Report to contain what.

tional and special charges incurred for articles purchased. The account shall be so constructed as to show expenses which have been actually incurred during each of the two years preceding, whether paid or unpaid at the end of each year. It shall include all items of accounts of expenditures, useful or interesting to the people of the state, and, as far as may be, shall show the different officers or boards under whose direction the expenditure was made, and the different officers who have received salaries, or other general charges, and no expenditure exceeding five hundred dollars, including separate items, shall be classified under an indefinite head.

Report to give detailed debt and expense statement.

SECT. 13. The report shall show the aggregate amount of funded debt of the state, and of all temporary loans at the beginning and end of each year respectively, and the balance of increase or decrease and state the cause of such increase or decrease. It shall state whether or not the ordinary expenses of the year have exceeded the income and show the amount of the balance. It shall contain a particular statement of all transactions affecting the fund belonging to or held in trust by the state, including new investments of any portion of the same made during the preceding year. Such report shall include an estimate for two years of the ordinary and other revenues of the state, and of the expenses of the departments, boards and commissions, and of all other persons acting under the authority of the state.

Purchases, etc., not to exceed appropriations.

SECT. 14. No officer or board shall make, purchase or incur liabilities in the name of the state for a larger amount than has been appropriated for the service for which such purchases have been made or liabilities incurred, and no officer or board shall make, purchase or incur liabilities in the name of the state for any sum unless authorized so to do by authority expressly conferred by statute or unless such officer or board shall have first submitted to the auditor a memorandum showing the purchase desired to be made with the expense thereof, or the liability to be incurred, and such memorandum to be then certified by the auditor to the governor and council for their approval; and the state shall not be responsible for the acts of its officers, agents and servants for any amount in excess of its appropriations, or for any purchase or liability incurred, unless the provisions of this section shall have been complied with.

Bank commissioners may be detailed to audit state accounts.

SECT. 15. The governor and council are hereby authorized to employ the board of bank commissioners, or any member thereof, to audit the accounts of any state officer, department, board, commissioner, or institution, including those of the auditor, at such time or times as they may deem it advisable. No compensation

other than their salaries shall be paid said board of bank commissioners for the services required by this section.

SECT. 16. All acts or parts of acts inconsistent with this act are hereby repealed, but nothing in this act shall be construed to in any way take away or limit the authority of the governor and council in the auditing, approving or disapproving of any claim or demand against the state which the governor and council now have under the constitution and existing law.

Repealing
clause; opera-
tion of act
limited.

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

Takes effect
on passage.

[Approved March 17, 1909.]

CHAPTER 76.

AN ACT IN AMENDMENT OF SECTION 54, CHAPTER 79 OF THE SESSION LAWS OF 1901, RELATING TO FISH AND GAME.

SECTION

1. Lake trout, etc., protected.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the foregoing section be amended by inserting, after the words "in the lakes," the word and ponds, also by inserting after the words "lake trout," the words, shad waiters, white fish or blue fins, so that the section as amended shall read, SECT. 54. If any person shall, for the whole or any part of the time, engage in the business or occupation of fishing on any of the streams or ponds of this state, for brook or speckled trout, or in the lakes and ponds thereof for land-locked salmon or lake trout, shad waiters, white fish or blue fins, or shall for the whole or any part of the time engage in the business or occupation of fishing for such fish for any other person, for gain or hire, he shall for every such offense be fined not exceeding fifty dollars (\$50), or be imprisoned not exceeding thirty days, or both such fine and imprisonment.

Lake trout,
etc., protected.

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

Takes effect
on passage.

[Approved March 17, 1909.]

CHAPTER 77.

AN ACT AUTHORIZING TOWNS TO RAISE MONEY FOR PATRIOTIC OBSERVANCES.

SECTION 1. Authority granted.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority granted.

SECTION 1. Towns may, at any legal meeting, grant and vote such sums of money as they shall judge necessary, not exceeding one hundred dollars, for providing public patriotic exercises for Memorial Day, Independence Day, or other holidays.

[Approved March 18, 1909.]

CHAPTER 78.

AN ACT IN AMENDMENT OF SECTION 14 OF CHAPTER 169 OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 67 OF THE LAWS OF 1901 AND BY CHAPTER 109 OF THE LAWS OF 1905, ENTITLED "FOREIGN INSURANCE COMPANIES AND THEIR AGENTS."

SECTION 1. Taxation of foreign life insurance companies; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Taxation of foreign life insurance companies.

SECTION 1. That section 14 of chapter 169 of the Public Statutes, as amended by chapter 67 of the Laws of 1901 and by chapter 109 of the Laws of 1905, be amended by striking out the words "and all other such insurance companies shall pay to the state treasurer, within one month after receiving notice from the insurance commissioner of the amount thereof, a tax of one per cent. upon the premiums received by them upon business done within the state during the year ending on the thirty-first day of the preceding December, as assessed by the commissioner," and inserting in place thereof the words and every such life insurance company shall pay to the state treasurer, within one month after receiving notice from the insurance commissioner of the amount thereof, a tax of two per cent. upon the gross premiums received by it upon business done within the state during said year, less payments to residents of this state on account of death losses paid within the year; *provided, however,* that the tax assessed upon any such

life insurance company shall not be less than an amount equal to one and one-half per cent. of the gross premiums received by it upon business done within the state during said year, so that said section when amended shall read as follows: SECT. 14. Every such fire, marine, fidelity and casualty insurance company shall pay to the state treasurer, within one month after receiving notice from the insurance commissioner of the amount thereof, a tax of two per cent. upon the gross premiums received by it, less return premiums and reinsurance, when effected in authorized companies by the companies' licensed resident agents or in companies organized under the laws of this state, upon business done within the state, during the year ending on the thirty-first day of the preceding December, as assessed by the commissioner; and every such life insurance company shall pay to the state treasurer, within one month after receiving notice from the insurance commissioner of the amount thereof, a tax of two per cent. upon the gross premiums received by it upon business done within the state during said year, less payments to residents of this state on account of death losses paid within the year, *provided, however,* that the tax assessed upon any such life insurance company shall not be less than an amount equal to one and one-half per cent. of the gross premiums received by it upon the business done within the state during said year. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 18, 1909.]

CHAPTER 79.

AN ACT TO RATIFY AND VALIDATE THE ACTION OF THE HILLSBOROUGH COUNTY CONVENTION OF THE HOUSE OF REPRESENTATIVES OF THE 1907 SESSION.

SECTION

- 1. Prior action ratified.
- 2. Payment of investigation expenses.

SECTION

- 3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the action of the Hillsborough county convention of the house of representatives of the 1907 session, whereby it was voted to appoint a sub-committee to investigate Hillsborough county affairs, and appropriating two hundred and fifty dollars or so much thereof as should be necessary for the expenses of said investigation, be and the same is hereby ratified and validated.

Prior action ratified.

Payment of investigation expenses authorized.

SECT. 2. The county commissioners of said county are authorized to repay the members of said sub-committee the amounts they severally expended in conducting such investigation, upon the filing of proper vouchers therefor. *Provided*, the total amount of said expenses shall not exceed the sum of two hundred and fifty dollars.

Takes effect on passage.

SECT. 3. This act shall take effect upon its passage.
[Approved March 23, 1909.]

CHAPTER 80.

AN ACT TO AMEND SECTION 1 OF CHAPTER 141 OF THE PUBLIC STATUTES, RELATING TO LIENS OF KEEPERS OF BOARDERS, ETC.

SECTION

1. Lodging-house keeper's lien.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Lodging-house keeper's lien.

SECTION 1. Amend section 1 of chapter 141 of the Public Statutes by inserting after the word "boarder" in the first line the words or lodger; and after the word "boarder" in the third line the words or lodger; and after the words "boarding-house" in the same line the words or lodging-house; and after the word "board" in the fourth line the words or room rent; and after the word "boarder" in the same line the words or lodger; so that said section as amended shall read as follows: SECTION 1. Any person keeping a boarder or lodger, not a mariner or seaman, shall have a lien upon the baggage and effects of such boarder or lodger brought to his boarding-house or lodging-house until all proper charges for the fare and board or room rent of such boarder or lodger are paid or tendered.

Repealing clause; act takes effect on passage.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage.

[Approved March 23, 1909.]

CHAPTER 81.

AN ACT IN RELATION TO THE SALARIES OF CERTAIN STATE OFFICIALS.

SECTION		SECTION
1. Salaries of deputy secretary of state and deputy state treasurer, how determined.		3. Repealing clause; act takes effect on passage.
2. Prior service to be considered.		

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That on and after the passage of this act the annual salaries of the deputy secretary of state and deputy state treasurer shall be determined by length of service in their respective positions, as follows: For first year's service, \$1,000; for second year's service, \$1,200; for third year's service, \$1,350; for fourth year's service and thereafter, \$1,500.

Certain salaries determined by service.

SECT. 2. Length of service prior to the passage of this act shall be considered in adjusting the salaries of the present incumbents of the two offices.

Prior service to be considered.

SECT. 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause; act takes effect on passage.

[Approved March 23, 1909.]

CHAPTER 82.

AN ACT RELATING TO THE SALARY OF THE SOLICITOR OF THE COUNTY OF HILLSBOROUGH.

SECTION		SECTION
1. Annual salary of \$1,800; repealing clause.		2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The salary of the solicitor for the county of Hillsborough shall hereafter be eighteen hundred dollars per annum, payable quarterly; and so much of sections 17 and 20, chapter 286 of the Public Statutes as is inconsistent with this act is hereby repealed.

Annual salary of \$1,800; repealing clause.

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

Takes effect on passage.

[Approved March 23, 1909.]

CHAPTER 83.

AN ACT IN AMENDMENT OF SECTION 20 OF CHAPTER 27 OF THE PUBLIC STATUTES, ENTITLED, "COUNTY COMMISSIONERS," AS AMENDED BY CHAPTER 112 OF THE LAWS OF 1903.

SECTION

1. Clerical expenses of Hillsborough county commissioners.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Clerical expenses of Hillsborough county commissioners.

SECTION 1. Section 20 of chapter 27 of the Public Statutes, as amended by chapter 112 of the Laws of 1903, is hereby amended by adding at the end of said section the following: The county commissioners for the county of Hillsborough may expend not exceeding \$800 a year for such clerical, actuarial or stenographic assistance as may be necessary at the offices of the commission in Manchester and Nashua, so that said section as amended shall read: SECT. 20. Each county commissioner shall be paid by the county treasurer for his services when employed in business of the county and in inspecting the taxable property of towns, as provided in the preceding section, three dollars a day, except in the county of Hillsborough, where each commissioner shall be paid twelve hundred dollars per year, payable in equal quarterly installments and a reasonable sum for all necessary expenses, upon order of the supreme court, his accounts having been first audited by the court. The county commissioners for the county of Hillsborough may expend not exceeding \$800 a year for such clerical, actuarial or stenographic assistance as may be necessary at the offices of the commission in Manchester and Nashua.

Takes effect on passage.

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

[Approved March 23, 1909.]

CHAPTER 84.

AN ACT REGULATING THE JAIL AND PRISONERS THEREIN IN HILLSBOROUGH COUNTY.

SECTION

- 1. Jails to be maintained.
- 2. County commissioners to have care of jails.
- 3. Sheriff to have custody of jails.
- 4. County to provide for prisoners.
- 5. Penalty for jailer's neglect to provide for prisoners.
- 6. Jailer to make return to court.
- 7. Liability for certain escapes.
- 8. Prisoners committed from federal courts.
- 9. Removal of prisoners in case of disease, etc.
- 10. Expense of removal, how paid.
- 11. Apartments, etc., for jailer.
- 12. Compensation of jailer and matron.
- 13. Jailer's receipts payable to county treasurer.

SECTION

- 14. Convicts physically able to be set to labor.
- 15. Convict's earnings to be applied on fine.
- 16. Certain prisoners entitled to net earnings.
- 17. Other prisoners entitled to twenty-five per cent.
- 18. Itemized account to be kept with prisoners.
- 19. Account to be audited and filed in court.
- 20. Penalty for jailer's neglect to keep and file accounts.
- 21. Existing statute not applicable.
- 22. Takes effect April 1, 1909; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. There shall be kept and maintained in good repair in Hillsborough county one or more common jails and workhouses therewith at the expense of the county.

Jails to be maintained.

SECT. 2. The county commissioners of said county at the beginning of each term of the superior court shall inquire into the condition of such jail, the security thereof, treatment and condition of the prisoners therein and provide all necessary precautions against escapes, sickness or infection.

Care of jails.

SECT. 3. The sheriff shall have the custody of the jails and of the prisoners therein and shall keep the same in person or by deputy. He may appoint a deputy jailer for each jail, who, in the sheriff's absence or disability and during any vacancy in office shall have the custody of the jail and the prisoners therein.

Custody of jails.

SECT. 4. The county commissioners aforesaid shall provide each prisoner in the custody of the jailer with necessary sustenance, clothing, shelter and medical treatment.

County to provide for prisoners.

SECT. 5. If the jailer shall fail to furnish a prisoner in his custody with such necessaries, furnished as aforesaid, or shall deprive a prisoner of any part of the supplies, furnished as aforesaid, he shall be fined not exceeding one hundred (\$100) dollars for each offense.

Jailer's neglect to provide, penalty.

Jailer to make return to court.

SECT. 6. Every jailer at the opening of each trial term of the superior court in said county, shall return to the court a certified list of all prisoners who have been in his custody since the last term thereof with the times and causes of their commitment and discharge and term of sentence, and before the adjournment of said court a like list of prisoners committed during the session of the court, and for any neglect herein he may be fined not exceeding fifty (\$50) dollars for each failure so to do.

Liability for certain escapes.

SECT. 7. If any prisoner committed for debt or non-payment of a forfeiture, escapes through the insufficiency of a jail, the county shall be liable to the creditor or person to whose use such forfeiture was adjudged for the damages sustained in consequence of the escape; but if such escape was due to the negligence of the jailer, the sheriff shall be liable to the creditor or person to whose use such forfeiture was adjudged for the damages sustained in consequence of the escape. The circumstances of the prisoner may be given in evidence in mitigation of damages in either event.

Prisoners committed from federal courts.

SECT. 8. Prisoners may be committed under the authority of the United States to any jail in this county upon payment of three (\$3) dollars per week to the county for the use of the jail and support of each prisoner. The sheriff shall be liable for any neglect of duty as to such prisoner, as in the case of other prisoners.

Removal of prisoners in case of disease, etc.

SECT. 9. Whenever, on account of prevalence of disease, or the rebuilding or repairing of a jail, or other cause, the sheriff shall think it expedient that the prisoners be removed therefrom, the superior court or any two justices thereof, in vacation, may order their removal to some other jail in the same or another county in this state, there to be detained in the same manner and by the same process as in the jail from which they were removed, until removed by similar process or discharged according to law.

Expense of removal, how paid.

SECT. 10. The expense of removing and maintaining prisoners incurred under the preceding section, if made to any other county, shall be defrayed by the county of Hillsborough.

Apartments for jailer, etc.

SECT. 11. The county commissioners shall furnish, at the expense of the county, each jail as aforesaid and in addition thereto the jailer's apartments food and shelter for himself and matron.

Compensation of jailer and matron.

SECT. 12. The jailer shall be paid in full for all services two thousand (\$2,000) dollars for himself and matron, in quarterly payments. Neither shall be entitled to fees or other perquisites. He may be allowed to employ such assistance as is necessary subject to the approval of the county commissioners.

Jailer's receipts payable to county treasurer.

SECT. 13. All money received by the jailer for the county shall be turned over at the beginning of each term of court to the county treasurer.

SECT. 14. The sheriff shall employ and set to labor each prisoner physically able, confined in the jail under sentence, in such manner as shall be consistent with his safe-keeping.

Convicts to be set to labor.

SECT. 15. Each prisoner confined as aforesaid shall be entitled, in addition to other allowances provided by law, to have the net proceeds of his labor over and above the cost of board and all other expenses applied in payment of his fine and costs.

Convict's earnings applied on fine.

SECT. 16. Any person charged with an offense committed to jail, who shall not subsequently be indicted and any witness held for want of bail, shall be entitled to the net proceeds of his labor, but such person or witness shall not be set to labor except by his own consent.

Certain prisoners entitled to net earnings.

SECT. 17. All other prisoners shall be entitled to receive upon their discharge twenty-five (25) per cent. of the net proceeds of their labor, but no person shall enjoy the benefits of the foregoing provisions, who, while confined as prisoners have not been of good behavior.

Other prisoners entitled to twenty-five per cent.

SECT. 18. The sheriff or jailer shall keep a record and itemized account with each prisoner so employed, showing his earnings and the charges and expense made and incurred on his account and shall retain his earnings until the prisoner is discharged from jail, when the sheriff or jailer shall cause the amount due him to be paid, as provided in this chapter, and take his receipt therefor.

Itemized account to be kept with prisoners.

SECT. 19. The sheriff or jailer at the beginning of each trial term of court shall cause all such accounts to be audited, and approved by the county commissioners and within the first ten days of the term shall pay to the county treasurer the sum found to be due the county thereon, or receive from the county the amount due him, according to such account, and file such account with the clerk of court.

Account to be audited and filed in court.

SECT. 20. If any sheriff or jailer shall neglect to comply with any of the provisions of the two preceding sections, he shall forfeit to the county three times the amount due the county for each neglect to file such account.

Penalty for neglect.

SECT. 21. The provisions of chapter two hundred eighty-two (282) of the Public Statutes shall not apply to the county of Hillsborough after the passage of this act.

Existing statute not applicable.

SECT. 22. This act shall take effect April 1, 1909, and all acts and parts of acts inconsistent herewith are hereby repealed so far as their application to the county of Hillsborough.

Takes effect April 1, 1909; repealing clause.

[Approved March 23, 1909.]

CHAPTER 85.

AN ACT TO PROHIBIT PAYMENT OF BROKERAGE OF INSURANCE IN CERTAIN CASES.

<p>SECTION</p> <p>1. Brokerage prohibited if discriminating laws in force.</p> <p>2. Insurance commissioner to give notice of such laws.</p>	<p>SECTION</p> <p>3. Repealing clause.</p> <p>4. Takes effect on passage.</p>
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Be it enacted by the Senate and House of Representatives in General Court convened:

Prohibited where discriminating laws in force.

SECTION 1. If, by the laws of any other state, agents, brokers or companies of this state are prohibited from receiving commissions on policies of fire or casualty insurance written for them by agents or companies doing business in that state on persons or property residing or located therein, the agents, brokers or companies resident in that state shall not be paid any commission, brokerage or other compensation upon any policy written for them by agents or companies doing business in this state. Any such agent or company of this state who shall pay such commission, brokerage or other compensation upon any such policy so written for him or them upon persons or property in this state shall be subject to the same penalties as are prescribed by the laws of that state for agents, brokers or companies of that state, who shall pay such commission, brokerage or other compensation to such agents, brokers or companies of this state.

Insurance commissioner to give notice of such laws.

SECT. 2. It shall be the duty of the insurance commissioner upon receiving information that by the laws of any other state, agents, brokers or companies, residents of this state, are prohibited from receiving commissions on policies written for them by agents or companies of that state, to notify agents and companies doing business in this state, of the existence of such a law and to enforce the same restrictions and penalties as prescribed by the laws of that state.

Repealing clause.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect on passage.

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

[Approved March 23, 1909.]

CHAPTER 86.

AN ACT IN AMENDMENT OF SECTION 20, CHAPTER 286, OF THE PUBLIC STATUTES, RELATING TO THE SALARIES AND COMPENSATION OF CERTAIN OFFICIALS.

SECTION

1. Salaries of solicitors, sheriffs, and county treasurers payable quarterly.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend chapter 286 of the Public Statutes by striking out all of the twentieth section thereof and inserting in place thereof the following: The salaries of solicitors, sheriffs and county treasurers shall be paid from the county treasury in equal quarterly payments.

Salaries payable quarterly.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 87.

AN ACT TO AMEND CHAPTER 287 OF THE PUBLIC STATUTES RELATING TO TRANSFERS OF CASES FROM THE SUPERIOR COURT TO THE SUPREME COURT.

SECTION

1. Expense of transfer, by whom paid.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Chapter 287 of the Public Statutes is amended by adding thereto the following section: SECT. 35. When a question of law is transferred from the superior court to the supreme court upon exception, the excepting party shall be required to pay to the clerk of the superior court the actual expense of printing the copies of the transferred case. If such transfer shall be by agreement of the parties without ruling by the superior court, such expense shall be paid by the plaintiff unless otherwise ordered by the superior court. The clerk of the superior court from which the case is transferred to the supreme court, shall be allowed such fees for his services in connection with such transfer as may be prescribed by

Expense of transfer, by whom paid.

rule of the superior court or by order of the trial justice; and such fees shall be paid by the excepting party, if any, or by the plaintiff if the case is transferred upon agreement without ruling, unless otherwise ordered by the superior court. Expenses and fees paid by a party as above specified shall be taxed as costs as may be provided by rule or order of the supreme or superior court. Nothing in this act shall affect the authority of the superior or supreme court to make such orders in respect to such expenses, fees, and costs, as in their opinion justice may require.

Takes effect
on passage.

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

[Approved March 30, 1909.]

CHAPTER 88.

AN ACT IN AMENDMENT OF SECTION 19, CHAPTER 286, OF THE PUBLIC STATUTES, RELATING TO THE SALARY OF THE TREASURER OF HILLSBOROUGH COUNTY.

SECTION

1. Annual salary of \$700.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Annual salary
of \$700.

SECTION 1. Section 19 of chapter 286 of the Public Statutes is hereby amended by striking out the ninth line of said section and inserting in place thereof the following: In Hillsborough, seven hundred dollars.

Takes effect
on passage.

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

[Approved March 30, 1909.]

CHAPTER 89.

AN ACT AUTHORIZING THE TRUSTEES OF THE NEW HAMPSHIRE STATE HOSPITAL TO PURCHASE A BURIAL LOT, AND TO PROVIDE FOR THE BURIAL THEREIN OF DECEASED DEPENDENT INSANE INMATES OF THE HOSPITAL.

SECTION

1. Purchase of lot authorized.
2. Burial at state expense authorized.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The trustees of the New Hampshire State Hospital are hereby authorized and empowered to purchase, on behalf of the state, a suitable lot, costing not exceeding three hundred dollars, for the burial of deceased dependent insane inmates of the hospital; and the governor, with the advice and consent of the council, is hereby authorized to draw a warrant upon the state treasurer for the payment of such cost, from any money in the treasury not otherwise appropriated.

Purchase of lot authorized.

SECT. 2. The said trustees are further hereby authorized and empowered to cause to be buried, at the expense of the state, in the lot purchased under the authority conferred by section 1, any inmate of the hospital who dies, and who, while living, was supported at the expense of the state, and who has no kindred or friends who will give the deceased a decent burial elsewhere at their own expense.

Burial at state expense authorized.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 90.

AN ACT TO AMEND SECTION 2 OF CHAPTER 93 OF THE PUBLIC STATUTES RELATING TO SCHOLARS.

SECTION 1. Compulsory vaccination, when waived.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 2 of chapter 93 of the Public Statutes, as amended by chapter 19 of the Laws of 1901, be further amended by adding the words, except in the case of a child who has submitted to the process of vaccination not less than three times, or who holds

Compulsory vaccination, when waived.

the certificate of the local board of health, that he is an unfit subject for vaccination. Said board of health shall issue such certificate upon the advice of a registered physician approved by said board of health, so that when amended the section shall read; SECT. 2. No child shall attend any public, parochial, or private school unless he has been vaccinated, or has had the smallpox, and this section shall be enforced by the board of health except in the case of a child who has submitted to the process of vaccination not less than three times, or who holds the certificate of the local board of health, that he is an unfit subject for vaccination. Said board of health shall issue such certificate upon the advice of a registered physician approved by said board of health.

[Approved March 30, 1909.]

CHAPTER 91.

AN ACT IN AMENDMENT OF SECTIONS 6, 8 AND 9 OF CHAPTER 57, PUBLIC STATUTES, RELATING TO THE ANNUAL INVOICE OF POLLS AND TAXABLE PROPERTY.

SECTION	SECTION
1. Blank inventories, to whom delivered.	3. Inventories returned after April 15, when.
2. Inventories, by whom furnished.	4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Blank inventories, to whom delivered.

SECTION 1. That section 6 of chapter 57, Public Statutes, be amended by striking out the words "within their respective towns" and by inserting in place thereof the words both resident and non-resident in the third and fourth lines of said section, and by adding the words and in the case of non-resident persons and corporations, may be mailed to their last known address or given to the person in charge of their property in the town where it is taxable, at the end of said section, so that as amended it shall read as follows: SECT. 6. The selectmen or assessors, at the time mentioned in the following section, shall cause copies of such blank inventories to be given to all persons and corporations, both resident and non-resident, who are taxable therein for any real or personal estate. Such blanks may be given in hand to such persons and to the president, clerk or person having the principal charge of the business of such corporations, or be left at their usual place of abode or business, and in the case of non-resident persons and corporations, may be

mailed to their last known address or given to the person in charge of their property in the town where it is taxable.

SECT. 2. That section 8 of said chapter 57 be amended by adding the words or in case of non-resident persons or corporations mail, after the word "deliver" in the sixth line of said section, so that said section as amended shall read as follows: SECT. 8. Every person and every corporation, by its president or other principal officer, shall fill out the blank inventory in all respects according to its requirements, and subscribe and make the required oath thereto before some justice of the peace or a selectman or assessor, either of whom is empowered to administer the same, and shall deliver, or, in case of non-resident persons or corporations, mail such inventory to the selectmen or assessors on or before the fifteenth day of April of that year.

Inventories, by whom furnished.

SECT. 3. That section 9 of said chapter 57 be amended by adding the words or in the case of non-residents, mailed, after the word "delivered" in the first line of said section, so that as amended it shall read as follows: SECT. 9. If the blank inventory is not delivered, or, in the case of non-residents, mailed to any person or corporation on or before the fifteenth day of April, or if any person is prevented by accident, mistake or misfortune from making return thereof on or before that day, such person or corporation shall make such return before the first day of May.

Inventories returned after April 15, when.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 92.

AN ACT AUTHORIZING THE PAYMENT BY SAVINGS BANKS OF DEPOSITS MADE IN TWO NAMES.

SECTION

1. Payment of deposit, how made.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. When a deposit has been made, or shall hereafter be made in any savings bank transacting business in this state in the names of two persons, payable to either, or payable to either or the survivor, such deposit, or any part thereof, or any interest or dividend therein, may be paid to either of said persons, whether the other be living or not; and the receipt or acquittance of the person so paid shall be a valid and sufficient release and discharge to the bank for any payment so made; *provided, however,* that if one of

Payment of deposit, how made.

the parties has deceased, and the bank officials have knowledge of the fact, payment shall not be made to the survivor, until the state treasurer has certified that no taxes are due the state under the provisions of chapter 40 of the Laws of 1905 and amendments thereto, on account of the interest of said decedent in said deposit, or that all taxes due have been paid.

Takes effect
on passage.

SECT. 2. This act shall take effect from and after its passage.

[Approved March 30, 1909.]

CHAPTER 93.

AN ACT IN AMENDMENT OF CHAPTER 98 OF THE LAWS OF 1901 RELATING TO THE PROTECTION AND PRESERVATION OF ORNAMENTAL AND SHADE TREES IN THE HIGHWAYS.

SECTION

1. Shade trees, how taken by eminent domain.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Shade trees,
how taken by
eminent do-
main.

SECTION 1. Chapter 98 of the Laws of 1901 is hereby amended by striking out section 3 thereof and inserting in place thereof the following: SECT. 3. If any of the trees designated as aforesaid should prove to be private property, and the owners thereof refuse to release or convey their interest therein to the municipality, the tree warden shall acquire them for the use of the city or town by purchase, if it can be done at a fair price. Failing in this, he may take said trees for the use of the city or town by appraising the fair value of the same and by causing to be served upon the owner thereof a notice of such taking, which notice shall state the number of each variety of tree so taken, the location of the same as near as practicable, and the value thereof as fixed by him; and also by filing a copy of such notice attested by him with the city or town clerk. If the owner shall be satisfied with the value stated in said notice, the tree warden shall cause the same to be paid to him forthwith. If the owner shall be dissatisfied with the action of said tree warden in valuing the trees so taken, he may, within thirty days after said notice has been served upon him but not afterwards, apply to the selectmen to assess his damages. Such proceedings shall thereupon be had, including the right of appeal, as are provided in the case of assessment of damages in laying out highways by the selectmen; and thereupon such damages, if any, may be awarded as shall be legally and justly due to the land-

owner. Cities and towns are hereby authorized to raise and appropriate money to carry into effect the provisions of this act.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 94.

AN ACT TO AUTHORIZE TOWNS TO MAKE BY-LAWS RESPECTING THE USE OF MOTOR BOATS.

SECTION

1. May regulate use of mufflers, etc.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Towns may make such by-laws respecting the use of mufflers upon boats and vessels propelled by gasolene or naphtha and operating upon the waters within the limits of such towns; may appoint all such officers as may be necessary to carry such by-laws into effect; and may affix penalties not exceeding ten dollars for any offense, to be recovered in such manner and to such use as the town may direct.

May regulate use of mufflers, etc.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 95.

AN ACT IN AMENDMENT OF CHAPTER 38, SESSION LAWS OF 1905, AS AMENDED BY THE SESSION LAWS OF 1907, REQUIRING NON-RESIDENTS TO PROCURE A LICENSE TO HUNT.

SECTION

1. Prior provision repealed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out the whole of section 2 of said act, relating to non-resident ownership of real estate within the limits of the state, and renumber the remaining sections.

Prior provision repealed.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 96.

AN ACT IN AMENDMENT OF CHAPTER 11 SECTION 1 OF THE LAWS OF 1899 MAKING THE FIRST DAY OF JANUARY A LEGAL HOLIDAY.

SECTION 1. January 1 a legal holiday.		SECTION 2. Takes effect on passage.
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Be it enacted by the Senate and House of Representatives in General Court convened:

January 1 a legal holiday.

SECTION 1. That section 1 of chapter 11 of the Laws of 1899 be amended by adding after the words "the fourth day of July," the first day of January so that the amended section will read as follows: SECTION 1. Thanksgiving day and Fast day whenever appointed, Labor day, the day on which the biennial elections are held, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first day of January and Christmas day, shall be legal holidays, and when either of the five days last mentioned occurs on Sunday the following day shall be observed as a holiday.

Takes effect on passage.

SECT. 2. This act to take effect upon its passage.
[Approved March 30, 1909.]

CHAPTER 97.

AN ACT TO LEGALIZE THE PROCEEDINGS OF TOWNS FOR YEAR 1909, APPROPRIATING MONEY FOR SCHOOL PURPOSES.

SECTION 1. Proceedings legalized.		SECTION 2. Takes effect on passage.
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Be it enacted by the Senate and House of Representatives in General Court convened:

Proceedings legalized.

SECTION 1. All acts and proceedings of the voters of towns in the year 1909 appropriating money for school purposes, whether same was voted in annual town or annual school district meetings are hereby legalized and made valid.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved March 30, 1909.]

CHAPTER 98.

AN ACT IN RELATION TO THE SALARY OF THE REGISTER OF PROBATE OF
COOS COUNTY.

SECTION

1. Annual salary of \$900.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend section 1, of chapter 51, of session Laws of 1903 by striking out in the second line the word "seven" and insert in the place thereof the word nine so that said line shall read, The county of Coos shall hereafter be nine hundred dollars. Annual salary of \$900.

SECT. 2. This act shall take effect upon its passage. Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 99.

AN ACT IN AMENDMENT TO CHAPTER 117 OF THE LAWS OF 1905 EN-
TITLED, "AN ACT RELATING TO THE ENFORCEMENT OF THE LAWS
RELATING TO THE ILLEGAL SALE OF INTOXICATING LIQUOR IN NO-
LICENSE TERRITORY."

SECTION

1. Search of persons on premises.
2. Search of person or vehicle.

SECTION

3. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend chapter 117, Laws of 1905, by adding thereto two new sections as follows: SECTION 1. Whenever a search warrant is made out requiring the officer to search any place therein described, under chapter 251 of the Public Statutes, the warrant may direct said officer to search the persons found therein and named in said warrant, for the articles called for in the search warrant. Search of persons on premises.

SECT. 2. A search warrant made out to search for intoxicating liquors under chapter 251 of the Public Statutes may require the officers to search any person therein named or any wagon or other vehicle. Search of person or vehicle.

SECT. 3. This act shall take effect upon its passage. Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 100.

AN ACT ENABLING CERTAIN SCHOOL DISTRICTS TO MAKE CONTRACTS WITH CERTAIN HIGH SCHOOLS OR ACADEMIES OUT OF THE STATE FOR FURNISHING INSTRUCTION TO PUPILS OF HIGH SCHOOL GRADE.

SECTION 1. Contracts with schools outside state authorized; district to pay tuition: right to share in state funds not affected.

Be it enacted by the Senate and House of Representatives in General Court convened:

Contracts with schools outside state authorized.

SECTION 1. Chapter 96 of the session Laws of 1901, as amended by chapter 90 of the session Laws of 1905, is hereby amended by adding at the end thereof the following new sections, to be known as sections 7, 8 and 9 of said chapter 96, session Laws of 1901, to wit: SECT. 7. Any school district in towns bordering on the state line, not having a high school or school of corresponding grade, may make contracts with high schools or academies in towns and cities located out of the state, whenever by reason of distance and transportation facilities such schools outside the state are more accessible to the pupils, and may raise and appropriate money to carry such contracts into effect, *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, session Laws of 1901, and acts in amendment thereof and addition thereto. SECT. 8. Any district in a town bordering on the state line not maintaining a high school or school of corresponding grade shall pay for the tuition of any child, who, with parents or guardian resides in said district and who attends a high school or academy located out of the state, whenever by reason of distance and transportation facilities such schools outside the state are more accessible to the pupils, *provided, however*, that every such academy or high school shall be approved by the superintendent of public instruction, in accordance with section 4, chapter 96, session Laws of 1901, and acts in amendment thereof and addition thereto, and the parents or guardian of such child shall notify the school board of the district in which he resides of the high school or academy which he desires to attend, and the approval of the school board shall be necessary in all cases arising under this section. SECT. 9. Towns paying for tuition of scholars in high schools or academies out of the state shall be entitled to share in the annual appropriation of the state for such tuition, and in the literary fund, so called, in the same manner as towns paying for the tuition of children attending a high school or academy in the state.

District to pay tuition.

Right to share in state funds not affected.

[Approved March 30, 1909.]

CHAPTER 101.

AN ACT TO PROVIDE FOR THE ENLARGEMENT, REMODELING, HEATING AND FURNISHING OF THE STATE HOUSE.

SECTION

- 1. Remodeling of state house authorized.
- 2. Appropriation of \$400,000.
- 3. Bonded debt authorized.

SECTION

- 4. Form of bonds.
- 5. Exemption from taxation.
- 6. Disbursement of funds.
- 7. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the state house be enlarged, remodeled, made fireproof so far as practicable, and suitably furnished, such enlargement, remodeling, fireproofing and furnishing to be made by and under the direction of the governor and council, who shall procure such plans and specifications as may be necessary to carry out the general plans and recommendations submitted to the legislature of 1905-06 by Governor Nahum J. Bachelder and the council in compliance with chapter 181, Laws of 1903, that a fireproof addition be erected and that the present building be enlarged and improved. The governor and council are hereby authorized to make such changes and modifications in said general plans or adopt such other plans as in their judgment the interests of the state may seem to require; and they are further authorized, if they deem it for the best interests of the state, to purchase or acquire necessary land outside the present state house lot on which to erect a suitable heating plant for the state house and state library.

Remodeling authorized.

SECT. 2. That, to provide for said enlarging, remodeling, fireproofing, heating, and furnishing the state house the sum of four hundred thousand dollars be, and hereby is, raised and appropriated; said sum to be expended under the direction of the governor and council, as provided in section 1. *Provided* always, that the plan adopted by the governor and council shall be such as shall provide for the remodeling of the present building and the erection of all additions or appurtenances to the same within the appropriation herein made, and that the specification shall limit the cost of the entire contract completed, giving to the state a building suitable and adequate to the needs of the state, to the sum of \$400,000, and no contracts, agreements or understandings shall be approved by the governor and council for the purchase of land, the remodeling of the present building or for any other purpose whatsoever, which in their entirety shall exceed the net cost to the state of \$400,000, and the new or remodeled state house

Appropriation of \$400,000.

shall be completed and ready for occupancy by December 1, 1910, at an expenditure within said appropriation.

Bonded debt
authorized.

SECT. 3. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow said sum of four hundred thousand dollars on the credit of the state; and to issue bonds, or certificates of indebtedness therefor, in the name and on behalf of the state, at a rate of interest not exceeding three and one-half per cent. per annum, payable semi-annually, on the first days of January and July of each year; such bonds to be payable fifty thousand dollars on July 1, 1930, and fifty thousand dollars on the first day of July annually thereafter until the whole amount has been paid; such bonds to have interest warrants, or coupons, attached thereto; said coupons to be signed by the state treasurer, and said bonds and coupons to be made payable at such places as the governor and council shall designate.

Form of
bonds.

SECT. 4. Said bonds shall be designated New Hampshire state house improvement bonds, and shall be signed by the treasurer, and countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep a record of all bonds countersigned by the governor, showing the number and amount of each bond, the time of countersigning, the time when payable, and the date of the delivery to the state treasurer. The treasurer shall keep a record of all bonds disposed of by him, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale, and the time when payable. The treasurer may negotiate and sell such bonds to the best advantage for the state, but no bond shall be sold for less than its par value, nor shall such bonds be loaned, pledged, or hypothecated in any way whatever.

Exemption
from taxation.

SECT. 5. Said bonds when owned by residents or savings banks of this state shall be exempt from taxation.

Disbursement
of funds.

SECT. 6. The governor shall draw his warrants for the amounts that may be, or become, due from time to time, under the contracts of the governor and council, for the purposes aforesaid, to an amount not exceeding the proceeds of said bonds.

Takes effect
on passage.

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

[Approved March 30, 1909.]

CHAPTER 102.

AN ACT TO REVISE AND AMEND CHAPTER 59 OF THE LAWS OF 1895,
RELATING TO THE MILITIA.

PERSONS SUBJECT TO MILITARY DUTY— EXEMPTIONS.	SECTION
SECTION	21. Office and records.
1. Who subject to duty; exemptions.	22. Statement of disbursements.
ENROLLMENT.	23. To print military laws, etc.
2. Enrollment, what to contain.	24. To issue blanks and forms.
3. Notice to persons enrolled; claims of exemption.	25. Reports, returns, and care of property.
4. Assessors' list open to inspection; false information, penalty for.	26. To act as quartermaster-general in time of peace.
DESIGNATION AND CLASSIFICATION OF THE MILITIA.	27. To furnish funds to regimental paymasters.
5. Classification of militia.	28. Records, how kept.
COMMANDER-IN-CHIEF.	29. Index and copies.
6. Governor to be commander-in-chief.	30. Fraudulent papers for record, penalty.
7. Armed force from another state.	31. Abstracts of records.
STAFF OF THE GOVERNOR.	32. To care for military property.
8. Staff of governor.	33. To care for arms, etc., issued to state.
POWER OF THE GOVERNOR IN CASE OF INVASION, ETC.	34. To return equipments to United States army.
9. Power of governor in case of invasion.	35. To issue camp equipage.
DRAFTS OR VOLUNTEERS FROM MILITIA.	36. To sue for forfeitures and account for moneys.
10. Drafts or volunteers from militia.	37. Expense accounts.
11. Person failing to appear deemed deserter.	38. To purchase and issue military property.
ORGANIZATION OF RESERVE MILITIA WHEN ORDERED OUT	39. Purchases upon written proposals.
12. Organization of reserves.	40. Purchases upon advertised proposals.
PROCLAMATION OF STATE OF INSURRECTION.	41. Contracts of purchase.
13. Proclamation of insurrection.	42. Inspection of property purchased.
OCCASIONS WHEN THE ARTICLES OF WAR OF THE UNITED STATES ARE TO BE IN FORCE.	43. Purchases in case of invasion, etc.
14. Articles of War, when in force.	44. Disposition of clothing, etc.
15. Powers of courts martial when Articles of War in force.	45. To supervise armories, etc.
RELIEF FROM CIVIL OR CRIMINAL LIABILITY.	AUDIT AND PAYMENT OF ACCOUNTS.
16. Suspension of power of civil courts.	46. Emergency purchases.
17. Security for costs in suit against officer.	ACTIVE MILITIA—HOW ORGANIZED.
THE ADJUTANT-GENERAL.	47. Departments of National Guard.
18. Authority.	48. Organization; governor may reorganize.
19. Bond.	49. Increase of force in time of war, etc.
20. Seal.	50. Organization in time of peace.
	BRIGADE, REGIMENTAL AND BATTALION COMMANDERS AND STAFFS.
	51. Brigade, regimental, and battalion commanders and staffs.
	STAFF DEPARTMENTS.
	52. Staff departments.
	53. Additional officers.
	54. Post quartermaster-sergeant, etc.

SECTION

- 55. Hospital corps.
- 56. Number of non-commissioned officers.
- 57. Inspector-general.
- 58. Judge-advocate general.
- 59. To legally advise military department.
- 60. Quartermaster-general; commissary-general.
- 61. Surgeon-general.

OFFICERS, NON-COMMISSIONED OFFICERS, AND EXAMINING BOARDS, HOW APPOINTED.

- 62. Officers, how appointed.
- 63. Rank of officers.
- 64. Assignment in case of vacancy.
- 65. Officers, how commissioned.
- 66. Examining boards, appointment and duties.
- 67. Non-commissioned officers, how appointed.
- 68. Temporary vacancies.
- 69. Company without commissioned officers.
- 70. Illegal business bar to office.
- 71. Brevet rank; retirement after ten years' service.

RESIGNATION, RETIREMENT, REMOVAL AND DISCHARGE OF OFFICERS.

- 72. Resignation of officers.
- 73. Retired list; discharges for disability.
- 74. Examination and discharge.
- 75. Dismissal for absence.
- 76. Officers, how removed.

ENLISTED MEN OF THE NATIONAL GUARD.

- 77. Who may be enlisted.
- 78. Enlistment of minors, etc.
- 79. Re-enlistment after disbandment.
- 80. Enlistment of musicians, etc.
- 81. Medical examination.
- 82. Medical examiners of recruits.
- 83. Re-enlistments.
- 84. Enlistment oath.
- 85. Transfers.
- 86. Companies, etc., how raised.
- 87. Order for raising.
- 88. Date of organization.
- 89. Enlistment of bands.

RETIREMENT.

- 90. Retirement of enlisted men with brevet rank.

DISCHARGES.

- 91. Discharges of enlisted men.
- 92. Full and honorable discharge.
- 93. Honorable discharge.
- 94. Discharge.

SECTION

- 95. Dishonorable discharge.
- 96. Application for discharge.

RESPONSIBILITY FOR EFFICIENCY.

- 97. Commanding officer responsible.

DRILLS AND PARADES.

- 98. Drills, parades, and inspections.
- 99. Practice marches, etc.
- 100. Land for encampment.
- 101. Damages, how assessed.
- 102. Appeal from assessment.
- 103. Rifle practice.

RIOTS AND INSURRECTIONS.

- 104. Militia ordered out in case of riot, etc.
- 105. Duty of officer receiving order.
- 106. Orders of civil officer to be obeyed.

WARNINGS.

- 107. To whom issued.
- 108. How delivered.
- 109. Regimental band, how warned.
- 110. Excuse for non-appearance.
- 111. Excuse to be in writing.

ABSENCE OF OFFICERS AND ENLISTED MEN, AND PENALTIES.

- 112. Leave of absence of officers.
- 113. Fine for absence.
- 114. Absence, when deemed desertion.
- 115. Refusal to obey in case of riot, penalty.
- 116. Non-appearance of officer at instruction meeting, penalty.
- 117. Exemption from duty on election days.
- 118. Court-martial for absence.
- 119. Fines, collection of.

DISCIPLINE AND EXERCISE.

- 120. To conform to that of United States Army.

MILITARY COURTS.

- 121. Classification.
- 122. Courts martial governed by Articles of War.
- 123. Courts martial, who subject to.
- 124. How ordered.
- 125. Charge to be made within one year of offense.
- 126. Courts martial, sentences of.
- 127. Witnesses, how summoned.
- 128. Regimental courts martial.
- 129. How constituted.
- 130. Sentences of.
- 131. Courts of inquiry.
- 132. Proceedings, how disposed of.
- 133. Fees in courts martial and courts of inquiry.
- 134. Roll of fees to be certified.

SECTION	SECTION
135. No death penalty in time of peace.	152. Postage bills, etc.
136. Members of court exempt from civil liability.	153. State to furnish transportation.
137. Jurisdiction presumed.	GENERAL PROVISIONS.
ARMS, UNIFORMS, AND EQUIPMENT.	154. Civil process suspended, when.
138. To be supplied by state.	155. Commanding officer may enforce right of way.
139. Commissioned officers to provide uniforms.	156. Unlawful disposition of property and unauthorized use of insignia, penalty.
140. Service uniforms.	157. Powers of commanding officer at encampment or parade.
RESPONSIBILITY FOR PUBLIC PROPERTY.	158. Devolution of duty.
141. Officers and men responsible.	159. Associations of members of militia.
142. Delivery of equipment, etc.	160. Special powers of commander-in-chief.
143. Rent of armories regulated.	161. Meaning of "company" and "enlisted man."
PAY FOR MILITARY SERVICE.	162. No organization to leave state without consent of commander-in-chief.
144. Compensation for service.	163. United States Army usage prevails, when.
145. Pay of examining boards.	164. Who may administer oaths.
146. Pay of inspector-general.	165. Fines and penalties, how credited.
147. Pay of adjutants, etc.	166. Repealing clause; act takes effect on passage.
148. Pay for sundry services.	
149. Pay for use of horses.	
150. Pay for forage.	
151. Pay in joint manœuvres or actual service.	

Be it enacted by the Senate and House of Representatives in General Court convened:

PERSONS SUBJECT TO MILITARY DUTY—EXEMPTIONS.

SECTION 1. All the able-bodied male citizens and able-bodied males of foreign birth who have declared their intention to become citizens, who are more than 18 and less than 45 years of age, and who are residents of this state, shall constitute the militia, subject to the following exemptions:

1. Persons exempted by the laws of the United States.
2. Justices and clerks of courts of record; registers of deeds; sheriffs; ministers of the gospel; practicing physicians; superintendents, officers, and assistants of hospitals, prisons, and jails; light-house keepers; conductors and engineers of railways; seamen actually employed as such.
3. Idiots, lunatics, paupers, vagabonds, confirmed drunkards, persons addicted to the use of narcotic drugs, and persons convicted of infamous crimes.

All such exempted persons, except those enumerated in subdivisions 1 and 3, shall be available for military duty in case of war, insurrection, invasion, or imminent danger thereof.

Who subject to duty; exemptions.

ENROLLMENT.

Enrollment,
what to con-
tain.

SECT. 2. Whenever the governor shall deem it necessary, he may order an enrollment to be made by officers designated by him of all persons liable to service in the militia. Such enrollment shall state the name, residence, age, and occupation of the persons enrolled, and their previous or existing military or naval service. Three copies shall be made thereof; one shall be retained by the enrolling officer, one filed in the office of the town or city clerk in which the enrolled persons reside, one in the office of the clerk of the county in which the enrollment is made, and the original in the office of the adjutant-general. If the governor so direct, such enrollment shall show separately all the seafaring men of whatever calling or occupation; all men engaged in the navigation of the rivers, lakes, and other waters of the state, or in the construction and management of ships and crafts, together with ship owners and their employees, yacht owners, members of yacht clubs, and all other associations for aquatic pursuits.

Notice to per-
sons enrolled;
claims of
exemption.

SECT. 3. The officer making the enrollment shall, at the time of making the same, serve a notice of such enrollment upon each person enrolled, by delivering such notice to him or leaving it with some person of suitable age and discretion, at his place of residence. All persons claiming exemption must, within fifteen days after receiving such notice, file a written statement of such exemption, verified by affidavit, in the office of the county clerk. Such clerk shall thereupon, if such person be exempted according to law, mark the word *exempt* opposite his name; and the remainder of all thus enrolled, and not thus found to be exempt, shall constitute the militia of the state, and such clerk shall transmit a copy of such corrected roll to the adjutant-general. The commanding officer of each organization in the New Hampshire National Guard shall, whenever an enrollment is ordered, file in the office of such county clerk a certified list of the names of all persons in his command.

Assessors' lists
open to in-
spection; false
information,
penalty for.

SECT. 4. The assessors in each city, village, town, or ward in this state shall allow persons appointed to make such enrollment, at all proper times, to examine their assessment rolls and take copies thereof, and the clerks of all towns, wards and cities shall in like manner, at all proper times, allow such persons to examine and copy the poll lists on file in their offices. All persons shall, upon the application of any person making such enrollment, give the name of and all other proper information concerning any person within their knowledge liable to be enrolled, under penalty of \$10 for every concealment or false information, or refusal to give the information requested, to be recovered in the name of the state in any court, with costs. The officer making the enrollment shall,

within ten days, report all persons who shall fail or neglect to give information to the adjutant-general.

DESIGNATION AND CLASSIFICATION OF THE MILITIA.

SECT. 5. The militia of the state shall be divided into two classes; the active and the reserve militia. The active militia shall consist of the organized and uniformed military forces of the state, which shall be known as the New Hampshire National Guard; the reserve militia shall consist of all those liable to service in the militia, but not serving in the New Hampshire National Guard.

Classification
of militia.

COMMANDER-IN-CHIEF.

SECT. 6. The governor of the state, by virtue of his office, shall be the commander-in-chief of the militia of the state, except of such portions as may at times be in the service of the United States. Whenever the governor is unable to perform the duties of commander-in-chief, the senior line officer of the National Guard, present for duty in the state, shall command the militia of the state, except in cases where the president of the senate or speaker of the house, under the laws of the state, is required to perform such duty.

Governor to be
commander-
in-chief.

SECT. 7. No armed military force from another state, territory, or district shall be permitted to enter the state for the purpose of doing military duty therein without the permission of the governor, unless such force is part of the United States Army or is acting under the authority of the United States.

Armed force
from another
state.

STAFF OF THE GOVERNOR.

SECT. 8. The staff of the governor shall consist of one adjutant-general, who shall be chief of staff with the rank of major-general, who shall be the adjutant-general of the state, and eight aides-de-camp, who shall have the rank of colonel. The adjutant-general and the aides-de-camp may be appointed without restriction as to the source of selection. All of these officers shall be appointed by the governor and shall hold office during his pleasure, and their commissions shall expire with the term of office of the governor appointing them.

Staff of gov-
ernor.

POWER OF THE GOVERNOR IN CASE OF INVASION, ETC.

SECT. 9. The governor shall have power, in case of insurrection, invasion, tumult, riot, or breach of the peace, or imminent danger thereof, to order into the active service of the state any part of the

Power of gov-
ernor-in-case
of invasion.

militia that he may deem proper. When the militia of this state or a part thereof is called forth under the constitution and laws of the United States, the governor shall order out for service the active militia or such part thereof as may be necessary, and if the number available be insufficient, he shall order out such part of the reserve militia as he may deem necessary. During the absence of organizations of the National Guard in the service of the United States their state designation shall not be given to new organizations.

DRAFTS OR VOLUNTEERS FROM MILITIA.

Draft or volunteers from militia.

SECT. 10. Whenever it shall be necessary to call out any portion of the reserve militia for active duty, the governor shall direct his order to the mayor of any city or the selectmen of any town, who, upon the receipt of the same, shall forthwith proceed to draft, by lot, as many of the reserve militia in his city or town, or accept as many volunteers as are required by the governor, and shall forthwith forward to the governor a list of the persons so drafted or accepted as volunteers.

Person failing to appear deemed deserter.

SECT. 11. Every member of the militia ordered out, or who volunteers or is drafted under the provisions of this chapter, who does not appear at the time and place designated by his commanding officer, the mayor, or selectmen, within twenty-four hours from such time, or who does not produce a sworn certificate of physical disability from a physician in good standing, to so appear, shall be taken to be a deserter and dealt with as prescribed in the articles of war of the United States.

ORGANIZATION OF RESERVE MILITIA WHEN ORDERED OUT.

Organization of reserves.

SECT. 12. The portion of the reserve militia ordered out or accepted into the service, as indicated in sections 9 and 10 of this chapter, shall be immediately mustered into the service of the state for one year, or such less period as the governor may direct, and shall be organized into troops, batteries, or companies, which may be arranged in squadrons, battalions, or regiments, or assigned to organizations of the New Hampshire National Guard already existing. The governor is authorized to appoint the officers necessary to commence or complete any organization thus created. Such new organization shall be equipped, disciplined, and governed according to this chapter and the military regulations of the state.

PROCLAMATION OF STATE OF INSURRECTION.

Proclamation of insurrection.

SECT. 13. Whenever any portion of the militia is employed in aid of the civil authority, the governor, if in his judgment the

maintenance of law and order will thereby be promoted, may by proclamation declare the county or city in which the troops are serving, or any specified portion thereof, to be in a state of insurrection.

OCCASIONS WHEN THE ARTICLES OF WAR OF THE UNITED STATES ARE
TO BE IN FORCE.

SECT. 14. Whenever any portion of the militia shall be on duty under or pursuant to the orders of the governor, or shall be on duty or ordered to assemble for duty in time of war, insurrection, invasion, public danger, or to aid the civil authorities on account of any breach of the peace, tumult, riot, resistance to process of this state, or imminent danger thereof, or for any other cause, the articles of war governing the army of the United States and the regulations prescribed for the army of the United States, as far as such regulations are consistent with this chapter and the regulations issued thereunder, shall be in force and regarded as a part of this chapter until said forces shall duly be relieved from such duty.

Articles of
war, when in
force.

SECT. 15. As to offenses committed when such articles of war are so in force, courts martial shall possess, in addition to the jurisdiction and power of sentence and punishment herein vested in them, all additional jurisdiction and power of sentence and punishment exercisable by like courts under such articles of war or the regulations or laws governing the United States Army or the customs and usages thereof, but no punishment under such rules and articles which shall extend to the taking of life shall, in any case, be inflicted except in time of actual war, invasion, or insurrection, declared by proclamation of the governor to exist, and then only after the approval by the governor of the sentence inflicting such punishment. Imprisonment other than in guard-house shall be executed in jails or prisons designated by the governor for the purpose.

Powers of
courts martial
when articles
of war in
force.

RELIEF FROM CIVIL OR CRIMINAL LIABILITY.

SECT. 16. Members of the militia ordered into the active service of the state by any proper authority shall not be liable, civilly or criminally, for any act or acts done by them while on duty.

Suspension
of power of
civil courts.

SECT. 17. When a suit or proceeding shall be commenced in any court by any person against any officer of the militia for any act done by such officer in his official capacity in the discharge of any duty under this chapter, or against any person acting under the authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, the defendant may require the

Security for
costs in suit
against officer.

person prosecuting or instituting the suit or proceeding, to file security for the payment of costs that may be awarded to the defendant therein, and the defendant in all cases may make a general denial and give the special matter in evidence.

THE ADJUTANT-GENERAL.

Authority. SECT. 18. The adjutant-general shall be in control of the military department of the state, and subordinate only to the governor in matters pertaining to said department. He shall detail officers for courts martial, and shall perform such duties as pertain to the adjutant-general and the other chiefs of staff departments under the regulations and custom of the United States Army. He shall superintend the preparation of all returns and reports required by the United States from the state, and shall perform all the duties prescribed for him in this chapter.

Bond. SECT. 19. He shall give bond to the state in the sum of five thousand dollars, with sufficient sureties, to be approved by the governor with the advice and consent of the council, conditioned for the faithful performance of the duties and trusts of his office.

Seal. SECT. 20. The seal now used in the office of the adjutant-general shall be the seal of his office, and shall be delivered by him to his successor.

Office and records. SECT. 21. He shall keep his office at the state capitol, and shall record and distribute the orders of the commander-in-chief, keep a register of all the officers of the militia of the state, with the dates of their appointments and resignations, and keep in his office all records and papers required to be kept and filed therein, and make a detailed report on or before the thirty-first day of August in each year to the governor of the condition of the National Guard, their uniforms, arms, accouterments, and ammunition, and of the condition of all public property in his charge, and when required he shall account for all funds, military stores, and other public property committed to his care or which have come into his hands, and deliver to his successor in office all funds, stores, or other property not by him legally expended.

Statement of disbursements. SECT. 22. He shall annually submit to the governor and council at some session between the first days of September and October, an accurate statement of his disbursements for the preceding year ending August thirty-first, with vouchers thereof, and the same shall be audited and adjusted by the governor and council, or by some suitable person by them appointed therefor. The accounts and vouchers, when so audited, if allowed, shall be deposited and kept on file in the office of the state treasurer. When his account has been so submitted and approved, he shall receive a certificate from the governor to that effect.

SECT. 23. He shall, at the expense of the state, when necessary, cause the military law, the general regulations of the state, and the articles of war of the United States, to be printed, indexed, and bound in proper and compact form, and distributed to the commissioned officers, sheriffs, mayors of cities, selectmen of towns, and county treasurers of this state, at the rate of one copy to each; and to each commissioned officer and headquarters he shall issue one copy of the necessary text-books and of such annual reports concerning the militia as the governor may direct.

To print military laws, etc.

SECT. 24. He shall cause to be prepared and issued all necessary blank books, blanks, forms, and notices required to carry into full effect the provisions of this chapter. All such books and blanks shall remain the property of the state.

To issue blanks and forms.

SECT. 25. He shall make such regulations pertaining to the preparation of reports and returns and to the care and preservation of property for military purposes, whether belonging to the state or to the United States, as in his opinion the conditions demand; such regulations to be operative and in force when promulgated in the form of general orders, circulars or letters of instructions.

Reports, returns, and care of property.

SECT. 26. He shall, in time of peace, act as quartermaster-general, commissary-general, paymaster-general, and shall have the general charge and supervision of quarters, transportation, supplies, and pay for the militia of the state, and shall, by himself or deputies, have charge of the arsenals of the state, and of the artillery, arms and munitions of war deposited therein.

To act as quartermaster-general, etc., in time of peace.

SECT. 27. He shall seasonably furnish the regimental paymasters with funds to pay the claims duly allowed in the regiments, but no regimental paymaster shall receive such funds or other public property until he has deposited in the office of the adjutant-general a bond to the state, with sufficient sureties, to be approved by the adjutant-general, conditioned for the faithful appropriation of all funds or other public property which may come to his hands for the use or on account of the militia.

To furnish funds to regimental paymasters.

SECT. 28. He shall record in suitable books to be provided at the expense of the state, and to be kept in a fire-proof safe, all original discharges, final statements, certificates of merit, brevets, or other original papers or documents belonging to or in any way affecting the military or naval record or claim for service of any officer, soldier, or seaman of this state who at any time served in the army or navy of the United States during any war, insurrection or rebellion, which may be brought to him for that purpose.

Records, how kept.

SECT. 29. He shall carefully examine into the genuineness and authenticity of all papers so recorded, and make an exact and attested record, at the request of the parties interested, of such papers as he deems genuine and authentic, and properly index the

Index and copies.

same, and shall furnish certified copies of such record to persons interested therein.

Fraudulent
papers for
record, pen-
alty.

SECT. 30. Any person who shall make or cause to be made any false, fraudulent, or forged papers to be presented for such record, or who shall present or cause to be presented for such record any false, fraudulent, or forged papers, knowing them to be such, shall be deemed guilty of forgery, and be imprisoned not exceeding seven years.

Abstracts of
records.

SECT. 31. He is authorized to prepare abstracts from the records of his office for the use of any person actually engaged in the preparation of histories of military organizations or the military history of towns in this state. For such clerical assistance as may be necessary to enable him to perform such duties, not exceeding two hundred dollars in any year, he shall be paid out of any money in the treasury not otherwise appropriated, upon warrant of the governor: *Provided*, the preparation of such histories shall have been authorized by vote of the town or veteran association to which they particularly relate.

To care for
military
property.

SECT. 32. He shall attend to the care, preservation, safe-keeping, and repairing of the arms, ordnance, accouterments, equipments, and all other military property belonging to the state, or issued to the state by the government of the United States for the purpose of arming and equipping the organized militia. All military property of the state which, after a proper inspection, shall be found unsuitable for the use of the state, shall, under the direction of the governor, be disposed of by the adjutant-general at public auction after suitable advertisement of the sale, daily for ten days, in at least one newspaper published in the city or county where the sale is to take place; or the same may be sold at private sale when so ordered by the governor. He shall bid in the property or suspend the sale whenever, in his opinion, better prices may or should be obtained. He shall, from time to time, render to the governor a just and true account of the sales made by him, and shall expend the proceeds of the same in the purchase of other military property, as the governor may direct.

To care for
arms, etc., is-
sued to state.

SECT. 33. He shall be responsible for all the arms, ordnance, accouterments, equipments, and other military property which may be issued to the state by the secretary of war in compliance with law; and it shall thereafter be his duty to prepare returns of said arms and other property of the United States at the times and in the manner requested by the secretary of war.

To return
equipments to
United States
Army.

SECT. 34. He shall, upon the order of the governor, turn in to the ordnance department of the United States Army the rifles, carbines, bayonets, bayonet scabbards, gun slings, belts, and such other necessary accouterments and equipments, the property of

the United States and now in the possession of the state, which may be replaced, from time to time, by new arms, equipments, etc., sent by the United States in substitution therefor, and cause the same to be shipped, under instructions from the secretary of war, to the designated arsenal or depot at the expense of the United States. And when the New Hampshire National Guard shall be fully armed and equipped with standard service magazine arms, and the standard equipment and accouterment of the United States Army, he shall cause all the remaining arms, equipments, etc., the property of the United States and in the possession of the state, to be transferred and shipped as above directed.

SECT. 35. He shall deliver from the arsenals suitable camp equipage, tents, and utensils for use of a regiment or brigade, when a regimental or brigade encampment is ordered, and after such encampment receive and carefully keep the same for the use of troops next ordered into camp; and if such equipage is not in the arsenals at the time of such encampment being ordered by the commander-in-chief, he shall, under the direction of the governor, purchase or provide such camp equipage, tents, and utensils as may be required, and the governor is authorized to draw his warrant for the necessary cost or expense. All sums which have been or may hereafter be received by the adjutant-general for military property lost or destroyed, or condemned and sold by authority of the commander-in-chief, shall be applied to the use of the New Hampshire National Guard by the adjutant-general, and shall be accounted for by him to the governor and council.

To issue camp equipage.

SECT. 36. He shall sue for forfeiture and damages on account of injuries to gun-houses, armories, and public military property, and such sums so collected shall be paid into the state treasury, and shall be credited to the account of the New Hampshire National Guard.

To sue for forfeitures and account for moneys.

SECT. 37. He shall keep a just and true account of all expenses necessarily incurred, including pay of officers and enlisted men, subsistence of militia, transportation of militia, and of all military property of the state, and such expenses shall be audited and paid in the same manner as other military accounts are audited and paid.

Expense accounts.

SECT. 38. He shall issue such military property as the governor shall direct, and under his direction make purchases for that purpose. No military property shall be issued to persons or organizations other than those belonging to the active militia, except to such portions of the reserve militia as may be called out by the governor.

To purchase and issue military property.

SECT. 39. Purchases of property not exceeding \$100 in value shall be made in such manner as the adjutant-general shall direct. If such purchase requires an expenditure exceeding \$100 and not

Purchases upon written proposals.

exceeding \$500, the adjutant-general shall procure written proposals to furnish such property from at least two parties, and shall purchase such property from the lowest responsible bidder.

Purchases upon advertised proposals.

SECT. 40. If such purchase shall require the expenditure of a sum exceeding \$500 he shall publicly advertise, for not less than ten days, for sealed proposals for furnishing such property; such proposals shall be publicly opened by the adjutant-general at the place, day, and hour designated in such advertisement.

Contracts of purchase.

SECT. 41. The adjutant-general shall, if the governor approve, make contract with the lowest responsible bidder to furnish such property. All proposals and contracts made under the authority hereby conferred shall be filed in the office of the adjutant-general. The adjutant-general is authorized and directed, whenever, in his opinion, it shall be to the interest of the state, to require a party who shall agree or contract to furnish such property to give bond to the state in such sum and with such surety as he shall direct, conditioned for the faithful performance of such agreement or contract. In case of default such bond shall be prosecuted by the attorney-general, and all moneys recovered shall be applied by the adjutant-general to the benefit of the New Hampshire National Guard.

Inspection of property purchased.

SECT. 42. All property purchased under the authority hereby granted shall be inspected by an inspector or an officer designated for that purpose by the governor, and no payment shall be made therefor until it shall appear by the certificate of such officer that such property is of the kind and quality specified in such agreement or contract.

Purchases in case of invasion, etc.

SECT. 43. In case of insurrection, invasion, tumult, riot, breaches of the peace or imminent danger thereof, the governor may temporarily suspend the operation of this paragraph, and direct the adjutant-general to purchase such military property as may be required in open market. He shall report such action, with the reasons therefor, and a statement of the property purchased and the prices paid therefor, to the legislature at its next session.

Disposition of clothing, etc.

SECT. 44. He shall include in his annual report to the governor a statement in detail showing the disposition of all clothing, ordnance, arms, ammunition, and other military property on hand or issued.

To supervise armories, etc.

SECT. 45. He shall have supervision and control of all armories, gun-houses, and battalion, regimental, and brigade headquarters, so far as is necessary for securing and protecting public property kept therein; and all gun-houses owned by the state shall be in his charge for the purpose of preservation and repair. With the consent of the governor and council he may sell and convey any gun-houses and lots, and pay the proceeds into the state treasury.

to be credited to the account of the New Hampshire National Guard. Whenever armories erected or provided by state funds for the use of the National Guard are desired for other than military purposes the adjutant-general, with the consent of the governor, may rent such armories, and the rentals shall be applied towards the maintenance and equipment of such armories; *provided* that armories shall not be rented or devoted to other uses that will conflict with the regular schedule of drills and other military functions required by the military department of the state. Funds accruing from rentals of armories, shall be held by the adjutant-general, for the purposes named, and shall not be considered as part or portion of the regular appropriation for the National Guard.

AUDIT AND PAYMENT OF ACCOUNTS.

SECT. 46. No officer of the militia shall incur any expenses whatsoever to be paid by the state, except such as are authorized in this chapter, without first obtaining the authority of the governor; in extreme emergencies, however the commanding officer of any organization or detachment of the active militia may make purchases of such necessities as are absolutely required for the immediate use and care of his command; a report of such action, containing a statement of the articles purchased and the price thereof, must be made forthwith through the proper channel to the adjutant-general. The governor and council shall audit all accounts for property purchased by the adjutant-general. All other military accounts payable by the state shall be audited by the adjutant-general. Military accounts thus audited shall be paid by the treasurer of the state from the proper appropriation made by the legislature, upon the warrant of the governor.

Emergency purchases.

ACTIVE MILITIA—HOW ORGANIZED.

SECT. 47. The New Hampshire National Guard shall consist of a brigadier-general, an adjutant-general's department, an inspector-general's department, a judge-advocate general's department, a quartermaster's department, a subsistence department, a medical department, a pay department, an ordnance department, a signal corps, the existing military organizations and such others as may be organized hereafter, and such persons as may be enlisted or commissioned therein.

Departments of National Guard.

SECT. 48. There shall be one brigade under the command of a brigadier-general, consisting of two regiments of infantry of twelve companies each, one troop of cavalry, and one field battery, but the governor shall have power to abolish the brigade form of organiza-

Organization; governor may reorganize.

tion and brigade officers, alter, divide, annex, consolidate, disband, or reorganize brigades, regiments, battalions, squadrons, troops, batteries and signal corps, and create new organizations and the necessary officers thereof whenever, in his judgment, the efficiency of the state forces will be thereby increased, and he shall at any time have power to change the organization of brigades, regiments, battalions, squadrons, troops, batteries, companies, and signal corps so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the army of the United States, and for that purpose the number of officers and non-commissioned officers of any grade in brigades, regiments, battalions, squadrons, troops, batteries, companies and signal corps may be increased or decreased to the extent made necessary by the new positions thus created or the old positions thus abolished. All provisions of this act relative to the organization of the active militia shall be subject to the power of reorganization conferred upon the governor by this section.

Increase of
force in case
of war, etc.

SECT. 49. The governor shall have power, in case of war, insurrection, invasion, or imminent danger thereof, to increase the force beyond the maximum now established by law, and to organize the same, with the proper officers, as the exigencies of the service may require.

Organization
in time of
peace.

SECT. 50. In time of peace the military units of the New Hampshire National Guard shall be composed and organized as follows:

Infantry:

A company of infantry shall consist of:

- 1 captain,
- 1 first lieutenant,
- 1 second lieutenant,
- 1 first sergeant,
- 1 quartermaster sergeant,
- 4 sergeants,
- 6 corporals,
- 2 cooks,
- 2 musicians,
- 42 privates.

The minimum enlisted strength of a company shall be fifty-eight. The maximum enlisted strength shall be sixty-six.

A battalion of infantry shall consist of:

- 1 major,
- 1 battalion adjutant (first lieutenant),
- 1 battalion quartermaster and commissary (second lieutenant),
- 1 battalion sergeant-major,
- 4 companies.

The minimum enlisted strength shall be two hundred and thirty-three.

A regiment of infantry shall consist of:

- 1 colonel,
- 1 lieutenant-colonel,
- 1 adjutant (captain),
- 1 quartermaster (captain),
- 1 commissary (captain),
- 1 chaplain,
- 1 sergeant-major, regimental,
- 1 quartermaster sergeant,
- 1 commissary sergeant,
- 2 color sergeants,
- 1 band of 28, total enlisted,
- 3 battalions.

The minimum enlisted strength shall be seven hundred and thirty-two.

Cavalry:

A troop of cavalry shall consist of:

- 1 captain,
- 1 first lieutenant,
- 1 second lieutenant,
- 1 first sergeant,
- 1 quartermaster sergeant,
- 4 sergeants,
- 6 corporals,
- 2 cooks,
- 2 farriers and blacksmiths,
- 1 saddler,
- 2 trumpeters,
- 39 privates.

Its minimum enlisted strength shall be fifty-eight, and its maximum enlisted strength shall be sixty-six.

Field artillery:

A battery shall consist of:

- 1 captain,
- 2 first lieutenants,
- 2 second lieutenants,
- 1 first sergeant,
- 1 quartermaster sergeant,
- 1 stable sergeant,
- 6 sergeants,
- 12 corporals,
- 3 cooks,

1 chief mechanic,
 4 mechanics,
 2 musicians,
 102 privates.

The minimum enlisted strength shall be one hundred and thirty-three, and the maximum enlisted strength shall be one hundred and ninety.

Band:

An infantry band shall consist of:

1 chief musician,
 1 principal musician,
 1 drum-major,
 4 sergeants,
 8 corporals,
 1 cook,
 12 privates.

BRIGADE, REGIMENTAL AND BATTALION COMMANDERS AND STAFFS.

Brigade, regi-
 mental and
 battalion com-
 manders and
 staffs.

SECT. 51. To each brigade there shall be a brigadier-general, whose staff shall consist of officers detailed from the various departments, as follows:

One adjutant-general, major, adjutant-general's department;
 One inspector-general, major, inspector-general's department;
 One judge-advocate, major, judge-advocate general's department;
 One quartermaster, major, quartermaster's department;
 One commissary, major, subsistence department;
 One surgeon, major, medical department;
 One ordnance officer, major, ordnance department.

In addition to the above, the brigadier-general shall appoint and may remove at pleasure two aides-de-camp, with the rank of first lieutenant, as his personal staff, and in addition is authorized to detail such non-commissioned officers and privates for duty at brigade headquarters as may be necessary to act as non-commissioned staff clerks, orderlies, etc. The staff of a colonel shall consist of one adjutant, one commissary, one quartermaster and one chaplain, each with the rank of captain, who shall be appointed by the colonel and may be removed at his pleasure. The staff of a major shall consist of one adjutant with the rank of first lieutenant, and one quartermaster and commissary, with the rank of second lieutenant, who shall be appointed by the colonel and may be removed at his pleasure.

STAFF DEPARTMENTS.

SECT. 52. There shall be the following departments, consisting of officers of number and rank hereinafter specified necessary for the staff of the brigade and for duty with the several organizations of the New Hampshire National Guard, as follows: Staff departments.

An adjutant-general's department, consisting of one adjutant-general, major-general, who shall be the adjutant-general of the state, and one adjutant-general, major:

An inspector-general's department, consisting of one inspector-general, brigadier-general, and one inspector-general, major:

A judge-advocate general's department, consisting of one judge-advocate general, brigadier-general, and one judge-advocate, major:

A quartermaster's department, consisting of one quartermaster-general, brigadier-general, and one quartermaster, major:

A subsistence department, consisting of one commissary-general, brigadier-general, and one commissary, major:

A medical department, consisting of one surgeon-general, of the grade of brigadier-general, three surgeons of the grade of major, two assistant surgeons of the grade of captain, four assistant surgeons of the grade of first lieutenant, and the hospital corps:

A paymaster's department, the duties of which shall be performed by the adjutant-general of the state *ex officio*, and two paymasters, captains:

An ordnance department, consisting of the adjutant-general of the state *ex officio*, acting chief of ordnance, one major, and two captains, who shall also act as inspectors of small arms practice:

A signal corps, which shall be a staff corps, consisting of one first lieutenant, one sergeant, and eight privates.

SECT. 53. Upon the recommendation of the chief of a department, the governor may appoint and commission such additional officers not above the rank herein prescribed, as may be necessary to properly perform the duties of such department. Additional officers.

SECT. 54. There shall also be appointed one post quartermaster-sergeant, one post commissary-sergeant, one ordnance-sergeant, one custodian of the state arsenal at Concord, one custodian of the state arsenal and gun-house at Portsmouth, and one custodian for each of the armories owned by the state. Post quartermaster-sergeant, etc.

SECT. 55. The hospital corps shall consist of sergeants first class, sergeants, privates first class, and privates. The minimum enlisted strength of the hospital corps shall be two sergeants first class, five sergeants, thirteen privates first class, and seven privates. Hospital corps.

SECT. 56. Upon recommendation of the chief of the respective department, the governor may fix the number of non-commissioned officers, privates first class, and privates of the hospital corps, and Number of non-commissioned officers.

increase or decrease the number of post non-commissioned staff officers.

Inspector-general.

SECT. 57. The inspector-general shall make an annual inspection of all organizations belonging to the New Hampshire National Guard, at such time as the commander-in-chief may order. He shall also inspect all armories, books, reports, and military property in possession of the organization, and report within thirty days of such inspection, the condition thereof.

Judge-advocate general.

SECT. 58. The judge-advocate general is charged with the supervision, care, and management of all things relating to the administration of justice among the military forces of the state. He shall diligently scrutinize and examine the proceedings of all courts martial, and report thereon for the information of the commander-in-chief. Under the orders of the commander-in-chief the judge-advocate general shall act as judge-advocate at any court martial where the public interest shall require his attendance.

To legally advise military department.

SECT. 59. The judge-advocate general is the legal adviser of the military department upon all legal questions which may arise therein; and to him may be referred for supervision all contracts, agreements, or other instruments to be drawn or executed in the course of business of this department. It shall be the duty of the judge-advocate general to prosecute any bond, the condition of which is violated by a neglect or refusal of any officer to report the condition of any arms or equipage, or to return the same to any of the arsenals of this state as required by law. He shall make a detailed report on or before the thirty-first of August annually.

Quartermaster-general; commissary-general.

SECT. 60. The duties of the quartermaster-general and commissary-general shall be the same as prescribed in the regulations of the army of the United States relative to these departments, so far as applicable and consistent with the laws of this state. The commissary-general shall be elected by the legislature, and shall be the commissary-general referred to in the constitution.

Surgeon-general.

SECT. 61. The surgeon-general, subject to the orders of the commander-in-chief, shall have general supervision and control of all matters pertaining to the medical department of the militia, and shall prescribe the physical and mental disabilities exempting from military duty. He shall, subject to the approval of the commander-in-chief, purchase and issue all medical and hospital supplies, and perform such other duties appertaining to his office as the commander-in-chief shall from time to time direct. He shall annually, on or before the thirty-first of August, make a detailed report of his department.

OFFICERS, NON-COMMISSIONED OFFICERS, AND EXAMINING BOARDS, HOW APPOINTED.

SECT. 62. The governor, with the advice of the council, shall appoint and commission the general, field, and department staff officers, with the exception of the commissary-general, who shall first be elected by the legislature as hereinbefore provided. The line officers nominated as prescribed in the constitution shall be commissioned by the governor; and all commissions of general, field, department staff and line officers shall be for the term of five years, and officers re-commissioned to the same grade without interval shall hold rank from the date of the first commission.

Officers, how appointed.

SECT. 63. Commissioned officers shall take rank according to the date of their commissions. Between officers of the same grade and date of appointment, the relative rank shall be determined by lot. The day of the appointment of an officer shall be expressed in his commission, and considered as the date thereof. When an officer is continued by appointment from one office to another, or appointed or transferred by appointment from one organization to another in the militia without loss of grade accordingly, the date of his original commission therein, and a statement showing that date, shall be made in his new commission.

Rank of officers.

SECT. 64. Whenever any department or staff office shall be vacant, the duties of such office may be assigned to an officer already in commission, or a detail made therefor until such time as the vacancy shall be filled.

Assignment in case of vacancy.

SECT. 65. The officers shall be commissioned by the commander-in-chief according to the respective offices and grades to which they have been nominated.

Officers, how commissioned.

SECT. 66. The commander-in-chief may appoint an examining board to consist of three officers, one of whom shall be a medical officer, to inquire into the qualifications of all persons recommended or proposed for nomination or appointment as general, field, department, or staff officers of the militia, and captains and subalterns in the respective regiments, except officers upon the staff of the commander-in-chief, medical officers, and chaplains. Before any commission shall issue to any person proposed or recommended for nomination or appointment to any such office, the commander-in-chief, brigade commander, colonels, and field officers of regiments may require the examining board to report concerning the moral character, physical qualifications, fitness for service, and general knowledge of military affairs of the persons recommended or proposed for appointment. The commander-in-chief may also appoint an examining board to consist of the surgeon-general and two surgeons of the grade of major, to examine into the qualifications of

Examining boards, appointment and duties.

all persons recommended or proposed for appointment as medical officers. The findings of both of the above boards shall be made in duplicate, one copy to be given to the adjutant-general of the state, and the other to the officer requesting the services of the board.

Non-commissioned officers, how appointed.

SECT. 67. Non-commissioned officers of the general staff corps, non-commissioned staff officers of regiments and unattached battalions shall be appointed and warranted by their respective permanent commanders; and commanders of regiments shall warrant the non-commissioned officers of companies upon the written nomination of the respective captains. The commanders of the troop of cavalry, the battery and the signal corps shall appoint and warrant their non-commissioned officers. Permanent commanders of regiments or unattached companies may reduce to the ranks any non-commissioned officer of their commands. Company non-commissioned officers may be reduced to the ranks by sentence of court martial. No enlisted man shall be warranted as a non-commissioned officer unless he shall have passed a satisfactory examination before a board of examiners to be appointed by the officer authorized to issue such warrant. To be eligible for appointment as sergeant first class of the hospital corps, a candidate must be a registered pharmacist. A sergeant of the hospital corps must be appointed from the hospital corps. The officer warranting a non-commissioned officer shall have power to reduce to the ranks, for good and sufficient reasons, the non-commissioned officers named in this section; but such as were enlisted as non-commissioned officers shall be discharged. Non-commissioned officers who shall be dropped vacate their positions.

Temporary vacancies.

SECT. 68. When the office of brigadier-general, colonel, major, or captain is vacant, or such officer is sick or absent, the officer next in rank in the brigade, regiment, or company shall exercise his command, and have the same powers and be subject to the same duties and liabilities.

Company without commissioned officers.

SECT. 69. When a company is without commissioned officers, the commander of the regiment to which it is attached shall detail some officer of the staff or line in his command to take command of and discipline such company until an officer is commissioned therefor, and the officer so detailed shall have the powers and be subject to the duties and liabilities of the captain of the company.

Illegal business bar to office.

SECT. 70. No person shall hold or be commissioned to any office in the New Hampshire National Guard who shall be engaged in the illegal sale or traffic of spirituous or intoxicating liquors, or in any other illegitimate business.

Brevet-rank; retirement after ten years' service.

SECT. 71. The commander-in-chief is hereby authorized to confer upon such citizens of this state as shall have faithfully served as commissioned officers in the New Hampshire National Guard con-

tinuously for the term of fifteen years, a brevet rank of not more than one grade higher than the highest grade held by them during their term of service. Any commissioned officer who shall have been a member of the New Hampshire National Guard continuously for a period of not less than ten years, may, at his own request, be placed upon the retired list, to be kept hereafter in the office of the adjutant-general. Officers so retired shall receive no pay or allowance, but shall retain their rank and are permitted to wear the uniform of their grade upon all public occasions.

RESIGNATION, RETIREMENT, REMOVAL AND DISCHARGE OF OFFICERS.

SECT. 72. A commissioned officer tendering his resignation before having served five years, if the governor accept it, shall receive an honorable discharge; if he has served five years or more, he shall receive a full and honorable discharge; *provided* he shall not be under arrest or returned to a military court for any deficiency or delinquency, and *provided further* he be not indebted to the state in any manner, and that all his accounts for money or for public property be correct. In computing the time served, service as an enlisted man shall be allowed, and the service is not required to be continuous. If the governor accept the resignation of an officer who at the time shall be under arrest, under charges, or returned to a military court for any offense, deficiency, or delinquency, such officer shall then cease to be an officer of the militia, and shall receive a discharge in such form as the governor shall direct, nor shall he be again eligible to receive a commission unless he first re-enlist, as provided in this chapter in the case of enlisted men dishonorably discharged, and until he shall have performed at least sixty per cent. of duty in each year under such enlistment for two successive years.

Resignation
of officers.

