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# LAWS

OF THE

## STATE OF NEW HAMPSHIRE

PASSED JANUARY SESSION, 1911.

LEGISLATURE CONVENED JANUARY 3, ADJOURNED APRIL 15.



CONCORD, N. H.

1911.

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## STATE OFFICERS.

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ROBERT P. BASS, *Governor.*

THOMAS ENTWISTLE,

HARRY T. LORD,

BENJAMIN F. GREER,

JOHN M. GILE,

GEORGE H. TURNER,

} *Councillors.*

WILLIAM D. SWART, *President of the Senate.*

FRANK A. MUSGROVE, *Speaker of the House of Representatives.*

MARTIN W. FITZPATRICK, *Clerk of the Senate.*

HARRIE M. YOUNG, *Clerk of the House of Representatives.*

EDWARD N. PEARSON, *Secretary of State.*

ARTHUR L. WILLIS, *Deputy Secretary of State.*

SOLOMON A. CARTER, *State Treasurer.*

J. WESLEY PLUMMER, *Deputy State Treasurer.*

FRANK A. MUSGROVE, *State Auditor.*

HERBERT E. TUTHERLY, *Adjutant-General.*

GEORGE H. ADAMS, *Insurance Commissioner.*

HENRY C. MORRISON, *Superintendent of Public Instruction.*

JOHN S. B. DAVIE, *Commissioner of Labor.*

HARRY C. HILL, *State Engineer.*

NAHUM J. BACHELDER, *Secretary Board of Agriculture.*

IRVING A. WATSON, M. D., *Secretary of Board of Health.*

ARTHUR H. CHASE, *State Librarian.*

ALBERT S. BATCHELLOR, *Editor of State Papers.*

WILLIAM J. AHERN, *Secretary of Board of Charities and Correction.*

HENRY K. W. SCOTT, *Warden of State Prison.*

EDGAR C. HIRST, *State Forester.*

RICHARD M. SCAMMON,

ARTHUR E. DOLE,

HENRY F. GREEN,

} *Bank Commissioners.*

CYRUS H. LITTLE,	}	<i>State Board of License Commissioners.</i>
HENRY W. KEYES,		
JOHN KIVEL,		
ALBERT O. BROWN,	}	<i>Tax Commissioners.</i>
WILLIAM B. FELLOWS,		
JOHN T. AMEY,		
EDWARD C. NILES,		
JOHN E. BENTON,	}	<i>Public Service Commission.</i>
THOMAS W. D. WORTHIEN,		
NATHANIEL WENTWORTH,	}	<i>Fish and Game Commissioners.</i>
CHARLES B. CLARKE,		
FRANK P. BROWN,		
W. ROBINSON BROWN,		
GEORGE B. LEIGHTON,	}	<i>Forestry Commission.</i>
JASON E. TOLLES,		
EDWARD C. NILES,	}	<i>Public Printing Commission.</i>
WILLIAM B. FELLOWS,		
RICHARD M. SCAMMON,		
HENRY W. KEYES,		
J. WESLEY PLUMMER,		

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## SUPREME COURT.

---

FRANK N. PARSONS,	<i>Chief Justice.</i>	
REUBEN E. WALKER,	}	<i>Associate Justices.</i>
GEORGE H. BINGHAM,		
JOHN E. YOUNG,		
ROBERT J. PEASLEE,		
EDWIN G. EASTMAN,	<i>Attorney-General.</i>	
JOHN H. RIEDELL,	<i>Law Reporter.</i>	

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## SUPERIOR COURT.

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

# LAWS

OF THE

## STATE OF NEW HAMPSHIRE,

PASSED JANUARY SESSION, 1911.

### CHAPTER 1.

AN ACT REPEALING SECTION 8 OF CHAPTER 102 OF THE LAWS OF 1909 AND ENACTING A NEW SECTION IN PLACE THEREOF.

SECTION

1. Staff of the governor.

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. Section 8 of chapter 102 of the Laws of 1909 is hereby repealed, and the following shall be substituted in place thereof: SECT. 8. The staff of the governor shall consist of one adjutant-general who shall be chief of staff with the rank of brigadier-general, who shall be the adjutant-general of the state, and eight aides-de-camp, who shall have the rank of major, except as hereinafter provided. The adjutant-general and the aides-de-camp may be appointed without restriction as to the source of selection. Any officers of the active militia of the state may be detailed by the governor to act as aides-de-camp; the officers so detailed shall retain their previous rank, and shall remain subject to duty with their respective organizations, except at such times as their services may be required by the governor as members of his staff. The adjutant-general and all members of the staff shall

be appointed or detailed by the governor, and shall serve as such during his pleasure, and their commissions or details, as the case may be, shall expire with the term of office of the governor by whom they were so appointed or detailed.

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 upon its passage.

[Approved January 13, 1911.]

CHAPTER 2.

AN ACT ENTITLED AN ACT TO RESTRICT THE USE OF COMMON DRINKING CUPS.

SECTION

- 1. State board of health may prohibit use.
- 2. Penalty for violation.

SECTION

- 3. Repealing clause.
- 4. Takes effect on passage.

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

Board of health may prohibit.

SECTION 1. In order to prevent the spread of communicable diseases, the state board of health is hereby authorized to prohibit in such public places, vehicles or buildings as it may designate the providing of a common drinking cup and the board may establish rules and regulations for this purpose.

Penalty.

SECT. 2. Whoever violates the provisions of this act or any rule or regulation of the state board of health made under authority hereof shall be deemed guilty of a misdemeanor and be liable to a fine not exceeding twenty-five dollars for each offense.

Repealing clause.

SECT. 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Takes effect on passage.

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

[Approved February 2, 1911.]

## CHAPTER 3.

AN ACT IN AMENDMENT OF SECTION 3, CHAPTER 186 OF THE PUBLIC STATUTES, RELATING TO A DEVISE OR LEGACY GIVEN BY A WILL TO ONE OF THE WITNESSES TO THE WILL.

## SECTION

1. Void unless will witnessed by three others.

## SECTION

2. Takes effect on passage.

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

SECTION 1. After the word "thereto" in the second line of said section, insert the words, or to the wife or husband of such a witness; strike out the words "as to such witness and those claiming under him" in the second and third lines, and substitute for "he" in the fourth line, the words, such subscribing witness, so that the section as amended shall read as follows: SECT. 3. Any beneficial devise or legacy made or given in a will to a subscribing witness thereto or to the wife or husband of such a witness shall be void unless there be three other subscribing witnesses, and such subscribing witness shall be a competent witness thereto; but a provision therein for the payment of a debt shall not be void nor disqualify the creditor as a witness thereto.

Void unless will witnessed by three others.

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

Takes effect on passage.

[Approved February 2, 1911.]

## CHAPTER 4.

AN ACT RELATING TO PUBLICATION OF WRITS, PETITIONS AND SIMILAR PROCESS BY ORDER OF COURT.

## SECTION

1. What sufficient when original process on file.

## 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. Where notice by publication in a newspaper is ordered by any court upon any petition, writ or other similar process, the original of which is upon file in such court, it shall be sufficient to publish a citation containing the title of the case, the name of the court in which it is pending, the time and place

What sufficient when original on file.

of the return and hearing, the fact that such original is on file and may be examined by interested parties, and such other facts as the court may order.

Repealing clause; act takes effect on passage.

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

[Approved February 2, 1911.]

CHAPTER 5.

AN ACT IN AMENDMENT OF CHAPTER 53 OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 27 OF THE LAWS OF 1909 RELATING TO VILLAGE DISTRICTS.

SECTION

1. District boundaries, how established.

SECTION

2. Takes effect on passage.

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

District boundaries, how established.

SECTION 1. Amend section 1, chapter 53, of the Public Statutes by striking out the words [the] "village and such adjacent" and inserting in place thereof the word such 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 such 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 caring 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, and the appointing and employing of watchmen and police officers. They shall cause a record of the petition and their doings thereon to be recorded in the records of the towns in which the district is situated.

Takes effect on passage.

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

[Approved February 8, 1911.]

CHAPTER 6.

AN ACT TO PROVIDE FOR THE REGISTRATION OF ALL CASES OF TUBERCULOSIS AND TO PREVENT THE SPREAD OF THE DISEASE.

SECTION

1. Cases to be reported.
2. Examination of sputa.
3. Record of cases to be secret.
4. Instructions as to care of patients.
5. Recoveries to be reported.

SECTION

6. State board of health to distribute laws.
7. Penalty for violation.
8. 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 be the duty of every physician practicing medicine or surgery in the State of New Hampshire to report in writing to the state board of health, within one week after the disease is recognized, on forms to be provided by the said board, the name, age, sex, color, occupation and address of every person under his care in this state who in his opinion is infected with pulmonary or other form of tuberculosis. It shall also be the duty of the officer having charge for the time being of each and every hospital, dispensary, asylum or other public or private institution in the state to report in like manner the name, age, sex, color, occupation and last address of every person in his care or who has come under his observation within one week of such time, who in his opinion is infected with pulmonary or other form of tuberculosis.

Cases to be reported.

SECT. 2. The state board of health shall provide for an immediate bacteriological examination at the state laboratory of hygiene of all samples of sputum forwarded by physicians for the purpose of determining suspected cases of tuberculosis in this state free of charge, and shall report results promptly to the physician who sent the specimen. In negative results, successive examinations shall be made from time to time so long as the attending physician may be of the opinion that the case may be tuberculosis.

Examination of sputa.

SECT. 3. The state board of health shall cause all cases showing the presence of tubercle bacilli to be recorded in a register, of which the board shall be the custodian and which shall not be open to inspection, nor shall the board permit any such record to be divulged in any manner to disclose the identity of the person to whom it relates, except to a health officer, if deemed necessary, to carry out the provisions of this act.

Record of cases to be secret.

SECT. 4. It shall be the duty of the state board of health in every case where a bacteriological examination reveals the existence of tuberculosis, to supply to such person or to those in charge of such person, unless otherwise requested by the attending physi-

Instructions as to care patients.

cian, instructions as to the methods to be employed to prevent the spread of the disease.

Report of re-  
coveries.

SECT. 5. Upon the recovery of any person who has been found to be infected with tuberculosis, a report to that effect shall be made to the state board of health by the attending physician, and shall be recorded in the register aforesaid, and shall relieve the said person from further liability to any requirement imposed by this act.

Distribution  
of laws.

SECT. 6. As soon as practicable after the passage of this act, the state board of health shall transmit to every registered or licensed physician in the state, to every board of health, and to such institutions as are mentioned, a copy of this act, together with a copy of chapter 17, Laws of 1905, entitled, "An act to prevent the spread of consumption," and providing for disinfection after death from pulmonary consumption, or the removal of a consumptive patient.

Penalty for  
violation.

SECT. 7. Any person violating the provisions of this act shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall be punished by a fine of ten dollars, or imprisonment for thirty days, or both.

Repealing  
clause; act  
takes effect  
on passage.

SECT. 8. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved February 8, 1911.]

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CHAPTER 7.

AN ACT IN AMENDMENT OF CHAPTER 162, LAWS OF 1909, ENTITLED  
"AN ACT TO PROHIBIT THE MANUFACTURE AND SALE OF COCAINE  
AND ARTICLES CONTAINING COCAINE."

SECTION

1. Sale of cocaine regulated.

SECTION

2. Takes effect on passage.

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

Sale of  
cocaine  
regulated.

SECTION 1. Amend section 2 of chapter 162 Laws of 1909 by striking out the word "of" in the eleventh [ninth] line of said section and substituting therefor the word to, so that the section as amended shall read as follows: 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 to apothecaries, druggists, physicians, veterinarians and dentists, or 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.

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

Takes effect on passage.

[Approved February 8, 1911.]

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CHAPTER 8.

AN ACT TO FIX THE TIME OF DAY FOR HOLDING THE BIENNIAL ELECTIONS IN TOWNS.

SECTION

1. Polls to open and close, when.

SECTION

2. Takes effect on passage.

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

SECTION 1. At all biennial elections in towns the polls shall be opened not later than ten o'clock in the forenoon and shall not be closed earlier than three o'clock in the afternoon.

Polls to open and close, when.

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

Takes effect on passage.

[Approved February 8, 1911.]

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CHAPTER 9.

AN ACT TO AMEND SECTION 1, CHAPTER 104, LAWS OF 1899, AS AMENDED BY SECTION 1, CHAPTER 65, LAWS OF 1901, RELATING TO THE SALARY OF THE SECRETARY OF STATE.

SECTION

1. Annual salary of \$4,000.

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. Section 1 of chapter 104 of the Laws of 1899, as amended by section 1 of chapter 65 of the Laws of 1901, is

Annual salary of \$4,000.

hereby amended by striking out the word "three" and inserting in place thereof the word four, so that said section as amended shall read as follows: SECTION 1. Chapter 286 of the Public Statutes is hereby amended by striking out all of section 3 and inserting the following: SECT. 3. The annual salary of the secretary of state shall be four thousand dollars, which shall be in full for his services. He shall render an account to the governor and council of all fees received by him for civil commissions, for making and giving copies and certificates to individuals for private use, and of all other fees received by him for official acts, quarterly in the last days of March, June, September, and December of each year, and shall pay the amount thereof to the state treasurer for the use of the state.

Repealing clause; act takes effect on passage.

SECT. 2. 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.

[Approved February 9, 1911.]

CHAPTER 10.

AN ACT IN AMENDMENT OF SECTION 7, OF CHAPTER 53, OF THE PUBLIC STATUTES, RELATING TO THE OFFICERS OF VILLAGE DISTRICTS.

SECTION

1. Commissioners may be chosen for varying terms.

SECTION

2. Takes effect on passage.

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

Commissioners for varying terms.

SECTION 1. Section 7 of chapter 53 of the Public Statutes, is hereby amended by adding thereto, at the end thereof, the following sentence: Village districts, voting to do so, may elect one such commissioner to serve for the term of one year, one to serve for the term of two years, and one to serve for the term of three years, and at every annual meeting thereafter elect one to serve for the term of three years.

Takes effect on passage.

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

[Approved February 9, 1911.]

## CHAPTER 11.

AN ACT IN AMENDMENT OF CHAPTER 79, SESSION LAWS OF 1901,  
AS AMENDED BY THE SESSION LAWS OF 1903, 1905, 1907, AND  
1909, RELATING TO FISH AND GAME.

## SECTION

1. Protection of pickerel in Massabesic  
lake.

## 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 inserting the word Massabesic between the word "Winnepesaukee" and the word "Winnisquam" so that said 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 the 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, Massabesic, Winnisquam, 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 for each offense.

Protection of  
pickerel in  
Massabesic  
lake.

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

Takes effect  
on passage.

[Approved February 15, 1911.]

## CHAPTER 12.

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

## 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 Grafton county shall hereafter be eight hundred dollars per annum; and so much of section 17 of chapter 286 of the Public Statutes as is inconsistent with this act, and section 1, of chapter 109 of the Laws of 1909 is hereby repealed.

Annual sal-  
ary of \$800.

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

Takes effect  
on passage.

[Approved February 16, 1911.]

CHAPTER 13.

AN ACT TO AMEND AN ACT RELATING TO INSANE CRIMINALS.

SECTION 1. Procedure when criminal pleads in- sanity.		SECTION 2. Takes effect on passage.
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*Be it enacted by the Senate and House of Representatives in General Court convened:*

Procedure when criminal pleads insanity.