SECT. 73. Any officer of the active militia who has reached the age of sixty-four years may be placed upon the retired list by the governor. Any commissioned officer who shall have served in the same grade for the continuous period of ten years, or in the military service of the state as a commissioned officer for fifteen years, may, upon his own request, be placed upon the retired list and withdrawn from active service and command by the governor. Any commissioned officer who has become or shall hereafter become disabled, and thereby incapable of performing the duties of his office, shall be withdrawn from active service and command and placed on the retired list. Any commissioned officer who has become, or who shall hereafter become unfit or incompetent, and thereby incapable of performing the duties of his office, shall be discharged upon the recommendation of his commanding officer or

Retired list;
discharges for
disability.

the recommendation of an inspecting officer. Such retirement or discharge shall be by order of the governor, and, in either case, shall be subject to the provisions of this section. Before making such order, a board of not less than five commissioned officers, one of whom shall be a surgeon, shall be appointed, whose duty it shall be to determine the facts as to the nature and cause of incapacity of such officer as appears disabled or unfit, or incompetent, from any cause, to perform military service, and whose case shall be referred to it. No officer whose grade or promotion would be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Such board is hereby invested with the powers of courts of inquiry and courts martial, and whenever it finds an officer incapacitated for active service, shall report such fact to the governor, stating cause of incapacity, whether from disability, unfitness, or incompetency, and if he approves such finding, such officer shall be placed on the retired list or discharged, as provided in this chapter. The members of the board shall, before entering upon the discharge of their duties, be sworn to an honest and impartial performance of their duties as members of such board. No officer shall be placed upon the retired list or discharged by the action of such board without having had a fair and full hearing before the board, if upon due notice he shall demand it. It shall not be necessary to refer any case for the action of such board arising under this section, unless the officer designated to be placed upon the retired list or discharged shall, within twenty days after being notified that he will be so retired or discharged, serve on the adjutant-general a notice in writing that he demands a hearing and examination before such board. Boards for the New Hampshire National Guard shall be appointed by the governor for all officers. The governor may withdraw from active service and command and place upon the retired list any officer who has been twenty-five years in the active service of the New Hampshire National Guard, on the recommendation of the commanding officer of his organization and the commanding officer of the New Hampshire National Guard. Vacancies created by the operation of this section shall be filled in the same manner as other vacancies.

Examination
and discharge.

SECT. 74. The governor may, whenever he may deem that the good of the service requires it, order any commissioned officer before a board of examination, to consist of not less than three nor more than five general or field officers, which is hereby invested with the powers of courts of inquiry and courts martial, and such board shall examine into the moral character, capacity, and general fitness for the service of such commissioned officer, and record and return the testimony taken and a record of its proceedings. If the

findings of such board be unfavorable to such officer and be approved by the governor, he shall be discharged from the service. No officer whose grade or promotion would in any way be affected by the decision of such board, in any case that may come before it, shall participate in the examination or decision of the board in such case. Failure to appear when ordered before a board constituted under this section shall be sufficient ground for a finding by such board that the officer ordered to appear be discharged.

SECT. 75. An officer who shall have been absent without leave for a period of thirty days or more may be dismissed by the governor.

Dismissal for absence.

SECT. 76. A commissioned officer can not be removed from office without his consent, except by address of both houses to the governor, the sentence of a general court martial, or as provided in this chapter.

Officers, how removed.

ENLISTED MEN OF THE NATIONAL GUARD.

SECT. 77. Any man who is a citizen of the United States or has declared his intention to become a citizen, if more than 18 and less than 45 years of age, able-bodied, free from disease, of good character and temperate habits, may be enlisted in the New Hampshire National Guard, under the restrictions of this chapter, for a term of not less than three years; except that men may be enlisted as musicians if more than 16 years of age.

Who may be enlisted.

SECT. 78. No minor shall be enlisted without the written consent of his parent or guardian. A man who has been expelled or dishonorably discharged from any military organization of the state or the United States shall not be eligible for enlistment or re-enlistment unless he produces the written consent to such enlistment of the commanding officer of the organization from which he was expelled or dishonorably discharged, and of the commanding officer who approved such expulsion, or issued such dishonorable discharge.

Enlistment of minors, etc.

SECT. 79. Men who have been discharged by reason of disbandment may be enlisted and shall then receive credit for the period served at the time of such disbandment. A man discharged for physical disability shall, if such disability cease, and he again enlists, receive credit for the period served prior to such discharge.

Re-enlistment after disbandment.

SECT. 80. Chief musicians, principal musicians, drum-majors, musicians, and members of the hospital corps may be enlisted as such.

Enlistment of musicians, etc.

SECT. 81. No man shall be enlisted, and no officer or man shall receive any uniform, allowance, pay, or compensation, until he has been examined by the proper medical officers, and has been certified to be able-bodied and capable of doing military duty. Such examination shall be the standard medical examination prescribed for the regular army of the United States.

Medical examination.

Medical examiners of recruits.

SECT. 82. The commander-in-chief may at his discretion appoint in each town or city where military companies are located, a practicing physician who shall be a graduate of some incorporated school of medicine, who shall make the medical examination of recruits required by the above section, and who shall receive as compensation the sum of fifty cents for each examination made. The physician appointed under this section shall furnish captains with a certificate of each examination made, and shall forward to the adjutant-general, through the proper military channel, monthly a report of all examinations.

Re-enlistments.

SECT. 83. Any man who has served the period of his original enlistment may be re-enlisted for the term of three years. No man above the age of 45 years shall be re-enlisted except by permission of the commanding officer of the brigade to which the organization is attached. A man applying for re-enlistment must pass the physical examination prescribed for original enlistment.

Enlistment oath.

SECT. 84. Every person who enlists or re-enlists shall sign and make oath to an enlistment paper which shall contain an oath of allegiance to the state and the United States, and be in such form as may be prescribed in the regulations issued under this chapter. Such oath shall be taken and subscribed to before a field officer, department officer, or the commanding officer of a signal corps, troop, battery, or company, who are hereby authorized to administer such oath. A person making a false oath as to any statement contained in such enlistment paper shall, upon conviction, be deemed guilty of perjury.

Transfers.

SECT. 85. No soldier shall be transferred from one company to another, or from one arm of service to another, except by order of the commander-in-chief.

Companies, etc., how raised.

SECT. 86. Troops of cavalry, batteries of light artillery, and companies of infantry shall be raised, on petition to the commander-in-chief or by his order.

Order for raising.

SECT. 87. When a petition for raising a company has been signed by not less than seventy-five citizens of the town where such organization is to be raised, and when it shall appear that suitable armory accommodations can be secured, the order for raising the same, may be issued, and the adjutant-general, on application therefor, shall furnish the petitioners with a descriptive book and enlistment papers.

Date of organization.

SECT. 88. The date of the organization shall be the date of the meeting first held under an order for the nomination of its officers. The organization shall be designated by alphabetical letters, and have seniority according to the dates of the commissions of the commanding officers. As soon as any organization is perfected in accordance with the provisions of this chapter the commanding

officer, after having copied the enlistment papers of the company in the descriptive book, shall forward them at once to the adjutant-general.

SECT. 89. The colonel of each regiment may raise by enlistment a band not exceeding twenty-eight musicians, as hereinbefore provided, and may issue his warrant to the same; *provided*, that the members of such band shall furnish their own instruments.

Enlistment of bands.

RETIREMENT.

SECT. 90. The governor may appoint enlisted men and commission them, without examination, second lieutenants by brevet, upon the recommendation of their respective commanding officers, and place them upon the retired list at the same time, *provided* they have well and faithfully served the state in the New Hampshire National Guard for a period of twenty-five years.

Retirement of enlisted men with brevet rank.

DISCHARGES.

SECT. 91. An enlisted man shall be entitled to receive: 1. A full and honorable discharge. 2. An honorable discharge. 3. A discharge. 4. A dishonorable discharge. All discharges shall be granted by the commander-in-chief.

Discharges of enlisted men.

SECT. 92. A full and honorable discharge shall be granted to the following: An enlisted man who shall have performed in each year at least sixty per cent. of the duty his signal corps, troop, battery, company, or battalion not part of a regiment, or regiment has been required by law and orders to perform during his term of enlistment or re-enlistment, or during his total service in case the same has been extended beyond the term for which he enlisted. An enlisted man who fails to perform sixty per cent. of duty during any year of his service may continue in service at the option of his commanding officer, and make up such deficiency.

Full and honorable discharge.

SECT. 93. An honorable discharge shall be granted to the following; *provided* they be not entitled to a full and honorable discharge: 1. An enlisted man upon his own application, approved by the commanding officer of his company and by superior commanders; 2. An enlisted man upon disability, established by certificate of a medical officer; 3. An enlisted man who by the reduction of his regiment or battalion has become surplus, or whose signal corps, troop, battery, or company shall be disbanded; 4. An enlisted man upon removal of residence from the state, or out of the limits of the command to which he belongs, to so great a distance that, in the opinion of his commanding officer, he can not properly perform his military duty; 5. An enlisted man to accept promotion by commission; 6. An enlisted man who has served the

Honorable discharge.

term of his enlistment or re-enlisted and is not entitled to a full and honorable discharge.

Discharge.

SECT. 94. A discharge shall be granted to the following: An enlisted man or non-commissioned officer for the best interest of the service, whenever, in the opinion of the commander-in-chief, the interest of the service demands such discharge. When non-commissioned officers are to be discharged they shall first be reduced to the ranks.

Dishonorable discharge.

SECT. 95. A dishonorable discharge shall be given to the following: 1. An enlisted man fined by any military court, who shall neglect or refuse to pay such fine within thirty days after it was imposed; 2. An enlisted man whose immediate commander applies to have him discharged for the good of the service, after giving him ten days' notice of such application, and an opportunity to be heard in defense of his conduct; 3. An enlisted man pursuant of the sentence of a court martial; 4. An enlisted man upon conviction of felony in a civil court. When non-commissioned officers are to be dishonorably discharged they shall first be reduced to the ranks.

Application for discharge.

SECT. 96. An enlisted man who continues in service after the expiration of his term of enlistment or re-enlistment shall, in case he desires a discharge, give thirty days' written notice of application therefor to the officer authorized to grant the same, and such officer may, in his discretion, grant such discharge forthwith, or hold the same until the expiration of thirty days. Every enlisted man shall continue to be held to duty, retain his rank, and be eligible to promotion after the expiration of his term of enlistment or re-enlistment, so long as he, or the commanding officer of his company, omits to apply for his discharge.

RESPONSIBILITY FOR EFFICIENCY.

Commanding officer responsible.

SECT. 97. The officer commanding the New Hampshire National Guard shall be responsible to the governor for the general efficiency of the New Hampshire National Guard, and for the drill, instruction, inspection, small-arms and artillery practice, movements, operations, and care of the troops. Commanding officers of organizations shall be responsible to their immediate commanders for the equipment, drill, instruction, movements, and efficiency of their respective commands. All commissioned officers and enlisted men shall be responsible to their immediate commanding officers for prompt and unhesitating obedience, proper drill, and the preservation and proper use of the property of the state or organization in their possession.

DRILLS AND PARADES.

SECT. 98. Officers and enlisted men shall assemble for and undergo drill and instruction at company, troop, battalion, or regimental armories or rendezvous, or for target practice, not less than twenty-four times during each calendar year preceding the annual allotment of funds under section 1661, Revised Statutes of the United States, as amended. During the same period there shall be at least one inspection of all officers and enlisted men by an officer of the National Guard or by an officer of the regular army of the United States, at such times and in such manner as the governor may direct. In addition to such drills and parades, the commanding officer of any organization may require the officers and enlisted men of his command to meet for parade, drill or instruction at such times and places as he may appoint.

Drills, parades, and inspections.

SECT. 99. Each troop, battery, or company, not especially excused by the governor, will be required to participate for at least five consecutive days annually in practice marches or camps of instruction, under such regulations as the governor may prescribe, and under such instructors as he may appoint.

Practice marches, etc.

SECT. 100. The officer commanding the troops to be encamped may contract for the use of the land required for the camp of instruction or practice march, at a reasonable rent.

Land for encampment.

SECT. 101. Upon petition of the owner of the land so occupied to the county commissioners, they shall assess the damages occasioned by such occupation, and make return thereof to the adjutant-general; and the amount so assessed, with costs, shall be paid from the state treasury.

Damages, how assessed.

SECT. 102. If the owner is dissatisfied with the damages assessed, he may apply by petition to the superior court at the next trial term thereof in the county where the land lies, for an assessment of his damages by a jury; and like proceedings shall be had thereon, so far as the same are applicable, as in the case of damages for land taken for a highway.

Appeal from assessment.

SECT. 103. There shall be such competitions in rifle practice during each season, and such buttons, badges, bars, and trophies, awarded to officers, men, and organizations qualifying in the several classes, or winning the same, as the commander-in-chief may direct.

Rifle practice.

RIOTS AND INSURRECTIONS.

SECT. 104. When there is in any county, city, or town, a tumult, riot, mob, or a body of men acting together with force, with attempt to commit a felony, or to offer violence to persons or property, or by force and violence to break and resist the laws of the state or of

Militia ordered out in case of riot, etc.

the United States, or when such tumult, riot, or mob is threatened, and the fact is made to appear to the commander-in-chief by the mayor of a city, selectmen of a town, or sheriff of a county, the commander-in-chief shall issue his order to any commander of a brigade, regiment, or company, directing him to order his command, or a part thereof, describing the kind and number of troops, to appear at the time and place therein specified, to aid the civil authorities in suppressing such violence and supporting the laws.

Duty of officer receiving order.

SECT. 105. The officer to whom the order of the commander-in-chief is directed shall forthwith order the troops therein mentioned to parade at the time and place appointed, and shall immediately notify the commander-in-chief of receipt of such order.

Orders of civil officer to be obeyed.

SECT. 106. When an armed force is called out for the purpose of suppressing an unlawful or riotous assembly, it must obey the orders in relation thereto of the civil officer calling it out, and render the required aid. The orders of the civil officer may extend to a direction of the general or specific object to be accomplished and the duration of service by the active militia, but the tactical direction of the troops, the kind and extent of force to be used, and the particular means to be employed to accomplish the object specified by the civil officers are left solely to the officers of the active militia.

WARNINGS.

To whom issued.

SECT. 107. When a company is to be paraded for encampment or inspection, the commander shall issue his orders to one or more of the non-commissioned officers, not exceeding two, of his company, requiring them to warn the officers and enlisted men whose names are inserted or annexed to the order to appear at the time and place appointed to parade; except that in case of tumult, riot, invasion, or insurrection the commander shall issue his orders to one or more non-commissioned officers, as he may deem sufficient, and the reading of such order in the presence of the persons to be warned by said non-commissioned officer shall be deemed sufficient notice thereof.

How delivered.

SECT. 108. Such non-commissioned officers shall warn every person whose name is so inserted, except as provided in the preceding section, by delivering to him in person, or mailing to his last known address, or leaving at his abode, the written order at least four days previous to the time of parade. They shall receive one dollar each for making such service. The non-commissioned officers, delivering such warnings shall, at least four days previous to such parade, make a return thereof containing the names of the persons warned and the time, place, and manner of warning.

SECT. 109. When a regimental band is wanted for duty, the commanding officer of the regiment to which it belongs may issue his warrant, or cause it to be issued through his adjutant, directed to the principal musician or sergeant or any member of the band, directing them to warn the members thereof to appear for duty at a time and place therein mentioned.

Regimental band, how warned.

SECT. 110. If an officer or enlisted man is confined to his house by sickness at the time of any parade or encampment, or is absent from town at the time he is warned, and remains absent until after such parade or encampment, or has any other reasonable excuse, the commander may excuse him for non-appearance.

Excuse for non-appearance.

SECT. 111. No excuse shall be received unless the same is made in writing and filed with the first sergeant within ten days after such parade or encampment, unless it is proved that by reason of continued sickness or absence such officer or soldier was unable to make the same within that time, and that it was made immediately upon his return or recovery.

Excuse to be in writing.

ABSENCE OF OFFICERS AND ENLISTED MEN, AND PENALTIES.

SECT. 112. No officer shall absent himself from his command for a period exceeding twenty days, without first obtaining a leave of absence from the commander-in-chief.

Leave of absence of officers.

SECT. 113. An officer or enlisted man who neglects duty after due notice to appear at any parade, inspection, or encampment, or who is at any time absent from his company before it is dismissed, without leave from the commanding officer, shall be fined three dollars for each day's absence.

Fine for absence.

SECT. 114. An enlisted man absenting himself from all drills and parades of his company for a period of three months may be dropped from the rolls as a deserter upon recommendation of his commanding officer through proper channels to the commander-in-chief, and the names of men so dropped shall be published quarterly in general orders by the adjutant-general.

Absence, when deemed desertion.

SECT. 115. An officer or soldier who after due notice neglects to obey any legal order to turn out and march for the suppression of a riot, or in case of an invasion or threatened invasion, or to enforce the execution of the laws of the state or of the United States, or who when out refuses to obey the command of his superior officer, shall be fined not more than five hundred dollars, or imprisoned not more than two years, or both, as the court martial may adjudge. And any person or persons attempting to persuade an officer or soldier to refuse or neglect to appear at such time or place to obey such order, shall upon conviction forfeit two hundred dollars, or be imprisoned not exceeding six months, or both.

Refusal to obey in case of riot, penalty.

Non-appearance of officer at instruction meeting, penalty.

SECT. 116. Any officer failing to appear at meetings of instruction when notified, shall be fined the same as for non-attendance at an encampment, but the commanding officer may remit such fine when, in his opinion, a sufficient and proper excuse is given within ten days after the meeting. Such fines shall be collected and paid to the state treasurer as in other cases for collection of fines, and credited by him to the account of the New Hampshire National Guard.

Exemption from duty on election days.

SECT. 117. No officer or soldier shall be holden to perform military duty,—except in case of invasion, insurrection, riot, or tumult made or threatened, or in obedience to the orders of the commander-in-chief—on a day appointed for a meeting, in the town in which he resides, for the election of governor, senator, or electors of president and vice-president of the United States, or representative to congress or the legislature; and the officer parading his company, or wilfully ordering it to parade in opposition to the provisions of this section, shall be liable to court martial.

Court martial for absence.

SECT. 118. Every officer or enlisted man ordered out for duty, who does not appear at the time or place designated by proper authority, or does not furnish a reasonable excuse for such non-appearance, shall be liable to such punishment as a general court martial may upon conviction determine.

Fines, collection of.

SECT. 119. All fines and penalties provided for in this chapter may be collected by complaint and indictment in the civil courts, and the procedure shall be the same as in all misdemeanors or crimes, except when otherwise provided in this chapter.

DISCIPLINE AND EXERCISE.

To conform to that of United States Army.

SECT. 120. The system of discipline and exercise of the New Hampshire National Guard shall conform generally to that of the army of the United States as it is now or may hereafter be prescribed by the president, and to the provisions of the laws of the United States, except as otherwise provided in this chapter.

MILITARY COURTS.

Classification.

SECT. 121. The military courts of this state shall be: 1. General courts martial, 2. Garrison courts martial, 3. The summary court, 4. Courts of inquiry, 5. Delinquency courts, which are of two kinds: (1) For officers, (2) For enlisted men.

Courts martial governed by articles of war.

SECT. 122. The constitution and jurisdiction of courts martial; the form and manner in which the proceedings of military courts shall be conducted and recorded, and the forms of oaths and affirmations taken in the administration of military law by such courts, the limits of punishment and the proceedings in revision

shall be governed by the articles of war and the law and procedure of the courts martial of the United States, except as otherwise provided in this chapter.

SECT. 123. Any officer or enlisted man who neglects or refuses to perform the duties of his office, or to obey the orders of his superiors, or is guilty of any breach of the laws or regulations governing the military forces of the state, or is guilty of conduct unbecoming an officer, soldier, or gentleman, shall be put under arrest by his superior officer and tried by court martial.

Courts martial, who subject to.

SECT. 124. The commander-in-chief is authorized to order courts martial, which shall consist of not less than three nor more than seven persons, *provided* that no officer shall, when it can be avoided, be tried by officers inferior to him in rank. The members thereof, and all witnesses testifying before them, shall be sworn, and the proceedings conducted in accordance with the regulations for the government of the New Hampshire National Guard.

How ordered.

SECT. 125. No officer or enlisted man shall be tried by court martial for any offense committed more than one year before charges were preferred therefor, except in case of concealment of the offense by the person charged.

Charge to be made within one year of offense.

SECT. 126. Courts martial may, when no other punishment is fixed by law, sentence an officer or enlisted man convicted by them to pay a fine of not exceeding two hundred dollars and costs of witnesses, and all fines and costs imposed by them may be recovered by the adjutant-general in an action of debt in the name of the state. They may, in addition to the foregoing or any other punishment fixed by law, sentence an officer convicted by them to be cashiered, dishonorably discharged, or reprimanded in orders; and if sentenced to be cashiered or dishonorably discharged, the court shall adjudge him disqualified for life, or for any number of years, according to the aggravation of the offense, for holding any military office.

Courts martial, sentences of.

SECT. 127. Witnesses may be summoned before courts martial, and they and persons serving summonses shall receive the fees; and witnesses shall be subject to the penalties for non-appearance that are prescribed in the superior court, and depositions taken according to law may be used. The accused shall be entitled to subpoenas for witnesses in his behalf, and their fees shall be paid by the state.

Witnesses, how summoned.

SECT. 128. For the trial of non-commissioned officers, musicians, and privates, the commanding officer of a regiment shall, at such times and places as may be necessary, appoint a regimental court martial in his regiment; and in like manner the brigade commander shall appoint a like court martial for companies of cavalry and artillery in the brigade, except at such times as such company of

Regimental courts martial.

cavalry or artillery is under the immediate command of the regimental commander.

How constituted.

SECT. 129. Such court shall consist of one field officer to be appointed by the commander of the regiment, and in case of a court ordered by the brigade commander, the court shall be appointed from the field officers of the New Hampshire National Guard.

Sentences of.

SECT. 130. Such court shall have power, subject to the approval of the officer ordering the court martial, in case of a non-commissioned officer, to sentence to be reduced to the ranks with loss of pay; and with the approval of the officer appointing such court and of the commander-in-chief, such court may sentence the accused to be dishonorably discharged, or discharged with loss of pay, and disqualified from holding office in the New Hampshire National Guard.

Courts of inquiry.

SECT. 131. Courts of inquiry, to consist of three officers and a judge-advocate, to be designated by the commander-in-chief, may be ordered by him to examine into any military transaction, or any accusation or imputation against any officer or soldier, but such courts of inquiry shall never be so ordered except upon a demand by the officer or soldier whose conduct is to be inquired into.

Proceedings, how disposed of.

SECT. 133. The fees in courts martial and courts of inquiry shall be as follows: To the president, members, and judge-advocate, each three dollars a day, and six cents a mile for travel to and from court; to the judge-advocate for drawing the necessary papers, and for copies and recording, twelve and a half cents for each page of two hundred and twenty-four words; for notifying the accused of the time and place of trial, six cents a mile for actual and necessary travel, and twenty-five cents for each notification; to the sheriff for committing any person, the same fees as are allowed for like service on civil process; and for witnesses, the same fees as are allowed witnesses in the superior court.

Fees in courts martial and courts of inquiry.

SECT. 133. The fees in courts-martial and courts of inquiry shall be as follows: To the president, members, and judge-advocate, each three dollars a day, and six cents a mile for travel to and from court; to the judge-advocate for drawing the necessary papers, and for copies and recording, twelve and a half cents for each page of two hundred and twenty-four words; for notifying the accused of the time and place of trial, six cents a mile for actual and necessary travel, and twenty-five cents for each notification; to the sheriff for committing any person, the same fees as are allowed for like service on civil process; and for witnesses, the same fees as are allowed witnesses in the superior court.

Roll of fees to be certified.

SECT. 134. A roll shall be made by the judge-advocate of all fees, charges, and expenses, specifying the services and to whom due, including the expense of a stenographer when necessary; and the president and judge-advocate shall certify that the fees and charges are legal, and the governor shall draw his warrant therefor in favor of the president of the court.

No death penalty in time of peace.

SECT. 135. No person shall suffer death by a sentence of court martial for any offense committed in time of peace.

Members of court exempt from civil liability.

SECT. 136. No action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings, on account

of the approval or imposition or execution of any sentence, or the imposition or collection of a fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

SECT. 137. The jurisdiction of the courts and boards established by this chapter shall be presumed, and the burden of proof shall rest on any person seeking to oust such courts or boards of jurisdiction in any action or proceeding.

Jurisdiction presumed.

ARMS, UNIFORMS AND EQUIPMENTS.

SECT. 138. All organizations shall be provided by the state with such arms, equipments, colors, camp and garrison equipage, books of instruction and of record, and other supplies as may be necessary for the proper performance of the duty required of them by this chapter, except musical instruments for bands; and each organization shall keep such property in proper repair and in good condition.

To be supplied by state.

SECT. 139. Every commissioned officer shall provide himself with the arms, uniforms, and equipments prescribed and approved by the governor. The sum of twenty-five dollars shall be allowed to each commissioned officer of the New Hampshire National Guard, payable on the first day of June each year,—the same to be used exclusively for purchase and repair of uniforms and equipments by such officers, *provided* that no allowance shall be made to any commissioned officer who has not held a commission six months.

Commissioned officers to provide uniforms.

SECT. 140. Every enlisted man who enters the service of the state for three years shall be furnished by the state with a service uniform corresponding in make and general appearance to the service uniform of the United States Army.

Service uniforms.

RESPONSIBILITY FOR PUBLIC PROPERTY.

SECT. 141. Every officer and enlisted man to whom public property of the state has been issued shall be personally responsible to the state for such property, and no one shall be relieved from such responsibility, except it be shown to the satisfaction of the governor that the loss or destruction of such property was unavoidable and in no way the fault of the person responsible for the same; in all other cases the value of the property lost or destroyed shall be charged against the person at fault, or to the organization to which it had been issued, and such person or organization, if not relieved from such charge by the governor, shall pay the value of such property to the adjutant-general within three months after such loss or destruction. The value of lost or destroyed property, and the person or organization to be charged therewith,

Officers and men responsible.

shall be determined by a board of survey to be appointed by the commander-in-chief.

Delivery of
equipment,
etc.

SECT. 142. When a company has provided a suitable armory, upon filing in the office of the adjutant-general satisfactory evidence thereof, with the enlistment papers of the company, the commander-in-chief may issue his orders for the delivery to its commanding officer of the necessary uniforms, arms, and equipments, upon such officer filing in the office of the adjutant-general a bond in the sum of five hundred dollars, with sufficient sureties, to hold the same for the use of his company, to keep them in good order, to return or transfer them according to any legal order thereof. Said officer shall immediately receipt therefor. Any other officer receiving and responsible for the military property of the state shall file a similar bond in such sum as may be required by the adjutant-general.

Rent of
armories
regulated.

SECT. 143. For the rent of an armory for each company of infantry and troop of cavalry, two hundred dollars a year; of an armory and gun-house for a battery of light artillery, two hundred and fifty dollars a year; for each regimental band-room, one hundred dollars a year; and for each regimental and brigade headquarters, one hundred and fifty dollars a year,—shall be allowed by the governor, and paid on his order by the adjutant-general to the commander of each brigade, regiment or company; *provided* that organizations using a state armory shall receive no allowance. The sum of fifty dollars shall be allowed for each company of infantry, the troop of cavalry, and the field battery of the New Hampshire National Guard, the same to be used exclusively for the preparation and maintenance of suitable ranges for rifle practice for the said companies, troop, and battery; *provided* that no organization shall receive the said sum until proper vouchers for its expenditure, approved by the inspector of small arms practice, have been filed with the adjutant-general, and also *provided* that no organization shall be entitled to receive the allowance a second year unless at least seventy-five per cent. of the members have qualified as third-class marksmen during the preceding practice season, and have been certified as such by the inspector of small arms practice.

PAY FOR MILITARY SERVICE.

Compensation
for service.

SECT. 144. The adjutant-general shall act as paymaster-general, and shall have the general charge and supervision of all expenses and pay for the militia in the service of the state. There shall be paid for attendance and performance of duty of such officers and soldiers as shall be specially ordered for duty by the com-

mander-in-chief, or to attend encampments, parades, and schools of instruction as provided in this chapter, to each the following sum for each day actually on duty: To brigadier-generals, seven dollars; to colonels, six dollars; to lieutenant-colonels, five dollars; to majors, four dollars and fifty cents; to captains mounted, four dollars; to captains not mounted, three dollars and fifty cents; to lieutenants mounted, three dollars and fifty cents; to lieutenants not mounted, three dollars; to non-commissioned staff officers, two dollars and fifty cents; to first sergeants, two dollars and fifty cents; to band musicians, three dollars and fifty cents; to sergeants, corporals, and cooks, two dollars; to musicians and privates, two dollars; *provided* that the commander-in-chief may in his discretion order the proper officers to purchase and issue rations to the enlisted men during an encampment, in which case the actual cost of the rations for each man shall be deducted from his pay for attendance at such encampment.

SECT. 145. There shall be allowed to each member of the examining boards the sum of three dollars per day for the time actually and necessarily employed in such duties, and all necessary expenses incurred, but the total amount expended for pay and expenses for such members of examining boards shall not exceed five hundred dollars per annum.

Pay of examining boards.

SECT. 146. The inspector-general shall receive for his services the pay of his rank for the time actually and necessarily employed in making inspection when ordered by the commander-in-chief, and all necessary expenses incurred, but such compensation for pay and expenses shall not exceed five hundred dollars per annum.

Pay of inspector-general.

SECT. 147. There shall be paid to the adjutant-general attached to the brigade, for the care and preservation of records, seventy-five dollars per annum, to each adjutant of regiments, forty dollars per annum, and to each battalion adjutant, ten dollars per annum.

Pay of adjutants, etc.

SECT. 148. Officers, non-commissioned officers, musicians and privates shall be paid for attendance and performance of duty at the several rifle and revolver competitions when ordered by the commander-in-chief, the same pay and allowance as when ordered to attend encampments, and fifty cents each for duty at the annual inspection, and for each of the twenty-four drills required by this chapter which lasts at least one and one-half hours, and at which two-thirds of the organization drilling is actually present, officers and men shall be paid at the following rate: captain, one dollar; first lieutenant, eighty cents; second lieutenant, sixty cents; first sergeant, fifty cents; sergeant, forty-five cents; corporal, thirty-five cents; musician and private, twenty-five cents; *provided* that any officer or man not present at any such drill shall be fined the amount to which he would have been entitled had he been present, but such

Pay for sundry services.

fine may be remitted to such officer or man in accordance with the provisions of the regulations; and *provided further* that there shall be stopped against any officer or enlisted man to whom money may be due under the provisions of this act, all fines or other indebtedness to the state or to the United States, or for the loss or damage of property which has been issued to said officer or enlisted man, or for which said officer or enlisted man is responsible, and the amount of such stoppage shall be deducted from the total amount due him at the regular settlement.

Pay for use of horses.

SECT. 149. There shall be allowed for each horse actually employed by officers required to be mounted, three dollars a day; for horses used in the cavalry, and for non-commissioned officers and orderlies when required, two dollars a day; and for each draught horse employed in batteries of light artillery, the sum of two dollars a day.

Pay for forage.

SECT. 150. There shall also be allowed for each horse required and used by commissioned officers and enlisted men when ordered on duty by the commander-in-chief, the amount actually expended for forage.

Pay in joint manœuvres or actual service.

SECT. 151. When participating in joint manœuvres or encampments with United States troops, or when in actual service of the state in time of war, insurrection, invasion, riot, or immediate danger thereof, the enlisted men of the New Hampshire National Guard shall be entitled to pay and allowances as provided in section 144 of this chapter, and the commissioned officers shall be entitled to the same pay and allowances as are or may hereafter be established by law for the officers of the Army of the United States.

Postage bills, etc.

SECT. 152. Postage and all other reasonable expenses necessarily incurred in the transmission of orders and returns, or in transporting public property, shall be paid by the adjutant-general upon satisfactory evidence of such expenditure.

State to furnish transportation.

SECT. 153. Transportation shall be furnished by the state through the quartermaster-general, or brigade or regimental quartermaster, to and from the place of any encampment or parade, and when troops are ordered out by the commander-in-chief.

GENERAL PROVISIONS.

Civil process suspended, when.

SECT. 154. No person belonging to the active militia of the state shall be arrested on any civil process while going to, remaining at, or returning from any place at which he may be required to attend for military duty.

Commanding officer may enforce right of way.

SECT. 155. The commanding officer of any portion of the active militia parading or performing any military duty in any street or highway may require any or all persons in such street or highway

to yield the right of way to such militia, *provided* the carriage of United States mail, the legitimate functions of the police, and the progress and operations of the hospital ambulances and fire engines and fire departments shall not be interfered with thereby. All others who shall hinder, delay, or obstruct any portion of the active militia wherever parading or performing any military duty, or who shall attempt so to do, shall be guilty of a misdemeanor.

SECT. 156. Any person who shall secrete, sell, dispose of, offer for sale, purchase, retain after demand made by a commissioned officer of the New Hampshire National Guard, or in any manner pawn or pledge any arms, uniforms, equipments, or other military property issued under the provisions of this chapter, and any person who shall wear any uniform or any device, strap, knot, or insignia of any design or character used as a designation of grade, rank or office, such as are by law or by general regulation, duly promulgated, prescribed for the use of the active militia, or similar thereto, except members of the army and navy of the United States and the National Guard of this or any other state, members of associations wholly composed of soldiers honorably discharged from the service of the United States, and members of the order of Sons of Veterans, shall be guilty of a misdemeanor, and, in addition thereto, shall forfeit to the state \$100 for each offense, to be sued for in the name of the state by the adjutant-general. All money recovered by any action or proceeding under this section shall be paid to the adjutant-general, who shall apply the same to the use of the active militia.

Unlawful disposition of property and unauthorized use of insignia, penalty.

SECT. 157. The commanding officer upon any occasion of duty may place in arrest during the continuance thereof any person who shall trespass upon the camp ground, parade ground, armory, or other place devoted to such duty, or shall in any way or manner interrupt or molest the orderly discharge of duty by those under arms, or shall disturb or prevent the passage of troops going to or returning from any duty. He may prohibit and prevent the sale of all spirituous liquors, wine, ale, or beer, the holding of huckster or auction sales, and all gambling within the limits of the post, camp ground, place of encampment, parade or drill under his command, or within such limits, not exceeding one mile therefrom, as he may prescribe. And he may, in his discretion, abate as common nuisances all such sales.

Powers of commanding officer at encampment or parade.

SECT. 158. The duties assigned to an officer by title in this chapter shall devolve, in case of absence or disability to command of the officer named, upon the line officer next in rank, except as otherwise provided in this chapter.

Devolution of duty.

SECT. 159. The officers of any regiment, or battalion not part of a regiment, and members of any troop, battery, company, signal

Associations of members of militia.

corps, hospital corps, or field music may organize themselves into an association, of which the commanding officer shall be president, and by a vote of two-thirds of all their members, form by-laws, rules and regulations not inconsistent with this chapter, and which shall conform to the system prescribed in general regulations and be submitted to the commanding officer of the New Hampshire National Guard for his approval, and, when approved by him, such by-laws, rules, and regulations shall be binding upon all commissioned officers and enlisted men therein, but they may be altered in the manner provided for their adoption, from time to time, as may be found necessary.

Special powers
of commander-
in-chief.

SECT. 160. The commander-in-chief is authorized to establish and prescribe such rules, regulations, forms, and precedents as he may deem proper, for the use, government, and instruction of the New Hampshire National Guard. He is also hereby authorized to make such changes and alterations in such rules and regulations from time to time as he may deem expedient; but such rules and regulations shall conform to this chapter, and to those governing the United States Army, and shall have the same force and effect as the provisions of this chapter.

Meaning of
"company"
and "enlisted
men."

SECT. 161. The word "company" as used in this chapter includes company of infantry, battery of artillery, troop of cavalry, hospital or signal corps; and the words "enlisted man" include non-commissioned officer, musician, or private, unless otherwise expressed or implied.

No organiza-
tion to leave
state without
consent of
commander-in-
chief.

SECT. 162. No organization of the New Hampshire National Guard shall leave the state for any parade or purpose whatever, with public military property in its possession, or to be used by it, without the consent of the commander-in-chief. Any organization disobeying the provisions of this section shall forthwith be disbanded by the commander-in-chief, and its officers and members liable to trial by court-martial for disobedience of orders.

United States
Army usage
prevails,
when.

SECT. 163. All matters relating to the organization, discipline, and government of the New Hampshire National Guard not otherwise provided for in this chapter or in the general regulations, shall be decided by the custom and usage of the United States Army.

Who may
administer
oaths.

SECT. 164. The commanding officer of every company, if a commissioned officer, or any field or commissioned staff officer, is hereby qualified to administer the oaths required in this chapter.

Fines and
penalties, how
credited.

SECT. 165. All fines and penalties provided for by this chapter, which are collected and placed to the credit of the New Hampshire National Guard shall be in addition to the regular appropriations provided for by law.

SECT. 166. Chapter 59 of the session Laws of 1895, chapter 25 of the session Laws of 1901, chapter 53 of the session Laws of 1901, chapter 69 of the session Laws of 1903, chapter 135 of the session Laws of 1903, chapter 51 of the session Laws of 1905, chapter 77 of the session Laws of 1907, chapter 83 of the session Laws of 1907, chapter 140 of the session Laws of 1907, and all other acts and parts of acts inconsistent with this act, are hereby repealed, and this act shall take effect upon its passage.

[Approved March 30, 1909.]

Repealing
clause; act
takes effect
on passage.

CHAPTER 103.

AN ACT IN AMENDMENT OF CHAPTER 114 OF THE LAWS OF 1901 RELATING TO INVESTMENT OF SAVINGS BANKS.

SECTION

1. Investments in bank stock regulated.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 17 [clause 17, section 1] of chapter 114 of the Laws of 1901 be amended by striking out said section and inserting in place thereof the following: SECT. 17. In the stock of any national bank or trust company located in the New England states or the state of New York, but not exceeding ten per cent. of the deposits of a savings bank shall be invested in such stock; the amount of stock in any national bank or trust company in this state which may be held by any savings bank as an investment or as collateral security for loans shall not exceed twenty-five per cent. of the capital stock of said national bank or trust company; and the amount of stock in any national bank or trust company outside of this state which may be held by any savings bank as an investment or as collateral for loans shall not exceed one-tenth of the capital stock of said national bank or trust company.

Investments
in bank stock
regulated.

SECT. 2. This act shall take effect on its passage.

Takes effect
on passage.

[Approved March 31, 1909.]

CHAPTER 104.

AN ACT IN AMENDMENT OF SECTION 22 OF CHAPTER 40 OF THE LAWS OF 1905, AS AMENDED BY CHAPTER 138 OF THE LAWS OF 1907, RELATING TO THE COLLECTION OF THE TAX ON COLLATERAL LEGACIES AND SUCCESSIONS.

SECTION

1. Employment of attorney, etc., by state treasurer.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Employment of attorney, etc., by state treasurer.

SECTION 1. Section 22 of chapter 40 of the Laws of 1905 as amended by chapter 138 of the Laws of 1907, is hereby amended by striking out the entire section and by inserting in place thereof a new section, which shall read as follows: SECT. 22. The expenses of the execution of this act shall be paid by the state treasurer and the bills therefor shall be submitted to the governor and council for their approval: and the state treasurer shall be authorized to employ an attorney to assist in making the computations and collections of the tax under this act and to assist the attorney-general in litigation growing out of the same: the said attorney or agent to receive a sum not exceeding twenty-five hundred dollars per annum in full for his services, to which he shall devote his whole time: and the state treasurer is further authorized to employ such other assistants as may from time to time be necessary to the proper conduct of the business of the department; the total salary of all persons thus employed, including the salary of the attorney or agent not to exceed thirty-seven hundred dollars and all other expenses mentioned in this section not to exceed the sum of two thousand dollars.

Takes effect on passage;

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

[Approved March 31, 1909.]

CHAPTER 105.

AN ACT IN AMENDMENT OF CHAPTER 79, SESSION LAWS OF 1901, AS AMENDED BY THE SESSION LAWS OF 1903, 1905 AND 1907, RELATING TO THE OPEN SEASON ON DEER.

SECTION

1. Killing of deer regulated.

SECTION

2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That chapter 79, session Laws of 1901, as amended by the session Laws of 1903-1905-1907, be amended as follows: Strike out the whole of section 16 of said chapter 79, and substitute therefor the following: SECT. 16. No person shall hunt, catch, kill or destroy any deer within the limits of the county of Coos, except during the months of October and November of each year, or within the limits of the counties of Grafton and Carroll, except during the month of November and the first fifteen days of December of each year, or within the limits of the counties of Sullivan, Cheshire, Hillsborough, Merrimack, Belknap, Strafford and Rockingham, except during the first fifteen days of December of each year, and then within the limits of the counties of Hillsborough, Merrimack, Belknap, Strafford and Rockingham with shotguns only, using a single ball or loose buckshot. Nothing in the foregoing shall be construed to deprive any person of his right at any time, to protect his property from the depredation of deer, but any person so killing them shall immediately notify the fish and game commissioners of that fact, and whenever the commissioners or their agents shall find the killing was warranted, the carcasses of animals so killed shall be awarded to the person whose property was being damaged. Nothing herein contained shall be construed to repeal or affect existing legislation relating to the Blue Mountain Forest Park Association.

Killing of deer regulated.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect on passage; repealing clause.

[Approved March 31, 1909.]

CHAPTER 106.

AN ACT TO AMEND SECTION 1, CHAPTER 36, SESSION LAWS OF 1901, RELATING TO FISH AND GAME.

- | | |
|-------------------------------------|-----------------------------|
| SECTION | SECTION |
| 1. Trout protected in Russell pond. | 2. Takes effect on passage. |

Be it enacted by the Senate and House of Representatives in General Court convened:

Trout protected in Russell pond.

SECTION 1. That section 1, chapter 36, session Laws of 1901 be amended by inserting after the word "Dublin" in the fourth line the words and Russell pond in the town of Woodstock, so that the section as amended shall read as follows: SECTION 1. It shall not be lawful for any person to take from the waters of Little Diamond pond in Stewartstown and Greenough ponds in Wentworth's Location, and Dublin pond in the town of Dublin, and Russell pond in the town of Woodstock, any square-tailed trout before the twentieth day of May in any year under a penalty of twenty dollars for each fish so taken or had in possession.

Takes effect on passage.

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

[Approved March 31, 1909.]

CHAPTER 107.

AN ACT IN RELATION TO MILEAGE BOOKS.

- | | |
|--|--|
| SECTION | SECTION |
| 1. All roads to issue mileage books good for bearer. | 2. Penalty for neglect.
3. Takes effect on passage. |

Be it enacted by the Senate and House of Representatives in General Court convened:

To be issued good for bearer.

SECTION 1. All steam railroads operating a passenger service in this state which at the date of the passage of this act do not issue one thousand mile mileage books good for the transportation of the bearer over all their lines in this state, shall hereafter issue such books at the rate of two cents a mile, and keep them on sale at its ticket offices in this state. *Provided* that nothing in this act contained shall compel the issuance of such mileage books for transportation over the Mount Washington Railway, or between Bethlehem Junction and Bethlehem, Bethlehem Junction and the Profile House or between Fabyans and the base of Mount Washington.

SECT. 2. Any such railroad neglecting to issue such mileage books or to keep them on sale as above provided, shall be fined one hundred dollars for each day of such neglect after the expiration of one month from the passage of this act. Penalty for neglect.

SECT. 3. This act shall take effect upon its passage. Takes effect on passage.
 [Approved March 31, 1909.]

CHAPTER 108.

AN ACT IN AMENDMENT OF SECTION 7 OF CHAPTER 116 OF THE PUBLIC STATUTES, RELATING TO THE DOORS OF PUBLIC BUILDINGS.

SECTION 1. Outer doors to open outward.		SECTION 2. Takes effect September 1, 1909.
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Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 7 of chapter 116 of the Public Statutes is amended so as to read: The outer doors and doors of passages leading outward, of churches hereafter built or rebuilt, school-houses containing more than two schoolrooms and halls and other buildings used for public gatherings, shall open outward; and it shall be the duty of the selectmen of towns to see that these provisions are complied with, and to prosecute persons who neglect to do so. Outer doors to open outward.

SECT. 2. This act shall take effect September 1, 1909. Takes effect September 1, 1909.
 [Approved March 31, 1909.]

CHAPTER 109.

AN ACT RELATING TO THE SALARY OF THE SOLICITOR OF THE COUNTY OF GRAFTON.

SECTION

1. Expense allowance of \$200 a year; repealing clause.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Expense allowance; repealing clause.

SECTION 1. That the solicitor of Grafton county shall hereafter be allowed expenses incurred in the discharge of his duties to an amount not exceeding two hundred dollars per annum; and so much of section 17, chapter 286 of the Public Statutes as is inconsistent with this act is hereby repealed.

Takes effect on passage.

SECT. 2. This act shall take effect on its passage.

[Approved April 6, 1909.]

CHAPTER 110.

AN ACT IN AMENDMENT OF SECTION 13, CHAPTER 35 [27] OF THE LAWS OF 1905, RELATING TO BRIDGES.

SECTION

1. Street railways to share expense of repair, etc.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Street railways to share expense of repair.

SECTION 1. Section 13, chapter 35 [27], of the Laws of 1895. is hereby amended by adding at the end thereof the following, to wit: Whenever it shall be necessary to repair, alter or rebuild a bridge or construct a new bridge, upon a public highway, and said bridge is, or shall be used by a street railway, the expense of such repairs, alterations, rebuilding or construction may be apportioned equitably, as the public good may require, between the town incurring such expense and such street railway, by the superior court upon petition brought therefor by the town, unless the said town and the said street railway shall agree upon such apportionment.

Takes effect on passage.

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

[Approved April 6, 1909.]

CHAPTER 111.

AN ACT IN AMENDMENT TO THE FOOD AND DRUGS LAW OF 1907, RELATING TO PENALTY FOR VIOLATION OF SAID LAW.

SECTION

1. Prosecutions and penalties under pure food law.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out sections 8 and 9 of chapter 48, Laws of 1907, and insert in place thereof the following: SECT. 8. It shall be the duty of the state board of health through its secretary, or the chemist of the state laboratory of hygiene, or other agent authorized by the said board, whenever it has satisfactory evidence of the violation of this act, to make complaint and to prosecute the same. SECT. 9. Any person, firm, company, or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished for each offense by a fine of ten dollars, or shall be imprisoned for a term of thirty days, or by both fine and imprisonment.

Prosecutions and penalties under pure food law.

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

Takes effect on passage.

[Approved April 6, 1909.]

CHAPTER 112.

AN ACT TO AMEND SECTION 2, OF CHAPTER 71, LAWS OF 1907, RELATING TO THE PUNISHMENT OF PARENTS FOR THE ABANDONMENT OF THEIR FAMILIES IN CERTAIN CASES.

SECTION

1. Neglect of family by husband or father; penalty.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 2 of chapter 71, Laws of 1907, is hereby amended by striking out all of said section and inserting in place thereof the following. SECT. 2. If any husband or father being within the limits of this state shall hereafter separate himself from his wife or from his children or from his wife and children without reasonable cause and shall wilfully neglect to maintain

Neglect of family by husband or father; penalty.

his children, and his wife when such wife is destitute or dependent wholly or in part on her earnings for adequate support, or, without such separation, neglects his employment or misspends his earnings so as not to provide properly for the support of his wife and children, he shall be guilty of a misdemeanor, and on conviction thereof be sentenced to jail or the house of correction for a period of not more than six months and to pay a fine not exceeding ten dollars or either or both at the discretion of the court, such fine if any to be paid or applied in whole or in part to the wife or children deserted or not properly supported as the court may direct. *Provided* no such conviction, payment of fine or undergoing imprisonment shall in any manner affect the obligation of any order for support theretofore made against the defendant: and *provided further* that upon conviction the court may suspend sentence upon and during compliance by the defendant with any order for support theretofore made against him as already made or as may theretofore have been modified in the manner now provided by law: and if no such order shall have been made then the court trying the defendant may make such order for the support by the defendant of his wife and children or either of them, which order shall be subject to modification by the court on cause shown and the court may suspend sentence upon and during compliance by the defendant with such order as originally made or as subsequently modified by the court.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect on its passage.

[Approved April 6, 1909.]

Repealing
clause: act
takes effect
on passage.

CHAPTER 113.

AN ACT IN AMENDMENT OF AN ACT ENTITLED THE PREVENTION AND REMOVAL OF NUISANCES.

SECTION 1. Health officers may order abatement of privy nuisance; penalty for neglect.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 11 chapter 108 of the Public Statutes be amended by inserting the following words to wit: In cities or towns having a water and sewerage system, the health officers may in writing order the discontinuance of any privy or vault located on premises within one hundred feet of a public sewer, and

Order to abate
privy nuisance:
penalty
for neglect.

the establishment of a water or flushing closet, connected with such sewer, so that said section shall read SECT. 11. The health officers may in writing, order the discontinuance of any such nuisance; and may order that a privy located within one hundred feet of a public sewer shall be connected therewith. In cities or towns having a water and sewerage system, the health officers may in writing order the discontinuance of any privy or vault located on premises within one hundred feet of a public sewer, and the establishment of a water or flushing closet, connected with such sewer. If any person shall continue the nuisance after such order from the health officers, or shall neglect to comply with an order made under the provisions of this section, he shall be fined not exceeding ten dollars for each day of such continuance or neglect.

[Approved April 6, 1909.]

CHAPTER 114.

AN ACT TO PROHIBIT CARRYING CONCEALED WEAPONS.

SECTION

- 1. Carrying loaded pistol, etc., penalty.
- 2. Certain persons excepted.

SECTION

- 3. License to carry pistol.
- 4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Whoever, except as provided by the laws of this state, carries on his person a loaded pistol or revolver, or any stiletto, dagger, dirk-knife, slung-shot or metallic knuckles, shall upon conviction be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding one year or by both such fine and imprisonment; and any such weapon or article so carried by him shall be confiscated to the use of the state.

Carrying loaded pistol, etc., penalty.

SECT. 2. The provisions of the preceding section shall not apply to officers of the law, to members of military forces, to persons holding hunters' licenses, when lawfully engaged in hunting, to employees of express companies while on duty, to watchmen while on duty, or to persons securing a license as provided in the next section.

Certain persons excepted.

SECT. 3. The selectmen of towns or the mayor or the chief of police of cities may, upon the application of any person issue a license to such person to carry a loaded pistol or revolver in this

License to carry pistol.

state, if it appears that the applicant is a suitable person to be so licensed.

Takes effect on passage.

SECT. 4. This act shall take effect upon its passage.
[Approved April 6, 1909.]

CHAPTER 115.

AN ACT IN AMENDMENT OF CHAPTER 85 OF THE LAWS OF 1907, ENTITLED "AN ACT TO PROVIDE A PENSION FOR FIREMEN, POLICE OFFICERS AND CONSTABLES."

SECTION

1. Adoption of pension act by popular vote.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Adoption of act by popular vote.

SECTION 1. Chapter 85 of the Laws of 1907, entitled "An act to provide a pension for firemen, police officers and constables" is amended by striking out section 3 of said act and by substituting in lieu thereof the following: SECT. 3. The provisions of this act may be adopted by any town by a major vote of the legal voters thereof at any regular election duly warned and holden therein in the warrant for which due notice is given of the intention to act upon the matter. At such election the following question shall be submitted to the voters: Are you in favor of adopting the provisions of chapter 85 of the Laws of 1907, entitled "An act to provide a pension for firemen, police officers and constables" and amendments thereof? The provisions of this act may be adopted by any city by major vote of the aldermen and council, or council, as the case may be.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved April 6, 1909.]

CHAPTER 116.

AN ACT IN AMENDMENT OF CHAPTER 135 OF THE PUBLIC STATUTES
RELATING TO THE SALE OF DRUGS AND MEDICINES.

SECTION

1. Examination and license of pharmacists; reciprocity certificates.
2. Fees for certificates, etc.

SECTION

3. Selling of drugs by unlicensed person, penalty.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 4 of chapter 135 of the Public Statutes be amended by inserting after the word "druggist" and before the word "and" in the second line thereof, the following words, to wit: who has had three years' practical experience in a retail drug store. Also by adding at the end of said section the following words, to wit: The said commission may in its discretion grant certificates of registration, to be known as reciprocity certificates, to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state, *provided*, that such other state shall require a degree of competency equal to that required of applicants in this state and will grant like certificates to pharmacists registered in New Hampshire. No reciprocity certificate shall be granted until the person so applying shall certify his intention of acting under it in this state. So that said section shall read as follows: SECT. 4. They shall examine any person desiring to engage in the business of apothecary and druggist who has had three years' practical experience in a retail drug store and, if found skilled and learned in pharmacy, shall give to him a certificate, stating that he is a skilled pharmacist and authorized to engage in the business of apothecary and druggist. The said commission may in its discretion grant certificates of registration, to be known as reciprocity certificates, to such persons as shall furnish with their application satisfactory proof that they have been registered by examination in some other state, *provided*, such other state shall require a degree of competency equal to that required of applicants in this state, and will grant like certificates to pharmacists registered in New Hampshire. No reciprocity certificate shall be granted until the person so applying shall certify his intention of acting under it in this state.

Examination and license of pharmacists; reciprocity certificates.

SECT. 2. That section 8 of chapter 135 of the Public Statutes be amended by inserting after the word "dollars" and before the word "and" in the second line thereof the following words, to

Fees for certificates, etc.

wit: Each applicant for a reciprocity certificate a fee of five dollars. So that said section shall read as follows: SECT. 8. Each applicant for a pharmacist's certificate shall pay to the commission a fee of five dollars, each applicant for a reciprocity certificate a fee of five dollars, and each applicant for a registered assistant's certificate a fee of two dollars, for the use of the board. Each commissioner shall also receive five dollars per day for actual service for not exceeding twenty-five days annually and all necessary expenses incurred in the discharge of his duty, to be paid from the state treasury.

Selling of
drugs by un-
licensed per-
sons, penalty.

SECT. 3. That section 10 of chapter 135 of the Public Statutes be amended by inserting after the word "prescription" and before the word "without" in the fourth line thereof the following words, to wit: or shall expose for sale any drugs, medicines or chemicals. Also by adding at the end of said section the following words, to wit: Every registered pharmacist who desires to continue the business of apothecary and druggist, shall on January 1, 1910, and biennially thereafter, re-register. For failure to re-register or incompetency from any cause the commission may suspend a certificate of registration until the cause is removed, so that said section shall read as follows: SECT. 10. If any person shall engage in the business of retailing and vending, directly or indirectly, drugs, medicines and chemicals, and in dispensing medicines and compounding physicians' prescriptions, or shall expose for sale any drugs, medicines, or chemicals without being registered as provided by this chapter, or any law heretofore in force, he shall be punished by a fine not exceeding fifty dollars for each week he shall continue the business without being so registered. Every registered pharmacist who desires to continue the business of apothecary and druggist, shall on January 1, 1910, and biennially thereafter, re-register. For failure to re-register or incompetency as a pharmacist from any cause the commission may suspend a certificate of registration until the cause is removed.

Takes effect
on passage.

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

[Approved April 6, 1909.]

CHAPTER 117.

AN ACT IN AMENDMENT OF CHAPTER 117 OF THE LAWS OF 1905 ENTITLED, "AN ACT, RELATING TO THE ENFORCEMENT OF THE LAWS RELATING TO THE ILLEGAL SALE OF INTOXICATING LIQUORS IN NO-LICENSE TERRITORY."

SECTION		SECTION
1. Taking orders for liquor in or sending liquor into no-license town, penalties; license commission to enforce.		2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Chapter 117 of the Laws of 1905, is hereby amended by adding the following new sections to said chapter. SECT. 14. If any person, partnership, or corporation shall seek, solicit, accept or transmit, in any no-license city or town in this state an order for liquor from any person (the word "liquor" being meant to include its meaning as used in chapter 49 of the session Laws of 1905) to be furnished or procured at any other place, to be delivered to any person or at any place in any no-license city or town in this state; or if any licensee shall fill an order for liquor, to be sent to any person, other than a holder of a license of the first, fifth or sixth class, in a no-license city or town in this state, to be delivered to a common carrier, expressman, truckman or other person for transportation to the purchaser, whether such carrier or other person be the agent of the purchaser for receiving delivery or not, such person, partnership, or corporation shall be punished for each offense by a fine of one hundred dollars (\$100), and if it be a person he shall be imprisoned not exceeding ninety days, and if it be a corporation its charter may be revoked upon petition to the superior court by the attorney-general of the state, or the solicitor of the county in which the offense was committed; and any licensee filling such order shall be deemed guilty of violating the provisions and conditions of his license and shall be so dealt with by the state board of license commissioners: *provided, however,* that nothing herein shall prevent the seeking, soliciting, accepting, or transmitting of orders in the regular course of business from those who are legally authorized to sell liquor in said no-license cities and towns. SECT. 15. It shall be the duty of the state board of license commissioners to enforce, or cause to be enforced, the provisions of section 14 of this act, and it shall be the duty of said board to prosecute, or cause to be prosecuted, violations of the same.

Taking orders for liquor in and sending liquor into no-license town, penalties.

License commission to enforce.

Takes effect on passage; repealing clause.

SECT. 2. This act shall take effect upon its passage, and all acts, or parts of acts, inconsistent with this act, are hereby repealed. [Approved April 6, 1909.]

CHAPTER 118.

AN ACT IN AMENDMENT OF CHAPTER 95 OF THE LAWS OF 1903, AS AMENDED BY CHAPTER 49 OF THE LAWS OF 1905, RELATING TO THE REGULATION OF THE TRAFFIC IN INTOXICATING LIQUOR.

SECTION

1. Licensee to reside where licensed; no new license for year after revocation; all partners must be citizens and residents, when; license board may refuse license to person deemed unfit.

SECTION

2. Second-class licensee not to sell to woman on premises.
3. Takes effect April 30, 1909; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

Licensee to reside where licensed; no new license for year after revocation; partners must be citizens and residents, when; board may refuse license to unfit person.

SECTION 1. Section 8 of chapter 95 of the Laws of 1903, entitled "An act to regulate the traffic in intoxicating liquor," as amended by chapter 49 of the Laws of 1905, is amended as follows: Amend sub-division 3 of said section 8 by striking out the words "or the adjoining town or city" in the third line of said sub-division. Amend sub-division 4 of said section 8 by adding the following words or whose license shall be revoked until one year from the date of such revocation. Amend sub-division 6 of section 8, by striking out the words: "or an adjoining town or city" in the fifth line of said sub-division; further amend said sub-division 6 by adding at the end of said subdivision the following words: except that in the case of copartnership licensees of the second, third and fourth classes all the partners shall be citizens of the United States, residents of the State of New Hampshire, and shall have been residents of the town or city within which they desire to carry on the liquor business for one year last prior to the filing of their application; amend sub-division 9 of said section 8 by striking out the words: "satisfaction of said board," in the thirteenth line of said sub-division, and by adding after the word "act" in the fifteenth line of said sub-division, the following words: and amendments thereto to the satisfaction of said board; further said sub-division is also amended by adding at the end thereof, the following words: Said board may at any time refuse to issue a license to any person whom they consider unfit to receive a license. Amend said section 8 further by add-

ing at the end of said section, in a separate paragraph, the following words: Those licensees of the second, third and fourth classes who, on the date of the passage of this act, do not reside in the town or city within which their respective licenses are operative, shall until May 1, 1910, and not after said date, be subject to the provisions of said sub-divisions 3 and 6 as they were when their present licenses were issued; the provisions of subdivision 3 of this section shall not apply to any pharmacist duly registered in this state who has resided for ten years next prior to the filing of his application in a town or city adjoining the town or city within which he applies for a license of the fifth class and within which he then holds a license of the fifth class, so that said section as amended shall read as follows: SECT. 8. No person shall receive a license under the provisions of this act

1. Who has been or shall be convicted of a felony, or knowingly has in his employ a person who has been so convicted;

2. Who is under the age of 25 years, *provided, however*, that any pharmacist, duly registered in this state, who is 21 years of age and otherwise a qualified person under the requirements of this act, may receive a license of the fifth class;

3. Who is not a citizen of the United States, and a resident of the State of New Hampshire and of the town or city within which he desires to carry on the liquor business, for one year last prior to the filing of his application;

4. Who shall be convicted of a violation of this act, until three years from the date of such conviction; or whose license shall be revoked, until one year from the date of such revocation;

5. Whose agent or employee shall be twice convicted of a violation of this act, until five years from the date of the second conviction;

6. No co-partnership, unless one or more of the members of such co-partnership, owning at least one-half interest in the business thereof, shall be a citizen of the United States and a resident of the State of New Hampshire, and shall have been a resident of the town or city within which he desires to carry on the liquor business, for one year last prior to the filing of his application, except that in the case of co-partnership licensees of the second, third and fourth classes all the partners shall be citizens of the United States and residents of the State of New Hampshire, and shall have been residents of the town or city within which they desire to carry on the liquor business for one year last prior to the filing of their application;

7. No corporation or association hereafter organized under chapter 147, Public Statutes, and the acts amendatory thereof, unless the same shall be equipped to furnish food and lodging to its members;

8. No person who, as owner or agent, shall suffer or permit any gambling to be done in the place designated by the license as that in which the traffic in liquor is to be carried on, or in any other place appertaining thereto or connected therewith, or suffer or permit such premises to become disorderly, or carry on or permit to be carried on, or is interested in any traffic, business or occupation, the carrying on of which is a violation of law;

9. All applicants for a license in classes in which the fee is definite in this act shall deposit with said board the full amount of the license fee with the application, and in classes in which said board has a discretion as to the amount of the fee such sum as said board shall direct. In case the license is denied the amount so paid shall be refunded. All applications shall be in form prescribed by said board. No person shall be given a license who shall not, within ten days from the receipt of notice from said board of the granting of his application for a license, file with said board a bond in the sum of double the amount of the license fee paid by him, *provided, however*, no bond shall be accepted for a less amount than five hundred dollars, conditioned upon constant adherence to the terms of said license and the provisions of this act and amendments thereto to the satisfaction of said board and recoverable in an action of debt to be brought by the attorney-general upon notice from said board. Said board may at any time refuse to issue a license to any person whom they consider unfit to receive the same.

Those licensees of the second, third and fourth classes who, on the date of the passage of this act, do not reside in the town or city within which their respective licenses are operative, shall until May 1, 1910, and not after said date, be subject to said subdivisions 3 and 6 as they were when their present licenses were issued. The provisions of sub-division 3 of this section shall not apply to any pharmacist duly registered in this state who has resided for ten years next prior to the filing of his application in a town or city adjoining the town or city within which he applies for a license of the fifth class and within which he then holds a license of the fifth class.

Second-class
licensee not to
sell to woman
on premises.

SECT. 2. Amend section 15 of said chapter 95 by adding at the end thereof the following words: No liquor shall be sold, delivered or given away to any girl or woman on premises covered by a license of the second class; so that said section, as amended, shall read as follows: SECT. 15. No person shall sell, deliver, or give away, or cause or permit or procure to be sold, delivered or given away, any liquor first, to a minor, nor to a minor for any other person; second, to an intoxicated person; third, to an habitual drunkard; fourth, to any person where

notice in writing has been given, in accordance with the provisions of section 27 of this chapter, forbidding sale or delivery to such person. No liquor shall be sold, delivered or given away to any girl or woman on premises covered by a license of the second class.

SECT. 3. This act shall take effect upon April 30, 1909, and, except as herein otherwise specified, all acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect April 30, 1909; repealing clause.

[Approved April 6, 1909.]

CHAPTER 119.

AN ACT TO PREVENT THE POLLUTION OF THE WATERS OF THE SALMON FALLS RIVER AND ITS TRIBUTARIES.

SECTION

1. Mills, shops, etc., to install sanitation devices.

SECTION

2. Penalties for violation.
3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. All mills, shops and manufacturing plants of whatever description, erected or to be erected upon or near the shores of Salmon Falls river and its tributaries, above the intake pipe of the Somersworth filter bed in Somersworth in the county of Strafford, shall within a reasonable time be equipped with a device, or devices, for sanitation or purification, and if necessary, for filtration to reduce to a minimum the amount and impurity of sewage and other waste matters, detrimental to the sanitary quality of said river or interfering with the mechanical operation of any plant for its purification, which shall be discharged from said mills, shops and plants into said river. Said device, or devices, for sanitation, purification, or filtration shall be that best adapted to the particular line of manufacture to which it is applied and of such construction and efficiency as to restrict to a minimum the discharge of such sewage and waste into said river from said mills, shops and plants without unreasonably interfering with the use of said river by said mills, shops and plants for manufacturing purposes or subjecting the owners thereof to unreasonable expense.

Mills, shops, etc., to install sanitation devices.

SECT. 2. Whoever violates the provisions of the foregoing sections shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year.

Penalties.

SECT. 3. This act shall take effect on its passage.

Takes effect on passage.

[Approved April 6, 1909.]

CHAPTER 120.

AN ACT RELATIVE TO SENTENCES TO THE STATE PRISON.

SECTION

1. Maximum and minimum terms to be fixed.
2. Release of convict on permit.
3. Parole officer, duties and salary.
4. Complaint against paroled convict.
5. Paroled convict may be remanded.
6. Remanded convict to serve maximum sentence.

SECTION

7. Information to parole officer, who to furnish.
8. Permit to convict held on two or more sentences.
9. Final discharge of paroled prisoner.
10. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Maximum and minimum sentences to be fixed.

SECTION 1. When a convict is sentenced to the state prison otherwise than for life, or as an habitual criminal, the court imposing the sentence shall not fix the term of imprisonment, but shall establish a maximum and minimum term for which said convict may be held in said prison. The maximum term shall not be longer than the longest term fixed by law for the punishment of the offense of which he is convicted, and the minimum term shall not be less than the minimum sentence now provided by law.

Release of convict on permit.

SECT. 2. Any convict, sentenced as aforesaid, whose record of conduct shows that he has faithfully observed all the rules of said prison, and has not been subjected to punishment, shall be entitled to release from said prison upon the expiration of the minimum term of his sentence, and he shall then be given a permit to be at liberty therefrom during the unexpired portion of the maximum term of his sentence. Said permit shall be issued by the governor and council upon such terms and conditions as they shall establish. Any convict whose record of conduct shows that he has violated the rules of said prison may be given a like permit at such time as the said governor and council shall determine after the expiration of the minimum term of his sentence. *Provided*, that the governor and council shall issue no permit for release under this section unless there shall appear to them to be a reasonable probability that the convict to be released will remain at liberty without violating the law and will conduct himself as a good citizen; and *provided, further*, that one of the terms of the permit in each case shall be that the released prisoner shall remain in the legal custody of the parole officer hereinafter provided for, to whom said released prisoner shall report at least once each month and as much oftener as the governor and council shall determine to be proper.

SECT. 3. The chaplain of the state prison for the time being is hereby constituted parole officer, whose duty it shall be to have the legal custody of all convicts released upon parole until they receive their final discharge or are remanded to prison. He shall be sworn to the faithful performance of his duties as such parole officer. He shall receive for his services as parole officer a salary of two hundred dollars (\$200) per annum, together with the necessary and reasonable expenses actually incurred by him in the performance of his duties as such officer, to be paid quarterly out of the money in the state treasury not otherwise appropriated upon the warrant of the governor. Where it is practicable, the parole officer shall find in advance suitable employment for each paroled convict to enter upon at the time of his release. The parole officer shall require from paroled convicts monthly reports, and such more frequent reports as may be provided for by the terms of their several releases. He shall, at least once in three months, and oftener if thereto required by the governor and council investigate the conduct of all paroled convicts, and where practicable shall frequently see paroled convicts. He shall constantly encourage and assist paroled convicts in their efforts to conduct themselves as good citizens, and, when they are out of work and it is practicable, shall aid them in getting suitable employment. He shall keep a record of all his doings and shall report thereon to the governor and council quarterly and oftener when by them required.

Parole officer,
duties and
salary.

SECT. 4. When it appears to the parole officer that any convict, released from the state prison on a permit from the governor and council under the provisions of section 2 of this act, has violated the terms of his permit or has violated the law, or has fallen among criminal companions, it shall be the duty of said parole officer to make a sworn complaint before a justice of the peace setting forth the facts. Upon such sworn complaint any justice of the peace may issue his warrant for the arrest of the paroled convict, who may then be taken by any sheriff or his deputy or any constable or police officer before any justice of the superior court in term time or vacation. Said convict may be remanded to jail to await the determination of the proceedings and may employ counsel in such proceedings. The parole officer shall be entitled to the assistance at the hearing of the attorney-general or of the solicitor for the county in which the hearing shall be had.

Complaint
against
paroled
convict.

SECT. 5. If said justice upon hearing finds that the facts set forth in said complaint are substantially true and that the public good requires the remanding of the released convict to the state prison, the same shall be certified to the governor and council, who

Remanding
paroled
convict.

shall revoke the permit, and the sheriff upon receiving notice of said revocation shall recommit said convict to the state prison.

Effect of
re-mandment.

SECT. 6. A convict so recommitted shall serve the remainder of his maximum sentence and in computing the period of his confinement the time between his release upon permit and the time of his return to prison shall not be considered as any part of the term of his original sentence.

Information
to parole
officer.

SECT. 7. The county solicitors, the sheriffs and their deputies, and the police departments of the several cities shall, upon the request of the parole officer, furnish to the latter such information as they may possess relative to the conduct of paroled convicts and such reasonable assistance as he may require in his investigations.

If convict
held on two
or more
sentences.

SECT. 8. When a convict is committed to or held in the state prison upon two or more sentences imposed as provided in this act, he shall be eligible to receive permit as authorized in section 2, when he has served a term equal to the aggregate of the minimum terms of the several sentences, but he shall be subject to all the provisions of this act, until the expiration of a term equal to the aggregate of the maximum terms of said sentences.

Final dis-
charge of
paroled
prisoner.

SECT. 9. Upon the expiration of the term of his maximum sentence as herein provided, a paroled prisoner shall be entitled to receive a final discharge, *provided* that, at the time of such expiration, no proceedings are pending for his recommitment. Such proceedings shall be deemed to be pending when a warrant has issued as provided for in section 4 of this act.

Repealing
clause: act
takes effect
on passage.

SECT. 10. Chapter 58 of the session Laws of 1901 and chapter 67 of the session Laws of 1905 and all other acts and parts of acts inconsistent with this act are hereby repealed. This act shall take effect upon its passage.

[Approved April 6, 1909.]

CHAPTER 121.

AN ACT RELATING TO THE TERMS OF THE SUPERIOR COURT IN AND FOR THE COUNTY OF GRAFTON, AND TO ABOLISH THE JUDICIAL DISTRICTS NOW EXISTING IN SAID COUNTY.

SECTION

1. Judicial districts abolished.
2. Terms of court, when and where held.
3. Trial lists, how made up.
4. Prior writs and processes saved.

SECTION

5. Grand jury attendance.
6. Jurors, how summoned.
7. Repealing clause; act takes effect June 1, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. So much of any existing act or law as divides the county of Grafton into judicial districts is hereby repealed. Judicial districts abolished.

SECT. 2. The terms of said court for the county of Grafton shall be held as follows, viz: On the third Tuesday in January at Lebanon; on the second Tuesday in May at Plymouth; and on the third Tuesday in September at Haverhill. Terms of court.

SECT. 3. At each term of said court lists shall be made of the causes for actual trial, which, under the law as heretofore existing, would have been triable elsewhere in said county, and upon the conclusion of its session at the regular place for holding said term, the court shall at once proceed to hear and try said causes at the respective shire towns of said county, in turn, where they would have been triable heretofore; and shall, when necessary, require the attendance of a jury at such place of trial. Trial lists.

SECT. 4. All writs, processes, recognizances and proceedings of every kind, issued, taken or begun before this act takes effect and returnable at a term of court that would be held after this act takes effect, if this act was not passed, shall be returned and entered at the term of court to be held at Haverhill on the third Tuesday of September, 1909, with like effect as if returned and entered at the terms specifically referred to therein. Prior writs, etc., saved.

SECT. 5. Grand juries shall be summoned for attendance at each of said terms provided for by this act. Grand jury.

SECT. 6. Jurors for service at each of the three places above specified may be summoned from the towns in the territory constituting the judicial district in which such shire town is situated, as such district existed at the time of the passage of this act. Jurors, how summoned.

SECT. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on the first day of June, 1909. Repealing clause; act takes effect June 1, 1909.

[Approved April 8, 1909.]

CHAPTER 122.

AN ACT REPEALING AN ACT OF THE SESSION LAWS OF 1909, ENTITLED
 "AN ACT AMENDING SECTION 52, CHAPTER 79, OF THE PUBLIC
 STATUTES, RELATING TO FISH AND GAME."

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|------------------------|-----------------------------|
| SECTION | SECTION |
| 1. Prior act repealed. | 2. Takes effect on passage. |

*Be it enacted by the Senate and House of Representatives in
 General Court convened:*

Prior act
repealed.

SECTION 1. That an act amending section 52, chapter 79 of the
 Public Statutes relating to fish and game, approved March 17, 1909,
 and known upon its passage as house bill number 161, be and hereby
 is repealed.

Takes effect
on passage.

SECT. 2. This act shall take effect upon its passage.
 [Approved April 8, 1909.]

CHAPTER 123.

AN ACT RELATING TO NEGOTIABLE INSTRUMENTS (BEING AN ACT TO
 ESTABLISH A LAW UNIFORM WITH THE LAWS OF OTHER STATES ON
 THAT SUBJECT).

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| SECTION | SECTION | |
| FORM AND INTERPRETATION. | | |
| 1. Negotiable instrument, requisites of. | 20. Authorized agent so signing not
liable. | |
| 2. Sum payable is sum certain, when. | 21. Signature by "procurator." | |
| 3. Promise to pay unconditional, when. | 22. Indorsement by corporation or
minor. | |
| 4. Instrument payable at determina-
ble future time, when. | 23. Forged or unauthorized signature
inoperative. | |
| 5. Promise to do act not negotiable. | CONSIDERATION. | |
| 6. Facts not affecting validity or
negotiability. | 24. Valuable consideration presumed. | |
| 7. Instrument payable on demand,
when. | 25. Value, what constitutes. | |
| 8. Payable to order, when. | 26. When holding is for value. | |
| 9. Payable to bearer, when. | 27. Lien-holder is holder for value. | |
| 10. Terms of instrument. | 28. Failure of consideration as defense. | |
| 11. Dates <i>prima facie</i> true. | 29. Accommodation party, who is. | |
| 12. Not invalid if antedated or post-
dated. | NEGOTIATION. | |
| 13. Insertion of date. | 30. What constitutes. | |
| 14. Completing by filling blank. | 31. Sufficient indorsement, what is. | |
| 15. Same subject. | 32. Must be of entire instrument. | |
| 16. Contract revocable until delivery;
valid delivery, how made. | 33. Indorsement, varieties of. | |
| 17. Rules of construction. | 34. Special indorsement. | |
| 18. No person liable unless signature
appears. | 35. Blank indorsement, how made
special. | |
| 19. Signature by agent. | 36. Restrictive indorsement. | |
| | 37. Restrictive indorsee, rights of. | |
| | 38. Qualified indorsee, rights of. | |

SECTION

- 39. Conditional indorsement, effect of.
- 40. Negotiation when indorsement special.
- 41. All payees must indorse.
- 42. Indorsement to corporate officer.
- 43. Correction in name.
- 44. Negating personal liability.
- 45. Presumed date of indorsement.
- 46. Presumed place of indorsement.
- 47. Negotiability, continuance of.
- 48. Striking out unnecessary indorsements.
- 49. Transfer for value without indorsement.
- 50. Former holder may re-issue.

RIGHTS OF THE HOLDER.

- 51. May sue in own name.
- 52. Holder in due course, who is.
- 53. If demand paper overdue.
- 54. Notice of infirmity, effect of.
- 55. Title, when deemed defective.
- 56. Notice of infirmity, what is.
- 57. Rights of holder in due course.
- 58. Rights of his transferee.
- 59. Holder presumed to hold in due course.

LIABILITIES OF PARTIES.

- 60. Maker, engagements of.
- 61. Drawer, engagements of.
- 62. Acceptor, engagements of.
- 63. Presumptive indorsers.
- 64. Signer in blank before delivery, liability of.
- 65. Negotiator before delivery or by qualified indorsement, warrant of.
- 66. Unqualified indorser, warrant of.
- 67. Of note payable to bearer.
- 68. Indorsers liable in what order.
- 69. Agent liable without indorsement, when.

PRESENTMENT FOR PAYMENT.

- 70. Necessity for.
- 71. When to be made.
- 72. Requisites of.
- 73. Where to be made.
- 74. Exhibition of instrument.
- 75. How made at bank.
- 76. If party primarily liable is dead.
- 77. If parties primarily liable partners.
- 78. If several parties liable.
- 79. Drawer not entitled to, when.
- 80. Indorser not entitled to, when.
- 81. Excusable delay.
- 82. Dispensed with, when.
- 83. Dishonor by non-payment.
- 84. Effect of dishonor.
- 85. Days of grace; instrument due on Sunday, etc., when payable.

SECTION

- 86. Time, how reckoned.
- 87. Payment at bank.
- 88. Payment in due course.

NOTICE OF DISHONOR.

- 89. Who entitled to notice.
- 90. By whom given.
- 91. Notice by agent.
- 92. For whose benefit.
- 93. Same subject.
- 94. Of paper in agent's hands.
- 95. Form of notice.
- 96. May be oral or written.
- 97. Given to party or agent.
- 98. When person entitled is dead.
- 99. Notice to partnership.
- 100. Notice to joint parties.
- 101. Notice to bankrupt.
- 102. When to be given.
- 103. If parties reside in same place.
- 104. If parties reside in different places.
- 105. Notice by mail.
- 106. Same subject.
- 107. Right of party notified.
- 108. When notice to be sent.
- 109. Waiver of notice.
- 110. Who bound by waiver.
- 111. Waiver of protest.
- 112. Notice, when dispensed with.
- 113. Excusable delay.
- 114. Notice to drawer not required, when.
- 115. Notice to indorser not required, when.
- 116. Of non-acceptance, when sufficient.
- 117. Omission of notice, effect of.
- 118. Protest, when required.

DISCHARGE OF NEGOTIABLE INSTRUMENTS.

- 119. Instrument, how discharged.
- 120. Party secondarily liable, how discharged.
- 121. Payment by such party not discharge.
- 122. Renunciation by holder.
- 123. Unintentional cancellation, etc.
- 124. Material alteration, effect of.
- 125. Material alteration, what is.

BILLS OF EXCHANGE.

FORM AND INTERPRETATION.

- 126. "Bill of exchange" defined.
- 127. Drawee not liable until acceptance.
- 128. Joint drawees.
- 129. Inland and foreign bills.
- 130. Fictitious drawee, etc.
- 131. Referee in case of need.

ACCEPTANCE.

- 132. "Acceptance" defined.
- 133. Written acceptance may be required.
- 134. Acceptance on separate paper.

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| <p>SECTION</p> <p>135. Promise to accept before bill drawn.</p> <p>136. Time for acceptance.</p> <p>137. Implied from retention, etc., of the bill.</p> <p>138. When bill may be accepted.</p> <p>139. Acceptance general or qualified.</p> <p>140. General acceptance.</p> <p>141. Qualified acceptance.</p> <p>142. Effect of; holder may refuse to take.</p> <p style="text-align: center;">PRESENTMENT FOR ACCEPTANCE.</p> <p>143. When necessary.</p> <p>144. Non-presentment, effect of.</p> <p>145. When and to whom made.</p> <p>146. Day of presentment.</p> <p>147. Excusable delay.</p> <p>148. Presentment excused, when.</p> <p>149. Dishonor by non-acceptance.</p> <p>150. Right of recourse, how lost.</p> <p>151. Recourse after dishonor.</p> <p style="text-align: center;">PROTEST.</p> <p>152. For non-acceptance or non-payment.</p> <p>153. Form of protest.</p> <p>154. By whom made.</p> <p>155. When to be made.</p> <p>156. Where to be made.</p> <p>157. Successive protests.</p> <p>158. If acceptor becomes bankrupt.</p> <p>159. Dispensed with, when.</p> <p>160. If bill lost, etc.</p> <p style="text-align: center;">ACCEPTANCE FOR HONOR.</p> <p>161. When and by whom.</p> <p>162. Form of.</p> <p>163. Honor of drawer implied.</p> <p>164. Acceptor's liability.</p> <p>165. Acceptor's engagement.</p> <p>166. Maturity, how calculated.</p> <p>167. Protest for non-payment.</p> | <p>SECTION</p> <p>168. Presentment for payment to acceptor.</p> <p>169. Excusable delay.</p> <p>170. Dishonor by acceptor.</p> <p style="text-align: center;">PAYMENT FOR HONOR.</p> <p>171. Who may pay.</p> <p>172. Notarial act of honor.</p> <p>173. On what founded.</p> <p>174. Preference between payers.</p> <p>175. Effect of payment.</p> <p>176. Refusal to receive payment.</p> <p>177. Payer entitled to bill and protest.</p> <p style="text-align: center;">BILLS IN A SET.</p> <p>178. Parts constitute the bill.</p> <p>179. True holder, who is.</p> <p>180. Indorsement of parts.</p> <p>181. Acceptance of parts.</p> <p>182. Acceptor's liability.</p> <p>183. Discharge of one part discharges whole.</p> <p style="text-align: center;">PROMISSORY NOTES AND CHECKS.</p> <p>184. "Negotiable promissory note" defined.</p> <p>185. "Check" defined.</p> <p>186. Presentment of check.</p> <p>187. Certification of check.</p> <p>188. Effect of certification.</p> <p>189. Check not assignment.</p> <p style="text-align: center;">GENERAL PROVISIONS.</p> <p>190. Meaning of sundry words.</p> <p>191. "Primarily" liable, meaning of.</p> <p>192. "Reasonable time," meaning of.</p> <p>193. Day of act falling on Sunday, etc.</p> <p>194. Existing instruments not affected.</p> <p>195. Law merchant governs, when.</p> <p>196. Takes effect January 1, 1910; repealing clause.</p> |
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Be it enacted by the Senate and House of Representatives in General Court convened:

NEGOTIABLE INSTRUMENTS IN GENERAL.
FORM AND INTERPRETATION.

SECTION 1. An instrument to be negotiable must conform to the following requirements:

1. It must be in writing and signed by the maker or drawer;
2. Must contain an unconditional promise or order to pay a sum certain in money;
3. Must be payable on demand, or at a fixed or determinable future time;
4. Must be payable to order or to bearer; and

Negotiable instrument, requisites of.

5. Where the instrument is addressed to a drawee, he must be named or otherwise indicated therein with reasonable certainty.

SECT. 2. The sum payable is a sum certain within the meaning of this act, although it is to be paid:

Sum payable, when sum certain.

1. With interest; or
2. By stated installments; or
3. By stated installments, with a provision that upon default in payment of any installment or of interest, the whole shall become due; or
4. With exchange, whether at a fixed rate or at the current rate; or
5. With costs of collection or an attorney's fee, in case payment shall not be made at maturity.

SECT. 3. An unqualified order or promise to pay is unconditional within the meaning of this act, though coupled with:

Promise to pay unconditional, when.

1. An indication of a particular fund out of which reimbursement is to be made, or a particular account to be debited with the amount; or
2. A statement of the transaction which gives rise to the instrument.

But an order or promise to pay out of a particular fund is not unconditional.

SECT. 4. An instrument is payable at a determinable future time, within the meaning of this act, which is expressed to be payable:

Instrument payable at determinable future time, when.

1. At a fixed period after date or sight; or
2. On or before a fixed or determinable future time specified therein; or
3. On or at a fixed period after the occurrence of a specified event, which is certain to happen, though the time of happening be uncertain.

An instrument payable upon a contingency is not negotiable, and the happening of the event does not cure the defect.

SECT. 5. An instrument which contains an order or promise to do any act in addition to the payment of money is not negotiable. But the negotiable character of an instrument otherwise negotiable is not affected by a provision which:

Promise to do act not negotiable.

1. Authorizes the sale of collateral securities in case the instrument be not paid at maturity; or
2. Authorizes a confession of judgment if the instrument be not paid at maturity; or
3. Waives the benefit of any law intended for the advantage or protection of the obligor; or
4. Gives the holder an election to require something to be done in lieu of payment of money.

But nothing in this section shall validate any provision or stipulation otherwise illegal.

Facts not affecting validity or negotiability.

SECT. 6. The validity and negotiable character of an instrument are not affected by the fact that:

1. It is not dated; or
2. Does not specify the value given, or that any value has been given therefor; or
3. Does not specify the place where it is drawn or the place where it is payable; or
4. Bears a seal; or
5. Designates a particular kind of current money in which payment is to be made.

But nothing in this section shall alter or repeal any statute requiring in certain cases the nature of the consideration to be stated in the instrument.

Instrument payable on demand, when.

SECT. 7. An instrument is payable on demand:

1. Where it is expressed to be payable on demand, or at sight, or on presentation; or
2. In which no time for payment is expressed.

Where an instrument is issued, accepted, or indorsed when overdue, it is, as regards the person so issuing, accepting, or indorsing it, payable on demand.

Payable to order, when.

SECT. 8. The instrument is payable to order where it is drawn payable to the order of a specified person or to him or his order. It may be drawn payable to the order of:

1. A payee who is not maker, drawer, or drawee; or
2. The drawer or maker; or
3. The drawee; or
4. Two or more payees jointly; or
5. One or some of several payees; or
6. The holder of an office for the time being.

Where the instrument is payable to order the payee must be named or otherwise indicated therein with reasonable certainty.

Payable to bearer, when.

SECT. 9. The instrument is payable to bearer:

1. When it is expressed to be so payable; or
2. When it is payable to a person named therein or bearer; or
3. When it is payable to the order of a fictitious or non-existing person and such fact was known to the person making it so payable; or
4. When the name of the payee does not purport to be the name of any person; or
5. When the only or last indorsement is an indorsement in blank.

Terms of instrument.

SECT. 10. The instrument need not follow the language of this act, but any terms are sufficient which clearly indicate an intention to conform to the requirements hereof.

SECT. 11. Where the instrument or an acceptance or any indorsement thereon is dated, such date is deemed *prima facie* to be the true date of the making, drawing, acceptance, or indorsement as the case may be.

Dates *prima facie* true.

SECT. 12. The instrument is not invalid for the reason only that it is ante-dated or post-dated, *provided* this is not done for an illegal or fraudulent purpose. The person to whom an instrument so dated is delivered acquires the title thereto as of the date of delivery.

Not invalid if ante-dated or post-dated.

SECT. 13. Where an instrument expressed to be payable at a fixed period after date is issued undated, or where the acceptance of an instrument payable at a fixed period after sight is undated, any holder may insert therein the true date of issue or acceptance, and the instrument shall be payable accordingly. The insertion of a wrong date does not avoid the instrument in the hands of a subsequent holder in due course; but as to him, the date so inserted is to be regarded as the true date.

Insertion of date.

SECT. 14. Where the instrument is wanting in any material particular, the person in possession thereof has a *prima facie* authority to complete it by filling up the blanks therein. And a signature on a blank paper delivered by the person making the signature in order that the paper may be converted into a negotiable instrument operates as a *prima facie* authority to fill it up as such for any amount. In order, however, that any such instrument when completed may be enforced against any person who became a party thereto prior to its completion, it must be filled up strictly in accordance with the authority given and within a reasonable time. But if any such instrument, after completion, is negotiated to a holder in due course, it is valid and effectual for all purposes in his hands, and he may enforce it as if it had been filled up strictly in accordance with the authority given and within a reasonable time.

Completing by filling blank.

SECT. 15. Where an incomplete instrument has not been delivered it will not, if completed and negotiated, without authority, be a valid contract in the hands of any holder, as against any person whose signature was placed thereon before delivery.

Same subject.

SECT. 16. Every contract on a negotiable instrument is incomplete and revocable until delivery of the instrument for the purpose of giving effect thereto. As between immediate parties, and as regards a remote party other than a holder in due course, the delivery, in order to be effectual, must be made either by or under the authority of the party making, drawing, accepting or indorsing, as the case may be; and in such case the delivery may be shown to have been conditional, or for a special purpose only, and not for the purpose of transferring the property in the instrument. But

Contract revocable until delivery; valid delivery how made.

where the instrument is in the hands of a holder in due course, a valid delivery thereof by all parties prior to him so as to make them liable to him is conclusively presumed. And where the instrument is no longer in the possession of a party whose signature appears thereon, a valid and intentional delivery by him is presumed until the contrary is proved.

Rules of construction.

SECT. 17. Where the language of the instrument is ambiguous, or there are omissions therein, the following rules of construction apply:

1. Where the sum payable is expressed in words and also in figures and there is a discrepancy between the two, the sum denoted by the words is the sum payable; but if the words are ambiguous or uncertain, reference may be had to the figures to fix the amount:

2. Where the instrument provides for the payment of interest, without specifying the date from which interest is to run, the interest runs from the date of the instrument, and if the instrument is undated, from the issue thereof:

3. Where the instrument is not dated, it will be considered to be dated as of the time it was issued:

4. Where there is a conflict between the written and printed provisions of the instrument, the written provisions prevail:

5. Where the instrument is so ambiguous that there is doubt whether it is a bill or note, the holder may treat it as either at his election:

6. Where a signature is so placed upon the instrument that it is not clear in what capacity the person making the same intended to sign, he is to be deemed an indorser:

7. Where an instrument containing the words "I promise to pay" is signed by two or more persons, they are deemed to be jointly and severally liable thereon.

Signers only liable.

SECT. 18. No person is liable on the instrument whose signature does not appear thereon, except as herein otherwise expressly provided. But one who signs in a trade or assumed name will be liable to the same extent as if he had signed in his own name.

Signature by agent.

SECT. 19. The signature of any party may be made by a duly authorized agent. No particular form of appointment is necessary for this purpose; and the authority of the agent may be established as in other cases of agency.

Agent so signing not liable.

SECT. 20. Where the instrument contains or a person adds to his signature words indicating that he signs for or on behalf of a principal, or in a representative capacity, he is not liable on the instrument if he was duly authorized; but the mere addition of words describing him as an agent, or as filling a representative character, without disclosing his principal, does not exempt him from personal liability.

SECT. 21. A signature by "procurator" operates as notice that the agent has but a limited authority to sign, and the principal is bound only in case the agent in so signing acted within the actual limits of his authority. Signature by "procurator."

SECT. 22. The indorsement or assignment of the instrument by a corporation or by an infant passes the property therein, notwithstanding that from want of capacity the corporation or infant may incur no liability thereon. Indorsement by corporation or minor.

SECT. 23. Where a signature is forged or made without the authority of the person whose signature it purports to be, it is wholly inoperative, and no right to retain the instrument, or to give a discharge thereof, or to enforce payment therefor against any party thereto, can be acquired through or under such signature, unless the party against whom it is sought to enforce such right, is precluded from setting up the forgery or want of authority. Forged signature, etc., inoperative.

CONSIDERATION.

SECT. 24. Every negotiable instrument is deemed *prima facie* to have been issued for a valuable consideration; and every person whose signature appears thereon to have become a party thereto for value. Presumption of.

SECT. 25. Value is any consideration sufficient to support a simple contract. An antecedent or pre-existing debt constitutes value; and is deemed such whether the instrument is payable on demand or at a future time. Value, what is.

SECT. 26. Where value has at any time been given for the instrument, the holder is deemed a holder for value in respect to all parties who became such prior to that time. When holding is for value.

SECT. 27. Where the holder has a lien on the instrument, arising either from contract or by implication of law, he is deemed a holder for value to the extent of his lien. Lien-holder.

SECT. 28. Absence or failure of consideration is matter of defense as against any person not a holder in due course; and partial failure of consideration is a defense *pro tanto* whether the failure is an ascertained and liquidated amount or otherwise. Failure of consideration as defense.

SECT. 29. An accommodation party is one who has signed the instrument as maker, drawer, acceptor or indorser, without receiving value therefor, and for the purpose of lending his name to some other person. Such a person is liable on the instrument to a holder for value, notwithstanding such holder at the time of taking the instrument knew him to be only an accommodation party. Accommodation party, who is.

NEGOTIATION.

SECT. 30. An instrument is negotiated when it is transferred from one person to another in such manner as to constitute the What constitutes.

transferee the holder thereof. If payable to bearer it is negotiated by delivery; if payable to order it is negotiated by the indorsement of the holder completed by delivery.

Sufficient indorsement.

SECT. 31. The indorsement must be written on the instrument itself or upon a paper attached thereto. The signature of the indorser, without additional words, is a sufficient indorsement.

Must be of entire instrument.

SECT. 32. The indorsement must be an indorsement of the entire instrument. An indorsement, which purports to transfer to the indorsee a part only of the amount payable, or which purports to transfer the instrument to two or more indorseees severally, does not operate as a negotiation of the instrument. But where the instrument has been paid in part, it may be indorsed as to the residue.

Varieties of

SECT. 33. An indorsement may be either special or in blank, and it may also be either restrictive or qualified, or conditional.

Special indorsement.

SECT. 34. A special indorsement specifies the person to whom, or to whose order, the instrument is to be payable; and the indorsement of such indorsee is necessary to the further negotiation of the instrument. An indorsement in blank specifies no indorsee, and an instrument so indorsed is payable to bearer, and may be negotiated by delivery.

Blank indorsement, how made special.

SECT. 35. The holder may convert a blank indorsement into a special indorsement by writing over the signature of the indorser in blank any contract consistent with the character of the indorsement.

Restrictive indorsement.

SECT. 36. An indorsement is restrictive, which either:

1. Prohibits the further negotiation of the instrument; or
2. Constitutes the indorsee the agent of the indorser; or
3. Vests the title in the indorsee in trust for or to the use of some other person.

But the mere absence of words implying power to negotiate does not make an indorsement restrictive.

Restrictive indorsee, rights of.

SECT. 37. A restrictive indorsement confers upon the indorsee the right:

1. To receive payment of the instrument;
2. To bring any action thereon that the indorser could bring;
3. To transfer his rights as such indorsee, where the form of the indorsement authorizes him to do so.

But all subsequent indorseees acquire only the title of the first indorsee under the restrictive indorsement.

Qualified indorsee, rights of.

SECT. 38. A qualified indorsement constitutes the indorser a mere assignor of the title to the instrument. It may be made by adding to the indorser's signature the words "without recourse" or any words of similar import. Such an indorsement does not impair the negotiable character of the instrument.

SECT. 39. Where an indorsement is conditional, a party required to pay the instrument may disregard the condition, and make payment to the indorsee or his transferee, whether the condition has been fulfilled or not. But any person to whom an instrument so indorsed is negotiated, will hold the same, or the proceeds thereof, subject to the rights of the person indorsing conditionally.

Conditional indorsement, effect of.

SECT. 40. Where an instrument, payable to bearer, is indorsed specially, it may nevertheless be further negotiated by delivery; but the person indorsing specially is liable as indorser only to such holders as make title through his indorsement.

Negotiation when indorsement special.

SECT. 41. Where an instrument is payable to the order of two or more payees or indorsees who are not partners, all must indorse, unless the one indorsing has authority to indorse for the others.

All payees must indorse.

SECT. 42. Where an instrument is drawn or indorsed to a person as "Cashier" or other fiscal officer of a bank or corporation, it is deemed *prima facie* to be payable to the bank or corporation of which he is such officer; and may be negotiated either by the indorsement of the bank or corporation, or by the indorsement of the officer.

Indorsement to corporate officer.

SECT. 43. Where the name of a payee or indorsee is wrongly designated or misspelled, he may indorse the instrument as therein described, adding, if he think fit, his proper signature.

Correction in name.

SECT. 44. Where any person is under obligation to indorse in a representative capacity, he may indorse in such terms as to negative personal liability.

Negating personal liability.

SECT. 45. Except where an indorsement bears date after the maturity of the instrument, every negotiation is deemed *prima facie* to have been effected before the instrument was overdue.

Date of indorsement.

SECT. 46. Except where the contrary appears, every indorsement is presumed *prima facie* to have been made at the place where the instrument is dated.

Place of indorsement.

SECT. 47. An instrument negotiable in its origin continues to be negotiable until it has been restrictively indorsed or discharged by payment or otherwise.

Negotiability.

SECT. 48. The holder may at any time strike out any indorsement which is not necessary to his title. The indorser whose indorsement is struck out, and all indorsers subsequent to him, are thereby relieved from liability on the instrument.

Striking out indorsements.

SECT. 49. Where the holder of an instrument payable to his order transfers it for value without indorsing it, the transfer vests in the transferee such title as the transferer had therein, and the transferee acquires, in addition, the right to have the indorsement of the transferer. But for the purpose of determining whether the transferee is a holder in due course, the negotiation takes effect as of the time when the indorsement is actually made.

Transfer without indorsement.

Former holder
may reissue.

SECT. 50. Where an instrument is negotiated back to a prior party, such party may, subject to the provisions of this act, reissue and further negotiate the same. But he is not entitled to enforce payment thereof against any intervening party to whom he was personally liable.

RIGHTS OF THE HOLDER.

May sue in
own name.

SECT. 51. The holder of a negotiable instrument may sue thereon in his own name; and payment to him in due course discharges the instrument.

Holder in due
course, who is.

SECT. 52. A holder in due course is a holder who has taken the instrument under the following conditions:

1. That it is complete and regular upon its face;
2. That he became the holder of it before it was overdue, and without notice that it had been previously dishonored, if such was the fact;
3. That he took it in good faith and for value;
4. That at the time it was negotiated to him he had no notice of any infirmity in the instrument or defect in the title of the person negotiating it.

If demand
paper overdue.

SECT. 53. Where an instrument payable on demand is negotiated an unreasonable length of time after its issue, the holder is not deemed a holder in due course.

Notice of
infirmity,
effect of.

SECT. 54. Where the transferee receives notice of any infirmity in the instrument or defect in the title of the person negotiating the same before he has paid the full amount agreed to be paid therefor, he will be deemed a holder in due course only to the extent of the amount theretofore paid by him.

Title, when
deemed de-
fective.

SECT. 55. The title of a person who negotiates an instrument is defective within the meaning of this act when he obtained the instrument, or any signature thereto, by fraud, duress, or force and fear, or other unlawful means, or for an illegal consideration, or when he negotiates it in breach of faith, or under such circumstances as amount to a fraud.

Notice of
infirmity,
what is.

SECT. 56. To constitute notice of an infirmity in the instrument or defect in the title of the person negotiating the same, the person to whom it is negotiated must have had actual knowledge of the infirmity or defect, or knowledge of such facts that his action in taking the instrument amounted to bad faith.

Rights of
holder in due
course.

SECT. 57. A holder in due course holds the instrument free from any defect of title of prior parties, and free from defenses available to prior parties among themselves, and may enforce payment of the instrument for the full amount thereof against all parties liable thereon.

SECT. 58. In the hands of any holder other than a holder in due course, a negotiable instrument is subject to the same defenses as if it were non-negotiable. But a holder who derives his title through a holder in due course, and who is not himself a party to any fraud or illegality affecting the instrument, has all the rights of such former holder in respect of all parties prior to the latter.

Rights of his transferee.

SECT. 59. Every holder is deemed *prima facie* to be a holder in due course; but when it is shown that the title of any person who has negotiated the instrument was defective, the burden is on the holder to prove that he or some person under whom he claims acquired the title as holder in due course. But the last mentioned rule does not apply in favor of a party who became bound on the instrument prior to the acquisition of such defective title.

Due course presumed.

LIABILITIES OF PARTIES.

SECT. 60. The maker of a negotiable instrument by making it engages that he will pay it according to its tenor; and admits the existence of the payee and his then capacity to indorse.

Engagements of maker.

SECT. 61. The drawer by drawing the instrument admits the existence of the payee and his then capacity to indorse; and engages that on due presentment the instrument will be accepted or paid, or both, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it. But the drawer may insert in the instrument an express stipulation negating or limiting his own liability to the holder.

Of drawer.

SECT. 62. The acceptor by accepting the instrument engages that he will pay it according to the tenor of his acceptance; and admits:

Of acceptor.

1. The existence of the drawer, the genuineness of his signature, and his capacity and authority to draw the instrument; and

2. The existence of the payee and his then capacity to indorse.

SECT. 63. A person placing his signature upon an instrument otherwise than as maker, drawer or acceptor is deemed to be an indorser, unless he clearly indicates by appropriate words his intention to be bound in some other capacity.

Presumptive indorsers.

SECT. 64. Where a person, not otherwise a party to an instrument, places thereon his signature in blank before delivery, he is liable as indorser in accordance with the following rules:

Liability of signer in blank.

1. If the instrument is payable to the order of a third person, he is liable to the payee and to all subsequent parties.

2. If the instrument is payable to the order of the maker or drawer, or is payable to bearer, he is liable to all parties subsequent to the maker or drawer.

3. If he signs for the accommodation of the payee, he is liable to all parties subsequent to the payee.

Warrant of negotiator before delivery or by qualified indorsement.

SECT. 65. Every person negotiating an instrument by delivery or by a qualified indorsement, warrants:

1. That the instrument is genuine and in all respects what it purports to be;
2. That he has a good title to it;
3. That all prior parties had capacity to contract;
4. That he has no knowledge of any fact which would impair the validity of the instrument or render it valueless.

But when the negotiation is by delivery only, the warranty extends in favor of no holder other than the immediate transferee.

The provisions of subdivision 3 of this section do not apply to persons negotiating public or corporate securities, other than bills and notes.

Of unqualified indorser.

SECT. 66. Every indorser who indorses without qualification, warrants to all subsequent holders in due course:

1. The matters and things mentioned in subdivisions 1, 2 and 3 of the next preceding section; and
2. That the instrument is at the time of his indorsement valid and subsisting.

And, in addition, he engages that on due presentment, it shall be accepted or paid, or both, as the case may be, according to its tenor, and that if it be dishonored, and the necessary proceedings on dishonor be duly taken, he will pay the amount thereof to the holder, or to any subsequent indorser who may be compelled to pay it.

Of note payable to bearer.

SECT. 67. Where a person places his indorsement on an instrument negotiable by delivery he incurs all the liability of an indorser.

Indorsers liable in what order.

SECT. 68. As respects one another, indorsers are liable *prima facie* in the order in which they indorse; but evidence is admissible to show that as between or among themselves they have agreed otherwise. Joint payees or joint indorseees who indorse are deemed to indorse jointly and severally.

Agent liable without indorsement, when.

SECT. 69. Where a broker or other agent negotiates an instrument without indorsement, he incurs all the liabilities prescribed by section 65 of this act, unless he discloses the name of his principal, and the fact that he is acting only as agent.

PRESENTMENT FOR PAYMENT.

Necessity for.

SECT. 70. Presentment for payment is not necessary in order to charge the person primarily liable on the instrument; but if the instrument is, by its terms, payable at a special place, and he is able and willing to pay it there at maturity, such ability and willingness are equivalent to a tender of payment upon his part. But except

as herein otherwise provided, presentment for payment is necessary in order to charge the drawer and indorsers.

SECT. 71. Where the instrument is not payable on demand, presentment must be made on the day it falls due. Where it is payable on demand, presentment must be made within a reasonable time after its issue, except that in the case of a bill of exchange, presentment for payment will be sufficient if made within a reasonable time after the last negotiation thereof. Upon a promissory note payable on demand, a demand made at the expiration of sixty days from the date thereof, without grace, or at any time within that term shall be deemed to be made within a reasonable time; and any act, neglect or other thing which by the provisions of this act is deemed equivalent to a presentment and demand on a note payable at a fixed time, or which would dispense with such presentment and demand, if it occurs at or within the sixty days shall be a dishonor thereof, and shall authorize the holder of the note to give notice of the dishonor to the indorser as upon a presentment to the promisor, and his neglect or refusal to pay the same. No presentment of the note to the promisor and demand for payment shall charge the indorser unless made on or before the last day of the sixty days.

When to be made.

SECT. 72. Presentment for payment, to be sufficient, must be made:

Requisites of.

1. By the holder, or by some person authorized to receive payment on his behalf;
2. At a reasonable hour on a business day;
3. At a proper place as herein defined;
4. To the person primarily liable on the instrument, or if he is absent or inaccessible, to any person found at the place where the presentment is made.

SECT. 73. Presentment for payment is made at the proper place:

Where to be made.

1. Where a place of payment is specified in the instrument and it is there presented;
2. Where no place of payment is specified, but the address of the person to make payment is given in the instrument and it is there presented;
3. Where no place of payment is specified and no address is given and the instrument is presented at the usual place of business or residence of the person to make payment;
4. In any other case if presented to the person to make payment wherever he can be found, or if presented at his last known place of business or residence.

SECT. 74. The instrument must be exhibited to the person from whom payment is demanded, and when it is paid must be delivered up to the party paying it.

Exhibition of instrument.

How made at bank.

SECT. 75. Where the instrument is payable at a bank, presentment for payment must be made during banking hours, unless the person to make payment has no funds there to meet it at any time during the day, in which case presentment at any hour before the bank is closed on that day is sufficient.

If party primarily liable is dead.

SECT. 76. Where the person primarily liable on the instrument is dead, and no place of payment is specified, presentment for payment must be made to his personal representative if such there be, and if, with the exercise of reasonable diligence, he can be found.

If parties primarily liable partners.

SECT. 77. Where the persons primarily liable on the instrument are liable as partners, and no place of payment is specified, presentment for payment may be made to any one of them, even though there has been a dissolution of the firm.

If several parties liable.

SECT. 78. Where there are several persons, not partners, primarily liable on the instrument, and no place of payment is specified, presentment must be made to them all.

Drawer not entitled to, when.

SECT. 79. Presentment for payment is not required in order to charge the drawer where he has no right to expect or require that the drawee or acceptor will pay the instrument.

Indorser not entitled to, when.

SECT. 80. Presentment for payment is not required in order to charge an indorser where the instrument was made or accepted for his accommodation, and he has no reason to expect that the instrument will be paid if presented.

Excusable delay.

SECT. 81. Delay in making presentment for payment is excused when the delay is caused by circumstances beyond the control of the holder, and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, presentment must be made with reasonable diligence.

Dispensed with, when.

SECT. 82. Presentment for payment is dispensed with:

1. Where after the exercise of reasonable diligence presentment as required by this act cannot be made;
2. Where the drawee is a fictitious person;
3. By waiver of presentment express or implied.

Dishonor by non-payment.

SECT. 83. The instrument is dishonored by non-payment when:

1. It is duly presented for payment and payment is refused or cannot be obtained; or
2. Presentment is excused and the instrument is overdue and unpaid.

Effect of.

SECT. 84. Subject to the provisions of this act, when the instrument is dishonored by non-payment, an immediate right of recourse to all parties secondarily liable thereon accrues to the holder.

Days of grace; instrument due on Sunday, etc., when payable.

SECT. 85. Every negotiable instrument is payable at the time fixed therein without grace, except that three days of grace shall be allowed upon a draft or bill of exchange made payable within this

state at sight unless there is an express stipulation to the contrary. When the day of maturity falls upon Sunday, or a holiday, the instrument is payable on the next succeeding business day. Instruments falling due or payable on Saturday are to be presented for payment on the next succeeding business day, except that instruments payable on demand may, at the option of the holder, be presented for payment before 12 o'clock noon on Saturday when that entire day is not a holiday.

SECT. 86. Where the instrument is payable at a fixed period after date, after sight, or after the happening of a specified event, the time of payment is determined by excluding the day from which the time is to begin to run, and by including the date of payment.

Time, how reckoned.

SECT. 87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon.

Payment at bank.

SECT. 88. Payment is made in due course when it is made at or after the maturity of the instrument to the holder thereof in good faith and without notice that his title is defective.

Payment in due course.

NOTICE OF DISHONOR.

SECT. 89. Except as herein otherwise provided, when a negotiable instrument has been dishonored by non-acceptance or non-payment, notice of dishonor must be given to the drawer and to each indorser, and any drawer or indorser to whom such notice is not given is discharged.

Who entitled to.

SECT. 90. The notice may be given by or on behalf of the holder, or by or on behalf of any party to the instrument who might be compelled to pay it to the holder, and who, upon taking it up would have a right to reimbursement from the party to whom the notice is given.

By whom given.

SECT. 91. Notice of dishonor may be given by an agent either in his own name or in the name of any party entitled to give notice, whether that party be his principal or not.

Notice by agent.

SECT. 92. Where notice is given by or on behalf of the holder, it inures for the benefit of all subsequent holders and all prior parties who have a right of recourse against the party to whom it is given.

For whose benefit.

SECT. 93. Where notice is given by or on behalf of a party entitled to give notice, it inures for the benefit of the holder and all parties subsequent to the party to whom notice is given.

Same subject.

SECT. 94. Where the instrument has been dishonored in the hands of an agent, he may either himself give notice to the parties liable thereon, or he may give notice to his principal. If he give

Of paper in agent's hands.

notice to his principal, he must do so within the same time as if he were the holder, and the principal upon the receipt of such notice has himself the same time for giving notice as if the agent had been an independent holder.

Form of notice.

SECT. 95. A written notice need not be signed and an insufficient written notice may be supplemented and validated by verbal communication. A misdescription of the instrument does not vitiate the notice unless the party to whom the notice is given is in fact misled thereby.

May be oral or written.

SECT. 96. The notice may be in writing or merely oral and may be given in any terms which sufficiently identify the instrument, and indicate that it has been dishonored by non-acceptance or non-payment. It may in all cases be given by delivering it personally or through the mails.

To party or agent.

SECT. 97. Notice of dishonor may be given either to the party himself or to his agent in that behalf.

If person entitled is dead.

SECT. 98. When any party is dead, and his death is known to the party giving notice, the notice must be given to a personal representative, if there be one, and if with reasonable diligence he can be found. If there be no personal representative, notice may be sent to the last residence or last place of business of the deceased.

Notice to partnership.

SECT. 99. Where the parties to be notified are partners, notice to any one partner is notice to the firm even though there has been a dissolution.

To joint parties.

SECT. 100. Notice to joint parties who are not partners must be given to each of them, unless one of them has authority to receive such notice for the others.

To bankrupt.

SECT. 101. Where a party has been adjudged a bankrupt or an insolvent, or has made an assignment for the benefit of creditors, notice may be given either to the party himself or to his trustee or assignee.

When to be given.

SECT. 102. Notice may be given as soon as the instrument is dishonored; and unless delay is excused as hereinafter provided, must be given within the times fixed by this act.

If parties reside in same place.

SECT. 103. Where the person giving and the person to receive notice reside in the same place, notice must be given within the following times:

1. If given at the place of business of the person to receive notice, it must be given before the close of business hours on the day following;
2. If given at his residence, it must be given before the usual hours of rest on the day following;
3. If sent by mail, it must be deposited in the post-office in time to reach him in usual course on the day following.

SECT. 104. Where the person giving and the person to receive notice reside in different places notice must be given within the following times:

If parties reside in different places.

1. If sent by mail, it must be deposited in the post-office in time to go by mail the day following the day of dishonor, or if there be no mail at a convenient hour on that day, by the next mail thereafter.

2. If given otherwise than through the post-office, then within the time that notice would have been received in due course of mail, if it had been deposited in the post-office within the time specified in the last subdivision.

SECT. 105. Where notice of dishonor is duly addressed and deposited in the post-office, the sender is deemed to have given due notice, notwithstanding any miscarriage in the mails.

Notice by mail.

SECT. 106. Notice is deemed to have been deposited in the post-office when deposited in any branch post-office or in any letter-box under the control of the post-office department.

Same subject.

SECT. 107. Where a party receives notice of dishonor, he has, after the receipt of such notice, the same time for giving notice to antecedent parties that the holder has after the dishonor.

Right of party notified.

SECT. 108. Where a party has added an address to his signature, notice of dishonor must be sent to that address; but if he has not given such address, then the notice must be sent as follows:

Where notice to be sent.

1. Either to the post-office nearest to his place of residence, or to the post-office where he is accustomed to receive his letters; or

2. If he live in one place, and have his place of business in another, notice may be sent to either place; or

3. If he is sojourning in another place, notice may be sent to the place where he is so sojourning.

But where the notice is actually received by the party within the time specified in this act, it will be sufficient, though not sent in accordance with the requirements of this section.

SECT. 109. Notice of dishonor may be waived, either before the time of giving notice has arrived, or after the omission to give due notice, and the waiver may be express or implied.

Waiver of notice.

SECT. 110. Where the waiver is embodied in the instrument itself, it is binding upon all parties; but where it is written above the signature of an indorser, it binds him only.

Who bound by.

SECT. 111. A waiver of protest, whether in the case of a foreign bill of exchange or other negotiable instrument is deemed to be a waiver not only of a formal protest, but also of presentment and notice of dishonor.

Waiver of protest.

SECT. 112. Notice of dishonor is dispensed with when, after the exercise of reasonable diligence, it cannot be given to or does not reach the parties sought to be charged.

Notice, when dispensed with.

Excusable delay.

SECT. 113. Delay in giving notice of dishonor is excused when the delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct or negligence. When the cause of delay ceases to operate, notice must be given with reasonable diligence.

Notice to drawer not required, when.

SECT. 114. Notice of dishonor is not required to be given to the drawer in either of the following cases:

1. Where the drawer and drawee are the same person;
2. Where the drawee is a fictitious person or a person not having capacity to contract;
3. Where the drawer is the person to whom the instrument is presented for payment;
4. Where the drawer has no right to expect or require that the drawee or acceptor will honor the instrument;
5. Where the drawer has countermanded payment.

Notice to indorser not required, when.

SECT. 115. Notice of dishonor is not required to be given to an indorser in either of the following cases:

1. Where the drawee is a fictitious person or a person not having capacity to contract, and the indorser was aware of the fact at the time he indorsed the instrument;
2. Where the indorser is the person to whom the instrument is presented for payment;
3. Where the instrument was made or accepted for his accommodation.

Of non-acceptance, when sufficient.

SECT. 116. Where due notice of dishonor by non-acceptance has been given, notice of a subsequent dishonor by non-payment is not necessary, unless in the meantime the instrument has been accepted.

If notice omitted.

SECT. 117. An omission to give notice of dishonor by non-acceptance does not prejudice the rights of a holder in due course subsequent to the omission.

Protest, when required.

SECT. 118. Where any negotiable instrument has been dishonored it may be protested for non-acceptance or non-payment as the case may be; but protest is not required, except in the case of foreign bills of exchange.

DISCHARGE OF NEGOTIABLE INSTRUMENTS.

Instrument, how discharged.

SECT. 119. A negotiable instrument is discharged:

1. By payment in due course by or on behalf of the principal debtor;
2. By payment in due course by the party accommodated, where the instrument is made or accepted for accommodation;
3. By the intentional cancellation thereof by the holder;
4. By any other act which will discharge a simple contract for the payment of money;

5. When the principal debtor becomes the holder of the instrument at or after maturity in his own right.

SECT. 120. A person secondarily liable on the instrument is discharged:

Party secondarily liable, how discharged.

- 1. By any act which discharges the instrument;
- 2. By the intentional cancellation of his signature by the holder;
- 3. By the discharge of a prior party;
- 4. By a valid tender of payment made by a prior party;
- 5. By a release of the principal debtor, unless the holder's right of recourse against the party secondarily liable is expressly reserved;

6. By any agreement binding upon the holder to extend the time of payment, or to postpone the holder's right to enforce the instrument, unless made with the assent of the party secondarily liable, or unless the right of recourse against such party is expressly reserved.

SECT. 121. Where the instrument is paid by a party secondarily liable thereon, it is not discharged; but the party so paying it is remitted to his former rights as regards all prior parties, and he may strike out his own and all subsequent indorsements, and again negotiate the instrument, except:

Payment by such party not discharge.

- 1. Where it is payable to the order of a third person, and has been paid by the drawer; and
- 2. Where it was made or accepted for accommodation, and has been paid by the party accommodated.

SECT. 122. The holder may expressly renounce his rights against any party to the instrument, before, at or after its maturity. An absolute and unconditional renunciation of his rights against the principal debtor made at or after the maturity of the instrument discharges the instrument. But a renunciation does not affect the rights of a holder in due course without notice. A renunciation must be in writing, unless the instrument is delivered up to the person primarily liable thereon.

Renunciation by holder.

SECT. 123. A cancellation made unintentionally, or under a mistake, or without the authority of the holder, is inoperative; but where an instrument or any signature thereon appears to have been cancelled the burden of proof lies on the party who alleges that the cancellation was made unintentionally, or under a mistake or without authority.

Unintentional cancellation, etc.

SECT. 124. Where a negotiable instrument is materially altered without the assent of all parties liable thereon, it is avoided, except as against a party who has himself made, authorized or assented to the alteration and subsequent indorsers. But when an instrument has been materially altered and is in the hands of a holder in due

Material alteration, effect of.

course, not a party to the alteration, he may enforce payment thereof according to its original tenor.

Material alteration, what is.

SECT. 125. Any alteration which changes:

1. The date;
2. The sum payable, either for principal or interest;
3. The time or place of payment;
4. The number or the relations of the parties;
5. The medium or currency in which payment is to be made;

Or which adds a place of payment where no place of payment is specified, or any other change or addition which alters the effect of the instrument in any respect is a material alteration.

BILLS OF EXCHANGE. FORM AND INTERPRETATION.

"Bill of exchange" defined.

SECT. 126. A bill of exchange is an unconditional order in writing addressed by one person to another, signed by the person giving it, requiring the person to whom it is addressed to pay on demand or at a fixed or determinable future time a sum certain in money to order or to bearer.

Drawee liable, when.

SECT. 127. A bill of itself does not operate as an assignment of the funds in the hands of the drawee available for the payment thereof and the drawee is not liable on the bill unless and until he accepts the same.

Joint drawees.

SECT. 128. A bill may be addressed to two or more drawees jointly whether they are partners or not; but not to two or more drawees in the alternative or in succession.

Inland and foreign bills.

SECT. 129. An inland bill of exchange is a bill which is, or on its face purports to be, both drawn and payable within this state. Any other bill is a foreign bill. Unless the contrary appears on the face of the bill, the holder may treat it as an inland bill.

Fictitious drawee, &c.

SECT. 130. Where in a bill drawer and drawee are the same person, or where the drawee is a fictitious person, or a person not having capacity to contract, the holder may treat the instrument, at his option, either as a bill of exchange or a promissory note.

Referee in case of need.

SECT. 131. The drawer of a bill and any indorser may insert thereon the name of a person to whom the holder may resort in case of need, that is to say, in case the bill is dishonored by non-acceptance or non-payment. Such person is called the referee in case of need. It is in the option of the holder to resort to the referee in case of need or not, as he may see fit.

ACCEPTANCE.

Acceptance" defined.

SECT. 132. The acceptance of a bill is the signification by the drawee of his assent to the order of the drawer. The acceptance must be in writing and signed by the drawer. It must not express

that the drawee will perform his promise by any other means than the payment of money.

SECT. 133. The holder of a bill presenting the same for acceptance may require that the acceptance be written on the bill, and, if such request is refused, may treat the bill as dishonored.

May be required in writing.

SECT. 134. Where an acceptance is written on a paper other than the bill itself, it does not bind the acceptor except in favor of a person to whom it is shown, and who, on the faith thereof, receives the bill for value.

On separate paper.

SECT. 135. An unconditional promise in writing to accept a bill before it is drawn is deemed an actual acceptance in favor of every person who, upon the faith thereof, receives the bill for value.

Promise to accept.

SECT. 136. The drawee is allowed twenty-four hours after presentment in which to decide whether or not he will accept the bill; but the acceptance if given dates as of the day of presentation.

Time for acceptance.

SECT. 137. Where a drawee to whom a bill is delivered for acceptance destroys the same, or refuses within twenty-four hours after such delivery, or within such other period as the holder may allow, to return the bill accepted or non-accepted to the holder, he will be deemed to have accepted the same.

Implied from retention, etc.

SECT. 138. A bill may be accepted before it has been signed by the drawer, or while otherwise incomplete, or when it is overdue, or after it has been dishonored by a previous refusal to accept, or by non-payment. But when a bill payable after sight is dishonored by non-acceptance and the drawee subsequently accepts it, the holder, in the absence of any different agreement, is entitled to have the bill accepted as of the date of the first presentment.

When bill may be accepted.

SECT. 139. An acceptance is either general or qualified. A general acceptance assents without qualification to the order of the drawer. A qualified acceptance in express terms varies the effect of the bill as drawn.

Acceptance general or qualified.

SECT. 140. An acceptance to pay at a particular place is a general acceptance unless it expressly states that the bill is to be paid there only and not elsewhere.

General acceptance.

SECT. 141. An acceptance is qualified, which is:

Qualified acceptance.

1. Conditional, that is to say, which makes payment by the acceptor dependent on the fulfillment of a condition therein stated;

2. Partial, that is to say, an acceptance to pay part only of the amount for which the bill is drawn;

3. Local, that is to say, an acceptance to pay only at a particular place;

4. Qualified as to time;

5. The acceptance of some one or more of the drawees, but not of all.

Effect of:
holder may re-
fuse to take.

SECT. 142. The holder may refuse to take a qualified acceptance, and if he does not obtain an unqualified acceptance, he may treat the bill as dishonored by non-acceptance. Where a qualified acceptance is taken, the drawer and indorsers are discharged from liability on the bill, unless they have expressly or impliedly authorized the holder to take a qualified acceptance, or subsequently assent thereto. When the drawer or an indorser receives notice of a qualified acceptance, he must within a reasonable time express his dissent to the holder, or he will be deemed to have assented thereto.

PRESENTMENT FOR ACCEPTANCE.

When neces-
sary.

SECT. 143. Presentment for acceptance must be made:

1. Where the bill is payable after sight, or in any other case, where presentment for acceptance is necessary in order to fix the maturity of the instrument; or
2. Where the bill expressly stipulates that it shall be presented for acceptance; or
3. Where the bill is drawn payable elsewhere than at the residence or place of business of the drawee.

In no other case is presentment for acceptance necessary in order to render any party to the bill liable.

Non-present-
ment, effect
of.

SECT. 144. Except as herein otherwise provided, the holder of a bill which is required by the next preceding section to be presented for acceptance must either present it for acceptance or negotiate it within a reasonable time. If he fail to do so, the drawer and all indorsers are discharged.

When and to
whom made.

SECT. 145. Presentment for acceptance must be made by or on behalf of the holder at a reasonable hour, on a business day and before the bill is overdue, to the drawee or some person authorized to accept or refuse acceptance on his behalf; and:

1. Where a bill is addressed to two or more drawees who are not partners, presentment must be made to them all, unless one has authority to accept or refuse acceptance for all, in which case presentment may be made to him only.
2. Where the drawee is dead, presentment may be made to his personal representative;
3. Where the drawee has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, presentment may be made to him or to his trustee or assignee.

Day of pre-
sentment.

SECT. 146. A bill may be presented for acceptance on any day on which negotiable instruments may be presented for payment under the provisions of sections 72 and 85 of this act. When Saturday is not otherwise a holiday, presentment for acceptance may be made before 12 o'clock noon on that day.

SECT. 147. Where the holder of a bill drawn payable elsewhere than at the place of business or the residence of the drawee has not time with the exercise of reasonable diligence to present the bill for acceptance before presenting it for payment on the day that it falls due, the delay caused by presenting the bill for acceptance before presenting it for payment is excused and does not discharge the drawers and indorsers. Excusable delay.

SECT. 148. Presentment for acceptance is excused and a bill may be treated as dishonored by non-acceptance, in either of the following cases: Presentment excused, when.

1. Where the drawee is dead, or has absconded, or is a fictitious person or a person not having capacity to contract by bill;
2. Where, after the exercise of reasonable diligence, presentment cannot be made;
3. Where, although presentment has been irregular, acceptance has been refused on some other ground.

SECT. 149. A bill is dishonored by non-acceptance: Dishonor by non-acceptance.

1. When it is duly presented for acceptance and such an acceptance as is prescribed by this act is refused or cannot be obtained; or
2. When presentment for acceptance is excused and the bill is not accepted.

SECT. 150. Where a bill is duly presented for acceptance and is not accepted within the prescribed time, the person presenting it must treat the bill as dishonored by non-acceptance or he loses the right of recourse against the drawer and indorsers. Right of recourse, how lost.

SECT. 151. When a bill is dishonored by non-acceptance, an immediate right of recourse against the drawers and indorsers accrues to the holder and no presentment for payment is necessary. Recourse after dishonor.

PROTEST.

SECT. 152. Where a foreign bill appearing on its face to be such is dishonored by non-acceptance, it must be duly protested for non-acceptance, and where such a bill which has not previously been dishonored by non-acceptance is dishonored by non-payment, it must be duly protested for non-payment. If it is not so protested, the drawer and indorsers are discharged. Where a bill does not appear on its face to be a foreign bill, protest thereof in case of dishonor is unnecessary. For non-acceptance or non-payment.

SECT. 153. The protest must be annexed to the bill, or must contain a copy thereof, and must be under the hand and seal of the notary making it, and must specify: Form of protest.

1. The time and place of presentment;
2. The fact that presentment was made and the manner thereof;
3. The cause or reason for protesting the bill;

4. The demand made and the answer given, if any, or the fact that the drawee or acceptor could not be found.

By whom made.

SECT. 154. Protest may be made by :

1. A notary public; or

2. By any respectable resident of the place where the bill is dishonored, in the presence of two or more credible witnesses.

When to be made.

SECT. 155. When a bill is protested, such protest must be made on the day of its dishonor, unless delay is excused as herein provided. When a bill has been duly noted, the protest may be subsequently extended as of the date of the noting.

Where to be made.

SECT. 156. A bill must be protested at the place where it is dishonored, except that when a bill drawn payable at the place of business, or residence of some person other than the drawee, has been dishonored by non-acceptance, it must be protested for non-payment at the place where it is expressed to be payable, and no further presentment for payment to, or demand on, the drawee is necessary.

Successive protests.

SECT. 157. A bill which has been protested for non-acceptance may be subsequently protested for non-payment.

If acceptor becomes bankrupt.

SECT. 158. Where the acceptor has been adjudged a bankrupt or an insolvent or has made an assignment for the benefit of creditors, before the bill matures, the holder may cause the bill to be protested for better security against the drawer and indorsers.

Dispensed with, when.

SECT. 159. Protest is dispensed with by any circumstances which would dispense with notice of dishonor. Delay in noting or protesting is excused when delay is caused by circumstances beyond the control of the holder and not imputable to his default, misconduct, or negligence. When the cause of delay ceases to operate, the bill must be noted or protested with reasonable diligence.

If bill lost, etc.

SECT. 160. Where a bill is lost or destroyed or is wrongly detained from the person entitled to hold it, protest may be made on a copy or written particulars thereof.

ACCEPTANCE FOR HONOR.

When and by whom.

SECT. 161. Where a bill of exchange has been protested for dishonor by non-acceptance or protested for better security and is not overdue, any person not being a party already liable thereon may, with the consent of the holder, intervene and accept the bill *supra* protest for the honor of any party liable thereon or for the honor of the person for whose account the bill is drawn. The acceptance for honor may be for part only of the sum for which the bill is drawn; and where there has been an acceptance for honor for one party, there may be a further acceptance by a different person for the honor of another party.

SECT. 162. An acceptance for honor *supra protest* must be in writing and indicate that it is an acceptance for honor, and must be signed by the acceptor for honor. Form of.

SECT. 163. Where an acceptance for honor does not expressly state for whose honor it is made, it is deemed to be an acceptance for the honor of the drawer. Honor of drawer implied.

SECT. 164. The acceptor for honor is liable to the holder and to all parties to the bill subsequent to the party for whose honor he has accepted. Acceptor's liability.

SECT. 165. The acceptor for honor by such acceptance engages that he will on due presentment pay the bill according to the terms of his acceptance, *provided* it shall not have been paid by the drawee and *provided also*, that it shall have been duly presented for payment and protested for non-payment and notice of dishonor given to him. Acceptor's engagement.

SECT. 166. Where a bill payable after sight is accepted for honor, its maturity is calculated from the date of the noting for non-acceptance and not from the date of the acceptance for honor. Maturity, how calculated.

SECT. 167. Where a dishonored bill has been accepted for honor *supra protest* or contains a reference in case of need, it must be protested for non-payment before it is presented for payment to the acceptor for honor or referee in case of need. Protest for non-payment.

SECT. 168. Presentment for payment to the acceptor for honor must be made as follows: Presentment for payment to acceptor.

1. If it is to be presented in the place where the protest for non-payment was made, it must be presented not later than the day following its maturity;

2. If it is to be presented in some other place than the place where it was protested then it must be forwarded within the time specified in section 104.

SECT. 169. The provisions of section 81 apply where there is delay in making presentment to the acceptor for honor or referee in case of need. Excusable delay.

SECT. 170. When the bill is dishonored by the acceptor for honor it must be protested for non-payment by him. Dishonor by acceptor.

PAYMENT FOR HONOR.

SECT. 171. Where a bill has been protested for non-payment, any person may intervene and pay it *supra protest* for the honor of any person liable thereon or for the honor of the person for whose account it was drawn. Who may pay.

SECT. 172. The payment for honor *supra protest* in order to operate as such and not as a mere voluntary payment must be attested by a notarial act of honor which may be appended to the protest or form an extension to it. Notarial act of honor.

On what
founded.

SECT. 173. The notarial act of honor must be founded on a declaration made by the payer for honor or by his agent in that behalf declaring his intention to pay the bill for honor and for whose honor he pays.

Preference be-
tween payers.

SECT. 174. Where two or more persons offer to pay a bill for the honor of different parties, the person whose payment will discharge most parties to the bill is to be given the preference.

Effect of
payment.

SECT. 175. Where a bill has been paid for honor, all parties subsequent to the party for whose honor it is paid are discharged, but the payer for honor is subrogated for, and succeeds to, both the rights and duties of the holder as regards the party for whose honor he pays and all parties liable to the latter.

Refusal to
receive pay-
ment.

SECT. 176. Where the holder of a bill refuses to receive payment supra protest, he loses his right of recourse against any party who would have been discharged by such payment.

Payer entitled
to bill and
protest.

SECT. 177. The payer for honor, on paying to the holder the amount of the bill and the notarial expenses incidental to its dishonor, is entitled to receive both the bill itself and the protest.

BILLS IN A SET.

Parts consti-
tute bill.

SECT. 178. Where a bill is drawn in a set, each part of the set being numbered and containing a reference to the other parts, the whole of the parts constitute one bill.

True holder,
who is.

SECT. 179. Where two or more parts of a set are negotiated to different holders in due course, the holder whose title first accrues is as between such holders the true owner of the bill. But nothing in this section affects the rights of a person who in due course accepts or pays the part first presented to him.

Indorsement
of parts.

SECT. 180. Where the holder of a set indorses two or more parts to different persons he is liable on every such part, and every indorser subsequent to him is liable on the part he has himself indorsed, as if such parts were separate bills.

Acceptance
of parts.

SECT. 181. The acceptance may be written on any part and it must be written on one part only. If the drawee accepts more than one part, and such accepted parts are negotiated to different holders in due course, he is liable on every such part as if it were a separate bill.

Acceptor's
liability.

SECT. 182. When the acceptor of a bill drawn in a set pays it without requiring the part bearing his acceptance be delivered up to him, and that part at maturity is outstanding in the hands of a holder in due course, he is liable to the holder thereon.

Discharge
of part
discharges
whole.

SECT. 183. Except as herein otherwise provided where any one part of a bill drawn in a set is discharged by payment or otherwise the whole bill is discharged.

PROMISSORY NOTES AND CHECKS.

SECT. 184. A negotiable promissory note within the meaning of this act is an unconditional promise in writing made by one person to another signed by the maker engaging to pay on demand, or at a fixed or determinable future time, a sum certain in money to order or to bearer. Where a note is drawn to the maker's own order, it is not complete until indorsed by him.

"Negotiable promissory note" defined.

SECT. 185. A check is a bill of exchange drawn on a bank payable on demand. Except as herein otherwise provided, the provisions of this act applicable to a bill of exchange payable on demand apply to a check.

"Check" defined.

SECT. 186. A check must be presented for payment within a reasonable time after its issue or the drawer will be discharged from liability thereon to the extent of the loss caused by the delay.

Presentment of check.

SECT. 187. Where a check is certified by the bank on which it is drawn, the certification is equivalent to an acceptance.

Certification.

SECT. 188. Where the holder of a check procures it to be accepted or certified the drawer and all indorsers are discharged from liability thereon.

Effect of.

SECT. 189. A check of itself does not operate as an assignment of any part of the funds to the credit of the drawer with the bank, and the bank is not liable to the holder, unless and until it accepts or certifies the check.

Check not assignment.

GENERAL PROVISIONS.

SECT. 190. In this act, unless the context otherwise requires: "Acceptance" means an acceptance completed by delivery or notification. "Action" includes counter-claim and set-off. "Bank" includes any person or association of persons carrying on the business of banking, whether incorporated or not. "Bearer" means the person in possession of a bill or note which is payable to bearer. "Bill" means bill of exchange, and "note" means negotiable promissory note. "Delivery" means transfer of possession, actual or constructive, from one person to another. "Holder" means the payee or indorsee of a bill or note, who is in possession of it, or the bearer thereof. "Indorsement" means an indorsement completed by delivery. "Instrument" means negotiable instrument. "Issue" means the first delivery of the instrument, complete in form to a person who takes it as a holder. "Person" includes a body of persons, whether incorporated or not. "Value" means valuable consideration. "Written" includes printed, and "writing" includes print.

Meaning of sundry words.

“Primarily”
liable, mean-
ing of.

SECT. 191. The person “primarily” liable on an instrument is the person who by the terms of the instrument is absolutely required to pay the same. All other parties are “secondarily” liable.

“Reasonable
time,” mean-
ing of.

SECT. 192. In determining what is a “reasonable time” or an “unreasonable time” regard is to be had to the nature of the instrument, the usage of trade or business (if any) with respect to such instruments, and the facts of the particular case, except as otherwise specifically provided by section 71 of this act.

Day of act
Sunday, etc.

SECT. 193. Where the day, or the last day, for doing any act herein required or permitted to be done falls on Sunday or on a holiday, the act may be done on the next succeeding secular or business day.

Existing
instruments
not affected.

SECT. 194. The provisions of this act do not apply to negotiable instruments made and delivered prior to the time this act takes effect.

Law mer-
chant.

SECT. 195. In any case not provided for in this act the rules of the law merchant shall govern.

Takes effect
January 1,
1910; repeal-
ing clause.

SECT. 196. This act shall take effect on the first day of January 1910; and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved April 8, 1909.]

CHAPTER 124.

AN ACT IN ADDITION TO AND IN AMENDMENT OF CHAPTER 10 OF THE PUBLIC STATUTES RELATING TO THE COMMITMENT AND SUPPORT OF INSANE PERSONS.

SECTION

1. Medical examinations, by whom made.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Medical ex-
aminations, by
whom made.

SECTION 1. Amend section 18 of chapter 10 of Public Statutes of the State of New Hampshire, by adding to the end thereof the following: “The physicians making such examination shall be legally registered to practise medicine in New Hampshire, and in the actual practice of their profession at the time of said examination and for at least three years prior thereto. They shall act jointly in making said examination and their certificate shall bear the date of said examination. Neither of said physicians shall be a relative of the person alleged to be insane, or an official of the institution to which

it is proposed to commit such person. Any violation of the terms of this act may be punished by a fine not exceeding one hundred dollars. The certificate of insanity shall be in the form prescribed by the commission and shall contain the facts and circumstances upon which the judgment of the physicians is based. —

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Repealing
clause: act
takes effect
on passage.

[Approved April 8, 1909.]

CHAPTER 125.

AN ACT IN RELATION TO DIVIDENDS OF SAVINGS BANKS.

SECTION 1. Dividends, how limited.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. No savings bank shall pay dividends in excess of three and one-half per cent. per annum unless said bank has accumulated a guaranty fund equal in amount to five per cent. of its deposits, nor unless the total value of the assets of such savings bank, as determined by the bank commissioners at the last preceding annual valuation, shall exceed the amount due the depositors by at least five per cent.; and no savings bank having a guaranty fund of less than five per cent. of the deposits, or the value of whose assets as above determined does not exceed the deposits by at least five per cent. shall declare in any one year dividends exceeding in amount the net income actually earned or collected by said bank during the year, after providing for the requirements of the guaranty fund.

Dividends,
how limited.

[Approved April 8, 1909.]

CHAPTER 126.

AN ACT TO PROHIBIT FREE TRANSPORTATION OF PASSENGERS BY CARRIERS.

SECTION

- 1. Meaning of certain words.
- 2. Free transportation prohibited; exceptions.
- 3. To newspaper publishers, etc., prohibited.
- 4. Evasion by special rate.
- 5. Carriers to keep list of passes.

SECTION

- 6. Penalties for violation.
- 7. *Particeps criminis* not excused from testifying.
- 8. Limitation of act.
- 9. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Meaning of certain words.

SECTION 1. (1) The word "carrier" as used in this act shall be construed to mean all common carriers of passengers, including railroads.

(2) The words "employees," "surgeons," "physicians" and "attorneys-at-law," as used in this act, shall be construed to mean only such persons of each of such classes as are in the employment of the carrier in the transaction of its business. The word "employee" as used in this act shall not be construed so as to include political legislative agents.

Free transportation prohibited; exceptions.

SECT. 2. No carrier shall, directly or indirectly, issue or give any free ticket, free pass or free transportation for passengers between points within this state, except to its officers and employees and their families, to its surgeons, physicians, and attorneys-at-law, to ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons; and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the national homes or state homes for disabled volunteer soldiers, and of soldiers' and sailors' homes, including those about to enter and those returning home after discharge; to the officers and executive board of the New Hampshire Veteran Association for the exclusive purpose of arranging for its annual reunions; to necessary caretakers of live stock, poultry, fruit and perishable property; to employees on parlor, sleeping, dining and express cars, and to linemen and other employees of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors and immigration inspectors; to policemen and firemen while in discharge of their duties; to news-

boys and vendors on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in wrecks and physicians and nurses attending such persons; *provided*, that the foregoing provisions shall not be construed to prohibit the issue, or giving of passes for the officers and employees of other railroads or common carriers; nor to prohibit any carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

SECT. 3. No common carrier shall sell or furnish transportation to any newspaper publisher, his agents, or employees, at any special or reduced rates, for services rendered or to be rendered, and all contracts for advertising between newspaper publishers and common carriers shall be made at regular rates, and all payments under such contracts shall be made in full, and such contracts shall be open to inspection by the attorney-general at all times.

To newspaper publishers, etc., prohibited.

SECT. 4. No carrier shall directly or indirectly issue or give transportation to any person at a special or reduced rate, or otherwise, with the purpose of evading the provisions of the preceding sections.

Evasion by special rate.

SECT. 5. Every carrier shall keep a correct list of all passes by it issued, except those issued to its employees and their families and exchange, interstate passes issued under the laws of the United States. Such list shall contain the name of each person to whom a pass is issued and a general description of said pass. A copy of such list for the preceding year, in such form as the attorney-general may prescribe, shall be filed with the attorney-general, for his use, in the month of January in each year and shall be a public record, open to public inspection under such regulations as the attorney-general may prescribe. Such list together with the books, records and papers of the carrier so far as relevant, shall be open at all times to the inspection of the attorney-general, who shall examine the same whenever he deems it necessary to the due enforcement of this act.

Carriers to keep lists of passes.

SECT. 6. Any carrier and any officer or agent of a carrier violating any of the foregoing provisions shall, on conviction, be fined not less than one hundred dollars nor more than one thousand dollars. Any person, other than the persons excepted from the provisions of the foregoing section, who uses any such free ticket, free pass, free, special or reduced fare transportation shall, upon conviction, be fined not less than one hundred dollars nor more than one thousand dollars.

Penalties for violation.

SECT. 7. No person shall be excused from testifying in a proceeding instituted against another person or a corporation under the foregoing sections, for the reason that he may thereby criminate himself; but no testimony so given by him shall be used, directly or

Particeps criminis, testimony of.

indirectly, as evidence against him in any prosecution, nor shall he be prosecuted thereafter for any offense so disclosed by him.

Limitation of act.

SECT. 8. Nothing contained in this act shall in any way affect the provisions of chapter 155 of the Public Statutes, or chapter 79 of the Laws of 1907, entitled "An Act to prohibit Free Transportation by Common Carriers and for Other Purposes."

Repealing clause; act takes effect on passage.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved April 8, 1909.]

CHAPTER 127.

AN ACT IN AMENDMENT OF AN ACT ENTITLED "AN ACT TO PROHIBIT FREE TRANSPORTATION OF PASSENGERS BY CARRIERS" PASSED AT THIS SESSION.

SECTION

1. Prior act takes effect May 15, 1909.

SECTION

2. Repealing clause: act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Prior act takes effect May 15, 1909.

SECTION 1. The act "To prohibit Free Transportation of Passengers by Carriers" passed by the legislature at this session is hereby amended so that said act shall take effect on May 15, 1909 instead of on its passage.

Repealing clause; act takes effect on passage.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect on its passage.

[Approved April 9, 1909.]

CHAPTER 128.

AN ACT TO IMPROVE THE STATE SYSTEM OF FOREST PROTECTION.

SECTION

1. Forestry commission created.
2. State forester, appointment, duties, etc.
3. To co-operate with counties, towns, etc.
4. Forest fire wardens, appointment, etc.
5. In unincorporated places.
6. To serve in group of towns.
7. Duty of warden.
8. May call for assistance.
9. Expense of fire-fighting, how borne.
10. Expense in unincorporated places.
11. Reports of fire wardens.

SECTION

12. Kindling fires on public land, etc.
13. Brush fire in time of drought.
14. Fires from matches, cigars, etc.
15. Right of wardens to arrest.
16. Liability for damages by fire.
17. Neglect of duty, penalty.
18. Failure to extinguish fire, etc., penalty.
19. Disposition of fines.
20. Establishment of public parks.
21. Appropriation of \$4,000.
22. Repealing clause; act takes effect May 1, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. On the first day of May, 1909, the governor, with the advice of the council, shall appoint a forestry commission of three members, one of whom shall hold office for one year, one for two years, and one for three years, and thereafter shall appoint their successors for terms of three years each; the said commissioners to serve without compensation, but to receive for their legitimate expenses in the exercise of their duties such sums as the governor and council shall audit and approve, to be paid from the treasury upon warrant of the governor.

Forestry
commission
created.

SECT. 2. The forestry commission shall appoint a state forester to serve at the will of the commission at a salary to be fixed by them, not exceeding \$1,800. He shall be allowed reasonable traveling and field expenses incurred in the necessary performance of his official duties. He shall maintain headquarters at the state capital, and shall be allowed necessary office expenses. He shall, as far as his duties as state forester may permit, carry on an educational course of lectures on forestry at the farmers' institutes and similar meetings within the state. He shall, under the supervision of the forestry commission, execute all matters pertaining to forestry within the jurisdiction of the state. He shall be state forest fire warden, and shall receive no additional compensation therefor, but shall receive his necessary traveling and other expenses. He shall co-operate with all the fire wardens in the state, and aid and direct them in their duties. It shall be his duty to see that the fire wardens throughout the state take such action as is authorized by law to prevent and extinguish forest fires. He shall, under direction of the forestry commission, prepare biennially a

State forester,
appointment,
duties, etc.

report to the governor on the progress and condition of state forest work and recommend therein plans for improving the state system of forest protection, management, and replacement. Such report shall contain an itemized statement of all expenses incurred or authorized by the state forester or by the forestry commission.

To co-operate
with counties,
towns, etc.

SECT. 3. The state forester shall, upon request and whenever he deems it essential to the best interests of the people of the state, co-operate with counties, towns, corporations, and individuals in preparing plans for the protection, management, and replacement of trees, woodlots, and timber tracts, on consideration and under an agreement that the parties obtaining such assistance pay his field expenses while he is employed in preparing said plans.

Forest fire
wardens, ap-
pointment,
etc.

SECT. 4. The selectmen of all towns and the mayors of all cities, and other citizens, shall, as soon as may be after this act takes effect, recommend to the state forester the names of such persons as may in their estimation be fit to fill the offices of forest fire wardens in their respective towns and cities. After investigation, the state forester may choose from the persons recommended, as above prescribed, not more than one competent person in each town and city to be forest fire warden for said town or city. Upon the appointment of a forest fire warden by the state forester in any town or city, the term of office of the forest fire warden or the terms of office of the forest fire wardens then or theretofore acting as such in said city or town shall immediately cease, and the new appointee shall thereafter serve as such officer until his death, resignation or removal. The state forester shall have the power, in the exercise of his discretion, to remove any forest fire warden from office. Upon the termination in any manner of the term of office of any forest fire warden, a successor shall be appointed in the manner hereinbefore provided for the appointment of such officers originally. In time of drought the forest fire wardens, themselves or by some agent or agents designated by them shall, when directed by the state forest fire warden, patrol the woods in their respective cities or towns, warning persons who traverse the woods, campers, hunters, fishermen and others, about lighting and extinguishing fires. They shall post extracts from the fire laws, and other notices sent to them by the state forest fire warden, along the highways, along streams and waters frequented by tourists and others, at camp sites and in other public places. If, in woodlands thus posted, any person, other than the owner of said lands or his agents acting under his direction, shall build fires when warned not to do so by the forest fire warden, or shall fail to extinguish a fire when ordered to do so by the warden, he may be arrested by the state forest fire warden or the town forest fire warden without a warrant.

SECT. 5. In unincorporated places the state forest fire warden may appoint one or more deputy forest fire wardens to have the same powers and the same duties as the town forest fire wardens. When so appointed by the state forest fire warden, said deputy shall succeed the present incumbent, if any. The state forest fire warden shall have power to remove deputy forest fire wardens from office, at his discretion.

In unincorporated places.

SECT. 6. The state forest fire warden may, in his discretion, appoint a forest fire warden to serve in a group of towns or unincorporated places, or both, instead of appointing one such warden for each town or place.

In group of towns.

SECT. 7. It shall be the duty of the town forest fire warden to extinguish all brush or forest fires occurring in his town, and he may call such assistance as he shall deem necessary to assist him in so doing, and may require the use of wagons, tools, horses, etc., for that purpose. If any person fails to respond to the warden's call for his assistance or the use of his property, he shall be fined not exceeding ten dollars. Forest fire wardens in towns and unincorporated places shall be allowed for their services performed under this act such remuneration as may be fixed by the forestry commission or the state forester. The owners of all property required by a forest fire warden in the extinguishment of a forest or brush fire shall receive reasonable compensation therefor.

Duty of warden.

SECT. 8. In case the forest fire warden and the persons summoned to assist him or to furnish the use of property, shall fail to agree upon the terms of compensation at the time of or after the required service has been rendered, the dispute shall be referred to the commissioners of the county, in which the city or town is located, for final settlement.

May call for assistance.

SECT. 9. The expenses of fighting fires in towns and cities shall be borne equally by the town or city and by the state. The town and city forest fire wardens shall render to the selectmen or mayor, as the case may be, a statement of said expense within one month of the date they are incurred, which said bill shall show in detail the amount and character of the services performed, the exact duration thereof, and all disbursements made by said wardens; said bill shall be audited, and if approved by the selectmen of the town or mayor of the city, wherein such services were rendered and expenses incurred, shall be paid on the order of said selectmen by the town or city treasurer. A duplicate bill, showing that the same has been audited and paid by the town, shall be filed by the town or city treasurer with the state forest fire warden, who shall draw his order on the state treasurer in favor of said town for the portion of said bill for which the state is liable in accordance with the provisions of this section.

Expense of fire-fighting, how borne.

Expense in
unincorporated places.

SECT. 10. The deputy forest fire wardens in unincorporated places shall render to the state forest fire warden a statement of such expenses as they have lawfully incurred under this act in fighting or preventing fires in woodlands within one month of the date upon which such expenses are incurred. The aforesaid statement shall show in detail the amount and character of the services performed, the exact duration thereof, and all disbursement so made by said deputy forest fire wardens. The aforesaid statement shall be audited by the state forest fire warden and if by him approved he shall draw an order upon the state treasurer for the same. All expenses incurred in an unincorporated place under this act shall be borne equally by the state and said unincorporated place; but the total expenses shall be paid in the first instance from the state treasury, and one-half thereof shall be added to the tax assessed the following year against said place in the same manner as is provided by chapter 62 of the Public Statutes for the assessment of taxes in unincorporated places generally.

Reports of
wardens.

SECT. 11. Town and other forest fire wardens shall make reports of their doings to the state forest fire warden in such form and at such times as the state forest fire warden may require. If a warden has reason to believe that any brush or forest fire in his city or town was caused in violation of statute he shall report to the county solicitor all the facts coming within his knowledge and said solicitor, if the facts as so reported seem to him sufficient, shall take action to recover the penalty fixed by statute for such violation.

Kindling fires
on public
land, etc.

SECT. 12. No person shall kindle a fire upon public land without permission first had from the forestry commission or the town forest fire warden, or from the official care-taker of such public land. No person shall kindle a fire upon the land of another without permission first had from the owner thereof or from the owner's agent.

Brush fire
in time of
drought.

SECT. 13. During times of drought no person shall kindle a fire or burn brush in or near woodland without the written permission or the presence of the forest fire warden.

Fires from
matches,
cigars, etc.

SECT. 14. Fires kindled by throwing down a lighted match, cigar, or other burning substance, shall be deemed within the provisions of sections 12 and 13, and every person violating any provision of said sections shall be fined not more than two hundred dollars, or imprisoned not more than sixty days, or both.

Right of
wardens to
arrest.

SECT. 15. The state forest fire warden, or any other forest fire warden, may arrest, without warrant, any person or persons taken by him in the act of violating any of the laws for the protection of forest lands, and bring such person or persons forthwith before a justice of the peace or other justice having jurisdiction, who shall

proceed without delay to dispose of the matter as justice may require.

SECT. 16. Every person who shall set fire on any land, that shall run upon the land of any other person, shall pay to the owner all damages done by such fire. Liability for damages.

SECT. 17. If any forest fire warden provided for in this act shall wilfully neglect or refuse to perform the duties prescribed for him he shall forfeit not less than \$100 nor more than \$500, to be recovered in an action for debt, upon complaint of the forestry commission, and all forfeitures so recovered shall be paid into the state treasury. Neglect of duty, penalty.

SECT. 18. It shall be the duty of any person who discovers a forest or brush fire not under the control or supervision of some person to extinguish it or to report it immediately to the local forest fire warden, and failure so to do shall be punished by a forfeiture not exceeding ten dollars, to be recovered upon complaint of the warden. Failure to extinguish fire, penalty.

SECT. 19. All moneys received from fines imposed under and by virtue of the provisions of this act shall be paid to the state treasurer and kept by him as a separate fund, to be paid out by him upon the requisition of the state forest fire warden, for use in connection with, and the prevention and suppression of, forest fires. Disposition of fines.

SECT. 20. Whenever any person or persons shall supply the necessary funds therefor, so that no cost or expense shall accrue to the state, the forestry commission is hereby authorized to buy any tract of land and devote the same to the purposes of a public park. If they cannot agree with the owners thereof as to the price, they may condemn the same under the powers of eminent domain, and the value shall be determined as in case of lands taken for highways, with the same rights of appeal and jury trial. On the payment of the value as finally determined, the land so taken shall be vested in the state, and forever held for the purposes of a public park. The persons furnishing the money to buy said land shall be at liberty to lay out roads and paths on the land, and otherwise improve the same under the direction of the forestry commission, and the tract shall at all times be open to the use of the public. Establishment of public parks.

SECT. 21. The sum of four thousand dollars is hereby appropriated for the purpose of carrying into effect the purposes of this act for year ending August 31, 1909. Appropriation of \$4,000.

SECT. 22. Chapter 44 of the session Laws of 1893 and chapter 97 of the session Laws of 1905 are hereby repealed. All other acts and parts of acts inconsistent with this act are hereby repealed. This act shall take effect May 1, 1909. Repealing clause; act takes effect May 1, 1909.

[Approved April 9, 1909.]

CHAPTER 129.

AN ACT TO LICENSE PAWNBROKERS AND TO REGULATE THE CONDUCT OF THEIR BUSINESS.

SECTION	SECTION
1. Licenses, how issued.	6. Obstructing officer, penalty.
2. Articles pawned, retention and sale of.	7. Unlicensed and illegal pawnbroking.
3. Rates of interest.	8. License fees.
4. Record of loans.	9. Repealing clause: act in force, where.
5. Inspection of premises, etc.	10. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Licenses, how issued.

SECTION 1. The board of police commissioners of any city or town, or the mayor and aldermen of any city or the selectmen of any town in which there has not been established a board of police commissioners, may license suitable persons to carry on the business of pawnbrokers in said city or town, and may revoke such licenses, in their discretion, after a hearing on charges preferred. The board which grants licenses to pawnbrokers may from time to time establish regulations relative to the business carried on by said pawnbrokers.

Articles pawned, retention and sale of.

SECT. 2. Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least four months after the date of deposit, if not of a perishable nature; and, if of a perishable nature, for at least one month after said date. After the expiration of said limit of time, he may sell the same by public auction, upon the same conditions as to notice of sale, and application of proceeds of the sale, as are contained in sections 3 to 7, inclusive, of chapter 141 of the Public Statutes of New Hampshire; *provided*, that no article taken in pawn by such pawnbroker, on which twenty-five dollars or more has been loaned, shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding; if less than twenty-five dollars has been loaned on any article so taken in pawn, the requirement of notice, and of sale by public auction, may be waived by agreement of the parties, made in writing. Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of this section.

Rates of interest.

SECT. 3. The licensing board may fix the rate of interest which such pawnbrokers may receive on loans, and may fix different rates which may be received for different amounts of money lent; and no licensed pawnbroker shall charge or receive a greater rate of

interest than that so fixed. Any such pawnbroker who violates any provision of this or the preceding section shall be punished by a fine of not more than fifty dollars for each offense. The rates of interest established by said licensing board shall be printed on the loan ticket issued by the pawnbroker.

SECT. 4. Every such pawnbroker shall keep a book in which, at the time of making a loan, shall be legibly written in the English language, an account and description of the goods, articles or things pawned or pledged, the amount of money loaned thereon, the time of pledging them, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging such goods, articles or things. Record of loans.

SECT. 5. The chief of police of a city, the selectmen of a town, or any officer authorized by either of them, may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto. Every such pawnbroker, his clerk, agent, servant or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books and inventories. Inspection of premises, etc.

SECT. 6. A licensed pawnbroker, clerk, agent or other person in charge of such premises who refuses to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who wilfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in the preceding section, shall be punished by a fine of not more than fifty dollars or by imprisonment for not more than sixty days, or by both such fine and imprisonment. Obstructing officer, penalty.

SECT. 7. Whoever, not being licensed, carries on such business or is concerned therein within such city or town, or, being licensed, carries on such business or is concerned therein in any other place or manner than that designated in his license or after notice to him that his license has been revoked, shall be punished by a fine of not more than fifty dollars for each offense. Unlicensed and illegal pawnbroking.

SECT. 8. The fee for such license or renewal thereof shall be fixed by the board which issues the license and shall be paid into the treasury of the city or town in which the license is to be in force, and no person in any city or town shall be required to pay a larger fee for said license than that required to be paid by any other person in the same city or town for a similar license; such license shall expire in one year after the date thereof and may be renewed upon application to the licensing board. License fees.

Repealing
clause; act
in force
where.

SECT. 9. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall be in effect in all cities having a population of more than forty thousand, and in such other cities and towns as shall adopt its provisions.

Takes effect
on passage.

SECT. 10. This act shall take effect upon its passage.

[Approved April 9, 1909.]

CHAPTER 130.

AN ACT IN AMENDMENT OF CHAPTER 84 OF THE PUBLIC STATUTES RELATING TO THE BURIAL OF SOLDIERS AND SAILORS.

SECTION		SECTION
1. Burial expense paid by state, when.		2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Expense paid
by state,
when.

SECTION 1. Chapter 84 of the Public Statutes is hereby amended by adding at the end of said chapter the following section: SECT. 20. Whenever an honorably discharged Union soldier or sailor engaged in the War of the Rebellion dies, and the commander and adjutant of the Grand Army Post of which he was a member, and if not a member of a Grand Army Post in this state, then a majority of the board of selectmen of the town or the mayor of the city in which such soldier or sailor died, shall certify under oath to the state treasurer that such soldier or sailor did not leave sufficient estate to pay the expenses of his funeral, the state treasurer shall draw a warrant in favor of the commander of such Grand Army Post, selectmen or mayor, for a sum not exceeding thirty dollars to defray such burial expenses of such deceased soldier or sailor.

Takes effect
on passage.

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

[Approved April 9, 1909.]

CHAPTER 131.

AN ACT PROVIDING FOR THE PAYMENT OF THE INCOME FROM THE BENJAMIN THOMPSON TRUST FUND TO THE NEW HAMPSHIRE COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS.

SECTION

1. Payment authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The governor is hereby authorized and directed to issue his warrant upon the treasurer for the sum of seven thousand nine hundred and seventy-one dollars and eighty-two cents, to be paid on May 1, 1910, and quarterly thereafter, to the New Hampshire College of Agriculture and the Mechanic Arts, as the income upon the Benjamin Thompson fund, so-called.

Payment authorized.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 132.

AN ACT IN AMENDMENT OF SECTION 8 OF CHAPTER 113 OF THE PUBLIC STATUTES RELATING TO COMPENSATION AND EXPENSES OF BOARD OF CATTLE COMMISSIONERS.

SECTION

1. Compensation and expenses limited.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 8 of chapter 113 of the Public Statutes be amended by striking out the words "ten thousand dollars" in the fourth line thereof and inserting in place thereof the words fifteen thousand dollars, so that the same shall read as follows:

Compensation and expenses limited.

SECT. 8. The compensation and expenses of the board shall be audited and fixed by the governor and council, and shall be paid from the state treasury, but all expenses incurred under the provisions of this chapter shall not exceed fifteen thousand dollars in any one year.

SECT. 2. This act shall take effect on its passage.

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 133.

AN ACT TO PROVIDE ADDITIONAL FACILITIES AT THE NEW HAMPSHIRE
STATE HOSPITAL.

SECTION

1. Appropriation of \$85,000.
2. State loan authorized.
3. Form of bonds, etc.
4. Exemption from taxation.

SECTION

5. Disbursement of fund.
6. Temporary loan authorized.
7. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Appropriation
of \$85,000.

SECTION 1. That the sum of eighty-five thousand dollars be, and hereby is, raised and appropriated for the purpose of erecting a new heat, light and power plant, equipping the same and connecting it with the various buildings, for the extension of the water main to the barns, and for repairs on the old Peaslee building, in accordance with plans and specifications to be approved by the governor and council; said sum to be expended under the direction of the trustees of said institution. And any balance of said sum of eighty-five thousand dollars or the proceeds of the bonds hereinafter provided for, not required for the several purposes above enumerated may be used for any other necessary enlargement, equipment or changes of existing buildings of the state hospital which may be approved by the governor and council, and to be in accordance with plans and specifications to be also approved by the governor and council.

State loan
authorized.

SECT. 2. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow said sum of eighty-five thousand dollars on the credit of the state; and to issue bonds, or certificates of indebtedness therefor, in the name and on behalf of the state, payable on July 1, 1929 at a rate of interest not exceeding three and one-half per cent. per annum, payable semi-annually, on the first days of January and July of each year; such bonds to have interest warrants, or coupons, attached thereto; said coupons to be signed by the state treasurer, and said bonds and coupons to be made payable at such places as the governor and council shall designate.

Form of
bonds, etc.

SECT. 3. Said bonds shall be designated New Hampshire State Hospital bonds, and shall be signed by the treasurer, and countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep a record of all bonds countersigned by the governor, showing the number and amount of each bond, the time of countersigning, the time when payable, and the date of the delivery to the state treasurer. The

treasurer shall keep a record of all bonds disposed of by him, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale, and the time when payable. The treasurer may negotiate and sell such bonds to the best advantage for the state, but no bond shall be sold for less than its par value nor shall such bonds be loaned, pledged, or hypothecated in any way whatever.

SECT. 4. Said bonds when owned by residents or savings banks of this state shall be exempt from taxation. Exemption.

SECT. 5. The governor shall draw his orders on the state treasurer, for the amounts that may be, or become, due from time to time, under the contracts of the trustees, approved by the governor and council, for the purposes aforesaid, after said bills shall have been duly approved by the governor and council, to an amount not exceeding the proceeds of said bonds. Disbursement of fund.

SECT. 6. To provide funds for the purposes enumerated in section 1 of this act, pending the sale of said bonds, as above provided, the governor and council may, and hereby are authorized to borrow money on the credit of the state, to an amount not exceeding fifty thousand dollars (\$50,000), and to use an amount of the avails of said bonds, when sold, sufficient to pay the principal and interest of the money so borrowed. Temporary loan authorized.

SECT. 7. This act shall take effect upon its passage. Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 134.

AN ACT TO AMEND SECTION 21, CHAPTER 180, OF THE PUBLIC STATUTES,
RELATING TO THE PAYMENT OF WAGES.

SECTION 1. Certain employers to pay wages weekly.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. That section 21, chapter 180 of the Public Statutes be and hereby is amended by striking out the word "horse" before the word "railroad," so that said section when amended shall read as follows: SECT. 21. Every manufacturing, mining, quarrying, stone-cutting, mercantile, railroad, telegraph, telephone, express, aqueduct, and municipal corporation employing more than ten persons at one time shall pay the wages earned each week by their employees who work by the day or week within eight days after the Certain employers to pay wages weekly.

expiration of the week, or upon demand after that time. Every such corporation shall post a notice in a conspicuous place in its office that it will pay its employees' wages as above, and shall keep the same so posted.

[Approved April 9, 1909.]

CHAPTER 135.

AN ACT AMENDING CHAPTER 60 OF THE SESSION LAWS OF 1891, PROVIDING FOR THE LICENSING OF DOGS KEPT FOR BREEDING PURPOSES.

SECTION

1. Dogs for breeding, licensing of.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Dogs for
breeding,
licensing of.

SECTION 1. The owner or keeper of dogs kept for breeding purposes shall annually on or before the 30th day of April receive a license authorizing him to keep such dogs upon the premises described in the license. If the number of dogs does not exceed five, the fee for such license shall be \$12, and if the number of dogs exceeds five and does not exceed ten, the fee shall be \$20, and if the number of dogs exceed ten the fee shall be \$25, and no fee shall be required for the dogs of such owner or keeper which are under the age of six months. The provisions of sections 1, 2 and 3 of chapter 60, of the session Laws of 1891, shall not apply to licenses under the provisions of this act.

Takes effect
on passage.

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

[Approved April 9, 1909.]

CHAPTER 136.

AN ACT PROHIBITING FISHING THROUGH THE ICE ON KEYSER LAKE AND GILE POND, IN THE TOWN OF SUTTON, COBBETT POND IN THE TOWN OF WINDHAM AND CANOBIE LAKE IN THE TOWNS OF WINDHAM AND SALEM.

SECTION

1. Ice-fishing prohibited.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. For a period of five years from the date of the passage of this act, if any person shall fish through the ice on Keyser lake or Gile pond in the town of Sutton, or Cobbett pond in the town of Windham or Canobie lake in the towns of Windham and Salem, he shall be punished by a fine of ten dollars for each offense.

Ice-fishing prohibited.

SECT. 2. This act shall take effect on its passage.

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 137.

AN ACT TO RESTRAIN THE ADMISSION OF CHILDREN TO SHOWS AND PLACES OF AMUSEMENT.

SECTION

1. Admission of children regulated.
2. Penalty for violation.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. It shall be unlawful for any person to admit a child under the age of fourteen years to any show or place of amusement required by law to be licensed, after sunset, or before sunset during the hours that the public schools are in session, unless he is accompanied by a person of the age of twenty-one years or over; or to permit any such child to remain in the show or place of amusement after the person in charge is informed or has reason to believe that the child is under said age and is unaccompanied by a person as above required.

Admission of children regulated.

SECT. 2. Whoever violates either of the provisions of section 1 shall be punished by a fine of not more than ten dollars or by imprisonment of not more than thirty days, or both.

Penalty.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 138.

AN ACT IN AMENDMENT OF SECTION 4, CHAPTER 89 OF THE PUBLIC STATUTES RELATING TO THE BORROWING OF MONEY BY SCHOOL DISTRICTS.

SECTION		SECTION
1. School districts, hiring of money by.		2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

School districts, hiring of money by.

SECTION 1. Section 4, of chapter 89, of the Public Statutes is hereby amended by striking out the whole section and inserting in place thereof the following: SECT. 4. School districts may hire money for building or repairing schoolhouses, and procuring and grading lots for the same upon the promissory notes or bonds of the district. If the money is so hired upon the note or notes of the district, said note or notes shall be signed by the district treasurer and by the school board, and if upon the bonds of the district, said bonds shall be issued under and by virtue of, in conformity with, and subject to limitations of chapter 43, Laws of 1895, entitled "The Municipal Bonds Act."

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved April 9, 1909.]

CHAPTER 139.

AN ACT IN AMENDMENT OF AN ACT PASSED AT THE SESSION OF 1909, ENTITLED "AN ACT RELATIVE TO SENTENCES TO THE STATE PRISON."

SECTION		SECTION
1. Parole officer subordinate to warden.		2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Parole officer subordinate to warden.