SECTION 1. That section 1 of chapter 21 of the Laws of 1901 be amended by striking out the last clause thereof and by adding to said section the following: or until such person shall have been ordered discharged from said New Hampshire State Hospital by its trustees upon a report to them by said superintendent that such person is not insane. Whenever such person is so ordered discharged by said trustees the superintendent shall immediately give notice to that effect to the county solicitor of the county from which such person was sent to the hospital, and it shall be the duty of the county solicitor to cause such person to be immediately removed from the hospital, so that said section as amended shall read as follows: SECTION 1. When a person is indicted for any offense, or is committed to jail on any criminal charge to await the action of the grand jury, any justice of the court before which he is to be tried, if a plea of insanity is made in court, or said justice is notified that such plea will be made, may, in term time or vacation, order such person into the care and custody of the superintendent of the state asylun for the insane, to be detained and observed by him until further order of the court, or until such person shall have been ordered discharged from said New Hampshire State Hospital by its trustees upon a report to them by said superintendent that such person is not insane. Whenever such person is so ordered discharged by said trustees the superintendent shall immediately give notice to that effect to the county solicitor of the county from which such person was sent to the hospital, and it shall be the duty of the county solicitor to cause such person to be immediately removed from the hospital.

Takes effect on passage.

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

[Approved February 16, 1911.]

## CHAPTER 14.

AN ACT RELATIVE TO THE INTEREST OF THE STATE OF NEW HAMPSHIRE UNDER THE WILL OF JOHN NESMITH.

SECTION 1. Governor authorized to release interest.

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

SECTION 1. The governor, by and with the advice and consent of the council, is hereby authorized and empowered, at any time or times hereafter, and for such consideration as to him and it may seem proper or sufficient, to release, surrender or convey under the seal of the state such interest or portion or portions thereof as the State of New Hampshire may have acquired or may hereafter acquire under and by virtue of the will of John Nesmith, duly proved and allowed on the ninth day of November, 1869, in the probate court for the county of Middlesex and Commonwealth of Massachusetts.

Governor  
authorized  
to release.

[Approved February 22, 1911.]

## CHAPTER 15.

AN ACT TO PROMOTE THE SANITARY PRODUCTION AND DISTRIBUTION OF FOOD AND DEFINING THE DUTIES OF THE STATE BOARD OF HEALTH IN RELATION THERETO.

## SECTION

1. Unsanitary condition or practice forbidden.
2. "Food" includes what; unsanitary condition, what deemed.
3. State board of health to order abatements.

## SECTION

4. Rules and regulations for enforcement of act.
5. Penalty for violations or obstructions.
6. Disposition of fines.
7. Takes effect on passage.

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

SECTION 1. The existence or maintenance of any unclean, unhealthful or unsanitary condition or practice in any establishment or place where food is produced, manufactured, stored or sold, or of any car or vehicle used for the transportation or distribution thereof is forbidden.

Unsanitary  
condition or  
practice for-  
bidden.

"Food" includes what; unsanitary condition, what deemed.

SECT. 2. For the purpose of this act the term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substance and ingredients used in the preparation thereof. And for the further purpose of this act unclean, unhealthful, or unsanitary conditions or practices shall be deemed to exist if the floors, side-walls and ceilings are not properly constructed and maintained subservient with this requirement; or if food in the process of production, storage, sale or distribution is unnecessarily exposed to flies, dust or dirt, or to the products of decomposition or fermentation incident to such production, storage, sale or distribution; or if any person is being permitted to use as a sleeping room any place where food is prepared for sale, stored, served or sold; or if any employer shall knowingly permit or suffer any person who is affected with consumption, tuberculosis or any other communicable disease to work in such place; or if there is any other condition or practice which shall be deemed as endangering the wholesomeness of food.

State board of health to order abatements.

SECT. 3. The state board of health, or its inspectors, or special agents designated for that purpose, shall have full power and authority at all times to enter and inspect every building, room, or other place occupied or used for the production, storage, sale or distribution of food, and all utensils and appurtenances relating thereto. And if any person, firm or corporation is found to be violating any of the provisions of this act, then the state board of health shall issue an order to the aforesaid to abate the condition or practice in violation, within such time as may be deemed reasonably sufficient therefor. Such order shall be transmitted by registered mail and the receipt of the postoffice department therefor shall be *prima facie* evidence of its receipt by the person or persons affected.

Rules and regulations.

SECT. 4. The state board of health is empowered to make all necessary rules and regulations for the enforcement of this act; and it shall be the duty of local boards of health to assist in carrying out the provisions of this chapter whenever so requested by the state board of health.

Penalty for violations or obstructions.

SECT. 5. Any person, firm, company or corporation violating any of the provisions of this act and failing to comply with the lawful orders and requirements of the state board of health duly made and provided in sections 3 and 4 of this act, or whoever hinders or obstructs any inspector in the pursuit of his lawful duty, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding ten dollars.

Disposition of fines.

SECT. 6. All fines collected for the violation of this act shall be paid to the state treasurer.

Takes effect on passage.

SECT. 7. This act shall take effect and be in force upon its passage.

[Approved February 22, 1911.]

## CHAPTER 16.

## AN ACT RELATING TO THE LABELING OF WOOD ALCOHOL.

## SECTION

1. Wood alcohol, etc., to be labeled when sold; penalty for violation.

## SECTION

2. Sale of food or drink containing wood alcohol, penalty.

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

SECTION 1. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers any wood alcohol, otherwise known as methyl alcohol, either crude or refined, or denatured alcohol which contains any methyl alcohol, under or by whatever name or trade mark the same may be called or known shall affix to the bottle or vessel containing the same a label bearing the words, Poison, not for Internal Use, in red letters of uncondensed Gothic type not less than one fourth of an inch in height, and the same words, Poison, not for Internal Use, in stencilled letters of similar Gothic type of a size not less than three fourths nor more than one and one half inches in height for use on barrels and kegs. Whoever violates any provision of this section shall pay a fine of not less than fifty nor more than two hundred dollars for each sale in respect to which the violation occurs.

SECT. 2. Whoever, himself, or by his servant or agent, or as the servant or agent of any other person sells, exchanges or delivers, or has in his possession with intent to sell, exchange or deliver, any article of food or drink, or any drug intended for internal use, containing any wood alcohol, otherwise known as methyl alcohol, either crude or refined, under or by whatever name or trade mark the same may be called or known, shall be punished by a fine of not less than two hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment.

[Approved February 22, 1911.]

CHAPTER 17.

AN ACT TO CONTROL COMMUNICABLE DISEASES IN UNINCORPORATED LOCALITIES.

- |                                     |                             |
|-------------------------------------|-----------------------------|
| SECTION                             | SECTION                     |
| 1. Notice to state board of health. | 3. Penalty for violation.   |
| 2. Powers of board of health.       | 4. Takes effect on passage. |

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

Notice to state board of health.

SECTION 1. Upon the appearance of smallpox, typhoid fever, or any other dangerous, communicable disease in any unincorporated locality in this state, it shall be the duty of any person having knowledge thereof immediately to notify the state board of health of the appearance of such disease, *provided* there is no local board of health having jurisdiction in the locality.

Powers of board of health.

SECT. 2. Upon the receipt of such notice, the state board of health shall ascertain the facts and, if deemed necessary, may establish rules and regulations for the restriction and control of the disease; may appoint a sanitary officer, and may provide for such efficient administration of the regulations as may seem necessary to restrict the disease. The sanitary officer so appointed shall enforce the regulations established by the state board of health and shall have the same authority as is conferred by the Public Statutes upon local health officers. His term of office may be terminated at any time by the state board of health.

Penalty for violation.

SECT. 3. Any person violating the provisions of this act or any regulation established thereunder, shall be fined ten dollars for each offense.

Takes effect on passage.

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

[Approved February 22, 1911.]

CHAPTER 18.

AN ACT RELATING TO DRUGGISTS AND APOTHECARIES.

- |   |   |
|---|---|
| SECTION   | SECTION   |
| 1. Liquor licenses for drug stores, to whom issued. | 2. Repealing clause; act takes effect April 30, 1911. |

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

Liquor licenses for drug stores, to whom issued.

SECTION 1. Sub-division 5, section 6, chapter 95 of the session Laws of 1903, as amended by chapter 49 of the session Laws of 1905, is hereby amended by adding thereto the following words:



A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be entitled to receive a license for such store in his own name, *provided* he be otherwise qualified. A registered pharmacist who is a member of a partnership which has been formed for the purpose of carrying on the drug business, and who conducts in person the business of a store of such partnership, shall be entitled to receive a license for such store in his own name, *provided* he be otherwise qualified; so that said sub-division as amended shall read as follows: Fifth class. For retail druggists and apothecaries to sell liquor of any kind for medicinal, mechanical, chemical and sacramental purposes only, and for dealers in hardware, paints and decorating materials to sell alcohol for mechanical and chemical uses only, the same to be sold in accordance with the provisions of this act. Any druggist, not a registered pharmacist, who shall have been continually in active business as a druggist from January 1, 1903, and who employs a registered pharmacist, shall be entitled to a license in his own name under this sub-division, *provided* he be otherwise qualified. A registered pharmacist who owns stock of the actual value of at least five hundred dollars in a corporation which has been incorporated for the purpose of carrying on the drug business, and who conducts in person the business of a store of such corporation, shall be entitled to receive a license for such store in his own name, *provided* he be otherwise qualified. A registered pharmacist who is a member of a partnership which has been formed for the purpose of carrying on the drug business, and who conducts in person the business of a store of such partnership, shall be entitled to receive a license for such store in his own name, *provided* he be otherwise qualified.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect April 30, 1911.

Repealing  
clause; act  
takes effect  
April 30, 1911.

[Approved February 22, 1911.]

## CHAPTER 19.

## AN ACT FOR A CHARTER FOR A BRIDGE ACROSS THE PISCATAQUA RIVER.

- |                                      |  |                             |
|--------------------------------------|--|-----------------------------|
| SECTION                              |  | SECTION                     |
| 1. City of Portsmouth may construct. |  | 2. Takes effect on passage. |

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

City of  
Portsmouth  
may con-  
struct.

SECTION 1. Authority is hereby granted the city of Portsmouth to construct a bridge across the Piscataqua river at such a place, and of such a design and material, as the secretary of war and congress may hereafter approve.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

## CHAPTER 20.

## AN ACT RELATING TO COVERED BRIDGES UPON THE PUBLIC HIGHWAYS WITHIN THE STATE OF NEW HAMPSHIRE, PROVIDING SAFETY FOR TRAVELLERS THEREON.

- |  |  |   |
|--|--|---|
| SECTION  |  | SECTION   |
| 1. Covered bridges to be lighted by side openings. |  | 2. Towns to change existing bridges.<br>3. Takes effect on passage. |

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

To be lighted  
by side open-  
ings.

SECTION 1. That all covered bridges upon public highways within the State of New Hampshire shall have an opening in the side walls thereof, of sufficient dimensions and in a proper location, to enable travellers upon the bridge to see objects or obstructions upon the highway beyond the bridge within a reasonable distance, and to enable travellers approaching the bridge to see, so far as possible, objects or obstructions upon the bridge.

Towns to  
change ex-  
isting bridges.

SECT. 2. Such openings to be made, under the provisions of this act, in bridges already constructed, shall be at the expense of the towns in which such bridges are located.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

## CHAPTER 21.

## AN ACT TO PROTECT NAVIGATION FROM DANGEROUS OBSTRUCTIONS.

## SECTION

1. Obstruction of navigation forbidden.
2. "Navigable waters," meaning of term.

## SECTION

3. Not applicable to waters under federal control.

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

SECTION 1. Any person who shall wilfully place an obstruction dangerous to navigation in any of the navigable streams or waters of the state without reasonable precaution to protect the public from such obstruction shall be deemed guilty of a misdemeanor and upon conviction shall be fined not exceeding twenty-five dollars or imprisoned not exceeding thirty days or both.

Obstruction of navigation forbidden.

SECT. 2. The term "navigable streams or waters" shall be construed to mean those streams or waters which are used, or are susceptible of being used in their ordinary condition, as highways for commerce, over which trade or travel are or may be conducted in the present customary modes of trade or travel on water, and such term shall not be construed to apply to streams or waters which are used merely as public highways for floating logs.

"Navigable waters," meaning of.

SECT. 3. This act shall not apply to waters which are under the control or jurisdiction of the federal government.

Not applicable to waters under federal control.

[Approved February 22, 1911.]

## CHAPTER 22.

AN ACT IN AMENDMENT OF 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 AND BY CHAPTER 156 OF THE SESSION LAWS OF 1909.

## SECTION

1. Sale of stock of liquor if licensee dead or bankrupt, or if license revoked.

## SECTION

2. Takes effect April 30, 1911.

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

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 and by chapter

Sale of stock if licensee dead or bankrupt, or if license revoked.

156 of the session Laws of 1909, is hereby amended by adding thereto the following section: SECT. 42. If a licensee becomes bankrupt or dies before the expiration of his license, his trustee, executor or administrator may sell the liquor which came into his possession to persons out of the state or to a licensee. All sales made under this provision shall be accompanied by immediate and actual delivery and shall be made within ninety days after the appointment of such trustee, executor or administrator. If a license is revoked, the licensee, after such revocation, may sell the liquor in his possession at the time of such revocation, to persons out of the state or to a licensee. All sales made under this provision shall be accompanied by immediate and actual delivery and shall be made within thirty days after such revocation.

Takes effect  
April 30, 1911.

SECT. 2. This act shall take effect April 30, 1911.

[Approved February 22, 1911.]

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CHAPTER 23.

AN ACT ENTITLED "AN ACT IN RELATION TO THE SERVICE OF WRITS  
IN CERTAIN CASES."

SECTION

1. Defendant arrested on civil process  
to be given copy.

SECTION

2. Repealing clause; act takes effect  
on passage.

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

Defendant ar-  
rested on civil  
process to be  
given copy.

SECTION 1. Whenever in any civil action a service of the writ or process is made by arrest, the officer making such service shall at the time of making such arrest, deliver to the person arrested an attested copy of the writ or process by which the arrest is made.

Repealing  
clause; act  
takes effect  
on passage.

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

[Approved February 22, 1911.]

## CHAPTER 24.

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

## SECTION

1. Annual salary of \$500.

## 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. The salary of the solicitor of the county of Bel- Annual sal-  
knap shall hereafter be five hundred dollars per annum. ary of \$500.

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

[Approved February 22, 1911.]

## CHAPTER 25.

## AN ACT FOR THE PROTECTION OF BREEDERS OF PURE BRED CATTLE.

## SECTION

1. Owner permitting bull to run at  
large, penalty and liability.

## 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. An owner or keeper of a bull more than six Bull per-  
months old, who wilfully or negligently permits such bull to run mitted to run  
at large, out of the enclosure of such owner or keeper, shall be at large, pen-  
fined not more than ten dollars, nor less than five dollars, to the alty and lia-  
use of the town in which the offense was committed, and shall bility.  
also be liable to a party injured for the damage done by such bull  
while running at large.

SECT. 2. All acts or parts of acts inconsistent with this act Repealing  
are hereby repealed; and this act shall take effect upon its passage. clause; act  
takes effect  
on passage.

[Approved February 22, 1911.]

## CHAPTER 26.

AN ACT IN AMENDMENT OF CHAPTER 276 OF THE PUBLIC STATUTES,  
ENTITLED "BURGLARY AND BREAKING BUILDINGS."

## SECTION

1. "Dwelling-house" to include camps  
and cottages for temporary use.

## SECTION

2. Takes effect on passage.

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

"Dwelling-  
house" to in-  
clude camps  
and cottages.