SECTION 1. The chaplain of the state prison in the performance of the duties imposed upon him under the provisions of an act passed at the present session of the legislature, entitled "An act relating to sentences in the state prison" shall in all respects be subject to the direction and advice of the warden of the state prison.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved April 9, 1909.]

CHAPTER 140.

AN ACT TO REGULATE TROLLING.

SECTION

- 1. Number of fish restricted.
- 2. Penalty for violation.

SECTION

- 3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. No person, and no party irrespective of the number of persons therein, trolling from any one boat, upon any of the fresh waters of this state, shall take or kill more than six lake trout or salmon, or both, in any one calendar day, and for the purposes of this act each member of the party and the person or persons in charge of the boat, present when any violation of this section takes place, shall all be regarded as principals and each be liable for the penalty hereinafter prescribed.

Number of fish restricted.

SECT. 2. If any person shall violate any of the provisions of this act he shall be fined not exceeding fifty dollars for each offense, or be imprisoned not exceeding six months, or both.

Penalty.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 141.

AN ACT IN RELATION TO TELEPHONES AND INSTALLING THE SAME.

SECTION

- 1. Short-time rates regulated.
- 2. Penalty for refusal.

SECTION

- 3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. All telephone companies doing business in this state shall furnish telephones for periods of three months or more, for fifteen per cent. more than such fractional part of the yearly rate as the number of months the telephone is used is of twelve months plus the actual cost of installation.

Short-time rates regulated.

SECT. 2. Any telephone company refusing for more than ten days after demand to comply with the provisions of this act, shall forfeit to the person applying the sum of two dollars a day for each

Penalty.

day's delay, *provided* the company has a line of wire within 500 feet of the place where the instrument is to be installed.

Takes effect on passage.

SECT. 2 [3]. This act shall take effect on its passage.
[Approved April 9, 1909.]

CHAPTER 142.

AN ACT IN AMENDMENT OF CHAPTER 114 OF THE PUBLIC STATUTES, RELATING TO THE LICENSING OF SHOWS.

SECTION

1. Authority to license, delegation of.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Delegation of authority.

SECTION 1. That chapter 114 of the Public Statutes be amended by adding thereto the following: SECT. 10. The boards of mayor and aldermen or the city councils in cities are hereby authorized to delegate all or any part of the powers conferred upon them by sections 1 and 2 of this chapter to such agents or licensing boards as they may duly appoint.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved April 9, 1909.]

CHAPTER 143.

AN ACT AUTHORIZING THE COUNTY OF HILLSBOROUGH TO ISSUE BONDS FOR THE ERECTION OF A HOUSE OF CORRECTION AT GOFFSTOWN AND MANCHESTER.

SECTION

1. Issue of bonds authorized.
2. Form of bonds; exemption.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Issue of bonds authorized.

SECTION 1. The commissioners of the county of Hillsborough are hereby authorized to issue county bonds or notes with coupons annexed with annual or semi-annual interest for a sum not exceeding one hundred thousand dollars (\$100,000), in such denominations as they may determine, payable at any time within fifteen

years from the date of issue, with interest not exceeding three and one half (3½) per cent. per annum, for the purpose of erecting and equipping a house of correction building and work-house therewith at Goffstown and erecting and equipping a house of correction or jail at Manchester.

SECT. 2. Said bonds and coupons shall be signed by the county commissioners and countersigned by the county treasurer and shall be exempt from taxation to persons or corporations residents of said county.

Form of bonds; exemption.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 144.

AN ACT IN RELATION TO THE ADOPTION AND TRANSFER OF CHILDREN.

SECTION

- 1. Adoption of unclaimed child, notice of.
- 2. State board of charities, jurisdiction of.

SECTION

- 3. Failure to give notice, penalty.
- 4. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. If any child, born in any hospital, maternity home, or other place, whether public or private, in this state, for the reception and care of women in labor or their children, and which shall not be claimed by its parent or parents, shall be given out for adoption or otherwise, to any one, by the manager or managers of said home or institution, notice of such disposition of such child shall, within five days therefrom, be given to the state board of charities, by said manager or managers; said notice to include the following: the name of the child; the date and place of its birth; the names of its parents, if known; the name and address of the person or institution into whose care the child has been given.

Adoption of unclaimed child, notice of.

SECT. 2. The state board of charities shall have jurisdiction and authority to inquire into the matter of such disposition of such child, with power to revoke the action of said manager or managers, and to dispose of such child in the same manner as now provided under the provisions of chapter 116, of the Laws of 1895, and section 1, chapter 61, of the Laws of 1893.

Board of charities, jurisdiction of.

SECT. 3. If any person whose duty it shall be to give the notice provided for in section 1 of this act shall neglect or refuse to give such notice within the prescribed time, he shall be punished, for

Penalty.

each offense, by a fine not exceeding fifty dollars, or by imprisonment for a term not exceeding six months, or both.

Repealing
clause: act
takes effect
on passage.

SECT. 4. All acts or parts of acts inconsistent herewith are hereby repealed, and this act will take effect upon its passage.

[Approved April 9, 1909.]

CHAPTER 145.

AN ACT TO AMEND CHAPTER 78, SESSION LAWS OF 1903, ENTITLED "AN ACT FOR THE PROMOTION OF HORTICULTURE."

SECTION 1. Annual appropriation of \$500.

Be it enacted by the Senate and House of Representatives in General Court convened:

Annual ap-
propriation
of \$500.

SECTION 1. That section 1, chapter 78, session Laws of 1903, be amended so that the section shall read: SECTION 1. The sum of five hundred dollars is hereby annually appropriated for the use of the New Hampshire Horticultural Society to be expended under the direction of the state board of agriculture in promoting the horticultural interests of the state for the years ending August 31, 1910 and August 31, 1911.

[Approved April 9, 1909.]

CHAPTER 146.

AN ACT FIXING THE OFFICE HOURS OF THE REGISTER OF PROBATE IN MERRIMACK COUNTY.

SECTION
1. Office hours fixed.

SECTION
2. Repealing clause: act takes effect
on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Office hours
fixed.

SECTION 1. The office of the register of probate in the county of Merrimack shall be open each day, except Sundays, holidays and Saturdays, from nine o'clock in the forenoon to twelve o'clock noon and from two o'clock to five o'clock in the afternoon. On Saturdays said office shall be open from nine o'clock in the forenoon to twelve o'clock noon, holidays excepted.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

Repealing clause; act takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 147.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF AN ANNUAL STATE TAX FOR THE TERM OF TWO YEARS.

SECTION

1. Annual state tax of \$600,000.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The sum of six hundred thousand dollars shall be raised annually for the use of the state for the years 1910 and 1911, and the state treasurer is hereby directed seasonably to issue his warrants to the selectmen of the several towns and places, and to the assessors of the several cities in the state, according to the apportionment of the public taxes made at the January session of the legislature in 1907 and the selectmen of such towns and places, and the assessors of such cities, are hereby directed to assess the sums specified in said warrants, and cause the same to be paid to said treasurer on or before the first day of December 1910 and 1911; and the state treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on the dates last above mentioned.

Annual state tax of \$600,000.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 148.

AN ACT IN AMENDMENT OF AND ADDITION TO SECTION 18 OF CHAPTER 127 OF THE PUBLIC STATUTES AS AMENDED IN 1901 AND 1903, RELATING TO THE PERCENTAGE OF FAT IN MILK.

SECTION

1. Milk deemed to be adulterated, when.

SECTION

2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

Milk deemed to be adulterated, when.

SECTION 1. Strike out the whole of section 18 and substitute the following: SECT. 18. In all proceedings under this chapter if the milk is shown, upon analysis to contain less than twelve per cent. of milk solids, it shall be considered evidence of adulteration, or if in the case of skim milk, it shall contain more than ninety-one per cent. of water and less than nine per cent. of milk solids exclusive of fat, it shall be considered evidence of adulteration or if in case of cream, it shall contain less than 18 per cent. of butter fat, it shall be considered evidence of adulteration. Butter shall contain not less than 80 per cent. of milk fat and not more than 16 per cent. of water. Renovated butter shall be branded or labeled with the words renovated butter.

Takes effect on passage; repealing clause.

SECT. 2. This act shall take effect upon its passage and all acts and parts of acts inconsistent with this act are hereby repealed.

[Approved April 9, 1909.]

CHAPTER 149.

AN ACT IN AMENDMENT OF SECTION 63, CHAPTER 79, LAWS OF 1901, RELATING TO THE CATCHING OF SMELT.

SECTION 1. Taking smelt with seine regulated.

Be it enacted by the Senate and House of Representatives in General Court convened:

Taking smelt with seine regulated.

SECTION 1. That section 63, of chapter 79, Laws of 1901, be amended by striking out the words "Great bay and Greenland bay aforesaid" and inserting in place thereof the words the Piscataqua river and its tributaries and Little Harbor and its tributaries and by inserting the words but nothing in this act shall be construed to prevent the use of weirs for the taking of herring, shad, alewives

and such fish, so that said section as amended shall read: No person shall, at any time of the year, take or catch with a seine, weir, or net any of the fish called smelt, in the waters of the Piscataqua river and its tributaries and Little Harbor and its tributaries, easterly of a line from the easterly end of the Portsmouth & Concord Railroad bridge to Adams point, so called, in the town of Durham, but nothing in this act shall be construed to prevent the use of weirs for the taking of herring, shad, alewives and such fish.

[Approved April 9, 1909.]

CHAPTER 150.

AN ACT IN AMENDMENT OF CHAPTER 79, SESSION LAWS OF 1901, AS AMENDED BY THE SESSION LAWS OF 1903, 1905 AND 1907, RELATING TO FISH AND GAME.

SECTION

1. Pickerel, etc., protected.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 59, of said chapter 79 be amended by substituting the word and for the comma between the names "Asquam" and "Wentworth," and by striking out the words "and Massabesie." so that the section as amended shall read as follows: SECT. 59. If any person shall take or kill any muskellonge, pickerel, pike or grayling in any of the waters of this state between the fifteenth day of January in any year, and the first day of June next following, except that pickerel may be taken in January February and March from the waters of Lakes Winnepesaukee, Winisquam, Asquam and Wentworth, and that pike may be taken in January February and March from the waters of Lake Spofford or Chesterfield, he shall be fined ten dollars (\$10) for each offense.

Pickerel, etc.,
protected.

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

Takes effect
on passage.

[Approved April 9, 1909.]

CHAPTER 151.

AN ACT IN AMENDMENT OF CHAPTER 133 OF THE LAWS OF 1907.

SECTION 1. Expense of board, etc., at Industrial School, how paid.		SECTION 2. Takes effect April 1, 1909.
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Be it enacted by the Senate and House of Representatives in General Court convened:

Expense of board, etc., at Industrial School, how paid.

SECTION 1. Chapter 133 of the Laws of 1907 is hereby amended by striking out the whole of said chapter and inserting in place thereof the following: Whenever any person is committed to the Industrial School, the state treasurer shall pay to the trustees the sum by them charged in addition to his labor or service, for board, clothing and instruction, not exceeding \$2.50 per week; and the governor shall draw his warrant for the same out of any money in the treasury not otherwise appropriated.

Takes effect April 1, 1909.

SECT. 2. This act shall take effect April 1, 1909.

[Approved April 9, 1909.]

CHAPTER 152.

AN ACT PROVIDING FOR THE ESTABLISHMENT OF DISPENSARIES FOR THE DETECTION AND TREATMENT OF THE DISEASE OF TUBERCULOSIS.

SECTION 1. How established. 2. Examining physicians, appointment, duties, and fees of. 3. Free treatment to patients.		SECTION 4. Support by cities and towns. 5. Annual appropriation of \$500. 6. Repealing clause; act takes effect on passage.
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Be it enacted by the Senate and House of Representatives in General Court convened:

How established.

SECTION 1. It shall be the duty of the state board of health, upon the petition of the selectmen of any town, or of the mayor of any city, or upon its own motion, to establish one or more dispensaries for the more thorough detection or discovery of the disease of tuberculosis, and the free treatment of indigent cases of tuberculosis in such town or city.

Examining physicians.

SECT. 2. Dispensaries established under section 1 of this act shall have at least one examining physician selected by the state board of health, or in such manner as the state board of health shall determine, whose duty it shall be to make careful examina-

tion of each applicant who shall apply therefor, to determine whether or not such person is afflicted with tuberculosis, and to that end the sputum of such person shall be forwarded for examination to the state board of health. Such examination shall be free. The physician making such examination shall receive from the state, when his pay therefor is not otherwise provided for, a fee of one dollar for each examination where the tuberculosis germ is detected in such sputum, *provided*, no such fee shall be paid by the state for more than five separate examinations for the same person, and no such examination shall be within four months of a prior examination for the same person.

SECT. 3. Each such dispensary shall, so far as it shall be supplied with the necessary funds or other means of doing so, furnish free treatment to all indigent persons within its territorial jurisdiction who are afflicted with tuberculosis. To that end its work shall be divided into two sections: First, a section for the treatment and care of incipient cases; and second, a section for the treatment and care of advanced cases. Such dispensary is authorized to hold real and personal property for the purposes of its organization, and to take and receive such property by gift, devise or otherwise; and all property held by it in this state for such purposes shall be exempt from taxation while so held by it.

Free treatment.

SECT. 4. Cities and towns in which a dispensary shall have been established under this act, are hereby authorized to raise by tax in any year, upon the taxable property in such city or town, and appropriate to the work of such dispensary or dispensaries, such sum as shall not exceed one tenth of one per cent. of the assessed value of the taxable property of such city or town.

Support by cities and towns.

SECT. 5. There is hereby appropriated out of any funds in the treasury of this state not otherwise appropriated, the sum of five hundred dollars each year to be expended by the state board of health under the direction and with the approval of the governor and council, to enable it to carry out the provisions of sections 1, 2, 3 and 4 of this act for the two years commencing September 1, 1909.

Annual appropriation of \$500.

SECT. 6. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause; act takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 153.

AN ACT TO PROVIDE FOR THE NOMINATION OF PARTY CANDIDATES BY DIRECT PRIMARY.

SECTION

1. Meaning of certain words.
2. Not applicable, when; election officers, who are.
3. Methods of nomination.
4. Primary, when and where held; state delegates; how conducted.
5. Notice of primary, how and by whom given.
6. Declarations of candidacy, form of; when to be filed.
7. Fees to be paid by candidates.
8. Official ballot, form of.
9. Number of ballots; sample ballots; posting of ballots.
10. Preparation of check-list; who may vote; party registry; disposition of check-list; change of registry; corrected check-list.

SECTION

11. Votes, how counted and returned.
12. Canvass of returns; publication of result.
13. Plurality to nominate; tie vote; vacancies, how filled.
14. Recount of ballots, how obtained and conducted; fees for.
15. Failure to forward declaration, penalty.
16. Existing election laws applicable, when.
17. Secretary of state to furnish forms, etc.; clerical assistance.
18. Disposition of fees.
19. Adoption of party platforms; party organizations.
20. Act to receive liberal construction.
21. Repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

Meaning of certain words.

SECTION 1. The words and phrases of this act shall, unless the same be inconsistent with the context, be construed as follows:

(1) The word "primary," the primary election provided for by this act;

(2) The word "election," the general election held in November, as distinguished from the primary election;

(3) The word "party," any political organization which at the preceding election polled at least three per centum of the entire vote of the state given in for governor;

(4) The word "supervisors," all officers performing the duties of supervisors.

Not applicable, when; election officers, who are.

SECT. 2. (1) This act shall not apply to special elections to fill vacancies, nor to city, town, and school district elections except as to elections of moderator and supervisors of the check-list, who shall be elected at each biennial election.

(2) Moderators and other election officers, if any, chosen at elections other than the regular biennial election, shall be considered regular election officers within the meaning of this act, for the biennial election of 1910.

Methods of nomination.

SECT. 3. Hereafter all candidates for elective offices shall be nominated:

(1) By a primary held in accordance with this act, or

(2) By nomination papers, signed and filed as provided by existing statutes.

SECT. 4. (1) A primary shall be held at the regular polling places in each town and ward in the state on the first Tuesday of September, 1910, and biennially thereafter, for the nomination of all candidates to be voted for at the November election, except presidential electors.

Primary, when and where held; state delegates; how conducted.

(2) At each such primary there shall be elected in each town and ward, from the legal voters in such town or ward, as many state delegates as such town or ward is entitled to elect representatives to the general court at the election next following such primary.

(3) Primaries shall be conducted by the regular election officers, as elections are conducted under existing laws.

SECT. 5. (1) At least sixty days before the time of holding any primary the secretary of state shall prepare and transmit to each town and ward clerk in the state a notice in writing designating the offices for which candidates are to be chosen, and delegates to the state convention are to be elected.

Notice of primary, how and by whom given.

(2) Each town and ward clerk shall, within ten days after the receipt of such notice, cause notice of such primary to be posted in three public places in his town or ward; such notice shall state the time when, and place where, the primary will be held in each town and ward, together with the offices for which candidates are to be nominated and delegates to be elected. It shall also state the date before which declarations of candidacy must be filed to place names upon the ballots to be used at such primary, the officers with whom they must be filed, and the fees required to be paid at the time of filing such papers.

SECT. 6. (1) The name of no candidate shall be printed upon an official ballot used at any primary unless not more than sixty days prior to such primary a declaration of candidacy shall have been filed by such candidate and the filing fee required by section 7 of this act shall have been paid.

Declarations of candidacy, form of; when to be filed.

Declarations of candidacy shall be in the following form: I, ———, declare that I reside in Ward ———, in the city (or town) of ———, county of ———, State of New Hampshire, and am a qualified voter therein; that I am a member of the ——— party; that I am a candidate for nomination for the office of ———, (or for delegate to the state convention) to be made at the primary election to be held on the ——— day of ———; and I hereby request that my name be printed on the official primary ballot of said ——— party as a candidate for such nomination or election. I further declare that if nominated as a candidate for said office or if

elected as such delegate I will not withdraw, and that if elected I will qualify and assume the duties of said office.

(2) Declarations of candidacy shall be filed as follows:

(a) For governor, or any other officer to be voted for throughout the state, members of congress, councilors, state senators, and for county officers, with the secretary of state.

(b) For members of the house of representatives, moderator, supervisors of the check-list, and delegates to state conventions, with the clerk of the city or town within which such officers are to be voted for.

(3) Each town or city clerk shall forward each declaration of candidacy filed with him, within two days from the date of filing, to the secretary of state. The fees paid to a town or city clerk shall be paid to the treasurer of each town or city.

(4) Declarations of candidacy filed with the secretary of state shall be filed eighteen days before the primary, and all others twenty days before the primary.

Fees to be
paid by
candidates.

SECT. 7. At the time of filing declarations of candidacy each candidate, or some person for him, shall pay to the officer with whom the same are filed the following fees:

(1) For governor, one hundred dollars;

(2) For any state officer, other than governor, to be voted for throughout the state, fifty dollars;

(3) For representative in congress, fifty dollars;

(4) For councilor, twenty-five dollars;

(5) For state senator, ten dollars;

(6) For county officer, five dollars;

(7) For member of the house of representatives, two dollars;

(8) For supervisor of check-list, one dollar;

(9) For moderator, one dollar.

Official ballot,
form of.

SECT. 8. At least ten days before any primary is to be held, an official ballot for each political party shall be prepared by the secretary of state, and shall be as nearly as is practicable in the same form as ballots now used at elections. Below the name of each office shall be printed in small but easily legible letters the words Vote for one, Vote for two, Vote for three, or a spelled number designating how many persons are to be voted for. Whenever there are two or more candidates for nomination to the same office who are to be voted for in more than one town or ward, the names of such candidates shall be so alternated on the ballots used that each shall appear thereon as nearly as may be an equal number of times at the top, at the bottom, and in each intermediate place, if any, of the list or group in which it belongs. Names of rival candidates for nomination to the same office who are to be voted for in only one

town or ward shall be arranged in the alphabetical order of their surnames. Following the names printed on the ballot after the name of each office to be filled shall be as many blank lines as there are persons to be elected to that office. The ballots of all parties shall be upon colored paper, but the ballots of no two parties shall be upon paper of the same, or closely similar, color, and each party ballot shall be so designated by the name of such party printed in prominent type on the back of said ballot.

SECT. 9. (1) Not later than six days before a primary, the secretary of state shall furnish to the clerk of each town and ward ballots for each political party as follows: For each fifty and fraction of fifty voters of each party, as shown by the vote for governor in the town or ward at the last preceding election, he shall furnish seventy-five ballots of said party, except that when any party has cast less than ten votes in a town or ward, he shall only be obliged to furnish twenty-five ballots.

Number of ballots; sample ballots; posting of ballots.

(2) He shall in addition furnish each such clerk with ten sample ballots of each political party, printed on white paper.

(3) Each clerk shall within one day from the time when he shall receive such sample ballots post three of each political party in three public places in his town or ward, and shall retain the others until the date of the primary, when he shall post the same in prominent positions in and about the polling place.

(4) The secretary of state shall also, upon request, furnish a reasonable number of sample ballots printed on white paper to each person whose name appears upon the ballot as a candidate.

SECT. 10. (1) The supervisors of the check-list shall prepare and post the check-list of the legal voters in their respective towns and wards and hold sessions for the correction of the same, and give notice of such sessions before all primaries held under this act in the same manner as they are required to do before elections under existing laws.

Preparation of check-list; who may vote; party registry; disposition of check-list; change of registry; corrected check-list.

(2) No person shall be entitled to vote at a primary unless his name is upon the check-list of voters in the town or ward wherein he offers to vote.

(3) Any person offering to vote at a primary shall at the time of announcing his name also announce the name of the party to which he belongs. If his name is found upon the check-list, and if his party membership has not been before registered, it shall then be registered, and he shall be allowed to vote the ballot of his party, *provided, however*, that if he is challenged, he shall not be allowed to register as a member of such party, or to vote the ballot of said party unless he makes oath or affirmation that he affiliates with and generally supports the candidates of the party with which he offers to vote. If his party membership has been before regis-

tered, he shall be allowed to vote only the ballot of the party with which he is registered.

(4) After the primary the town or ward clerk shall deliver to the supervisors the check-list with the registration of the party membership of voters thereon. Before delivery, however, the moderator and clerk shall certify thereon, under their hands, that the list is the one used at the primary, and contains a correct registration of the voters as delivered into their hands or made by them at such primary. Such list shall be preserved by the supervisors, and shall be used by them in making up the check-list to be posted before the next primary, as provided in paragraph 6 of this section.

(5) Any person whose party membership has been registered may change such registration by appearing in person before the supervisors of the check-list for his town or ward not less than ninety days before any primary, and stating to them, under oath or affirmation, if required, that he intends to affiliate with and generally supports the candidates of the party with which he offers to register. He may also change such registration at any primary, upon making oath or affirmation to the same effect, if challenged, but he shall not be permitted in such case to vote the ballot of any party at such primary.

(6) After the first primary held under this act, the supervisors of the check-list shall be in session for the alteration of the registration of party members, and for making additions to such registration before each primary. The session shall be on two days at least and shall not be less than ninety nor more than one hundred days prior to such primary. They shall post copies of the check-list showing the persons in the town or ward entitled to vote, with their party registration, so far as such registration has been made, in three public places in such town or ward, at least ten days prior to such session, and notice of the date, hour, and place of the daily sessions to revise such registration shall be given upon such check-lists. After such session, the supervisors of the check-list shall prepare a corrected check-list, showing the registration of party members as corrected by them, and such corrected check-list, with such names as may be regularly added thereto, as provided in sections 6 and 7 of chapter 32 of the Public Statutes, shall be used at the primary. Whenever names are added to the check-list, as provided in sections 6 and 7 of chapter 32 of the Public Statutes, the supervisors shall register the party membership of the voter, if he desires such membership registered; but if such voter has already been registered in any town or ward in this state as a member of any party, he shall not be registered as a member of a different party within ninety days before any primary.

(7) The party membership of each voter may be registered by

writing in ink after the name of such voter the first three letters of the name of the party with which he registers.

SECT. 11. (1) Votes cast for the same person on the ballots of different parties at any primary shall not be added together, but shall only count in favor of the person as the candidate of each party on whose ballot his name appears.

Notes, how counted and returned.

(2) After the count is completed it shall be announced by the moderator, and the clerk shall, in the presence of the other election officers, fill into blanks, provided him for that purpose by the secretary of state, complete returns of all the votes cast for the different candidates of each party. These blanks shall be prepared in duplicate, and shall be signed by the clerk. One copy shall be preserved by the clerk and shall be open to the inspection of any candidate, or of his agent authorized in writing. The other copy shall be mailed on the day of the primary, or on the day following, by the clerk to the secretary of state.

SECT. 12. (1) The second day after the primary, or as soon thereafter as possible, the secretary of state shall canvass the returns from all the towns and wards in the state, and upon the completion of such canvass shall declare what candidates have received the greatest number of votes for the various offices in the various parties.

Canvass of returns; publication of result.

(2) After the completion of the canvass of returns, the secretary of state shall publish in some paper of general circulation the names of the persons found to have been chosen as candidates for the various offices by the various parties, and shall cause a copy of such paper to be mailed to each person whose name appeared upon any party ballot.

SECT. 13. (1) Persons voted for, at a primary, under this act, who receive a plurality of all the votes cast by a party, shall be candidates of that party for the office designated in the ballot, or the delegates of such party from their respective towns and wards.

Plurality to nominate; tie vote; vacancies; how filled.

(2) In case of a tie vote, the tie shall be determined by lot by the secretary of state in the presence of the candidates who are tied, if, upon notice from the secretary of state, they elect to be present.

(3) Vacancies upon any party ticket occurring after the holding of any primary shall be filled by the party committee of the state, county, town or ward, as the case may require, and such committee shall notify the secretary of state of the appointment made, and the names of persons so appointed shall be placed upon the official election ballot.

SECT. 14. (1) If any person who was voted for upon the ballot of any party is not, according to the count first made by the secretary of state, chosen as the candidate of such party, and de-

Recount of ballots, how obtained and conducted; fees for.

sires a recount of the ballots cast in the primary, he shall apply in writing to the secretary of state for such recount within ten days after the date of the advertisement of the result of the primary, provided for in paragraph 2 of section 12 of this act.

(2) The secretary of state shall fix a time for such recount not earlier than ten days after the receipt of the application, and shall notify the opposing candidates thereof, and as soon after the expiration of such ten days as circumstances will permit, such recount shall be held and conducted as recounts of votes cast at elections are now conducted.

(3) Upon the date set for the recount, the ballots shall be counted by the secretary of state and such assistants as he may require. The various candidates, however, and their counsel, shall have the right to inspect the ballots and participate in such recount under such suitable rules as the secretary of state may adopt.

(4) No candidate, however, shall be entitled to a recount unless he shall pay to the secretary of state at the time of filing his application fees as follows:

(a) If a candidate for governor, or other officer voted for throughout the state, one hundred dollars;

(b) If a candidate for member of congress, fifty dollars;

(c) If a candidate for councilor, twenty-five dollars;

(d) If a candidate for a county office, ten dollars;

(e) If a candidate for state senator, ten dollars;

(f) If a candidate for member of the house of representatives, five dollars;

(g) If a candidate for supervisor of the check-list, five dollars;

(h) If a candidate for moderator, five dollars;

(5) If a recount shall show that some other person than the one declared nominated upon the canvass of the returns from the clerks of towns and wards has the greatest number of votes cast at the primary, such person shall be declared nominated and shall be the candidate of the party for the office in question instead of the person so first declared, and his name shall be placed upon the official ballot at the following election.

(6) If the recount shall show that the person who applied for the recount was chosen as the candidate of his party, the secretary of state shall, within ten days of such recount, return to him the fee paid at the time of filing the application for a recount.

SECT. 15. Any town or city clerk, with whom any declaration of candidacy has been filed, who shall fail to forward the same to the secretary of state within two days of the date of such filing shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment not more than thirty days, or by both fine and imprisonment.

Failure to
forward
declaration,
penalty.

SECT. 16. The provisions of the statutes now in force in reference to the holding of elections, the payment of election officers, the filling of vacancies, the solicitations of voters at the polls, the challenging of voters, the manner of conducting elections, of counting and preserving the ballots, and making return thereof, and all other kindred subjects, shall apply to all primaries in so far as they are consistent with this act, the intent of this act being to place the primary under the regulation and protection of the laws now in force as to elections.

Existing election laws applicable when.

SECT. 17. (1) It shall be the duty of the secretary of state to prepare all forms necessary to carry out the intent of this act and to furnish the same in reasonable quantities to the proper officers. It shall also be his duty to furnish full directions to the clerks of towns and wards, when he sends them the notice provided for in section 5 of this act, or when he furnishes them ballots, as provided in section 9 of this act, as to the posting of notices, holding of primaries, and making return thereof.

Secretary of state to furnish forms, etc., clerical assistance.

(2) The secretary of state shall have authority to employ such additional clerical assistance as may be required during the canvass of votes, or in carrying out the provisions of this act; and all expense necessary shall be paid out of the treasury of the state.

SECT. 18. All sums paid to the secretary of state under the terms of section 6 of this act and all sums paid to him under the terms of paragraph 4 of section 14 shall be paid by him into the state treasury.

Disposition of fees.

SECT. 19. (1) Not earlier than the third Tuesday of September, following any primary, and not later than the first Tuesday of October, upon the call of the chairman of the state committee of the party, the nominees of each party for the offices of governor, councilors, state senators, representatives, and state delegates elected shall meet in state convention for the purpose of adopting the platform of their party, nominating presidential electors, and effecting an organization for the following two years.

Adoption of party platforms; party organizations.

(2) The party nominees and state delegates in said state convention from each county shall elect a county committee for their party, to consist of such number of persons as the state convention shall by vote apportion to each county. The members of the several county committees thus chosen shall constitute the state committee of the party. The registered party members in each town, ward or city may effect such an organization as they may deem expedient for advancing the purposes of their party.

(3) Upon application of the chairman of the state committee of any political party, the secretary of state shall deliver to him a duly certified roll of the nominees of his party for the several offices named in the first paragraph of this section. None but such nominees and state delegates shall take part in such state convention.

Act to be
liberally
construed.

SECT. 20. This statute shall be liberally construed so that the real will of the voters shall not be defeated, and so that the voters of any town or ward shall not be deprived of their right to nominate or participate in the nomination of candidates for office by any informality or failure to comply with all the provisions of law in respect to giving notice of or conducting the primary or certifying the results thereof.

Repealing
clause.

SECT. 21. All acts or parts of acts inconsistent or in conflict with the provisions of this act are hereby repealed.

[Approved April 9, 1909.]

CHAPTER 154.

AN ACT RELATIVE TO MOTOR VEHICLES AND TO THE OPERATION THEREOF.

SECTION

- 1. Registration of motor vehicle by owner.
- 2. Registration by manufacturer or dealer.

SECTION

- 3. Registration by non-residents.
- 4. Speed regulations.
- 5. Fees, disposition of.
- 6. Takes effect January 1, 1910.

Be it enacted by the Senate and House of Representatives in General Court convened:

Registration
of motor
vehicle by
owner.

SECTION 1. That section 2 of chapter 86 of the Laws of 1905 be amended by striking out the words, "three dollars," in the seventeenth and eighteenth line of said section, and substituting therefor the following: Ten dollars in the case of an automobile and two dollars in the case of a motor cycle; further amend said section 2 of said chapter 86 by adding after the word, "hours," in the thirty-third line, the following: Each certificate of registration shall terminate on December 31 of the year of issue. So that said section as amended shall read as follows: SECT. 2. All automobiles and motor cycles shall be registered by the owner or person in control thereof in accordance with the provisions of this act. Applications for such registration shall be made, by mail or otherwise, to the secretary of state, upon blanks prepared under his authority. The application shall, in addition to such other particulars as may be required by the secretary of state, contain a statement of the name, place of residence, and address of the applicant, with a brief description of the automobile or motor cycle, including the name of the maker, the number, if any, affixed by the maker, the character of the motive power and the amount of such power stated in figures of horsepower, and with such application shall be deposited a registration fee of ten dollars in the case of an automobile and two dollars in

the case of a motor cycle. Said secretary of state shall then register in a book to be kept for the purpose, the automobile or motor cycle described in the application, giving to such vehicle a distinguishing number or mark, which in all cases shall be followed by the letters "N. H." and shall thereupon issue to the applicant a certificate of registration and shall furnish such applicant with two number plates or tags bearing the distinguishing number or mark of his vehicle, followed by the letters "N. H." of such form as to be conveniently attached to the vehicle registered. The certificate shall contain the name, place of residence and address of the applicant, and the registered number or mark, and shall prescribe the manner in which such registered number or mark shall be displayed upon the vehicle, and shall be in such form and contain such further provisions as the secretary of state may prescribe. The certificate of registration shall always be carried in some easily accessible place in the vehicle described therein. A proper record of all applications and of all certificates issued shall be kept by the secretary of state at his office and shall be open to the inspection of any person during reasonable business hours. Each certificate of registration shall terminate on December 31 of the year of issue. Upon the sale of any automobile or motor cycle its registration shall expire and the vendor shall immediately return the certificate of registration and number plates to said secretary of state, with notice of the sale and of the name, place of residence and address of the vendee.

SECT. 2. That section 3 of said chapter be amended by inserting after the word, "dollars," in the sixteenth line thereof the word, annually, so that said section as amended shall read as follows:

Registration
by manufac-
turer or
dealer.

SECT. 3. Every manufacturer of or dealer in automobiles or motor cycles, may, instead of registering each such vehicle owned or controlled by him, make application upon a blank provided by the secretary of state, for a general distinguishing number or mark, and the secretary of state shall, if the facts stated in said application are true, grant said application and issue to the applicant a certificate of registration containing the name, place of residence and address of the applicant and the general number or mark assigned to him and made in such form and containing such further provisions as said secretary of state may determine, and all automobiles or motor cycles owned or controlled by such manufacturer or dealer shall, until sold or let for hire, or loaned for a period of more than ten successive days, be regarded as registered under such general distinguishing mark or number. The fee for every such license shall be twenty-five dollars, annually and approved number plates or tags shall be furnished to the applicant by said secretary of state for the sum of one dollar per pair.

Registration
by non-resi-
dents.

SECT. 3. That section 6 of said chapter be amended by adding after the word, "state," in the third line of said section the following: for ten days continuously, at the expiration of which time they shall be subject to registration the same as automobiles and motor cycles owned by residents of the state; so that said section as amended shall read as follows: SECT. 6. Automobiles or motor cycles owned by non-residents of this state and registered in some other state, may be operated upon the roads and highways of this state, for ten days continuously, at the expiration of which time they shall be subject to registration the same as automobiles and motor cycles owned by residents of the state, subject, however, to the speed limitations contained in this act. Any non-resident person holding an operator's or chauffeur's license from another state may operate an automobile or motor cycle in this state subject to a revocation or suspension of such right by the secretary of state for cause as hereinafter provided.

Speed regula-
tions.

SECT. 4. That section 8 of chapter 86 of the Laws of 1905 be amended by striking out after the word "than" in the third line the word "twenty" and inserting in place thereof the word twenty-five, and striking out after the word "than" in the fifth line the word "eight" and inserting in place thereof the word ten, so that said section as amended shall read as follows: SECT. 8. No automobile or motor cycle shall be operated upon any public highway outside the business district or the compactly built sections of a city or town at a speed greater than twenty-five miles an hour, or within the business districts or compactly built sections of a city or town, at a speed greater than ten miles an hour. A point upon a road shall be considered to be within the compactly built section of a city or town if the buildings abutting upon the road for one quarter of a mile immediately adjacent to the point in question average one hundred feet apart or less. Upon traversing a crossing of intersecting ways in going around a corner or curve which cuts off a free view of the road to be traversed, or in traversing a highway bordering a steep descent or passing over a bridge, every person operating such a vehicle shall run it at a rate of speed less than that heretofore specified and at no time and in no place greater than is reasonable and proper, having regard to traffic, the use of the way and the safety of the public. In traversing a crossing of intersecting ways or going around a corner or sharp curve in a road, the operator shall sound his horn or bell.

Fees, disposi-
tion of.

SECT. 5. That section 11 of said chapter be amended by adding to said section the following: All fees in excess of the sums necessary to carry out the provisions of this chapter shall be expended for the maintenance and improvement of the highways under the direction of the governor and council, in accordance with the provi-

sions of chapter 35, Laws of 1905, and amendments thereof, said balance to be in addition to all sums already appropriated or that may hereafter be appropriated by the general court for the same purpose. So that said section as amended shall read as follows: SECT. 11. It shall be the duty of the secretary of state to perform all acts as provided herein. The fees received under the provisions of this act shall be paid quarterly by the secretary of state into the treasury of the state, and such expenses as may be necessary in carrying out the provisions of this act shall be paid out of the treasury of the state. All fees in excess of the sums necessary to carry out the provisions of this chapter shall be expended for the maintenance and improvement of the highways under the direction of the governor and council, in accordance with the provisions of chapter 35, Laws of 1905, and amendments thereof, said balance to be in addition to all sums already appropriated or that may hereafter be appropriated by the general court for the same purpose.

SECT. 6. This act shall take effect January 1, 1910, upon which date all registrations of automobiles and motor cycles issued prior thereto shall terminate.

Takes effect
January 1,
1910.

[Approved April 9, 1909.]

CHAPTER 155.

AN ACT IN AMENDMENT OF SECTION 2, CHAPTER 104, SESSION LAWS OF 1907, ENTITLED "AN ACT TO EXTEND THE STATE HIGHWAY SYSTEM AND IN AMENDMENT OF CHAPTER 35, LAWS OF 1905, ENTITLED 'AN ACT TO PROVIDE FOR STATE AID AND FOR THE EXPENDITURE OF OTHER PUBLIC MONEYS IN THE PERMANENT IMPROVEMENT OF MAIN HIGHWAYS THROUGHOUT THE STATE, AND IN AMENDMENT OF CHAPTER 139, LAWS OF 1907.' "

SECTION

- 1. High Street in Warren and Benton designated as state highway.
- 3 [2]. Annual appropriation of \$125,000, how expended.
- 4 [3]. Meaning of "valuation."
- 5 [4]. East Side, Merrimack Valley, and West Side roads: location of routes: state aid to towns: highway bonds, issuance and form of; maintenance of trunk lines: expenditure of funds.

SECTION

- 6 [5]. Balance of prior appropriations, how expended.
- 7 [6]. Takes effect on passage: repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

High street in Warren and Benton a state highway.

SECTION 1. Amend section 2 of said act by adding to said section the following words: And that portion of High street, so called, lying in the towns of Warren and Benton, extending from the junction of said High street with the main road leading from Warren to Haverhill, to the boundary of the property of the New Hampshire State Sanatorium, so that said section when amended shall read as follows: SECT. 2. The highways referred to in the above section are as follows: that part of the Sandwich Notch road in Sandwich commencing at the foot of "Notch hill" so called, and running westerly by said road to a point one mile and a half from said point of beginning; and the Miller Park road so called in the towns of Temple and Peterborough, beginning at a point on the main road near the base of Paek Monadnock mountain on the south side thereof and extending to and over the state reservation known as Miller Park, and that portion of High street, so called, lying in the towns of Warren and Benton, extending from the junction of said High street with the main road leading from Warren to Haverhill, to the boundary of the property of the New Hampshire State Sanatorium.

Annual appropriation of \$125,000, how expended.

SECT. 3 [2]. Amend section 10 of chapter 35, Laws of 1905, by striking out the entire section and substituting therefor the following: SECT. 10. The sum of \$125,000 annually is hereby appropriated for the purpose of paying the interest and annual install-

ments of the principal of the bonds hereinafter authorized and for the purpose of securing the permanent improvement of main highways in accordance with the provisions of this act, and for the maintenance of state highways. Any unexpended balance of any annual appropriation shall be applied to and be made additional to the appropriation for the succeeding year. Upon the sale of any bonds the treasurer shall estimate the amount necessary to be set aside annually to cover such bonds when they shall become due, and shall also estimate the amount necessary to pay the interest on same, and the balance left after deducting said amounts shall be available for the other purposes mentioned in this act. After the said amount shall have been set aside, and after the expenses of the administration of this act and the amounts necessary for road maintenance shall have been provided for, the remainder of the total sum appropriated by this act, together with the proceeds from sale of bonds as hereinafter provided, shall be available for the purposes of section 5 of this act, as designated under section 15 of this act. In making apportionments to said trunk lines it shall be the duty of the governor and council to apportion the sums as nearly equal as practicable to each of the three trunk lines as hereinafter described.

SECT. 4 [3]. Further amend said act by striking out the second sentence of section 14 so that said section shall read as follows: SECT. 14. The word "valuation" as used in this act shall be construed to mean the assessed valuation of the previous year.

Meaning of
"valuation."

SECT. 5 [4]. Further amend said act by adding sections 15, 16, 17, 18, 19, 20 and 21 as follows:

SECT. 15. The governor and council shall forthwith designate for improvement by suitable description three continuous highways from the Massachusetts state line northerly. The first route so designated shall extend from the Massachusetts state line at Seabrook to and through Pinkham Notch, thence through Dixville Notch to Colebrook and shall be known as the East Side road. The second route so designated shall extend from the Massachusetts state line at Nashua over the road designated by the governor and council under chapter 139, Laws of 1907, and continuing beyond the said route to the town boundary between the towns of Woodstock and Lincoln, and shall be known as the Merrimack Valley road. The third route so designated shall extend from the Massachusetts state line at a point to be determined by the governor and council along the Connecticut and Ammonoosuc valleys to the terminus of the East Side road at Colebrook, and shall be known as the West Side road.

East Side,
Merrimack
Valley, and
West Side
roads.

SECT. 16. The routes of such highways may be changed from existing highways by the governor and council to such extent as

Location of
routes.

in their opinion the good of the public may require, and for that purpose they are hereby authorized to designate such changes, to take or purchase land and have damages assessed therefor in accordance with the provisions of this act.

State aid to towns.

SECT. 17. No city or town through which said roads are designated to pass shall receive any state aid for highway improvement on city or town roads except on the road so designated until said improvements of such roads are completed within such cities or towns. No state funds, however, shall be expended for improvements of any highways in the compact portion of any city or town, should there be any, such compact portion to be determined by the governor and council.

Same subject.

SECT. 18. Cities and towns in which the roads designated or provided for in sections 15 and 16 of this act lie, shall receive from the funds available as herein provided one-half the cost of such improvements of roads within their limits and such further sums in towns unable to pay that proportion as in the opinion of the governor and council may be equitable. Improvements of said roads in any city or town shall be made upon application by said city or town as hereinbefore provided, except, however, that application shall not be required to be filed previous to May 1 of any year.

Highway bonds, issuance and form of.

SECT. 19. The treasurer of the state is hereby authorized under the direction of the governor and council, to issue bonds or certificates of indebtedness in the name and on behalf of the state to an amount not exceeding one million dollars, payable in such sums and at such times, not exceeding thirty years, as the governor and council shall determine. They shall bear interest not to exceed $3\frac{1}{2}$ per cent. per annum, payable semi-annually, and have interest coupons attached to each bond and said bonds and coupons shall be signed by the treasurer and be made payable at such place or places as the governor and council shall designate. Such bonds shall be called the Highway Bonds and shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep an account of all such bonds countersigned by the governor, showing the number and amount of each bond, the time of countersigning, the time when payable and the date of delivery to the treasurer. The treasurer shall keep an account of each bond, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of the sale, and the time when payable. The treasurer may negotiate and sell such bonds by direction of the governor and council in such manner as they may determine most advantageous to the state, but the amount to be issued in any one year shall not exceed one-fourth of the total authorized issue, and no bond shall be sold for less than its par value nor shall such bonds be

loaned, pledged or hypothecated in any way whatever in behalf of the state. Before said bonds are negotiated and sold they shall be offered for at least thirty days to residents of the state of New Hampshire at par value and all bonds so disposed of shall not be taxable in this state, *provided* they are held by residents of this state, and shall bear interest at 3 per cent. The proceeds of the sale of said bonds shall be held by the treasurer, and paid by him upon warrants drawn by the governor for the purposes of this act, but no proceeds, however, shall be used for the maintenance of highways or for any purpose except permanent construction or improvement as herein provided and for the necessary expenditures in the administration of this act.

SECT. 20. The roads designated under sections 15 and 16 of this act shall be maintained by the city, town or place within which it is located at the expense of the city, town or place, and to the satisfaction of the governor and council, and in case any city, town or place shall neglect to make repairs ordered by the governor and council, such repairs shall be made under the direction of the governor and council at the expense of the state, and the cost thereof shall be added to the state tax for that city, town or place for the next year, except that assistance may be rendered by the governor and council to such towns or places as are in their opinion equitably entitled thereto, from any funds provided for such purpose by this act.

Maintenance
of trunk
lines.

SECT. 21. The governor is hereby authorized to draw his warrants for the payment of any sum or sums of money provided for by this act out of any money in the treasury and all acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

Expenditure
of funds.

SECT. 6 [5]. The unexpended amounts apportioned by the governor and council under chapter 139, Laws of 1907, to cities and towns on the Merrimack Valley road as provided for in that chapter, together with the unexpended amounts appropriated by the towns on said road, shall continue as joint funds to be expended under the provisions of chapter 35, Laws of 1905, as amended by this act, and all existing contracts made under the provisions of said chapter 139, Laws of 1907, shall remain in force.

Balance of
prior appro-
priations,
how expended.

SECT. 7 [6]. This act shall take effect upon its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect
on passage;
repealing
clause.

[Approved April 9, 1909.]

CHAPTER 156.

AN ACT IN AMENDMENT OF CHAPTER 95 LAWS 1903 ENTITLED "AN ACT TO REGULATE THE TRAFFIC IN INTOXICATING LIQUOR."

SECTION

1. Transportation of liquor regulated.

SECTION

2. Takes effect April 30, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

Transportation to no-license territory regulated.

SECTION 1. Chapter 95 of the session Laws of 1903 entitled "An Act to regulate the Traffic in Intoxicating Liquor," as amended by chapter 49 of the session Laws of 1905, is hereby amended by adding thereto the following sections:

SECT. 36. All liquor to be transported for hire or reward from any point in this state, for delivery in any no-license city or town in this state, shall be delivered by the seller or consignor to a person, partnership or corporation regularly conducting a general transportation or express business, in vessels or packages plainly and legibly marked on the outside with the name and address, by street and number if possible, of the seller or consignor, and with the name and address, by street and number if possible, of the purchaser or consignee, and with the kind and quantity of liquor contained therein. The receipt, transportation or delivery of liquor knowingly, without the same being labeled as herein provided, or the delivery of liquor, or any part thereof, either by a person, partnership or corporation, when transported as herein provided, otherwise than as designated by the marks or directions thereon, or the delivery of the same to a fictitious person or to a person in a fictitious name, shall be punishable for each offense by a fine of not less than one hundred dollars.

Collection of purchase price by carrier prohibited.

SECT. 37. No railroad company, express company, or other common carrier, or any other person, in connection with the transportation of liquor of any kind from one point in this state to any point in a no-license city or town in this state, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same.

Carriers to keep records of deliveries.

SECT. 38. Every person, partnership or corporation conducting a transportation or express business, receiving liquor in this state for delivery to any place in any no-license city or town in this state, or actually delivering any liquor to any person in any no-license city or town in this state, shall keep a book, or books, and

plainly enter therein the date of the reception by him, them or it of each vessel or package of such liquor so received for transportation and a correct transcript of the marks and directions thereon and the date of its delivery by him, them or it; and the name of the person to whom delivered shall be signed to the same as a receipt; and said books shall at all times be open to the inspection of the attorney-general of the state, the solicitor and sheriff of the county, the chief of police of the city or town, and the selectmen and prosecuting agent of the town in which said liquor is delivered, and the special agents of the state board of license commissioners. No such person, partnership or corporation so conducting a transportation or express business, shall knowingly receive or deliver any such vessel or package containing liquor, which does not contain the labels or marks prescribed in this act, and any person, partnership or corporation receiving liquors as aforesaid and failing to keep the book and records as herein provided, shall be punished for each offense by a fine of not less than one hundred dollars.

SECT. 39. All liquor transported in violation of the foregoing sections, or liquor transported according to said section but addressed or marked to a fictitious person or fictitious name, or to a person unknown or who cannot be found, or liquor shipped C. O. D., together with the casks, bottles and vessels containing the same, may be seized wherever found, whether in transit or storage, and disposed of as provided by section 30 of chapter 112 of the Public Statutes, and, if sold, the proceeds thereof, less costs and expenses, shall be paid into the county treasury. Confiscation
of liquor.

SECT. 40. Any person, partnership or corporation who shall violate any of the provisions of this act shall be punished by a fine of not less than one hundred dollars. It shall be the duty of the state board of license commissioners to enforce the provisions of this act. Penalty.

SECT. 41. Any person, partnership or corporation delivering or offering for delivery to any person, partnership or corporation conducting a transportation business, any liquor for delivery in a no-license city or town, with the vessels or packages containing such liquor not marked in accordance with the provisions of this act, shall be punished by a fine of not less than one hundred dollars. Penalty.

SECT. 2. This act shall take effect April 30, 1909.

[Approved April 9, 1909.]

Takes effect
April 30,
1909.

CHAPTER 157.

AN ACT TO ESTABLISH A NORMAL SCHOOL, TO APPROPRIATE MONEY FOR THE SAME, AND TO PROVIDE FOR ITS MAINTENANCE.

<p>SECTION</p> <ol style="list-style-type: none"> 1. To be established in Keene. 2. Acceptance of gifts and purchase of property. 3. Local authorities to co-operate. 4. Appropriation of \$10,000 for establishment. 5. Government of school. 6. Maintenance of model and practice schools. 	<p>SECTION</p> <ol style="list-style-type: none"> 7. Co-operation by other cities and towns. 8. Appropriation of \$12,000 for maintenance. 9. Repealing clause; act takes effect on passage.
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Be it enacted by the Senate and House of Representatives in General Court convened:

To be established in Keene.

SECTION 1. On or before May 1, 1909, the governor and council and the board of trustees of the state normal school shall organize as a joint board for the location and establishment of a normal school in Keene.

Acceptance of gifts and purchase of property.

SECT. 2. Said board is hereby authorized to receive aid in money, property or other valuable effects, for the benefit of said school from any and all individuals or municipal or other corporations. Said board is authorized to purchase or acquire such lands as it may deem best, consistent with the amount or means appropriated or otherwise obtained for such purposes. And in the purchase or acquisition of lands and the buildings thereon, if any, said board is authorized and directed to procure a good and suitable deed of conveyance in the name of the state and a proper instrument of sale of all such library, school furniture and apparatus therein as may be acquired.

Local authorities to co-operate.

SECT. 3. No money shall be expended under the provisions of this act until the union school district in said city shall have agreed in writing through its duly authorized officials with the duly authorized officials acting for the state, to co-operate with said school in the maintenance of model and practice schools, for a term of years, in such manner as shall meet with the approval of said trustees, and said district is hereby authorized to enter into such contract.

Appropriation of \$10,000.

SECT. 4. A sum not to exceed ten thousand dollars (\$10,000) is hereby appropriated for the purposes of sections 1 and 2 of this act and the governor is hereby authorized to draw his warrant for all or any part of said amount upon any moneys in the treasury not otherwise appropriated, said sum to be used in connection with any other money or moneys that may be secured from any other source for the aforementioned purposes.

SECT. 5. Said school when established shall be under the direction of the board of trustees of the state normal school now established, and said board shall be styled The Board of Trustees of the New Hampshire Normal Schools. All provisions of chapter 95 of the Public Statutes and the amendments thereto, not inconsistent herewith, relating to the organization, government and maintenance of the normal school mentioned therein and all the duties imposed or prescribed thereby for the trustees, teachers or pupils and the superintendent of public instruction shall apply to and be observed in the organization, government and maintenance of the normal school established under this act.

Government
of school.

SECT. 6. The Board of Trustees of the New Hampshire Normal Schools is hereby authorized to contract with any city or town in the vicinity of either of the normal schools for the maintenance of practice schools therein in connection with said normal schools and may provide for the payment of such portion of the compensation of the supervising teachers employed in said practice schools as they may deem just and equitable.

Model and
practice
schools.

SECT. 7. Any city or town is hereby authorized to enter into such contract as is provided by either section 3 or section 6 of this act; also any city or town is authorized to make such gifts as it may determine for the establishment or maintenance of said school.

Co-operation
by other
towns.

SECT. 8. The sum of twelve thousand dollars (\$12,000) is hereby appropriated for the support and maintenance of said school for each school year beginning with the school year opening in September 1909 and 1910.

Appropriation
of \$12,000.

SECT. 9. All acts or parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

Repealing
clause; act
takes effect
on passage.

[Approved April 9, 1909.]

CHAPTER 158.

AN ACT FOR THE SUPPORT AND ENCOURAGEMENT OF COMMON SCHOOLS.

SECTION	SECTION
1. Application of act limited.	5. Annual appropriation of \$80,000.
2. Apportionment of state aid.	6. Prior appropriations discontinued.
3. Employment of Normal School graduates, etc.	7. Expenditure of funds.
4. District supervision and high school tuition.	8. Repealing clause: act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Application limited.

SECTION 1. No appropriation of money provided for in sections 2 to 3 inclusive of this act shall be held to apply to towns having an equalized valuation of more than \$7,000, per pupil of average attendance for the year preceding; or whose population by the last published federal census is more than 3,500; or whose schools have been maintained less than an average of thirty weeks for the school year next preceding; or whose tax rate for school purposes is less than \$4.50 on one thousand dollars of equalized valuation; *provided, however,* that the last two clauses shall not be in force until July 15, 1911.

Apportionment of state aid.

SECT. 2. There shall annually in the month of December be apportioned to all towns not excluded by the terms of section 1 and as hereafter provided state money as follows:

I. To all towns having an equalized valuation per pupil of average attendance of less than \$2,000, the sum of \$1.75 per school week for every twenty-five pupils or major part thereof of average attendance for the year next preceding.

II. To all towns having an equalized valuation per pupil, of \$2,000 or more and less than \$3,000, \$1.50.

III. To all towns having an equalized valuation per pupil, of \$3,000 or more and less than \$4,000, \$1.25.

IV. To all towns having an equalized valuation per pupil, of \$4,000 or more and less than \$5,000, \$1.00.

V. To all towns having an equalized valuation of \$5,000 or more and less than \$7,000, per pupil, \$0.75.

Normal school graduates, etc.

SECT. 3. When any district shall employ graduates of a New Hampshire normal school, or of any normal school in another state of equivalent grade, or persons holding a permanent New Hampshire state teacher's certificate, it shall receive a further sum of \$2 per week for every teacher so employed.

District supervision, etc.

SECT. 4. There shall annually be reserved and set aside from the appropriation provided for by this act such sums as shall be needed

for carrying out the provisions of chapter 77, session Laws of 1899, relating to district supervision, and of chapter 96, session Laws of 1901, relating to high school tuition.

SECT. 5. The sum of \$80,000 annually is hereby appropriated to carry into effect the provisions of this act, and any portion of such appropriation as shall remain unexpended in any year shall remain in the state treasury for use in subsequent years, and if in any year the above appropriation and accumulated surplus shall prove insufficient, then towns having the highest equalized valuation per pupil shall be omitted in order from the distribution provided for in sections 2 and 3.

Annual appropriation of \$80,000.

SECT. 6. The sum appropriated by section 5 shall be in place of the annual appropriations of \$25,000, and \$8,000, provided by chapter 77 Laws of 1899, and chapter 96, Laws of 1901, and amendments thereto, respectively, and such appropriations shall be discontinued upon the passage of this act.

Prior appropriations discontinued.

SECT. 7. All money appropriated by this act, shall be expended under the supervision of the governor and council.

Expenditure of funds.

SECT. 8. All acts and parts of acts inconsistent with the foregoing are hereby repealed, and this act shall take effect on its passage.

Repealing clause; act takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 159.

AN ACT IN AMENDMENT OF, AND IN ADDITION TO, CHAPTER 97 OF THE SESSION LAWS OF 1905, ENTITLED "AN ACT FOR THE PROTECTION OF FORESTS FROM FIRE."

SECTION

- 1. Portable steam-mills to have spark arresters.
- 2. Examination by fire warden.

SECTION

- 3. Penalty for violation.
- 4. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. No person except when the ground is covered with snow shall operate within any city or town any portable steam-mill unless the same is provided with a suitable spark arrester, approved by the state forest fire warden—such approval shall be in writing, signed by the fire warden, and said approval may be revoked by said fire warden, in the same manner.

Portable mills to have spark arresters.

SECT. 2. It shall be the duty of the fire warden to examine all portable steam-mills, whenever he deems it necessary, to determine

Examination by fire warden.

whether they are provided with suitable spark arresters, and whether the same are kept in constant use, as provided for by section 1 of this act.

Penalty.

SECT. 3. Any person operating a portable steam-mill when the ground is not covered with snow without a suitable spark arrester and the approval of the fire warden as herein provided, and any owner or part owner of said mill knowingly permitting its operation, shall be fined not less than fifty dollars and not more than one hundred dollars.

Repealing clause: act takes effect on passage.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved April 9, 1909.]

CHAPTER 160.

AN ACT IN AMENDMENT OF SECTION 2, CHAPTER 79, OF THE SESSION LAWS, OF 1907, RELATING TO TRANSPORTATION BY COMMON CARRIERS.

SECTION

1. Railroad transportation of legislators and state officers.

SECTION

3 [2]. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Railroad transportation of legislators and state officers.

SECTION 1. That section 2, of chapter 79, of the session Laws of 1907, is hereby amended, by striking out the words "the salaried," in the fifth line, before the words "state officers," in the sixth line, and striking out the words "appointed by the governor and council, or elected by the legislature, whose transportation expenses are made, by statute, a charge upon the state treasury," after the words "state officers," in the sixth line, and before the word "during," in the eighth line, and the word "salaried," before the words "state officers," in the seventeenth line, and the word "state," before the word "officers" in the eighteenth line, so that said section, as amended, shall read as follows: SECT. 2. The governor is hereby authorized and directed to contract prior to each regular and extra session of the general court, for the steam railroad transportation of the members, officers and employees of the same; the governor is also hereby authorized and directed to contract for the transportation of state officers, during their respective terms of office. Said contract shall be made in the name of the state and the cost thereof shall be paid from the treasury upon the warrant of the governor. Such payment shall be in lieu of all mileage of members

and officers of the general court now provided by statute, except that the members and officers of the general court who reside more than two miles from the nearest railroad station shall each receive twenty cents per mile for their travel to and from their homes to such railroad station each week, and such payment for the transportation of state officers shall be in full discharge of the state for all transportation expenses of such officers on steam railroads.

SECT. 3 [2]. This act shall take effect upon its passage.

Takes effect
on passage.

[Approved April 9, 1909.]

CHAPTER 161.

AN ACT TO PROVIDE FOR AN ISSUE OF BONDS TO DEFRAY THE EXPENSES OF ESTABLISHING A STATE SANATORIUM FOR CONSUMPTIVES IN LIEU OF THE BONDS AUTHORIZED BY CHAPTER 92 LAWS OF 1905.

SECTION

1. Issue of bonds authorized.
2. Designation and form of bonds.
3. Exemption from taxation.
4. Prior provisions repealed.

SECTION

5. Expenditure of proceeds.
6. Disposition of residue.
7. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow the sum of fifty thousand dollars (\$50,000) on the credit of the state; and to issue bonds, or certificates of indebtedness therefor, in the name and on behalf of the state, payable on July 1, 1919, at a rate of interest not exceeding three and one-half per cent. per annum, payable semi-annually on the first days of January and July of each year; such bonds to have interest warrants, or coupons, attached thereto; said coupons to be signed by the state treasurer, and said bonds and coupons to be made payable at such places as the governor and council may designate.

Issue of bonds
authorized.

SECT. 2. Said bonds shall be designated New Hampshire State Sanatorium Bonds, and shall be signed by the treasurer, and countersigned by the governor, and shall be deemed a pledge of the faith and credit of the state. The secretary of state shall keep a record of all bonds countersigned by the governor, showing the number and amount of each bond, the time of countersigning, the time when payable, and the date of delivery to the state treasurer. The treasurer shall keep a record of all bonds disposed of by him, showing the number thereof, the name of the person to whom sold, the

Designation
and form.

amount received for the same, the date of the sale, and the time when payable. The treasurer may negotiate and sell such bonds to the best advantage for the state, but no bond shall be sold for less than its par value nor shall such bonds be loaned, pledged, or hypothecated in any way whatever.

Exemption. SECT. 3. Said bonds when owned by residents or savings banks of this state shall be exempt from taxation.

Prior provisions repealed. SECT. 4. The issue of bonds provided for by this act shall be in lieu of the bonds provided for by sections 10, 11, and 12 of chapter 92 of the Laws of 1905, which said sections in so far as they are inconsistent with this act are hereby repealed.

Expenditure of proceeds. SECT. 5. Such portion of the proceeds of said bonds as may be necessary shall be used to reimburse the treasury for moneys heretofore paid from the treasury upon the order of the governor and council for the purpose of carrying out the provisions of said chapter 92 of the Laws of 1905. And the action of the governor and council and the state treasurer in making such payments from the ordinary revenue of the state in lieu of issuing the bonds provided for by said chapter 92 of the Laws of 1905 is hereby ratified, approved, and confirmed.

Disposition of residue. SECT. 6. The balance, if any, of the proceeds of said bonds shall be used to carry out the provisions of said chapter 92 of the Laws of 1905.

Takes effect on passage. SECT. 7. This act shall take effect upon its passage.

[Approved April 9, 1909.]

CHAPTER 162.

AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF COCAINE AND ARTICLES CONTAINING COCAINE.

- | | |
|---|-----------------------------|
| SECTION | SECTION |
| 1. Sale of catarrh cure, etc., containing cocaine prohibited. | 4. Penalty for violation. |
| 2. Sale of cocaine, etc., regulated. | 5. Takes effect on passage. |
| 3. Sale of unlawful preparation by druggist. | |

Be it enacted by the Senate and House of Representatives in General Court convened:

Sale in catarrh cure, etc., prohibited. SECTION 1. It shall be unlawful for any person, firm or corporation to manufacture any so-called catarrh powder or catarrh cure, or any patent or proprietary preparation containing cocaine, or

any of its salts, or alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid.

SECT. 2. It shall be unlawful for any person, firm or corporation to sell, exchange, deliver, expose for sale, give away or have in his possession or custody with intent to sell, exchange, deliver, or give away, in any street, way, square, park or other public place, or in any hotel, restaurant, liquor saloon, bar-room, public hall, place of amusement, or public building any cocaine or any of its salts, or any synthetic substitute for the aforesaid, or any preparation containing any of the same, *provided, however,* that the foregoing provisions shall not apply to sales of apothecaries, druggists, physicians, veterinaries and dentists, nor to sales by apothecaries or druggists upon the original prescription of a physician provided the prescription is retained and kept on file as authority for the sale and not refilled.

Sale of cocaine regulated.

SECT. 3. It shall be unlawful for any pharmacist or other person employed or serving in a pharmacy, drug store or apothecary shop, to the proprietor of which a written notice has been sent by registered mail by an officer or employee of the state board of health stating that any patent or proprietary medicine or article, naming the same, contains cocaine or any of its salts or any alpha or beta eucaine, or any of their salts, or any synthetic substitute for the aforesaid, to thereafter sell any such medicine or article, except upon a physician's prescription.

Sale of unlawful preparation by druggist.

SECT. 4. Whoever violates any provision of this act shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than three months in a county jail or house of correction, or by both such fine and imprisonment.

Penalty.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 163.

AN ACT TO PROVIDE FOR SANITARY INSPECTIONS.

SECTION

- 1. State board of health may employ inspectors.
- 2. Examination of meat supplies.
- 3. Of general food products.
- 4. Investigation of local sanitary conditions.

SECTION

- 5. General duties of inspectors.
- 6. Itemized account of expenses.
- 7. Annual appropriations of \$2,500.
- 8. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Employment of inspectors.

SECTION 1. The state board of health is hereby authorized to employ, from time to time, one or more persons as inspectors, for such period of service as the said board may require, and who shall be paid a reasonable per diem and actual expenses, legally incurred when engaged in the performance of the duties prescribed by law.

Examination of meat supplies.

SECT. 2. It shall be the duty of the said inspector, acting under the direction of the state board of health, to make examinations as far as may be of the meat supplies sold in this state not guaranteed by government inspection, with reference to the detection of illegal, unsuitable, or diseased meats; the sanitary condition of slaughtering establishments and places where meats are kept; the methods of preparing meat products for sale, and such other investigations of meat products as may be authorized by the state board of health.

Of general food products.

SECT. 3. The said inspector shall make examinations of general food products offered for sale in this state, for the purpose of detecting violations of the pure food laws, and he shall collect samples of suspected food products for analysis at the state laboratory of hygiene.

Local investigations.

SECT. 4. The said inspector shall, under the direction of the state board of health, investigate local sanitary conditions in conjunction with and upon request of local boards of health in cases where such expert advice is deemed necessary by the state board of health.

General duties of inspectors.

SECT. 5. In addition to the specific duties herein prescribed, the said inspector shall perform such other duties in connection with public health matters as the state board of health shall direct, and whoever hinders, obstructs, or in any other way interferes with said inspector in the performance of his duties, shall be fined not exceeding fifty dollars for the first offense, and one hundred dollars for each subsequent offense.

SECT. 6. An itemized account of all expenses incurred under the provisions of this act shall be rendered to and audited by the state auditor.

Itemized accounts.

SECT. 7. For the purpose of carrying out the provisions of this act and better to enforce the provisions of chapter 48, Laws of 1907, to prevent the manufacture and sale of adulterated and mis-branded foods, a sum not exceeding twenty-five hundred dollars is hereby appropriated, for each of the years 1910 and 1911 and the governor is authorized to draw his warrant on the treasury for so much thereof as may be required, to be paid out of any money in the treasury not otherwise appropriated.

Annual appropriations of \$2,500.

SECT. 8. This act shall take effect upon its passage.

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 164.

AN ACT IN AMENDMENT OF SECTIONS 1, 2 AND 3 OF CHAPTER 137 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT IN RELATION TO FIRE ESCAPES ON CERTAIN BUILDINGS."

SECTION

- 1. Certain buildings to have fire escapes.
- 2. Exits to have red lights.

SECTION

- 3. Penalty for violations.
- 4. Repealing clause: act takes effect September 1, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 1 of chapter 137 of the session Laws of 1907 by striking out all of said section and inserting in place thereof the following: SECTION 1. No building three or more stories in height, any part of which is used or occupied above the second story as a hotel, transient lodging-house, schoolhouse, orphan asylum, theatre, hall for public assembly or factory shall be let, leased or occupied for such purposes unless provided with a steel or wrought iron ladder or stairway fire escape attached to the outer wall and with platforms of like material of such size, shape and nearness to one or more windows of each story above the first or ground floor as to render access thereto easy and safe. If said building be of a length greater than one hundred and fifty feet it shall be provided with one additional such fire escape for every additional one hundred and fifty feet or fractional part thereof. *Provided* that any other metal fire escape may be so attached if approved by the building inspector, chief of the fire department

Certain buildings to have fire escapes.

or board of selectmen. The provisions of this section shall not apply to any such factory building which shall be adequately equipped with fire-proof stairways, or other means of exit, duly approved in writing by said officers.

Exits to have
red lights.

SECT. 2. Amend section 2 of said act by striking out all after the word "lights" in the third line thereof and inserting in place thereof the following: during such hours of the night as the building is occupied for the purposes designated in section 1 of this act, so that said section as amended shall read: SECT. 2. Such fire escapes shall reach within eight feet of the ground and the location of the exits thereto shall be designated by red lights during such hours of the night as the building is occupied for the purposes designated in section 1 of this act.

Penalty.

SECT. 3. Amend section 3 of said chapter by adding at the end of said section the following: and it shall be the duty of said officers to enforce the provisions of this act, so that said section as amended shall read: SECT. 3. If any person shall violate any of the provisions of this act, he shall be fined not exceeding five hundred dollars or imprisoned not exceeding six months, or both, and it shall be the duty of said officers to enforce the provisions of this act.

Repealing
clause: act
takes effect
September 1,
1909.

SECT. 4. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect September 1, 1909.

[Approved April 9, 1909.]

CHAPTER 165.

AN ACT TO AUTHORIZE THE COUNTY OF CHESHIRE TO TAKE CERTAIN WATER FOR COUNTY FARM PURPOSES.

SECTION

1. Authority granted.
2. Right of eminent domain.

SECTION

3. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Authority
granted.

SECTION 1. That the county of Cheshire is hereby authorized and empowered to take and acquire the right to take and divert the water from Partridge brook, so-called, at any place at or below the land of Guy L. Pierce on which his mill stands, in the town of Westmoreland, in said county, and divert and use the waters thereof for furnishing water to the county farm belonging to said county, in said Westmoreland, for domestic and other uses at said

farm, and for said purpose may construct, erect, manage and maintain on said brook as aforesaid suitable dams and reservoirs for the storing of said waters, and works suitable and necessary for conducting, distributing and using said water, and may, when necessary for said storage purposes, flow any lands and lands contiguous thereto, and may acquire by purchase or otherwise any and all real or personal estate or rights therein and water rights and rights to dig and excavate canals and ditches in any street, highway or other land or place, over or through which it may be deemed necessary and proper to lay and maintain suitable water pipes or aqueducts for the purpose of conveying the water from said brook or diverting the same for the purposes aforesaid, and to lay, maintain and repair any necessary water pipes or aqueducts over and upon such lands, streets or places.

SECT. 2. If in the opinion of the county commissioners of said county it shall be necessary to enter upon and appropriate any stream, spring or pond, or to raise or lower the level of the same by dams or otherwise for the purposes aforesaid, or to flow any lands through which said brook flows, or which may be contiguous thereto, or to enter therein for any of the purposes above named, and said commissioners are unable to agree with the owner or owners thereof as to the amount of the damages that may be occasioned by said entry and appropriation or flowage or the owner or owners shall be unknown, said owner or owners or said commissioners may apply to the trial term of the superior court for said county to have the damages for such entry, appropriation or flowage determined, but the decision of said commissioners that the taking thereof aforesaid is necessary shall be final and conclusive. Said court shall thereupon appoint a committee of three competent, disinterested persons to determine the amount of damages occasioned by the entry and appropriation aforesaid, and said committee shall appoint a time and place of hearing and give notice thereof and otherwise proceed in the same manner as is now provided by law for laying out of highways by the board of county commissioners, and shall, after said hearing, make report to said court, which shall thereupon enter judgment and issue execution accordingly. If either party shall desire they shall be entitled to a trial by jury to determine the amount of damages occasioned.

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

[Approved April 9, 1909.]

Right of eminent domain.

Takes effect on passage.

CHAPTER 166.

AN ACT IN AMENDMENT OF SECTION 11 OF CHAPTER 55 OF THE PUBLIC STATUTES RELATING TO TAX EXEMPTIONS.

SECTION

1. Exempted property appraised for state and county taxes.

SECTION

2. Takes effect on passage; application limited.

Be it enacted by the Senate and House of Representatives in General Court convened:

Exempted property appraised for state and county taxes.

SECTION 1. Amend section 11 of chapter 55 of the Public Statutes by adding at the end of said section the following: *Provided, however,* that the assessors shall annually appraise such property and the valuation determined upon for the same shall be added to the valuation of all other property in the town to determine the total valuation for the purposes of state and county tax. So that said section as amended shall read: SECT. 11. Towns may by vote exempt from taxation for a term not exceeding ten years any manufacturing establishment proposed to be erected or put in operation therein and the capital to be used in operating the same, unless such establishment has been previously exempted by some town. *Provided however,* that the assessors shall annually appraise such property and the valuation determined upon for the same shall be added to the valuation of all other property in the town to determine the total valuation for the purposes of state and county tax.

Takes effect on passage; application limited.

SECT. 2. This act shall take effect upon its passage, but shall not be construed to apply to any property exempted previous to such passage.

[Approved April 9, 1909.]

CHAPTER 167.

AN ACT TO DEFINE THE DUTIES OF THE TREASURER OF THE STATE BOARD OF LICENSE COMMISSIONERS WITH REFERENCE TO PUBLIC FUNDS.

SECTION

1. Liquor license receipts, how deposited.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The treasurer of the State Board of License Commissioners shall deposit any portion of the public funds in his possession in such national banks within this state or such trust companies incorporated under the laws of, or doing business within this state, as shall be approved, at least once in six months, by the governor and council, but the amount deposited in any one bank or trust company shall not at any one time exceed forty per cent. of its paid-up capital and surplus. Other things being equal, those banks or trust companies shall receive preference which will allow interest on daily balances. All interest received on such deposits shall be distributed to such towns and counties in this state proportionally in the same manner as said public funds in his possession are distributed.

Liquor license receipts, how deposited.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 168.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING AUGUST 31, 1910.

SECTION

1. Appropriations for sundry purposes.

SECTION

2. Takes effect June 1, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the state, for the purposes specified, for the fiscal year, ending on the thirty-first day of August, nineteen hundred and ten, to wit:

For the executive department, \$12,000, as follows: For salary of the governor, three thousand dollars. For salary of the gov-

Executive.

ernor's secretary, eight hundred dollars. For the honorable council, per diem and expenses, fifty-seven hundred and fifty dollars. For the contingent fund, fifteen hundred dollars. For transportation, six hundred dollars. For incidentals, one hundred dollars. For printing blanks, two hundred and fifty dollars.

Secretary of
state.

For the secretary of state department, \$8,900, as follows: For salary of the secretary of state, three thousand dollars. For salary of the deputy secretary of state, thirteen hundred and fifty dollars. For clerical expenses, stenographer, seven hundred dollars. For incidentals, three hundred dollars. For printing report, five hundred dollars. For printing blanks, one hundred and fifty dollars. For printing inventory blanks, five hundred dollars. For express, six hundred and fifty dollars. For postage, three hundred and fifty dollars. For indexing Province records and clerical expenses, fourteen hundred dollars.

State treas-
urer.

For the treasury department, \$12,050, as follows: For salary of the treasurer of the state, twenty-five hundred dollars. For salary of the deputy treasurer, fifteen hundred dollars. For clerical expenses, one thousand dollars. For incidentals, two hundred and seventy-five dollars. For printing report, three hundred dollars. For printing blanks, one hundred and twenty-five dollars. For compiling statistics, (see chapter 16, Public Statutes) two hundred dollars. For treasurer's and deputy's bonds, four hundred and fifty dollars. For expense of the legacy tax law: For salary of the attorney in charge, twenty-five hundred dollars. For salary of other assistants, not exceeding, twelve hundred dollars. For other expenses, including printing, stationery, traveling expenses, fees of registers of probate for copies, incidentals, not exceeding in all, two thousand dollars.

Adjutant-
general.

For the adjutant-general's department, \$57,000, as follows: For salary of the adjutant-general, fifteen hundred dollars. For clerical expenses, eight hundred dollars. For incidentals, six hundred dollars. For printing blanks, eleven hundred dollars. For rifle ranges, thirteen hundred dollars. For officers' uniforms, thirty-five hundred dollars. For armories, (Concord, Manchester and Nashua), seven thousand dollars. For New Hampshire National Guard, forty-one thousand two hundred dollars. For military organizations, \$300, as follows: For Amoskeag Veterans, one hundred dollars. For Manchester War Veterans, one hundred dollars. For Lafayette Artillery Company, one hundred dollars.

Insurance
commissioner.

For insurance department, \$5,700, as follows: For salary of the commissioner, two thousand dollars. For clerical expenses, thirteen hundred dollars. For incidentals, seven hundred dollars. For printing report, thirteen hundred dollars. For printing blanks, four hundred dollars.

For supreme court department, \$25,350, as follows: For salaries of justices, twenty thousand two hundred dollars. For salary of the clerk, five hundred dollars. For salary of the messenger, two hundred dollars. For examination of students, three hundred dollars. For incidentals, five hundred dollars. For justices' expenses, seven hundred dollars. For transportation, one hundred dollars. For salary of state reporter, eighteen hundred dollars. For printing of law reports, ten hundred and fifty dollars.

Supreme court.

For superior court department, \$22,500, as follows: For salary of justices, twenty thousand two hundred dollars. For justices' expenses, nineteen hundred dollars. For incidentals, one hundred dollars. For transportation, three hundred dollars.

Superior court.

For attorney-general's department, \$3,360, as follows: For salary of attorney-general, twenty-five hundred dollars. For clerical expenses, two hundred dollars. For incidentals, three hundred dollars. For printing report, thirty dollars. For printing blanks, thirty dollars. For enforcement of liquor laws, three hundred dollars.

Attorney-general.

For probate court department, \$9,900, as follows: For salaries of judges: Rockingham county, twelve hundred dollars. Strafford county, eight hundred dollars. Belknap county, six hundred dollars. Carroll county, seven hundred dollars. Merrimack county, twelve hundred dollars. Hillsborough county, two thousand dollars. Cheshire county, nine hundred dollars. Sullivan county, six hundred dollars. Grafton county, one thousand dollars. Coos county, nine hundred dollars. For salaries of registers of probate and deputies, \$11,000, as follows: Rockingham county, register, twelve hundred dollars; deputy, five hundred dollars. Strafford county, register, one thousand dollars. Belknap county, register, six hundred dollars. Carroll county, register, six hundred dollars. Merrimack county, register, twelve hundred dollars; deputy, five hundred dollars. Hillsborough county, register, fifteen hundred dollars; deputy, eight hundred dollars. Cheshire county, register, six hundred dollars. Sullivan county, register, six hundred dollars. Grafton county, register, one thousand dollars. Coos county, register, nine hundred dollars.

Probate courts.

For bank commissioners' department, \$12,000, as follows: For salaries of commissioners (3), seventy-five hundred dollars. For clerical expenses, one thousand dollars. For expenses, of commissioners, including transportation and rent, twelve hundred dollars. For incidentals, printing report, printing blanks, and other expenses, twenty-three hundred dollars.

Bank commissioners.

For railroad commissioners' department, \$9,000, as follows: For salaries of railroad commissioners (3), sixty-seven hundred dollars. For salary of the clerk, three hundred dollars. For clerical ex-

Railroad commissioners.

penses, stenographers, seven hundred dollars. For printing report and office rent, thirteen hundred dollars.

Fish and game
commissioners.

For fish and game commissioners' department, \$8,600, as follows: For salaries of commissioners (3), twenty-six hundred dollars. For general expenses, thirty-two hundred and thirty dollars. For personal expenses, thirteen hundred and fifty dollars. For detectives, one thousand dollars. For incidentals, one hundred and twenty-five dollars. For transportation, one hundred and eighty-five dollars. For printing, one hundred and ten dollars.

Board of
agriculture.

For board of agriculture department, \$7,200, as follows: For salary of the secretary, fifteen hundred dollars. For clerical expenses, one thousand dollars. For incidentals, two hundred and fifty dollars. For printing blanks, two hundred and fifty dollars. For expenses of members of the board, three hundred dollars. For feeding-stuffs inspection, six hundred dollars. For fertilizer inspection, sixteen hundred dollars. For institutes and public meetings, twelve hundred dollars. For nursery inspection, three hundred dollars. For seed inspection, two hundred dollars. For immigration department, \$3,000, as follows: For preparing and issuing publications, three thousand dollars. For contagious diseases, cattle commission, \$15,000, as follows: For animals destroyed, ten thousand dollars. For inspection, disinfection and appraisal, thirty-five hundred dollars. For services and expenses of the board, fifteen hundred dollars. For possible expenses in cases of epidemics, five thousand dollars.

Soldiers'
home.

For soldiers' home, \$15,000, as follows: For maintenance, fifteen thousand dollars.

Public in-
struction.

For public instruction department, \$7,650, as follows: For salary of superintendent, twenty-five hundred dollars. For salary of the clerk, one thousand dollars. For truant officer, chapter 61, Pamphlet Laws 1901, fifteen hundred dollars. For printing, incidentals, expenses of superintendent, transportation, twenty-six hundred and fifty dollars.

State library.

For state library department, \$16,000, as follows: Maintenance of building, three thousand and fifty dollars. Salaries, fifty-eight hundred dollars. Books, periodicals and binding, five thousand dollars. Expense of trustees, one hundred and fifty dollars. Maintenance of library, two thousand dollars.

State house.

For state house, \$4,455, as follows: For salaries, twenty-two hundred and fifty dollars. For lighting, five hundred dollars. For water, fifty-five dollars. For fuel, nine hundred and fifty dollars. For miscellaneous, seven hundred dollars.

State hospital.

For state hospital department, \$200,000, as follows: For the support of indigent, convict, twenty-year patients, and dependent insane, including salaries and wages of officers and employees, and library, two hundred thousand dollars.

For labor bureau department, \$2,725, as follows: For salary of the commissioner, fifteen hundred dollars. For salary of the clerk, nine hundred dollars. For incidentals, one hundred dollars. For printing blanks, twenty-five dollars. For traveling expenses, two hundred dollars.

Labor bureau.

For state board of health department, \$3,550, as follows: For salary of secretary, twenty-five hundred dollars. For salary of clerk, five hundred dollars. For incidentals, four hundred and fifty dollars. For printing blanks, one hundred dollars.

Board of health.

For state board of charities and correction department, \$3,050, as follows: For salary of secretary, twelve hundred dollars. For clerical expenses, eight hundred dollars. For incidentals, two hundred and fifty dollars. For printing blanks, sixty dollars. For rent, two hundred and forty dollars. For traveling expenses, five hundred dollars.

Board of charities and correction.

For interest charges and matured bonds, \$81,468.91, as follows: Interest: For library bonds loan, ten thousand dollars. For Agricultural College loan, fifty-four hundred dollars. For hospital loan, first issue, fifty-six hundred dollars. For hospital loan, second issue, fifty-two hundred and fifty dollars. For hospital loan, new issue, two thousand nine hundred and seventy-five dollars. For sanatorium loan, eight hundred and seventy-five dollars. For Fiske legacy, ten hundred and fifty-five dollars and fourteen cents. For Kimball legacy, two hundred and seventy dollars and fourteen cents. For Agricultural College fund, forty-eight hundred dollars. For H. Smith fund, four hundred dollars. For institute fund, twenty-four hundred dollars. For temporary loans, twenty-five hundred dollars. For Thompson fund, fifteen thousand nine hundred and forty-three dollars and sixty-three cents. For state house bonds, fourteen thousand dollars. Bonds: For state hospital, due July 1, 1910, ten thousand dollars.

Interest charges and matured bonds.

For industrial school department, \$38,100, as follows: For salaries, eight thousand dollars. For clerical expenses, one hundred dollars. For maintenance for inmates, estimated at two hundred, at two dollars and fifty cents per week, twenty-six thousand dollars. For manual training, new machinery, and better protection against fire, (H. J. R. No. 4) four thousand dollars.

Industrial school.

For state normal school department, \$25,355, as follows: For salaries of teachers and clerk, nineteen thousand dollars. For maintenance and operation of plant, five thousand dollars. For incidentals, one thousand dollars. For printing report, thirty dollars. For expenses of trustees, three hundred and twenty-five dollars.

Normal school.

For state prison department, \$8,700, as follows: For warden's salary, two thousand dollars. For chaplain's salary, one thousand dollars. For prison library, two hundred dollars. For special re-

State prison.

pairs, one thousand dollars. For deficit in running expenses, four thousand dollars. For salary to prison physician, five hundred dollars.

Lights and
buoys.

For lights and buoys department, \$1,800, as follows: For Win-
nipesaukee lake, lights and buoys, eleven hundred dollars. For
Sunapee lake, lights and buoys, four hundred dollars. For Squam
lake, lights and buoys, three hundred dollars.

Deaf, dumb,
and blind.

For deaf, dumb and blind department, \$16,000, as follows: For
the support and education of the deaf, dumb and blind persons
of the state, fifteen thousand eight hundred and fifty dollars. For
the deaf mute mission, one hundred and fifty dollars.

Laboratory
of hygiene.

For laboratory of hygiene department, \$6,000, as follows: For
salaries of two chemists, twenty-seven hundred dollars. For two
baeteriologists, eighteen hundred dollars. For incidentals, eleven
hundred dollars. For printing blanks, Sanitary Bulletin, four hun-
dred dollars.

Lunacy com-
mission.

For commissioners of lunacy department, \$800, as follows: For
clerical expenses, five hundred dollars. For incidentals, two hun-
dred dollars. For printing blanks, one hundred dollars.

State
historian.

For state historian, \$4,300, as follows: For compensation, twelve
hundred dollars. For clerical expenses, eight hundred dollars.
For incidentals, including traveling expenses, two hundred and
fifty dollars. For printing and binding one volume, two thousand
dollars. For printing blanks, fifty dollars.

Pharmacy
commission.

For commissioners of pharmacy department, \$800, as follows:
For compensation, three hundred and seventy-five dollars. For
incidentals and expenses, four hundred and five dollars. For print-
ing blanks, twenty dollars.

Printing
commission.

For public printing commission department, \$1,600, as follows:
For clerical expenses, six hundred dollars. For incidentals, one
hundred dollars. For printing blanks, fifty dollars. For purchase
of paper stock, to be carried as "stock to be accounted for," eight
hundred and fifty dollars.

Dentistry
board.

For New Hampshire board of registration in dentistry, \$400, as
follows: For compensation, one hundred and fifty dollars. For
transportation and hotel expenses, sixty dollars. For incidentals,
one hundred and ninety dollars.

Sundry ap-
propriations.

For bounty on bears and grasshoppers, four hundred dollars.
For firemen's relief fund, two thousand dollars.

For Granite State Dairymen's Association, \$700, as follows: For
expenses, seven hundred dollars.

For New Hampshire Horticultural Society, as follows: For ex-
penses, five hundred dollars.

For New Hampshire Historical Society, five hundred dollars.

For expenses of automobile department, \$1,200, as follows: For

incidentals, fifty dollars. For printing blanks, one hundred and fifty dollars. For postage, express and freight, four hundred dollars. For number plates, six hundred dollars.

For vital statistics department, \$1,600, as follows: For clerical expenses, incidentals and printing blanks, sixteen hundred dollars.

Vital statistics.

For department of indexing, \$1,000, as follows: For salaries, one thousand dollars.

For department of Grand Army of the Republic, \$300, as follows: For printing, three hundred dollars.

Sundry appropriations.

For Australian ballot, \$100.

For New Hampshire State Sanatorium, \$22,500, as follows: For buildings, under House Joint Resolution No. 23, ten thousand dollars. For maintenance, twelve thousand five hundred dollars.

For New Hampshire school for feeble-minded, \$65,100, as follows: For maintenance, including salaries, pay-roll, supplies, on a basis of one hundred and eighty pupils, besides employees, thirty-five thousand one hundred dollars. For buildings, furnishings, etc., thirty thousand dollars.

School for feeble-minded.

For highway department, \$125,000, as follows: For highway department, to carry out provisions of chapter 35, Laws of 1905, and amendments thereto. This appropriation not being an addition to the appropriation of \$125,000, annually, of said chapter, but in place of the same.

Highways.

For New Hampshire College of Agriculture and Mechanic Arts, \$3,000, as follows: For providing free tuition for students in said college who are residents of New Hampshire, (section 12, chapter 11, Public Statutes) three thousand dollars.

State college.

For auditor's department, eight thousand dollars (\$8,000).

Sundry appropriations.

For suppression of gypsy and brown-tail moths, fifteen thousand dollars.

For Dartmouth College, in aid of New Hampshire students, twenty thousand dollars, (\$20,000).

For steamboat inspectors, one hundred and fifty dollars, (\$150).

For medical referees, \$50, as follows: For printing, fifty dollars.

For Prisoners' Aid Association, twenty-five dollars, (\$25).

For tuberculosis dispensaries, (House Bill 619), five hundred dollars (\$500).

For forestry protection, eight thousand dollars, (\$8,000).

For tax commission department, eight thousand dollars (\$8,000).

For normal school at Keene, twelve thousand dollars, (\$12,000).

For schools, \$80,000, as follows: For rebate tuition, for supervision, for equalization, under House Bill 209. All money appropriated by this clause relating to schools shall be expended under the supervision of the governor and council.

Schools.

Appropriations herein for auditor's department—tax commission—Dartmouth College—forestry protection—tuberculosis dispensaries—suppression of gypsy and brown-tail moths, and other specials, are not in addition thereto, but in place thereof.

Takes effect
June 1, 1909.

SECT. 2. This act shall take effect June 1, 1909.

[Approved April 9, 1909.]

CHAPTER 169.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE OF NEW HAMPSHIRE FOR THE YEAR ENDING AUGUST 31, 1911.

SECTION

1. Appropriations for sundry purposes.

SECTION

2. Takes effect June 1, 1909.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury of the state, for the purposes specified, for the fiscal year, ending on the thirty-first day of August, nineteen hundred and eleven, to wit:

Executive.

For the executive department, \$12,000, as follows: For the salary of the governor, three thousand dollars. For the salary of the governor's secretary, eight hundred dollars. For the honorable council, per diem and expenses, fifty-seven hundred and fifty dollars. For the contingent fund, fifteen hundred dollars. For transportation, six hundred dollars. For incidentals, one hundred dollars. For printing blanks, etc., two hundred and fifty dollars.

Secretary of
state.

For secretary of state department, \$8,900, as follows: For salary of the secretary of state, three thousand dollars. For salary of the deputy secretary of state, thirteen hundred and fifty dollars. For clerical expenses, stenographer, seven hundred dollars. For incidentals, three hundred dollars. For printing report, five hundred dollars. For printing blanks, one hundred and fifty dollars. For printing inventory blanks, five hundred dollars. For express, six hundred and fifty dollars. For postage, three hundred and fifty dollars. For indexing Province records and clerical expenses, fourteen hundred dollars.

State treas-
urer.

For the treasury department, \$12,050, as follows: For the salary of the treasurer of the state, twenty-five hundred dollars. For salary of the deputy treasurer, fifteen hundred dollars. For clerical expenses, one thousand dollars. For incidentals, two hundred and seventy-five dollars. For printing report, three hundred dol-

lars. For printing blanks, one hundred and twenty-five dollars. For compiling statistics, (see chapter 16, Public Statutes), two hundred dollars. For treasurer's and deputy's bonds, four hundred and fifty dollars. For expenses of the legacy tax law: For salary of the attorney in charge, not exceeding, twenty-five hundred dollars. For salary of the other assistants, not exceeding, twelve hundred dollars. For other expenses, including printing, stationery, traveling expenses, fees of registers of probate for copies, incidentals, not exceeding in all, two thousand dollars.

For the adjutant-general's department, \$5,600, as follows: For salary of the adjutant-general, fifteen hundred dollars. For clerical expenses, eight hundred dollars. For incidentals, six hundred dollars. For printing blanks, eleven hundred dollars. For rifle ranges, thirteen hundred dollars. For officers' uniforms, thirty-five hundred dollars. For armories, (Concord, Manchester and Nashua), seven thousand dollars. For New Hampshire National Guard, forty thousand two hundred dollars. For military organizations, \$300, as follows: For Amoskeag Veterans, one hundred dollars. For Manchester War Veterans, one hundred dollars. For Lafayette Artillery Company, one hundred dollars.

Adjutant-general.

For insurance department, \$5,700, as follows: For salary of the commissioner, two thousand dollars. For clerical expenses, thirteen hundred dollars. For incidentals, seven hundred dollars. For printing report, thirteen hundred dollars. For printing blanks, four hundred dollars.

Insurance commissioner.

For supreme court department, \$25,350, as follows: For salaries of justices, twenty thousand two hundred dollars. For salary of clerk, five hundred dollars. For salary of the messenger, two hundred dollars. For examination of students, three hundred dollars. For incidentals, five hundred dollars. For justices' expenses, seven hundred dollars. For transportation, one hundred dollars. For salary of state reporter, eighteen hundred dollars. For printing of law report, ten hundred and fifty dollars.

Supreme court.

For superior court department, \$22,500, as follows: For salary of justices, twenty thousand two hundred dollars. For justices' expenses, nineteen hundred dollars. For incidentals, one hundred dollars. For transportation, three hundred dollars.

Superior court.

For attorney-general's department, \$3,360, as follows: For salary of attorney-general, twenty-five hundred dollars. For clerical expenses, two hundred dollars. For incidentals, three hundred dollars. For printing report, thirty dollars. For printing blanks, thirty dollars. For enforcing liquor laws, three hundred dollars.

Attorney-general.

For probate court department, \$9,900, as follows: For salaries of judges: Rockingham county, twelve hundred dollars. Strafford county, eight hundred dollars. Belknap county, six hundred dol-

Probate courts.

lars. Carroll county, seven hundred dollars. Merrimack county, twelve hundred dollars. Hillsborough county, two thousand dollars. Cheshire county, nine hundred dollars. Sullivan county, six hundred dollars. Grafton county, one thousand dollars. Coos county, nine hundred dollars. For salaries of registers of probate and deputies, \$11,000, as follows: Rockingham county, register, twelve hundred dollars; deputy, five hundred dollars. Strafford county, register, one thousand dollars. Belknap county, register, six hundred dollars. Carroll county, register, six hundred dollars. Merrimack county, register, twelve hundred dollars; deputy, five hundred dollars. Hillsborough county, register, fifteen hundred dollars; deputy, eight hundred dollars. Cheshire county, register, six hundred dollars. Sullivan county, register, six hundred dollars. Grafton county, register, one thousand dollars. Coos county, register, nine hundred dollars.

Bank com-
missioners.

For bank commissioners' department, \$12,000, as follows: For salaries of commissioners (3), seventy-five hundred dollars. For clerical expenses, one thousand dollars. For expenses of commissioners, including transportation and rent, twelve hundred dollars. For incidentals, printing report, printing blanks, and other expenses, twenty-three hundred dollars.

Railroad
commissioners.

For railroad commissioners' department, \$9,000, as follows: For salaries of railroad commissioners (3), sixty-seven hundred dollars. For salary of the clerk, three hundred dollars. For clerical expenses, stenographers, seven hundred dollars. For printing report and office rent, thirteen hundred dollars.

Fish and game
commissioners.

For fish and game commissioners' department, \$8,600, as follows: For salaries of commissioners (3), twenty-six hundred dollars. For general expenses, thirty-two hundred and thirty dollars. For personal expenses, thirteen hundred and fifty dollars. For detectives, one thousand dollars. For incidentals, one hundred and twenty-five dollars. For transportation, one hundred and eighty-five dollars. For printing, one hundred and ten dollars.

Board of
agriculture.

For board of agriculture department, \$7,800, as follows: For salary of secretary, fifteen hundred dollars. For clerical expenses, one thousand dollars. For incidentals, two hundred and fifty dollars. For printing blanks, two hundred and fifty dollars. For expenses of members of the board, three hundred dollars. For feeding-stuffs inspection, six hundred dollars. For fertilizer inspection, sixteen hundred dollars. For institutes and public meetings, twelve hundred dollars. For nursery inspection, three hundred dollars. For seed inspection, two hundred dollars. For printing report, six hundred dollars.

Immigration
commissioner.

For immigration department, \$3,000, as follows: For preparing and issuing publications, three thousand dollars.

For contagious diseases cattle commission, \$15,000, as follows: For animals destroyed, ten thousand dollars. For inspection, disinfection and appraisal, thirty-five hundred dollars. For services and expenses of the board, fifteen hundred dollars. For possible expenses in cases of epidemics, five thousand dollars.

Cattle com-
mission.

For soldiers' home, \$15,000, as follows: For maintenance, fifteen thousand dollars.

Soldiers'
home.

For public instruction department, \$9,150, as follows: For salary of superintendent, twenty-five hundred dollars. For salary of the clerk, one thousand dollars. For truant officer, chapter 61, Pamphlet Laws 1901, fifteen hundred dollars. For printing, incidentals, expenses of superintendent, transportation, twenty-six hundred and fifty dollars. For printing report, fifteen hundred dollars.

Public in-
struction.

For state library department, \$16,000, as follows: Maintenance of building, three thousand and fifty dollars. Salaries, fifty-eight hundred dollars. Books, periodicals and binding, five thousand dollars. Expense of trustees, one hundred and fifty dollars. Maintenance of library, two thousand dollars.

State library.

For state house, \$4,755, as follows: For salaries, twenty-two hundred and fifty dollars. For lighting, eight hundred dollars. For water, fifty-five dollars. For fuel, nine hundred and fifty dollars. For miscellaneous, seven hundred dollars.

State house.

For state hospital department, \$200,000, as follows: For the support of indigent, convict, twenty-year patients, and dependent insane, including salaries and wages of officers and employees, and library, two hundred thousand dollars.

State hospital.

For labor bureau department, \$3,125, as follows: For salary of the commissioner, fifteen hundred dollars. For salary of the clerk, nine hundred dollars. For incidentals, one hundred dollars. For printing blanks, twenty-five dollars. *For traveling expenses, two hundred dollars. For printing report, four hundred dollars.

Labor bureau.

For state board of health department, \$4,800, as follows: For salary of secretary, twenty-five hundred dollars. For salary of clerk, five hundred dollars. For incidentals, four hundred and fifty dollars. For printing blanks, one hundred dollars. For printing report, twelve hundred and fifty dollars.

Board of
health.

For state board of charities and correction department, \$3,500, as follows: For salary of secretary, twelve hundred dollars. For clerical expenses, eight hundred dollars. For incidentals, two hundred and fifty dollars. For printing blanks, sixty dollars. For rent, two hundred and forty dollars. For traveling expenses, five hundred dollars. For printing report, four hundred and fifty dollars.

Board of
charities and
correction.

For interest charges and matured bonds, \$97,937.55, as follows: Interest: For library loan bonds, ten thousand dollars. For Agricultural College loan, fifty-four hundred dollars. For hospi-

Interest
charges and
matured
bonds.

tal loan, first issue, fifty-two hundred and fifty dollars. For hospital loan, second issue, fifty-two hundred and fifty dollars. For hospital loan, new issue, twenty-nine hundred and seventy-five dollars. For sanatorium loan, seventeen hundred and fifty dollars. For Fiske legacy, ten hundred and fifty-five dollars and fourteen cents. For Kimball legacy, two hundred and seventy dollars and fourteen cents. For H. Smith fund, four hundred dollars. For Agricultural College fund, forty-eight hundred dollars. For institute fund, twenty-four hundred dollars. For Thompson fund, thirty-one thousand eight hundred and eighty-seven dollars and twenty-seven cents. For temporary loans, twenty-five hundred dollars. For state house bonds, fourteen thousand dollars. Bonds: For state hospital, due July 1, 1911, ten thousand dollars.

Industrial school.

For industrial school, \$35,100, as follows: For salaries, eight thousand dollars. For clerical expenses, one hundred dollars. For maintenance for [of] inmates, estimated at two hundred, at two dollars and fifty cents per week, twenty-six thousand dollars. For manual school training, new machinery, and better fire protection, one thousand dollars. (H. J. R. No. 4.)

Normal school.

For state normal school, \$25,355, as follows: For salaries of teachers and clerk, nineteen thousand dollars. For maintenance of plant and operation, five thousand dollars. For incidentals, one thousand dollars. For printing report, thirty dollars. For expenses of trustees, three hundred and twenty-five dollars.

State prison.

For state prison department, \$9,310, as follows: For warden's salary, two thousand dollars. For chaplain's salary, one thousand dollars. For prison library, two hundred dollars. For special repairs, fifteen hundred dollars. For deficit in running expenses, four thousand dollars. For printing report, one hundred and ten dollars. For salary to prison physician, five hundred dollars.

Lights and buoys.

For lights and buoys department, \$1,800, as follows: For Winnetoesaukee lake, lights and buoys, eleven hundred dollars. For Sunapee lake, lights and buoys, four hundred dollars. For Squam lake, three hundred dollars.

Deaf, dumb, and blind.

For deaf, dumb and blind department, \$16,000, as follows: For the support and education of the deaf, dumb and blind persons of the state, fifteen thousand eight hundred and fifty dollars. For the deaf mute mission, one hundred and fifty dollars.

Laboratory of hygiene.

For laboratory of hygiene department, \$6,000, as follows: For salaries of two chemists, twenty-seven hundred dollars. For two bacteriologists, eighteen hundred dollars. For incidentals, eleven hundred dollars. For printing blanks, Sanitary Bulletin, four hundred dollars.

Lunacy commission.

For commissioners of lunacy department, \$1,150, as follows: For clerical expenses, five hundred dollars. For incidentals, two hun-

dred dollars. For printing blanks, one hundred dollars. For printing report, three hundred and fifty dollars.

For state historian, \$4,300, as follows: For compensation, twelve hundred dollars. For clerical expenses, eight hundred dollars. For incidentals, including traveling expenses, two hundred and fifty dollars. For printing and binding one volume, two thousand dollars. For printing blanks, fifty dollars.

State
historian.

For commission of pharmacy department, \$820, as follows: For compensation, three hundred and seventy-five dollars. For incidentals and expenses, four hundred and five dollars. For printing blanks, twenty dollars. For printing report, twenty dollars.

Pharmacy
commission.

For public printing commission department, \$1,600, as follows: For clerical expenses, six hundred dollars. For incidentals, one hundred dollars. For printing blanks, fifty dollars. For purchase of paper stock, to be carried as "stock to be accounted for," eight hundred and fifty dollars.

Printing
commission.

For New Hampshire board of registration in dentistry, \$400, as follows: For compensation, one hundred and fifty dollars. For transportation, and hotel expenses, sixty dollars. For incidentals, one hundred and ninety dollars.

Dentistry
board.

For bounty on bears and grasshoppers, four hundred dollars.

For fireman's relief fund, two thousand dollars.

Sundry ap-
propriations.

For Granite State Dairymen's Association, \$700, as follows: For expenses, seven hundred dollars.

For New Hampshire Horticultural Society, \$500, as follows: For expenses, five hundred dollars.

For New Hampshire Historical Society, five hundred dollars (\$500).

For expenses of automobile department, \$1,200, as follows: For incidentals, fifty dollars. For printing blanks, one hundred and fifty dollars. For postage, express, and freight, four hundred dollars. For number plates, six hundred dollars.

For vital statistics department, \$2,800, as follows: For clerical expenses, sixteen hundred dollars. For printing report, twelve hundred dollars.

Vital
statistics.

For department of indexing, \$1,000, as follows: For salaries, one thousand dollars.

Sundry ap-
propriations.

For department of Grand Army of the Republic, \$300, as follows: For printing, three hundred dollars.

For Australian ballot, four thousand dollars (\$4,000).

For New Hampshire State Sanatorium, \$12,500, as follows: For maintenance, twelve thousand five hundred dollars.

For New Hampshire school for feeble-minded, \$35,300, as follows: For maintenance, including salaries, pay-roll, supplies, on a basis of one hundred and eighty pupils, besides employees, thirty-

School for
feeble-minded

five thousand one hundred dollars. For printing report, two hundred dollars.

Highways. For highway department, \$125,000, as follows: For highway department, to carry out provisions of chapter 35, Laws of 1905, and amendments thereto. This appropriation not being an addition to the appropriation of \$125,000, annually, of said chapter, but in place of the same.

State college. For New Hampshire College of Agriculture and Mechanic Arts, \$3,000, as follows: For providing free tuition for students in said college who are residents of New Hampshire, (section 12, chapter 11, Public Statutes) three thousand dollars.

Sundry appropriations. For auditor's department, salaries and expenses, eight thousand dollars.

For Dartmouth College, twenty thousand dollars (\$20,000).

For steamboat inspectors, one hundred and fifty dollars (\$150).

For medical referees, \$50, as follows: For printing, fifty dollars.

For Prisoners' Aid Association, twenty-five dollars, (\$25).

For forestry protection, eight thousand dollars (\$8,000).

For tuberculosis dispensaries, (House Bill 619), five hundred dollars (\$500).

For tax commission department, eight thousand dollars (\$8,000).

For normal school at Keene, twelve thousand dollars, (\$12,000).

Schools. For schools, \$80,000, as follows: For rebate tuition, for supervision, for equalization, under House Bill 209. All money appropriated by this clause, relating to schools shall be expended under the supervision of the governor and council.

Legislative expense. For the expense of legislature, including transportation, January session, 1911, one hundred and thirty-five thousand dollars.

Appropriations herein for auditor's department—tax commission—Dartmouth College—forestry protection—tuberculosis dispensaries—suppression of gypsy and brown-tail moths, and other specials, are not in addition thereto, but in place thereof.

Takes effect June 1, 1909. SECT. 2. This act shall take effect June 1, 1909.

[Approved April 9, 1909.]

CHAPTER 170.

JOINT RESOLUTION FOR DEFRAYING NECESSARY EXPENSES OF THE
OBSERVANCE OF THE LINCOLN CENTENARY.

Appropriation of \$300.

*Resolved by the Senate and House of Representatives in General
Court convened:*

That the sum of three hundred dollars be and hereby is appropriated for the purpose of defraying the necessary expenses of the observance of the Lincoln Centenary; so much of said sum as may be necessary for said purpose to be expended under the direction of the joint committee on Lincoln Centenary; and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

Appropriation
of \$300.

[Approved February 10, 1909.]

CHAPTER 171.

JOINT RESOLUTION APPROPRIATING MONEY TO AID DARTMOUTH COLLEGE
IN THE EDUCATION OF NEW HAMPSHIRE STUDENTS.

Appropriation of \$20,000.

*Resolved by the Senate and House of Representatives in General
Court convened:*

That in recognition of the eminent service rendered by Dartmouth College in the cause of higher education and for the general advancement of learning, the sum of twenty thousand dollars shall be appropriated and paid out of the state treasury to the trustees of Dartmouth College, on the warrant of the governor, on the first day of September each year for a period of two years next after the passage of this resolution, for use by said college in its educational work.

Appropriation
of \$20,000.

[Approved February 17, 1909.]

CHAPTER 172.

JOINT RESOLUTION IN FAVOR OF JOHN K. LAW AND OTHERS.

Allowances to sundry persons.

Resolved by the Senate and House of Representatives in General Court convened:

Allowances to sundry persons.

That John K. Law be paid the sum of \$29.20; William E. Thayer, \$13.60; George H. Brigham, \$19.60; Porter Crane, \$13.50; James H. Brown, \$36.66; Richard P. Burke, \$21.60; Frank A. Willey, \$25.70; Harry J. A. Robinson, \$25.36; William H. Weston, \$13.20, for their services, rendered at the organization of the present senate and house of representatives; and that his excellency, the governor, be, and hereby is, authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved February 17, 1909.]

CHAPTER 173.

JOINT RESOLUTION IN REFERENCE TO A TAX ON LEGACIES AND INHERITANCES.

Preamble; federal inheritance tax opposed.

Resolved by the Senate and House of Representatives in General Court convened:

Preamble.

That Whereas the several states are now, in some form, imposing a tax on legacies and inheritances and can easily use all the revenue to be drawn from that source, and,

Whereas, the federal government can readily raise additional revenue from other sources, therefore,

Federal inheritance tax opposed.

Be it resolved by the general court that the taxation of inheritances, in such form as may seem expedient by the legislative power, should be reserved to the several states as a source of revenue for their exclusive use and benefit.

Resolved that the secretary of state forward a copy of this resolution to our senators and representatives in congress.

[Approved March 10, 1909.]

CHAPTER 174.

JOINT RESOLUTION IN FAVOR OF JOHN COUGHLIN, LATE LIEUTENANT-COLONEL OF THE TENTH REGIMENT OF NEW HAMPSHIRE VOLUNTEERS, PAYING HIM THREE HUNDRED AND FIVE AND FIFTY-EIGHT ONE-HUNDREDTHS DOLLARS.

Appropriation of \$305.58.

Resolved by the Senate and House of Representatives in General Court convened:

That there be appropriated and the sum of three hundred and five and fifty-eight one-hundredths (\$305.58) dollars hereby is appropriated to John Coughlin, who was lieutenant-colonel of the Tenth Regiment of New Hampshire Volunteers from 1862 to 1865; and that said sum be paid to him, the same being his pay and allowances as said lieutenant-colonel from the day of his commission to the day of his muster into the service of the United States of America, to wit: from July 17, 1862, to September 5, 1862, said sum having been paid to the state of New Hampshire by the United States of America but never paid by the state to said Coughlin; and that the governor be and hereby is authorized to draw his warrant for the payment of the same out of any money in the treasury not otherwise appropriated; and that this joint resolution shall take effect upon its passage.

Appropriation
of \$305.58.

[Approved March 10, 1909.]

CHAPTER 175.

JOINT RESOLUTION TO PROVIDE FOR TAKING THE SENSE OF THE QUALIFIED VOTERS OF THE STATE AS TO THE EXPEDIENCY OF CALLING A CONSTITUTIONAL CONVENTION.

SECTION

1. Warrants for election in November, 1910, to contain article on question.

SECTION

2. Question of calling convention to be printed on ballots.
3. Return of votes on question.

Resolved by the Senate and House of Representatives in General Court convened:

SECTION 1. That the selectmen of the several towns and places in this state are directed to insert in their warrants calling town meetings for the biennial election to be holden on the Tuesday next following the first Monday in November, 1910, an article which

Article in
warrants for
election in
November,
1910.

shall require the sense of the qualified voters to be taken on the following question; namely, Is it expedient that a convention be called to revise the constitution?

Question to be printed on ballots.

SECT. 2. The secretary of state, in the preparation of the ballots for use in the biennial election in November, 1910, shall have printed on the ballots the following question: Is it expedient that a convention be called to revise the constitution? and so arrange the form of the ballots that the sense of the voters may be taken on this question.

Return of votes.

SECT. 3. The town clerks of the several towns and wards in this state shall, within thirty days after said biennial election, make return to the secretary of state of the number of votes cast for, and also of the number of votes cast against, the calling of a convention to revise the constitution.

[Approved March 10, 1909.]

CHAPTER 176.

JOINT RESOLUTION PROVIDING FOR THE STATE'S CARRYING ITS OWN INSURANCE AND AUTHORIZING THE GOVERNOR AND COUNCIL TO EXPEND FUNDS IN EMERGENCIES AND PROVIDING FOR TEMPORARY LOANS.

SECTION

1. No fire insurance of state property.
2. Repairs, etc., of property damaged by fire.

SECTION

3. State loan authorized.
4. Takes effect on passage.

Preamble.

WHEREAS, insurance against loss by fire and other casualties is intended to distribute the burden thereof amongst all policy-holders; and,

WHEREAS, any such loss of property owned by the state, if not insured, will be ratably distributed among all taxpayers in the state, and if necessary can be met temporarily by raising funds upon the credit of the state; and,

WHEREAS, insurance of state property involves large annual expense without corresponding benefit to the state, therefore be it

Resolved by the Senate and House of Representatives in General Court convened:

No fire insurance of state property.

SECTION 1. That the funds of the state or any department or institution thereof shall not be used for providing for insurance of property owned by the state against loss by fire or other casualty; *provided*, that steam-boiler insurance, in connection

with inspection, may be provided in such cases as may be approved by the governor and council.

SECT. 2. That in case of emergency occasioned by the partial or total destruction by fire or otherwise of any building or other property belonging to the state or used by any state department, the governor with the consent of the council may provide by contract for such repairs, such new building, or such temporary accommodation as he may deem necessary to replace those destroyed and may draw his warrants in payment for the same from any money in the treasury not otherwise appropriated.

Repairs, etc.,
of property
damaged by
fire.

SECT. 3. In case there shall not be sufficient funds in the treasury available for payment of warrants so drawn, then the treasurer, under the direction of the governor and council, is hereby authorized to borrow on the state's credit for a period of not more than five years, at the lowest rate of interest obtainable, not exceeding six per cent. per annum, such sums as may be necessary for the purposes aforesaid.

State loan
authorized.

SECT. 4. This joint resolution shall take effect upon its passage.
[Approved March 10, 1909.]

Takes effect
on passage;

—————

CHAPTER 177.

JOINT RESOLUTION IN FAVOR OF PLACING BUOYS AND REMOVING OBSTRUCTIONS TO NAVIGATION IN THE CONNECTICUT RIVER.

Appropriation of \$100.

Resolved by the Senate and House of Representatives in General Court convened:

That a sum not exceeding one hundred dollars be and hereby is appropriated for the purpose of placing buoys and removing obstructions to navigation in the Connecticut river between the towns of Charlestown and Walpole, and said sum to be expended by an agent or agents appointed by the governor with the consent of the council, and the governor is hereby authorized to draw his warrant for the same out of any money not otherwise appropriated.

Appropriation
of \$100.

[Approved March 10, 1909.]

CHAPTER 178.

JOINT RESOLUTION IN FAVOR OF REIMBURSING MARK A. KEARNS FOR EXPENSES INCURRED IN DEFENDING HIS RIGHT TO A SEAT IN THIS HOUSE.

Allowance of \$21.60.

Resolved by the Senate and House of Representatives in General Court convened:

Allowance
of \$21.60.

That the sum of twenty-one and sixty one-hundredths dollars, be allowed Mark A. Kearns, representative of ward five, Somersworth, for expenses incurred in defending his right to a seat in this house, at a recount held on the thirtieth day of November last, at the office of secretary state.

[Approved March 10, 1909.]

 CHAPTER 179.

JOINT RESOLUTION PROVIDING A FISH SCREEN AT OUTLET OF SQUAM LAKE.

Appropriation of \$200.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation
of \$200.

That the sum of two hundred dollars be and the same is hereby appropriated for the construction of a fish screen at the outlet of Squam lake in Ashland, the same to be expended under the direction of the fish and game commissioners in accordance with existing law; and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved March 10, 1909.]

CHAPTER 180.

JOINT RESOLUTION FOR THE BUILDING OF A FISH SCREEN AT THE OUTLET OF BABOOSIC LAKE.

Appropriation of \$200.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of two hundred dollars be and the same is hereby appropriated for the building of a fish screen at the outlet of Baboosic lake, said lake being partly in the town of Amberst and partly in Merrimack, the same to be expended under the direction of the fish and game commissioners in accordance with existing law, and the governor is hereby authorized to draw his warrant for the same out of any moneys not otherwise appropriated. Appropriation of \$200.

[Approved March 17, 1909.]

CHAPTER 181.

JOINT RESOLUTION IN FAVOR OF THOMAS F. RIORDAN.

Allowance of \$75.

Resolved by the Senate and House of Representatives in General Court convened:

That Thomas F. Riordan, representative from ward five, Manchester, in the general court of 1907-08, be allowed the sum of seventy-five dollars (\$75) for expenses incurred in maintaining his right to his seat in the house of representatives, a clerical error having deprived him of such allowance in the act approved April 5, 1907; and that his excellency the governor be, and hereby is, authorized to draw his warrant for the payment of the same out of any money in the treasury not otherwise appropriated. Allowance of \$75.

[Approved March 17, 1909.]

CHAPTER 182.

JOINT RESOLUTION FOR REPAIRING AND MAINTAINING CERTAIN HIGHWAYS.

SECTION

- 1. Pinkham Notch road, \$400.
- 2. Sugar Loaf road, \$200.
- 3. Woodstock and Warren road, \$450.

SECTION

- 4. Mount Crotchet road, \$100.
- 5. Appropriations charge upon permanent improvement fund.

Resolved by the Senate and House of Representatives in General Court convened:

Pinkham Notch road, \$400.

SECTION 1. That the sum of four hundred dollars is hereby appropriated for the improvement and maintenance of that part of the Pinkham Notch road which lies in the town of Jackson.

Sugar Loaf road, \$200.

SECT. 2. The sum of two hundred dollars is hereby appropriated for the improvement and maintenance of the Sugar Loaf road, so called, in the town of Alexandria, between the towns of Bristol and Hebron.

Woodstock and Warren road, \$450.

SECT. 3. That the sum of three hundred dollars is hereby appropriated for the improvement and maintenance of that part of the Woodstock and Warren road in the town of Woodstock, and one hundred and fifty dollars for that part of said road situated in the town of Warren.

Mount Crotchet road, \$100.

SECT. 4. That the sum of one hundred dollars is hereby appropriated for the improvement and maintenance of the Mount Crotchet road in the town of Francestown.

Charged to permanent improvement.

SECT. 5. The appropriations of sections 1, 2, 3 and 4 shall be a charge upon the appropriation for the permanent improvement of highways, made by section 10, chapter 35, Laws of 1905, and the governor may appoint an agent or agents to expend said sums.

[Approved March 23, 1909.]

CHAPTER 183.

JOINT RESOLUTION PROVIDING FUNDS FOR THE SUPPRESSION OF THE
GYPSY AND BROWN-TAIL MOTHS.

Appropriation of \$25,000.

*Resolved by the Senate and House of Representatives in General
Court convened:*

That for the continuance of the work of the suppression of
gypsy and brown-tail moths as provided for by chapter 147 Laws
of 1907 there is hereby appropriated from any money in the treas-
ury not otherwise appropriated the sum of twenty-five thousand
dollars, the same to be paid from the treasury on the warrant of
the governor, and expended under the direction of the governor and
council.

Appropriation
of \$25,000.

[Approved March 30, 1909.]

CHAPTER 184.

JOINT RESOLUTION PROVIDING FOR A SCREEN AT THE OUTLET OF FOREST
LAKE, IN THE TOWN OF WINCHESTER.

Appropriation of \$150.

*Resolved by the Senate and House of Representatives in General
Court convened:*

That the sum of one hundred and fifty dollars (\$150) be, and
hereby is appropriated, for building a suitable screen at the outlet
of Forest lake in the town of Winchester, to be expended under the
direction of the fish and game commissioners, with the approval of
the governor and council, and the governor is authorized to draw
his warrant for the above amount out of any money in the treasury
not otherwise appropriated.

Appropriation
of \$150.

[Approved March 30, 1909.]

CHAPTER 185.

JOINT RESOLUTION IN FAVOR OF THE BASIN BRIDGE SO-CALLED IN TUF-
TONBORO, AND OPENING THE CHANNEL UNDER SAID BRIDGE.

Appropriation of \$100.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation
of \$100.

That a sum not exceeding one hundred dollars be and hereby is appropriated for the purpose of removing the obstructions in the channel at Basin Bridge so called in Tuftonboro, near Mirror Lake post-office. Said sum to be expended under the direction of an agent appointed by the governor with the advice of his council, and the governor is hereby authorized to draw his warrant therefor out of any money in the treasury not otherwise appropriated.

[Approved April 6, 1909.]

 CHAPTER 186.

JOINT RESOLUTION IN FAVOR OF JOHN B. GOCHA, OF GOSHEN, FOR NECES-
SARY EXPENSES INCURRED BY HIM IN MAINTAINING HIS RIGHT TO A
SEAT IN THIS HOUSE.

Appropriation of \$7.

*Resolved by the Senate and House of Representatives in General
Court convened:*

Appropriation
of \$7.

That the sum of seven dollars be and hereby is appropriated to reimburse John B. Gocha, of Goshen, for necessary expenses incurred by him in maintaining his right to a seat in this house, and that the governor be and hereby is authorized to draw his warrant for said sum, out of any money in the treasury not otherwise appropriated.

[Approved April 6, 1909.]

CHAPTER 187.

JOINT RESOLUTION IN FAVOR OF JOHN F. EMERY.

Allowance of \$219.65.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of two hundred and nineteen dollars and sixty-five cents (\$219.65) be and the same is hereby allowed to the Hon. John F. Emery for expense incurred in maintaining a right to a seat in the honorable senate, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

Allowance
of \$219.65.

[Approved April 6, 1909.]

CHAPTER 188.

JOINT RESOLUTION FOR AN APPROPRIATION FOR THE PURPOSE OF PLACING AND MAINTAINING SUITABLE LIGHTS, AND FOR THE PRESERVATION AND CARE OF THE APPROACHES TO ENDICOTT ROCK, IN LAKE WINNIPESAUKEE, AND FOR THE NECESSARY REPAIRS TO THE BRIDGE CONNECTING SAID ROCK WITH THE SHORE.

Appropriation of \$300.

Resolved by the Senate and House of Representatives in General Court convened:

That a sum of money not exceeding three hundred dollars be and the same is hereby appropriated for the purpose of placing and maintaining suitable lights and for the preservation and care of the approaches to Endicott Rock, in Lake Winnepesaukee, and for the necessary repairs to the bridge connecting said rock with the shore; said sum to be expended under the direction of the governor and council, and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Appropriation
of \$300.

[Approved April 8, 1909.]

CHAPTER 189.

JOINT RESOLUTION APPOINTING A COMMISSION TO INVESTIGATE AND REPORT ON THE SUBJECT OF ESTABLISHING A DAM ON THE PISCATAQUA RIVER.

Commission provided for.

Resolved by the Senate and House of Representatives in General Court convened:

Commission provided for.

That the governor and council shall appoint a commission consisting of three citizens of this state who shall investigate the question of constructing a dam on the Piscataqua river, or some arm thereof; to ascertain the most favorable location for such dam, and to submit a report, without delay, to the governor and council concerning the effect of the same, its probable cost, and such recommendation as they may suggest; and to this end they may incur expense to the amount of five hundred dollars, but no more. The members of said commission shall receive no pay for their services. This joint resolution shall take effect upon its passage.

[Approved April 8, 1909.]

CHAPTER 190.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE SOLDIERS' HOME.

Appropriation of \$15,000.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation of \$15,000.

That the sum of fifteen thousand dollars (\$15,000) is hereby appropriated out of any money not otherwise appropriated, for the support and maintenance of the New Hampshire Soldiers' Home and the members thereof from the first day of January, 1909 to the thirty-first day of August, 1909, and for the carrying out of necessary repairs, in addition to such sums as the state may be entitled to receive from the general government in aid of the support of disabled soldiers and sailors during or for said period, and which the state treasurer is hereby authorized to receive and receipt for. The sums so appropriated shall be known as the Soldiers'

Home Fund, and shall be subject to the order of the state board of managers, and be drawn upon orders signed by the secretary and countersigned by the governor as provided in the act establishing said home.

[Approved April 9, 1909.]

CHAPTER 191.

JOINT RESOLUTION APPROPRIATING MONEY TO RECONSTRUCT AND REPAIR
THE HIGHWAY LEADING FROM EPPING TO BRENTWOOD AND KINGSTON.

Appropriation of \$2,000; charge upon permanent improvement fund.

*Resolved by the Senate and House of Representatives in General
Court convened:*

That the sum of two thousand dollars be and is hereby appropriated upon condition that the towns of Brentwood and Epping appropriate a like amount, to reconstruct, drain, grade, surface, and repair that portion of the highway leading from Epping Corner to Kingston that lies between the highway crossing of the Portsmouth and Concord and the Nashua and Rochester divisions of the Boston & Maine Railroad in the town of Epping and Brentwood Corner in the town of Brentwood; and that the governor be authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated. This appropriation shall be a charge upon the appropriation for the permanent improvement of highways made by section 10, chapter 35, Laws of 1905.

Appropriation
of \$2,000;
charged to
permanent
improvement.

[Approved April 9, 1909.]

CHAPTER 192.

JOINT RESOLUTION FOR DESIGNATED HIGHWAYS.

SECTION	SECTION
1. Springfield town road, \$500.	4. Appropriations charge upon permanent improvement fund.
2. Effingham and Ossipee Center road, \$1,000.	5. Takes effect on passage.
3. Bay Point road in Newbury, \$200.	

Resolved by the Senate and House of Representatives in General Court convened:

Springfield town road, \$500.

SECTION 1. The sum of five hundred dollars is hereby appropriated for the improvement and maintenance of the town road in Springfield beginning on the Stony Brook road, so called, where the same intersects the George's Mills road; thence passing Baptist pond and the residences of Fabens and Phelps to the corner of Clough's hill; thence westerly and northerly to the road leading from West Springfield to Grantham; and also that part of Stony Brook road which lies between Baptist pond and Croydon town line.

Effingham and Ossipee Center road, \$1,000.

SECT. 2. The sum of one thousand dollars is hereby appropriated for the improvement and maintenance of the main road between Effingham and Ossipee Center, extending from the town line between the towns of Effingham and Ossipee southwesterly about three and one quarter miles to the point where said road intersects the Ossipee and Conway road.

Bay Point road in Newbury, \$200.

SECT. 3. The sum of two hundred dollars is hereby appropriated to aid the town of Newbury in completing the highway running to Bay Point, so called.

Charged to permanent improvement.

SECT. 4. The appropriations of sections 1, 2 and 3 shall be a charge upon the appropriation for the permanent improvement of highways, made by section 10, chapter 35, Laws of 1905, and shall be expended under the direction of the governor and council upon such part or parts of the prescribed highways as they may designate.

Takes effect on passage.

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

[Approved April 9, 1909.]

CHAPTER 193.

JOINT RESOLUTION TO PROVIDE FURNISHINGS, EQUIPMENT AND IMPROVEMENTS AT THE STATE SANATORIUM FOR CONSUMPTIVES.

SECTION

1. Appropriation of \$32,000.

SECTION

2. Disbursement of fund.

Resolved by the Senate and House of Representatives in General Court convened:

SECTION 1. That the sum of twenty-two thousand dollars for the year ending August 31, 1909, and ten thousand dollars for the year ending August 31, 1910, be and the same is hereby appropriated for the purpose of providing furnishings, equipment and improvements at the State Sanatorium for Consumptives, the principal items of which are as follows: Constructing cesspool and filter beds and laying sewer; grading; constructing laundry building and providing for machinery, fixtures and motors for same; construction of central heating plant, including boilers, furniture and fixtures; constructing new ward building, including heating and plumbing; household furniture and supplies for administration and ward buildings; repairs on farm buildings; power-house and electric plant and distribution lines; stock, wagons, tools, furnishings and supplies for farm buildings; and other incidental expenses connected with the foregoing.

Appropriation of \$32,000.

SECT. 2. Said sum shall be expended under the direction of the trustees of the State Sanatorium for Consumptives, and the governor is hereby authorized to draw his warrant for the same, for the purposes aforesaid, out of any money in the treasury not otherwise appropriated.

Disbursement of fund.

[Approved April 9, 1909.]

CHAPTER 194.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE STATE NORMAL SCHOOL.

Appropriation of \$8,000 for boiler-house and coal pockets.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of eight thousand dollars be and hereby is appropriated for the erection of a building to house the present boilers and heating plant now housed in the basement of the State Normal

Appropriation of \$8,000.

School building and for the construction of coal pockets, such sum to be expended under the direction of the governor and council and the governor is hereby authorized to draw his warrant for the same upon any money in the treasury not otherwise appropriated.

[Approved April 9, 1909.]

CHAPTER 195.

JOINT RESOLUTION APPROPRIATING MONEY TO REPAIR AND IMPROVE THE SUPREME COURT ROOM IN THE STATE LIBRARY BUILDING.

Appropriation of \$1,000.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation
of \$1,000.

That the sum of one thousand dollars, or so much thereof as may be necessary for the purposes herein specified, be and hereby is appropriated for the purpose of repairing and renovating the supreme court room in the state library building, improving and correcting the acoustic faults thereof and making it easier for persons to transact business with the court, to be expended therefor in the discretion of the justices of the supreme court, and that the governor be authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved April 9, 1909.]

CHAPTER 196.

JOINT RESOLUTION IN FAVOR OF REIMBURSING PATRICK J. FLAHERTY, IRA W. DICKEY, NORBERT LAFOND AND HARRY A. LEE FOR EXPENSES INCURRED IN DEFENDING THEIR RIGHT TO SEATS IN THIS HOUSE.

Allowance of \$10.70 to each.

Resolved by the Senate and House of Representatives in General Court convened:

Allowance of
\$10.70 to each.

That the sum of ten (\$10) and seventy one-hundredths dollars each be allowed Patrick J. Flaherty, Ira W. Dickey, Norbert Lafond and Harry A. Lee, representatives of ward ten, Manchester, for

expenses incurred in defending their right to seats in this house, at a recount held on the twenty-fourth day of December, 1908, at the office of the secretary of state.

[Approved April 9, 1909.]

CHAPTER 197.

JOINT RESOLUTION IN FAVOR OF SCREENING THE OUTLET OF PATRIDGE LAKE.

Construction directed; appropriation of \$500.

Resolved by the Senate and House of Representatives in General Court convened:

That the fish commissioners be and hereby are instructed to construct suitable screens at the outlet of Patridge lake, in the towns of Littleton and Lyman, to prevent the egress of fish from said waters, and that the sum of \$500 be and the same is hereby appropriated for that purpose, and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Construction directed; appropriation of \$500.

[Approved April 9, 1909.]

CHAPTER 198.

JOINT RESOLUTION APPROPRIATING TWO HUNDRED DOLLARS FOR AN EXHIBIT AT THE NEW ENGLAND FRUIT SHOW.

Appropriation of \$200.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of two hundred dollars is hereby appropriated to the New Hampshire Horticultural Society to be expended in collecting and installing an exhibit of New Hampshire fruits at the New England Fruit Show to be held in Boston, Mass. October 1909 under the joint auspices of the horticultural societies and the boards of agriculture of the New England states, and the governor is authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated. Said appropriation is to

Appropriation of \$200.

be immediately available. The treasurer of the New Hampshire Horticultural Society shall make an itemized report to the governor and council of the expenditure of funds hereby appropriated, on or before January 1, 1910.

[Approved April 9, 1909.]

CHAPTER 199.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE SCHOOL FOR FEEBLE-MINDED CHILDREN.

Appropriation of \$3,000 for furnishing new dormitory.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation
of \$3,000.

That the sum of three thousand dollars (\$3,000) be and hereby is appropriated for furniture and furnishings of the new dormitory at the New Hampshire School for Feeble-Minded. The governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated. This joint resolution to take effect on its passage.

[Approved April 9, 1909.]

CHAPTER 200.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE SCHOOL FOR FEEBLE-MINDED CHILDREN.

Appropriations for sundry purposes.

Resolved by the Senate and House of Representatives in General Court convened:

Appropriations
for sundry
purposes.

That the sum of twenty-five thousand dollars be and hereby is appropriated for the erection and furnishings of a building for kitchen, dining-room and dormitory purposes; that twelve thousand dollars (\$12,000) be appropriated for the erection and equipment of a laundry; that sixteen hundred dollars (\$1,600) be appropriated for a new boiler; that the sum of twenty-five hundred dollars (\$2,500) be appropriated for the purchase and laying of twenty-five hundred feet of six-inch pipe; and that the sum of nine hundred

dollars (\$900) be appropriated to remodel a house upon the premises for hospital purposes. Of the total sum appropriated twelve thousand dollars (\$12,000) is for the year ending August 31, 1909, and the balance for the year ending August 31, 1910. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

[Approved April 9, 1909.]

CHAPTER 201.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE SCHOOL FOR FEEBLE-MINDED CHILDREN.

Appropriation of \$16,000 for support and maintenance.

Resolved by the Senate and House of Representatives in General Court convened:

That a sum not exceeding sixteen thousand dollars (\$16,000) be and hereby is appropriated for the support and maintenance of the New Hampshire School for Feeble-Minded Children for the year ending August 31, 1909. The governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

Appropriation
of \$16,000.

[Approved April 9, 1909.]

CHAPTER 202.

JOINT RESOLUTION IN FAVOR OF THE INDUSTRIAL SCHOOL.

Appropriation of \$5,000.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of five thousand dollars be and the same is hereby appropriated to the Industrial School for the purpose of establishing and maintaining until January 1, 1911, a school for manual training in said Industrial School; for the purpose of improving the apparatus for protection against fire; for the purpose of purchasing new machinery for the laundry and other necessary improvements and repairs in and about the buildings of said Industrial School.

Appropriation
of \$5,000.

Said sum to be expended by the trustees of said Industrial School. The governor is hereby authorized to draw his warrant for the said sum out of any money in the treasury not otherwise appropriated.

[Approved April 9, 1909.]

CHAPTER 203.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE COLLEGE OF AGRICULTURE AND THE MECHANIC ARTS, AUTHORIZING THE ACCEPTANCE BY THE STATE OF FEDERAL APPROPRIATIONS MADE UNDER THE TERMS OF THE "ADAMS ACT."

Acceptance of federal appropriation authorized.

Resolved by the Senate and House of Representatives in General Court convened:

Acceptance of
federal
appropriation
authorized.

That by an act of congress, approved March 16, 1906, known as the "Adams act," appropriations were made to the several states and territories for the more complete endowment of experimental stations now established, or which may be hereafter established, in accordance with the act of congress, approved March 2, 1887. By the terms of section 2 of said act the grants of money authorized by said act are made subject to legislative assent of the several states and territories to the purpose of said grant.

Therefore be it resolved that the assent of the legislature of New Hampshire be and hereby is given to the acceptance by the State of New Hampshire of the grants of money authorized under the terms of said act, and that the said grant of money so received shall be spent under the direction of the board of trustees of the New Hampshire College of Agriculture and the Mechanic Arts for the benefit of the New Hampshire Experiment Station, in accordance with the terms of said act of congress.

[Approved April 9, 1909.]

CHAPTER 204.

JOINT RESOLUTION TO APPROPRIATE THE SUM OF TWENTY-FIVE DOLLARS FOR SCREENING THE OUTLET OF SILVER LAKE IN THE TOWN OF MADISON.

Appropriation of \$25.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of twenty-five (\$25) dollars be and the same is hereby appropriated and placed at the disposal of the fish and game commissioners for the purpose of screening the outlet of Silver lake in the town of Madison; and the governor is hereby authorized to draw his warrant for the same upon any money in the treasury not otherwise appropriated. Appropriation of \$25.

[Approved April 9, 1909.]

 CHAPTER 205.

JOINT RESOLUTION IN FAVOR OF THE COMMITTEE APPOINTED TO GATHER AND ARRANGE PORTRAITS OF SONS OF NEW HAMPSHIRE, WHO RENDERED GALLANT SERVICES IN THE WAR OF THE REBELLION.

Appropriation of \$250 for expenses.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of two hundred and fifty dollars be and is hereby appropriated for the purpose of defraying the necessary expenses of the joint special committee appointed to gather, arrange and prepare for permanent exhibition, the portraits of the distinguished sons of New Hampshire who rendered gallant and meritorious services in the War of the Rebellion; the same to be expended under the direction of the governor and council; and the governor is authorized to draw his warrant for the same. Appropriation of \$250.

[Approved April 9, 1909.]

CHAPTER 206.

JOINT RESOLUTION IN FAVOR OF CHARLES B. GOODWIN OF MASON.

Payment of \$100 and mileage directed.

*Resolved by the Senate and House of Representatives in General Court convened:*Payment
directed.

That the state treasurer be and hereby is authorized and directed to pay to Charles B. Goodwin of Mason, the sum of one hundred dollars for salary due him as a member of this house in the year 1903, and also full mileage for said session of 1903.

[Approved April 9, 1909.]

CHAPTER 207.

JOINT RESOLUTION APPROPRIATING MONEY FOR THE BENEFIT OF NEW HAMPSHIRE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

Appropriation of \$36,000.

*Resolved by the Senate and House of Representatives in General Court convened:*Appropriation
of \$36,000.

That the sum of thirty-six thousand dollars is hereby appropriated for the New Hampshire College of Agriculture and Mechanic Arts and the governor is authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated. Said appropriation to be used for the following purposes: Ten thousand dollars (\$10,000) for the running expenses of the college for the ensuing year. Eight thousand dollars (\$8,000) for the erection, completion and equipment of a dairy building. Eight thousand dollars (\$8,000) to be used toward the construction and improvement of the sewerage and water supplies for said college. The balance thereof for grading, repair of buildings and improvement of the athletic field and the purchase of a new dynamo and for stock and improvements in the agricultural department.

[Approved April 9, 1909.]

CHAPTER 208.

JOINT RESOLUTION TO PROVIDE PAY FOR ENLISTED MEN OF SECOND REGIMENT AND HOSPITAL CORPS OF NEW HAMPSHIRE NATIONAL GUARD, WHO PARTICIPATED IN JOINT MANŒUVERS AT PINE CAMP, N. Y., JUNE 26 TO JULY 5, 1908.

SECTION

1. Appropriation of \$7,762.60.

SECTION

2. Payment by governor directed.

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of seven thousand, seven hundred sixty-two and sixty one-hundredths dollars, be and is hereby appropriated to pay to each enlisted man of the Second Regiment and to each member of the hospital corps of the New Hampshire National Guard, who participated in the joint manœuvres with the United States Army at Pine Camp, New York, the twenty-sixth of June to the fifth of July, one thousand nine hundred and eight, the difference between the amount of pay for each day's services paid by the United States, and the amount of pay that would accrue to each enlisted man of said regiment and to each member of said hospital corps, at the rate of pay per diem prescribed in section 98 of chapter 59 of the session Laws of 1895, as amended by section 2 of chapter 135 of the session Laws of 1903, *provided* that there shall be deducted from said difference in pay twenty-five cents per day for subsistence for eight days at Pine Camp, and forty cents per day for two days' subsistence while *en route* to and from Pine Camp; and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

Appropriation
of \$7,762.60.

SECT. 2. The governor is hereby directed to cause the payment of the amount provided in section 1, through the proper military channels.

Payment
directed.

[Approved April 9, 1909.]

CHAPTER 209.

JOINT RESOLUTION FOR THE REPAIR OF A SECTION OF THE MAIN HIGHWAY FROM MANCHESTER, N. H., TO HAVERHILL, MASS., LYING IN THE SOUTHWEST CORNER OF THE TOWN OF PLAISTOW.

Preamble: appropriation of \$500.

Preamble.

WHEREAS the main highway running from Manchester, N. H. to Haverhill, Mass. is in need of repairs in that section running through the southwest corner of the town of Plaistow; and

WHEREAS the highway in each direction therefrom, *viz.* to Atkinson Depot and Haverhill, Mass., is macadam road; and

WHEREAS the repair of said section in the town of Plaistow would give the state a continuous good road from Manchester to Haverhill, therefore

Resolved by the Senate and House of Representatives in General Court convened:

Appropriation
of \$500.

That the sum of five hundred dollars (\$500) be and the same hereby is appropriated for the repair of that section of said main highway lying in the southwest corner of the town of Plaistow, the same to be expended under the direction of the governor and council, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated. The appropriation of this joint resolution shall be a charge upon the appropriation for the permanent improvement of highways, made by section 10, chapter 35, Laws of 1905. This act shall take effect upon its passage.

[Approved April 9, 1909.]

 CHAPTER 210.

JOINT RESOLUTION IN FAVOR OF RAISING LONG ISLAND BRIDGE CONNECTING LONG ISLAND AND THE "NECK" SO CALLED, AND KNOWN AS "LONG ISLAND" BRIDGE IN MOULTONBOROUGH, FOR THE PURPOSE OF IMPROVING NAVIGATION IN LAKE WINNIPESAUKEE.

Preamble: appropriation of \$3,000.

Preamble.

WHEREAS, the highway bridge across the waters of Lake Winnepesaukee and connecting Long Island with the "Neck," so called, and known as Long Island bridge, as now maintained is an obstruction to the complete and proper navigation of said lake, and is a

great inconvenience to the hundreds of power boats and their owners on said lake during the summer season, and

WHEREAS, the navigation of said waters can be greatly facilitated by the raising of said bridge to such a height as will allow the passing of power boats under said bridge; now therefore, be it

Resolved by the Senate and House of Representatives in General Court convened:

That the sum of three thousand dollars be and the same is hereby appropriated for the purpose of raising said Long Island bridge not less than six feet nor more than ten, and suitably grading the approaches to the same and otherwise improving the navigation at and near the channel under said bridge; said sum to be expended under the direction of the governor and council, and the governor is hereby authorized to draw his warrant for the same out of any money not otherwise appropriated.

Appropriation
of \$3,000.

[Approved April 9, 1909.]

CHAPTER 211.

JOINT RESOLUTION IN FAVOR OF ALBERT P. DAVIS AND OTHERS.

Allowances to sundry persons.

Resolved by the Senate and House of Representatives in General Court convened:

That Albert P. Davis and William W. Critchett be allowed the sum of \$380; that Rev. David Fraser, George A. Rainville, Walter J. A. Ward, John F. Bartlett, Oscar D. Beverstock, William E. Dow, Clayton C. Foss, Bert Wentworth, Melvin J. Jenkins, be allowed the sum of \$329 each; that Howard O. Nelson and Eugene D. Sanborn be allowed the sum of \$332.50 each; that James Loughlin and George W. Parker be allowed the sum of \$282 each; that Edgar H. Calvert be allowed the sum of \$329; that Bernard W. Carey be allowed the sum of \$235; that Richard M. O'Dowd, Arthur F. Bickford, Carl P. Merryman, Harold L. Davis, Forest G. Brown be allowed the sum of \$188 each; that Bessie A. Callaghan, Helen George, Rose M. Clancy, Honora Agnes Dwyer, Edward J. Hayes, Lizzie H. Sanborn be allowed the sum of \$376 each; that Miss Alpha Gifford be allowed the sum of \$100; that Clinton Elwell be allowed the sum of \$380; that A. H. Britton & Co. be allowed the sum of \$90.80; that Bent & Bush Co. be allowed the sum of \$26;

Allowances to
sundry per-
sons.

that Concord Light & Power Co. be allowed the sum of \$10.95; that Edson C. Eastman be allowed the sum of \$432.67; that W. P. Goodman be allowed the sum of \$20.05; that Melvin & Fitts be allowed the sum of \$24.90; that the committee on appropriations be allowed the sum of \$50.77; that Remington Typewriter Co. be allowed the sum of \$13; that J. M. Stewart & Sons Co. be allowed the sum of \$332.63; that Carl B. Thurber be allowed the sum of \$1; that Robert L. Ahern be allowed the sum of \$15; that George E. Carter be allowed the sum of \$329.50; that Frank W. Huntoon, Lempster, be allowed the sum of \$5.85; that Edward J. Hayes be allowed the sum of \$16.30; that Portsmouth Times be allowed the sum of \$2.40; that Foster's Democrat be allowed the sum of \$7.28; that Portsmouth Herald be allowed the sum of \$14.96; that Portsmouth Chronicle be allowed the sum of \$12.42; that Monitor and Statesman Co. be allowed the sum of \$573.78; that W. H. Dunlap & Co. be allowed the sum of \$1.75; that The Union Publishing Co. be allowed the sum of \$678.76; that Walter L. Jenks & Co. be allowed the sum of \$6.43; that C. H. Swain & Co. be allowed the sum of \$7.40; that Arthur P. Walker be allowed the sum of \$39.53; that The Sentinel Printing Co. be allowed the sum of \$3.00; that Hutchinson Building Co. be allowed the sum of \$33.70; that E. L. Glick be allowed the sum of \$9.15; that W. H. Laws (extra janitor) be allowed the sum of \$200; that The Telegraph Publishing Co. be allowed the sum of \$3.30; that The Times Publishing Co. be allowed the sum of \$2.40; that J. E. Gage be allowed the sum of \$13.50; that Hawkes & Davis be allowed the sum of \$2.90; that C. W. Dadmun be allowed the sum of \$11.80; that Martin W. Fitzpatrick, clerk of the senate, and Harrie M. Young, clerk of the house, be allowed the sum of \$200 each; that Earle C. Gordon, assistant clerk of the senate, and Arthur A. Tyler, assistant clerk of the house of representatives, be allowed the sum of \$100 each; that The Patriot Publishing Co. be allowed the sum of \$239.20; that John B. Clarke Publishing Co. be allowed the sum of \$444.34; that George E. Horton be allowed the sum of \$329; B. C. White, rent, thirty dollars (\$30); Smith Premier Typewriter Co., rent, \$13.

[Approved April 9, 1909.]

CHAPTER 212.

NAMES CHANGED.

From January, 1907, to January, 1909, the registers of probate returned to the secretary of state the following changes of names by the probate courts:

ROCKINGHAM COUNTY.—Bessie Edna Bailey to Edna Pearl Carter; Cora R. Belden to Cora R. Roberts; Robert Brophy to Robert Shea; Norma Campbell to Norma Thomas; Lottie May Clark to Lottie May Rude; ——— Conway to Helen Lela Truman; Ruth Crane to Evelyn McGaughey; Frank Currier Crosby to Frank Currier Warren; Marion Adeline Dearman to Marion Adeline Kelley; Clara A. Dow to Clara A. Fitts; Hattie M. Dow to Hattie M. Villars; Lulu May Dunbrack to Laura May Ordway; Charles B. Eaton to Charles Blanchard; Sadie J. E. Elkins to Sadie J. E. Cameron; Grace D. Estes to Grace D. Lyford; Mary L. Fifield to Mary L. Lang; Gertrude D. Foster to Gertrude D. Washburn; Zilda May Grace to Sarah Belle Wilson; Charles Smith Hatch to Charles Burbridge Hatch; Raymond A. Ingraham to Raymond A. Evans; Dora Jelna to Dora Redman; Horace Seudder Klyce to Seudder Klyce; Annie Frances Libby to Annie Frances Osgood; Daisy Luck to Daisy Luck Follansby; Kenneth G. Manson to Kenneth G. Carter; Gertrude V. Marsh to Gertrude V. Gove; Henrietta E. Marston to Etta L. Marston; Carrie E. Mills to Carrie E. Nudd; Annie F. Morse to Annie F. Head; Eugene Henry Poliquin to Raymond Elmo Smith; Frank O. Roberts to Frank Joseph Hodges; Elizabeth A. Rollins to Elizabeth Ruth Dart; Lewis Wilbur Rollins to Earl Wilbur Langley; George L. Scott to Scott Loyd Todd; Fannie Faustina Smart to Marie Louise Smart; Lucy A. Smith to Lucy A. Barr; Arminda Gladys Smythe to Arminda Gladys Bartlett; Lenora F. B. Smythe to Lenora Francilia Bartlett; Philip W. Spinney to Philip W. Morrison; Joseph Paul Stackpole to Herbert Edwin Richardson; Ruth Timmins to Ruth Balaam; Herbert Walker to Herbert Eugene Varrell; Maxwell Herbert Wiggin to Herbert Wiggin Brooks.

Rockingham.

STRAFFORD COUNTY.—Edith Irene Bassler to Edith Irene Newcomb; Joseph Augustus Chamberlain to Augustus Joseph Chamberlain; Annie Chapdelaine to Orise A. Potvin (adpt.); Annie M. Dame to Annie M. Knox; Adola Pari to Odola Gagnon (adpt.); Clara B. Wright to Clara B. Rollins.

Strafford.

BELKNAP COUNTY.—Emma J. Abbott to Emma J. McKean; Joseph Adams to Arnold Lester Lougee; Adries I. Bailey to Esther Aileen Plum; Ada Gertrude Bennett Hubbard to Ada Gertrude Bennett; Ada M. Clark to Ada M. Berlew; Mabel Eva Clough to Mabel Eva C. Curtis; Rita Ethel Copp to Rita Ethel Plummer; Mary E. Dennis to Mary E. Kimball; Mary A. Duprey to Mary A. Hutchinson; Edna V. Elkins to Edna Florentine Ham; Lucie K. Haggett to Lucie K. Seaverns; Anna B. Heenan to Anna B. Matthews; Charles V. Hutchinson to Charles Hutchinson Walker; Cleora L. Hutchinson to Cleora Lavinia Walker; Grace H. Leavitt to Grace Seeggell; Nellie McNally to Nellie Kirkman; Arthur Verda

Belknap.

Noreross to Arthur Verda Noreross Cota; Mary S. Osgood to Mary A. Sanders; Harry Wilbur Wallace to Harry Wilbur Levoy; Ruth S. Wallace to Ruth E. Levoy; Beatrice Wilbur to Louise Hill.

Carroll.

CARROLL COUNTY.—Charles Selden Bean to Charles Stilphin Bean; Josephine Mary Bickford to Josephine Mary Rust; Hazen B. Chamberlain to Hazen B. White; Rosina A. Chase to Rosina A. Porter; Frederick Ryan to Frederick Stewart; Mary Stanley to Mary Mabel Bryar; Lillian M. Webster to Lillian M. Fortier.

Merrimack.

MERRIMACK COUNTY.—Mary Anna Bachant to Anna Stebbins; Beatrice Mae Barron to Beatrice Mae Twombly; Alton Kirk Morgan Carron to Alton Kirk Morgan; Mabel Sarah Coudry to Mabel Sarah Shontell; Chester Allen Davis to Francis Allen Carleno; Alice Mabel Day to Alice Mabel Savage; Florence M. DeForge to Florence May Champney; Madeleine Ewer Dooley to Madeleine Ewer Brown; Frederick Flarity to Frederick W. Bean; Raymond Forsaith to Wesley Franklin Rand; Ralph Edward Foster to Clinton Wheeler; Earl S. Gilmore to George Worthen Rice; Ohannes Gurgian to Ohannes Gurgo Agbashian; Gladys Mae Hunkins to Gladys Hunkins Webster; Annie S. Kennedy to Annie S. Page; Ralph LaPlante to Ralph Eugene Adams; Minnie Hunter Lay to Marion Hunter Lay; Priscilla Leone to Elsie Leonia Belrose; Eva Lessard to Eva Gage; Louis H. Lindsay to Lewis H. Thompson; Bessie Jenkins Potter to Bessie Jenkins; Edward St. Pierre to Edward Plourde; Francis Thomas Scanlan to Francis Thomas Powell; Violet Margaret Sturtevant to Violet Emma Dexter; Beatrice May Whitlam to Beatrice May Horne; Eva May Willis to Edna May Lowell.

Hillsborough.

HILLSBOROUGH COUNTY.—Gerline Ashford to Florence Mabel Bohonan; Helen Ashford to Florence May Bohonan; Theodore W. Barker to Theodore Barker Hadley; Ivory R. Bean to Ralph Ivory Bean; Helen M. Bingham to Elizabeth Marian St. John; Waldo C. Bingham to Waldo Canaan St. John; Waldo Philip Birch to Waldo Philip Jackson; Laura May Blood to Laura May Gould; Mary P. Briggs to Miriam Conway; Milton Ensley Broomhead to Milton Ensley Wheeler; Raymond LeRoy Broomhead to Raymond LeRoy Wheeler; Edith Brown to Ruth Marion Cole; Josephine Clem to Josephine Olhson; Mary K. Cuddy to Mary K. Champagne; Roy Lee Darby to Roy Lee Badger; Angelina Elizabeth Davis to Angelina Elizabeth Barnett; Minnie Mary Devio to Minnie Mary Sweeney; Alice May Doulby to Alice May Graham; Armand Fregeau to Armand Carter; Lillian Belle Gothron to Lillian Belle Burbee; ——— Gregory to Millard Alvin Blaisdell; Russell Hall to Russell Hall Knowles; Raymond Edwin Ham to Raymond Edwin Lazarus; Eva Jane Hayford to Eva Jane Hutchins; Dora A. C. Hildebrandt to Dora A. C. Krogmann; Lucie E. Hill to Lucie E.

Swett; Grace Helen Crosby Howard to Grace Helen Crosby; Mary Mayne Howatt to Mary Mayne MacEwen; Henry Lafarniere to Henry Ross; Llewellyn LaPage to Llewellyn Harrington; Charles W. Leary to Charles W. Martin; Mary Ann Blanche LeBrun to Mary Anne Blanche Laliberte; Georgia B. Leny to Georgia B. Merrill; Mary Elizabeth Long to Marian Palmer; Jacob Michelson to Jacob M. Mitchelson; Charles Louis Nealey to Charles Louis Loverin; Mary Agnes O'Shea to Eva Mary Burt; Ralph Alexander Paquin to Ralph Fremont Perry; Adrienne Poirier to Adrienne Lanois; Isabelle Poirier to Isabelle Rattee; Benjamin Harrison Rankins to Benjamin Harrison Caverly; Oscar Leon Reynolds to James Oscar Herbert; Nellie Grant Richards to Nellie Grant Guertin; Doris Marion Richardson to Doris Marion Richardson Rand; Armand Ronan to Armand Patajo; Leo Ronan to Leo Patajo; Harold Allen Ross to Harold Ross Moore; Emma May Roy to Emma May Curran; Florence Sherman to Martha Beauchiane; Edith Frances Shields to Edith Frances Follansbee; Anna Smith to Anna Boisvert; Amelia Josephine Spaulding to Amelia Josephine Carlton; Frank Fielding Taylor to Frank Taylor McEnrue; May Eunice Thomas to May Eunice Wilkins; Gladys Mae Tibbetts to Gladys Mae Elder; Bertha Etta Twombly to Bertha Etta Roberts; Anthony Uzdawicze to Anthony Uzdaw; Elsie D. Wason to Elsie D. Lee; Adeline E. Woods to Adeline E. Mitchell; Mary Louise Woodsum to Mary Louise Wells.

CHESHIRE COUNTY.—Ethel B. Corliss to Ethel B. Zhwail; Bessie L. Crain to Bessie L. Knight; Morris Gooz to Morris Gass; Emma G. Libby to Emogene D. Libby; Carrie M. Nash to Carrie M. Foote; Everett Elwin Nash to William Elwin Nash; Clark Arthur Potter to Clark Arthur Kathan; Guy E. Reed to Guy Eugene Severance; Myrtle R. Robinson to Myrtle R. Sanborn; Clara B. Smith to Grace L. Farr; Grace Corinea Stephenson to Grace Corinea Nadeau; Florence May Trombly to Florence May Hall; Henry Vincent to Henry Guillardety; Archibald Wyman to Archibald Wyman Champney. Cheshire.

SULLIVAN COUNTY.—Lulumay Buzzell to Lulumay Burbank; Addie R. Clark to Gladys Ayer; ——— Gardner to Jennette Nancy Sorrento; Harold Eugene Johnson to Harold Eugene Blanchard; ——— Jones to John Wesley Weeks; Daniel Maher to Daniel James Gilbert; Blanch M. Mayote to Blanche May Hamel; ——— Neilson to Edith May MacDuffie; ——— Neilson to Edna Mabel MacDuffie; Nellie M. Wright to Nellie M. Quimby; Herbert I. Adams to Herbert I. Fisk. Sullivan.

GRAFTON COUNTY.—Arthur Harold Bellows to Harold Adams Bellows; Guy Llewellyn Blanchard to Guy Llewellyn Putney; Ada Connell to Ada McClure; Bertha H. Dennis to Bertha L. Hibbard; Grafton.

Mary DeVarney to Mary White; Harold C. Enderson to Harold D. Enderson; Verne S. Goodwin to Verne S. Anderson; Edith E. Hoisington to Edith E. Jones; Albert R. Mitchell to Albert R. Little; Gladys May Poore to Ruth Alpha Clark; Frank M. Plant to Frank M. Revoir; Guy Llewellyn Putney to Guy Llewellyn Blanchard; George Raymond to George Raymond Page; Helen J. Rowell to Helen J. Emerson; Alice J. Skaggs to Alice J. Quimby; Georgie E. Vermott to Georgie E. Gorgon; Hattie M. Wentworth to Hattie M. Clough; Walter A. Williams to Walter A. Stoddard.

Coos.

COOS COUNTY.—Mary C. Brainard to Mary Cree Mahurin; Austin Philip Cook to Austin Philip Lord; John Little to John Sigvard Thorn; Everett McCrillis to Robert Hobson Fletcher; Myrtle E. Potter to Myrtle E. Abbott; Addie Rowell to Addie Rowell Burbank; Mary Lillian Tyrill to Mary Lillian Noonan; Doris I. Westcott to Doris Helen Whelan.

From January, 1907, to January, 1909, the registers of probate returned to the secretary of state the following changes of names by the superior court in divorce proceedings:

Rockingham.

ROCKINGHAM COUNTY.—Margaret B. Keefe to Margaret Brown Keltie; Mattie M. Small to Mattie M. Dame.

Strafford.

STRAFFORD COUNTY.—Gertrude L. Bumford to Gertrude L. Wallace; Mary E. Haley to Mary E. Jorde; Helen L. Hanscom to Helen L. Nighswander; Sadie M. Jackson to Sadie M. Rowe; Nellie M. Moore to Nellie M. Elwell; Ethelind M. Reed to Ethelind M. Jones.

Belknap.

BELKNAP COUNTY.—Eliza A. Durant to Eliza A. Higgins; Mary D. Durgin to Mary D. Sulloway.

Carroll.

CARROLL COUNTY.—Katherine Hayford to Katherine Marx.

Merrimack.

MERRIMACK COUNTY.—Florence M. Adams to Florence M. Harrington; Ida M. Bailey to Ida M. Hannaford; Catherine E. Cass to Catherine E. Carroll; Ethel G. B. Dooley to Ethel G. Brown; Edith M. Fagan to Edith M. Pearl; Bella Feirstein to Bella Hirsch; Carrie M. Grafton to Carrie M. Farmer; Minnie E. Kimball to Minnie E. Sweatt; Stella L. Langill to Stella L. Stone; Susie J. Pettit to Susie J. Piper; Lura May Putney to Lura May Adams; Mabel I. Rolfe to Mabel I. Young; Nora Sevigny to Nora Chartier; Isabell E. Strickford to Isabell E. Noyes; Grace E. Tenney to Grace E. Stevens; Winnifred Tewhill to Winnifred George; Edith D. Travers to Edith D. Trull; Aldine F. White to Aldine F. Riley.

Sullivan.

SULLIVAN COUNTY.—Mary J. Bressaw to Mary J. Goodhue; Emma I. Gibson to Emma I. French; Lillian I. Maxfield to Lillian I. Brown; Mary F. Moore to Mary Fontain; Blanch S. Sessions to Blanch S. Lathrop; Addie R. Stowell to Addie R. Page.

Grafton.

GRAFTON COUNTY.—Lucy E. Jewell Babcock to Lucy E. Jewell;

Ellen A. Dexter to Ellen A. Foster; Clara Mae Gale to Clara Mae Waterman; Lillian E. Gobar to Lillian E. Miller; Cecil Dick Haddock to Cecil Dick; Bessie V. Hickey to Bessie V. Freeman; Helen Kayander to Helen Hellegard; Luella V. Kincaid to Luella Vivian Bemis; Victoria H. Lowd to Victoria H. McIntire; Louise F. McKenzie to Louise F. Connor; Alice J. Messer to Alice J. Thayer; Hazel E. Perley to Hazel E. Caswell; Mazie Robbins to Mazie Goodrich; Lu Dell Ruggles to Lu Dell Remick.

COOS COUNTY.—Flora A. Remick to Flora A. Green; Lillian M. Coos. Reed to Lillian M. Stanley.

PRIVATE ACTS.

CHAPTER 213.

AN ACT TO REVIVE AND EXTEND THE CHARTER OF THE PRUDENTIAL FIRE INSURANCE COMPANY AND TO CONFIRM ITS ORGANIZATION.

SECTION

1. Charter revived and extended.
2. Principal office of company.

SECTION

3. Subject to repeal; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Charter revived and extended.

SECTION 1. Chapter 283 of the session Laws of 1903, approved March 4, 1903, entitled "An Act to incorporate the Prudential Fire Insurance Company" is hereby revived, extended, and continued in force; and the acts of the grantees named therein and of their associates and assigns in the organization of a corporation under the provisions of said act are hereby ratified, confirmed and legalized; and the present and existing organization, officers, membership, corporate seal, and by-laws of the corporation so organized by the said grantees and their associates and assigns shall be deemed to be and be the organization, officers, membership, corporate seal and by-laws of the corporation authorized by said chapter 283 and by this act; and all the existing obligations and contracts of said corporation so organized by the said grantees and their associates and assigns shall be deemed to be and be the obligations and contracts of the corporation authorized by said chapter 283 and by this act; and the said corporation so organized by the said grantees and their associates and assigns shall be deemed to be organized under the provisions of said chapter 283 and this act, and shall have all the powers and privileges and be subject to all the duties and liabilities of a corporation duly organized in accordance with the provisions of said chapter 283 and of the Public Statutes of the state.

Principal office.

SECT. 2. The principal office of the company shall be in Manchester in the county of Hillsborough instead of in Dover, New Hampshire, and section 2 of said chapter 283 is hereby amended accordingly.

Subject to repeal; takes effect on passage.

SECT. 3. The legislature may at any time alter, amend or repeal this act whenever in their opinion the public good requires it, and this act shall take effect upon its passage.

[Approved February 3, 1909.]

CHAPTER 214.

AN ACT TO AMEND SECTION 3 OF THE CHARTER OF MASONIC HOME.

SECTION

1. Charter amended.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 3 of the charter of Masonic Home formerly known as The Masonic Orphans' Home, incorporated by the legislature of the State of New Hampshire by an act approved August 7, 1883, amended by an act approved February 23, 1897, and also amended by an act approved February 20, 1901, is hereby amended by adding after the words "State of New Hampshire" in said section 3 as amended in 1897, the following words: and also for the destitute wives of inmates of said home, *provided* said wives are over sixty-five years of age, residents of the State of New Hampshire, and have been married to and lived with their said husbands for at least ten years next prior to the admission of said husbands to said home, so that said section 3 of said charter as amended shall be, The object of this institution shall be to provide and sustain a home for destitute Freemasons and destitute widows and orphans of Freemasons of the State of New Hampshire, and also for the destitute wives of inmates of said home, *provided* said wives are over sixty-five years of age, residents of the State of New Hampshire, and have been married to and lived with their said husbands for at least ten years next prior to the admission of said husbands to said home.

Charter amended.

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

Takes effect on passage.

[Approved February 3, 1909.]

CHAPTER 215.

AN ACT TO INCORPORATE THE ASSOCIATION KNOWN AS OAK HILL LODGE NO. 97 INDEPENDENT ORDER OF ODD FELLOWS OF MANCHESTER, N. H.

SECTION

- 1. Corporation constituted; purposes.
- 2. First meeting.

SECTION

- 3. Takes effect on passage; acceptance of provisions.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation constituted; purposes.

SECTION 1. That Pharis E. Rogers, W. Alden Crowther, George E. Smith, Fred W. Coan, Frank F. Porter and all their associates as members of said lodge, and their successors, be, and they hereby are, made a body politic and corporate by the name of Oak Hill Lodge No. 97, Independent Order of Odd Fellows of Manchester, N. H. for such charitable and benevolent purposes as said corporation may from time to time designate; and by that name may sue and be sued, prosecute and defend to final judgment, and shall be vested with all the powers and privileges, and subject to all the liabilities of corporations of a similar nature; and may take and hold real and personal estate, by donation or otherwise, to an amount not exceeding one hundred thousand dollars, and the same may sell, mortgage, use and dispose of at pleasure; and all properties of, bequests to, and contracts of said association shall be, and hereby are vested in the said corporation.

First meeting.

SECT. 2. The first meeting of said corporation shall be called by notice signed by any two of the members above named, read in open meeting of said lodge at least five days prior to said meeting.

Takes effect on passage; acceptance of provisions.

SECT. 3. This act shall take effect upon its passage except that it shall not take effect as to the transfer of the properties of and contracts of said association until the said association shall duly accept the provisions of this charter.

[Approved February 4, 1909.]

CHAPTER 216.

AN ACT TO AMEND SECTION 2 OF CHAPTER 283 OF THE LAWS OF 1891,
ENTITLED "AN ACT TO INCORPORATE THE MANCHESTER WOMEN'S
AID AND RELIEF SOCIETY."

SECTION

1. Charter amended.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Amend section 2 of chapter 283 of the Laws of 1891
by striking out the word "two" in the ninth line thereof and in-
serting in the place thereof the word three, so that said section as
amended shall read: SECT. 2. Said corporation having for its
object to seek out the poor and needy persons of the city of Man-
chester, to relieve their necessities and aid them, so far as possible,
to help themselves and to better their condition, is hereby author-
ized to establish and maintain in the city of Manchester an institu-
tion for the aid, care, support and treatment of the poor, sick, and
disabled in said city, and for such purpose may acquire and hold,
by purchase, gift, lease, deed, devise, bequest or otherwise, real and
personal estate not exceeding in value three hundred thousand dol-
lars; and said corporation being in the nature of a public charity,
its property shall be exempt from taxation.

Charter
amended.

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

Takes effect
on passage.

[Approved February 4, 1909.]

CHAPTER 217.

AN ACT TO LEGALIZE AND CONFIRM THE WARRANT FOR, AND ALL THE
VOTES AND PROCEEDINGS AT, THE BIENNIAL ELECTION AND MEETING
IN MONROE, HELD ON THE THIRD DAY OF NOVEMBER, 1908.

SECTION

1. Warrant and proceedings legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. That the warrant for, and the votes and proceedings
at, the biennial election and meeting in Monroe, held on the third
day of November, 1908, be, and the same is hereby, declared legal,
and that all acts done and elections made and declared by the

Warrant and
proceedings
legalized.

moderator for said meeting be, and the same are hereby, ratified and confirmed.

Takes effect
on passage.

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

[Approved February 4, 1909.]

CHAPTER 218.

AN ACT TO LEGALIZE AND CONFIRM THE WARRANT FOR, AND THE VOTES AND PROCEEDINGS AT, THE BIENNIAL ELECTION AND MEETING IN SOUTH HAMPTON, HELD THE THIRD DAY OF NOVEMBER, 1908.

SECTION

1. Warrant and proceedings legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Warrant and
proceedings
legalized.

SECTION 1. That the selectmen's warrant for, and the votes and proceedings thereunder at, the biennial election, and meeting in the town of South Hampton held in said town on the third day of November, 1908, are hereby legalized and confirmed.

Takes effect
on passage.

SECT. 2. That this act shall take effect on its passage.

[Approved February 4, 1909.]