SECTION 1. Chapter 276 of the Public Statutes is hereby amended by adding the following new section to said chapter: SECT. 7. The words "dwelling house" wherever they occur in this chapter shall be construed to include within their meaning cottages or camps used and occupied only a portion of the time by the owner or by other people with the consent of the owner.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

## CHAPTER 27.

AN ACT TO AMEND CHAPTER 81 OF THE LAWS OF 1895, ENTITLED  
"AN ACT IN AMENDMENT OF CHAPTER 56 OF THE LAWS OF 1891,  
ENTITLED 'AN ACT PLACING CERTAIN CORPORATIONS, ASSOCIA-  
TIONS, SOCIETIES, AND ORDERS UNDER THE JURISDICTION OF  
THE INSURANCE COMMISSIONER.'"

## SECTION

1. Company may be required to make  
deposit with state treas-  
urer; if not  
entitled to li-  
cense, cannot  
transact busi-  
ness under  
act.

## SECTION

2. Repealing clause; act takes effect on  
passage.

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

Company may  
be required  
to make de-  
posit with  
state treas-  
urer; if not  
entitled to li-  
cense, cannot  
transact busi-  
ness under  
act.

SECTION 1. Chapter 81 of the session Laws of 1895, as amended in the first section thereof by chapter 38 of the session Laws of 1897, is hereby further amended by renumbering sections 2 and 3 of said chapter 81 so as to make the same sections 4 and 5 thereof respectively, and by inserting between section 1 thereof and said renumbered sections the following new sections 2 and 3: SECT. 2. Of the trust fund or reserve required to be accumulated and maintained by the preceding section, such corporation shall deposit in trust with the treasurer of this state before

being licensed as aforesaid, and shall keep on deposit with such treasurer, securities at least equal in value to the amount which one assessment or mortuary call upon its certificate- or policy-holders would produce; but the corporation shall have at all times, on approval of the insurance commissioner, the right to exchange any part of said securities for others of like amount and character. This section shall not apply to any corporation which produces evidence satisfactory to the insurance commissioner that it is required by the law of its home state or country to keep on deposit, and that it has deposited, securities to a like amount with the treasurer or other public fiscal officer of such state or country.

SECT. 3. No corporation organized and doing business in its home state or country as a fraternal beneficiary corporation or association, but not entitled to a license to transact business as a fraternal beneficiary association in this state under the laws of this state, shall be licensed to transact business in this state as an assessment insurance company under the provisions of this act.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage except as to corporations now duly licensed to transact an assessment insurance business in this state. As to such corporations, it shall take effect at the expiration of their existing licenses.

Repealing  
clause; act  
takes effect  
on passage.

[Approved February 22, 1911.]

## CHAPTER 28.

### AN ACT IN RELATION TO THE ESTABLISHMENT AND MAINTENANCE OF SAFETY FUNDS BY FIRE INSURANCE COMPANIES.

#### SECTION

1. Domestic company may maintain guaranty surplus and special reserve funds.
2. Declaration of intention to be filed with commissioner.
3. Commissioner to examine company and certify result.
4. Subsequent policies, form of.
5. Dividends, how limited; surplus, how divided.
6. Procedure when surplus and reserve funds are equal to capital.
7. Guaranty surplus fund, how invested.

#### SECTION

8. Special reserve fund, how invested.
9. Net surplus, how ascertained.
10. Procedure if claims upon company exceed capital stock and guaranty surplus fund.
11. Guaranty surplus and special reserve funds to be set forth in annual statement.
12. Use of special reserve fund if capital impaired.
13. Certificates of examination to be issued in duplicate.
14. Repealing clause.
15. Takes effect on passage.

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

SECTION 1. Any domestic fire insurance company may create and maintain a guaranty surplus fund and a special reserve fund by complying with the provisions of this act.

Guaranty  
surplus and  
special reserve  
funds may be  
maintained.

Declaration of  
intention to  
be filed.

SECT. 2. Any such company desiring to create such funds shall file with the insurance commissioner of the state a copy of a resolution adopted by its board of directors at a regular meeting thereof, declaring the intention of such company to create such funds and to do business under the provisions of this act.

Commissioner  
to examine  
company and  
certify result.

SECT. 3. The insurance commissioner shall thereupon make or cause to be made an examination of such company, and he shall issue a certificate of the result thereof, which shall particularly set forth the amount of surplus funds held by such company at the date of such examination, the whole or any part of which, under the provisions of this act, may be equally divided between and set apart to constitute such guaranty surplus fund and such special reserve fund.

Subsequent  
policies, form  
of.

SECT. 4. Every policy issued by such company after the filing of such certificate by the insurance commissioner, except such as are then in the hands of agents, shall have printed thereon a statement that such policy is issued under and in pursuance of the laws of the State of New Hampshire relating to guaranty surplus and special reserve funds, and every such policy shall be deemed to have been issued and received subject to the provisions of this act.

Dividends,  
how limited;  
surplus, how  
divided.

SECT. 5. After the date of filing any such resolution with the insurance commissioner such company shall not make or declare or pay in any form any dividend amounting to more than seven per centum per annum on the total capital stock of the company, until after its guaranty surplus fund and its special reserve fund shall have together accumulated to an amount equal to its capital; and any part of its surplus funds above such annual dividend may be equally divided between and set apart to constitute such guaranty surplus fund and such special reserve fund, which funds shall be held and used as hereinafter provided, and not otherwise. Any such company which shall declare or pay any dividend contrary to the provisions of this section shall be liable to be proceeded against by the attorney-general for its dissolution.

If surplus and  
reserve funds  
equal capital.

SECT. 6. Whenever such company shall notify the insurance commissioner that it has fulfilled the foregoing requirements, and that its guaranty surplus fund and its special reserve fund, taken together, equal its capital, the insurance commissioner shall make or cause to be made an examination of such company and shall issue his certificate of the result thereof, and if he shall find that said funds, taken together, are equal to its capital, such company may thereafter continue to add to such funds equally out of any subsequent profits.

Guaranty sur-  
plus, how  
invested.

SECT. 7. Such guaranty surplus fund shall be held and invested by such company in the same manner as its capital and surplus may be held and invested, and shall be liable and applicable in the same manner as the capital to the payment generally of the losses of such company.



SECT. 8. Such special reserve fund shall be invested by such company in the same manner as its capital and surplus may be invested, and the securities shall be deposited from time to time, as the funds shall accumulate and be invested, with the state treasurer, who shall permit such company to change the securities so deposited by substituting for those withdrawn others of equal amount and value, and to collect and receive the interest or dividends upon such securities as the same shall accrue. Such special reserve fund shall be deemed a fund constituted by the stockholders to protect such company and its policyholders other than claimants for losses or otherwise already existing or then accrued, in case of any extraordinary conflagration or conflagrations, and shall not be regarded as any part or portion of the assets of such company so as to be or render the same liable for any claim for loss by fire or otherwise, except as herein provided.

Special reserve, how invested.

SECT. 9. In ascertaining the net surplus of any such company for the purpose of making a division thereof between such surplus guaranty fund and such special reserve fund, until such funds shall together amount to a sum equal to its capital, there shall be deducted from its gross assets, including for this purpose the amount of its special reserve fund, the sum of the following items: 1. The amount of all outstanding claims. 2. The amount for which it shall be liable for unearned premiums upon its unexpired policies, which amount shall at least equal one half of the premiums received on policies having one year or less to run from date of policy and a pro rata proportion of the premiums received on policies having more than one year to run from date of policy. 3. The amount of its guaranty surplus fund and of its special reserve fund. 4. The amount of its capital. 5. Interest at the rate of ten per centum per annum upon its capital for whatever time shall have elapsed since the last preceding cash dividend. The balance shall constitute the net surplus of such company, any portion of which shall be subject to equal division between the two funds herein provided for. The policy registers, insurance maps, books of record and account and other books in use by such company in its business, and its policy and other blanks, office furniture, fixtures and supplies are not to be considered as assets, but shall be held by the company for its use in the protection of its policyholders.

Net surplus, how ascertained.

SECT. 10. Whenever the claims upon such company shall exceed the amount of its capital stock and of the guaranty surplus fund provided for by this act, such company shall notify the insurance commissioner of the fact, who shall then make or cause to be made an examination of such company, and shall issue his certificate of the result thereof, showing the amount of capital, of guaranty surplus fund, of special reserve fund, of reinsurance liability and of all other assets; and upon his issuing such certificate such special reserve fund shall be immediately

When claims upon company exceed capital stock and guaranty surplus.

held to protect all policyholders of said company other than such as are claimants upon it at the date of such certificate, and such special reserve fund, together with other assets, certified by the insurance commissioner as equal in value to the amount of the unearned premiums of such company, to be ascertained as hereinbefore provided, shall constitute the capital and assets of such company for the protection of policyholders other than such claimants and for the further conduct of its business. Upon the payment to claimants who are such at the date of such certificate of the amounts to which they are respectively entitled, in proportion to their several claims, of the full sum of the capital of such company, of its guaranty surplus fund, and of its other assets, excepting only such special reserve fund and an amount equal to its liability for unearned premiums as certified by the insurance commissioner, such company shall be forever discharged from any and all further liability to such claimants and to each of them. Upon the issue of such certificate by the insurance commissioner and upon the demand of such company and the filing with him of a copy of such certificate, the state treasurer shall transfer to it all such securities as shall have been deposited with him by such company as such special reserve fund. If the amount of such special reserve fund be less than fifty per centum of the full amount of the capital of such company, a requisition shall be issued by the insurance commissioner upon the stockholders, to make up such capital to that proportion of its full amount; *provided* that any capital so impaired shall be made up at least to the sum of two hundred thousand dollars, and in case such company, after such requisition, shall fail to make up its capital at least to said sum of two hundred thousand dollars, as therein directed, such special reserve fund shall still be held as security and liable for any and all losses occurring upon policies of such company. *Provided, however,* that if any amount greater than a sum equal to one half of its capital stock shall have been deposited by such company with the state treasurer under the provisions of this act, he shall retain of such securities an amount equal to one half of what amount he shall so hold thereof in excess of a sum equal to one half of such capital stock, and he shall transfer the balance thereof to such company as herein provided, and the amount so transferred to such company shall from the time of such transfer, *provided* the amount thereof shall not be less than two hundred thousand dollars, constitute the capital stock of such company for the further conduct of its business as hereinbefore provided, and the securities so retained shall be regarded as the special reserve fund of such company, to which additions may be made as herein provided, and shall be held in the same manner and for the same purpose and under the same conditions as the original special reserve fund of such company was held.

SECT. 11. Such company shall, in its annual statement to the insurance commissioner, set forth the amount of its special reserve fund and of its guaranty surplus fund. If, in consequence of the payment of losses by fires, or the expenses of the business, or of the interest or dividends payable under the provisions of this act to stockholders, or from any cause, the guaranty surplus fund shall be reduced to an amount below the amount of the special reserve fund, the directors of such company shall have the right, at their option, at the time of making any division of the surplus, as herein provided, to carry a larger sum to the guaranty surplus fund than to the special reserve fund, but this privilege shall cease when the two funds shall have been made equal in amount.

Guaranty surplus and special reserve to be set forth in annual statement.

SECT. 12. If at any time after such a special reserve fund shall have been accumulated by any company the directors of such company shall present satisfactory evidence to the insurance commissioner that the capital of such company has become impaired he shall order the directors to call upon the stockholders to make up such impairment, and the board of directors may thereupon require the necessary payment by the stockholders to make good the whole of such impairment, or they may apply for that purpose the whole or any part of the special reserve fund and require of the stockholders payment of such amount as may be necessary to make up the balance of such impairment not made up out of the special reserve fund. The stock of every stockholder shall be pledged and liable for the amount assessed upon him to make up such impairment, either in whole or in part, and in case any stockholder refuses or fails to pay such assessment, the stock standing in his name may be sold at public auction, after thirty days' notice, in such manner as the directors may provide. If the board of directors elect to make good such impairment or any part thereof out of the special reserve fund, the state treasurer shall transfer to such company, upon request of such board, so much of such special reserve fund as may be necessary for the purpose.

Use of special reserve if capital impaired.

SECT. 13. Whenever the insurance commissioner shall make or cause to be made an examination of any such company under any of the provisions of this act, he shall issue his certificate of the results thereof in duplicate. One of such certificates shall be given to such company and the other shall be filed in the insurance department. Any official certificate of the insurance commissioner herein provided for shall be binding and conclusive upon all parties interested in such company, whether as stockholders, policyholders or creditors.

Certificates of examination to be in duplicate.

SECT. 14. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealing clause.

SECT. 15. This act shall take effect upon its passage.

Takes effect on passage.

[Approved February 22, 1911.]

## CHAPTER 29.

## AN ACT TO ABOLISH THE OFFICE OF AUDITORS OF PRINTERS' ACCOUNTS.

## SECTION

1. Office abolished.

## SECTION

2. Takes effect on passage.

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

Office abolished.

SECTION 1. The office of auditors of printers' accounts is hereby abolished.

Takes effect on passage.

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

[Approved February 28, 1911.]

## CHAPTER 30.

## AN ACT TO PROVIDE FOR THE KEEPING OF MEDICAL AND SURGICAL APPLIANCES IN FACTORIES.

## SECTION

1. Appliances to be provided.  
2. Penalty for violation.

## SECTION

3. Repealing clause; act takes effect June 1, 1911.

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

Appliances to be provided.

SECTION 1. Every person, firm or corporation operating a factory or shop in which power machinery is used for any manufacturing purpose and in which three or more persons are employed, or for any purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of any city or town where such machinery is used, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

Penalty.

SECT. 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

Repealing clause; act takes effect June 1, 1911.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect June 1, 1911.

[Approved February 28, 1911.]

## CHAPTER 31.

AN ACT IN AMENDMENT OF CHAPTER 130, SESSION LAWS OF 1909  
RELATING TO THE BURIAL OF SOLDIERS AND SAILORS.

## SECTION

1. Burial expense paid by state, when.

## SECTION

2. Takes effect on passage.

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

SECTION 1. That section 1, chapter 130 session Laws of 1909 be hereby amended by striking out the words "state treasurer" in the tenth line thereof, and substituting the word governor, and by adding thereto the following: The foregoing shall not apply to the burial of deceased soldiers and sailors unless they either served on the quota of New Hampshire during the War of the Rebellion, or were residents of the state at the time of their death, but its provisions shall be extended to cover the payment of claims, if any, filed with the state treasurer since the passage of the original act in 1909, so that the section as amended shall read as follows: 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 governor 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. The foregoing shall not apply to the burial of deceased soldiers and sailors unless they either served on the quota of New Hampshire during the War of the Rebellion, or were residents of the state at the time of their death, but its provisions shall be extended to cover the payment of claims, if any, filed with the state treasurer since the passage of the original act in 1909.

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

Takes effect  
on passage.

[Approved February 28, 1911.]

CHAPTER 32.

AN ACT TO ALLOW EXECUTORS AND ADMINISTRATORS TO PAY OVER MONEY FOR THE PERPETUAL CARE OF CEMETERY LOTS.

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. Executors and administrators may pay, upon the order of the judge of probate, to cemetery corporations or to cities or towns having burial places therein, a reasonable sum of money for the perpetual care of the lot in which the body of their intestate is buried, and the monuments thereon. The judge of probate shall determine, after notice to all parties in interest, to whom the same shall be paid and the amount thereof, if any, and such sum shall be allowed in the accounts of such executor and administrator.

Takes effect on passage.

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

[Approved February 28, 1911.]

CHAPTER 33.

AN ACT IN AMENDMENT OF SECTION 18 OF CHAPTER 205 OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 67 OF THE SESSION LAWS OF 1909, RELATING TO COURTS AND THEIR OFFICERS.

SECTION  
1. Appointment of receivers, etc.: allowances to masters.

SECTION  
2. Repealing clause; act takes effect on passage.