CHAPTER 219.

AN ACT TO EXTEND THE CHARTER OF THE MEREDITH & OSS�PEE VALLEY RAILROAD COMPANY.

SECTION

1. Time for building extended.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Time for build-
ing extended.

SECTION 1. The charter of the Meredith & Ossipee Valley Railroad Company approved March 25, 1903, as amended by chapter 183 of the Laws of 1905 and chapter 217 of the Laws of 1907, extending the period within which said railroad shall be completed to March 25, 1909, is hereby so far amended as to further extend the time fixed and limited for the completion of said railroad to

March 25, 1911, and said corporation shall have such additional time in which to build its road.

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

Takes effect on passage.

[Approved February 9, 1909.]

CHAPTER 220.

AN ACT TO EXTEND THE CHARTER FOR THE BUILDING OF THE NEWPORT & SUNAPEE RAILWAY.

SECTION

1. Time for building extended.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. An act incorporating the Newport & Sunapee Railway and Development Company approved April 2, 1907, is hereby so far amended, that the time for building said road is extended for the term of two years from and after the second day of April 1909.

Time for building extended.

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

Takes effect on passage.

[Approved February 9, 1909.]

CHAPTER 221.

AN ACT IN AMENDMENT OF CHAPTER 205, OF THE SESSION LAWS OF 1887, PROVIDING FOR THE REPAIR AND CUSTODY OF UNION HALL IN JAFFREY.

SECTION

1. Appropriations and assessments, how made.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That chapter 205 of the session Laws passed at the July 1887 session of the general court, creating School District No. 2 in the town of Jaffrey a corporation for certain purposes therein specified, be and the same is hereby amended by adding the following sections: to be numbered 2, 3, and 4.

Appropriations and assessments, how made.

SECT. 2. Said district is hereby authorized and empowered, by major vote, at its annual or any special meeting, duly called and

held in accordance with the provisions in the relation to special meetings of school districts contained in the Public Statutes, to raise money for the purpose of extending the buildings and property and of rebuilding or replacing any existing buildings belonging to said district, and paying for any buildings or extensions thereof which may have been heretofore made, by a tax assessed upon the polls and estates of said district.

SECT. 3. The clerk of said district shall, within ten days after a vote of said district to raise money by taxation, deliver a certified copy of such vote to the selectmen of said town. Said selectmen shall thereupon assess such tax upon the polls and property in said district, and commit the same to the collector of taxes as required by law, and said collector in the collection of said taxes shall have and perform the same duties and powers as in respect to other taxes committed to him for collection. The power to abate and correct the assessment of such taxes shall belong to said board of selectmen.

SECT. 4. The said selectmen shall assign to said district the money thus assessed and collected; and, after deducting the expenses for assessing and collecting the same, pay the same forthwith to the treasurer of said district.

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

[Approved February 9, 1909.]

Takes effect
on passage.

CHAPTER 222.

AN ACT TO LEGALIZE THE DISCONTINUANCE OF A PORTION OF THE DOVER, SOMERSWORTH & ROCHESTER STREET RAILWAY.

SECTION

1. Discontinuance legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Discontinu-
ance legalized.

SECTION 1. The action of the Dover, Somersworth & Rochester Street Railway Company in taking up its rails and discontinuing its railway in said Rochester as follows: Beginning at the intersection of Main and Washington streets, on Washington street to Oak street, on Oak street to Pine street, on Pine street to its intersection with Main street, and on Pine street from Oak street to Brattle street, on Chestnut street to Waldron street and on Waldron street to Pine street, is hereby ratified and fully legalized and the action of said railway corporation in the matter shall be taken

and deemed to have been duly authorized by the general court.

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

Takes effect on passage.

[Approved February 9, 1909.]

CHAPTER 223.

AN ACT AUTHORIZING THE TOWN OF HOLDERNESS TO CONSTRUCT PUBLIC WHARVES ON SQUAM LAKE AND TO LAY OUT HIGHWAYS TO THE SAME.

SECTION

- 1. Authority granted.
- 2. Procedure.

SECTION

- 3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The town of Holderness is hereby authorized and empowered, upon petition to the selectmen of said town, to build and maintain a public wharf or wharves upon Squam lake, and to lay out a highway or highways to the same from other highways whenever the accommodation of the public may require, and to appropriate money for the construction and maintenance of the same.

Authority granted.

SECT. 2. Upon any such petition the same proceedings shall be had and all parties interested therein shall have the same rights and remedies as in the laying out of highways.

Procedure.

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

Takes effect on passage.

[Approved February 17, 1909.]

CHAPTER 224.

AN ACT TO EXEMPT THE MERCY HOME OF THE NEW HAMPSHIRE WOMAN'S CHRISTIAN TEMPERANCE UNION FROM TAXATION.

SECTION

- 1. Property exempted.

SECTION

- 2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The Mercy Home of the New Hampshire Woman's Christian Temperance Union, located in Manchester, being a char-

Property exempted.

itable institution, without profit to any person, the property thereof shall be exempt from taxation.

Takes effect on passage.

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

[Approved February 17, 1909.]

CHAPTER 225.

AN ACT TO ALLOW RISING SUN LODGE NO. 39 A. F. & A. M. OF NASHUA, TO INVEST TRUST FUNDS IN THE CAPITAL STOCK OF THE MASONIC BUILDING ASSOCIATION OF NASHUA.

SECTION

1. Investment authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Investment authorized.

SECTION 1. That Rising Sun Lodge No. 39, A. F. and A. M. of Nashua is hereby authorized to invest trust funds held by it in the capital stock of the Masonic Building Association of said Nashua, in case the will or other instrument creating the trust does not limit the investment of the funds otherwise.

Takes effect on passage.

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

[Approved February 17, 1909.]

CHAPTER 226.

AN ACT TO INCORPORATE KEENE LODGE NO. 927 OF THE BENEVOLENT AND PROTECTIVE ORDER OF ELKS.

SECTION

1. Corporation constituted.
2. Power to hold property.

SECTION

3. First meeting.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation constituted.

SECTION 1. That John E. Benton, Joseph Madden, Fred A. Graves, Horatio W. Colony, John E. Hodgson, Fred H. Wilkins, Charles E. Rogers, Arthur W. Quinn, James B. Duffy, Abe Berger, Alfred A. Gane, Clarence W. Emerson, James A. Toof, John B. Adams, Orville E. Cain, Harry D. Hopkins, Edward A. Tracey,

Fred C. Nims, Martin O. Quinn, Henry E. Swan and Lawrence P. Leveroni and their associate members of said lodge, and their successors, be and they are hereby made a body politic and corporate by the name of Keene Lodge No. 927 of the Benevolent and Protective Order of Elks of Keene, N. H.

SECT. 2. Said corporation, may purchase, take and hold by deed, gift, devise, bequest or otherwise real and personal estate to an amount not exceeding one hundred thousand dollars, and may improve, sell and convey, or otherwise dispose of the same at pleasure. It shall have all the powers, rights and duties of similar corporations, and may make such by-laws and regulations as lodges are authorized to make by the Grand Lodge of the Benevolent and Protective Order of Elks not inconsistent with the laws of this state.

Power to hold property.

SECT. 3. The exalted ruler of the lodge may call the first meeting of said corporation, at such time and place and in such manner as he may think proper, at which meeting the necessary and usual officers may be chosen.

First meeting.

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

Takes effect on passage.

[Approved February 17, 1909.]

CHAPTER 227.

AN ACT TO EXEMPT THE TRUSTEES OF THE HOME FOR INDIGENT WOMEN FROM TAXATION.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The trustees of the Home for Indigent Women, of Portsmouth, being a charitable institution, without profit to any person, the property thereof shall be exempt from taxation.

Property exempted.

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

Takes effect on passage.

[Approved February 17, 1909.]

CHAPTER 228.

AN ACT TO EXEMPT THE DISTRICT NURSING ASSOCIATION OF THE CITY OF
MANCHESTER FROM TAXATION.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Property
exempted.

SECTION 1. As the District Nursing Association of the city of Manchester is a charitable institution without profit to any person, all property now owned or howsoever hereafter acquired by said association for the purposes of said association is hereby exempt from taxation.

Takes effect
on passage.

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

[Approved February 17, 1909.]

CHAPTER 229.

AN ACT PROVIDING FOR THE CHANGE OF THE NAME OF THE NEW HAMP-
TON AND MEREDITH FREEWILL BAPTIST SOCIETY.

SECTION

1. Name changed.
2. Rights and duties.

SECTION

3. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Name
changed.

SECTION 1. That the name of the New Hampton and Meredith Freewill Baptist Society be changed to the New Hampton Free Baptist Society.

Rights and
duties.

SECT. 2. That all rights and privileges, obligations and duties now incident to the corporation under the old name be transferred and assigned to and assumed by the corporation under its new name.

Takes effect
on passage.

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

[Approved February 17, 1909.]

CHAPTER 230.

AN ACT TO AMEND AND EXTEND THE CHARTER OF THE KEENE ELECTRIC RAILWAY COMPANY.

SECTION

1. Time for building extended.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The time fixed in the "Act to amend and extend the Charter of the Keene Electric Railway Company," approved March 14, 1907, in which to build its road is hereby extended to March 31, 1911, and said corporation shall have this additional time in which to build its road.

Time for building extended.

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

Takes effect on passage.

[Approved February 17, 1909.]

CHAPTER 231.

AN ACT IN AMENDMENT OF CHAPTER 167 OF THE LAWS OF 1893 ENTITLED, "AN ACT TO AUTHORIZE THE WHITEFIELD VILLAGE FIRE DISTRICT TO MAINTAIN WATER-WORKS IN WHITEFIELD."

SECTION

1. Rights enlarged.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 4 of said chapter is hereby amended by adding the letter s to the word "town" in the third line of said section, and inserting after the word "Jefferson" in the same line thereof the words and Carroll, so that said section shall read: SECT. 4. Said district is authorized and empowered to enter upon, take, and appropriate any stream, springs, or ponds in said Whitefield and the adjoining towns of Jefferson and Carroll, and to secure such springs, streams, or ponds by fence or otherwise, and dig ditches and canals, make excavations, build dams and reservoirs, through, over, in, or upon any land or inclosure through which it may be deemed necessary for said aqueduct or water-works to pass, and said excavations, dams, reservoirs, aqueducts, or water-works to be or exist for the purpose of obtaining, preserving, and conduct-

Rights enlarged.

ing such water, placing such pipes, fixtures, and other material as may be necessary for building, operating, or repairing the same.

Takes effect on passage.

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

[Approved February 17, 1909.]

CHAPTER 232.

AN ACT TO AMEND THE CHARTER OF THE DERRY & SALEM STREET RAILWAY COMPANY.

SECTION

1. Time for building extended.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Time for building extended.

SECTION 1. The time fixed in the charter of the Derry & Salem Street Railway Company, approved March 24, 1903, and amendments thereof, approved February 15, 1905, and March 6, 1907, is hereby extended to March 24, 1911, and said corporation shall have such additional time in which to build its road.

Takes effect on passage.

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

[Approved February 17, 1909.]

CHAPTER 233.

AN ACT TO INCORPORATE THE RAYMOND ELECTRIC COMPANY.

SECTION

- 1. Corporation constituted; purposes.
- 2. May deal in electric appliances.
- 3. May distribute electricity.

SECTION

- 4. Location of wires, poles, etc.
- 5. Assessment of damages.
- 6. Capital stock.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation constituted; purposes.

SECTION 1. That Charles Poore, Charles F. Gardner, David W. Whittier, Forrest E. Page and John T. Bartlett, their associates and successors, are hereby made a body corporate by the name of the Raymond Electric Company for the purpose of generating, manufacturing, procuring, distributing and supplying electricity for light, heat, power and all useful purposes and furnishing the same in the town of Raymond and in the towns adjoining said town of

Raymond, with the authority, powers and privileges and subject to the liabilities incident to like corporations.

SECT. 2. Said corporation shall have power and authority to manufacture, manage, operate, purchase and sell meters, motors, machinery, appliances, tools, implements and supplies connected with, incident to, or useful in the business of producing, developing, manufacturing, storing, measuring, distributing and utilizing electricity and electrical agencies for lighting, heating, mechanical, and other useful purposes.

May deal in electric appliances.

SECT. 3. Said corporation shall have power and authority to distribute electricity through said town of Raymond and the towns which adjoin said town of Raymond, may regulate the use thereof in said towns and fix and collect rents and rates for the use of the same. Said town of Raymond and any town adjoining said town is hereby authorized to contract by vote of such town, with said corporation for electricity for public uses on such terms as may be agreed upon and to raise money therefor as for other town charges.

May distribute electricity.

SECT. 4. Said corporation may erect poles and place wires for the transmission and distribution of electricity or may lay the same in subterranean conduits through or over the land of any persons or corporations and over or under any railroad or private way, having first obtained the permission of the selectmen of the town in which the wires are being extended, and, under such restrictions and regulations as the selectmen of such town may prescribe, along the streets and ways of such town; and it may enter upon such real estate, street, or way and excavate, if necessary, for carrying out said purposes.

Location of wires, poles, etc.

SECT. 5. Said corporation shall pay all damages sustained by any person or corporation by the taking of any land or easement or by any other thing done by said corporation under the authority of this act; *provided* that if it shall be necessary to enter upon and appropriate any private property or easement therein, and the said corporation shall not agree with the owners thereof on the damage that may be done by said corporation, or such owners shall be unknown, either party may apply to the superior court at a trial term thereof in the county of Rockingham, to have the same laid out and damages determined, and the said court shall refer the same to the county commissioners who shall appoint a time and place of hearing and give notice thereof in the same manner as is now provided by law for laying out highways, and said commissioners shall make a report to said court and it may issue execution accordingly. If either party shall desire, upon application to said court before such reference, they shall be entitled to a trial by jury in such manner and under such regulations as said court may prescribe.

Assessment of damages.

Capital stock.

SECT. 6. The capital stock of the corporation shall consist of such number of shares of fifty dollars each as may from time to time be determined by the directors thereof not to exceed in all the sum of fifty thousand dollars. It may acquire and hold real and personal estate necessary and convenient for carrying out the provisions of this act. It may issue bonds and other obligations which may be secured by mortgage of its franchise or its other property or both to carry out the purposes for which the corporation is established to an amount not exceeding its capital stock paid in.

[Approved February 17, 1909.]

CHAPTER 234.

AN ACT TO AMEND THE CHARTER OF THE NEW HAMPSHIRE FIRE INSURANCE COMPANY, TO PERMIT SAID COMPANY TO INSURE AGAINST LOSSES BY TORNADO, HAIL AND LIGHTNING.

SECTION

1. Charter amended.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Charter amended.

SECTION 1. The "Act to incorporate the New Hampshire Fire Insurance Company," approved July 7, 1869, being chapter 97 of the session Laws of 1869, is hereby amended by adding to the first section thereof the words tornado, hail and lightning so that said section shall read as follows: SECTION 1. That Ezekiel A. Straw, James A. Weston, Samuel N. Bell, Albert H. Daniels, Samuel Upton, George B. Chandler, Clinton W. Stanley, David Gillis, John S. Harvey, Woodbury F. Prescott, William D. Knapp, Moses R. Emerson, John F. Chase, and their associates, successors and assigns, be and they hereby are incorporated and made a body politic by the name of the New Hampshire Fire Insurance Company, to be located at Manchester, in said state, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature, for the purpose of making and effecting insurance against losses by fire, tornado, hail and lightning.

Takes effect on passage.

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

[Approved February 17, 1909.]

CHAPTER 235.

AN ACT IN AMENDMENT OF CHAPTER 175 OF THE LAWS OF 1887, ENTITLED "AN ACT TO CONFIRM AND CONTINUE THE ORGANIZATION OF THE CAPITAL FIRE INSURANCE COMPANY, OF CONCORD, N. H."

SECTION

1. Increase of stock authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 2 of chapter 175 of the Laws of 1887, entitled "An Act to confirm and continue the Organization of the Capital Fire Insurance Company of Concord, N. H." is hereby amended by adding the following: Said corporation may at any time increase its capital stock to an amount not exceeding three hundred thousand dollars, and may by vote in stockholders' meeting determine whether any additional stock to be issued under authorization of this act shall be preferred or common stock, and whether the holders of such additional stock shall be entitled to vote thereon as stockholders in said corporation. So that section as amended shall read as follows: SECT. 2. The capital stock of the corporation shall be, as provided in its articles of agreement and an amendment thereto, not less than fifty thousand dollars nor more than two hundred thousand dollars. Said corporation may at any time increase its capital stock to an amount not exceeding three hundred thousand dollars, and may by vote in stockholders' meeting determine whether any additional stock to be issued under authorization of this act shall be preferred or common stock, and whether the holders of such additional stock shall be entitled to vote thereon as stockholders in said corporation.

Increase of stock authorized.

SECT. 2. This act shall take effect on its passage.

Takes effect on passage.

[Approved February 19, 1909.]

CHAPTER 236.

AN ACT TO LEGALIZE THE BIENNIAL ELECTION OF THE TOWN OF TEMPLE, HELD NOVEMBER 3, 1908.

SECTION
1. Election legalized.

SECTION
2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Election
legalized.

SECTION 1. That the acts of the town of Temple at the biennial election held Tuesday, November 3, 1908, be, and the same are hereby declared legal, and all elections made at said meeting are hereby ratified and confirmed.

Takes effect
on passage.

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

[Approved February 19, 1909.]

CHAPTER 237.

AN ACT IN RELATION TO THE ISSUE OF STOCK BY THE UNDERWRITERS FIRE INSURANCE COMPANY.

SECTION
1. Classification of stock.

SECTION
2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Classification
of stock.

SECTION 1. The Underwriters Fire Insurance Company, a corporation organized under the Laws of 1887, chapter 217, amended by Laws of 1907, chapter 273, is hereby authorized, in issuing any additional capital stock authorized by law and not already issued, to determine by vote in stockholders' meeting whether such additional stock shall be common or preferred stock, and whether the holders thereof shall be entitled to vote thereon as stockholders in said corporation.

Takes effect
on passage.

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

[Approved February 19, 1909.]

CHAPTER 238.

AN ACT GRANTING CERTAIN RIGHTS AND PRIVILEGES ALONG THE SHORES OF DUNCAN LAKE IN OSSIPEE, N. H. TO CHARLES A. WIGGIN, OF SAID OSSIPEE.

SECTION

1. Privileges granted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Charles A. Wiggin of Ossipee, N. H. is hereby granted the privilege of laying a pipe in the southerly and westerly shores of Duncan lake, so called, in said Ossipee, sufficiently below low water mark not to interfere with boating on said lake or with other public uses thereof, for the purpose of conveying water from springs on his own land, and supplying it for domestic and fire purposes to those owners of the land opposite said pipe who may wish for the same, *provided* he shall supply said owners with water upon equal and reasonable terms, and *provided further* that nothing herein contained shall authorize him to draw water directly from said lake.

Privileges granted.

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

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 239.

AN ACT TO ESTABLISH THE PENACOOK UNION SCHOOL DISTRICT.

SECTION

1. District established.
2. Property, how vested.
3. Former districts abolished.
4. Board of education.

SECTION

5. First meeting.
6. Repealing clause.
7. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. All the territory embraced within the limits of the Penacook School District in the city of Concord as defined and bounded in chapter 290 of the Laws of New Hampshire passed at the January session 1907, and that part of the town of Boscawen which was known and designated on the thirteenth day of August 1885, (the date of approval of an act in amendment of chapter 86 of the General Laws, relating to schools, and to establish a town

District established.

system of schools) as School District No. 7, now known as the Boseawen Special School District, be united and constitute a single school district that shall be known as the Penacook Union School District.

Property,
how vested.

SECT. 2. All the schoolhouses, sites, appliances, apparatus, books, supplies and other property belonging to the said Penacook School District and Boseawen Special District shall be vested in the said Penacook Union School District upon the taking effect of this act and shall be delivered by the boards of education to the board of education of said Penacook Union School District.

Former
districts
abolished.

SECT. 3. That the said Penacook School District and Boseawen Special District are hereby abolished except so far as may be necessary to maintain either or both of said organizations to liquidate any indebtedness that either may have at the time of the taking effect of this act, and the records of each shall be deposited with the clerk of said Union district.

Board of
education.

SECT. 4. The board of education shall consist of six members, who shall be elected for the term of three years and the present members of the two boards of education shall be members of the board of education of the Union district and serve for the term to which they have been respectively elected. The membership of said board shall be equally divided between the sections embraced in the present districts.

First meeting.

SECT. 5. The present boards of education of said districts acting jointly as the board of education of said Union district shall call the first meeting of said Union district and appoint such officers as may be necessary to organize said district who shall hold office until others are elected and qualified in their stead.

Repealing
clause.

SECT. 6. All acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect
on passage.

SECT. 7. This act shall take effect upon the first day of March 1909.

[Approved February 24, 1909.]

CHAPTER 240.

AN ACT TO AMEND THE CITY CHARTER OF THE CITY OF PORTSMOUTH,
ESTABLISHING A BOARD OF PUBLIC WORKS.

SECTION

- 1. Board established.
- 2. Organization.
- 3. Quarterly report.
- 4. Powers of board.
- 5. Tenure of office.
- 6. Vacancies, how filled.
- 7. Appointments by board.
- 8. Rules and regulations.

SECTION

- 9. Disbursements.
- 10. Purchases, how made.
- 11. Accounts, how kept.
- 12. Annual estimates.
- 13. Compensation of board.
- 14. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. There shall be in said city a board of public works, consisting of three members, who shall be elected by the qualified voters of the city at large, voting in their respective wards, at the next regular municipal election, to be held on the second Tuesday of December 1909: one member for a term of three years, one member for a term of two years, and one member for a term of one year, from the first day of January 1910, and annually thereafter at the regular municipal election one member shall be elected for the term of three years.

Board established.

SECT. 2. The mayor, *ex officio*, shall be chairman of the board, and they shall elect a clerk, and keep a record of their proceedings, issue all notices and attest all such papers and orders as said board shall require.

Organization.

SECT. 3. The said board shall make a detailed report of their doings quarterly to the city council. The records of said board shall at all times be open to the inspection of the citizens of the city.

Report.

SECT. 4. The said board shall have the powers and perform the duties now by law vested in and imposed on the board of water commissioners, except as herein provided. They shall also have jurisdiction, authority and control over the department of streets, highways, bridges, sewers, public parks, playgrounds, and the care of all buildings and property pertaining thereto.

Powers.

SECT. 5. Said board shall be sworn to the faithful discharge of their duties and shall hold their office for the term for which they were elected and until others are chosen and qualified in their stead respectively. They may be removed by the city council, for cause, after a hearing on due notice.

Tenure of office.

SECT. 6. A vacancy in said board may be filled by appointment of the mayor confirmed by the city council, but if vacancy is unfilled prior to November first, it shall be filled at the succeeding municipal election.

Vacancies.

- Appointments.** **SECT. 7.** The said board may appoint a superintendent of water-works, a superintendent of streets, and such other agents and servants as they may deem necessary, and may fix their compensation.
- Rules and regulations.** **SECT. 8.** They may make such rules and regulations for their own government and in relation to all officers and agents appointed by them as they may deem proper, and a copy of same shall be filed with the city clerk within thirty days after adoption.
- Disbursements.** **SECT. 9.** All moneys received in any way on account of the water-works shall be paid into the city treasury and shall be kept and applied exclusively for the uses of said water-works, including the payment of the bonds issued for water purposes, and the interest thereon, until said bonds are paid, after which time any surplus may be turned into the general revenue fund.
- Purchases.** **SECT. 10.** All purchases in excess of fifty dollars shall be competitive bids, which shall be opened publicly, and a copy of the specifications, with tenders submitted, shall be filed forthwith with the city auditor. All bills and claims for expenditures connected with the water-works, or any department herein referred to, shall be approved by the board of public works in writing, and shall then pass through the office of the city auditor for record before payment is made by the city treasurer.
- Accounts.** **SECT. 11.** The accounting system of the department shall meet the requirements of the city auditor and the fiscal year of the department shall correspond with the municipal year. The city auditor and the city treasurer shall keep the accounts relating to the water-works separately and distinctly from all other receipts and expenditures.
- Annual estimates.** **SECT. 12.** Annually before the first of February said board of public works shall submit to the city council estimates in detail, giving amounts required to maintain the water-works, streets, highways, bridges, sidewalks, parks and playgrounds, and the city council shall make such appropriation as shall seem to them just and necessary, and no transfer therefrom shall be authorized except by resolution of the city council, and said board shall not be authorized to expend any money in excess of funds available therefor, under penalty provided in chapter 212, section 29, of the Laws of 1905.
- Compensation.** **SECT. 13.** The annual compensation of said board of public works shall be \$350 for the member chosen clerk, and \$300 each for the other two members.
- Repealing clause: act takes effect on passage.** **SECT. 14.** All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.
[Approved February 24, 1909.]

CHAPTER 241.

AN ACT TO REVISE THE CHARTER OF THE CITY OF PORTSMOUTH IN RELATION TO THE REGISTRATION OF VOTERS IN SAID CITY.

SECTION

- 1. Repealing clause.
- 2. Board of registrars.
- 3. Annual election of registrars.
- 4. Duties of board.

SECTION

- 5. Revision and correction of lists.
- 6. Vacancies, how filled.
- 7. Organization and compensation of board.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That all of sections 20, 22, 23 and 24, chapter 183, acts of 1895, and all of section 1, chapter 168, Laws of 1899, and all other laws, or parts of laws, which conflict with the subject of this bill, are hereby repealed, and all of the law relating thereto shall be contained in the following sections, to wit: Repealing clause.

SECT. 2. The city council of said Portsmouth, within thirty days of the passage of this act, shall elect *viva voce* on roll call, seven persons, two being residents of ward number one, two being residents of ward number two, one being a resident of ward number three, one being a resident of ward number four, and one being a resident of ward number five, of said city; and the seven thus elected shall constitute the board of registrars of voters of said city until their successors are elected. Board of registrars.

SECT. 3. At each annual election there shall be chosen by a plurality vote of legal voters, in ward number one, two registrars of voters; in ward number two, two registrars of voters; in ward number three, one registrar of voters; in ward number four, one registrar of voters; and in ward number five, one registrar of voters, who shall hold their offices for one year, until others are chosen and qualified in their places. The registrars thus chosen shall constitute a board of registration of voters in said city for the purpose of making and posting a list of the voters in the respective wards in said city. Annual election of registrars.

SECT. 4. Said board of registration shall prepare, revise and post, in the manner required by law, an alphabetical list of all voters in each ward, and for that purpose shall have access to any books or lists belonging to the city or any ward thereof, and shall have the assistance of any of the city ward officers they may require, and shall deliver an attested copy of the list of voters so prepared and corrected, to the clerks of the respective wards; and said ward clerks shall use the list of voters so prepared and corrected, and no other, at the election of said wards. In preparing the list of voters said registrars shall record the first or Christian Duties.

name of each voter in full, but may use initial letters to designate the middle name of any voter.

Revision and
correction of
lists.

SECT. 5. Said board of registrars shall be in session at the city hall, or such other place as they may designate, for the purpose of revising and correcting the list of voters, six days at least before the state elections and three days before other elections, within one month next preceding the day of election, the last two sessions to be held within one week of said election. Said sessions continue from nine o'clock a. m. to twelve o'clock noon; from two o'clock until five o'clock p. m., on each of said days; and from half past seven o'clock p. m. to half past nine o'clock p. m.; the times and places of said meetings to be publicly advertised in at least two newspapers published in Portsmouth for at least three days prior to the first meeting. Said board of registrars shall be in session on election days from eight o'clock a. m. until twelve o'clock at noon, so that in case the name of any person has been omitted from the check-list whom the registrars are satisfied is a legal voter agreeably to the provisions of chapter 29, section 1, of the general laws of the State of New Hampshire, the registrar shall certify the same to the moderator, who shall receive his vote, and the ward clerk shall check the name of the person so voting on the back of the certificate, and shall return the same to the city clerk with the check-list.

Vacancies.

SECT. 6. Any vacancy occurring in the board of registrars of voters shall be filled forthwith by the city council by selecting a legal voter from the ward where such vacancy exists, by *viva voce* vote on roll call, in open meeting.

Organization;
compensation.

SECT. 7. The registrars of voters shall choose one of their number chairman and one clerk. The clerk shall receive one hundred dollars a year in full for all services rendered by him, and the other members of the board shall receive twenty-five dollars each per annum for all services rendered by them.

[Approved February 24, 1909.]

CHAPTER 242.

AN ACT EXEMPTING FROM THE PROVISIONS OF CHAPTER 40 OF THE LAWS OF 1905, AS AMENDED BY CHAPTERS 68, 82 AND 138 OF THE LAWS OF 1907, A CERTAIN LEGACY OR DEVISE UNDER THE WILL OF MARILLA M. RINES.

SECTION

1. Legacy tax abated.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The tax claimed by the state to be due, under the provisions of chapter 40 of the Laws of 1905, as amended by chapters 68, 82 and 138 of the Laws of 1907, upon property passing by the residuary clause, to wit, clause 7, of the will of Marilla M. Rines, late of Boscawen, New Hampshire, said clause bequeathing and devising the residuum of said estate, in trust, for distribution to charitable objects, or for the relief of such persons as are poor and needy, and for the relief of those suffering from disease, be, and the same is, hereby abated.

Legacy tax abated.

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

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 243.

AN ACT TO ANNEX THE HOMESTEAD OF HORACE B. ANNIS TO THE UNION SCHOOL DISTRICT OF THE CITY OF CONCORD.

SECTION

1. Homestead severed and annexed.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the homestead of Horace B. Annis be, and is hereby, severed from the Penacook School District of the city of Concord and annexed to the Union School District of the city of Concord for school purposes.

Homestead severed and annexed.

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

Takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 244.

AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF CONCORD.

SECTION		SECTION
1. Appropriation for auditorium authorized.		4. Right of eminent domain.
2. Issue of bonds authorized.		5. Care and rental of building.
3. Purchase of site.		6. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Auditorium authorized.

SECTION 1. The city of Concord, through its city council, is hereby authorized and empowered to raise and appropriate money for the purpose of building, furnishing and maintaining an auditorium or convention hall suitable and convenient for public gatherings and for providing a suitable lot on which to build the same.

Issue of bonds.

SECT. 2. For the purposes aforesaid, said city is hereby authorized to issue its bonds in the manner and subject to the regulations provided by the Laws of 1895, chapter 43, and amendments thereof, and any other general statutes relating to the issue of bonds by municipal corporations.

Purchase of site.

SECT. 3. Said city is authorized to acquire, by purchase or lease, upon such terms as may be deemed expedient by the city council, a suitable site for such building and to accept voluntary conveyances and leases of land and donations of money and other property to be held and used for the purposes aforesaid.

Right of eminent domain.

SECT. 4. If the owner or owners of any tract of land selected by said city council as a location for said building shall refuse to sell the same to the city for a price satisfactory to the city council, such land may be taken, the damages assessed and the same remedies and proceedings had as in case of laying out highways.

Care and rental.

SECT. 5. Said city, by its city council, is authorized to make such provisions for the care, rental and use of said building as it may deem expedient.

Takes effect on passage.

SECT. 6. This act shall take effect on its passage.
[Approved February 24, 1909.]

CHAPTER 245.

AN ACT TO SEVER CERTAIN HOMESTEADS FROM THE SCHOOL DISTRICT IN THE TOWN OF BENNINGTON, AND ANNEX THE SAME TO THE SCHOOL DISTRICT IN THE TOWN OF ANTRIM, FOR SCHOOL PURPOSES.

SECTION

1. Homesteads severed and annexed.

SECTION

2. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the homestead owned by Martha J. Baldwin and the homestead farm of Henry Harrison in the town of Bennington, are hereby severed from the school district in the town of Bennington, and annexed to the school district in the town of Antrim for school purposes.

Homesteads severed and annexed.

SECT. 2. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause; act takes effect on passage.

[Approved February 24, 1909.]

CHAPTER 246.

AN ACT TO PROVIDE FOR THE CHOICE OF ASSESSORS IN THE TOWN OF CLAREMONT.

SECTION

1. Board of assessors established.
2. Tenure of office.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The town of Claremont is hereby authorized to choose a board of three assessors by ballot and by major vote, who shall perform all the duties relative to taking the inventory and the appraisal of property for taxes and in regard to the assessment and abatement of taxes and issuing warrants for the collection of the same, as are now or may hereafter be required by law of selectmen and assessors of towns, and shall have all the powers and be subject to the same liability in regard to those duties which selectmen and assessors in towns now or hereafter may have or be subject to in regard to the same, *providing, however*, that they shall not have authority to abate taxes under sections 12 and 13, chapter 59 of the Public Statutes, nor because of inability to pay the same, such

Board of assessors established.

authority to remain vested in the selectmen, notwithstanding anything contained in this act.

Tenure of office.

SECT. 2. The terms of the assessors first chosen after the passage of this act shall be as follows: the one receiving the highest number of votes shall serve for the term of three years, the second highest for two years, the third highest for one year; and thereafter at each town meeting one assessor shall be chosen for the term of three years.

Takes effect on passage.

SECT. 3. This act shall take effect upon its passage.
[Approved February 25, 1909.]

CHAPTER 247.

AN ACT AUTHORIZING AND EMPOWERING HILLSBOROUGH BRIDGE VILLAGE FIRE PRECINCT TO SUPPLY WATER FOR INDUSTRIAL PURPOSES.

SECTION

1. Authority granted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority granted.

SECTION 1. Hillsborough Bridge village fire precinct is authorized and empowered to supply water for industrial purposes.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved February 25, 1909.]

CHAPTER 248.

AN ACT TO ESTABLISH THE POLICE COURT OF CLAREMONT.

SECTION

1. Police court established.

2. Salary of justice.

SECTION

3. Disposition of fines.

4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Court established.

SECTION 1. The police court of Claremont as heretofore existing and constituted is hereby continued and established under the name of Police Court of Claremont.

SECT. 2. The annual salary of the justice of said police court of Claremont shall be the sum of four hundred dollars less the compensation of the special justice as established by general law. Salary of justice.

SECT. 3. All fines and costs imposed by said court shall be for the use of said town and shall be paid over to the treasurer of said town by any person collecting the same. Disposition of fines.

SECT. 4. This act shall take effect upon its passage. Takes effect on passage.
 [Approved February 25, 1909.]

CHAPTER 249.

AN ACT TO AMEND THE CHARTER OF THE NASHUA & HOLLIS ELECTRIC RAILROAD COMPANY, AND EXTENDING THE TIME FOR THE COMPLETION OF THE ROAD.

SECTION 1. Time for building extended.		SECTION 2. Takes effect on passage.
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Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The time fixed in the charter of the Nashua & Hollis Electric Railroad Company, approved February 28, 1907, is hereby extended to March 25, 1911, and said corporation shall have such additional time in which to build its road. Time for building extended.

SECT. 2. This act shall take effect upon its passage. Takes effect on passage.
 [Approved February 25, 1909.]

CHAPTER 250.

AN ACT IN AMENDMENT OF CHAPTER 291 OF THE SESSION LAWS OF 1907, ENTITLED "AN ACT EMPOWERING LACONIA AND GILFORD TO BUILD AND MAINTAIN PUBLIC WHARVES AND TO APPROPRIATE MONEY FOR THE SAME."

SECTION 1. Rental of land for wharves authorized.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Strike out all of said act after section 2 and substitute the following: SECT. 3. The said city of Laconia and the Rental of land authorized.

said town of Gilford are further empowered to rent or lease, for a term of years, land on either of the above named lakes, for the purpose of erecting and maintaining public wharves, thereon, if in their judgment, the public good requires such action, and to appropriate money for the payment of the rentals of such lease. SECT. 4. In the case of action taken under the authority of the preceding section, the proceedings required in section 2 of the act shall not be applicable. SECT. 5. This act shall take effect upon its passage.

[Approved February 25, 1909.]

CHAPTER 251.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT AUTHORIZING THE COCHECO MANUFACTURING COMPANY TO CONSTRUCT AND MAINTAIN A RAILROAD FROM ITS PLANT IN THE CITY OF DOVER TO THE TRACKS OF THE BOSTON & MAINE RAILROAD IN SAID DOVER, FOR THE PURPOSE OF SHIPPING FREIGHT TO AND FROM SAID BOSTON & MAINE RAILROAD," PASSED FEBRUARY 28, 1901.

SECTION

1. Transfer of rights authorized.

SECTION

2. Subject to repeal; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Transfer of rights authorized.

SECTION 1. Whereas the said Cocheeco Manufacturing Company has conveyed and assigned its entire property, assets and good-will to the Pacific Mills, a corporation duly established by law and now doing business at said Dover, the said Cocheeco Manufacturing Company is hereby authorized and empowered to transfer and assign all the rights and powers granted to it in chapter 224, session Laws 1901; and the said Pacific Mills is hereby authorized and empowered to exercise the same, but subject to the duties, liabilities and obligations assumed by the said Cocheeco Manufacturing Company, as set forth in said chapter.

Subject to repeal; takes effect on passage.

SECT. 2. The legislature may alter, amend or repeal this act whenever in its opinion the public good may require; this act shall take effect upon its passage.

[Approved February 25, 1909.]

CHAPTER 252.

AN ACT TO INCORPORATE THE DERRYFIELD MUTUAL FIRE INSURANCE COMPANY.

SECTION

- 1. Corporation constituted; purposes.
- 2. Assessments.
- 3. Management.

SECTION

- 4. First meeting.
- 5. Subject to repeal; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That Joseph P. Chatel, J. Edward Bernier, Augustus A. E. Brien, Louis J. Messier, Joseph A. Boivin and Mederique R. Maynard, and their associates, successors and assigns, be and are hereby incorporated and made a body politic by the name of the Derryfield Mutual Fire Insurance Company, with authority to have and exercise all the powers and privileges incident to corporations of a similar nature unless limited or extended by this act, for the purpose of making and effecting insurance against loss and damage upon property by fire, lightning, hail or tornado.

Corporation constituted; purposes.

SECT. 2. The corporation may issue policies of insurance containing a stipulation or agreement providing for the assessment of its policy-holders, when necessary, for the payment of the liabilities of the corporation. The amount of such liability to assessment shall be limited in the policies so issued, and the amount thus limited and expressed in such policies shall by the acceptance of the policy by the insured be deemed an acknowledgment of such agreement to pay said assessment, and such agreement shall be construed in effect a premium note given by the insured to said corporation, and in all cases shall be deemed to be assets of the corporation to the extent and amount so fixed and limited in the policies. The principal office of the company shall be in Manchester, New Hampshire.

Assessments.

SECT. 3. The management of the corporation shall be vested in a board of directors, to be chosen by the incorporators at the organization of the corporation, and subsequently by the policy-holders thereof at each annual meeting. Said corporation may adopt all suitable by-laws for the carrying into effect the purposes of this corporation, not repugnant to the laws of the state and this act.

Management.

SECT. 4. The first meeting of the members of the corporation may be held by a written agreement of all said grantees, stating the time, place and purpose thereof.

First meeting.

SECT. 5. This act may be altered, amended or repealed when the public good may require, and this act shall take effect upon its passage.

Subject to repeal; takes effect on passage.

[Approved February 25, 1909.]

CHAPTER 253.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY OF THE NASHUA PROTESTANT ORPHANAGE ASSOCIATION, OF NASHUA, NEW HAMPSHIRE.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Property exempted.

SECTION 1. The real and personal property now held by the Nashua Protestant Orphanage Association of Nashua, New Hampshire, located in Nashua, New Hampshire, together with any property that may be hereafter acquired by said association, and located in said Nashua, or improvements thereon, are and shall be exempt from taxation, so long as said property is used for orphanage purposes.

Takes effect on passage.

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

[Approved February 25, 1909.]

CHAPTER 254.

AN ACT IN AMENDMENT OF SECTION 1 OF CHAPTER 62 OF THE LAWS OF 1828, BEING AN ACT ENTITLED "AN ACT TO INCORPORATE THE TOWN OF FRANKLIN," AND TO ESTABLISH THE BOUNDARY LINE BETWEEN FRANKLIN AND NORTHFIELD.

SECTION

1. Boundary line established.
2. Repealing clause.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Boundary line established.

SECTION 1. That section 1 of chapter 62 of the Laws of 1828 be amended by striking out the following words in said section, page 314, commencing at line 22, "thence west, 72 rods, to the west side of the Leighton road in Northfield; thence south on the westerly side of said road, 307 rods; thence east 41 rods, to the easterly side of said road; thence south, 307 rods;" and insert in place thereof the following words, thence west, 68 rods to a stone post on the easterly side of the Leighton road in Northfield; thence south, on the east side of said road to a stone post near a large pine tree, at the westerly end of the Ledge road, so called; thence west, 4 rods, to the westerly side of said road; thence south, to the

original town line; so that said section as amended shall read as follows: SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened, That there be, and hereby is, a town erected and incorporated by the name of Franklin, with the following bounds, viz.: beginning on the Merrimack river, where the line between Salisbury and Boscawen commences, thence south about 70 degrees west, following the line between said towns, to the southwest corner of lot No. 10, in the first range of lots in Salisbury; thence north 6 degrees east, following the westerly line of said lot, to a stone monument at the northwest corner of said lot; thence north four rods, across the first range way in Salisbury; thence south about 73 degrees west, to a stone marked C B at the southwest corner of lot No. 11, the second range of lots in Salisbury; thence north 6 degrees west, on the westerly line of said lot, to the northwest corner of said lot, on the south side of the Centre road, so called; thence south about 73 degrees west, $63\frac{1}{2}$ rods; thence north 4 rods, across the road; thence south about 73 degrees west, $63\frac{1}{2}$ rods to a stone marked C B, at the southwest corner of lot No. 61, in the third range of lots in Salisbury; thence north 14 degrees east, on the westerly line of said lot, 474 rods, to a stone marked C B, at the south side of the road; thence north about 73 degrees east, following the course of the range way, to the southwest corner of lot No. 52 in the fourth range of lots in said Salisbury; thence north, following the westerly line of said lot to a stake and stones on the line between Salisbury and Andover; thence south about 73 degrees west, following said line 55 rods, to a stake and stones at the southwest corner of lot No. 19, in the first range of lots in Andover; thence north about 7 degrees west, to the northwest corner of said lot No. 19 and at the southwest corner of lot No. 20, in the second range of lots in Andover; thence following the westerly line of lot No. 20, aforesaid, 320 rods, to a birch tree spotted; thence north 73 degrees east, 19 rods; thence north, 4 rods, across the road, to the southwest corner of lot No. 61, in the third range of lots in said Andover; thence north about 17 degrees west, on the westerly line of said lot, until you strike the fourth range way in Andover aforesaid; thence across said range way, to the southwest corner of lot No. 62, in the fourth range of lots in said Andover; thence northerly, on the west line of said lot, to the line of New Chester; thence easterly, on the south line of said New Chester, to Pemigewasset river; thence passing down said river, to the eastern shore where the sixth range way in Sanbornton strikes the said river; thence north, about 77 degrees east, following the middle of said range way, 257 rods, to the northeast corner of lot No. 67, in the sixth range of lots in Sanbornton; thence south about 13 degrees east, on the easterly line of said lot, 160 rods, to a stone monument on the fifth range way in Sanbornton; thence south

13 degrees east, on the easterly line of lot No. 22, in the fifth range of lots in said Sanbornton, 186 rods, to a stake on the fourth range way; thence north 77 degrees east, to the northeast corner of lot No. 31, in said fourth range; thence south 13 degrees east, on the easterly line of said lot, 186 rods, to a stake and stones on the south side line of the third range way in Sanbornton; thence south about 77 degrees west, 84 rods, to the northeast corner of lot No. 61, in the third range of lots in said Sanbornton; thence south 13 degrees east, 206 rods, on the easterly side of said lot to a stake and stones on the north side of the road; thence south about 77 degrees west, 56 rods; thence south, across the road, to a stake and stones at the northeast corner of lot No. 69, in the second range of lots in Sanbornton; thence south 13 degrees east, on the easterly line of said lot No. 69, 270 rods, to a maple tree; thence north 77 degrees east, 8 rods; thence south 13 degrees east, 66 rods, to a stake and stones on the bank of the river Winnepiseogee; thence down said river; thence south across said river, to a hemlock tree marked, being the corner of lots Nos. 7 and 8 in Northfield; thence south, 140 rods to the north side of a range way; thence west, 68 rods to a stone post on the east side of the Leighton road in Northfield; thence south, on the east side of said road to a stone post near a large pine tree, at the westerly end of the Ledge road so called; thence west 4 rods, to the westerly side of said road; thence south, to the original town line; thence west, along the northerly line of lot No. 175, in the first range of lots in said Northfield, 199 rods, to a stake and stones at the northwest corner of said lot; thence west, 62 rods to a white birch tree marked, on the bank of the river Merrimack; thence down and across said river, to the bound first mentioned. And that the parts of said towns, of Salisbury, Andover, Sanbornton and Northfield, within those bounds be separated from the said towns respectively, and that the inhabitants who now reside, or may hereafter reside, within those bounds aforesaid, be, and hereby are, made and constituted a distinct body politic and corporate by the name of Franklin, to have continuance and succession forever, and vested with all the rights, powers, privileges, and immunities, which other towns in this state enjoy. *Provided nevertheless*, that all town officers residing within the limits of the town of Franklin, who were chosen by the towns of Salisbury, Andover, Sanbornton and Northfield, shall continue in their respective offices during the time for which they were elected; and all taxes which have been assessed shall be levied, collected, expended and applied in the same manner as if this act had not been passed.

Repealing
clause.

SECT. 2. That the provisions of chapter 99, Laws of 1903, are hereby repealed or suspended so far as the same may apply to this act.

Takes effect
on passage.

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

[Approved February 25, 1909.]

CHAPTER 255.

AN ACT TO INCORPORATE THE CITY OF CLAREMONT.

<p>I. MUNICIPAL GOVERNMENT.</p> <p>SECTION</p> <p>1. City established.</p> <p>2. To constitute one ward; election officers.</p> <p>3. Executive and legislative departments.</p> <p>4. Powers and duties of mayor and city council.</p> <p>5. School-district administration.</p> <p>6. Town property vested in city.</p> <p>7. Municipal officers; election and terms of office.</p> <p>II. ELECTIONS AND MEETINGS.</p> <p>8. Municipal election, when held.</p> <p>9. Nomination of candidates.</p> <p>III. LEGISLATIVE DEPARTMENT.</p> <p>10. Organization of mayor and council.</p> <p>11. Temporary vacancies, how filled.</p> <p>12. Council meetings to be open.</p> <p>13. Vacancies in council, how filled.</p> <p>14. Councilmen not to be interested in city contracts, etc.</p> <p>15. Election of auditor, etc.</p> <p>16. Annual appropriations.</p> <p>17. Grant of exclusive franchise restricted.</p> <p>18. Erection of schoolhouses, etc.</p> <p>19. Fire and police departments.</p> <p>20. Majority vote of council necessary, when.</p> <p>21. Removal of mayor for misconduct.</p> <p>22. Councilmen to hold no other city office.</p> <p>23. Veto power of mayor.</p> <p>IV. EXECUTIVE DEPARTMENT.</p> <p>24. Mayor sole executive; compensation.</p> <p>25. Power of appointment and removal.</p>	<p>SECTION</p> <p>26. Designation of mayor <i>pro tem</i>.</p> <p>V. PUBLIC SCHOOLS.</p> <p>27. Management vested in school board.</p> <p>28. Vacancy in board, how filled.</p> <p>29. Stevens High School committee.</p> <p>30. Compensation of school employees, how fixed.</p> <p>VI. ADMINISTRATIVE OFFICERS.</p> <p>31. Mayor to appoint certain officers.</p> <p>32. Tenure of office of appointees.</p> <p>VII. POWERS AND DUTIES OF OFFICERS.</p> <p>33. City clerk.</p> <p>34. City treasurer.</p> <p>35. City auditor.</p> <p>36. Commissioner of public works.</p> <p>37. City solicitor.</p> <p>38. Trustees of trust funds.</p> <p>39. Public library trustees.</p> <p>40. General provision as to duties.</p> <p>41. Appointment and removal of subordinates.</p> <p>VIII. INITIATIVE AND REFERENDUM.</p> <p>42. Submission of certain expenditures to voters.</p> <p>43. Consideration of ordinances on petition of voters.</p> <p>IX. GENERAL PROVISIONS.</p> <p>44. Annual estimates of appropriations.</p> <p>45. Specific appropriations required.</p> <p>46. Work and supplies on competitive bids.</p> <p>47. Contracts to be in writing, when.</p> <p>48. Town officials to hold over until city organizes.</p> <p>49. Acceptance of act by popular vote.</p> <p>50. Takes effect, when; repealing clause.</p>
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Be it enacted by the Senate and House of Representatives in General Court convened:

I. MUNICIPAL GOVERNMENT.

SECTION 1. The inhabitants of the town of Claremont in the county of Sullivan shall continue to be a body corporate and politic under the name of the City of Claremont.

City established.

SECT. 2. Said city shall constitute one ward. Said ward shall at each biennial election choose by ballot a moderator and three supervisors of the check-list who shall hold office for two years or until their successors are elected and qualified. Said supervisors

To constitute one ward; election officers.

shall perform all the duties required by law of selectmen of wards in cities and of supervisors of check-lists in towns, and for all purposes requiring such officers shall be considered selectmen of said ward. The city council may divide the ward into precincts and establish a polling place for each precinct, whenever in their judgment it shall be deemed advisable. At the first primary election held after the establishment of an additional precinct, the city council shall assign the election officers then holding office, among all the precincts, where they shall have full power of a complete board in each precinct; and at said first primary and election after the establishment of an additional precinct, there shall be nominated at the primary and elected at the election in each precinct, a moderator, three supervisors of the check-list and a precinct clerk, in the same manner as herein provided for election of election officers. Said officers shall hold office until the next biennial election and until their successors are elected and qualified; and thereafter at each biennial election, there shall be elected for each precinct a moderator, three supervisors of the check-list and a precinct clerk. The duties of the supervisors for precincts shall be as previously specified in this section; the duties of the precinct clerks shall be the same as provided by law for ward clerks.

Executive
and legislative
departments.

SECT. 3. The administration of all the fiscal, prudential and municipal affairs of said city, and the government thereof, (except the affairs of the public schools as hereinafter provided) shall be vested in an executive department, which shall consist of one officer to be called the mayor; and in a legislative department which shall consist of a single body of nine members to be called the city council, the members whereof shall be called councilmen, who shall serve without pay. The executive department shall never exercise any legislative power and the legislative department shall never exercise any executive power, except as hereinafter provided.

Powers and
duties of
mayor and
council.

SECT. 4. The mayor and city council created by this act shall have all the powers and do and perform in reference to each other or otherwise all the duties which mayors, boards of aldermen and common councils of cities are by law authorized or required to do and perform, either separately or otherwise, except as herein otherwise provided.

School-district
administration.

SECT. 5. Said city shall constitute one school district and the administration of all fiscal, prudential and district affairs of said district shall be vested in the city council, except such as shall hereinafter be vested in the school board and in the Stevens High School committee.

Town property
vested in
city.

SECT. 6. All property of said town of Claremont and of the school district of said town, shall be vested in said city, and all

debts of said town and said school district shall be considered for all purposes as the debts of said city.

SECT. 7. At each annual municipal election there shall be elected a mayor who shall serve for one year; three councilmen who shall serve for three years; one assessor to serve for three years; and a member of the school board as hereinafter provided, to serve for three years; except that at the first such election there shall be elected nine councilmen, three of whom shall serve for one year, three for two years and three for three years, and three assessors who shall serve for one, two and three years respectively. The respective terms of service of the councilmen and assessors elected at the first municipal election shall be determined by each body by lot at its first meeting. The words year and years as used in this section shall be construed to mean the municipal year or years following the municipal election or until their successors are elected and qualified. The municipal year shall begin on the first Monday of January following the annual municipal election.

Municipal officers; election and terms of office.

II. ELECTIONS AND MEETINGS.

SECT. 8. The municipal election of said city of Claremont shall be held on the second Tuesday in December in each year. The first such election shall be held on the second Tuesday in December next following the acceptance of this act, shall be called by the selectmen of the town of Claremont, and shall be held in the present town hall. Municipal elections and meetings thereafter shall be held in the same place unless the city council shall order otherwise. In all elections by the voters the polls shall be opened at eight o'clock in the forenoon and shall be kept open until seven o'clock in the afternoon.

Municipal election.

SECT. 9. Candidates to be voted for at any municipal election shall be nominated at a primary election and no names shall be placed upon the ballot to be used at any municipal election except those selected in the manner herein prescribed. Said primary election shall be held on the last Tuesday of November of each year and the same officers shall have charge thereof and perform the same duties which they have to perform at the municipal elections. The check-list shall be used and the polls opened and closed at the same hours as at the annual election. The name of any person shall be placed upon the primary ballot as a candidate for nomination for any office to be filled at said election upon his consent thereto in writing being filed with the city clerk, at least seven days prior to the date of the primary election. The city clerk shall cause to be published in each of the weekly newspapers of said city in the last issue preceding the primary election, the names of persons as they are to appear upon the primary ballot, and the said clerk shall

Nomination of candidates.

cause the primary ballots to be printed and authenticated with a *facsimile* of his signature. The names of the candidates for nomination for each office shall be placed upon the primary ballot in alphabetical order with instructions as to the number to be voted for, and shall have no party designation or mark whatever. For the first primary election and the first municipal election following the acceptance of this act the town clerk shall prepare the ballots in the manner herein prescribed. The only candidates whose names shall be printed on the ballot to be used at the municipal election shall be those receiving the highest number of votes at the primary election for each office, as follows: For mayor, the two highest; for councilmen, the six highest; for assessor, the two highest; for member of the school board, the two highest; except that at the first municipal election the names of the eighteen candidates for councilmen and the six candidates for assessors receiving the highest number of votes in the primary election shall be printed; *provided however*, that the name of any legally qualified person shall be printed upon the ballot to be used at the municipal election as a candidate for the office of mayor, if within one week after the primary election a paper or papers requesting that his name be so printed, signed by not less than two hundred legal voters of the city, be filed with the city clerk, in which case the check-lists used at said primary election shall be final and conclusive evidence as to whether the signers of such request are in fact legal voters of said city. In case of a tie making it impossible to determine who are chosen as candidates, the names of all persons between whom such tie exists shall be printed upon the ballot to be used at the municipal election. The names of candidates printed upon the ballot to be used at the municipal election shall contain no party designation or mark whatever. In the case of any vacancy to be filled at a municipal election the procedure as to balloting at the primary election and at the municipal election shall be the same as herein prescribed for officers to be elected for a full term.

III. LEGISLATIVE DEPARTMENT.

Organization
of mayor and
council.

SECT. 10. The mayor and councilmen elect shall meet on the first Monday in January next following the annual municipal election, at ten o'clock in the forenoon, for the purpose of taking their respective oaths. The city council before transacting any further business shall then elect one of their number by ballot as president of the council. Their next business shall be the election of a city clerk to serve for the ensuing year. The votes of a majority of all the members of the city council shall be necessary to the election of the president of the council and the city clerk, except that if, a majority of the councilmen being present, an election is not thus

effected in ten ballots, then on any succeeding ballot a plurality of those present shall elect. The president shall have the same right to vote as any other member of the council. The president or the city clerk may be removed from office by the vote of two-thirds of all the members of the council, taken by roll-call at a meeting called for that purpose.

SECT. 11. In case of the absence of the president from a meeting of the city council, the meeting may elect a president *pro tempore* by the vote of a plurality of the councilmen present. In case of the temporary disability of the city clerk, or his temporary absence from the city or from a meeting, the council may elect a clerk *pro tempore* by a plurality vote, said clerk *pro tempore* to be duly qualified.

Temporary vacancies.

SECT. 12. The meetings of the city council shall be open to the public, whether in session as a council or as a committee of the whole, and its journal of proceedings shall be open to public inspection. It shall determine the rules for its own government and for the frequency of its meetings, except as herein otherwise provided or as provided by law.

Open council meetings.

SECT. 13. The city council may fill any vacancies occurring in its membership by ballot and a majority vote of those present at any meeting called for that purpose. The member thus elected shall hold office until the end of the current municipal year.

Vacancies in council.

SECT. 14. Neither the city council nor any member or committee thereof shall directly or indirectly take part in the employment of labor, the making of contracts, the purchase of materials or supplies, the construction, alteration or repair of any public works, buildings or other property, or the care, custody or management of the same, or in the conduct of any of the executive or administrative business of the city, or in the expenditure of public money, (except such as may be necessary for the contingent and incidental expenses of the city council), or in the appointment or removal of any officers, except as herein otherwise provided.

Councilmen not to be interested in contracts, etc.

SECT. 15. The city council shall annually in the month of January by a majority vote of all its members taken by ballot, choose an auditor who shall hold office for the term of one year beginning with the first Monday in February next ensuing, and until his successor is chosen and qualified; a member of the Stevens High School committee and a member of the board of trustees of trust funds, each of whom shall hold office for five years beginning with the first Monday in February next ensuing, and until his successor is chosen and qualified; except that the first council shall choose five members of said committee and of said board to serve for one, two, three, four and five years respectively. Any of the above named officers may be removed by the city council in the same manner as they are chosen.

Election of auditor, etc.

Annual ap-
propriations.

SECT. 16. The city council shall appropriate annually in the month of March the amounts necessary to meet the expenditures of the city for the current financial year, as hereinafter provided. It shall see that no money is paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or disbursement of money. It shall as often as once in each year, on or before November 20, cause to be published for the use of the inhabitants a particular account of the receipts and expenditures of said city and a schedule of all city property and of the city debt.

Grant of
exclusive
franchise
restricted.

SECT. 17. No vote of the city council granting or bestowing an exclusive franchise of any description to any person or corporation shall be valid, unless approved by a vote of the qualified voters of the city.

Erection of
schoolhouses,
etc.

SECT. 18. The city council shall not authorize the erection of a schoolhouse, or of any addition thereto, nor pass any appropriation for such purpose, until plans for the same have been approved by vote of the school board, or, in case of the Stevens High School by the Stevens High School committee, and such approval has been certified in writing to the council by said board or committee.

Fire and police
departments.

SECT. 19. The city council shall establish a fire department and a police department for said city, each department to consist of a chief and such other officers and members as the city council shall prescribe. The chiefs of such departments shall be appointed and may be removed by the mayor, as herein elsewhere provided; and the appointment and removal of other officers and members of such departments shall be made by the heads of the departments as hereinafter provided.

Majority vote
of council,
when.

SECT. 20. The affirmative votes of a majority of all the members of the city council shall be necessary for the passage of any ordinance, order, resolution or vote involving the appropriation or expenditure of money to an amount which may exceed two hundred dollars, the laying of an assessment, or the granting to a person or corporation of any right in, over or under any street or other public ground of the city. Every such ordinance, order, resolution or vote shall be read twice, with an interval of at least three days between the two readings before being finally passed; and the vote upon its final passage shall be by roll-call; *provided*, that in cases necessitating immediate action for the public safety, the council, on written recommendation of the mayor or acting mayor may pass the same upon the same day by a two-thirds vote of the members present, taken by roll-call.

Removal of
mayor for mis-
conduct.

SECT. 21. At any meeting of the city council any member thereof may give written notice, seconded in writing by not less than four

other members, of his intention to move at the next meeting thereof occurring within not less than ten days, a resolution that the mayor be removed for official misconduct or neglect of duty. Such notice shall specify the acts of misconduct or the instances of neglect of duty complained of, shall be entered by the clerk in the minutes of the council, and the clerk within two days shall serve a copy upon the mayor, either personally or by leaving the same at his last or usual place of abode, and shall mail a copy to each of the members of the city council at his residence. At such next meeting of the city council the mayor shall have the right to speak in his own defence and to be heard by counsel. The vote on the resolution shall be by roll-call. If it receives the affirmative vote of three-fourths of all the members of the council, the office of mayor shall thereupon become vacant.

SECT. 22. No member of the city council shall hold any other office in or under the city government, or act as counsel in any matter before the council or any committee thereof, and no person shall be eligible for appointment to any municipal office established by the council during any municipal year within which he was councilman, until the expiration of the next municipal year. This section shall not prevent the election of a councilman to the office of mayor.

Councilmen
to hold no
other city
office.

SECT. 23. Every ordinance, order, resolution or vote of the city council, (except such as relate to its own internal affairs, to its own officers or employees, to the election or duties of the auditor, Stevens High School committee and board of trustees of trust funds, to the removal of the mayor, or to the declaration of a vacancy in the office of mayor) shall be presented to the mayor for his approval. If he approves it he shall sign it, but if not he shall return it to the city clerk with his objections thereto in writing. If he fails to return it within five days after it is presented to him it shall take effect as though he had approved it. The city council may pass any ordinance, order, resolution or vote over the veto of the mayor by a vote of two-thirds of all members of the council.

Veto power of
mayor.

IV. EXECUTIVE DEPARTMENT.

SECT. 24. The executive powers of the city, except as herein otherwise provided, shall be vested solely in the mayor, and may be exercised by him either personally or through the several officers and boards of the city in their departments under his general supervision and control. He shall receive in full for his services an annual salary of six hundred dollars. In case of a vacancy in any office to which appointment is made by the mayor, he may personally perform the duties thereof, but he shall not be entitled to receive any salary or pay attached thereto.

Mayor sole
executive;
compensation.

Power of
appointment
and removal.

SECT. 25. The mayor shall have the sole power of appointment to all the municipal offices established by or under this act, unless herein otherwise provided; and he may, except as herein otherwise provided, remove from office by written order any officer so appointed, for any cause which he shall in his discretion deem sufficient, which cause he shall assign in his order of removal, except that the removal of the chief of police shall be subject to the approval of the city council. Such office shall become vacant upon the filing with the city clerk of such order of removal and the service of a copy thereof upon the officer so removed either personally or by leaving the same at his last or usual place of abode. The city clerk shall keep such order of removal on file, open to public inspection.

Designation
of mayor
pro tem.

SECT. 26. Whenever the mayor shall be disabled from performing the duties of his office, he may designate by a writing filed in the office of the city clerk, either the city treasurer, the city clerk, or the city solicitor to act as mayor; or in case of the failure of the mayor to make such designation, either of the above named officers in the order above named shall act as mayor. Such officer, during the continuance of such disability, shall have all the rights and powers of mayor, except that he shall not have the power of removal, unless thereto in each instance authorized by the city council; nor the power of appointment, unless such disability of the mayor has continued for thirty days, and then subject to the approval of the city council; nor the power to approve or disapprove any ordinance, order, resolution or vote, until within twenty-four hours of the time when it would take effect without the approval of the mayor. In case the disability of the mayor extends for more than sixty days the city council at a meeting called for such purpose, may declare by a majority vote of all members of the city council to be taken by roll-call, a vacancy in the office of mayor. Whenever there shall be a vacancy in the office of mayor the president of the city council shall act as mayor and possess all the rights and powers of mayor during such vacancy, except the power of appointment and removal unless thereto in each instance authorized by the city council. Within fourteen days after such vacancy occurs the city council shall elect a mayor by a majority vote of all its members, who shall serve until the next municipal election and until his successor is duly elected and qualified.

V. PUBLIC SCHOOLS.

Management.

SECT. 27. The management and control of the schools of the city (except the Stevens High School as herein otherwise provided) shall be vested solely in the school board, the manner of whose election is herein elsewhere specified; but the qualifications for electors for school board shall be the same as those now in force

for electors for school board for the school district of the town of Claremont.

SECT. 28. In case a vacancy shall exist in the school board it shall be filled at a joint meeting of the city council and the school board, called by the city council for that purpose. The member thus elected shall serve for the remainder of the municipal year.

Vacancies.

SECT. 29. The management and control of Stevens High School shall be vested solely in the Stevens High School committee, *provided*, that if the qualified voters for school board shall so vote at any annual municipal election, the management and control of the Stevens High School shall then be transferred to and thereafter be vested in the school board.

Stevens High School.

SECT. 30. The school board and the Stevens High School committee shall have the sole power to appoint and remove and fix the compensation of all persons employed by them.

Compensation of employees.

VI. ADMINISTRATIVE OFFICERS.

SECT. 31. The mayor shall appoint on or before the first Monday in February the following administrative officers: I. A commissioner of public works. II. An overseer of the poor. III. A city treasurer. IV. A city solicitor. V. A chief of police. VI. A chief of the fire department. VII. A member of the board of health to serve for three years, except that the first mayor of the city shall appoint three members to serve for one, two, and three years respectively; and at least one member of said board shall be a physician. VIII. A member of the board of trustees of the public library to serve for five years, except that the first mayor of the city shall appoint five members to serve for one, two, three, four and five years respectively. IX. All other administrative officers or boards not herein otherwise provided for, which may be required by law or by ordinance.

Mayor to appoint certain officers.

SECT. 32. Unless otherwise provided, said officers and boards shall hold office for one year beginning with the first Monday in February, and until their successors are appointed and qualified, unless previously removed by the mayor; except that the chief of police shall hold office for three years unless previously removed by the mayor. The compensation of all officers, boards and committees specified in this act shall be fixed by the city council except as herein otherwise provided or as provided by law.

Tenure of office of appointees.

VII. POWERS AND DUTIES OF OFFICERS.

SECT. 33. The city clerk shall be the clerk of the council, and shall perform such duties as are required by law or as may be prescribed by the council, and shall be regarded as the ward clerk for all purposes requiring such an officer.

City clerk.

City treasurer. SECT. 34. The city treasurer shall have charge of all the revenue and expenditure accounts of the city. He shall collect all taxes, water rents and other moneys due the city, and shall have the custody of the same, except trust funds as herein otherwise provided, and shall pay out money for expenditures only upon the certificate of the auditor. He shall make written statements to the city council, showing the city's receipts and expenditures and financial condition, at such times and in such form and detail as the city council may prescribe.

City auditor. SECT. 35. The auditor shall examine all charges or demands against the city and all orders of the city council or other officers for the payment of money, shall see that they have been properly authorized and incurred, that they are approved by some person authorized thereto, and that they are correctly computed. If he approves payment he shall certify to that effect and pass voucher to the treasurer for payment.

Commissioner of public works. SECT. 36. The commissioner of public works shall have control of the construction, alteration, repairs, maintenance and care of all highways; of public buildings, and grounds (except such as are under the control of the school board, Stevens High School committee, or the trustees of the public library, as herein otherwise provided); of public burial places and parks; of public water-works; and of all other public improvements. He shall appoint, with the approval of the mayor, the following officers: a highway commissioner, whose powers and duties, under the direction of the commissioner of public works, shall be those usual to such officers; a superintendent of water-works, an inspector of buildings and an inspector of plumbing, whose powers and duties shall be as prescribed by the city council or as provided by law.

City solicitor. SECT. 37. The city solicitor shall for the salary fixed by the city council perform all legal services in matters in which the city is interested, except as additional legal services may be authorized by the city council on recommendation of the mayor. He shall also, for the salary so provided, give in writing his legal opinion upon any of the municipal affairs of the city upon request of the mayor or the city council, or upon the affairs of any department upon request made by the head of such department.

Trustees of trust funds. SECT. 38. The board of trustees of trust funds shall have the management and control of all trust funds belonging to said city unless otherwise provided by the conditions under which such trust funds were accepted.

Public library trustees. SECT. 39. The trustees of the public library shall have the management and control of the Carnegie library building and the Fiske free library.

SECT. 40. All city officers shall perform such duties as are or may be prescribed by law and such other duties not inconsistent herewith or with law as the city council may prescribe.

General provisions.

SECT. 41. All officers, boards or committees shall have the power, except as herein otherwise provided, to appoint or remove all officers, clerks and employees in their respective departments, *provided* that appointments of police officers by the chief of police shall be subject to the approval of the mayor. Appointments of salaried officers when made by the officers, boards or committees above named, shall not be for any specified term, but shall hold good until removal. Orders for removal shall state the reason therefor and shall take effect upon notice of removal to the person removed, in the same manner prescribed for the removal of heads of departments by the mayor, and upon filing a copy of such notice with the city clerk.

Appointment and removal of subordinates.

VIII. INITIATIVE AND REFERENDUM.

SECT. 42. A vote of the city council in favor of any proposition requiring the expenditure of five thousand dollars or more in addition to the regular annual appropriations shall not become operative until after the expiration of a period of ten days from the day of the final passage of such vote. If, within the said period of ten days, a petition be addressed to and filed with the city clerk signed by at least one hundred qualified voters of the city, asking that such proposition be submitted to the qualified voters of the city, the city council shall within thirty days from the filing of such petition submit such question to the qualified voters at a meeting specially held for such purpose. Pending such period of ten days the action of the city council shall be suspended, and if the said petition be filed, then it shall be further suspended until the result of the vote at such meeting be declared, and if a majority of the voters voting thereon approve said proposition it shall take effect, otherwise it shall be null and void.

Submission of certain expenditures.

SECT. 43. Upon the written petition signed by at least one hundred voters filed with the city clerk, addressed to the city council, and requesting the passage of any ordinance or of any proposition for the expenditure of money exceeding the sum of five thousand dollars, therein to be specifically set forth, the city council shall at its next meeting proceed to consider the same and shall before the adjournment of said meeting pass its final vote thereon. If the said ordinance or proposition be disapproved by the city council the said vote shall be inoperative for a period of ten days, and if within said period of ten days after said disapproval a petition be addressed to and filed with the city clerk signed by at least two hundred qualified voters of the city asking that such proposition be

Consideration of ordinances on petition.

submitted to the qualified voters of the city, the city council shall within thirty days thereafter submit said ordinance or proposition to the qualified voters of the city at a meeting specially held for that purpose, and if a majority of the voters approve such ordinance or proposition it shall take effect, otherwise it shall be null and void.

IX. GENERAL PROVISIONS.

Annual estimates of appropriations.

SECT. 44. The administrative officers and boards above named shall, annually on the first Monday of January, furnish to the mayor a detailed estimate of the moneys required for their respective departments or offices during the current financial year. The mayor, president of the city council and chairman of the board of assessors, shall examine such estimates and shall submit the same to the city council on or before the first day of March, with their detailed apportionment, which shall be the appropriations which the several departments and officers may expend during the current financial year; but said city council at any time prior to April first, of each year, may, subject to the approval of the mayor, strike out or decrease, but not increase, any item in said report.

Specific appropriations required.

SECT. 45. No sum appropriated for a specified purpose shall be expended for any other purpose, and no expenditure shall be made, or liability incurred, by or in behalf of the city, until an appropriation has been duly voted by the city council sufficient to meet such expenditure or liability, together with all prior unpaid liabilities which are payable out of such appropriation, except in accordance with the written consent of the mayor to the city council approved by a ye and nay vote of two-thirds of the city council; *provided, however*, that after the expiration of the financial year and until the passage of the annual appropriations, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one-third of the total of such appropriation for the preceding year. Every bill, pay-roll or other voucher covering an expenditure of money shall be approved by the signature thereon of the officer or of the majority of the board or committee having control of or incurring such expenditure, and after such approval, such bills, pay-rolls or vouchers shall be turned over to the auditor. The financial year shall begin with the first day of November in each year.

Competitive bids.

SECT. 46. Whenever work is required to be done, or supplies are required for the city, at a cost amounting to five hundred dollars or more, the officer, board, or committee having the matter in charge shall invite proposals therefor by advertisements in each of the newspapers published in said city, such advertisements to state

the time and place for opening the proposals in answer to said advertisements, and reserving the right to said officer, board or committee to reject any or all proposals. Every such proposal shall be accompanied by a suitable bond, or certificate of deposit, for the faithful performance thereof, and all such proposals shall be kept by the city clerk, and shall be open to public inspection after said proposals have been accepted or rejected.

SECT. 47. All contracts made by any department of the city, when the amount involved is five hundred dollars or more, shall be in writing, and no such contract shall be deemed to have been made or executed until the approval of the mayor is affixed thereto. All such contracts shall be accompanied by a bond with securities satisfactory to the mayor, or a deposit of money or other security for the faithful performance of such contracts; and such bonds or other security shall be deposited with the auditor until the contract has been fully performed. No such contract shall be altered except by a written agreement of the contractor, the sureties on his or their bond, and the officer, board or committee making the contract, with the approval of the mayor affixed thereto.

Contracts in writing, when.

SECT. 48. All persons holding office in said town of Claremont or in the school district of said town at the time this act shall take effect shall continue to hold the same until the organization of the city government is effected, and until their successors are elected or appointed and qualified.

Town officers hold over.

SECT. 49. The question of acceptance of this act may be submitted to the voters of said town at the annual town meeting to be held in March, 1909, at which meeting the polls shall be open from 8 o'clock in the forenoon to 7 o'clock in the afternoon and the vote shall be taken by ballot, in answer to the following question, Shall an act passed by the general court in the year 1909, entitled "An Act to incorporate the City of Claremont," be accepted? and the affirmative votes of a majority of the voters present and voting thereon shall be required for its acceptance. If at the meeting so held this act shall fail to be thus accepted, it may at the annual meeting in March, 1910, be again thus submitted.

Acceptance by popular vote.

SECT. 50. So much of this act as authorizes the submission of the question of its acceptance to the voters of said town shall take effect upon its passage and the remainder of this act shall take effect if and when the same is accepted by the voters of the said town as provided in the preceding section. All acts and parts of acts that shall be in force and be inconsistent with this act when it takes effect so far as they may be applicable to said town or said city are hereby repealed.

Takes effect, when; repealing clause.

[Approved February 25, 1909.]

CHAPTER 256.

AN ACT EMPOWERING THE TOWN OF MEREDITH TO ACQUIRE, BUILD AND MAINTAIN PUBLIC WHARVES AND TO APPROPRIATE MONEY FOR THE SAME.

SECTION

1. Authority granted.
2. Procedure.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority granted.

SECTION 1. The town of Meredith is hereby empowered to acquire, build and maintain public wharves in said town upon Lakes Winnepesaukee, Waukewan and Winnisquam, whenever and wherever the accommodation of the public may require, to keep the approaches to same both by land and water free from obstructions, to regulate the use of the same, and to appropriate money for said purposes, upon petition to the selectmen of said town.

Procedure.

SECT. 2. Upon such petition the same proceedings shall be had and all parties interested therein, shall have the same rights and remedies, as in laying out of highways.

Takes effect on passage.

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

[Approved February 25, 1909.]

CHAPTER 257.

AN ACT TO INCORPORATE TITIGAW TRIBE NO. 38, IMPROVED ORDER OF RED MEN OF ENFIELD, NEW HAMPSHIRE.

SECTION

1. Corporation constituted.
2. Power to hold property.
3. First meeting.

SECTION

4. Takes effect on passage; subject to repeal.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation constituted.

SECTION 1. James H. Gallagher, Williard A. Abbott, Charles L. Sweeney, William A. Saunders, George W. Griffin, Anton Eppich and Frank Schemanski, their associate members of said tribe and their successors, be and hereby are made a body politic and corporate by the name of Titigaw Tribe No. 38, Improved Order of Red Men of Enfield New Hampshire for fraternal, social and char-

itable purposes. They shall have all the powers, rights and duties of similar corporations and may make such by-laws and regulations as they are authorized to make by the Great Council of the order, not inconsistent with the constitution and laws of the State of New Hampshire.

SECT. 2. Said corporation may purchase, take and hold by deed, gift, bequest, devise or otherwise, real and personal estate for the purpose or purposes of the corporation to an amount not exceeding five thousand dollars, and may improve, sell and convey, or otherwise dispose of the same at pleasure. Power to hold property.

SECT. 3. James H. Gallagher, or any three of the persons herein named, may call the first meeting of the corporation at such time and place and in such manner as he, or they, may think proper. First meeting.

SECT. 4. This act shall take effect upon its passage, and the legislature may alter, amend, or repeal the same whenever the public good may require. Takes effect on passage; subject to repeal.

[Approved March 11, 1909.]

CHAPTER 258.

AN ACT TO REPEAL SECTIONS 1 AND 2 OF CHAPTER 317, SESSION LAWS OF 1903, RELATING TO SCHOOL DISTRICTS IN WILMOT AND NEW LONDON.

SECTION 1. Prior enactment repealed. SECTION 2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That sections 1 and 2 of chapter 317 of session Laws of 1903, relating to severing certain residences from the school district of the town of Wilmot and annexing the same to the school district of the town of New London is hereby repealed. Prior enactment repealed.

SECT. 2. This act shall take effect on its passage. Takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 259.

AN ACT TO AUTHORIZE THE TOWN OF RICHMOND TO OWN AND MAINTAIN
A LOCAL TELEPHONE LINE AND EXCHANGE.

SECTION

- 1. Prior action ratified; authority granted.
- 2. Extension of lines.

SECTION

- 3. Rates and charges.
- 4. Management of system.
- 5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Prior action ratified; authority granted.

SECTION 1. The action of the town of Richmond in building installing and operating a telephone line and exchange with the appurtenances within said town, for the public accommodation, is hereby ratified, confirmed and made of the same effect as if the town had been duly authorized and empowered to take such action prior thereto; and said town is hereby authorized and empowered to maintain said line, exchange and appurtenances and from time to time to extend the same within the limits of said town as the public good may require; and the said town may grant and vote such sums of money as they shall judge necessary for the same.

Extension of lines.

SECT. 2. The said town may extend its line or lines into an adjoining town or towns so far as it may be necessary to make connections with other telephone lines, *provided* it can make satisfactory arrangements for so doing.

Rates and charges.

SECT. 3. Said town may make and fix reasonable rates and charges for the use of telephones on such system and for the persons using such service, and may make and fix rates for toll charges under joint arrangement with lines with which its lines may connect, and may maintain public pay stations in connection with such system for the convenience of the public.

Management.

SECT. 4. The selectmen of the town shall have charge of the construction, maintenance and operation of said telephone system unless the town shall vote to place the same in the charge of some special committee or agent.

Takes effect on passage.

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

[Approved March 11, 1909.]

CHAPTER 260.

AN ACT TO INCORPORATE THE NORTH SANDWICH CEMETERY ASSOCIATION
IN THE TOWN OF SANDWICH, NEW HAMPSHIRE.

SECTION

- 1. Corporation constituted.
- 2. Purposes.
- 3. May hold trust funds.
- 4. Right to hold land.

SECTION

- 5. Lot-owners members of association.
- 6. First meeting.
- 7. Act subject to repeal.
- 8. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. That Lorenzo D. Bean, John G. Atwood, Stanley F. Quimby, Charles R. Fellows, Owen L. Gilman, John N. Peaslee, Loveland E. Hinds, Samuel Peaslee and Lizzie L. Quimby, of Sandwich, and their associates and successors, are hereby made a body politic and corporate by the name of the North Sandwich Cemetery Association, and shall have and enjoy all the powers and privileges and be subject to all the liabilities incident to corporations of similar nature. Corporation constituted.

SECT. 2. Said corporation is hereby established for the purpose of providing and maintaining suitable grounds and other conveniences for the burial of the dead and shall have the control and care of the cemetery located in North Sandwich village joining land of John G. Atwood and Edgar Perkins and known as the North Sandwich cemetery, in so far as is consistent with the rights of owners of lots therein. Purposes.

SECT. 3. Said corporation is empowered to receive bequests, legacies, and funds in trust for the benefit of said cemetery grounds or any lot therein, and to expend annually the income of the same, or so much thereof as may be necessary according to the terms of any such bequest, legacy or trust and of the laws of the State of New Hampshire, and they are hereby empowered to receive from any trustee any funds now held for the benefit of said cemetery or any lot therein, and to execute the terms of said trust. May hold trust funds.

SECT. 4. Said corporation is hereby empowered to receive and hold by purchase or otherwise such additional land as may be necessary to the proper maintenance and care of said North Sandwich cemetery. Right to hold land.

SECT. 5. Any owner of a lot in said North Sandwich cemetery at the time of the passage of this act, or any person having relatives buried therein, or any person who shall become an owner of a lot after the passage of this act shall have the right to become a member of this association. The association may also by a majority vote elect such other persons to membership as they may deem expedient. Lot-owners are members.

First meeting.

SECT. 6. Any person named in this act may call the first meeting of this corporation by personal notice either in writing or printing, delivered or mailed to each corporator at least ten days before the time of such meeting, at which or any subsequent meeting officers may be chosen and such rules or by-laws not repugnant to the laws of this state as may be thought proper, may be adopted.

Subject to repeal.

SECT. 7. The legislature may alter, amend or repeal this act whenever in their opinion the public good requires it.

Takes effect on passage.

SECT. 8. This act shall take effect upon its passage.

[Approved March 11, 1909.]

CHAPTER 261.

AN ACT IN AMENDMENT OF CHAPTER 259, OF THE LAWS OF 1907,
EXEMPTING FROM TAXATION THE PROPERTY OF THE LACONIA HOSPI-
TAL ASSOCIATION.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

Property exempted.

SECTION 1. Amend chapter 259 of the Laws of 1907 by adding the following new section and by renumbering section 4 of said chapter section 5. SECT. 4. The Laconia Hospital Association, being in the nature of a charitable institution, its property shall be exempted from taxation.

Takes effect on passage.

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

[Approved March 11, 1909.]

CHAPTER 262.

AN ACT TO AUTHORIZE THE CITY OF NASHUA TO APPROPRIATE MONEY
IN AID OF AND SUPPORT OF A HOSPITAL.

SECTION
1. Authority granted.

SECTION
2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. The city of Nashua is hereby authorized to appropriate a sum of money, not to exceed twenty-five hundred dollars annually, to aid in the support of St. Joseph Hospital, in said Nashua, to furnish hospital treatment to indigent sick persons living in said city and persons meeting with accidents and requiring treatment in a hospital, in said city and to aid indigent and worthy persons in said city who may be obliged to call for surgical treatment and who may be in need of a proper and convenient place to obtain the same.

Authority granted.

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

Takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 263.

AN ACT TO AUTHORIZE THE WENTWORTH HOME FOR THE AGED OF DOVER
TO INCREASE ITS HOLDINGS OF REAL ESTATE AND PERSONAL PROPERTY.

SECTION
1. Authority granted.

SECTION
2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. The Wentworth Home for the Aged of Dover, a body corporate, is hereby authorized to hold by gift, grant, bequest, purchase or otherwise real estate and personal property to the amount of three hundred thousand dollars.

Authority granted.

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

Takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 264.

AN ACT TO EXEMPT THAT PORTION OF THE ESTATE OF JOHN H. PEARSON, WHICH IS HELD BY THE TRUSTEES UNDER HIS WILL FOR THE BENEFIT OF THE POOR AND DESTITUTE IN THE STATE OF NEW HAMPSHIRE AND FOR CHARITABLE AND EDUCATIONAL PURPOSES THEREIN, FROM TAXATION.