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

Appointment of receivers, etc.; allowances to masters.

SECTION 1. Section 18 of chapter 205 of the Public Statutes, as amended by chapter 67 of the session Laws of 1909 is hereby amended by striking out the whole of said section 18 and by substituting and inserting in its place the following new section, so that said section when amended shall read as follows: 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 or 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, including stenographer's fees in cases where the employment of a stenographer is authorized by the court, which shall be paid by the county.

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 February 28, 1911.]

## CHAPTER 34.

AN ACT TO AMEND SECTION 2 OF CHAPTER 227 [30] OF THE SESSION LAWS OF 1895 RELATING TO COURT STENOGRAPHERS.

SECTION

1. Fees of stenographers.

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 227 [30] of session Laws of 1895, by striking out in the first line the word "supreme" and insert in the place thereof the word superior, and by adding after the word "trial" in the third line and actual expenses of said reporter when away from home engaged in court work, so that the section as amended shall read as follows: SECT. 2. The superior court shall fix the compensation of said reporter at not less than five dollars nor more than ten dollars per day during the trial; and actual expenses of said reporter when away from home engaged in court work, and shall also fix a reasonable schedule of prices for copies furnished for the use of the court and parties. The parties shall pay for the copies furnished them at their request. The court shall order what, if any, part of the amount so paid by the prevailing parties shall be taxed in the bill of costs. Fees of stenographers.

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

Takes effect on passage.

[Approved February 28, 1911.]

## CHAPTER 35.

## AN ACT AUTHORIZING THE COUNTY OF ROCKINGHAM TO ISSUE BONDS.

## SECTION

1. Issue of bonds authorized.
2. Form of bonds.

## SECTION

3. Designation of bonds; act takes effect on passage.

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

Issue of  
bonds au-  
thorized.

SECTION 1. The commissioners of the county of Rockingham are hereby authorized to issue county bonds, with coupons annexed for the annual or semi-annual interest, for a sum not exceeding seventy thousand dollars, in denominations of one thousand dollars each, bearing interest not exceeding four per cent. per annum, and payable within ten years from the date of issue, for the purpose of refunding such bonds of the county as become due June 1, 1911.

Form of  
bonds.

SECT. 2. Said bonds shall be signed by the county commissioners, or two of them, countersigned by the county treasurer, and registered by the clerk of the superior court for said county. The coupons attached to each of said bonds shall bear a facsimile of the signatures of the county commissioners and the county treasurer engraved or printed thereon and, being so executed, shall be of the same validity as if signed by the hands of said officials.

Designation;  
act takes ef-  
fect on pas-  
sage.

SECT. 3. Said bonds shall be designated as the Rockingham County Funding Bonds of 1911; and this act shall take effect upon its passage.

[Approved March 2, 1911.]

## CHAPTER 36.

## AN ACT RELATING TO THE SALARY OF THE COUNTY SOLICITOR OF THE COUNTY OF COOS.

## SECTION

1. Annual salary of \$800.

## SECTION

2. Repealing clause; act takes effect on passage.

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

Annual salary  
of \$800.

SECTION 1. The salary of the solicitor of the county of Coos shall hereafter be eight hundred dollars per annum.



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 7, 1911.]

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### CHAPTER 37.

AN ACT TO CHANGE THE NAME OF LONG POND IN THE TOWNS OF  
JAFFREY AND RINDGE.

## SECTION

1. Name changed to Contoocook lake.

## 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 the body of water situated in the towns of Jaffrey and Rindge in the county of Cheshire known as Long pond, be and hereby is changed to Contoocook lake. Name changed.

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

[Approved March 7, 1911.]

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### CHAPTER 38.

AN ACT RELATING TO THE COLLECTION OF TAXES OF NON-RESIDENTS.

## SECTION

1. Lien for entire taxes extends to all property.

## SECTION

2. Repealing clause.

3. Takes effect on passage.

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

SECTION 1. In any case where a non-resident owns more than one tract of land, or owns both real and personal estate, in any town or city, the lien for enforcing and collecting the entire taxes assessed upon all of the property of such non-resident in said town or city, shall extend and apply to any one or more of said pieces of property and to such personal property, as in the case of resident property. Lien extends to all property.

SECT. 2. All laws or statutes, so far as they are inconsistent or in conflict herewith, are hereby repealed. Repealing clause.

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

[Approved March 7, 1911.]

## CHAPTER 39.

AN ACT TO ENABLE STREET RAILWAY COMPANIES TO CONTRACT  
WITH MUNICIPALITIES TO SPRINKLE STREETS.

## SECTION

1. Contracts authorized.

## SECTION

2. Takes effect on passage.

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

Contracts  
authorized.

SECTION 1. Any street railway doing business in this state is authorized to contract at reasonable rates with the municipality or municipalities in which it operates to sprinkle the streets of such municipality or municipalities over which said company operates its cars and to furnish and operate all necessary sprinkling cars or similar apparatus, and other facilities, in any case where the municipality shall furnish water or reasonable facilities for supplying the same to said company; and towns and cities are hereby authorized to make contracts at reasonable rates with such railways operated within their limits to provide for such service.

Takes effect  
on passage.

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

[Approved March 7, 1911.]

## CHAPTER 40.

AN ACT IN AMENDMENT OF CHAPTER 55 OF THE PUBLIC STATUTES,  
RELATING TO THE TAXATION OF LAND HELD BY A CITY, TOWN  
OR PRECINCT IN ANOTHER CITY OR TOWN, FOR A WATER SUPPLY.

## SECTION

1. When, where, and how taxed.

## SECTION

2. Repealing clause; act takes effect on passage; pending suits not affected.

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

When, where,  
and how  
taxed.

SECTION 1. Property held by a city, town or precinct in another city or town for the purpose of a water supply, if yielding no rent, shall not be liable to taxation therein, but the city, town or precinct so holding it shall annually pay to the city or town in which such property lies an amount equal to that which such place would receive for taxes upon the average of the assessed value of such land without buildings or other structures for the three years last preceding the acquisition thereof, the valuation for each year being reduced by all abatements thereon; but

any part of such land or buildings from which any revenue in the nature of rent is received shall be subject to taxation.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on its passage, *provided* that this act shall not be construed in any way to affect any existing litigation. Repealing clause; act takes effect on passage; pending suits not affected.

[Approved March 9, 1911.]

CHAPTER 41.

AN ACT TO ESTABLISH A NEW APPORTIONMENT FOR THE ASSESSMENT OF PUBLIC TAXES.

SECTION

1. New apportionment established.

SECTION

2. To continue until another apportionment.

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

SECTION 1. That of every thousand dollars of public taxes hereafter to be raised, the proportion which each town and place shall pay, and for which the treasurer of the state is hereby authorized to issue his warrant, shall be as follows, to wit: New apportionment established.

Rockingham County, \$117.60.

Atkinson, ninety-six cents.....	\$0.96
Auburn, one dollar and sixty-eight cents.....	1.68
Brentwood, one dollar and twenty-four cents.....	1.24
Candia, one dollar and ninety-eight cents.....	1.98
Chester, two dollars and sixteen cents.....	2.16
Danville, seventy-seven cents.....	.77
Deerfield, two dollars and twenty-six cents.....	2.26
Derry, seven dollars and seventy-six cents.....	7.76
East Kingston, seventy-three cents.....	.73
Epping, three dollars and three cents.....	3.03
Exeter, eleven dollars and ninety-nine cents.....	11.99
Fremont, one dollar and six cents.....	1.06
Greenland, one dollar and sixty-two cents.....	1.62
Hampstead, one dollar and thirty-seven cents.....	1.37
Hampton, three dollars and forty-five cents.....	3.45
Hampton Falls, ninety-nine cents.....	.99
Kensington, seventy-nine cents.....	.79
Kingston, one dollar and fifty-eight cents.....	1.58
Londonderry, two dollars and eighty-three cents.....	2.83

Newcastle, one dollar and thirty-eight cents.....	\$1.38
Newfields, eighty-three cents.....	.83
Newington, one dollar and eight cents.....	1.08
Newmarket, four dollars and forty-three cents.....	4.43
Newton, one dollar and fifteen cents.....	1.15
North Hampton, two dollars and eighty-four cents....	2.84
Northwood, two dollars and eighteen cents.....	2.18
Nottingham, one dollar and twenty-one cents.....	1.21
Plaistow, one dollar and twenty-eight cents.....	1.28
Portsmouth, thirty-seven dollars and eighty-eight cents	37.88
Raymond, two dollars and thirty-three cents.....	2.33
Rye, four dollars and four cents.....	4.04
Salem, three dollars and twenty-four cents.....	3.24
Sandown, fifty-seven cents.....	.57
Seabrook, ninety-eight cents.....	.98
South Hampton, fifty-seven cents.....	.57
Stratham, one dollar and fifty-three cents.....	1.53
Windham, one dollar and eighty-three cents.....	1.83

Strafford County, \$96.21.

Barrington, one dollar and seventy-four cents.....	\$1.74
Dover, thirty-eight dollars and thirty-two cents.....	38.32
Durham, two dollars and thirteen cents.....	2.13
Farmington, four dollars and ninety-eight cents.....	4.98
Lee, one dollar and twenty-seven cents.....	1.27
Madbury, one dollar and thirty cents.....	1.30
Middleton, forty-eight cents.....	.48
Milton, three dollars and sixty-five cents.....	3.65
New Durham, eighty-nine cents.....	.89
Rochester, nineteen dollars and seventy-two cents....	19.72
Rollinsford, four dollars and thirty-three cents.....	4.33
Somersworth, fifteen dollars and twenty cents.....	15.20
Strafford, two dollars and twenty cents.....	2.20

Belknap County, \$46.59.

Alton, three dollars and fourteen cents.....	\$3.14
Barnstead, two dollars and thirty-two cents.....	2.32
Belmont, two dollars and twenty-nine cents.....	2.29
Center Harbor, one dollar and thirty-five cents.....	1.35
Gilford, one dollar and ninety-five cents.....	1.95
Gilmanton, one dollar and ninety-six cents.....	1.96
Laconia, twenty dollars and sixty-three cents.....	20.63
Meredith, four dollars and twenty-two cents.....	4.22
New Hampton, one dollar and forty-one cents.....	1.41
Sanbornton, one dollar and ninety-seven cents.....	1.97
Tilton, five dollars and thirty-five cents.....	5.35

## Carroll County, \$31.27.

Albany, sixty-three cents.....	\$0.63
Bartlett, one dollar and sixty cents.....	1.60
Brookfield, fifty-six cents.....	.56
Chatham, forty-two cents.....	.42
Conway, five dollars and forty-eight cents.....	5.48
Eaton, fifty cents.....	.50
Effingham, one dollar.....	1.00
Freedom, seventy-nine cents.....	.79
Hart's Location, eighteen cents.....	.18
Jackson, one dollar and nineteen cents.....	1.19
Madison, eighty-three cents.....	.83
Moultonborough, one dollar and ninety-nine cents.....	1.99
Ossipee, two dollars and fifty-five cents.....	2.55
Sandwich, two dollars and six cents.....	2.06
Tamworth, one dollar and eighty-nine cents.....	1.89
Tuftonborough, one dollar and fourteen cents.....	1.14
Wakefield, three dollars and fifty-eight cents.....	3.58
Wolfeboro, four dollars and seventy-four cents.....	4.74
Hale's Location, fourteen cents.....	.14

## Merrimack County, \$142.13.

Allenstown, two dollars and fifty-one cents.....	\$2.51
Andover, two dollars and thirty-seven cents.....	2.37
Boscawen, two dollars and sixty-one cents.....	2.61
Bow, two dollars and sixty-one cents.....	2.61
Bradford, two dollars and twenty-eight cents.....	2.28
Canterbury, two dollars and eighteen cents.....	2.18
Chichester, one dollar and eighty-nine cents.....	1.89
Concord, sixty-four dollars and sixty-seven cents.....	64.67
Danbury, one dollar and thirty-two cents.....	1.32
Dunbarton, one dollar and sixty cents.....	1.60
Epsom, one dollar and ninety-seven cents.....	1.97
Franklin, twelve dollars and ninety-two cents.....	12.92
Henniker, three dollars and seventy-eight cents.....	3.78
Hill, one dollar and ten cents.....	1.10
Hooksett, three dollars and fifty-nine cents.....	3.59
Hopkinton, four dollars and sixty-six cents.....	4.66
Loudon, two dollars and fifty-eight cents.....	2.58
Newbury, one dollar and ninety-nine cents.....	1.99
New London, two dollars and sixty-eight cents.....	2.68
Northfield, two dollars and eighty-six cents.....	2.86
Pembroke, five dollars and twenty-two cents.....	5.22
Pittsfield, five dollars and forty-three cents.....	5.43
Salisbury, one dollar and thirty-one cents.....	1.31
Sutton, one dollar and sixty-eight cents.....	1.68

Warner, three dollars and sixty-two cents.....	\$3.62
Webster, one dollar and sixty-five cents.....	1.65
Wilmot, one dollar and five cents.....	1.05

Hillsborough County, \$293.14.

Amherst, two dollars and sixty-one cents.....	\$2.61
Antrim, two dollars and ninety cents.....	2.90
Bedford, two dollars and ninety-seven cents.....	2.97
Bennington, one dollar and eleven cents.....	1.11
Brookline, one dollar and twenty-five cents.....	1.25
Deering, ninety-two cents.....	.92
Francestown, one dollar and fifty-eight cents.....	1.58
Goffstown, six dollars and seventy-nine cents.....	6.79
Greenfield, one dollar and nineteen cents.....	1.19
Greenville, two dollars and thirty-five cents.....	2.35
Hancock, one dollar and seventy-nine cents.....	1.79
Hillsborough, five dollars and forty-six cents.....	5.46
Hollis, one dollar and eighty-five cents.....	1.85
Hudson, three dollars and four cents.....	3.04
Litchfield, one dollar and fourteen cents.....	1.14
Lyndeborough, one dollar and nine cents.....	1.09
Manchester, one hundred and sixty-two dollars and forty cents .....	162.40
Mason, seventy-six cents.....	.76
Merrimack, three dollars and three cents.....	3.03
Milford, seven dollars and ninety-five cents.....	7.95
Mont Vernon, one dollar and thirteen cents.....	1.13
Nashua, fifty-six dollars and ninety-five cents.....	56.95
New Boston, three dollars and thirty-five cents.....	3.35
New Ipswich, two dollars and seventeen cents.....	2.17
Pelham, one dollar and forty-eight cents.....	1.48
Peterborough, seven dollars and fifty-eight cents.....	7.58
Sharon, thirty-one cents.....	.31
Temple, sixty-seven cents.....	.67
Weare, three dollars and forty-seven cents.....	3.47
Wilton, three dollars and seventy-three cents.....	3.73
Windsor, twelve cents.....	.12

Cheshire County, \$74.55.

Alstead, one dollar and eighty-five cents.....	\$1.85
Chesterfield, two dollars and thirty-two cents.....	2.32
Dublin, three dollars and twenty-three cents.....	3.23
Fitzwilliam, one dollar and ninety-five cents.....	1.95
Gilsum, seventy-nine cents.....	.79
Harrisville, one dollar and forty-four cents.....	1.44
Hinsdale, four dollars and twenty-two cents.....	4.22

Jaffrey, four dollars and thirty-six cents.....	\$4.36
Keene, twenty-six dollars and eighty-seven cents.....	26.87
Marlborough, two dollars and thirty-eight cents.....	2.38
Marlow, ninety-four cents.....	.94
Nelson, seventy-five cents.....	.75
Richmond, one dollar and four cents.....	1.04
Rindge, two dollars and thirty-five cents.....	2.35
Roxbury, thirty-five cents.....	.35
Stoddard, eighty-nine cents.....	.89
Sullivan, sixty-eight cents.....	.68
Surry, sixty-six cents.....	.66
Swanzey, two dollars and ninety-nine cents.....	2.99
Troy, two dollars and nineteen cents.....	2.19
Walpole, six dollars and seventy-three cents.....	6.73
Westmoreland, one dollar and sixty-four cents.....	1.64
Winchester, three dollars and ninety-three cents.....	3.93

Sullivan County, \$40.72.

Acworth, ninety-one cents.....	\$0.91
Charlestown, two dollars and ninety-nine cents.....	2.99
Claremont, fifteen dollars and eighty-two cents.....	15.82
Cornish, one dollar and ninety-five cents.....	1.95
Croydon, seventy-six cents.....	.76
Goshen, fifty-four cents.....	.54
Grantham, sixty-four cents.....	.64
Langdon, sixty-four cents.....	.64
Lempster, sixty-three cents.....	.63
Newport, seven dollars and eighty-five cents.....	7.85
Plainfield, two dollars and three cents.....	2.03
Springfield, eighty-seven cents.....	.87
Sunapee, three dollars and thirty-nine cents.....	3.39
Unity, seventy-nine cents.....	.79
Washington, ninety-one cents.....	.91

Grafton County, \$92.44.

Alexandria, ninety-five cents.....	\$0.95
Ashland, three dollars and three cents.....	3.03
Bath, one dollar and eighty-two cents.....	1.82
Benton, fifty-one cents.....	.51
Bethlehem, three dollars and fifty-nine cents.....	3.59
Bridgewater, fifty-nine cents.....	.59
Bristol, three dollars and ninety-seven cents.....	3.97
Campton, one dollar and eighty-eight cents.....	1.88
Canaan, two dollars and fifty-one cents.....	2.51
Dorchester, forty-three cents.....	.43
Easton, fifty-six cents.....	.56

Ellsworth, nine cents.....	\$0.09
Enfield, two dollars and seventy-one cents.....	2.71
Franconia, one dollar and eighty-one cents.....	1.81
Grafton, one dollar and forty-five cents.....	1.45
Groton, thirty-eight cents.....	.38
Hanover, five dollars and seventy-nine cents.....	5.79
Haverhill, six dollars and six cents.....	6.06
Hebron, forty-four cents.....	.44
Holderness, one dollar and eighty-eight cents.....	1.88
Landaff, one dollar and twenty-six cents.....	1.26
Lebanon, ten dollars and ninety cents.....	10.90
Lincoln, five dollars and fourteen cents.....	5.14
Lisbon, five dollars and fifty-two cents.....	5.52
Littleton, eight dollars and forty-two cents.....	8.42
Livermore, fifty-nine cents.....	.59
Lyman, sixty-nine cents.....	.69
Lyme, two dollars and eleven cents.....	2.11
Monroe, eighty-seven cents.....	.87
Orange, thirty cents.....	.30
Orford, one dollar and forty-seven cents.....	1.47
Piermont, one dollar and thirty-two cents.....	1.32
Plymouth, five dollars and forty-nine cents.....	5.49
Rumney, one dollar and eighty-four cents.....	1.84
Thornton, eighty-three cents.....	.83
Warren, one dollar and thirty-nine cents.....	1.39
Waterville, eighty cents.....	.80
Wentworth, one dollar and eleven cents.....	1.11
Woodstock, one dollar and ninety-four cents.....	1.94

## Coos County, \$57.97.

Berlin, eighteen dollars and twenty-one cents.....	\$18.21
Carroll, two dollars and seventeen cents.....	2.17
Clarksville, seventy-nine cents.....	.79
Colebrook, three dollars and sixty-one cents.....	3.61
Columbia, one dollar.....	1.00
Dalton, fifty cents.....	.50
Dummer, sixty-eight cents.....	.68
Erroll, one dollar and forty-two cents.....	1.42
Gorham, three dollars and seventy cents.....	3.70
Jefferson, one dollar and fifty-seven cents.....	1.57
Lancaster, seven dollars and fourteen cents.....	7.14
Milan, one dollar and thirty-two cents.....	1.32
Northumberland, three dollars and twenty-one cents..	3.21
Pittsburg, three dollars and fourteen cents.....	3.14
Randolph, forty-eight cents.....	.48
Shelburne, one dollar and fourteen cents.....	1.14
Stark, one dollar and seven cents.....	1.07



Stewartstown, one dollar and forty-five cents.....	\$1.45
Stratford, one dollar and ninety-one cents.....	1.91
Wentworth's Location, twenty-eight cents.....	.28
Whitefield, three dollars and eighteen cents.....	3.18

Unincorporated Places in Coos County, \$7.38.

Bean's Grant, four cents.....	\$0.04
Bean's Purchase, forty-two cents.....	.42
Cambridge, one dollar and twenty-eight cents.....	1.28
Chandler's Purchase, three cents.....	.03
Crawford's Purchase, eight cents.....	.08
Cutt's Grant, three cents.....	.03
Dixville, one dollar and six cents.....	1.06
Dix's Grant, twenty-three cents.....	.23
Irving's Grant, thirteen cents.....	.13
Green's Grant, six cents.....	.06
Gilmanton and Atkinson Academy Grant, fifty-nine cents.....	.59
Hadley's Purchase, six cents.....	.06
Kilkenny, six cents.....	.06
Low and Burbank's Grant, forty-two cents.....	.42
Martin's Location, three cents.....	.03
Millsfield, ninety-nine cents.....	.99
Odell, twenty-eight cents.....	.28
Pinkham's Grant, one cent.....	.01
Sargent's Purchase, seventy-one cents.....	.71
Second College Grant, forty-two cents.....	.42
Success, seventeen cents.....	.17
Thompson and Meserve's Purchase, twenty-eight cents.....	.28

SECT. 2. The same shall be the proportion of assessment of all public taxes until a new apportionment shall be made and established, and the treasurer for the time being shall issue his warrant accordingly.

To continue  
until another  
apportion-  
ment.

[Approved March 9, 1911.]

## CHAPTER 42.

AN ACT IN AMENDMENT OF CHAPTER 40 OF THE LAWS OF 1905,  
AS AMENDED BY CHAPTER 68 OF THE LAWS OF 1907, RELATING  
TO A TAX ON COLLATERAL LEGACIES AND SUCCESSIONS.

## SECTION

1. New sections substituted.

## SECTION

2. Limitation of act; repealing clause.  
3. Takes effect on passage.

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

SECTION 1. Chapter 40 of the Laws of 1905, as amended by chapter 68 of the Laws of 1907, is hereby amended by striking out sections 1 to 21 inclusive, and inserting new sections in place thereof, which shall read as follows:

What lega-  
cies and in-  
heritances  
taxable.

SECTION 1. All property within the jurisdiction of the state, real or personal, and any interest therein, whether belonging to inhabitants of the state or not, which shall pass by will, or by the laws regulating intestate succession, or by deed, grant, bargain, sale or gift, made or intended to take effect in possession or enjoyment after the death of the grantor or donor, to any person, absolutely or in trust, except to or for the use of the father, mother, husband, wife, brother, sister, lineal descendant, adopted child, the lineal descendant of any adopted child, the wife or widow of a son, or the husband of a daughter, of a decedent, or to or for the use of educational, religious, cemetery, or other institutions, societies or associations of public charity in this state, or for or upon trust for any charitable purpose in the state, or for the care of cemetery lots, or to a city or town in this state for public purposes, shall be subject to a tax of five per cent of its value, for the use of the state; and administrators, executors, and trustees, and any such grantees under a conveyance made during the grantor's life, shall be liable for such taxes, with interest, until the same have been paid. An institution or society shall be deemed to be in this state, within the meaning of this act, when its sole object and purpose is to carry on charitable, religious or educational work within the state, but not otherwise. When the personal estate so passing from any person not an inhabitant of this state shall consist in whole or in part of shares in any railroad or street railway company or telegraph or telephone company incorporated under the laws of this state and also of some other state or country, so much only of each share as is proportional to the part of such company's right of way lying within this state shall be considered as property of such person within the jurisdiction of the state for the purposes of this act.

SECT. 2. When any interest in property less than an estate in fee shall pass by will, or otherwise, as set forth in section 1, to one or more beneficiaries, with remainder to others, the several interests of such beneficiaries, except such as may be entitled to exemption under the provisions of section 1, shall be subject to said tax. The value of an annuity or life estate shall be determined by the actuaries' combined experience tables at four per cent compound interest, and the value of any intermediate estate less than a fee shall be so determined whenever possible. The value of a remainder after such estate shall be determined by subtracting the value of the intermediate estate from the total value of the bequest or devise. Whenever such intermediate estate or remainder is conditioned upon the happening of a contingency, or dependent upon the exercise of a discretion, so that the value of either cannot be determined by the tables as hereinbefore provided, the value of the property which is the subject of the bequest shall be determined as provided in section 13, and such value having thus been ascertained the state treasurer shall, upon such evidence as may be furnished by the will and the executor's statement or by the beneficiaries or otherwise, determine the value of the interests of the several beneficiaries, and the values thus determined shall be deemed to be the values of such several interests for the purpose of the assessment of the tax except in so far as they shall be changed by the court upon appeal. The executor or any beneficiary aggrieved by such determination of the value of any such interest by the state treasurer may at any time within three months after notice thereof appeal therefrom to the probate court having jurisdiction of the estate of the decedent, which court shall determine such value subject to appeal as in other cases. Whenever the identity of the beneficiary who is to take such a remainder is conditioned upon the happening of a contingency, or dependent upon the exercise of a discretion the state treasurer shall assess and collect the tax upon such remainder as upon a taxable legacy, and the executor shall be liable for such tax as in other cases. *Provided however* that if at the termination of the intermediate estate such remainder or any portion thereof shall pass to a person or corporation which at the time of the death of the decedent was exempt from such tax, such person or corporation may at any time within one year after the termination of the intermediate estate, but not afterwards, apply to the probate court for an abatement of the tax on such remainder as provided in section 12, and the state treasurer shall repay the amount adjudged to have been illegally exacted as provided in said section 12 with interest thereon at three per cent. per annum from the date of the payment of the tax. *Provided however* that the power of the state treasurer, with the approval of the attorney-general, to adjust the tax by compromise in certain cases, as set forth in chapter 69 of the Laws of 1907, shall remain in force.

Value of annuities, life estates, etc., how determined; right of appeal.

Gift to executor in lieu of compensation.

SECT. 3. If a testator gives, bequeaths or devises to his executors or trustees any property otherwise liable to said tax, in lieu of their compensation, the value thereof in excess of reasonable compensation, as determined by the probate court upon the application of any interested party or the state treasurer, shall nevertheless be subject to the provisions of this chapter.

Tax, when payable.

SECT. 4. All taxes imposed by the provisions of this chapter, including taxes on intermediate estates and remainders as set forth in section 2, shall be due and payable to the state treasurer by the executors, administrators or trustees, at the expiration of two years after the date of their giving bonds. If the probate court has ordered the executor or administrator to retain funds to satisfy a claim of a creditor, the payment of the tax may be suspended by the court to await the disposition of such claim. If the taxes are not paid when due, interest at the rate of ten per cent. per annum shall be charged and collected from the time the same became payable; and said taxes and interest shall be and remain a lien on the property subject to the taxes until the same are paid.

Tax to be deducted from legacy, or paid by legatee of specific property.

SECT. 5. An executor, administrator or trustee holding property subject to said tax shall deduct the tax therefrom or collect it from the legatee or person entitled to said property, and he shall not deliver property or a specific legacy subject to said tax until he has collected the tax thereon. When a specific bequest of personal property other than money is subject to a tax under the provisions of this act and the legatee neglects or refuses to pay the tax upon demand, the executor or trustee may upon such notice as the probate court may direct be authorized to sell such property, or if the same can be divided, such portion thereof as may be necessary and shall deduct the tax from the proceeds of such sale, and shall account to the legatee for the balance if any of such proceeds in lieu of the property. An executor or administrator shall collect taxes due upon land which is subject to tax under the provisions hereof from the heirs or devisees entitled thereto, and he may be authorized to sell said land according to the provisions of section 8 if they refuse or neglect to pay said tax.

Legacy charged on realty, tax how paid.

SECT. 6. If a legacy subject to said tax is charged upon or payable out of real estate, the heir or devisee, before paying it, shall deduct said tax therefrom and pay it to the executor, administrator or trustee, and the tax shall remain a charge upon said real estate until it is paid. Payment thereof may be enforced by the executor, administrator or trustee in the same manner as the payment of the legacy itself could be enforced.

If interest of one devisee taxable.

SECT. 7. When any interest in property less than an estate in fee is devised or bequeathed to one or more beneficiaries with remainder to others, and the interest of one or more of the beneficiaries is subject to said tax, the executor shall deduct the tax

upon such taxable interests from the whole property thus devised or bequeathed and whenever property other than money is so devised or bequeathed he may, unless the taxes upon all the taxable interests are paid when due by the beneficiaries, be authorized to sell such property or such portion thereof as may be necessary, as provided in sections 5 and 8 and having deducted the unpaid taxes on such taxable interests from the proceeds of such sale, he shall account for the balance in lieu of the property sold as in other cases.

SECT. 8. The probate court may authorize executors, administrators and trustees to sell the real estate of a decedent for the payment of said tax in the same manner as it may authorize them to sell real estate for the payment of debts.

Sale of realty  
for legacy  
taxes.

SECT. 9. Every administrator shall prepare a statement in duplicate, showing as far as can be ascertained the names of all the heirs-at-law and their relationship to the decedent, and every executor shall prepare a like statement showing the relationship to the decedent of all legatees named in the will, and the age at the time of the death of the decedent of all legatees to whom property is bequeathed or devised for life or for a term of years, and the names of those, if any, who have died before the decedent, and shall file same with the register of probate at the time of his appointment. Letters of administration shall not be issued by the probate court to any executor or administrator until he has filed such statement in duplicate, and has given bond with sufficient sureties to pay all taxes for which he may be or become liable under the provisions of this act, and to comply with all of its provisions. Every executor and administrator when he files his account in the probate court shall file a duplicate thereof with the state treasurer. An inventory and appraisal under oath of the whole of every estate, any part of which may be subject to a tax under the provisions of this act, in the form prescribed by the statute, shall be filed in probate court by the executor, administrator or trustee within three months after his appointment. If he neglects or refuses to comply with any of the requirements of this section he shall be liable to a penalty of not more than one thousand dollars, which shall be recovered by the state treasurer for the use of the state, and after hearing and such notice as the court of probate may require, the said court of probate may remove said executor or administrator, and appoint another person administrator with the will annexed, or administrator, as the case may be; and the register of probate shall notify the state treasurer within thirty days after the expiration of said three months of the failure of any executor, administrator or trustee to file such inventory and appraisal in his office.

Duplicate  
lists of heirs  
and legatees  
to be filed;  
penalty for  
neglect or  
refusal.

SECT. 10. The register of probate shall within thirty days after it is filed, send to the state treasurer, by mail, one copy of every statement filed with him by executors and administrators as

Copies of  
wills, etc., to  
state treasurer.

provided in section 9, a copy of every will containing legacies which are subject to a tax under the provisions of this chapter, and a copy of the inventory and appraisal of every estate, any part of which may be subject to such a tax, unless notified by the state treasurer that such copies will not be required. The fees for such copies shall be paid by the state treasurer. The register shall also furnish such copies of papers and such information as to the records and files in his office, in such form, as the state treasurer may require. A refusal or neglect by the register so to send such copies, or to furnish such information, shall be a breach of his official bond. The fees of registers of probate for copies furnished under the provisions of this section shall be one dollar for each will or inventory not exceeding four full type-written pages, eight by ten and one half inches, and twenty-five cents for each page in excess of four.