SECTION	SECTION
1. Property exempted.	2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Property
exempted.

SECTION 1. That that portion of the estate of John H. Pearson which is held by the trustees under his will for the benefit of the poor and destitute in the State of New Hampshire and for charitable and educational purposes therein is hereby exempted from taxation. Nothing herein shall be construed to exempt from taxation railroads, savings banks, or other corporations in which the funds of said estate are now or may hereafter be invested or deposited, or to affect the distribution of taxes levied upon said corporations.

Takes effect
on passage.

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

[Approved March 11, 1909.]

CHAPTER 265.

AN ACT TO INCORPORATE THE MANCHESTER MASONIC BUILDING ASSOCIATION.

SECTION	SECTION
1. Corporation constituted.	6. By-laws.
2. Purposes.	7. First meeting.
3. Capital stock.	8. Subject to repeal.
4. Issue of bonds.	9. Takes effect on passage; no charter fee.
5. Management.	

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation
constituted.

SECTION 1. That J. Brodie Smith, George H. Chandler, Walter M. Parker, Charles C. Hayes, Harvey L. Currier, Walter G. Africa, William G. Garmon, Halbert N. Bond, Thomas W. Lane, James A. Rogers, their associates, successors, and assigns, be and are hereby made a body corporate by the name of Manchester Masonic Building Association, and by that name may sue and be sued, prosecute and

defend to final judgment and execution, and shall be and are hereby vested with all the rights and privileges, and subject to all liabilities incident to corporations of a similar nature.

SECT. 2. The said corporation is hereby empowered to purchase, erect, maintain, and manage a building in Manchester, in the county of Hillsborough, and for that purpose may purchase, have, and hold such real and personal estate as may be deemed necessary for the purposes of said corporation, to an amount not exceeding the sum of four hundred thousand dollars, and the same may sell, alienate, and dispose of at pleasure. Purposes.

SECT. 3. The capital stock of the corporation shall not exceed two thousand shares, of the par value of one hundred dollars each, the number of such shares to be determined by the grantees at their first meeting, and may be increased from time to time by the directors, not exceeding in the whole the amount herein limited. Capital stock.

SECT. 4. Said corporation may issue its bonds, secured by a mortgage of its real estate, to one or more trustees for the benefit of the holders of said bonds, to an amount not exceeding two hundred thousand dollars, at such rate of interest, payable at such times and upon such conditions and limitations, as may be determined by the corporation. Bonds.

SECT. 5. The control and management of the affairs of the corporation shall be vested in a board of directors, of not less than seven, nor more than ten, to be chosen by the stockholders at the annual meetings, who shall hold office till others are chosen in their places. Said board of directors shall elect a president, clerk, and a treasurer, who shall give such bond as they shall determine, and such other officers and agents as may be found necessary, and fix their duties and compensation. Management.

SECT. 6. Said corporation may from time to time make and establish all necessary by-laws, rules, and regulations for its government and for the management of the business thereof, not inconsistent with this act and the laws of this state, and change the same at its pleasure. By laws.

SECT. 7. J. Brodie Smith, George H. Chandler, and Walter M. Parker, or any two of them, may call the first meeting of the corporation by giving each of their associates named herein notice in writing by mail of the meeting at least six days prior thereto. First meeting.

SECT. 8. Any future legislature may alter, amend, or repeal this act when it is made to appear that the public good requires it. Subject to repeal.

SECT. 9. This act shall take effect on and after its passage, and shall be exempt from the provisions section 5 of chapter 14 of the Public Statutes. Takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 266.

AN ACT IN AMENDMENT OF CHAPTER 207, LAWS OF 1907, IN RELATION TO THE ASSESSORS OF TAXES IN THE CITY OF PORTSMOUTH.

SECTION

1. Board of assessors provided.
2. Election and tenure of office.
3. Organization and compensation.
4. City to provide offices.
5. Business hours of board.

SECTION

6. Disqualification by interest.
7. Clerical expense, etc.
8. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Board of assessors.

SECTION 1. There shall be in said city a board of assessors of taxes who shall have all the powers and perform all the duties given to or imposed on assessors by the law of the state.

Election and tenure of office.

SECT. 2. Said board shall consist of three members who shall be elected by the people each year at the annual, municipal election in December, beginning with the year, 1909, and shall hold office each for the term of three years from the first day of January following said election, and until their respective successors are chosen and qualified. If a vacancy occurs the city council shall fill it for the residue of the term, and the city council may remove any member of said board at any time for cause, after due hearing, or when the public good may require it, and the vacancy thus created shall be filled in the manner hereinbefore provided in case of vacancy. The present board of assessors shall continue in office as follows, subject to the terms of this act: John H. Yarwood, three years from January 1, 1909; Albert R. Jenkins, two years from January 1, 1909; Willis E. Underhill, one year from January 1, 1909.

Organization and compensation.

SECT. 3. Said board shall organize by choosing one member thereof chairman and one member thereof clerk. The assessors shall each receive six hundred dollars per annum in full for all their services. The clerk of the board shall receive not exceeding nine hundred dollars per annum in full for all services, and shall devote his whole time to the performance of the duties of his office. The clerk shall devote not less than six hours per day to the business of the board, Sundays and holidays excepted. Reasonable leaves of absence may be allowed by the board.

Offices.

SECT. 4. Said board shall be entitled to a separate room for its exclusive use. If there be no suitable space available in the city building, the city council shall provide a suitable office elsewhere, with heat, light, telephone and necessary furniture. Said board shall be the judge of suitability, but shall not involve the city in unreasonable expense.

SECT. 5. The office of said board shall be open on all regular business days and in business hours. The clerk shall be in attendance at such times and place, and at least one other member of the board shall be in attendance during business hours for at least half of the year. Said board shall hold meetings for the transaction of business at least three times a week during the entire year, which meetings shall be held at the office provided for that purpose and in business hours, and shall hold as many additional meetings in the daytime or evening as may be necessary to give all taxpayers an opportunity to be conveniently heard.

Business hours.

SECT. 6. No member of the board of assessors shall have a voice or a vote in the appraisal for purposes of taxation of any property in which he is interested either as owner, agent, attorney, stockholder, or employee. Violation of this rule shall constitute cause for removal from office by the city council after due hearing and reasonable proof.

Disqualification.

SECT. 7. The city council shall make such appropriation as shall seem to them just and necessary for the employment of clerical assistance and for such other expenses as may be necessarily incurred by said board of assessors for the prompt and efficient discharge of the duties of their office.

Clerical expense, etc.

SECT. 8. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause; act takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 267.

AN ACT TO AUTHORIZE THE DOVER CHILDREN'S HOME TO INCREASE ITS HOLDINGS OF REAL ESTATE AND PERSONAL PROPERTY.

SECTION
1. Authority granted.

SECTION
2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The Dover Children's Home, a body corporate, is hereby authorized to hold by gift, grant, bequest, purchase or otherwise real estate and personal property to the amount of two hundred thousand dollars.

Authority granted.

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

Takes effect on passage.

[Approved March 11, 1909.]

CHAPTER 268.

AN ACT IN AMENDMENT OF SECTION 2 OF CHAPTER 51 [101] OF THE LAWS OF 1873, ENTITLED "AN ACT TO INCORPORATE THE ROCHESTER GAS LIGHT COMPANY." RELATING TO ITS CAPITAL STOCK AND POWERS.

SECTION

1. Charter amended.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Charter
amended.

SECTION 1. Amend the fifth line of said section after the word "Rochester" by adding the following: and for heating, cooking and for power in said town of Rochester and by striking out the word "forty" in the ninth line of said section and inserting in the place thereof the words one hundred so that said section as amended shall read as follows: SECT. 2. The said corporation is authorized to hold all such real and personal estate as may be necessary and proper to enable them to carry on the manufacture, distribution and sale of gas for the purpose of lighting the streets, stores, shops and other buildings in the town of Rochester, and for heating, cooking and for power in said town of Rochester, and to erect such buildings and to construct such furnaces, purifiers, reservoirs, gas holders and other appliances as may be necessary and proper for said purposes *provided* the whole amount of the capital stock of said company shall not exceed one hundred thousand dollars. Said stock shall be divided into shares of not more than one hundred dollars each.

Takes effect
on passage.

SECT. 2. This act shall take effect from its passage.

[Approved March 11, 1909.]

CHAPTER 269.

RENEWAL AND AMENDMENT OF AN ACT ENTITLED "AN ACT TO INCORPORATE THE HAMPSTEAD & HAVERHILL STREET RAILWAY COMPANY."

SECTION

- 1. Corporation constituted; purposes.
- 2. Capital stock.
- 3. How laid out in highways.
- 4. How laid out elsewhere.
- 5. Location of tracks.
- 6. Selectmen may make certain regulations.
- 7. Rights reserved to town.

SECTION

- 8. Company to repair highways.
- 9. Subject to general law.
- 10. Bonds not to be sold at less than par.
- 11. Restrictions on sale of bonds, etc.
- 12. First meeting.
- 13. Takes effect on passage; void as to parts not built within two years.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That Isaac Randall, Myron E. Emerson, Arthur M. Emerson, George R. Bennette, Frank W. Emerson, Daniel Emerson, Ethelbert B. Woodard and John S. Corson of Hampstead, N. H., George A. Sawyer, Eugene E. Sawyer, Herbert N. Sawyer, George P. Dow, Herman Noyes of Atkinson, N. H. Edson E. Peaslee and John W. Sleeper of Plaistow, N. H., their associates, successors and assigns, are hereby made a corporation by the name of Hampstead & Haverhill Street Railway Company, with power to construct, maintain and operate a railway with convenient branches, connections, sidings, poles, wires, turnouts and switches, beginning at some convenient point in Derry, N. H. on the line of the Chester & Derry Electric Railway, between the dwelling-house of the late H. P. Hood and Main Street in said Derry; thence southerly through the town of Derry; thence in and through the town of Hampstead, passing between Wash pond and Island pond; thence in and through the town of Atkinson to some convenient point at the town line near Atkinson depot; and thence in and through the town of Plaistow, to some convenient point on the state line, and near the stone post marking the boundary line between the state of Massachusetts and New Hampshire, and following the most direct and feasible course between the said termini, and in said towns and street railway may be constructed upon and over such highways and lands as may be necessary; and may also construct and maintain suitable buildings, water and other motors, engines electric and other machinery for the generation of electricity or other motive power except steam, for the operation of said railway.

Corporation constituted; purposes.

Capital stock.

SECT. 2. The capital stock of said corporation shall not exceed seventy-five thousand (\$75,000) dollars, and shall be divided into shares of a par value of one hundred dollars each, but said company may issue capital stock and bonds to such an amount only as may be necessary to construct and equip said railway, including the amount required to provide motive power for the operation thereof; and its bonded and other indebtedness shall at no time exceed the amount of its capital stock actually paid in. The amount of capital stock and bonds to be issued from time, shall be determined and issued in accordance with the provisions of the general laws.

How laid out
in highways.

SECT. 3. All parts of said railway occupying any portion of a public highway or street shall be located thereon by the selectmen of the towns in which said portions of highways or streets may be. The selectmen of the respective towns, upon petition of the directors of said railway for a location of its tracks over or on any public highway upon the line of said route, shall give notice by publication to all parties interested, of the time and place at which they will consider said petition for location in the public highways of said respective towns, and after a public hearing of all persons interested, they may make an order granting the same or any portion thereof, under such restrictions and upon such conditions as they may deem the interests of the public require; and the location thus granted shall be deemed to be the true location of the tracks of said railway. But upon the petition of any party interested, and after a public hearing of all parties, the same may be changed at any time to other parts of the same highway or street by subsequent order of said selectmen, or their successors in office, if in their judgment the public good requires such change; but if such order is made after the construction of said railway on the original location, an appeal therefrom by any party interested may be had to the board of railroad commissioners, whose decision shall be final; and the expense of making such changes of location shall be apportioned by the board of railroad commissioners between the railway and the town, as such board may deem just. The selectmen of the town shall assess damages to abutters, subject to the right of appeal, in the same manner as now provided by law in the laying out of highways.

How laid out
elsewhere.

SECT. 4. All parts of said railway not located in a public highway shall be laid out, located, and the location changed under the provisions of chapter 158 of the Public Statutes; and said railway corporation, and all persons whose property shall be taken for its use, shall have respectively all the rights and privileges and be subject to all the duties, restrictions, and liabilities contained in said chapter.

SECT. 5. The selectmen of the towns through which said railway shall pass, shall, within their respective towns, have exclusive and final jurisdiction to locate the tracks, side tracks, turnouts, and poles for said railway, and may order said railway to discontinue temporarily the use of any of its tracks in any highway, whenever they deem that the convenience and safety of the public require such discontinuance, without incurring any liability therefor.

Location of tracks.

SECT. 6. The selectmen of the respective towns through which said railway shall pass, may designate the quality and kind of material to be used in the construction of said railway within their town, and may from time to time make such reasonable orders, rules, and regulations with reference to that portion of said railway occupying the public highways in their town, as to the rate of speed, the manner of operating said railway, the re-construction of tracks, poles, wires, switches, and turnouts within any highway in their town.

Selectmen may make certain regulations.

SECT. 7. Said town, for any lawful purpose, may take up and repair highways occupied by said railway, or may alter highways as authorized by law, without incurring any liability therefor to said corporation.

Rights reserved to town.

SECT. 8. Said railway corporation shall keep in repair, to the satisfaction of the superintendent of streets, street commissioner, road commissioner, or surveyor of highways, in the town, subject to an appeal to the selectmen, the surface material of the portion of highways and bridges occupied by its tracks, and shall keep in suitable repair for public travel the highway for at least eighteen inches on each side of the portion of the highway so occupied by its tracks, and shall be liable for any damage, loss, or injury that any person not in its employ may sustain by reason of the carelessness, negligence, or misconduct of their agents and servants in the construction, management, or use of its tracks.

Company to keep highways in repair.

SECT. 9. Said railway corporation shall be subject to all the provisions of the general laws, except as modified by the provisions herein.

Subject to general law.

SECT. 10. No bonds, coupon notes or other evidences of indebtedness, payable at periods of more than twelve months from the date thereof, shall be sold or disposed of by said company for a less sum to be paid to said company in cash than the face value thereof.

Bonds not to be sold at less than par.

SECT. 11. All bonds, coupon notes and other evidences of indebtedness at any time issued by said company shall be issued and sold to *bona fide* purchasers in such manner and subject to such restrictions as the board of railroad commissioners may prescribe, and said company shall not apply any part of the proceeds of said bonds for the original construction or equipment of its plant except in accordance with the approval of the railroad commissioners.

Restrictions on sale of bonds, etc.

First meeting.

SECT. 12. Any three of the grantees may call the first meeting by publication, or by giving personal notice to the other grantees, at least ten days prior to the time of meeting.

Takes effect on passage; void as to parts not built within two years.

SECT. 13. This act shall take effect on its passage, but shall be void and inoperative as to all parts of said railway not constructed and ready for operation within two years from its passage.

[Approved March 11, 1909.]

CHAPTER 270.

AN ACT IN AMENDMENT OF THE CHARTER OF THE COOS AND ESSEX AGRICULTURAL SOCIETY, OF LANCASTER, N. H.

SECTION

1. May increase capital stock.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Increase of stock.

SECTION 1. The Coos and Essex Agricultural Society is hereby authorized and empowered to increase from time to time its capital stock, being now one thousand dollars, to an amount not exceeding twenty-five hundred dollars, such part of said increase as may be necessary, to be used in conjunction with a portion of its surplus, for the purpose of purchasing the fair grounds in Lancaster, New Hampshire.

Takes effect on passage.

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

[Approved March 17, 1909.]

CHAPTER 271.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY KNOWN AS THE EMILY BALCH COTTAGE HOSPITAL, IN PLYMOUTH.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Property exempted.

SECTION 1. The real and personal property of the Emily Balch Cottage Hospital Association, located in Plymouth, being a charitable institution, together with any additions or improvements thereto,

so long as the same may be used for charitable hospital purposes, is hereby exempted from taxation.

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

Takes effect
on passage.

[Approved March 17, 1909.]

CHAPTER 272.

AN ACT CONFIRMING AND LEGALIZING THE ORGANIZATION AND ACTS OF THE NORTH SHORE WATER COMPANY.

SECTION

1. Organization, etc., ratified.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. All the rights, powers and franchise granted to the North Shore Water Company by its certificate of incorporation and extensions thereto, and all of its acts relating to and affecting its organization and subsequent action, are hereby ratified, confirmed, and legalized.

Organization
ratified.

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

Takes effect
on passage.

[Approved March 17, 1909.]

CHAPTER 273.

AN ACT CREATING A BOARD OF TRUSTEES FOR A PUBLIC CEMETERY IN HUDSON.

SECTION

1. Board of trustees constituted; how chosen.
2. To lay out cemetery.
3. To convey burial lots, etc.
4. To pay moneys to town treasury.
5. May hold property in trust.
6. Investment of trust funds.

SECTION

7. Liability of town.
8. Annual report of trustees.
9. Name of cemetery.
10. Act void unless accepted.
11. Takes effect on passage; repealing clause.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. Dr. Alfred K. Hills, Kimball Webster, Walter H. Marsh, J. H. LeGalle, Pearl H. Thomas, Charles W. Spalding, Franklin A. Hill and Justin E. Hill are hereby appointed and

Board of
trustees
constituted;
how chosen.

constituted a board of trustees, who shall have the sole care, superintendence and management of the property, expenditures, business, prudential affairs, and sale of lots in the cemetery located between Derry road and Derry lane in Hudson, together with any and all additions thereto; the term of office of two members of which board shall expire each year; and two members shall be elected by ballot, annually, in the month of June by the chairman of the board of selectmen of said town in convention with said board of trustees, by major vote, to hold their office for four years, retiring trustees having no vote therein, the first of which elections shall take place in June, 1910, and the term for which the members herein appointed shall hold their office shall be determined by lot, two to hold their office for four years, two for three years, two for two years, and two for one year, from June 1909. The chairman of the board of selectmen of said town shall be *ex officio* a member of said board; said trustees shall receive no compensation for their services as such; no person shall be eligible as such trustee who is not a taxpayer in said town and a lot owner in said cemetery. Said board shall meet annually on the first Monday in June for organization, and shall elect a chairman and secretary from their own number, and four members shall constitute a quorum for the exercise of the powers and the performance of the duties of said board, but a less number may adjourn from day to day. Any vacancy occurring in said board by death, removal, resignation or otherwise, shall be filled by the chairman of the board of selectmen, in convention with said board of trustees for the remainder of the term.

To lay out
cemetery.

SECT. 2. The said board of trustees shall set apart and lay out a portion of said cemetery, not exceeding one-tenth of its area, as a public burial place for the use of the inhabitants of said town, free of any charge therefor, and they shall lay out the balance of said cemetery in suitable lots or other sub-divisions, for family or other burying places, with all necessary paths, avenues and drives, and may plant and embellish the same with trees, shrubs, flowers and other rural ornaments, and may enclose the same with proper and suitable fences or hedges and erect or annex thereto such suitable edifices, appendages and conveniences as they from time to time deem expedient; and said board shall have the same power and authority as cities and towns, now or hereafter may have, in such premises, to acquire by purchase or otherwise, land adjoining said cemetery to be used in connection therewith for the same purposes; and said board may make all necessary by-laws, rules and regulations in the execution of their trusts not inconsistent with this act or the laws of this state, as they shall deem expedient; and said board of trustees shall hold said property and estate for the

same purposes, and charged with the same duties and liabilities for and subject to which the same are now held by the said town of Hudson; and all rights of ownership of lots which any person or persons have acquired in said cemetery shall remain to the same extent as if this act had not been passed.

SECT. 3. The said board shall have the authority to grant and convey to any person or persons, by deeds, duly executed, the sole and exclusive right of burial, and of erecting tombs, cenotaphs, tablets and other monuments, in any of the designated lots or subdivisions of said cemetery, upon such terms and conditions as they by their rules and regulations shall prescribe.

To convey lots, etc.

SECT. 4. The proceeds of sale of lots or rights of burial, appropriations by the said town of Hudson, or other moneys—except as hereafter provided—received for said cemetery, shall be paid into the town treasury, to be kept separate from any other funds of the town and subject to the order of said trustees, and shall be devoted to the care, improvement, embellishment and enlargement of said cemetery under the direction of said trustees.

Disposition of funds.

SECT. 5. The said board of trustees are authorized to take and hold any grant, donation or bequest of property, upon trust, to apply the same, or the income thereof, for the improvement or embellishment of said cemetery or for the erection, repair, preservation or renewal of any monument or other erection, or for the planting and cultivation of trees, shrubs or plants in or around any lot or for improving the said premises in any other manner or form consistent with the purposes for which said cemetery is established, according to the terms of such grant, donation or bequest; and whenever any such grant, donation or bequest, or any deposit shall be made by the owner of any lot in said cemetery, for the annual repair, preservation or embellishment of such lot and the erection thereon, the said trustees may give to such owner or his or her representative, an agreement or obligation, in such form and upon such terms and conditions as they may establish, binding themselves and their successors to preserve and keep in repair said lot forever, or for such period as may be agreed on; and any legacy, bequest, donation, grant or deposit heretofore made to said town for like purpose in said cemetery, and now in force shall be placed under the control of said board of trustees.

May hold property in trust.

SECT. 6. Any sums of money so received by said trustees shall be invested by the town treasurer of Hudson under the direction of said trustees, in savings banks or in any securities in which savings banks are authorized to invest, or loaned to the town, and all such property received under the provisions of the foregoing section—unless other provision is made by the terms of any such grant, donation or bequest—shall be invested under the charge of said

Investment of trust funds.

town treasurer, but shall always remain separate from and independent of any other moneys belonging to the said town of Hudson and free from all control of the selectmen; and the income of such fund or funds shall be received by said treasurer, subject to the order of said trustees and shall be appropriated by them in such manner as shall, in their opinion, best promote the purposes for which said grants, donations, bequests or deposits are made.

Liability of town.

SECT. 7. The town of Hudson shall be responsible for the good faith of said trustees, and the treasurer of said town, in the execution of any trust which they may assume pursuant to the foregoing provisions; but said trustees shall not be liable to make any renewal or reconstruct any monument, or other erection, on any lot, in said cemetery, unless such liability shall be expressed in the agreement given them as aforesaid, or in the terms and conditions under which they accept any grant, donation or bequest.

Annual report.

SECT. 8. Said board of trustees shall annually in the month of December, make a detailed report in writing to the selectmen of their acts and proceedings, and of the condition of the cemetery, and an account of the receipts and expenditures of the same and funds subject to their order.

Name of cemetery.

SECT. 9. The said cemetery shall hereafter be called and known as The Hills' Farms Cemetery.

Act void unless accepted.

SECT. 10. This act and the provisions thereof shall be void unless the said town of Hudson shall accept the same.

Takes effect on passage; repealing clause.

SECT. 11. This act shall take effect upon its passage, and all acts and parts of acts inconsistent therewith are hereby repealed.

[Approved March 17, 1909.]

CHAPTER 274.

AN ACT ANNEXING CERTAIN ISLANDS IN LAKE WINNIPESAUKEE TO THE TOWN OF MOULTONBOROUGH.

SECTION

1. Certain islands annexed.
2. Ratification not required.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Certain islands annexed.

SECTION 1. That the small islands known as Crescent island and Ozone island, so called, situate in Lake Winnepesaukee, and north-westerly of Long island, Ozone island being next to said Long island, and Crescent island a few rods northwest of Ozone island.

both adjacent to the lake shore of Moultonborough, be and hereby are annexed to the town of Moultonborough, in the county of Carroll.

SECT. 2. That the provisions of chapter 99, Laws of 1903, are hereby repealed or suspended so far as the same may apply to this act. Ratification not required.

SECT. 3. This act shall take effect upon its passage. Takes effect on passage.
 [Approved March 18, 1909.]

CHAPTER 275.

AN ACT AUTHORIZING THE TOWN OF WOLFEBORO TO CONSTRUCT PUBLIC WHARVES ON WINNIPESAUKEE LAKE AND TO LAY OUT HIGHWAYS TO THE SAME.

SECTION

1. Authority granted.
2. Procedure.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The town of Wolfeboro is hereby authorized and empowered, upon petition to the selectmen of said town to build and maintain a public wharf or wharves upon Winnepesaukee lake, and to lay out a highway or highways to the same from other highways whenever the accommodation of the public may require, and to appropriate money for the construction and maintenance of the same. Authority granted.

SECT. 2. Upon any such petition the same proceedings shall be had and all parties interested therein shall have the same rights and remedies as in the laying out of highways. Procedure.

SECT. 3. This act shall take effect upon its passage. Takes effect on passage.
 [Approved March 18, 1909.]

CHAPTER 276.

AN ACT AUTHORIZING THE KEENE GAS AND ELECTRIC COMPANY TO INCREASE ITS CAPITAL STOCK AND FOR OTHER PURPOSES.

SECTION

- 1. Increase of stock authorized.
- 2. Preferred stock, how issued.
- 3. Business of company.
- 4. Right of eminent domain.
- 5. May purchase rights of other companies.

SECTION

- 6. Issuance of bonds and notes.
- 7. Subject to general laws.
- 8. Application for further special legislation to be advertised.
- 9. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Increase of capital stock.

SECTION 1. The Keene Gas & Electric Company is hereby authorized and empowered to increase its capital stock to an amount not exceeding five hundred thousand dollars. Such increase may be made from time to time by majority vote at any stockholders' meeting, the call for which shall give notice of such business; and may also be made in the manner provided by any general laws relating to voluntary corporations which shall be in force at the time of such increase. New stock may be issued only for cash at not less than par, or for property, rights and franchises of the value of not less than the par value of stock so issued; and no such increase shall become effectual until a copy of the votes or resolutions providing therefor, duly attested by the clerk of the corporation, shall have been filed in the office of the secretary of state and the office of the city clerk of Keene, and a certificate signed and sworn to by the treasurer and a majority of the directors of said company, in substance that such new stock has been paid in as aforesaid, in cash or in property, rights and franchises, shall have been filed in the office of said city clerk.

Preferred stock, how issued.

SECT. 2. Any portion of the capital stock may be issued upon such terms of preference as to dividends or upon liquidation as may be expressed in the votes or resolutions in pursuance of which the same may be issued, but no preferred stock shall be issued except upon terms that the same shall be subject in all respects to the fifty thousand dollars of four per cent. cumulative preferred stock now outstanding which was issued to former holders of stock of the Citizens' Electric Company. The issue of the present outstanding stock, consisting of one hundred and fifty thousand dollars at par of preferred stock, so called, and said fifty thousand dollars at par of four per cent. cumulative preferred stock, so called, are hereby confirmed and approved; and the stockholders shall not be liable for the debts of said corporation after the record-

ing in the office of the city clerk of Keene of a certificate, signed and sworn to by the treasurer and a majority of the directors, in substance that the value of the property, rights and franchises of said corporation, less its indebtedness, at least equals the par value of its outstanding stock.

SECT. 3. Said company is hereby authorized to engage in the business of supplying gas and electricity for light, heat, and power or other purposes throughout Cheshire county; and also to deal in and install gas and electric appliances, supplies and apparatus.

Business of company.

SECT. 4. Said company is hereby authorized to purchase from or sell to any other company or individual in the county of Cheshire a supply of gas or electricity upon such terms as may be agreed; and, for the purpose of making such supply available, is authorized to acquire and hold private rights of way for its conduits and lines, and to apply for and secure locations for the same in public highways in the manner provided by law. In case said company desires to construct its lines or conduits carrying a voltage in excess of twenty-five hundred volts upon or across the lands or property of any other person or persons or corporation, and this corporation can not agree with the owner or owners thereof, as to the necessity for and damage to be paid therefor, either party may proceed for the determination of the same by petition to the superior court for Cheshire county, and said superior court shall thereupon on due notice hear and determine the facts involved either by a commission or in open court, and thereupon make such order and judgment in the premises as to the court may seem just and reasonable; and upon the payment or tender of the damages and costs ascertained and determined by such proceedings, this corporation may proceed and continue to erect and maintain lines for power transmission on such lands and property. But this corporation shall not have the right to erect or maintain lines for transmission of electricity along the right of way of any railroad, without its consent, except as it may be reasonable necessary to cross such right of way, in which case, such lines of transmission shall cross directly over and shall be constructed at the point of such crossing in such a manner as to safely and securely protect persons and the property of such railroad and any lines of telegraph and telephone along such right of way.

Right of eminent domain.

SECT. 5. Said company is further authorized to purchase, hold and employ the property, rights and franchises of any other company or individual, or the stocks, bonds or other securities of any other corporation engaged in Cheshire county in supplying gas or electricity for public use; and to pay for the same by issuing stock not exceeding at par the value of the property, rights, franchises or securities so purchased. The acquisition by said company of the

May purchase rights of other companies.

property, rights and franchises of any other company or individual is hereby confirmed.

Issuance of bonds and notes.

SECT. 6. Said company is further empowered to issue its bonds or notes secured by mortgage upon its property, rights and franchises to an amount not exceeding in the aggregate the sum of five hundred thousand dollars, but no such bonds or notes secured by mortgage shall be issued except for the following purposes, to fund the present floating indebtedness of said company, to provide funds for the payment of outstanding bonds of said company, to pay, or to provide funds for the payment, for property, rights or franchises which said company may acquire in addition to its present plant, or for development of such property, or for new construction in enlargement or improvement of said present plant.

Subject to general laws.

SECT. 7. Said company shall be subject and entitled to the benefit of all general statutes relating to persons or individuals engaged in the business of supplying gas and electricity to the public.

Further special legislation to be advertised.

SECT. 8. Said company shall not make application to any subsequent legislature for the granting to it by special legislative act, of the power of eminent domain to take, improve, or develop water-powers in Cheshire county, without first advertising in some newspaper of general circulation in said county for three weeks successively its intention to make such application, and the exercise of any rights under this act by said company shall be taken as an agreement on the part of said company to the provisions of this section, in consideration of the rights and powers granted by this act.

Takes effect on passage.

SECT. 9. This act shall take effect upon its passage.

[Approved March 18, 1909.]

CHAPTER 277.

AN ACT TO ESTABLISH WATER-WORKS IN THE TOWN OF WOODSTOCK.

SECTION

- 1. Water-works authorized.
- 2. Right of eminent domain.
- 3. Contracts authorized.
- 4. Board of water commissioners.

SECTION

- 5. Management and control.
- 6. Disposition of funds.
- 7. Appropriations authorized.
- 8. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Water-works authorized.

SECTION 1. That the town of Woodstock in the county of Grafton is hereby authorized and empowered to construct, manage, maintain, and own suitable water-works, for the purpose of intro-

dueing into and distributing through the villages in said town or in any part thereof an adequate supply of water, in subterranean pipes, for extinguishing fires and for the use of its citizens, and for other purposes; and for that purpose may take, purchase, and hold, in fee simple or otherwise, any real or personal estate, and any rights therein, and water-rights, necessary for carrying into effect the purposes of this act; and to excavate and dig canals and ditches in any street, place, square, passway, highway, common, or other place through which it may be deemed necessary and proper for building said water-works; and relay, change and repair the same at pleasure, having due regard for the safety of its citizens and security of the public travel.

SECT. 2. Said town is authorized and empowered to enter upon, take and appropriate any streams, springs, or ponds in the town of Woodstock, or elsewhere not belonging to any aqueduct company, and to secure, by fence or otherwise, such streams, springs or ponds, and dig ditches, canals, make excavations or reservoirs, through, over, in, or upon any land or enclosure through which it may be necessary for said aqueduct to pass, or said excavation, reservoirs, and water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting such water, and placing such pipes, or other material, or works, as may be necessary for building and operating such aqueduct and water-works, or for repairing the same: *Provided*, if it shall be necessary to enter upon and appropriate any stream, spring, or pond, or any land for the purpose aforesaid, or to raise or lower the level of the same, and if said town shall not agree with the owners thereof for the damage that may be done by said town, or such owners shall be unknown, said town or said owner or party injured, may apply to the superior court for said county, by petition, to have the same taken, appropriated and condemned for the purposes required, and the damages determined; and the said court shall refer the same to the county commissioners for said county, who shall appoint a place and time of hearing, and give notice thereof in the same manner as is now provided by law for laying out highways, and said commissioners shall make reports to said court, and said court may issue executions accordingly; but if either party shall desire, upon application to said court before reference to said commissioners they shall be entitled to a trial by jury in such manner and under such regulations as the court may prescribe.

SECT. 3. Said town is authorized and empowered to contract with individuals and corporations, whether citizens of said town or not, for supplying them with water, and to make such contracts and establish such regulations and tolls for water and its use as may from time to time be deemed proper; and may contract with any

Right of eminent domain.

Contracts authorized.

person or corporation to furnish to said town water for the use of the town and for the purposes of this act.

Board of
water com-
missioners.

SECT. 4. The immediate management, control, and direction of all the water-works of said town shall be vested in a board of water commissioners, to consist of three citizens of the town, the first board to be chosen by the legal voters of the town at the next annual meeting, or at some subsequent special meeting duly called for the purpose; and of the three so chosen at the first election, one shall be chosen and hold his office until the annual meeting of the town for the year 1910, one until the annual meeting of the year 1911, and the other until the annual meeting for the year 1912, and at each annual meeting of the town, beginning with the year 1910, one commissioner shall be chosen to fill the place of the one whose term then expires; and they shall each hold their respective offices for the term of three years, and until others are chosen and qualified in their stead respectively. Their compensation shall be fixed by the town. They shall be sworn to the faithful discharge of their duties. They may choose one of their number as chairman of the board, and may appoint a clerk. They may also appoint a superintendent of the works, and such other agents and servants as they may deem necessary, and may fix their compensation. They may make such rules and regulations for their own government, and in relation to all officers and agents appointed by them, as they may deem proper. Whenever a vacancy occurs in said board, from any cause, the two remaining members of the board may fill such vacancy temporarily by an appointment in writing, which shall be filed with the town clerk and recorded by him. And the person so appointed shall hold said office until the next annual town meeting after his appointment, when the town shall elect a commissioner to fill the unexpired term, if any, of the person whose office became vacant and was so temporarily filled by such appointment.

Management
and control.

SECT. 5. Said commissioners shall have the control and management of the construction of said works, and make all such contracts and agreements for and on behalf of the town in relation thereto as the town is hereby authorized to make and as they may deem proper and advisable, and shall have full charge and control over the said works when constructed. They shall establish rates and tolls and prescribe rules and regulations for the use of water, and may sell and dispose of such articles of personal property connected with said works as they shall deem expedient, and may purchase such property as may be in their judgment necessary for said works and the purposes contemplated by this act; and they shall annually make a report to the town of the condition of the water-works and the funds belonging to their department, and the expenses and income thereof, which shall be published in the town report of each year.

SECT. 6. All moneys received in any way on account of said water-works shall be paid into the town treasury, and shall be kept and applied exclusively for the uses of said water-works, including the payment of the bonds or notes issued under this act and the interest thereon; and all bills and claims for expenditures connected with said works shall be approved by the board of water commissioners before they are paid by the treasurer; and the town treasurer shall keep his accounts relating to the water-works, including all bonds and notes of the town given for loans and moneys raised for said works, separately and distinctly from all other receipts and payments.

Disposition of funds.

SECT. 7. Said town is also authorized, at any annual or special meeting, by a major vote of those present and voting, to raise and appropriate, and to borrow or hire, such sums of money on the credit of the town as may from time to time be deemed necessary for the purpose of defraying the expense of purchasing real estate, rights in real estate, water-rights, streams, springs, ponds, and other rights and property as aforesaid, and for constructing, maintaining and operating said water-works, and for payment of water-works purchased, or for water supplied by any person or corporation under contract aforesaid, and to issue notes or bonds of the town therefor in such amount and payable at such times and at such rates of interest as may be thought proper.

Appropriations authorized.

SECT. 8. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 23, 1909.]

CHAPTER 278.

AN ACT ENABLING THE TOWN OF LANDAFF TO TURN OVER CERTAIN MONEY TO THE TOWN SCHOOL DISTRICT FOR SCHOOL PURPOSES.

SECTION

1. Authority granted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The town of Landaff is hereby authorized and empowered by vote of the town to turn over to the school district of the town of Landaff for the use of said school district a certain sum of money now held by said town and known as school fund No. 1 and No. 2.

Authority granted.

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

Takes effect on passage.

[Approved March 23, 1909.]

CHAPTER 279.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY OF THE LADIES' UNION AID SOCIETY OF CLAREMONT, KNOWN AS CLAREMONT GENERAL HOSPITAL.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Property
exempted.

SECTION 1. The property of the Ladies' Union Aid Society of Claremont, known as Claremont General Hospital, shall be exempt from taxation so long as said property shall be used for hospital purposes.

Takes effect
on passage.

SECT. 2. This act shall take effect on its passage.

[Approved March 23, 1909.]

CHAPTER 280.

AN ACT AUTHORIZING THE TOWN OF AMHERST TO APPROPRIATE A SUM NOT EXCEEDING THREE HUNDRED DOLLARS TO CELEBRATE THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF AMHERST.

SECTION

1. Appropriation authorized.

SECTION

2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

Appropriation
authorized.

SECTION 1. The town of Amherst is hereby authorized to appropriate a sum not exceeding three hundred dollars, for the purpose of celebrating the one hundred and fiftieth anniversary of the incorporation of the town of Amherst.

Takes effect
on passage;
repealing
clause.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 23, 1909.]

CHAPTER 281.

AN ACT TO AMEND CHAPTER 202 SESSION LAWS OF 1893, ENTITLED "AN ACT IN RELATION TO THE CITY OF MANCHESTER, ESTABLISHING A BOARD OF POLICE COMMISSIONERS FOR SAID CITY."

SECTION

1. Police force, how constituted.

SECTION

2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That section 4 chapter 202 session Laws of 1893 be amended by substituting the word four for the word "two" and the words one hundred for the word "fifty" so that said section shall read: SECT. 4. The police force of said city shall consist of a chief of police, deputy chief of police, captain of the night watch, four sergeants, and patrolmen not exceeding one hundred, who shall devote their whole time to the duties of their office, and special police not exceeding the number now authorized by law, all of whom shall be appointed by the police commissioners, and the tenure of office of the same shall be during good behavior and while competent to discharge the duty of the office. The police commissioners shall have the right to remove any member of the police force at any time for good and sufficient cause, and after a due hearing, and such cause shall be expressed in the order of removal. All police officers appointed by said board of police commissioners shall have and exercise, within the limits of said city, all the common law and statutory powers of constables except the service of civil process, and shall have all the powers given to the police as watchmen by the Public Statutes of the State of New Hampshire, the laws relating to said city or by any ordinances thereof, the chief of police and deputy chief of police taking the place of city marshal and assistant city marshal wherever said terms are used.

Police force, how constituted.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent herewith are hereby repealed.

Takes effect on passage; repealing clause.

[Approved March 23, 1909.]

CHAPTER 282.

AN ACT TO ANNEX CERTAIN ISLANDS TO THE TOWN OF PELHAM.

SECTION

1. Certain islands annexed.
2. Ratification not required.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Certain islands
annexed.

SECTION 1. That the two islands known as Big island, owned by Harry S. Duckworth and Alice F. D. Pearson; and Hog island, owned by William Cogger, both situated in Island pond and immediately adjacent to the easterly shore line of said pond in the town of Pelham, county of Hillsborough, be and hereby are annexed to the town of Pelham.

Ratification
not required.

SECT. 2. That the provisions of chapter 99, Laws of 1903, are hereby repealed or suspended so far as the same may apply to this act.

Takes effect
on passage.

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

[Approved March 23, 1909.]

CHAPTER 283.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY KNOWN AS L'HOPITAL ST. LOUIS DE BERLIN, IN BERLIN.

SECTION

1. Property conditionally exempted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Property
exempted.

SECTION 1. The real and personal property of L'Hopital St. Louis de Berlin, located in Berlin, New Hampshire, together with any additions and improvements thereto, is and hereby shall be exempt from taxation so long as it may be used as a hospital open to the general public. *Provided, however,* that the city council of the city of Berlin may, in its discretion, raise and appropriate money for the benefit of said hospital in lieu of the exemption above provided for, but the amount so raised and appropriated shall not exceed the sum of five hundred dollars (\$500) in any one year.

Takes effect
on passage;

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

[Approved March 23, 1909.]

CHAPTER 284.

AN ACT IN AMENDMENT OF SECTION 7 CHAPTER 261 OF THE LAWS OF 1893 ENTITLED "AN ACT TO PROVIDE FOR THE MAINTENANCE OF A SCHOOL JOINTLY BY THE SCHOOL DISTRICT OF ROCHESTER AND THE TOWN OF MILTON."

SECTION

1. Property rights if joint school discontinued.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend said section 7 of chapter 261 of the Laws of 1893 by adding the following: The board of education of the city of Rochester or the voters of the school district of the town of Milton may either one discontinue the joint school so established. And when either has so acted the title to the property in said schoolhouse shall reinvest in the school district of the town of Milton unless said school district desires to discontinue the school kept in said district and desires to sell its portion of the land and buildings thereon and in that event said schoolhouse and lot may be disposed of by agreement or at public auction, and in case said town of Milton shall wish to retain its interest in said schoolhouse and lot then it shall purchase the interest of the city of Rochester in said house and lot, and if the said school district and the said city of Rochester are unable to agree as to the value of the city of Rochester's interest therein the same may be determined by the county commissioners in the same manner as damages are determined in the case of the laying out of a highway, so that said section as amended shall read as follows: SECT. 7. This act shall take effect when adopted by the said city council and by the voters of the school district of said town. The board of education of the city of Rochester or the voters of the school district of the town of Milton may either one discontinue the joint school so established. And when either one has so acted the title to the property in said schoolhouse shall reinvest in the school district of the town of Milton unless said school district desires to discontinue the school kept in said district and desires to sell its portion of the land and buildings thereon and in that event said schoolhouse and lot may be disposed of by agreement or at public auction, and in case said town of Milton shall wish to retain its interest in said schoolhouse and lot then it shall purchase the interest of the city of Rochester in said house and lot, and if the said school district and the said city of Rochester are unable to agree as to the value of the city of Rochester's interest

Property rights if joint school discontinued.

therein the same may be determined by the county commissioners in the same manner as damages are determined in the case of the laying out of a highway.

Takes effect
on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved March 23, 1909.]

CHAPTER 285.

AN ACT IN AMENDMENT OF "AN ACT TO INCORPORATE THE NORTH CONWAY & MOUNT KEARSARGE RAILROAD," PASSED JUNE SESSION, 1883, AND ALL SUBSEQUENT ACTS RELATING TO THE SAME.

SECTION	SECTION
1. Time for completion extended.	2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Time for
completion
extended.

SECTION 1. The time for the completion of the North Conway & Mount Kearsarge Railroad is hereby extended to the first day of July, 1911.

Takes effect
on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved March 30, 1909.]

CHAPTER 286.

AN ACT TO INCORPORATE THE WOODSTOCK & THORNTON GORE RAILROAD.

SECTION	SECTION
1. Corporation constituted.	5. First meeting.
2. Route of road.	6. Void as to parts not built in two years; condition imposed.
3. Capital stock.	7. Takes effect on passage.
4. Board of directors.	

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation
constituted.

SECTION 1. That Herbert B. Moulton, Fred E. Thorpe, Martin A. Brown, Harry E. Parker, Fred S. Hall and Edward K. Woodworth, their associates, successors and assigns are hereby made a corporation by the name of the Woodstock & Thornton Gore Railroad, with all the rights, powers and privileges, and subject to all the liabilities, duties, and restrictions of the laws of this state relating to railroads.

SECT. 2. Said corporation is authorized and empowered to locate, construct and maintain a railroad not exceeding six rods in width with the necessary additions for excavations and embankments, from a point in the town of Woodstock, near the sawmill owned by the Publishers' Paper Company and now operated by the Woodstock Lumber Company, on the westerly bank of the Pemigewasset river; thence northerly and easterly about one and three-quarters miles in the town of Woodstock to a point on the westerly line of Thornton; thence northerly and easterly in the watershed of the Eastman branch, so called, in the towns of Thornton, Livermore and Waterville, to some convenient point in said watershed in said town of Livermore or said town of Waterville, and no lease of said railroad shall be made.

Route of road.

SECT. 3. The capital stock of said corporation shall consist of not more than one thousand shares of one hundred dollars each, to be determined from time to time by the board of directors; and a toll is hereby granted to said corporation upon all persons and property that may be transported by said railroad.

Capital stock.

SECT. 4. The board of directors shall consist of seven persons, who shall be chosen annually; and all powers granted to this corporation, relating to the location, construction, and maintenance of said railroad, are hereby vested in the board of directors.

Directors.

SECT. 5. Any two of the above named grantees may call the first meeting of said corporation by publishing a notice of the time and place in any newspaper published in Grafton county, at least one week previous to the day of meeting.

First meeting.

SECT. 6. This act shall be void as to any and all parts of said railroad not completed within two years from the passage of this act, and the authority hereby conferred to locate, construct and maintain said railroad and to operate the same shall cease and determine at the expiration of eight years from the passage of this act; and for the better protection of property, it is hereby provided that said railroad shall not be operated under the authority conferred by this act until the Woodstock Lumber Company, a corporation established under the general laws of this state, shall make and file in the office of the secretary of state an instrument in writing agreeing that it and its successors and assigns shall be liable for all damages to property from fire or otherwise which may be caused by the operation of said railroad under the authority conferred by this act, to the same extent as such liability is imposed by the laws of this state upon the proprietors of railroads.

Void as to parts not built in two years; condition imposed.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 287.

AN ACT TO INCORPORATE THE KNIGHTS OF KING SOLOMON.

SECTION

1. Corporation constituted; purposes.
2. May organize subordinate lodges.
3. May assess and collect dues.

SECTION

4. First meeting.
- 4 [5]. Takes effect on passage: subject to repeal.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation
constituted;
purposes.

SECTION 1. That Marvin W. Libby, Adam L. Miller, Charles F. Sawtell, James Fairfield, Alexander Taggart, Robert R. McGregor, Winifred L. Campbell, Fred C. Andrews, Albert Ruemlely, Ernest H. Snow, Henry I. Lemay, Edward W. Albee, John Peavey, Charles S. Johnson, Elmer P. Nichols, Walter M. Offutt, Arthur J. Moquin, Joseph H. Shaw, Charles A. Marland, Walter E. Ferren, Charles E. Crosby, William L. Joyce, Edward Pendleton and William O. Craig of Manchester, their associates, successors and assigns shall be and hereby are made a body politic and corporate by the name of The Knights of King Solomon, for the purposes of the mutual benefit of its members, relief in cases of sickness, the payment of sick benefits, funeral benefits and expenses of sickness and burial of its members to the widow, orphans and dependents of its members as its by-laws may from time to time prescribe and other fraternal and beneficial purposes and in pursuance of such objects it may by the foregoing corporate name sue and be sued, prosecute and defend to final judgment, and shall be vested with all the power and privileges and be subject to all the liabilities of corporations of a similar nature, and may purchase and hold real and personal estate and receive and hold the same by gift for the purpose aforesaid to an amount not to exceed \$50,000, and may dispose of the same at pleasure, and may make or adopt such by-laws and regulations as may be expedient for the purposes of this act.

May organize
subordinate
lodges.

SECT. 2. Said corporation may organize subordinate or associate lodges or temples and make such rules and regulations for the conduct thereof as may be expedient and not repugnant to the laws of the state and may alter, amend or repeal the same.

May assess
and collect
dues.

SECT. 3. Said corporation may assess and collect from its members such dues for its expenses and conducting of its business and the payment of its benefits and other charges as shall be in conformity with the charter and by-laws.

First meeting.

SECT. 4. The first five persons named in this act may call the first meeting of said corporation by mailing to each of the others a written notice at least three days before the date of said meeting.

SECT. 4 [5]. This act shall take effect upon its passage and a legislature may alter, amend or repeal the same whenever the public good requires.

Takes effect on passage; subject to repeal.

[Approved March 30, 1909.]

CHAPTER 288.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY OF THE NEWPORT CHARITABLE ASSOCIATION.

SECTION
1. Property exempted.

SECTION
2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The real and personal property of the Newport Charitable Association, located in Newport, together with any improvements and additions thereto, are and shall be exempt from taxation so long as said property may be used for charitable purposes.

Property exempted.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 289.

AN ACT AUTHORIZING THE CITY OF MANCHESTER TO APPROPRIATE A SUM NOT EXCEEDING TWO THOUSAND DOLLARS TO CELEBRATE THE ONE HUNDREDTH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF MANCHESTER.

SECTION
1. Appropriation authorized.

SECTION
2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The city of Manchester is hereby authorized to appropriate a sum not exceeding two thousand dollars, for the purpose of celebrating the one hundredth anniversary of the incorporation of the town of Manchester.

Appropriation authorized.

Takes effect
on passage;
repealing
clause.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

[Approved March 30, 1909.]

CHAPTER 290.

AN ACT TO SEVER CERTAIN TERRITORY FROM THE TOWN OF LISBON AND TO ANNEX THE SAME TO THE TOWN OF FRANCONIA.

SECTION

1. Territory severed and annexed.
2. Ratification not required.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Territory
severed and
annexed.

SECTION 1. That all that part of the homestead farm of George W. Taylor of Lisbon which lies in said Lisbon is hereby severed from said town of Lisbon and annexed to the town of Franconia.

Ratification
not required.

SECT. 2. That the provisions of chapter 99 Laws of 1903, are hereby repealed or suspended so far as the same may apply to this act.

Takes effect
on passage.

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

[Approved March 30, 1909.]

CHAPTER 291.

AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF MANCHESTER, ESTABLISHING THE OFFICE OF OVERSEER OF THE POOR, IN PLACE OF THE OVERSEERS OF THE POOR PROVIDED UNDER THE CHARTER AND LAWS OF THE STATE.

SECTION

1. To be elected biennially.
2. Vacancy, how filled.
3. Compensation and allowance.
4. To give bond.

SECTION

5. Annual appropriation for expense.
6. Accounts, how kept.
7. Powers of overseer.
8. Repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

To be elected
biennially.

SECTION 1. At the next general election and biennially thereafter the people of the city of Manchester shall elect one citizen of said city to be overseer of the poor in and for said city for the

term of two years beginning January, 1911, and to hold said office during the term of two years from the time of his election and qualification and until his successor is elected and qualified, unless sooner removed.

SECT. 2. In case a vacancy occurs in said office for any reason the board of mayor and aldermen of said city shall appoint some suitable person to serve the balance of the unexpired term or until his successor is elected and qualified.

Vacancy, how filled.

SECT. 3. The annual salary of said overseer of the poor shall be twelve hundred dollars, to be paid by said city in equal monthly payments; and in addition to said salary said overseer shall be allowed for his actual traveling expenses in connection with his official duties a sum not to exceed one hundred and fifty dollars, per year, and shall render monthly an itemized account of his said traveling expenses; there shall also be provided and furnished by the said city a suitable office for said overseer of the poor.

Salary and allowance.

SECT. 4. Said overseer of the poor shall give a bond with sufficient sureties in the sum of three thousand dollars, conditioned for the faithful performance of the duties of his office; said bond to be approved by the mayor of said city.

Bond.

SECT. 5. The common council of said city shall annually make such appropriation as shall be necessary for the employment of clerical assistance and for such other expenses as may be necessarily incurred by said overseer for the prompt and efficient discharge of the duties of his office.

Appropriation and expense.

SECT. 6. Said overseer of the poor shall keep books of account, showing the following: all expenditures made by his order, with the name, residence, occupation of each person receiving aid from the city, with the date and amount of each order and the name of the person, firm or corporation to whom the order is directed. In case aid is furnished any inmate of any institution, said book shall give the name and location of each institution with number of its inmates assisted and the amount of money so paid to each institution. Said books and account to be open to public inspection, and a full report to be made and published at the end of each fiscal year in the annual city report.

Accounts, how kept.

SECT. 7. Said overseer of the poor shall have all power, authority and rights, as set forth in chapter 84 and chapter 85 of the Public Statutes, and chapter 116 of the session Laws of 1895, and all other authority and rights conferred upon overseers of the poor by statute, ordinance or otherwise, and the board of overseers of the poor, as now constituted, shall from and after the expiration of their present term of office, cease from having any authority or rights under the law of this state or the ordinances or charter of the city of Manchester.

Powers.

Repealing
clause.

SECT. 8. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

[Approved March 30, 1909.]

CHAPTER 292.

AN ACT TO ENABLE THE UNION SCHOOL DISTRICT OF THE CITY OF KEENE TO TAKE THE COOLIDGE LOT IN SAID KEENE FOR SCHOOL PURPOSES.

SECTION

1. Taking of lot authorized.
2. Petition to be filed.
3. Notice to parties interested.
4. Hearing in superior court.

SECTION

5. Damages held for what purpose.
6. Issue of bonds authorized.
7. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Taking of lot
authorized.

SECTION 1. The school board of the Union School District of the city of Keene, when authorized by vote of said district, may take for school purposes the Coolidge lot, commonly so called, in the city of Keene, being a tract of land with the buildings thereon situated on the easterly side of Washington street in said Keene and bounded and described as follows, viz.: Beginning at the southwest corner of the homestead of the late William Dinsmoor in the line of said street; thence south $76^{\circ} 26'$ east on said Dinsmoor land four hundred thirty-six and four-tenths (436.4) feet to a stone post in the line of the late Josiah T. Colony's land; thence south $12^{\circ} 29'$ west on said Colony's land one hundred twenty-eight and three-tenths (128.3) feet to a corner; thence north $86^{\circ} 21'$ west on said Colony's land and land of the Independent Order of Odd Fellows three hundred thirty and sixty-five hundredths (330.65) feet to the northwest corner of said Odd Fellows' land; thence north $66^{\circ} 51'$ west on land of Mary F. Elliott sixty-one and eighty-five hundredths (61.85) feet to a stone post at the northwest corner of her land; thence north $64^{\circ} 6'$ west on land of said city of Keene eighty-eight and forty-four hundredths (88.44) feet to a corner in the east line of said street; thence north $25^{\circ} 59'$ east on said street one hundred fifty-nine and thirty-five hundredths (159.35) feet to the place of beginning, and being the same premises conveyed to the city of Keene in trust for library and park purposes by deed of Henry O. Coolidge, dated May 12, 1890, and recorded with the Land Records of Cheshire County, volume 294, page 583.

SECT. 2. Said land may be taken by said school board by filing in the office of the register of deeds for said county, a copy of said vote of said district, duly certified by the clerk of said district, and of the vote of said board to take said land, duly certified by the secretary of said board, and also by filing in the superior court for said county of Cheshire a petition setting forth said votes, and praying to have the damages caused by said taking assessed. Upon the filing of said certified copies in the office of the register of deeds and the filing of said petition in the superior court, the title to said land shall vest in said Union School District.

Petition to be filed.

SECT. 3. Upon the filing of said petition the clerk of the superior court shall issue an order of notice to all persons interested, with a copy of the petition, returnable to the next term of the court, and said school board shall cause a certified copy of the same to be served upon the city of Keene and upon the attorney-general, and shall publish the same in some newspaper printed in said Keene not less than fourteen days before said term.

Notice to parties interested.

SECT. 4. At the term of the superior court next after the filing of said petition, the city of Keene, and the attorney-general, and any person having an interest in the premises taken, may appear and be heard in reference thereto, and the damages caused to said city of Keene, and to each person having an interest in the property taken, shall be assessed by the court without a jury, unless said Union School District, or some party having an interest in the premises taken, shall file with the court a written demand to have such damages assessed by a jury, in which case said damages shall be assessed by the court by a jury. Costs shall be awarded to any person or party recovering damages on account of said taking, and judgment shall be entered for said damages and costs against said Union School District. Execution may be issued upon said judgment as upon other judgments.

Hearing in superior court.

SECT. 5. The damages recovered by the city of Keene for the taking of said premises shall be held in trust by it for the same general purposes and public uses as it now holds said premises, and the superior court, upon application of said city of Keene, may direct in what way the same shall be used.

Damages held for what purpose.

SECT. 6. The said Union School District is hereby empowered and authorized to issue its notes or bonds for the purpose of providing funds for the payment of the whole or any part of the judgment rendered on the aforesaid proceedings, which notes or bonds shall bear interest at a rate not exceeding four per cent. per annum. Said city of Keene is hereby authorized to accept and hold said notes or bonds or any part of the same in accordance with section 5 of this act.

Issue of bonds.

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

Takes effect on passage.

[Approved March 30, 1909.]

CHAPTER 293.

AN ACT TO ESTABLISH WATER-WORKS IN NEW HAMPTON VILLAGE FIRE PRECINCT, IN THE TOWN OF NEW HAMPTON.

SECTION

- 1. Water-works authorized.
- 2. Right of eminent domain.
- 3. Contracts authorized.

SECTION

- 4. Appropriations authorized.
- 5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Water-works authorized.

SECTION 1. The New Hampton Village Fire Precinct in the town of New Hampton, is hereby authorized and empowered to construct, own, manage, maintain and lease suitable water-works for the purpose of introducing into, and distributing through, said fire precinct, or any portion thereof, an adequate supply of pure water in subterranean pipes, for extinguishing fires and for the use of its citizens and others, and for such other public, private and mechanical purposes as said precinct may from time to time authorize and direct; and for that purpose may take, purchase, and hold in fee simple or otherwise, any real or personal estate and any rights therein, including water rights, necessary for carrying into effect the purpose of this act, and to excavate and dig canals and ditches in any street, place, square, passway, highway, common, or other place through which it may be necessary and proper for building said water-works, and to relay, change and repair the same at pleasure, having due regard for the safety of its citizens and security of public travel.

Right of eminent domain.

SECT. 2. Said fire precinct is authorized and empowered to enter upon, take and appropriate Mountain pond so called, located near the northwesterly corner of the town of Sanbornton, or Spectacle pond, so called, located partly in the town of New Hampton and partly in the town of Meredith, or both of said ponds; together with any streams, springs or water rights in or adjacent to said fire precinct, and to secure by fence or otherwise such ponds, streams, springs, or water rights, and dig ditches and canals, make excavations, dams, or reservoirs through, over, in, or upon any land or enclosure through which it may be necessary for said aqueduct to pass, or said excavations, reservoirs, dams, and water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting such water, and to place such pipes or other materials or works as may be necessary for building and operating such aqueduct and water-works or for repairing the same; *provided*, if it shall be necessary to enter upon and appropriate any land or water rights or any stream, spring, or pond, for the purpose aforesaid, or

to raise or lower the level of any stream, spring, or pond, and if said fire precinct shall not agree with the owners thereof or persons injured thereby for the damage that may be done by said fire precinct, or such owners shall be unknown, said fire precinct or said owners or persons injured may apply to the trial term of the superior court for the county in which such stream, spring, pond, water rights, or land is situate, to have the same laid out and the damages determined; and the said court shall refer the same to the county commissioners for said county, who shall appoint a time and place of hearing, and give notice thereof in the same manner as is now provided by law for laying out highways, and said commissioners shall make report to said court and said court may issue execution accordingly; if either party shall desire, he shall be entitled to trial by jury in such manner and under such regulations as the court may prescribe, in the same manner as in appeals from the award of damages in the case of laying out highways.

SECT. 3. Said fire precinct is authorized to contract with individuals and corporations for supplying them with water, and to make such contracts and establish such regulations and tolls for the use of water as may from time to time be deemed proper; and for the more convenient management of said water-works, the fire precinct may either before or after the construction of the same, place them under the direction and control of a board of water commissioners, of such number and with such powers and duties and elected at such times and in such manner, as may from time to time be prescribed by said fire precinct. Said water commissioners shall have full charge and control of the construction, management, and maintenance of said water-works, and may appoint a superintendent and other necessary officers, with such powers and duties and such compensation as said commissioners may from time to time prescribe. Said board of commissioners and other officers shall report in writing to said fire precinct at its annual meeting, and at other times when called upon to do so, a full statement of what they have done including an itemized account of all moneys received and paid.

Contracts
authorized.

SECT. 4. Said fire precinct is also authorized at any annual or special meeting, by a major vote of those present and voting, to raise and appropriate, and to borrow or hire such sums of money on the credit of the fire precinct as may from time to time be deemed advisable for the purpose of defraying the expense of purchasing real estate, rights in real estate, water rights, streams, springs, ponds and rights as aforesaid, and for constructing, maintaining, and operating said water-works, and to issue its bonds or notes for the same, payable at such times and at such rates of interest and upon such other terms as may be thought proper, such bonds or

Appropriations
authorized.

notes to be signed by a majority of the water commissioners and countersigned by the treasurer of said fire precinct, said indebtedness not to exceed at any one time the sum of ten thousand dollars; and such bonds or notes and all the property of said fire precinct used in the construction and operation of its water-works excepting real estate situated outside the town of New Hampton shall be exempt from taxation.

Takes effect on passage.

SECT. 5. This act shall take effect upon its passage.
[Approved March 30, 1909.]

CHAPTER 294.

AN ACT TO LEGALIZE THE ANNUAL MEETING OF THE TOWN OF GILSUM HELD MARCH 9, 1909.

SECTION
1. Meeting legalized.

SECTION
2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Meeting legalized.

SECTION 1. That the acts of the town of Gilsuam at the annual meeting held Tuesday March 9, 1909, be and the same are hereby declared legal, and all elections made at said meeting are hereby ratified and confirmed.

Takes effect on passage.

SECT. 2. This act shall take effect upon its passage.
[Approved March 30, 1909.]

CHAPTER 295.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY OF THE CARRIE F. WRIGHT HOSPITAL, LOCATED AT NEWPORT.

SECTION
1. Property exempted.

SECTION
2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Property exempted.

SECTION 1. The real and personal property held in trust by the board of trustees for the use and maintenance of the Carrie F. Wright Hospital, so called, located in Newport, or to be given to or ac-

quired by said hospital, together with any additions or improvements thereto, shall be exempt from taxation, so long as said property shall be used for hospital purposes.

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

Takes effect
on passage.

[Approved March 30, 1909.]

CHAPTER 296.

AN ACT TO EXEMPT THE MANCHESTER CITY MISSIONARY SOCIETY OF THE CITY OF MANCHESTER FROM TAXATION.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. As the Manchester City Missionary Society of the city of Manchester is a charitable institution without profit to any person, all property now owned or howsoever hereafter acquired by said society for the purpose of said society is hereby exempt from taxation.

Property
exempted.

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

Takes effect
on passage.

[Approved March 30, 1909.]

CHAPTER 297.

AN ACT TO LEGALIZE THE SPECIAL TOWN MEETING IN WARNER HELD MARCH 27, 1909.

SECTION

1. Meeting legalized.

SECTION

2. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in
General Court convened:*

SECTION 1. The proceedings and all votes passed at the special meeting of the inhabitants of the town of Warner held on March 27, 1909, are hereby legalized and confirmed.

Meeting
legalized.

SECT. 2. This act shall take effect on its passage.

Takes effect
on passage.

[Approved April 1, 1909.]

CHAPTER 298.

AN ACT AUTHORIZING LAYING OUT A HIGHWAY IN CENTER HARBOR.

SECTION

1. Authority granted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority
granted.

SECTION 1. The selectmen of Center Harbor are hereby authorized and empowered upon petition to lay out a highway in said town from any point on the highway leading from the premises of the heirs of Harrison D. Lord to the premises of Samuel J. Lord, to any point on Sturtevant island, so called, in said town, including any bridge or causeway which may be necessary in connection with such highway. The proceedings in respect to such lay out shall be as prescribed in chapter 67 of the Public Statutes and amendments thereto.

Takes effect
on passage.

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

[Approved April 6, 1909.]

CHAPTER 299.

AN ACT TO LEGALIZE THE ACTIONS OF THE TOWN OF HOOKSETT AT A SPECIAL MEETING HOLDEN ON THE THIRD DAY OF OCTOBER, 1907, EXEMPTING THE HOTEL PROPERTY OF WILLIAM H. HURD FROM TAXATION.

SECTION

1. Exemption legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Exemption
legalized.

SECTION 1. The proceedings of the town of Hooksett at a special meeting holden on the third day of October, 1907, exempting from taxation William H. Hurd's hotel property, known as Riverside Inn, to be built in said town, are hereby legalized and made valid; *provided* that the assessors of said town shall annually assess the property hereinbefore mentioned and the valuation determined upon for the same shall be added to the valuation of all the other property in the town to determine the total valuation for the purposes of state and county tax.

Takes effect
on passage.

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

[Approved April 6, 1909.]

CHAPTER 300.

AN ACT AUTHORIZING THE CITY OF PORTSMOUTH TO CONTRIBUTE THE SUM OF FIVE HUNDRED DOLLARS TO THE COTTAGE HOSPITAL.

SECTION

1. Contribution authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the city council of the city of Portsmouth is hereby authorized to contribute the sum of five hundred dollars to the Cottage Hospital in said Portsmouth, from the levy of the current year of 1909.

Contribution authorized.

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

Takes effect on passage.

[Approved April 6, 1909.]

CHAPTER 301.

AN ACT IN RELATION TO CITY OFFICIALS, COMMISSIONERS, TRUSTEES, AND OTHER PERSONS HAVING CONTROL OF THE PUBLIC FUNDS OF THE CITY OF MANCHESTER.

SECTION

1. Excessive and unauthorized expenditures prohibited.
2. Penalty for violation.

SECTION

3. Dissenting officials not liable.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. No city official, commissioner, trustee or other person having control of any public funds appropriated by the common council of the city of Manchester shall use any part of such funds for any purpose outside of the general business of the department in the control of said city official, commissioner, trustee or other person, excepting such sums as may be expended for new work or repairs to be charged to private individuals, firms, or corporations and for which said city is to be reimbursed by said private individuals, firms or corporations, or shall expend any money or make any contract or bargain or in any way bind the city of Manchester in excess of the total amount voted and appropriated by the common council for the general department over which said city official, commissioner, trustee or other person has

Excessive and unauthorized expenditures prohibited.

control, and all appropriations made by the common council for the several city departments shall be made in bulk, each department being allowed a specific sum to be used and applied by the respective department for the general business thereof without being itemized by the common council.

Penalty for violation.

SECT. 2. Any person who shall violate the provisions of this act individually or as a member of a board shall be liable to forfeit the sum of five hundred dollars to be recovered in an action of tort brought in the name and behalf of the city of Manchester in the superior court at the instance of the mayor; and he shall also be liable to be summarily removed from his office by the board of mayor and aldermen.

Dissenting officials not liable.

SECT. 3. The provisions of this act shall not apply to members of boards or commissions who do not aid in, sanction, or assent to the violation of said provisions by other members of said boards or commissions, and who, when such violations come to their knowledge, shall indicate their dissent by entry thereof in the records of the respective boards or commissions or in the office of the city clerk.

Takes effect on passage.

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

[Approved April 6, 1909.]

CHAPTER 302.

AN ACT EMPOWERING AND AUTHORIZING THE TOWN OF LANCASTER TO BUILD A BRIDGE.

SECTION

1. Authority granted.
2. Damages, how assessed.

SECTION

3. Appropriation authorized.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority granted.

SECTION 1. That the town of Lancaster in the county of Coos is hereby empowered and authorized to build and maintain a free bridge across the Connecticut river at or near the site of the former South Lancaster toll bridge, so called, which was owned by the Union Bridge Company, and to take the franchise and so much of the property of said Union Bridge Company, chartered by chapter 86 of the Laws of 1870, as may be necessary to the construction of said free bridge, and to take such other land as shall be needed to construct and maintain said bridge with a suitable approach thereto.

SECT. 2. If said town of Lancaster shall not be able to agree with the owners of said franchise, property or other land, upon the damages to be paid therefor, nor upon a committee to assess such damages, either party may apply by petition to the superior court for the district of Coos county, and said court, after due notice to the parties, shall refer the same to the county commissioners of said county of Coos, who shall upon due notice assess such damages and report the same to said court and judgment thereon shall be final and conclusive unless either party elects at the term of the court when such report is filed to go to the jury; and upon trial by jury to ascertain the amount of the damages such proceedings shall be had as are by law provided in the case of ordinary highways.

Damages, how assessed.

SECT. 3. Said town is hereby authorized to raise money by assessing taxes in the ordinary way to build said bridge, and, until such time as money can be so raised, to hire money for that purpose *provided* a majority vote of any town meeting duly called and held in said town shall authorize the selectmen of said town to so hire the necessary funds to go on and construct said free bridge.

Appropriation authorized.

SECT. 4. This act shall take effect on its passage.

Takes effect on passage.

[Approved April 6, 1909.]

CHAPTER 303.

AN ACT TO INCORPORATE THE ST. MARY'S CO-OPERATIVE CREDIT ASSOCIATION.

SECTION

1. Corporation constituted.
2. Purposes.
3. Membership.
4. Capital stock.
5. Funds loaned or deposited.
6. Corporate meetings.
7. Directors.
8. Organization; duties of directors and committees.
9. Vacancies, how filled.

SECTION

10. Withdrawals and dismissals.
11. Dividends.
12. Guaranty fund.
13. Adoption of by-laws.
14. How taxed.
15. Under supervision of bank commissioners.
16. Dissolution.
17. Subject to repeal; takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That Pierre Hevey, Pierre M. Roussel, Louis Dorais, J. Eugene Larochele, Arthur Gagne, and Joseph Boivin, all of Manchester in the county of Hillsborough, and their associates, successors and assigns, be and they hereby are made a body cor-

Corporation constituted.

porate by the name of the St. Mary's Co-operative Credit Association, and by that name may transact their business, may sue and be sued, and hereby are invested with all the privileges and made subject to the duties and liabilities of a corporation for the purposes hereinafter set forth.

Purposes.

SECT. 2. The object of said association shall be to open credits for and make loans to its shareholders, but for and to no other persons, upon such terms, for such times and upon such security, real or personal, as the association may vote or by its by-laws provide, the rate of interest, however, upon any loan not to exceed six per cent.

Membership.

SECT. 3. No person shall be an associate or member who shall not be, when he becomes such, a resident of the city of Manchester, and the place of business of said corporation shall be in said city of Manchester. Every member must be a shareholder.

Capital stock.

SECT. 4. The capital stock of said association shall be a variable amount, not less than one thousand dollars nor more than one hundred thousand dollars; between said limits the capital stock may be increased by payments for additional stock purchased; or decreased by the total or partial withdrawal of the amounts thus paid in. The capital stock shall be divided into shares of not less than five dollars each, the value of the shares and the terms of payment for same to be as provided by the by-laws of the association; but no shareholder shall own more than one-sixth of the capital stock, or more than five hundred dollars par value of same, and the shareholders shall not be personally liable for the debts of the association.

Funds loaned or deposited.

SECT. 5. The funds of the association may be either loaned to the shareholders for such terms and purposes and upon such security as the committee of credit shall approve, or deposited to the credit of the association in savings banks or trust companies incorporated under the laws of this state or in national banks located therein.

Corporate meetings.

SECT. 6. The annual meeting of the shareholders shall be held at such time and place as the by-laws specify. Special meetings may be called by the directors or by a majority of the committee of supervision and shall be called upon request in writing signed by ten or more shareholders. The clerk shall notify shareholders of all meetings in the manner specified in the by-laws. At meetings of shareholders each shareholder shall have one vote regardless of the number of shares held by him; there shall be no voting by proxy; and ten shareholders shall constitute a quorum. Any three of the incorporators may call the first meeting of the association by giving notice in writing to each of the other incorporators at least three days before said meeting.

SECT. 7. At the annual meeting of shareholders there shall be elected a board of not less than five directors, a committee of supervision of three members and a committee of credit of three members; but no person shall be a member of more than one of said committees or board. All the members of said committees and board shall be sworn and shall serve for the ensuing year or until their successors are chosen and qualified; but the shareholders at any meeting may remove any or all of said directors if their conduct of the affairs of the association is not satisfactory, *provided* the call for said meeting shall announce the proposed removal.

Directors.

SECT. 8. The directors shall meet within ten days after their election, and at said meeting they shall elect as officers a president, a treasurer and a clerk, and they may elect a vice-president and other necessary officers and agents. The directors shall have the management of the affairs, funds and books of the association; they shall have authority to admit members under the conditions specified in the by-laws, also to dismiss members as hereinafter provided. They shall determine the conditions as to the transfer or withdrawal of shares and shall fix the amount of surety bond which may be required of each officer or agent having custody of the funds. They shall have the power to declare dividends when the same are approved by the committee of supervision. The committee of supervision shall oversee all the business of the association, with the right at any time to inspect all the books, accounts, papers, security for loans and other property of the association. They may by unanimous vote suspend any director or member of any board or committee, and in every such case they shall immediately call a special meeting of the shareholders to act on such suspension and by the same mail shall notify said suspended person of his suspension. A majority of the committee may call a special meeting of the shareholders to consider any violation of law, by-law or sound management which said committee shall have discovered. They shall report in writing regarding their doings and findings, at the annual meeting of the shareholders, said report to include a statement of the receipts, disbursements, income, assets and liabilities of the association for the fiscal year. The committee of credit shall have authority regarding loans made by the association, subject to the regulations of the by-laws, and every loan shall be approved by them in advance. The officers and agents elected by the directors as hereinbefore specified, may or may not be directors. They shall be sworn and shall hold office for the ensuing year or until their successors are elected and qualified. The members of the committees of supervision and of credit shall not directly or indirectly borrow from the association or become security for any borrower; and they and the directors

Organization;
duties of
directors and
committees.

shall not receive any pay for their services as directors or as members of said committees.

Vacancies.

SECT. 9. All vacancies shall be filled by vote of the directors, except that vacancies in the committee of supervision shall be filled by vote of the remaining members of said committee.

Withdrawals
and dis-
missals.

SECT. 10. Any member may withdraw from the association at any time by giving notice in writing to that effect to the clerk or treasurer. The directors may dismiss any member who has not carried out his engagements with the association, or who has been convicted of a criminal offense, or who refuses to comply with the provisions of the by-laws or whose private life is a source of scandal or who shall become insolvent or bankrupt. The minutes of the meeting of the board of directors respecting any such dismissal shall set forth the reasons therefor and a true copy thereof shall be addressed to the dismissed member by registered letter within three days after such dismissal. The amounts due to members who have withdrawn or been dismissed, on account of payments made by them for stock, with the earning on the same, after deducting any amounts due by them to the association, shall be paid to them as soon as funds of the association become available. Such payments shall be made in the order of withdrawal or dismissal and with due regard to the provisions that the capital stock shall not be reduced below the minimum hereinbefore specified. Membership fees shall not be refunded to members who withdraw or who are dismissed. No member who shall withdraw or be dismissed shall have the right to demand the liquidation or dissolution of the association; but members dismissed may appeal to a meeting of shareholders called for the stated purpose.

Dividends.

SECT. 11. Dividends may be declared by the directors, with the approval of the committee of supervision, as hereinbefore specified; or in case the committee of supervision does not approve the declaration of a dividend proposed by the directors, the question shall be referred to a meeting of shareholders called for the stated purpose. Dividends shall be paid only out of the net earnings of the association and after providing for a guaranty fund as hereinafter provided.

Guaranty
fund.

SECT. 12. Immediately before the payment of each dividend, there shall be set apart as a guaranty fund twenty per cent. of the net earnings which have accumulated since the payment of the last preceding dividend. Said fund shall be held to meet contingencies or losses in the business of the corporation. All entrance or membership fees shall be added at once to the guaranty fund. But upon recommendation of the board of directors the members at an annual meeting may increase and whenever said fund equals or exceeds the amount of capital stock actually paid in, may decrease, the proportion of profits which are required by this section to be set apart as a guaranty fund.

SECT. 13. At the first meeting of the shareholders or at an adjournment thereof, there shall be adopted by-laws which shall prescribe: (a) Conditions of membership. (b) Value of shares of capital stock and terms of payment for same and amount of entrance or membership fee. (c) Date of annual meeting and date on which fiscal year begins; method of giving notice of annual and special meetings, and of notifying directors and other officers of their election. (d) Number of directors. (e) Duties of president, vice-president (if any) treasurer, clerk and such other officers, agents, boards and committees as may be provided by the by-laws and whose duties are not herein specified. (f) Method of applying for loans and conditions under which loans shall be made, maximum amount which may be loaned to any one member and penalties for failure of members to meet obligations to the association punctually. (g) Such other matters as may seem necessary. The association shall receive no payments on account of shares until its by-laws have been approved in writing by the board of bank commissioners, nor shall any amendments to the by-laws become operative until said amendments have been so approved. The by-laws may be amended, subject to the approval of the board of bank commissioners as hereinbefore provided, at a meeting of the shareholders called for the purpose, by a three-fourths vote of those present and voting.

By-laws.

SECT. 14. Said association shall be taxed as savings banks are taxed.

How taxed.

SECT. 15. The association and its directors and officers shall be under the supervision of the board of bank commissioners, who shall have in relation to them the same power as in relation to savings banks. The officers of the association shall report to the board of bank commissioners at such times as are required of savings banks, giving such information, and in such form, as may be required by said board.

Under supervision of bank commissioners.

SECT. 16. At a meeting called for the stated purpose, the shareholders may vote to dissolve the association, by a vote of three-fourths of those present and voting; but a motion to dissolve shall not be adopted if ten members object thereto.

Dissolution.

SECT. 17. The legislature may, alter, amend or repeal this act whenever in their opinion the public good shall require it, and this act shall take effect upon its passage.

Subject to repeal; takes effect on passage.

[Approved April 6, 1909.]

CHAPTER 304.

AN ACT EMPOWERING THE TOWN OF ALTON TO ACQUIRE, BUILD AND MAINTAIN PUBLIC WHARVES AND TO APPROPRIATE MONEY FOR THE SAME AND TO RATIFY THE VOTE OF SAID TOWN IN REFERENCE THERETO.

SECTION

- 1. Prior action ratified; authority granted.
- 2. Right to acquire land, etc.

SECTION

- 3. Procedure.
- 4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Prior action ratified; authority granted.

SECTION 1. The action of the town of Alton taken at the annual town meeting, held March 9, 1909, wherein the town voted to build a public wharf at Alton Bay and raise the sum of five hundred dollars for that purpose, and appointed a committee to locate and build the same, is hereby ratified and confirmed, and the selectmen are hereby authorized to purchase or lease any land therefor or upon petition to them to lay out said wharf and build a highway to the same, and for such purposes they may take land under the right of eminent domain, and may award damages and from said layout and award there may be an appeal to the superior court, and like proceedings shall be had thereon as in the case of laying out of highways.

Right to acquire land, etc.

SECT. 2. The said town of Alton is hereby empowered to acquire, either by purchase or lease or by the right of eminent domain, land in said town for the purpose of building and maintaining public wharves in said town upon Lake Winnepesaukee whenever and wherever the accommodation of the public may require, to keep the approaches to the same both by land and water free from obstruction, to regulate the use of the same, and to appropriate money for the said purposes upon petition to the selectmen of said town.

Procedure.

SECT. 3. Upon such petition the same proceedings shall be had and all parties interested therein shall have the same rights and remedies as in the laying out of highways.

Takes effect on passage.

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

[Approved April 6, 1909.]

CHAPTER 305.

AN ACT TO REVISE THE CHARTER OF THE CITY OF CONCORD.

SECTION	SECTION
1. Corporate existence continued.	32. Same subject.
2. Division into wards continued.	33. To submit estimates of appropriations.
3. Division into school districts continued.	34. To grant certain licenses and permits.
4. Mayor and board of aldermen.	35. Limitation of jurisdiction.
5. Municipal elections, when held.	36. Board of assessors, election and duties.
6. Nominations, how made.	37. Election of clerk.
7. Elections and primaries, where held.	38. Organization of board.
8. Preparation of check-lists.	39. Offices and business hours.
9. Municipal elections, how conducted.	40. Meetings of board.
10. Official primary ballots.	41. Chairman of board.
11. Official election ballots.	42. Duties of clerk of board.
12. Preparation of ballots.	43. Employment of assistants.
13. Plurality to elect.	44. Books and records.
14. Tie vote for mayor.	45. Expenses to be certified.
15. Tie vote for other officers.	46. Police court continued; police force, how chosen and constituted.
16. Form of official ballots.	47. City clerk and other officers, how chosen.
17. Names of candidates, how grouped.	48. Removals from office.
18. Disposition of ballots and tally-sheets.	49. Alderman not eligible to other city office.
19. Recounts and contests.	50. Municipal officers not to deal with city.
20. Primaries and election in 1910.	51. Salaries of mayor and aldermen.
21. Vacancies, how filled.	52. Prior enactments, when saved or repealed.
22. Terms of office.	53. Present incumbents of offices to hold over.
23. Organization of mayor and board of aldermen.	54. Adoption by majority vote; election, how conducted; votes, how returned.
24. Vacancy in office of mayor, how filled.	55. Takes effect, when.
25. Vacancies in other offices, how filled.	
26. Mayor, powers and duties of.	
27. Same subject.	
28. To be member of board of public works.	
29. Board of aldermen, powers and duties of.	
30. Committees of board of aldermen.	
31. Board of public works, powers and duties of.	

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The inhabitants of the city of Concord shall continue to be a body politic and corporate under the name of the "City of Concord," and as such to enjoy all the rights, immunities, powers and privileges and be subject to all the duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the city shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it, under this revised charter.

Corporate
existence
continued.

Division into wards continued.

SECT. 2. The city shall continue to be divided into nine wards as at present constituted, and except as herein otherwise provided the general laws relative to wards of cities, officers thereof, and voters, check-lists, elections and jurors therein shall be applicable to such wards; but the office of selectmen is hereby abolished in the city, and all the duties pertaining to that office shall hereafter be performed in each ward thereof by the supervisors of the check-list, who, for all purposes requiring such officers, shall be deemed selectmen of the ward.

Division into school districts continued.

SECT. 3. The present division of the city into school districts is hereby continued, and nothing herein contained shall in any way affect its school districts or their government or affairs. The city shall continue to be divided into such water, sewer, lighting, sprinkling and garbage precincts as now exist until the board of aldermen hereby established shall ordain otherwise, but said board shall have all powers now vested in the existing city councils or either branch thereof relative to altering the boundaries of such precincts, abolishing them, or creating new precincts for the same or other purposes.

Mayor and board of aldermen.