If realty sub-  
ject to tax.

SECT. 11. If real estate of a decedent so passes to another person as to become subject to said tax, his executor, administrator or trustee shall inform the state treasurer thereof within six months after his appointment, or if the fact is not known to him within that time, then within one month after the fact becomes known to him.

State treas-  
urer to deter-  
mine amount  
of tax due;  
abatement of  
tax on wear-  
ing apparel,  
etc.

SECT. 12. The state treasurer shall determine the amount of all taxes due and payable under the provisions of this act, and shall certify the amount so due and payable to the executor or administrator if any, otherwise to the person or persons by whom the tax is payable; but in the determination of the amount of any tax said state treasurer shall not be required to consider any payments on account of debts or expenses of administration which have not been allowed by the probate court having jurisdiction of said estate. The amount due upon the claim of any creditor against the estate of a deceased person arising under a contract made after the passage of this act, if payable by the terms of such contract at or after the death of the deceased shall be subject to the same tax imposed by this chapter upon a legacy of like amount. The value of legacies or distributive shares in the estates of deceased persons for the purpose of the legacy or succession tax shall not be diminished by reason of any claim against the estate based upon such a contract in favor of the persons entitled to such legacies or distributive shares, except in so far as it may be shown affirmatively by competent evidence that such claim was legally due and payable in the lifetime of the decedent. Payment of the amount so certified shall be a discharge of the tax. An executor, administrator, trustee or grantee who is aggrieved by any such determination of the state treasurer and who pays the tax assessed without appeal, may, within one year after the payment of such tax to the treasurer, but not afterwards, apply to the probate court having jurisdiction of the estate of the decedent for the abatement of said tax or any part thereof,

and if the court adjudges that said tax or any part thereof was wrongfully exacted it shall order an abatement of such portion of said tax as was assessed without authority of law which said order or decree shall be subject to appeal as in other cases. Upon a final decision ordering an abatement of any portion of said tax, the state treasurer shall repay the amount adjudged to have been illegally exacted without any further act or resolve making appropriation therefor. Whenever a specific bequest of household furniture, wearing apparel, personal ornaments or similar articles of small value is subject to a tax under the provisions of this act, the state treasurer in his discretion may abate such tax if in his opinion the tax is not of sufficient amount to justify the labor and expense of its collection.

SECT. 13. If an executor or administrator shall fail to file an inventory and appraisal in the probate court as provided in section 9 of this act, or if the state treasurer is not satisfied with the inventory and appraisal which is filed, the state treasurer may employ a suitable person to appraise the property and the executor or administrator shall show the property of the decedent to such appraiser upon demand, and shall make and subscribe his oath that the property thus shown includes all the property of the decedent that has come to his knowledge or possession. Such appraiser shall prepare an inventory of said property, and shall appraise it at its actual market value at the time of the decedent's death and shall return such inventory and appraisal to the state treasurer. The expense of such appraisal shall be a charge upon the estate of the decedent as an expense of administration in all cases where an inventory and appraisal has not been filed as provided in said section 9, otherwise the expense shall be paid by the state treasurer. An executor or administrator who shall neglect or refuse to show the property of the decedent to such appraiser upon demand or to make and subscribe such oath shall be liable to the same penalty as for a violation of the provisions of said section 9. Said tax shall be assessed upon the actual market value of the property at the time of the decedent's death. Such value shall be determined by the state treasurer and notified by him to the person or persons by whom the tax is payable, and such determination shall be final unless the value so determined shall be reduced by proceedings as herein provided. Upon the application of any party interested in the succession, or of the executor, administrator, or trustee, made at any time within three months after notice of such determination, the probate court shall appoint three disinterested appraisers, or with the consent of the state treasurer, one disinterested appraiser, who first being sworn, shall appraise such property at its actual market value, as of the date of the death of the decedent and shall make return thereof to said court. Such return when accepted by said court, shall be final; *provided*, that any party aggrieved

Appraisal if executor or administrator fails to file inventory, etc.; penalty for neglect or refusal.

by such appraisal shall have an appeal upon matters of law. One half of the fees of said appraisers, as determined by the judge of said court, shall be paid by the state treasurer, and one half of said fees shall be paid by the other party or parties to said proceeding.

Appeal from assessment.

SECT. 14. An executor, administrator, trustee or grantee who is aggrieved by the assessment of any tax by the state treasurer as provided in section 12 may at any time within three months after notice of such assessment appeal therefrom to the probate court having jurisdiction of the settlement of the estate of the decedent, which court shall, subject to appeal as in other cases, hear and determine all questions relative to said tax, and the state treasurer shall represent the state in any such proceeding. Whenever any real estate or separate parcel thereof is subject to a lien created by this act, or any amendment thereof, the probate court shall have jurisdiction in like proceedings to make such order or decree as will otherwise secure to the state the payment of any tax due or to become due on such real estate or separate parcel thereof, and upon the performance of such order or decree to discharge such lien.

Administration on petition of state treasurer.

SECT. 15. If, upon the decease of a person leaving an estate liable to a tax under the provisions of this chapter, a will disposing of such estate is not offered for probate, or an application for administration made within four months after such decease, the proper probate court, upon application by the state treasurer, shall appoint an administrator.

Administration account not allowed until tax paid.

SECT. 16. No account of an executor, administrator, or trustee shall be allowed by the probate court until the certificate of the state treasurer has been filed in said court, that all taxes imposed by the provisions of this act upon any property or interest therein belonging to the estate to be included in said account, and already payable, have been paid, and that all taxes which may become due on said estate have been paid, or settled as hereinbefore provided, or that the payment thereof to the state is secured by deposit or by lien on real estate. The certificate of the state treasurer as to the amount of the tax and his receipt for the amount therein certified shall be conclusive as to the payment of the tax, to the extent of said certification.

Procedure if tax not paid after two years; action for recovery of tax.

SECT. 17. At any time after the expiration of two years from the date of the bond of the executor or administrator of any estate upon which the tax has not been determined as provided in section 12, or upon which no tax has been paid, the state treasurer may require such executor or administrator, or any person or corporation interested in the succession to appear at the state treasury, at such time as the treasurer may designate and then and there to produce for the use of the treasurer in determining whether or not the estate is subject to said tax and the amount of such tax, if any, all books, papers or securities which may be in the pos-



session or within the control of such executor, administrator or beneficiary relating to such estate or tax, and to furnish such other information relating to the same as he may be able and the treasurer may require. Whenever the treasurer shall desire the attendance of an executor, administrator or beneficiary as herein provided, he shall issue a notice stating the time when such attendance is required, and shall transmit the same by registered mail to such person or corporation, 14 days at least before the date when such person or corporation is required to appear. If a person or corporation receiving such notice neglects to attend, or to give attendance so long as may be necessary for the purpose for which the notice was issued, or refuses to produce such books, papers or securities or to furnish such information, such person or corporation shall be liable to a penalty of twenty-five dollars (\$25) for each offense which shall be recovered by the state treasurer for the use of the state. The state treasurer may commence an action for the recovery of any of said taxes at any time after the same become payable; and also whenever the judge of a probate court certifies to him that the final account of an executor, administrator or trustee has been filed in such court and that the settlement of the estate is delayed because of the non-payment of said tax. The probate court shall so certify upon the application of any heir, legatee or other person interested therein, and may extend the time of payment of said tax whenever the circumstances of the case require.

SECT. 18. If a foreign executor, administrator or trustee assigns or transfers any stock or obligation in any national bank located in this state or in any corporation organized under the laws of this state, owned by a deceased non-resident at the date of his death and liable to a tax under the provisions of this chapter, the tax shall be paid to the state treasurer at the time of such assignment or transfer, and if it is not paid when due, such executor, administrator or trustee shall be personally liable therefor until it is paid. A bank located in this state or a corporation organized under the laws of this state which shall record a transfer of any share of its stock or of its obligations made by a foreign executor, administrator or trustee, or issue a new certificate for a share of its stock or of this transfer of an obligation at the instance of a foreign executor, administrator or trustee, before all taxes imposed thereon by the provisions of this chapter have been paid, shall be liable for such tax in an action brought by the state treasurer.

SECT. 19. Securities or assets belonging to the estate of a deceased non-resident shall not be delivered or transferred to a foreign executor, administrator, or legal representative of said decedent, unless such executor, administrator or legal representative has been licensed to receive such securities or assets by the probate court without serving notice upon the state treasurer of

If stock of domestic corporation transferred by foreign executor.

Delivery of assets to foreign executor.

the time and place of such intended delivery or transfer seven days at least before the time of such delivery or transfer. The state treasurer, either personally or by representative, may examine such securities or assets at the time of such delivery or transfer. When such securities or assets are liable to a tax under the provisions of this chapter, such tax shall be paid before such delivery or transfer. Failure to serve such notice or to allow such examination, or delivery or transfer of such securities or assets before the payment of such tax to the state treasurer shall render the person or corporation making the delivery or transfer liable in an action brought by the state treasurer to the payment of the tax due upon said securities or assets.

State treasurer party to petition by foreign administrator.

SECT. 20. The state treasurer shall be made a party to all petitions by foreign executors, administrators, or trustees brought under the provisions of this act, or under section 23 of chapter 189 of the Public Statutes, and no decree shall be made upon any such petition unless it appears that notice of such petition has been served on the state treasurer fourteen days at least before the return day of such petition. The state treasurer shall be entitled to appear in any proceeding in any court in which the decree may in any way affect the tax and no decree in any such proceeding or upon appeal therefrom shall be binding upon the state unless personal notice of such proceeding shall have been given to the state treasurer.

Blanks and books.

SECT. 21. The state treasurer shall provide the judges and registers of probate of the state with such books and blanks as are requisite for the execution of this act.

Limitation of act; repealing clause.

SECT. 2. This act shall not apply to estates of persons deceased prior to the date when it takes effect, or to property passing by deed, grant, bargain, sale or gift taking effect prior to said date; but said estates and property shall remain subject to the provisions of the laws in force prior to the passage of this act. Chapter 64 of the Laws of 1907 is hereby repealed, except in so far as it applies to estates of persons deceased prior to the passage of this act.

Takes effect on passage.

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

[Approved March 9, 1911.]

## CHAPTER 43.

AN ACT AMENDING SECTION 1, CHAPTER 164 OF THE SESSION LAWS OF 1909, ENTITLED "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. Form of fire-escape prescribed for certain buildings.

## 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 164 of the session Laws of 1909 by striking out after the word "iron" in the eighth line the words "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" and insert in place thereof the words: balcony and stairway fire-escape built and attached to the outer wall in such manner and place as to render egress from said building easy and safe; and by striking out all of said section after the word "such" in the eighteenth line and inserting in place thereof the following: building as is at the time of the passage of this amendment sufficiently equipped with a steel or wrought-iron balcony and ladder fire-escape until such time as said fire-escape becomes insecure or is removed; nor shall the provisions of this section apply to any such factory building as shall be adequately equipped with an approved sprinkler system and stairways inclosed with walls of fireproof material or other means of exit duly approved in writing by said officers so that said section as amended shall read: 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, theater, hall for public assembly or factory shall be let, leased or occupied for such purposes unless provided with a steel or wrought-iron balcony and stairway fire-escape built and attached to the outer wall in such manner and place as to render egress from said building 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 or board of selectmen. The provisions of this section shall not apply to any such building as is at the time of the passage of this amendment sufficiently equipped with

Form of fire-escape prescribed for certain buildings.

a steel or wrought-iron balcony and ladder fire-escape until such time as said fire-escape becomes insecure or is removed; nor shall the provisions of this section apply to any such factory building as shall be adequately equipped with an approved sprinkler system and stairways inclosed with walls of fireproof material, or other means of exit duly approved in writing by said officers.

Takes effect  
on passage.

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

[Approved March 9, 1911.]

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## CHAPTER 44.

### AN ACT TO PROVIDE ADDITIONAL SECURITY IN ACTIONS PENDING IN THE SUPERIOR COURT.

#### SECTION

1. Court may permit additional attachments.

#### 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  
permit addi-  
tional at-  
tachments.

SECTION 1. Any justice of the superior court, in term time or in vacation, after such notice to the defendant as the court may order, upon being satisfied that new or additional security for the enforcement of any judgment or decree that may be made in behalf of the plaintiff, is reasonably necessary, may, upon such terms as justice may require, make an order permitting new or additional attachments, or trustee process, to be made after the service of the writ or petition upon the defendant, within such time as the court may limit. Any attachment or trustee process made or served under such order, shall have the same effect as a lien, between the parties to the action, except as to prior encumbrances as though it had been made before service of the writ or petition upon the defendant.

Repealing  
clause; act  
takes effect  
on passage.

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

[Approved March 9, 1911.]

CHAPTER 45.

AN ACT TO AMEND SECTIONS 3, 4, 5, AND 6 OF THE PUBLIC STATUTES RELATING TO ATTACHMENTS OF REAL ESTATE.

SECTION

1. Copy of writ with register of deeds; record of attachments.

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 sections 3, 4, 5, and 6 of chapter 220 of the Public Statutes be amended by striking out the whole thereof and inserting in the place thereof the following: SECT. 3. Real estate may be attached on a writ of mesne process by the officer leaving an attested copy thereof and of his return of the attachment thereon at the office or the dwelling house of the register of deeds of the county in which the real estate is situate. SECT. 4. The officer's return is sufficient evidence that the copy has been so left, and of the time thereof; but the register of deeds shall certify thereon the time when the copy was received, and shall keep it on file. SECT. 5. The register of deeds shall keep a general index of all attachments so made, and of the copies of all writs and processes filed with him, which index shall be open to public inspection at all times. He shall enter therein, at the time of receiving a copy, a record of the exact time when it was received, of the court to which the writ is returnable, and of the names of the plaintiff and defendant in the action. The defendants' names shall be alphabetically arranged. SECT. 6. The officer making such attachment shall, at the time of making it, pay to the register of deeds the sum of twenty cents, which shall be in full for his services in receiving and filing the copy, certifying the time of receiving it, and entering the attachment upon the index.

Copy of writ with register of deeds; record of attachments.

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

Repealing clause; act takes effect on passage.

[Approved March 9, 1911.]

## CHAPTER 46.

## AN ACT RELATING TO THE PURCHASE OF SCHOOL WAGONS.

## SECTION

1. School districts may purchase.

## SECTION

2. Takes effect on passage.

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

School dis-  
tricts may  
purchase.

SECTION 1. Any school district may raise money for the purchase of suitable vehicles for the transportation of school children.

Takes effect  
on passage.

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

[Approved March 9, 1911.]

## CHAPTER 47.

AN ACT IN AMENDMENT OF CHAPTER 79 SESSION LAWS OF 1901 ENTITLED "AN ACT TO REVISE THE FISH AND GAME LAWS OF THE STATE" AND AMENDING SECTION 9, CHAPTER 36, SESSION LAWS OF 1907.

## SECTION

1. Shooting of beach birds, duck, etc.

## SECTION

2. Repealing clause; act takes effect on passage.

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

Shooting of  
beach birds,  
duck, etc.

SECTION 1. That section 43 of [chapter 79 of] the session Laws of 1901 as amended by chapter 36, section 9, of the session Laws of 1907 be amended by striking out after the words "SECT. 43" all of said section so that said section shall read as follows: The provisions of the preceding sections shall not be construed to prevent the shooting of beach birds, so called, teal and coot, so called, within the limits of Rockingham county after the fifteenth day of July of any year or to prevent the shooting of black or dusky duck, so called, on tide waters and salt marshes within said county after the thirty-first day of August of any year.

Repealing  
clause; act  
takes effect  
on passage.

SECT. 2. 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.

[Approved March 15, 1911.]

## CHAPTER 48.

AN ACT IN RELATION TO THE APPOINTMENT OF APPRAISERS BY THE JUDGE OF PROBATE, IN ADDITION TO SECTION 2, CHAPTER 189 OF THE PUBLIC STATUTES.

SECTION 1. One appraiser in certain cases.

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

SECTION 1. In appraisals of property the judge of probate may appoint only one appraiser, if in his opinion the nature of the property, or the size of the estate makes it advisable so to do. <sup>One appraiser in certain cases.</sup>

[Approved March 15, 1911.]

## CHAPTER 49.

AN ACT IN AMENDMENT OF CHAPTER 25 OF THE LAWS OF 1905, PROVIDING FOR THE TAXATION OF BOATS AND LAUNCHES.

SECTION 1. If value is over \$100, where taxed.

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

SECTION 1. Section 1 of chapter 25 of the Laws of 1905 is amended to read as follows: All boats and launches of every description, whatever the motive power may be, the aggregate value of which exceeds one hundred dollars, shall be taxed to the owner where the property is located on the first day of April. <sup>If value is over \$100, where taxed.</sup>

[Approved March 15, 1911.]

## CHAPTER 50.

## AN ACT TO CREATE A TRUST FUND FOR THE NEW HAMPSHIRE SOLDIERS' HOME.

## SECTION

1. State treasurer may receive funds.
2. To be held as permanent trust fund.

## SECTION

3. Repealing clause; act takes effect on passage.

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

State treasurer may receive funds.

SECTION 1. That the state treasurer is designated as the person to receive funds from the board of managers of the National Home for Disabled Volunteer Soldiers.

To be held as permanent trust fund.

SECT. 2. That all funds so received, shall be held by him in a permanent continuous fund to be drawn upon by the treasurer of the New Hampshire Soldiers' Home for the support and maintenance of the Home as its needs require.

Repealing clause; act takes effect on passage.

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

[Approved March 15, 1911.]

## CHAPTER 51.

## AN ACT IN AMENDMENT OF SECTION 19, CHAPTER 286 OF THE PUBLIC STATUTES RELATIVE TO THE SALARY OF THE TREASURER OF CARROLL COUNTY.

SECTION 1. Annual salary of \$300; repealing clause.

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

Annual salary of \$300; repealing clause.

SECTION 1. That the salary of the treasurer of the county of Carroll, on and after April 1, 1911, be three hundred dollars payable as now provided by law, and so much of section 19, of chapter 286, of the Public Statutes as is inconsistent with this act is hereby repealed.

[Approved March 15, 1911.]



## CHAPTER 52.

AN ACT IN AMENDMENT OF SECTION 16, CHAPTER 56, PUBLIC STATUTES, ENTITLED, "PERSONS AND PROPERTY, WHERE TAXED."

## SECTION

1. Wood, lumber, etc., where and to whom taxed.

## SECTION

2. Repealing clause.  
3. Takes effect on passage.

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

SECTION 1. Section 16, chapter 56, Public Statutes is hereby amended by inserting after the words "or [un]manufactured" in the second line thereof, the words, whether constituting stock in trade or otherwise, so that said section, as amended, shall read: Wood, bark, timber, logs, and lumber, manufactured or unmanufactured, whether constituting stock in trade or otherwise, exceeding fifty dollars in value, shall be taxed at its full value in the town where it is on the first day of April, to the owner, if he then resides in such town, otherwise to the owner or person having it in his care or custody on that day; and any person or corporation permitting such property to be deposited on their premises shall be deemed to have the same in their care or custody, and shall have a lien on the same for the payment of said taxes; and when any wood, bark, logs, or lumber, liable to be taxed, shall be owned by a person residing out of the town where the same is situated on the first day of April, and is not in the custody of any person residing in such town, the same shall be taxed to the owner thereof; and said town shall have a lien thereon for the payment of the taxes.

Wood, lumber, etc., where and to whom taxed.

SECT. 2. So much of clause 6, section 7 of chapter 55 Public Statutes, as is inconsistent herewith, is hereby repealed.

Repealing clause.

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

Takes effect on passage.

[Approved March 15, 1911.]

## CHAPTER 53.

AN ACT IN RELATION TO THE DISPOSAL OF SURPLUS STATE PUBLICATIONS.

## SECTION

1. Surplus to be sold to highest bidder.

## 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 State Library are directed to dispose of the surplus state publications in their custody in the

To be sold to highest bidder.

following manner: They shall reserve the full number on hand of all publications having an actual money value and thirty copies at least of all other publications. They shall ask for bids for the purchase of the entire remainder of state publications in their custody and shall sell such remainder to the person or persons making the highest bid.

Takes effect  
on passage.

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

[Approved March 15, 1911.]

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## CHAPTER 54.

AN ACT IN AMENDMENT OF CHAPTER 52 OF THE LAWS OF 1891, RELATING TO THE ELECTION AND QUALIFICATION OF THE TRUSTEES OF THE NEW HAMPSHIRE COLLEGE OF AGRICULTURE AND MECHANIC ARTS.

SECTION

1. Trustees, how chosen.

SECTION

2. Repealing clause; act takes effect on passage.

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

Trustees,  
how chosen.

SECTION 1. Amend chapter 52 of the Laws of 1891 by striking out all of section 5 of said chapter and inserting in place thereof the following: SECT. 5. The general government of the New Hampshire College of Agriculture and Mechanic Arts is vested in a board of thirteen trustees and all vacancies hereafter occurring in said board shall be filled as follows: The governor of the state and the president of said college shall be trustees ex-officio; the alumni of said college may elect two trustees in such manner as said board may prescribe. One of said trustees elected by the alumni of said college shall be a resident of the state and their term of office shall be three years. All other trustees shall be appointed by the governor with the advice of the council; one at least shall be a resident of each councilor district and hold their office for the term of three years; and not more than five of the trustees appointed by the governor and council shall belong to the same political party and at least seven of them shall be practical farmers. Eight members shall constitute a quorum for the transaction of business and not less than eight affirmative votes shall be required to elect a president of said college.

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 upon its passage.

[Approved March 15, 1911.]

## CHAPTER 55.

AN ACT IN AMENDMENT OF CHAPTER 155, SESSION LAWS OF 1909,  
RELATING TO STATE HIGHWAYS.

## SECTION

1. Highways around Winnepesaukee and Sunapee lakes may be designated.

## SECTION

2. How built and maintained.  
3. 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 15[4] of chapter 155 of the session Laws of 1909 [being section 15 added to chapter 104, Laws of 1907] be and hereby is amended by adding at the end thereof the following provision: The governor and council are further authorized and empowered, whenever in their opinion the public good so requires, to designate for improvement by suitable description continuous highways around Lake Winnepesaukee or Lake Sunapee and connecting with one or more of the three main state highways.

Highways around Winnepesaukee and Sunapee lakes may be designated.

SECT. 2. Said highways, when so designated by the governor and council, shall be built and maintained under the same provisions as the other highways mentioned in said section 15[4], chapter 155, session Laws of 1909.

How built and maintained.

SECT. 3. 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 March 17, 1911.]

## CHAPTER 56.

AN ACT IN AMENDMENT OF SECTION 29 OF CHAPTER 266 OF THE  
PUBLIC STATUTES RELATING TO TRESPASS AND MALICIOUS IN-  
JURIES.

SECTION 1. Wrongful use of automobile, etc., penalty.

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

SECTION 1. That section 29 of chapter 266 of the Public Statutes be amended by adding the words or automobile or motor cycle after the word "animal" in the third line of said section, so that said section as amended shall read as follows: SECT. 29. If any person shall wilfully, mischievously and without claim of right take or use any boat, vehicle, or shall take, drive, ride or use any horse or other driving or draught animal or any automobile

Wrongful use of automobile, etc., penalty.

or motor cycle without the consent of the owner or person having control thereof, but not with intent to steal the same, shall be fined not exceeding one hundred dollars, or be imprisoned not exceeding one year, or both.

[Approved March 17, 1911.]

CHAPTER 57.

AN ACT RELATING TO HUNTERS' LICENSES.

- |  |   |
|--|---|
| SECTION  | SECTION   |
| 1. How granted to person under eighteen years. | 2. Prior act not affected.<br>3. Takes effect on passage. |

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

How granted to person under eighteen years.

SECTION 1. No person can procure a license to hunt under eighteen (18) years of age without a written permission from their parents or guardian, said written permission to be placed on file in the office where license is granted. The clerk shall keep a record of all licenses granted, and any citizen shall have access to said record at any time.

Prior act not affected.

SECT. 2. This act not to conflict with chapter 38 of session Laws of 1905, section 1 as amended.

Takes effect on passage.

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

[Approved March 17, 1911.]

CHAPTER 58.

AN ACT TO PREVENT THE DEFRAUDING OF LABORERS.

- |   |  |
|---|--|
| SECTION   | SECTION  |
| 1. Obtaining money for procuring employment with payee's employer prohibited. | 3. Penalty for violation.                            |
| 2. Payment for like purpose prohibited.                                       | 4. Limitation of act.<br>5. Takes effect on passage. |

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

Obtaining money for employment with payee's employer prohibited.

SECTION 1. No agent, superintendent, foreman, or other employee of any corporation, firm, co-partnership, or of any person, shall obtain money or property of any kind whatsoever, or obtain a promise to pay money or property of any kind whatsoever, from,

for, or in behalf of any person for the purpose of procuring employment for such person in the service of said corporation, firm, co-partnership, or person.

SECT. 2. No person whomsoever shall offer, or promise to pay money or other property of any kind to any agent, superintendent, foreman, or employee of any corporation, firm, co-partnership, or of any person whomsoever, for the purpose of securing employment, or promise of employment for any other person or persons in the service of said corporation, firm, co-partnership, or person. Payment for like purpose prohibited.

SECT. 3. Any violation of any of the provisions of this act shall be punished by fine not exceeding one hundred dollars, or by imprisonment not exceeding one year, or both. Penalty.

SECT. 4. The provisions of this act shall not be so construed as to affect or impair the right of any corporation, firm, co-partnership or person to hire laborers, or accept apprentices in the ordinary and usual course of business, or in any way abridge the right to obtain and exercise licenses to run employment offices as provided by law. Limitation of act.

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

[Approved March 17, 1911.]

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CHAPTER 59.

AN ACT TO CHANGE THE NAME OF KNOWLES POND IN THE TOWN OF ALBANY.

SECTION 1. Name changed to Iona lake. | 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 Knowles pond in the town of Albany is hereby changed to, and that the same shall be hereafter known and called Iona lake. Name changed.

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

[Approved March 17, 1911.]

## CHAPTER 60.

AN ACT IN AMENDMENT OF SECTION 4, CHAPTER 173 OF THE PUBLIC STATUTES AS AMENDED BY SECTION 1, CHAPTER 17 OF THE LAWS OF 1899, ENTITLED: "REGISTRATION OF BIRTHS, MARRIAGES AND DEATHS."

SECTION 1. Duties of physicians and undertakers with respect to deaths and burials.

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

Duties of physicians and undertakers with respect to deaths and burials.

SECTION 1. Section 4, chapter 173 of the Public Statutes, as amended by section 1, chapter 17 of the Laws of 1899, is hereby amended by adding the following: If the deceased is a resident of this state and dies in some other state, but is buried in this state, the clerk of the town where the interment is made shall make a record of the death, the same as is required by section 1, chapter 173 of the Public Statutes, and shall transmit a copy of said record to the state registrar as is now required by section 8 chapter 173 of the Public Statutes as amended by section 2, chapter 17 of the Laws of 1899. If a person is buried in a town, other than the one where the death occurred, the clerk of the town where the interment is made shall make a like record of the death, but shall not transmit a copy of said record to the state registrar unless called for; so that said amended section as amended shall read as follows: SECT. 4. Whenever a person shall die, or a still-born child shall be brought forth, the physician attending at the last sickness or bringing forth shall fill out and deliver to the undertaker, or other person superintending the burial of the deceased person, or to the town clerk, a certificate, duly signed, setting forth, as far as many be, the facts required in the record of a death, according to section 1 of this chapter. It shall be the duty of the undertaker, or other person having charge of the burial, to add to the certificate the date and place of burial, and having signed the same, to forward it to the clerk of the town, and obtain a permit for burial. In case of a contagious or infectious disease, the certificate shall be made and forwarded immediately. If the deceased is to be buried in a town other than that in which the death occurred, the town clerk issuing the burial permit shall within six days forward a duplicate copy of the record of death to the clerk of the town where the interment is made; but no return of said duplicate shall be made to the state registrar unless called for. If the deceased is a resident of this state and dies in some other state, but is buried in this state, the clerk of the town where the interment is made shall make a record of the death, the same as is required by section 1, chapter 173 of the Public Statutes, and shall transmit a copy of said record to the

state registrar as is now required by section 8 chapter 173 of the Public Statutes as amended by section 2, chapter 17 of the Laws of 1899. If a person is buried in a town other than the one where the death occurred, the clerk of the town where the interment is made shall make a like record of the death, but shall not transmit a copy of said record to the state registrar unless called for.

[Approved March 17, 1911.]

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CHAPTER 61.

AN ACT TO AMEND CHAPTER 169, SECTION 7, OF THE PUBLIC STATUTES, AS AMENDED BY CHAPTER 89 OF THE SESSION LAWS OF 1907, RELATING TO INSURANCE AGENTS AND BROKERS.

SECTION

1. Insurance brokers not required to be residents.

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 169, section 7, of the Public Statutes, as amended by chapter 89 of the session Laws of 1907, is hereby amended by adding at the end thereof the following: Nothing in this act shall be construed to prohibit the granting of brokers' licenses without regard to place of residence, so said section as amended shall read: SECT. 7. The agents of such companies shall be residents of the state. No officer or agent thereof shall act or aid in any manner in the negotiation of any insurance with such company until he shall have procured from the insurance commissioner a license so to do. The license shall state in substance that the company is authorized to transact business in this state, and that the person named therein is the constituted agent of the company for that purpose. Nothing in this act shall be construed to prohibit the granting of brokers' licenses without regard to place of residence.

Insurance brokers not required to be residents.

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, 1911.]

CHAPTER 62.

AN ACT AUTHORIZING THE FISH AND GAME COMMISSIONERS TO MAINTAIN THE FISH-SCREEN AT THE OUTLET OF LOVELL'S LAKE IN THE TOWN OF WAKEFIELD.

SECTION

- 1. Maintenance provided for.
- 2. Interference, how punished.

SECTION

- 3. Takes effect on passage.

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

Maintenance provided for.

SECTION 1. The fish and game commissioners are hereby instructed to maintain the fish-screen at the outlet of Lovell's lake in the town of Wakefield without expense to said state or town.

Interference, how punished.

SECT. 2. Any person interfering in any way without the consent of the commissioners with said screen shall be fined fifty dollars for each offense.

Takes effect on passage.

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

[Approved March 17, 1911.]

CHAPTER 63.

AN ACT PROHIBITING FISHING IN THE WATERS, BAYS OR BASINS SUPPLIED BY THE WINNIPESAUKEE RIVER IN THE TOWNS OF TILTON AND BELMONT.

SECTION

- 1. Fishing prohibited during certain months; penalty for violation.

SECTION

- 2. Takes effect on passage.

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

Fishing prohibited; penalty.