SECT. 4. The administration of the fiscal, prudential, municipal and other affairs of the city and its several precincts, and the government thereof, shall, except as herein otherwise provided, be vested in a principal officer to be called the mayor, a board to be called the board of aldermen, and a board to be called the board of public works. The board of aldermen shall consist of the mayor as *ex-officio* chairman and fifteen aldermen, sitting and acting together as a single body. The mayor and six of the aldermen shall be chosen by the qualified voters of the city at large, voting in their respective wards, and the other nine aldermen one from each ward by the qualified voters thereof. The mayor and the six aldermen chosen at large, sitting and acting together as a single body without the participation of the aldermen chosen by individual wards, shall, *ex-officio*, constitute the board of public works. In the case of each board, a majority shall constitute a quorum for the transaction of business. The city clerk shall act as clerk of each board, but the board of public works may employ additional clerical assistance if necessary.

Municipal elections, when held.

SECT. 5. All city and ward officers who are to be elected by the legal voters of the city or of any ward therein, except moderators, ward clerks and supervisors of the check-list, shall be chosen at elections, hereinafter called municipal elections, to be holden on the third Tuesday of December in the year 1910, and biennially thereafter on the Tuesday next following the first Monday of November, beginning in the year 1911.

SECT. 6. The candidates for all offices to be filled at such elections shall be nominated at primary elections, hereinafter called primaries, to be holden on the fourth Tuesday preceding each municipal election.

Nominations,
how made.

SECT. 7. The municipal elections and primaries shall be holden at the regular polling place in each ward, or if there be no such regular polling place, at a suitable place in the ward provided and equipped for that purpose by the supervisors of the check-list of the ward at the expense of the city.

Elections and
primaries,
where held.

SECT. 8. The supervisors of the check-list in each ward shall make, post and correct a check-list for use at each primary in the manner in which check-lists are by law required to be prepared for use at general biennial elections. The check-list so prepared shall be further corrected for use at the succeeding municipal election at a session of the supervisors to be holden on the Saturday next preceding such municipal election, notice of which session shall be given on the check-lists posted before the preceding primary; and no further posting or notice shall be required before such municipal election. All provisions of the Public Statutes and amendments thereto regarding the preparation, use and preservation of check-lists used at general biennial elections shall apply to the check-lists used at the municipal elections and primaries, except as otherwise expressly provided herein. No person shall be entitled to vote at any municipal election or primary who would not be entitled to vote in the same ward at a general biennial election holden on the same date.

Preparation
of check-lists.

SECT. 9. The municipal elections and primaries shall be conducted by the regular election officers of the wards, and all provisions of the Public Statutes and amendments thereto, penal or otherwise, relating to the warning and manner of conducting general biennial elections, and sealing and return of ballots and tally-sheets, and the record and return of the result of the vote, shall apply to such municipal elections and primaries except in so far as they are modified by the provisions of this act. And such municipal elections and primaries shall be deemed to be elections within the meaning of all penal statutes relating to offenses against the purity of elections. The polls shall be open at each municipal election and primary from nine o'clock in the forenoon to six o'clock in the afternoon in each ward.

Municipal
elections, how
conducted.

SECT. 10. The official ballots for use at each primary shall be prepared by the city clerk, at the expense of the city, and no other ballot shall be used at such primary. Any person qualified to be elected to any office to be filled at the succeeding municipal election shall be entitled to have his name printed upon such official ballots as a candidate for such office upon his filing with the city clerk, not

Official pri-
mary ballots.

later than five o'clock in the afternoon of the fourth day before the primary, his declaration in writing that he is a candidate therefor, and paying to the city clerk, if a candidate for the office of mayor, the sum of five dollars, alderman-at-large, assessor or other officer to be chosen by the voters of the city at large, three dollars, and ward aldermen or other officer to be chosen by the voters of a single ward, two dollars.

Official election ballots.

SECT. 11. The two candidates for mayor and (except as otherwise provided in sections 22 and 25 hereof) the six candidates for aldermen-at-large and the two candidates for assessors receiving the largest number of votes cast in the city at large at the primary, and the two candidates in each ward receiving the largest number of votes cast at the primary for alderman from such ward, shall be entitled to have their names printed upon the official ballot to be used at the succeeding municipal election as nominees for such offices. In case any other officers than the foregoing are to be chosen at the succeeding municipal election, two candidates for each such officer to be chosen shall be nominated at the primary by plurality vote in the manner above set forth, and their names printed upon the official ballot to be used at such election. In case the number of candidates receiving the largest number of votes at the primary for any office exceeds or falls short, by reason of a tie, of the number of candidates to be nominated for such office as above fixed, the names of all persons between whom the tie exists shall be printed upon such official ballot. The name of any legally qualified person shall also be printed upon such official ballot as a nominee for the office of mayor if within two weeks after the primary a paper or papers requesting that his name be so printed, signed by not less than five hundred legal voters in the city, be filed with the city clerk; and the check-lists used at the primary shall be final and conclusive evidence as to whether the signers of such request are in fact legal voters in the city.

Preparation of ballots.

SECT. 12. The official ballots for use at each municipal election shall be prepared by the city clerk, at the expense of the city, and no other ballot shall be used at such election. Upon such official ballots shall be printed the names of such candidates only as have been nominated in the manner provided by the preceding section.

Plurality to elect.

SECT. 13. The candidate for any office, or, where more than one person is to be chosen to any particular office, the requisite number of candidates, receiving the largest number of votes cast at the municipal election in the city at large or particular ward as the case may be, shall be declared elected to such office.

Tie vote for mayor.

SECT. 14. In case at any municipal election two or more candidates for the office of mayor shall receive the largest and an equal number of votes, a supplementary election for mayor shall be held

on the second Tuesday after such municipal election, which supplementary election shall be warned and conducted in all respects as municipal elections are by this act required to be warned and conducted, except that only seven days' warning thereof shall be required. The official ballot to be provided by the city clerk for use at such supplementary election shall contain only the names of those candidates who, at the municipal election, received the largest and an equal number of votes.

SECT. 15. In case of a tie rendering impossible the determination of the choice to any other office or offices, the incoming board of aldermen, at its first meeting, shall by *viva voce* vote on roll-call choose from the candidates between whom such tie exists the person or requisite number of persons to fill such office or offices. In case the board of aldermen are unable to make such choice, the choice shall be determined by the mayor at such meeting, by drawing lots between such candidates.

Tie vote for
other officers.

SECT. 16. The official ballots prepared by the city clerk for use at the municipal elections and primaries shall conform as nearly as may be in form and manner of folding to the ballot prepared by the secretary of state for use at general biennial elections. All provisions of the Public Statutes and amendments thereto defining the duties of the secretary of state with reference to the printing and distribution of ballots, sample ballots, cards of instruction and other material for use at general biennial elections shall be followed by the city clerk in providing like material for use at the municipal elections and primaries, except so far as rendered inapplicable by the provisions of this act.

Form of official
ballots.

SECT. 17. Upon such official ballots the names of the candidates for each office shall be grouped in the alphabetical order of their surnames, without party name or designation of any kind. Over each group shall be a statement of the office for which they are candidates and a direction as to the number of candidates to be voted for. Under each group shall be left as many blank spaces as there are persons to be elected to such office at the municipal election. At the right of each printed name shall be a square. The voter shall indicate his choice by making a cross in the square at the right of the printed name of each candidate for whom he desires to vote, or by writing the name of any person or persons for whom he desires to vote in the appropriate blank space or spaces. If a voter, either at a municipal election or the preceding primary, votes for more candidates for any office than are to be elected to that office at such municipal election, he shall be regarded as not having voted for any candidate for that office. Such official ballots shall be indorsed Primary Election of the City of Concord, or Municipal Election of the City of Concord, as the case may be, and Official Bal-

Names of candidates,
how grouped.

lot, with the date of the primary or election and a *facsimile* of the signature of the city clerk.

Disposition of
ballots and
tally-sheets.

SECT. 18. The ballots and tally-sheets used at each municipal election and primary shall be sealed up in the manner by law provided in case of general biennial elections, and returned by the ward clerk within twenty-four hours to the city clerk. A return of the result of the vote in each ward for all officers to be chosen or nominated at such election or primary, certified by the moderator, supervisors of the check-list and ward clerk, shall be made to the city clerk within the same time on blanks provided by him for that purpose; and the city clerk shall immediately record all such returns, and the same, together with his record thereof, shall be open to the inspection of any citizen. He shall submit his record of the returns of each municipal election and primary to the board of aldermen, at a meeting to be holden at seven o'clock in the afternoon on the Tuesday next following such election or primary, and the board of aldermen shall canvass the returns and declare the result. Such declaration shall be duly recorded by the city clerk and, except as hereinafter provided, shall be conclusive as to right of the persons declared elected or nominated to hold the offices to which they are so declared elected, or to have their names printed on the official ballot to be used at the succeeding municipal election as nominees for such offices, as the case may be.

Recounts and
contests.

SECT. 19. Any candidate who is dissatisfied with the return of the vote at any municipal election or primary may have a recount of the vote cast at such election or primary for the office for which he was a candidate, or may contest the election or nomination as to that office on the ground of fraud or misconduct in relation to such municipal election or primary, by notifying the city clerk and all candidates for the same office who were returned as having received a larger number of votes than himself that he requests such recount or proposes to make such contest, by notice in writing left at the office of the city clerk and delivered in hand to or left at the usual place of abode of each of such other candidates at least twenty-four hours before the meeting of the board of aldermen at which the returns are to be canvassed. The board of aldermen, at said meeting or at an adjourned meeting or meetings specially held for that purpose within one week thereafter, shall thereupon recount the ballots in the presence of the interested parties, or shall proceed in the manner provided as to contested elections of mayor by Public Statutes, chapter 47, section 3, the provisions of that section being hereby made applicable to all contests of any such municipal election or primary so far as consistent with this act. The board of aldermen shall, not later than the second Tuesday after such election or primary, declare the result of such recount or contest, which

declaration shall be duly recorded by the city clerk and shall be final and conclusive. The city clerk shall retain all packages containing ballots returned to him, unopened, until the time for demanding a recount or contest has expired. In case of a recount or contest, they shall be produced by him unopened at the time and place of such recount or contest, and shall be opened by the mayor in the presence of the aldermen.

SECT. 20. With reference to the primary and municipal election for the year 1910, the duties imposed on the board of aldermen by the two preceding sections as to the canvassing of returns and recounts and contests shall be performed by the existing city councils in convention.

Election in
1910.

SECT. 21. In case any officer chosen at a municipal election shall decline the office or die prior to the fourth Tuesday of January next following his election, the incoming board of aldermen shall fill the resulting vacancy at its first meeting in the manner hereinafter provided as to a like vacancy occurring after its inauguration.

Vacancies,
how filled.

SECT. 22. At the primary preceding the municipal election for the year 1910, twelve candidates for aldermen-at-large shall be nominated instead of six, and six candidates for assessors nominated instead of two, and their names printed upon the official ballot to be used at such election. At such first municipal election there shall be chosen a mayor to serve for one year, one alderman from each ward to serve for one year, six aldermen-at-large, of whom the three receiving the largest number of votes shall serve for three years and the other three for one year, and three assessors, of whom the one receiving the largest number of votes shall serve for five years, the one receiving the next largest number of votes for three years and the other for one year. At each succeeding municipal election there shall be chosen a mayor to serve for two years, one alderman from each ward to serve for two years, three aldermen-at-large to serve for four years, and one assessor to serve for six years. The mayor, aldermen and assessors so chosen shall hold their respective offices from the fourth Tuesday of January next following their election, for the terms above specified and until their successors are chosen and qualified.

Terms of
office.

SECT. 23. The mayor and aldermen so chosen shall meet at ten o'clock in the forenoon on the fourth Tuesday of January next following their election, in their capacity as the board of aldermen, for the purpose of taking their respective oaths of office, organizing, adopting rules for the transaction of business by such board, and transacting any other business required by law or ordinance to be transacted at such meeting.

Organization
of mayor and
aldermen.

SECT. 24. In case a vacancy occurs in the office of mayor by death, resignation or otherwise, the board of aldermen shall choose one of

Vacancy in
office of mayor,
how filled.

the aldermen-at-large mayor for the residue of the unexpired term; and the person so chosen shall have the same powers and duties in all respects as if elected mayor by the people, and upon his qualifying as mayor his office as alderman shall be deemed vacant. In the event of the mayor's absence from the city, or disability from sickness or other cause, for such length of time as, in the judgment of the board of aldermen, renders such action necessary, such board may choose one of the aldermen-at-large acting mayor; and the person so chosen shall thereupon have all the powers and perform all the duties of the mayor during the continuance of the latter's absence or disability, but shall not thereby vacate his office as alderman.

Vacancies in
other offices,
how filled.

SECT. 25. In case a vacancy occurs in the office of alderman from any cause, the board of aldermen shall choose some duly qualified person not already a member of that body to fill the same. A person so chosen in place of an alderman-at-large shall thereby become a member of the board of public works, but shall not be eligible to fill a vacancy in the office of mayor or be chosen acting mayor under the provisions of this section; and if the alderman-at-large whose place he takes was elected for a term extending beyond the fourth Tuesday of January next following the first municipal election after the occurrence of the vacancy, he shall serve only until such municipal election, and an additional alderman-at-large shall be chosen by popular vote at that election to fill the vacancy for the remainder of such term. Whenever an additional alderman-at-large is to be chosen at a municipal election by virtue of this section, the number of candidates for alderman-at-large to be nominated at the preceding primary shall be double the total number of such aldermen to be chosen at such election, the three candidates receiving the largest number of votes at such election shall be declared elected for the full term of four years, and the candidate or requisite number of candidates receiving the next largest number of votes shall be declared elected to fill the vacancy or vacancies. Vacancies occurring in the office of assessor, and, in case any officers other than mayor, aldermen and assessors shall be required to be chosen by popular vote at municipal elections, vacancies occurring in such other offices, shall be filled by the board of aldermen for the residue of the unexpired term, or until the first municipal election after the occurrence of the vacancy and then by popular vote for the balance of the term, as above provided concerning vacancies in the office of alderman and in like manner.

Mayor, powers
and duties of.

SECT. 26. The mayor shall be the chief executive officer of the city, and cause its laws and ordinances to be executed and enforced; shall exercise a general supervision over the conduct of all subordinate officers, and cause violations or neglects of duty by them to be punished; shall preside over all meetings of the board of alder-

men and of the board of public works (but in his absence from a meeting of either board it may choose one of its members temporary chairman); may call meetings of the board of public works, and special meetings of the board of aldermen, whenever in his opinion there is occasion; shall from time to time communicate to each of said boards, and to all subordinate officers, such information and recommendations relative to matters within their respective jurisdiction as, in his judgment, the interest of the city may require; and shall have and perform such other powers and duties, not inconsistent with the provisions of this act, as now are or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law.

SECT. 27. The mayor shall, at all times, have the right to introduce bills and initiate other measures in the board of aldermen, and to speak therein upon pending measures without resigning the chair; but he shall not be counted to make a quorum of such board, nor vote therein except in case of equal division. He shall have a negative upon all ordinances, resolutions and votes passed by it except such as relate (1) to the time, manner or order of its sessions or procedure, (2) to the filling of vacancies in its own membership, the choice of incumbents of other municipal offices or the filling of vacancies therein, or the confirmation or non-confirmation of persons appointed thereto by himself, or (3) to the determination of the nomination, election or qualification of candidates or officers nominated or elected at municipal primaries or elections, the determination of the fitness of applicants for licenses, the removal of municipal officers for cause, the assessment of land damages, or other matters of a judicial nature. He may exercise such negative by oral declaration at the meeting of the board at which the action by him disapproved is taken, or in the case of an ordinance, or of a resolution containing an appropriation or contemplating an expenditure of money, by written declaration filed with the city clerk within seven days thereafter, stating the grounds of his disapproval; and no ordinance, and no such resolution, shall take effect until the expiration of such seven days unless first signed by him. In the case of an ordinance or resolution containing distinct appropriations or other severable provisions, he may veto one or more of such appropriations or provisions and approve the remainder of the bill, plainly specifying above his signature thereto the items disapproved, whereupon the bill shall take effect in accordance with its terms except as to such items. No ordinance, resolution or vote, or part thereof, by him vetoed conformably to this section, shall take effect unless, on reconsideration, the same shall be passed over his veto by affirmative vote of at least ten aldermen on roll-call.

Same subject.

To be member
of board of
public works.

SECT. 28. The mayor shall be a member of the board of public works for all purposes, including voting and the counting of a quorum. He shall have no negative on the action of such board, but may in his discretion suspend the operation or execution of any vote or decision adopted by it until the same shall be approved by the full board of aldermen, by causing an order to that effect to be entered on the records of the board of public works, and communicated to each member of the latter board and any other persons affected, within seven days after the adoption of such vote or decision and before any obligations have been incurred thereunder. The matter shall thereupon be laid before the board of aldermen at its next regular meeting or at a special meeting called for the purpose, and the action of said board confirming, annulling or reversing the vote or decision of the board of public works shall, subject to the negative given the mayor by the preceding section, be final and conclusive.

Board of aldermen,
powers and
duties of.

SECT. 29. Except as herein otherwise provided, the board of aldermen hereby established shall have all the powers and discharge all the duties conferred or imposed upon city councils in convention, city councils voting concurrently, or boards of mayor and aldermen acting separately, by chapters 46 to 50 inclusive of the Public Statutes or other general laws now in force or hereafter enacted, or upon the existing city councils or board of mayor and aldermen of the city of Concord by special laws not hereby repealed. All provisions of such laws pertaining to the powers or duties of any of such bodies shall be construed to apply to the board of aldermen hereby established unless a contrary intent herein appears, it being the purpose of this act to confer upon said board all functions of either or both branches of the existing city councils, whether legislative, executive, administrative or judicial, except those conferred upon the mayor and the board of public works.

Committees of
board of aldermen.

SECT. 30. The members of all standing committees of the board of aldermen shall be appointed by the mayor, subject to the approval of the board. No ordinance, and no resolution containing an appropriation or contemplating an expenditure of money, shall be laid before the board of aldermen for action until the signature of the mayor or alderman introducing the same, or, if introduced by a committee, the signature of such committee by its chairman, is endorsed thereon. Upon the final passage of every resolution or ordinance containing an appropriation or contemplating an expenditure of one hundred dollars or more, the vote shall be taken by yeas and nays on roll-call.

Board of
public works,
powers and
duties of.

SECT. 31. The board of public works hereby established shall have full charge, direction and control of the construction, reconstruction, maintenance, repair and improvement of public streets,

highways, bridges, sidewalks, sewers and drains, of the sprinkling of streets, and of the collection and disposal of garbage, and full power to establish new and discontinue old public sidewalks, sewers, drains and street lights, within the limits of the city and of such sewer, sprinkling, garbage and lighting precincts therein as now exist or may hereafter be created by the board of aldermen. Subject to the right of the mayor to cause any vote or decision adopted by it to be reviewed by the full board of aldermen, the board of public works shall have and exclusively exercise and discharge relative to the foregoing subjects all the powers and duties now reposed by law or ordinance in the existing city councils, board of mayor and aldermen, street commissioner or any other officer or committee of the city, or in the selectmen or highway agents or surveyors of towns; *provided*, that nothing herein contained shall be construed as empowering said board to raise, appropriate or borrow money, to lay out new or discontinue existing highways, to enter into general contracts for street lighting, or to enact ordinances regulating the use of the highways and sewers or other local laws, these functions being hereby vested in the full board of aldermen.

SECT. 32. The board of public works shall have the expenditure of all appropriations voted by the board of aldermen for any purpose specified in the preceding section, and all bills for expenditures for such purposes shall be approved by a majority of its members before being paid by the city treasurer. The services of the city engineer shall be at the disposal of the board of public works at all times, and all work done by him regarding the subjects enumerated in the preceding section shall be under its direction. Said board shall employ a superintendent of streets and such other agents and employees as it may deem necessary for the proper execution of the details of the work under its charge, prescribe their duties, and fix their compensation; and such superintendent and other subordinates shall act in all respects in accordance with its plans and directions, and may be removed by it at pleasure. It shall have charge of all horses, vehicles, machinery, tools, materials and equipment owned by the city for the purposes of such work; may from time to time purchase all new equipment required for such purposes, and sell any discarded or surplus equipment; may make such regulations for its own government, and for the government of its subordinates and of the property under its charge, as it may deem expedient; and may, in its discretion, procure the performance of any work under its charge by contract, and for that purpose call for proposals and make and execute in the name and on behalf of the city a suitable contract therefor with the lowest responsible bidder, taking from him proper security for the performance of such contract; but no such contract shall call for the expenditure

Same subject.

of a sum exceeding the amount appropriated or available for such work.

To submit estimates of appropriations.

SECT. 33. The board of public works shall, as early as practicable in each year, submit to the board of aldermen or its committee on finance a detailed estimate in writing of the appropriations required for that year for the purposes referred to in the two preceding sections; and whenever at other times a special appropriation shall, in its judgment, be required for any of such purposes, it shall submit to the board of aldermen a written request therefor. The board of aldermen shall make no appropriation for any of such purposes, other than fixed charges and general maintenance and repairs, unless an appropriation for that purpose has first been requested by the board of public works; and the latter board shall undertake no highway or sewer work in the nature of new construction or permanent improvement unless an appropriation therefor has first been granted by the board of aldermen, nor undertake work of any kind, except in cases of emergency, the anticipated cost whereof will exceed the amount appropriated or available for the purpose. At the close of each year the board of public works shall make a detailed report to the board of aldermen of its doings for that year, which report shall be published with the reports of the other municipal departments.

To grant certain licenses and permits.

SECT. 34. The board of public works shall also have exclusive jurisdiction, subject to the laws of the state and to such lawful regulations in the premises as the board of aldermen may from time to time ordain for its guidance and for the public protection and convenience, to grant, deny and revoke permits and licenses for making excavations in, moving buildings along, or placing and maintaining poles, wires, pipes or other structures in, over or under the streets, highways or sidewalks of the city, to fix the terms and conditions of such permits and licenses, to prescribe and change the locations and compel the repair or removal of such structures, and to exercise within the city all powers by law conferred on boards of mayor and aldermen or other municipal officers relative to the location, relocation and manner of construction of street-railway tracks. Authority to grant permits for excavations and other temporary obstructions, and to designate the particular portions of streets in which structures there authorized shall be located, may be delegated by it to the superintendent of streets or other officers or agents, under such limitations as it may prescribe. Whenever any street, highway or sidewalk in the city is obstructed or occupied in any manner mentioned in this section without statutory authority or a permit or license from said board or its authorized agent, or in violation of the conditions of such permit or license or of its lawful orders, it may abate the offending obstruction or structure as a public nuisance.

SECT. 35. Except as hereinafter provided, the preceding section shall not be construed to prevent the opening of streets by the board of water commissioners and its subordinates for the purposes of the city water-works, or by the proprietors of gas pipes or other authorized structures therein for the making of needed repairs upon the same, without a permit from the board of public works; but no paved, concreted, asphalted or macadamized street shall be so opened without such permit except in cases of emergency or actual necessity; the portion of any street so opened shall be restored by or under the direction of the board of public works, and the expense thereof charged to the account of the water-works or paid by the private proprietors opening the same; and when notified that permanent improvements are to be made on any street, the board of water commissioners and the proprietors of all gas pipes or other private structures therein shall inspect their respective pipes and structures in such street, and make all needed alterations and repairs thereof, within such reasonable time as the board of public works may direct. So far as practicable, the boards of public works and of water commissioners shall conduct all work under their charge, involving the improvement or opening of streets, in accordance with permanent and harmonious plans; and to that end the mayor shall from time to time convene the two boards in joint session for consultation, so that each may be informed of the work planned by the other and arrange its own work conformably therewith.

Limitation of jurisdiction.

SECT. 36. There shall be in the city a board of assessors consisting of three members, who shall have all the powers and be subject to all the liabilities by law conferred or imposed on assessors of taxes in cities, and perform such further duties as the board of aldermen may from time to time prescribe by ordinance. The first members of such board of assessors shall be chosen at the municipal election for the year 1910, to serve for one, three and five years respectively from the fourth Tuesday of January, 1911, and at each succeeding municipal election one assessor shall be chosen to serve for six years from the fourth Tuesday of January next following, in place of the assessor whose term then expires, as hereinbefore provided; and vacancies occurring in the office of assessor from any cause shall be filled in the manner provided by sections 21 and 25 of this act.

Board of assessors, election and duties.

SECT. 37. The board of aldermen, on the fourth Tuesday of January in the years 1911, 1912, and biennially thereafter, shall choose one member of the board of assessors to act as clerk thereof for a term of two years; except that the term of the clerk chosen in the year 1911 shall be one year. In case the office of clerk shall become vacant from any cause, the board of aldermen, after filling the

Election of clerk.

vacancy in the board of assessors, if any, shall choose one member of said board to act as clerk thereof for the residue of such term.

Organization
of board.

SECT. 38. The board of assessors shall meet for taking their oaths of office and organization at three o'clock in the afternoon on the fourth Tuesday of January, in the years 1911, 1912, and biennially thereafter. At such meeting they shall choose one of their number to act as chairman for a term of two years; except that the term of the chairman chosen in the year 1911 shall be one year. The member acting as clerk shall receive the sum of fifteen hundred dollars annually, and the other members each the sum of seven hundred and fifty dollars annually, in full for their services.

Office and
business hours.

SECT. 39. The board of assessors shall have an office in the city hall, assigned and furnished for that purpose by the board of aldermen. The clerk shall attend at such office regularly not less than six hours during the business hours of each day, Sundays and holidays and such reasonable leaves of absence as may be voted him by the board excepted; but he shall not be obliged so to attend in the afternoon of Saturdays. During his absence for any cause, another member of the board shall attend at such office daily during the regular office hours.

Meetings of
board.

SECT. 40. The board of assessors shall hold regular meetings at such office for the transaction of business during stated hours, on at least two days in each week throughout the year. During the months of April, May, June and July at least one member of the board, in addition to the clerk, shall be in attendance at such office daily during business hours. And the board shall hold such additional meetings, in the day time or evening, as may be necessary to give all taxpayers a convenient opportunity to be heard.

Chairman
of board.

SECT. 41. The chairman shall preside at all meetings of the board of assessors, and shall have a voice and vote, equally with the other members, on all questions coming before the board for decision.

Duties of
clerk of
board.

SECT. 42. The clerk of the board of assessors, with the assistance of the other members and such clerical assistance as may be furnished by vote of the board of aldermen, shall keep all the books, accounts and records of the board, conduct its correspondence, and generally act as its executive officer, subject to the direction of the majority of the board as to the methods of performing such duties.

Employment
of assistants.

SECT. 43. The board of aldermen may by ordinance authorize the board of assessors to employ assistants, not exceeding one in each ward, to aid in making the lists of ratable polls, such assistants to be employed not exceeding two weeks in each year, at a compensation of two and one-half dollars a day. It may also, by ordinance, authorize the employment of such clerical assistance as may be required by the board of assessors, and fix the amount to be expended for such assistance.

SECT. 44. All books and records of the board of assessors shall be the property of the city, and shall at all times be open to public inspection during the office hours of the clerk.

Books and records.

SECT. 45. The accounts for the reasonable expenses of the board of assessors shall be certified by a majority of the board, and upon approval by the board of aldermen shall be paid by the city treasurer.

Expenses to be certified.

SECT. 46. The police court of the city, as at present constituted, is hereby continued. The board of police commissioners is hereby abolished, and the board of aldermen may enact such ordinances for the government of the police force as it deems expedient, not inconsistent with the provisions of this act or the laws of the state. The permanent police force shall consist of a city marshal, an assistant city marshal, a captain of the night watch, and so many regular police and night watch, not less than ten nor more than twenty, and so many permanent reserve police, as may be prescribed by ordinance: and the city marshal shall designate one of the regular police and night watch as sergeant and one of the permanent reserve police as captain of the reserve. No member of said force, except reserve members, shall engage in any other occupation, or hold any other state, county or municipal office. In addition to such permanent force, the city marshal may from time to time appoint such temporary special police as may be necessary or as the board of aldermen may authorize or direct, and dismiss them at pleasure. The officers and members of the permanent police force when this act takes effect, and those hereafter appointed, shall continue to hold their respective offices during good behavior; but the board of aldermen may remove the city marshal or assistant marshal for due cause as provided in section 48 hereof, and the city marshal may suspend for not exceeding sixty days, and subject to the approval of the board of aldermen may dismiss, any subordinate member of the force except the assistant marshal for insubordination, inefficiency, or any other cause deemed by him sufficient, which cause shall be specified in the order of suspension or dismissal. The board of aldermen shall choose the city marshal and assistant marshal whenever said offices become vacant from any cause; all subordinate members of the force shall, when vacancies occur, be appointed by the city marshal subject to confirmation by the board of aldermen; and in the event of an increase or reduction in the numbers of the force, the city marshal shall appoint such new members (subject to like confirmation) or dismiss such existing members thereof as may be necessary. The city marshal shall, under the mayor, have precedence, command, control and direction of the assistant marshal and all other police of the city, and shall cause the laws of the state and municipal ordinances to be executed

Police court continued; police force, how chosen and constituted.

and enforced within the city, and perform all other duties imposed upon him by ordinance or upon similar officers by general law. In his absence the assistant marshal, and in the latter's absence the captain of the night watch, shall have such precedence and command and discharge such duties.

City clerk and
other officers,
how chosen.

SECT. 47. The city clerk, the city treasurer and all other officers established by law or ordinance, except school district officers, the justices and clerk of the police court, and officers whose selection is committed to popular vote or to the board of public works or otherwise provided for by this act, shall, in all cases where salaries or other compensation for services payable from the municipal treasury are attached to their offices, be chosen by the board of aldermen, and shall in all other cases be appointed by the mayor subject to confirmation by said board, and all vacancies occurring in such offices shall be filled in the same manner; *provided*, that heads of departments, the board of water commissioners and other like officers may be authorized by ordinance to select their respective subordinates, subject to such regulation in the premises as such ordinances may prescribe. In filling vacancies in the office of mayor or in its own membership, and in choosing assessors and all other officers whose selection is hereby committed to it and filling vacancies in such offices, the board of aldermen shall invariably act by *viva voce* vote on roll-call and not by ballot or other different method; and whenever said board shall decline to confirm or approve his appointment of any officer to be appointed by him, the mayor may again put the question and take thereon a yea and nay vote by roll-call. Except where otherwise provided by this act, the board of aldermen may by ordinance prescribe the times for choosing or appointing all officers to be chosen by it or appointed by the mayor, and fix their compensation and terms of office or make such terms of indefinite duration. But nothing contained in this section shall be construed to affect the exclusive power of the board of public works, under section 32 of this act, to select its own subordinates and determine their duties, terms of service and compensation.

Removals
from office.

SECT. 48. The board of aldermen may, on specific charges and after due notice and hearing, at any time remove from office the mayor, one of its own members, the city marshal, assistant marshal, or a member of the board of assessors for prolonged absence from or other inattention to duty, mental or physical incapacity, incompetency, crime, immorality, or misconduct in office, by affirmative vote on roll-call of at least ten aldermen. Any other officer chosen by the board of aldermen may be removed by it at pleasure by majority vote; any officer appointed by the mayor may be removed by him at pleasure by written order, and no approval of such order by the board of aldermen shall be required; and any officer selected

by a subordinate board, department head or other like official under authority of an ordinance may be removed in such manner as the city ordinances may prescribe; *provided*, that the board of public works shall have exclusive authority to dismiss its own appointees and employees. The removal under this section, with or without cause, of a person elected, appointed or otherwise chosen for a fixed term shall give him no right of action for breach of contract; and vacancies thereby occasioned in any office shall be filled in the same manner as if the vacancy had resulted from death or other cause.

SECT. 49. No alderman shall, during his term as such, be eligible to hold any other municipal office except acting mayor, member of the board of public works, and volunteer member of the fire department; and no board or commission established in the city and empowered to select subordinates shall, except where expressly authorized by the law or ordinance creating it, select one of its own members for any position to which a salary or other emolument is attached.

Aldermen not eligible to other office.

SECT. 50. No alderman or other officer shall, during his term of office, sell to or buy from the city any goods or commodities otherwise than by open, competitive public bid; no member of the board of assessors shall participate in the appraisal for taxation of any property in which he is interested, either alone or with others, as owner, trustee, administrator, agent or attorney, or which is owned by a person, firm or corporation employing him or by a corporation in which he is a stockholder; and no member of the board of aldermen, board of public works, or any other municipal body invested by law or ordinance with discretionary powers and duties, shall vote therein relative to any matter in which he is interested otherwise than as a citizen and taxpayer. Any official violating any provision of this section shall forthwith be removed from his office by the board of aldermen under section 48 of this act, and shall, on conviction of such violation, be deemed guilty of bribery.

Municipal officers not to deal with city.

SECT. 51. The salary of the mayor shall be fifteen hundred dollars per annum, payable monthly. The salary of each alderman who is a member of the board of public works shall be two hundred dollars per annum, and the salary of each alderman not a member of the latter board seventy-five dollars per annum. The salaries of the aldermen shall be payable at the end of each financial year. There shall be deducted from the salary of each alderman the sum of three dollars for each regular or special meeting of the board of aldermen, and, if a member of the board of public works, for each regular or special meeting of the latter board, which the record of the city clerk shall show he failed to attend; except that a member of either board may be excused for unavoidable non-attendance at any of its meetings, by vote of a majority of the members thereof, and no de-

Salaries of mayor and aldermen.

duction shall be made on account of such non-attendance if such excuse is voted. But engagements of a business or social nature shall not constitute a ground for such excuse. Unless otherwise provided by this act or by other statutes not hereby repealed or superseded, the compensation for services of all other city and ward officers, except appointees and employees of the board of public works, may be fixed by ordinance or determined in such manner as the city ordinances may prescribe.

Prior enactments, when saved or repealed.

SECT. 52. So much of the original charter of said city, approved July 6, 1849, and of the special acts since passed in amendment or supplement thereof, as is now in force relative to the constitution and bounds of its several wards, to its school districts and sewer, lighting and other special precincts and their government and affairs, to its water-works, police court, and overseers of the poor, and to the borrowing of money in aid of its school districts and the appropriation of money for the observance of Memorial Day, is hereby continued in force, with the exception of such provisions as are inconsistent with this act; but all special legislation relative to the government of said city, not herein expressly saved, is hereby repealed. All general laws relative to the government of cities shall remain in force in said city so far as the same can be applied consistently with the intents and purposes of this act, but shall be deemed superseded as to said city by this act so far as inconsistent herewith. The board of aldermen hereby established shall cause the city ordinances to be thoroughly revised conformably with this act as soon as practicable; pending such revision all existing ordinances and other municipal regulations shall remain in force so far as the same can be applied consistently with the intents and purposes of this act, but are hereby annulled so far as inconsistent herewith. In all existing laws, ordinances and regulations hereby saved, references to the city councils, board of mayor and aldermen, street commissioner or other bodies or officers hereby abolished or superseded, or to bodies or officers whose constitution or functions are hereby altered, shall be taken to mean the body or officer upon whom jurisdiction of the matter in question is conferred by this act.

Present incumbents to hold over.

SECT. 53. The incumbents, when this act takes effect, of all municipal offices not hereby abolished or superseded shall continue to hold the same until their successors are chosen and qualified or such offices are abolished or superseded by lawful ordinances; and the incumbent of the office of street commissioner when this act takes effect shall act in the capacity of superintendent of streets and receive the same compensation as heretofore until the board of public works shall otherwise order, but subject in all respects to the directions of such board.

SECT. 54. This act shall not take effect unless it is adopted by a majority vote at a special election to be holden in the city of Concord on the second Tuesday of May, 1909. The selectmen of the several wards in said city shall warn the meetings to be holden in their respective wards to pass upon the adoption of this act, in the manner required for the warning of regular biennial elections. They shall insert in their warrant an article providing for taking the sense of the qualified voters upon the following question: Shall the provisions of an act entitled "An Act to revise the Charter of the City of Concord" be adopted? The city clerk shall seasonably furnish to the selectmen of the several wards the requisite number of warrants and copies of the same in proper form for posting and making their return thereof. The city clerk shall prepare the ballots for use at said election. The number of ballots furnished for use in each ward shall be the same as is by law required to be furnished for use at regular biennial elections, and the laws governing the preparation and furnishing of ballots by the secretary of state for use at regular biennial elections shall be followed by the city clerk so far as applicable. The ballots shall bear on their face the words City of Concord, Special Election, May 11, 1909 and the question "Shall the provisions of an act entitled "An Act to revise the Charter of the City of Concord" be adopted? Beneath said question shall be printed the word Yes and the word No, with a square immediately opposite each of said words, and the voter shall indicate his choice by making a cross in the appropriate square. The ballots shall be endorsed on the back City of Concord, Special Election, May 11, 1909. Official Ballot, with a *facsimile* of the signature of the city clerk. Said election shall be conducted by the regular election officers in each ward, and all laws applicable to regular biennial elections with reference to the correcting, revising, use and preservation of check-lists, the preparation of voting places, the manner of conducting the election, the counting, record and return of votes, the sealing and preservation of ballots and tally-sheets, and the duties of election officers, shall apply to and govern said election, except as herein expressly modified. The polls shall be open for the reception of ballots in each ward from nine o'clock in the forenoon until six o'clock in the afternoon. The official return of the vote, and the ballots and tally-sheets, duly sealed up, shall be delivered by the ward clerks to the city clerk within twenty-four hours after the close of said election. The city clerk shall seasonably furnish to the several ward clerks suitable blanks for making such returns. The board of mayor and aldermen shall meet at two o'clock in the afternoon of Thursday, May 13, 1909, at the council chamber. The city clerk shall at that time open and lay before them the returns of the votes in the several

Adoption by
majority vote;
election, how
conducted;
votes, how
returned.

wards, and they shall canvass the returns and declare the result, which shall be duly recorded by the city clerk. If it shall appear that a majority of those voting at said election have voted in the affirmative, this act shall be declared to have been adopted. Otherwise, it shall be declared not to have been adopted. Ten or more legal voters of the city may within one week after such canvass file with the city clerk a petition in writing, requesting a recount of the votes cast at said election. In such case, the city clerk shall within three days thereafter, in his office, open the packages containing the ballots used at said election, in presence of the mayor and the city solicitor. The mayor, city clerk and city solicitor shall thereupon recount the ballots and declare the result, which shall be duly recorded by the city clerk, and shall be conclusive as to the result of said election. Said election shall be deemed to be an election within the meaning of all penal statutes of the state relating to offenses against the purity of elections, the conduct of elections, and the duties of supervisors of the check-list, moderators, ward clerks, selectmen, inspectors of elections, and all other persons having any duty to perform with reference to said election.

Takes effect,
when.

SECT. 55. Section 54 of this act shall take effect upon its passage, and if adopted at the special election provided for in said section, the remainder of this act shall take effect as follows: So much as relates to the preliminaries for and the holding and conduct of the first municipal election and primary, and to the duties of the existing city councils under section 20 hereof in relation to such election and primary, shall take effect immediately upon such adoption. So much as abolishes the existing boards of selectmen and transfers their duties to the supervisors of the check-list shall take effect at the close of the next general biennial election; and at such election no mayor, aldermen, councilmen, assessors or selectmen shall be chosen. For all other purposes, the act shall take effect on the fourth Tuesday of January, 1911.

[Approved April 6, 1909.]

CHAPTER 306.

AN ACT TO AUTHORIZE THE MEREDITH VILLAGE FIRE DISTRICT TO REFUND ITS BONDS.

SECTION

- 1. Refunding authorized.
- 2. Issue of new bonds.
- 3. Issue of notes.

SECTION

- 4. Exemption from taxation.
- 5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The Meredith Village Fire District is hereby authorized to refund at a lower rate of interest any or all of its bonds issued under the authority of section 6 of chapter 231 of the Laws of 1893 and section 1 of chapter 163 of the Laws of 1897, and for that purpose may issue new bonds of the district, to be signed by the secretary of the water commissioners and countersigned by the president thereof, and payable at such times and at such rate of interest (less than four and one-half per cent.) as said district may determine; and such bonds shall be valid and binding upon said district.

Refunding authorized.

SECT. 2. Said district may, from time to time, purchase bonds issued under said acts, and may issue such new bonds to provide the purchase money therefor; or may issue new bonds in exchange for bonds issued under said acts. All bonds so purchased or received in exchange shall be cancelled or destroyed.

Issue of new bonds.

SECT. 3. Said district may issue notes of the district, to be signed by the secretary of the water commissioners and countersigned by the president thereof, and payable on demand and at such rate of interest as the district may determine, to provide temporarily for the purchase of bonds as aforesaid or for the premium on bonds exchanged, or to provide for sums necessary in such refunding and less than the amount of a single bond.

Issue of notes.

SECT. 4. Said district may provide that said bonds, and said notes if at less than five per cent. interest, shall be exempt from taxation when held by residents of the district.

Exemption from taxation.

SECT. 5. This act shall take effect on its passage.

Takes effect on passage;

[Approved April 8, 1909.]

CHAPTER 307.

AN ACT TO INCORPORATE THE FARMERS' MUTUAL FIRE INSURANCE COMPANY OF BARTLETT, JACKSON AND CONWAY.

SECTION

1. Corporation constituted; purposes.
2. First meeting.

SECTION

3. Takes effect on passage; subject to repeal.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation constituted; purposes.

SECTION 1. That O. S. Lucy, F. R. Hanscom, A. L. Stillings, F. H. Robinson, F. S. Burnell, and F. H. Boothby, all of Bartlett; their associates, successors, and assigns, shall be and hereby are made a body politic and corporate by the name of the Farmers' Mutual Fire Insurance Company, of Bartlett, Jackson and Conway, for the purpose of insuring against fire and lightning, farm buildings of all kinds, dwelling-houses, barns, and stables; also household goods, farming tools, hay and grain; to be conducted on the purely mutual plan; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all powers and subject to all liabilities incident to corporations of a similar nature.

First meeting.

SECT. 2. Any two of the corporators named in this act may call the first meeting by ten days' notice in writing to each of the corporators of the time and place of meeting. At said meeting or any subsequent one, associates may be elected, and such by-laws and regulations adopted as may be necessary to carry into effect the provisions of this act.

Takes effect on passage; subject to repeal.

SECT. 3. This act shall take effect upon its passage and the legislature may alter, amend, or repeal the same whenever the public good requires.

[Approved April 8, 1909.]

CHAPTER 308.

AN ACT TO INCORPORATE THE CONWAY ELECTRIC LIGHT AND POWER COMPANY OF CONWAY.

SECTION

- 1. Corporation constituted.
- 2. Capital stock.
- 3. Purposes.
- 4. May sell and distribute electricity.
- 5. Power to hold property.

SECTION

- 6. Location of wires.
- 7. Right of eminent domain.
- 8. First meeting.
- 9. Subject to repeal; repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Sewall M. Hobson, A. Crosby Kennett, J. Fred Shackford, Joel E. Morrill, H. Boardman Fifield, John H. Garland, John E. Potter, Otis B. Merrill, Alton M. Shorey, Elisha B. Carlton, B. Frank Horne, William C. Kennett and Philip S. Davis, and their successors and assigns, shall be, and hereby are made, a body politic and corporate by the name of The Conway Electric Light and Power Company, to be located in said Conway in this state, and are hereby vested with all the authority, powers and privileges, and subject to the liabilities incident to corporations of a similar nature.

Corporation constituted.

SECT. 2. The capital stock of said corporation shall not exceed fifty thousand dollars (\$50,000); it may acquire and hold real and personal estate necessary and convenient for carrying out the provisions of this act; and it may issue bonds and other obligations, secured by mortgage of its franchise and other property, to carry out the purposes for which it is created.

Capital stock.

SECT. 3. This corporation shall have power and authority to manufacture machinery and appliances connected with and incident to the use of, and convenient for producing, developing, measuring, and utilizing electricity, and electrical agencies for lighting, power, heating and mechanical purposes.

Purposes.

SECT. 4. This corporation shall have power and authority to sell and distribute electricity through said town of Conway; may regulate the use of the same, and fix and collect rents to be paid for the same. The said town and precincts therein are hereby authorized to contract with said corporation for electricity for public uses, on such terms as the parties may agree and to raise money therefor in the same manner as any other town and precinct charge.

May sell and distribute electricity.

SECT. 5. Said corporation shall have power and authority to take and hold by purchase any real estate or personal property necessary or convenient for carrying out the purposes for which this

Power to hold property.

corporation is created; and it shall have power and authority to obtain, manage, and dispose of personal or real estate to an amount equal to its capital stock.

Location of wires.

SECT. 6. Said corporation may erect poles and place wires for the transmission of electricity, or may lay the same in subterranean tubes, through, or over the lands of any person or corporation, and under or over any railroad or private way, and, having first obtained the permission of the municipal officers of said town or precincts, and under such restrictions and regulations as they may prescribe, along the streets and ways of said town; and may enter upon and dig up any such real estate, street or way for the purposes aforesaid; and it may do any other thing or act necessary or convenient or proper to carry out the purposes for which this corporation is created.

Right of eminent domain.

SECT. 7. Said corporation is hereby authorized to enter upon and take any real estate, including any right of way or easement, and personal property belonging to any individual, partnership or corporation, under and by virtue of the laws of eminent domain; *provided* that if it be necessary to enter upon and appropriate any private property or easement therein, and said corporation shall not be able to agree with the owner thereof for the damages that may be done by said corporation, or the owners shall be unknown, either party may apply to the superior court, at a trial term of the same in the county of Carroll to have the same laid out, and the damages determined; and said court shall refer the same to the county commissioners for said county, who shall appoint a time and place of hearing, and give notice thereof in the same manner as now provided by law for the laying out of highways, and said commissioners shall make report to said court, and said court may issue execution thereon accordingly. The provisions of this section shall not be so construed as to allow the taking of any of the property of any existing electric light or power company.

First meeting.

SECT. 8. Any person named in this act may call the first meeting of the corporation by personal notice to all the grantees, or by posting notices in two or more public places in said town at least ten days before such meeting, at which meeting, or any other meeting duly holden, associates may be elected, by-laws adopted, and a president, clerk or such other officers and agents as may be determined necessary, may be chosen.

Subject to repeal; repealing clause; act takes effect on passage.

SECT. 9. The legislature may alter, amend or repeal this act whenever the public good may require the same, and all acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved April 8, 1909.]

CHAPTER 309.

AN ACT TO EXEMPT THE ELLIOT HOSPITAL OF THE CITY OF MANCHESTER FROM TAXATION.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. As the Elliot Hospital of the city of Manchester is a charitable institution without profit to any person, all property now owned or however hereafter acquired by said hospital for the purposes of said hospital is hereby exempt from taxation.

Property
exempted.

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

Takes effect
on passage.

[Approved April 9, 1909.]

CHAPTER 310.

AN ACT TO AUTHORIZE THE CITY OF BERLIN TO EXEMPT CERTAIN PROPERTY FROM TAXATION AND RATIFY THE DOING OF THE SAME.

SECTION

1. Exemption authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the city of Berlin be and hereby is, authorized to hereafter exempt the Albert Theatre property situated in said Berlin in accordance with the resolution to that effect passed by the city council of the city of Berlin August 4, 1908, as follows: "City of Berlin. In the year of our Lord one thousand nine hundred and eight. A resolution to exempt the Croteau Theatre and the lot on the east side of Main street from taxation for a period of ten years. Resolved by the city council of the city of Berlin as follows: that the Croteau Theatre to be erected and the lot upon which the same is erected on the east side of Main street in Berlin shall be and hereby is exempt from taxation for a period of ten years; this exemption being granted to him and his heirs and assigns. *Provided* he shall erect a ground-floor theatre to be used as such and for no other purpose. *Provided* that the assessors of said city shall annually appraise the property hereinbefore mentioned and the valuation determined upon for the same shall be

Exemption
authorized.

added to the valuation of all the other property in the city to determine the total valuation for the purposes of state and county tax."

Takes effect on passage.

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

[Approved April 9, 1909.]

CHAPTER 311.

AN ACT TO LEGALIZE AND RATIFY THE VOTES AND PROCEEDINGS AT THE ANNUAL MEETING OF THE SCHOOL DISTRICT OF WAKEFIELD, HOLDEN ON THE NINTH DAY OF MARCH, 1909.

SECTION

1. Votes and proceedings legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Votes and proceedings legalized.

SECTION 1. That the votes and proceedings at the annual meeting of the school district of the town of Wakefield, held in said town on the ninth day of March, 1909, are hereby legalized and ratified.

Takes effect on passage.

SECT. 2. This act shall take effect on its passage.

[Approved April 9, 1909.]

CHAPTER 312.

AN ACT TO INCORPORATE NO. 290, FRATERNAL ORDER OF EAGLES OF MANCHESTER, N. H.

SECTION

- 1. Corporation constituted; purposes.
- 2. By-laws.
- 3. Power to hold property.

SECTION

- 4. First meeting.
- 5. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation constituted; purposes.

SECTION 1. John R. Redmond, Thomas J. Foley, Timothy A. Sullivan, John A. Connolly, John T. O'Dowd, Patrick J. Flynn, John F. Looney, Michael F. Shea, J. William Abbott, Owen Kenney, 2d, John F. Conway, Michael E. Ahern, Arthur B. Allen and

Gilbert T. Lyons, their associates and successors, be and hereby are made a body politic and corporate by the name of No. 290, Fraternal Order of Eagles, of Manchester, N. H., for fraternal, charitable and benevolent purposes; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are made subject to all the liabilities of corporations of a similar nature.

SECT. 2. Said corporation may enact by-laws providing for the payment of weekly benefits to those of its members who may become sick, and for the payment of funeral expenses of those of its members who may die. By-laws.

SECT. 3. Said corporation shall have power to hold real and personal estate by gift, bequest, or otherwise, to an amount not exceeding five thousand dollars, and may dispose of the same at pleasure. Power to hold property.

SECT. 4. The first three persons named in this act may call the first meeting of said corporation by giving notice to each of the others at least two days before the date of such meeting. First meeting.

SECT. 5. This act shall take effect upon its passage. Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 313.

AN ACT IN RELATION TO THE UNION SCHOOL DISTRICT IN THE TOWN OF LITTLETON.

SECTION

1. Present board of education abolished.
2. New board established.

SECTION

3. Powers of new board.
4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That the board of education of the Union School District in the town of Littleton is hereby abolished to take effect when their successors are elected and qualified as herein provided. Present board abolished.

SECT. 2. At the annual meeting of the voters of said district for the year 1909, or any adjournment thereof, there shall be elected by ballot, a board of education, to consist of three or five members, as the said meeting may determine; *provided*, if it is voted that the said board shall consist of three members, then one member shall be elected for one year, one for two years and one for three years, and thereafter one member shall be elected at each annual New board established.

meeting of said district to serve three years and *provided further*, if it is voted that the said board shall consist of five members, then one member shall be elected for one year, two for two years and two for three years, and thereafter, as the respective terms expire, a member or members shall be chosen for a term of three years to fill the vacancy or vacancies and in either event, said members shall serve until their successors are elected and qualified.

Powers of new board.

SECT. 3. Said board shall have and exercise all the powers by law granted to the board of education for said district; it may make all reasonable rules for its own government and shall organize by the choice of one of its number as chairman and another as clerk.

Takes effect on passage.

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

[Approved April 9, 1909.]

CHAPTER 314.

AN ACT IN AMENDMENT OF CHAPTER 28 LAWS OF 1901 ENTITLED "AN ACT TO SEVER CERTAIN TERRITORY FROM THE TOWN OF LIVERMORE AND ANNEX THE SAME TO THE TOWN OF LINCOLN."

SECTION

- 1. Prior provisions repealed; location of town line ratified.
- 2. Title to land not affected.

SECTION

- 3. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Prior provisions repealed: location of town line ratified.

SECTION 1. That so much of the act of February 20, 1901, chapter 28, Laws 1901, entitled "An Act to sever Certain Territory from the Town of Livermore and annex the Same to the Town of Lincoln," as required the completion and filing of a map, and a complete return of his doings by the engineer agreed upon or appointed to make a practical location of the new line between said towns of Lincoln and Livermore, or between parts of said towns, within six months from the end of the session of said general court, held in the year 1901, and so much of said act as provided that all or any part of said act should be void and of no effect in case the report and plan of the engineer as contemplated by said act and provided for by it should not be filed within six months from the end of said session of the general court, and that all or any part of said act should be invalid and of no effect in case said report of said engineer or engineers and said map of said

line between said towns to be made and filed by said engineer or said engineers within six months from the end of said session, should not be filed, are hereby repealed. Ray T. Gile, a civil engineer, and George F. Morris, a lawyer, having been agreed upon by said towns by their selectmen, to ascertain the location of said line upon the ground according to the requirements of said act, said line having been duly located upon the ground by them, a complete return of the doings of the said parties agreed upon to locate said line, and a map of said line as located by them having been filed in the office of the secretary of state, but at a later date than six months from the end of said session of said general court, said report of the doings of said Gile and Morris, and the map of said line as filed by said Gile in the office of the secretary of state, are hereby ratified, accepted and confirmed and made valid, and are to be treated to all intents and purposes, and to have the same effect as if filed by an engineer duly agreed upon and appointed according to the provisions of said act of February 20, 1901, in the office of the secretary of state within six months from the end of said session of the general court for the year 1901.

SECT. 2. The said line as thus established shall be regarded as solely a jurisdictional line so far as it extends between the towns of Livermore and Lincoln, but the establishment of said line shall not be construed to have any effect upon the title or ownership of lands at or near said line or as marking the boundaries of owners of said lands.

Title of land not affected.

SECT. 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect upon its passage.

Repealing clause: act takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 315.

AN ACT IN RELATION TO THE VILLAGE FIRE PRECINCT OF WOLFEBORO.

SECTION

1. Rental of property authorized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. That chapter 183 of the Laws of said state, passed at the January session 1897 entitled "An Act to authorize the Village Fire Precinct of Wolfeborough to construct and maintain an Electric Light Plant," be amended by inserting the following section,

Rental of property authorized.

to be numbered section 4 and section 4 of the original bill be numbered section 5, so as to read as follows: SECT. 4. The said precinct is authorized to let or lease any property which it may own, and which is not occupied by it for public purpose, and to generate power and sell the same.

Takes effect on passage.

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

[Approved April 9, 1909.]

CHAPTER 316.

AN ACT ABOLISHING THE COMMON COUNCIL OF THE CITY OF NASHUA AND CHANGING THE DATE OF THE CITY ELECTION.

SECTION

- 1. Committee to revise charter.
- 2. Powers and duties of committee.

SECTION

- 3. Payment of expenses.
- 4. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Committee to revise charter.

SECTION 1. The mayor of the city of Nashua shall appoint as soon as may be, subject to confirmation by the city council in joint convention, six suitable and discreet persons, who, together with said mayor, shall constitute a committee to revise the charter of said city. The persons so appointed shall be residents of said city, but shall not be members of the city council nor incumbents of any other municipal office, and not more than three of them shall belong to the same political party. When said appointments are made and confirmed, the city clerk shall certify the names of the members of the committee to the secretary of state, and at their first meeting, which shall be called by the mayor, the committee shall organize by choosing one of their number as chairman and another as clerk.

Powers and duties of committee.

SECT. 2. It shall be the duty of said committee to consider and determine what changes, if any, are desirable in the charter and other existing laws for the government of said city and to report with reference thereto for the information of the general court at its next session. They shall acquaint themselves with the provisions and practical operation of said charter and laws, shall hear such citizens of said city as may desire to be heard with respect to changes in the same, and shall examine recent municipal-charter legislation in this state, and elsewhere, so far as they deem practicable and useful for the foregoing purpose. They may require any public officer of said city to testify before them relative to the

affairs of his department, and may employ such clerical or stenographic assistance as they find necessary for the performance of their duties. On or before December 1, 1910, they shall file with the secretary of state a report containing a concise statement of their conclusions and a draft of such amendments or of such new charter as they may recommend, and the secretary of state shall cause a suitable number of copies thereof to be printed for the use of the incoming general court.

SECT. 3. Said committee shall receive no compensation for their services, but shall be reimbursed out of the city treasury, on the order of the mayor, for any expenses reasonably incurred by them in the discharge of their duties.

Payment of expenses.

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

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 317.

AN ACT TO LEGALIZE THE VOTES AND PROCEEDINGS OF SCHOOL MEETING IN THE TOWN DISTRICT OF WARNER HELD APRIL 6, 1909.

SECTION

1. Acts and proceedings legalized.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. The acts and proceedings at the adjourned annual school meeting held in the town district of Warner on April 6, 1909, and all votes and proceedings at said meeting, including resolution to borrow the sum of nine thousand dollars upon the ten—twenty year bonds of the district, at a rate of interest not exceeding four per cent., are hereby legalized and confirmed.

Acts and proceedings legalized.

SECT. 2. This act shall take effect on its passage.

Takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 318.

AN ACT GRANTING CERTAIN TEMPORARY POWERS TO THE CITY COUNCIL OF THE CITY OF BERLIN.

SECTION

1. May fix salaries of board of assessors.

SECTION

2. Takes effect on passage; suspension clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

May fix salaries of board of assessors.

SECTION 1. That the city council of the city of Berlin is hereby authorized and empowered to fix the salary of the board of assessors of said city for the fiscal year 1909—1910, provided, however, that the salary determined upon shall not exceed three hundred dollars (\$300) for each member of said board.

Takes effect on passage; suspension clause.

SECT. 2. This act shall take effect upon its passage and such part of the city charter of the city of Berlin as is inconsistent herewith is hereby suspended.

[Approved April 9, 1909.]

CHAPTER 319.

AN ACT TO ENABLE THE TOWN OF HAMPTON TO RAISE BY TAXATION THE SUM OF ONE THOUSAND DOLLARS FOR THE PURPOSE OF PROCURING A CHEMICAL FIRE ENGINE BY A LEVY ON A PART OF THE PROPERTY IN SAID TOWN.

SECTION

1. Tax authorized.

SECTION

2. When assessed; act takes effect on passage.

Preamble.

WHEREAS the town of Hampton prior to the annual town meeting held in said town on the second Tuesday of March 1909 had created the Hampton Beach Village District which has supplied water and appliances to extinguish fires in said district at the expense of said district, and

WHEREAS said town at its last annual town meeting appropriated the sum of one thousand dollars for the purpose of procuring a chemical fire engine for the use of that portion of said town not included in said village district; now therefore

Be it enacted by the Senate and House of Representatives in General Court convened:

Tax authorized.

SECTION 1. The town of Hampton is authorized and empowered to assess and collect a tax on all the ratable polls and taxable

property in that portion of said town not included in the Hampton Beach Village District for the purpose of raising the sum of one thousand dollars appropriated by said town at the last annual town meeting to purchase a chemical fire extinguisher for the use of said town.

SECT. 2. Said tax shall be assessed and committed to the collector of taxes before the first day of July 1909, and this act shall take effect upon its passage.

When assessed; act takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 320.

AN ACT TO AMEND THE CHARTER OF THE CITY OF BERLIN.

SECTION

1. Certain officers to be appointed by mayor.

SECTION

2. Repealing clause; act takes effect, when; adoption by popular vote.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section 3 of the amendment of said charter [Laws 1903, c. 225, s. 3] by striking out from part of the eighteenth and from the nineteenth, twentieth and twenty-first lines the words: "Said council shall also within one week of said annual meeting appoint a board of three assessors, one from each ward, who shall receive for their services, one hundred and twenty-five dollars per annum," and insert in place thereof the following: Said mayor, within one week of said annual meeting held on the last Monday of March, 1910, shall appoint, subject to confirmation by the council, a board of three assessors, one from each ward, to hold office from the first day of April, 1910, one of whom shall be appointed for three years, one for two years, and one for one year, and shall thereafter annually at said time, appoint, subject to such confirmation, one assessor who shall hold office for three years, who shall receive for their services not more than three hundred dollars each per annum. Further amend said section by striking out the twenty-fifth line and the word "appoint" in the twenty-sixth line and insert in place thereof the following: Mayor shall also, within thirty days of said annual meeting, appoint, subject to confirmation of said council. Further amend said section by striking out in the twenty-eighth line the words: "And receive as compensation one hundred and fifty dollars per annum." Further amend said section by striking out in the thirty-third line the word "elect," and inserting

Certain officers to be appointed by mayor.

after the word "appoint" the following: Subject to confirmation as hereinbefore set forth. Further amend said section by inserting after the word "meetings" in the thirty-sixth line the following: and one dollar each for actual attendance at special or adjourned meetings, *provided, however*, that the total sum to be paid to each councilman for attendance at all meetings, shall not exceed fifty dollars per annum. So that section 14 referred to in said section 3 of the amendment of the city charter of the city of Berlin shall read as follows: SECT. 14. Said mayor, within one week of said annual meeting held on the last Monday of March, 1910, shall appoint, subject to confirmation by the council, a board of three assessors, one from each ward to hold office from the first day of April, 1910, one of whom shall be chosen for three years, one for two years, and one for one year, and thereafter annually at said time, shall appoint, subject to the confirmation of the council one assessor who shall hold office for three years, who shall receive for their services not more than three hundred dollars each per annum; said assessors, shall in addition to their salary, be allowed the sum of not exceeding one hundred dollars per annum for clerk hire; and said mayor shall also, within thirty days of said annual meeting, appoint, subject to confirmation of said council, a board of health of not more than three persons, a city treasurer, who shall serve also as treasurer of the board of education, city auditor, collector of taxes, city solicitor, highway commissioner, sewer commissioner, inspector of buildings, and city engineer; and within thirty days of said annual meeting, said mayor shall also appoint, subject to such confirmation, a chief engineer and assistant engineers of the fire department, and may create such other governmental departments and appoint, subject to confirmation as hereinbefore set forth, such other officers or agents as are necessary for the good government of the city not otherwise provided for. Said council shall receive a fee of two dollars each for actual attendance at regular monthly meetings and one dollar each for special and adjourned meetings, *provided, however*, that the total sum to be paid to each councilman for attendance at all meetings, shall not exceed fifty dollars per annum; and in addition thereto an annual salary of twenty dollars shall be paid to each member of the committee on roads and bridges and the committee on accounts and claims.

Repealing
clause; act
takes effect,
when; adop-
tion by
popular vote.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon the last Monday of March, 1910. *Provided, however*, that the voters of said city of Berlin, shall at their next annual meeting, or at a special meeting called for the purpose, adopt the same by majority vote; and authority is hereby vested in the city council of said city of Berlin to call such special meeting if, in their opinion, it shall be advisable. *Provided*, also, that only such changes hereinbefore enumerated

as are ratified by a majority vote at said annual or special meeting shall go into effect. A separate vote shall be taken and recorded upon each of the provisions of the foregoing sections, and for that purpose the following list of questions shall be inserted in the warrant of said annual meeting, and printed in full upon the official ballot to be used for the election of officers at said annual meeting, viz.:

1.

Shall your mayor, subject to confirmation by the council, commencing on the last Monday of March, 1910, appoint a board of three assessors, one for three years, one for two years, and one for one year, and thereafter annually on the last Monday of March, appoint one for three years, subject to such confirmation?

2.

Shall the city council have authority to fix the salary of the assessors at a sum not to exceed three hundred dollars each per annum?

3.

Shall your mayor, subject to confirmation by the council, appoint all officials heretofore elected by said council?

4.

Shall the compensation of the city treasurer be fixed by the city council, instead of by the city charter as heretofore?

5.

Shall your councilmen receive the sum of two dollars each for actual attendance at regular meetings, and the sum of one dollar each for actual attendance at regular or adjourned meetings?

[Approved April 9, 1909.]

CHAPTER 321.

AN ACT CONFIRMING THE ACTION OF THE TOWN OF FRANCESTOWN AT ITS ANNUAL MEETING IN 1909, IN RAISING AND APPROPRIATING MONEY FOR REPAIRS OF THE OLD CHURCH IN SAID TOWN.

SECTION

1. Appropriation ratified.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Appropriation
ratified.

SECTION 1. The action of the town of Francestown at its annual meeting held on the ninth day of March, 1909, in raising and appropriating the sum of four hundred dollars for shingling the "Old church," so called, in said town, and making other outside repairs upon it, is hereby authorized, ratified and confirmed, in view of the fact that when, in 1833, said town conveyed said church and the lot upon which it stands, to the Union Congregational Society, it reserved to itself, "a right to use the house for town meetings, and the bell for town purposes as theretofore used, on condition that the town shall keep the outside of the house and the tower and the bell, with its tackle, in good and complete repair."

Takes effect
on passage.

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

[Approved April 9, 1909.]

CHAPTER 322.

AN ACT TO INCORPORATE THE PYTHIAN BUILDING ASSOCIATION OF DERRY, N. H.

SECTION

1. Corporation constituted.

2. First meeting.

SECTION

3. Takes effect on passage; subject to repeal.

Be it enacted by the Senate and House of Representatives in General Court convened:

Corporation
constituted.

SECTION 1. A. W. Davison, Frank M. McGregor, Louis M. Packer, George I. Bartlett, Canol Haynes, George R. Rowell, Henry H. Rose, Arthur C. Sargent, John P. Gleason, George A. Varney, George E. Muchmore, Frank W. Gove, Sidney E. Laws, W. F. Laws and W. J. Kingsbury, their associates and successors, be, and are made a body politic and corporate by the name of the Pythian

Building Association, and by that name, may sue, and be sued, prosecute and defend, to final judgment, and shall be vested with all the powers and privileges, and subject to all liability of corporations of a similar nature, and may purchase and hold, real and personal estate, and receive and hold the same by donation for the purposes of the said corporation to an amount not exceeding fifty thousand dollars, and may sell or use, or dispose of same at pleasure, and may make and establish such by-laws and regulations as may be necessary for the purpose of this act.

SECT. 2. The first three members of said grantees, or either of them, may call the first meeting of this corporation at such time and place as they may deem expedient, and in such manner as they deem proper. First meeting.

SECT. 3. This act shall take effect upon its passage, and the legislature may at any time alter, amend or repeal the same, whenever in their opinion the public good requires it. Takes effect on passage; subject to repeal.

[Approved April 9, 1909.]

CHAPTER 323.

AN ACT CREATING A SCHOOL COMMITTEE FOR THE CITY OF MANCHESTER.

SECTION

1. Committee, how constituted.
2. Members *ex officio*.

SECTION

3. Repealing clause; act takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. At every election hereafter held in said city [of Manchester] there shall be elected from each ward one member of the board of school committee, who shall hold his office for the term of two years from the first Tuesday of January, next following their election. Committee, how constituted.

SECT. 2. The mayor of said city and the president of the common council shall be *ex-officio* members of the board of school committee for said city, and shall have all the powers and privileges to which other members of the school committee are by law entitled; the mayor shall be chairman of said board. Members *ex officio*.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage. Repealing clause; act takes effect on passage.

[Approved April 9, 1909.]

CHAPTER 324.

AN ACT AUTHORIZING THE HAMPTON WATER-WORKS COMPANY TO ACQUIRE BY PURCHASE OR OTHERWISE THE PROPERTY AND FRANCHISES OF THE NORTH SHORE WATER COMPANY.

SECTION

1. Authority granted.
2. Increase of capital stock.

SECTION

3. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority granted.

SECTION 1. The Hampton Water-works Company is hereby authorized to acquire, by purchase or otherwise, the property and franchises of the North Shore Water Company and, upon the acquisition of the same, to have, exercise, and enjoy all the powers and privileges of said corporation.

Increase of capital stock.

SECT. 2. The Hampton Water-works Company is hereby empowered to increase from time to time its capital stock, being now one hundred thousand dollars, to an amount not exceeding two hundred thousand dollars, as may be determined by the directors of the corporation.

Takes effect on passage.

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

[Approved April 9, 1909.]

CHAPTER 325.

AN ACT IN AMENDMENT OF CHAPTER 236 OF LAWS OF 1901, ENTITLED "AN ACT TO INCORPORATE THE PEERLESS CASUALTY COMPANY."

SECTION

1. May change to stock company.

SECTION

2. Takes effect on passage; repealing clause.

Be it enacted by the Senate and House of Representatives in General Court convened:

May change to stock company.

SECTION 1. Chapter 236 of the Laws of 1901, as amended by chapter 229 of the Laws of 1905, is hereby amended by adding thereto the following section: SECT. 5. Said corporation may by (major) vote of its stockholders and members at a meeting called in the manner provided by the by-laws change from a combined stock and mutual company to a stock company, and upon the passage of such vote, all policy-holders in said corporation shall thereupon cease to be members thereof, and shall be relieved from lia-

bility as such. But the rights of the members to have the profits of the corporation maintained as a reserve for the benefit and protection of their policies shall not be thereby abridged. Upon the adoption of such vote, the corporation may thenceforth pay dividends as may be from time to time declared, out of the surplus earnings.

SECT. 2. This act shall take effect upon its passage, and all acts and parts of acts inconsistent with this act are hereby repealed.

Takes effect on passage; repealing clause.

[Approved April 9, 1909.]

CHAPTER 326.

AN ACT IN AMENDMENT OF CHAPTER 244 OF THE LAWS OF 1907, ENTITLED "AN ACT IN AMENDMENT OF CHAPTER 306 OF THE LAWS OF 1903, ENTITLED 'AN ACT TO INCORPORATE THE CONNECTICUT RIVER POWER COMPANY OF NEW HAMPSHIRE.' "

SECTION

1. Additional rights of flowage.

SECTION

2. Takes effect on passage.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Section 8 of chapter 244 of the Laws of 1907, entitled "An Act in Amendment of Chapter 306 of the Laws of 1903, entitled 'An Act to incorporate the Connecticut River Power Company of New Hampshire.' " is hereby amended so as to read as follows: SECT. 8. If this corporation or any corporation with which it may merge or consolidate as provided in section 10 of chapter 306 of the Laws of 1903, shall desire to construct a dam at any point below the mouth of the Ashuelot river for the purpose of storing water to control the flow of the river, it shall have the right so to do, and if it shall procure and exercise the right to construct a dam across the Connecticut river at any point in the state of Massachusetts, it shall have the right of flowage in the state of New Hampshire subject to the conditions and limitations as provided in sections 2, 3 and 4 of said chapter 306 of the Laws of 1903 as amended by this act except that it shall have no right to raise the water by any dam authorized by this section, at the mouth of the Ashuelot river, either at low or medium water, more than six feet, and shall have no right to materially raise or change the water at the mouth of the Ashuelot river at high water, and shall have no right to raise or affect the water at the lowest privilege on the Ashuelot river now owned by the Fisk Paper Company, and

Additional rights of flowage.

shall have no right to take therefor any land now owned or hereafter acquired by the Connecticut River Railroad Company for necessary railroad purposes. *And provided further* that in fixing damages for the taking of the right to maintain or flow water to any particular point or level upon or against the land of any person or corporation, the liability that flowing or maintaining the water to said point or level upon or against said land will cause the land to break off or wash away or will cause the water in times of rain or freshet to flood said land above said level or otherwise injure such land by such flooding shall not be taken into consideration unless the owner of said land shall have filed in the proceedings a petition to have such liability considered; and in any case where such further or additional damage shall be done by reason of the exercise of the privileges granted by this section, and for which the landowner shall not have received compensation in prior proceedings, the owner whose land is thus damaged may file a petition in the superior court for the recovery of such damages and the same proceedings shall be had in the assessment of damages and in the addition of fifty per cent. thereto as in the original proceedings; and in any proceedings brought under this section costs shall be allowed to either party in the discretion of the court except that they shall be allowed to the landowner in every case unless the corporation, before the beginning of said action, shall have tendered to him an amount at least equal to the amount of the verdict or award recovered, but no such tender shall be admitted in evidence at any hearing to assess the damages on account of which such tender was made. And it shall have no rights under this section until it shall have built a dam under this charter opposite the town of Vernon, Vermont, north of the mouth of the Ashuelot river. Said corporation may make contracts with other corporations with reference to the furnishing of electrical energy to said other corporations or within the territory served by them.

Takes effect
on passage.

SECT. 2. This act shall take effect from its passage.

[Approved April 9,-1909.]

CHAPTER 327.

AN ACT IN AMENDMENT OF SECTIONS 1, 2, 3 AND 4 OF CHAPTER 279 OF THE SESSION LAWS OF 1903, ENTITLED, "AN ACT TO INCORPORATE THE PITTSFIELD LIGHT AND POWER COMPANY."

SECTION 1. Charter amended.

Be it enacted by the Senate and House of Representatives in General Court convened:

SECTION 1. Amend section one, chapter 279 of the session Laws of 1903 by inserting after the word "Pittsfield" in the eighth line in section one of said chapter the words and in the town of Barnstead, Belknap county, so that said section as amended shall read: SECTION 1. Frank D. Hutchins, John A. Walker, Jr., George H. Colbath, Frank O. George and Charles F. Ayers of Pittsfield in the county of Merrimack, their successors and assigns, are hereby made a body corporate by the name of the Pittsfield Light & Power Company for the purpose of generating, manufacturing and supplying electricity for light, heat and mechanical power, and furnishing the same in the said town of Pittsfield, and in the town of Barnstead, Belknap county, with the authority, powers and privileges, and subject to the liabilities incident to corporations of a similar nature. Amend section two of said chapter 279 by inserting after the word "Pittsfield" in the second line of section four of said chapter the words, and said town of Barnstead, and by striking out the word "town" in the fourth line of said section four and inserting in its place the word towns so that said section four as amended shall read: SECT. 4. Said corporation shall have power and authority to distribute electricity through said town of Pittsfield, and said town of Barnstead, may regulate the use of same, and fix and collect rents to be paid for the same. Said towns are hereby authorized to contract by vote of said towns with said corporation for electricity for public uses on such terms as the parties may agree, and to raise money therefor in the same manner as other town charges. Amend section three [six] of said chapter 279 by striking out the word "town" in the sixth and seventh lines in said section six of said chapter and inserting in their places, the words towns, so that said section six as amended shall read: SECT. 3 [6]. Said corporation may erect poles and place wires for the transmission of electricity, or may lay the same in subterranean pipes, through or over the land of any persons or corporations, and under any railroad or private way, and having first obtained the permission of the municipal officers of said towns, and under such restrictions and regulations as they may prescribe, along the streets

Charter
amended.

and ways of said towns; and it may enter upon and dig up any such real estate, street, or way for the purposes aforesaid. Amend section four [seven] of said chapter 279 by striking out the words "of Merrimack," in the tenth line of section seven of said chapter, and inserting after the word county in said tenth line, wherein any private property or easement shall be appropriated, so that said section as amended shall read: SECT. 4 [7]. Said corporation shall pay all damages sustained by any person or corporation by the taking of any land, right of way or easement, or by any other thing done by said corporation under the authority of this act; *provided*, that if it shall be necessary to enter upon and appropriate any private property or easement therein, and said corporation shall not agree with the owners thereof on the damage that may be done by said corporation, or such owners shall be unknown, either party may apply to the superior court, at a trial term in the county wherein any private property or easement shall be appropriated, to have the same laid out and damages determined; and the said court shall refer the same to the county commissioners, who shall appoint a time and place of hearing, and give notice thereof in the same manner as is now provided by law for laying out highways, and said commissioners shall make a report to said court, and they may issue execution accordingly. If either party shall desire, upon application to said court before such reference, they shall be entitled to a trial by jury in such manner and under such regulations as said court may prescribe.

[Approved April 9, 1909.]

CHAPTER 328.

AN ACT TO AUTHORIZE THE AMOSKEAG MANUFACTURING COMPANY TO CONSTRUCT A DAM ACROSS THE MERRIMACK RIVER BELOW GOFF'S FALLS.

SECTION

1. Authority granted.
2. Damages, how assessed.
3. Restriction of use.
4. Electric cables in streams.

SECTION

5. Transmission of electricity.
6. Claims for damages, what included.
7. Void unless dam completed in six years.

Be it enacted by the Senate and House of Representatives in General Court convened:

Authority
granted.

SECTION 1. That the Amoskeag Manufacturing Company, a corporation organized under the laws of this state, be and hereby is empowered and authorized to construct and maintain a dam across

the Merrimack river at any point on said river between the north bank of the Souhegan river and the head of Moore's falls, together with all necessary wings, retaining walls, canals, gates, flashboards, power-houses, and the necessary appurtenances, and such other structures as may be convenient and useful to develop, use and transmit the power created thereby. If it becomes necessary for the full and economical development and operation of the water-power of the Merrimack river at said dam to raise the height of the water in Cohas brook so as to flow or otherwise affect the water-power or other rights or property of the Devonshire Mills, on said brook, or to flow or drain the lands or property of other persons or corporations, said corporation shall have the power and authority so to do by proceeding in accordance with the provisions of section two of this act. *Provided always* that said corporation is granted no right or privilege to construct any dam or other structures which will raise the water of said river under the railroad iron bridge at Goff's falls, at time of flood, beyond the point where it would be raised if the dam should not be built, nor to any point that would endanger the safety of the bridge. And *provided further*, that the said dam and structures shall not interfere with the free use of said river as a public highway for floating logs. And *provided further*, that nothing in this act shall authorize the flooding of any existing steam railroad or electric railway tracks. And *provided further*, that the said dam of said corporation shall not flow back upon any embankment, road-bed, culvert or bridge of any such steam railroad or electric railway, until the same is properly and effectively protected against damage at the expense of said corporation, as hereinafter provided. Any required changes in the construction of any embankment, road-bed, culvert or bridge of any steam railroad or railway company shall be made by the railroad or railway company within a reasonable time after notice in writing from said Amoskeag Manufacturing Company of the general requirements and the deposit with the state treasurer of an amount of cash equal to one and one quarter of the estimated cost of such changes, or the giving to the railroad or railway company security satisfactory to it for the due payment of such expense. In case of a disagreement between said corporation and any such railroad or railway company as to method and construction of said protection and its effectiveness, or the necessity therefor, or as to the cost of said protection, the same shall be determined by a justice of the superior court for the county of Hillsborough in a proceeding in the nature of a bill in equity filed by either party in said court, and if the estimate of costs is increased by the findings of the court said Amoskeag Manufacturing Company shall make a corresponding increase in the amount of its deposit with the state treasurer,

and if at any time after the construction of said dam it shall be found by the railroad or by the railway that additional protective works are required to safeguard its bridges, culverts, embankments or other structures or property, such work shall be done by the railroad or the railway at the expense of the Amoskeag Manufacturing Company in the same manner and under the same conditions as herein provided for doing the first or original constructive work made necessary by the construction of said dam, and all work at any time done to protect the railroad or railway property from the effects of the operations of the Amoskeag Manufacturing Company at the dam authorized by this act shall be at the expense of said Amoskeag Manufacturing Company. It shall be the duty of said corporation at all times to fully, properly and efficiently protect the railroads, railways and highways and sewers that may be affected by the construction of said dam or any of its appurtenances, and to compensate said railroads, railways and the cities and towns in which said highways or sewers are located, respectively, for all injury or damage sustained by them, or any of them, in consequence of the construction or operation of any dam, dams or other work done or structure erected by said corporation under the authority of this act.

Damages, how assessed.

SECT. 2. If it shall become necessary, as set forth in section one of this act, at any time for said corporation to flow or drain any lands or property and it cannot agree with the owner of such lands, property or rights upon a price therefor, then it may file a petition in the superior court for the county in which the lands or property lie, which petition may be filed in term or vacation, describing the particular lands, property or rights to be taken, and praying for an assessment of the damages of the owner for such taking, and thereupon lawful process shall issue with the order of notice to the owner, which shall be served on the owner as required by the order, and at said term, or at the next term of said court if filed in vacation, the owner may elect a jury trial as to the assessment of damages, and his damages shall be assessed by a jury, and judgment shall be entered thereon as provided in sections 16 and 17 of chapter 142 of the Public Statutes and amendments thereof; and upon payment or tender to the owner by the corporation of the amount of the judgment said corporation shall be vested with the title to the land, property or rights. But if the owner elects that the petition be referred to a board of referees or to the county commissioners, it shall be so referred, and they shall proceed as county commissioners proceed in hearing and determining appeals from the award of damages in laying out highways, and judgment on their report shall be final; and upon payment or tender to the owner by the corporation of the amount of the judgment, said corporation shall be vested with the

title to the lands, property, or rights. But however the damages are assessed, if the owner does not accept the amount tendered to him, it shall be deposited with the clerk of the superior court of the county in which said proceeding is pending, subject to the owner's orders, before the corporation shall enter upon any land taken, or use or exercise any rights, privileges or interest taken.

SECT. 3. The use of any dam erected under the provisions of this act shall be subject to the use of the water of said Merrimack river and its tributaries as now made and exercised by the owners of existing dams on said river and its tributaries above said Moore's falls, and this corporation shall have no right to claim or demand from said owners of existing dams, any other or different use of the water of said river or tributaries than that now made and exercised by them. No permanent dam erected under the provisions of this act shall be of a greater height than sixty-two feet below the crest of the stone dam of the Amoskeag Manufacturing Company at Amoskeag falls in Manchester, but this restriction shall not be construed to prevent the attaching to said dam of temporary flashboards of such width and height as may be necessary and convenient for the due utilization of the water-power at said dam.

Restriction
of use.

SECT. 4. Said Amoskeag Manufacturing Company may lay suitable cables upon the bed of any river or stream from bank to bank to be used for transmission of electric currents for all purposes set forth in this act, and may use any other method or appliances for transmission of said currents across said rivers or streams, but not in any such manner as to obstruct the full and free use of said rivers or streams as public highways.

Electric cables
in streams.

SECT. 5. Said Amoskeag Manufacturing Company may transmit to its mills in the city of Manchester the electricity developed at said dam by metallic wires or any other suitable means of transmitting the same upon poles erected in the public streets or highways in such cities and towns of New Hampshire as may be necessary, the consent of the authorities of such towns and cities being first obtained as required by law. Nothing contained in this act shall be construed to give said corporation the right to erect poles, extend wires or lay cables, erect buildings, or in any other way make use of the location, lands, or interest in lands of the Concord & Montreal Railroad or the Boston & Maine Railroad, or the Devonshire Mills, *provided, however*, that said corporation may extend its wires or cables across said railroad location or under ground in such manner and upon such conditions as may be determined by said railroad.

Transmission
of electricity.

SECT. 6. All claims for damages to the property of any person, company or corporation, city, or town, and claims for cost or expense in protecting such property from injury or damage, as hereinbefore provided, caused by the construction and maintenance of

Claims for
damages, what
included.

said dam or its appurtenances, shall include any damage or expense caused by the going out of said dam, or by any insufficiency, defect or want of repair therein.

Void unless
dam completed
in six years.

SECT. 7. The provisions of this act shall be inoperative and void unless said dam shall be completed within six years from and after its passage.

[Approved April 9, 1909.]

STATE OF NEW HAMPSHIRE.

OFFICE OF SECRETARY OF STATE,

CONCORD, July 1, 1909.

I hereby certify that the acts and resolves and changes of names contained in this pamphlet have been compared with the originals in this office, and found to be correctly printed.

EDWARD N. PEARSON,

Secretary of State.

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TO

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