SECTION 1. No person shall fish in the waters, bays or basins supplied by the Winnepesaukee river, between the dam at East Tilton and the Shaker bridge, so called, over said river in the towns of Tilton and Northfield, between the first day of November and the first day of May next following for a term of five years from the passage of this act. Any person violating the provisions of this act shall be fined ten dollars for each offense.

Takes effect on passage.

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

[Approved March 17, 1911.]



## CHAPTER 64.

AN ACT RELATING TO THE SALARY OF THE DEPUTY REGISTER OF  
PROBATE OF THE COUNTY OF MERRIMACK.

## SECTION

1. Annual salary of \$600; 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 deputy register of probate of the county of Merrimack shall hereafter be six hundred dollars per annum, payable as now provided by law; and so much of section 4, chapter 88, of the Laws of 1907 as is inconsistent with this act is hereby repealed.

Annual salary of \$600; repealing clause.

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

Takes effect on passage.

[Approved March 17, 1911.]

## CHAPTER 65.

## AN ACT PROTECTING A CERTAIN VARIETY OF FISH.

## SECTION

1. Horn-pout or bull-head 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 take, kill or have in his possession from any of the waters of this state any cat-fish, commonly called horn pout or bull-head, between the fifteenth day of January and the first day of June, inclusive, of any year, he shall be punished by a fine of five dollars (\$5) for each fish so taken.

Horn pout protected.

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

Takes effect on passage.

[Approved March 22, 1911.]

## CHAPTER 66.

## AN ACT TO REGULATE FISHING IN LAKE KATHERINE IN PIERMONT.

## SECTION

1. Fish and game commissioners may make regulations.
2. Publication of orders.

## SECTION

3. Penalty for violations.
4. Takes effect on passage.

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

Commissioners may make regulations.

SECTION 1. Lake Katherine in the town of Piermont having been designated by the fish and game commissioners for fish culture purposes, said commissioners are hereby authorized to make such regulations as they deem advisable in respect to taking of fish from said lake, such regulations to be made after hearing had in said town and three weeks' notice of such hearing posted in two public places in said town. Said commissioners shall also have authority after hearing and like notice to modify or rescind such regulations.

Publication of orders.

SECT. 2. In case of making regulations as provided in the foregoing paragraph, or modifying or rescinding the same, the commissioners shall publish their order in some newspaper printed in the county of Grafton and cause a copy of such order to be posted in two or more public places in said town of Piermont as near said lake as may be at least one week before the order shall be in force.

Penalty.

SECT. 3. Any person who shall violate the provisions of any regulation made by the commissioners as provided by the preceding sections shall be fined twenty dollars or be imprisoned sixty days or both.

Takes effect on passage.

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

[Approved March 22, 1911.]

## CHAPTER 67.

## AN ACT FOR THE BETTER PROTECTION OF TROUT.

## SECTION

1. Protection of blue heron removed.

## SECTION

2. Takes effect on passage.

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

Protection of blue heron removed.

SECTION 1. Chapter 71 [79] of the Laws of 1901, as amended by Laws of 1903, 1905, 1907 and 1909, is hereby amended by strik-

ing out the words "blue heron," in section 43 of said chapter, so that said section shall read as follows: SECT. 43. If any person shall at any time catch, kill or destroy any American or bald eagle, he shall be punished by a fine of twenty-five dollars (\$25) for each bird so killed, or be imprisoned three months, or both such fine and imprisonment.

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

Takes effect  
on passage.

[Approved March 22, 1911.]

## CHAPTER 68.

### AN ACT RELATIVE TO PROCEEDINGS AGAINST AND THE LIQUIDATION OF INSTITUTIONS UNDER THE SUPERVISION OF THE BANK COMMISSIONERS.

#### SECTION

1. Application of act defined.
2. Procedure if examination resisted or unsafe methods employed.
3. Resumption of business in such case.
4. Procedure when assets reduced.
5. Authority of commissioners in charge of business.
6. Additional powers of commissioners.
7. Employment of agents and experts.
8. Notice to claimants.
9. Lists of claims to be filed.
10. Compensation of agents, etc.

#### SECTION

11. Declaration of dividends; objections to allowances.
12. Unclaimed dividends, report and disposition of.
13. Duty of state treasurer as custodian.
14. Appeal by institution.
15. Jurisdiction of superior court.
16. Deposits reduced, when.
17. Treatment of new deposits after reduction.
18. Distribution of proceeds.
19. Commissioner may act as receiver.
20. Repealing clause; act takes effect on passage.

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

SECTION 1. This act shall apply to mutual savings banks, guaranty savings banks, state banks, trust companies, loan and trust companies, loan and banking companies, co-operative banks, building and loan associations, or any other corporations under the supervision of the bank commissioners.

SECT. 2. If any institution to which the act applies shall refuse to permit an examination of its affairs by the commissioners, or shall refuse to furnish the necessary facilities therefor, or shall violate its charter or any law of this state after having been notified in writing by the commissioners of such violation, or if at any time it appears to the commissioners that its business is being conducted in an unsafe or unauthorized manner, or that it is necessary for the public safety that it should not continue to transact business, the bank commissioners may represent the fact by petition to some justice of the superior court, who may direct

Application of  
act defined.

Procedure if  
examination  
resisted or  
unsafe meth-  
ods em-  
ployed.

the bank commissioners to take possession forthwith of the property and business of such institution, and they may retain possession thereof until the bank shall resume business or until its affairs shall finally be liquidated as herein provided; and upon completing such liquidation the charter of such institution shall be vacated.

Resumption  
of business.

SECT. 3. Such institutions may, with the consent of the bank commissioners, resume business upon such conditions as the bank commissioners may approve.

Procedure  
when assets  
reduced.

SECT. 4. Whenever it appears to the bank commissioners that the assets of any institution to which this act applies are reduced in value below ninety per cent. of the amount due its depositors or creditors, the bank commissioners shall represent the facts by petition to some justice of the superior court, who shall direct the bank commissioners to take possession of the property and business of such institution and retain possession thereof until the bank shall resume business, or until its affairs shall finally be liquidated as herein provided; and upon completion of such liquidation the charter of such institution shall be vacated.

Authority of  
commission-  
ers in charge.

SECT. 5. Upon taking possession of the property and business of any institution to which this act applies, the bank commissioners shall have authority to collect moneys due the bank and to do such other acts as are necessary to conserve its assets and business. They shall collect all debts due and claims belonging to it, and upon the order or decree of the superior court or any justice thereof may sell or compound all bad or doubtful debts; and on like order or decree may sell all or any part of the real and personal property of the institution on such terms as the court shall direct. The bank commissioners shall make an inventory of the assets of the institution in duplicate,—one to be filed in the office of the bank commissioners, and one in the office of the clerk of the superior court for the county in which the principal office of the institution is located. They shall give notice of the fact that they have taken possession of the property and business of the institution to any and all banks, trust companies, associations and individuals holding or having possession of any assets of such institution. No bank, trust company, association or individual knowing that the bank commissioners have taken such possession, or having been notified thereof as aforesaid, shall have a lien or charge for any payment, advance or clearance thereafter made, or liability thereafter incurred against any of the assets of the institution.

Additional  
powers.

SECT. 6. For the purpose of executing and performing the powers and duties hereby conferred upon them, the bank commissioners may, in the name of any such institution, prosecute and defend any and all suits and other legal proceedings, and may in the name of the institution execute, acknowledge and deliver any and all deeds, assignments, releases and other instruments

necessary and proper to effectuate any sale of real or personal property or any compromise authorized by the court as herein provided; and any deed or other instrument executed pursuant to the authority hereby given, shall be valid and effectual for all purposes to the same extent as though the same had been executed by the officers of the institution by authority of its board of directors or trustees or of its stockholders.

SECT. 7. The bank commissioners may appoint an agent or agents to assist them to perform such duties connected with the business of such institutions as they may deem proper, and may procure such expert assistance and advice as may be considered necessary, or may retain such of the officers or employees of such institution as they may deem necessary; and the bank commissioners shall require from such agents or assistants such security for the faithful performance of their duty as they may deem proper.

Agents and experts.

SECT. 8. The bank commissioners shall cause to be published weekly for three consecutive months, in such newspapers as they may direct, a notice calling on all persons who may have claims against such institution to present the same to the commissioners and to make legal proof thereof at a place and in a time not earlier than the last day of publication, to be therein specified. The bank commissioners shall mail a similar notice to all persons whose names appear as creditors upon the books of the institution so far as their addresses are known. If the bank commissioners doubt the justice and validity of any claim, they may reject the same and serve notice of such objection upon the claimant either by mail or person. An affidavit of service of such notice, which shall be prima facie evidence thereof, shall be filed with the bank commissioners. An action upon the claim so rejected shall not be entertained unless brought within six months after such service. Claims presented after the expiration of the time specified in the notice to creditors shall be entitled to share in the distribution only to the extent of the assets in the hands of the bank commissioners equitably applicable thereto.

Notice to claimants.

SECT. 9. Upon the expiration of the time fixed for the presentation of claims, the bank commissioners shall make in duplicate a full and complete list of the claims presented, including and specifying such claims as have been rejected by them. One of said lists shall be filed in the office of the bank commissioners, and the other in the office of the clerk of the superior court in the county in which the principal office of the institution is located. Thereafter the bank commissioners shall make and file in said offices, at least fifteen days before every application to the court for leave to declare a dividend, a supplementary list of the claims presented since the last preceding list was filed, including and specifying such claims as have been rejected by them, and, in any event, they shall make and file the said list at least once in every

Lists of claims to be filed.

year after the filing of the original list, so long as they shall remain in the possession of the property and business of the institution. Said inventory and said list shall be open to inspection at all reasonable times.

Compensation of agents, etc.

SECT. 10. The bank commissioners shall not receive any extra compensation for their services. The compensation of any agent or agents counsel, employees and assistants, and all expenses of supervision and liquidation shall be fixed by the bank commissioners, subject to the approval of the superior court for the county in which the principal office of said institution is located, and on notice to such institution, and upon the certificate of the bank commissioners, shall be paid out of the funds of the institution in their hands.

Dividends; objections to allowances.

SECT. 11. At any time after the expiration of the date fixed for the presentation of claims, upon application of the bank commissioners, the superior court may authorize them to declare out of the funds remaining in their hands, after payment of expenses, one or more dividends; such dividends to be paid to such persons, in such amounts, and upon such notice as may be directed by the court or any justice thereof. Objections to any claim not rejected by the bank commissioners may be made by any person interested by filing a copy of such objections with the bank commissioners, who shall present the same to the superior court at the time of the next application for permission to declare a dividend. The court to which such application is made shall thereupon dispose of said objections, or may refer them to a master for that purpose; and should the objections to any claim be sustained by the court or by the master, no dividend thereon shall be paid by the bank commissioners until the claimant shall have established his claim by the judgment of a court of competent jurisdiction.

Unclaimed dividends.

SECT. 12. At the expiration of one year from the final decree distributing the assets of an insolvent institution, the bank commissioners shall make report to the court, or some justice thereof, of the names and residences, if known, of all persons entitled to unclaimed dividends and of the amount of all such dividends. The court or justice shall thereupon order the same to be paid into the state treasury and a copy of the report to be delivered to the state treasurer. The receipt of the state treasurer shall be a full discharge of the bank commissioners for such dividends.

Duty of state treasurer.

SECT. 13. The state treasurer shall keep in a book provided for that purpose a record of all such dividends, with the names of the persons to whom they belong, and their residences, so far as known. He shall pay the dividends, less one per cent. for his services, to the persons to whom they belong, or to their legal representatives, whenever called for, without interest. All dividends heretofore or hereafter paid into the state treasury that are not claimed within fifteen years after such payment shall escheat to the state.

SECT. 14. Whenever any institution of whose property and business the bank commissioners have taken possession as aforesaid deems itself aggrieved thereby, it may at any time within ten days after such taking possession apply to the superior court for the county in which the principal office of the institution is located, to enjoin further proceedings; and said court, after citing the bank commissioners to show cause why further proceedings should not be enjoined, and after hearing the allegations and proofs of the parties and determining the facts, may, upon the merits, dismiss such application or may enjoin the bank commissioners from further proceedings and direct them to surrender the said business and property to the institution.

Appeal by institution.

SECT. 15. The superior court, or any justice thereof, shall have jurisdiction in equity to enforce the provisions of this act and to act upon all applications and in all proceedings thereunder.

Jurisdiction of superior court.

SECT. 16. Whenever it appears to the bank commissioners advisable, or upon the petition of the trustees or directors of the institution, they may in connection with a justice of the superior court reduce the deposit account of each depositor therein, whenever the value of its assets is less than the total amount of its deposits, so it will divide the loss equitably among the depositors. If the bank shall realize from the assets a greater sum than was fixed upon by the judge and bank commissioners, they shall order such excess to be equitably divided among the depositors whose accounts have been reduced, but to the extent of such reduction only.

Deposits reduced, when.

SECT. 17. If any institution whose deposit accounts have been reduced under the provisions of this act shall afterward receive new deposits, it shall keep its accounts and in all respects conduct its business relating to such new deposits as if it were a separate institution, distinct from the one in which the old deposits were made; and if proceedings shall be commenced against such institution to wind up its affairs, the court may make the same applicable to either or both parts of such business; but notice of such proceedings shall be given by publication in one or more newspapers published in the county where the institution is located.

Treatment of new deposits after reduction.

SECT. 18. The proceeds of the property of an insolvent institution shall be distributed according to the decree of the court: i. To pay the expense of the liquidation. ii. To pay all bills issued by the bank pro rata. iii. For the payment in equal proportion of all debts, claims and obligations owing by the institution. iv. The remainder to be divided among the stockholders according to their interests.

Distribution of proceeds.

SECT. 19. The bank commissioners may designate one of their number to take charge of the property of an institution, who shall give bond to the county in such form and in such sum as the court or justice shall approve. The cost of such bond shall be considered a proper charge against the assets of the institution. The

Commissioner may act as receiver.

bank commissioners shall incorporate in their annual report a statement showing the condition of any institution in their possession.

Repealing  
clause; act  
takes effect  
on passage.

SECT. 20. Sections 12 to 25 inclusive, chapter 162, and sections 26 to 29 inclusive, chapter 165, Public Statutes, and all other acts or parts of acts inconsistent with this act are hereby repealed. This act shall take effect upon its passage.

[Approved March 22, 1911.]

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## CHAPTER 69.

### AN ACT FOR THE BETTER PROTECTION OF CERTAIN BIRDS.

SECTION

1. Killing prohibited until October 1, 1917; penalty.

SECTION

2. Takes effect on passage.

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

Killing pro-  
hibited; pen-  
alty.

SECTION 1. No person shall take, kill or have in possession until October 1, 1917, any wood or summer duck, any killdeer plover, or any Bartramian sandpiper, commonly called upland plover, under a penalty of five dollars for each bird so taken, killed, or had in possession.

Takes effect  
on passage.

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

[Approved March 22, 1911.]

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## CHAPTER 70.

### AN ACT IN RELATION TO PANDERING, TO DEFINE AND PROHIBIT THE SAME AND TO PROVIDE FOR THE PUNISHMENT THEREOF.

SECTION

1. Procurement for purpose of prostitution prohibited; penalty.  
2. Offence punishable, though partially committed in another state.

SECTION

3. Victim of procurement competent witness.  
4. Marriage not defence.

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

Procurement  
prohibited;  
penalty.

SECTION 1. Any person who shall procure a female inmate for a house of prostitution, or who, by promises, threats, violence, or by any device or scheme, shall cause, induce, persuade. or en-



courage a female person to become an inmate of a house of prostitution; or shall procure a place as inmate in a house of prostitution for a female person; or any person who shall, by promises, threats, violence, or by any device or scheme, cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate; or any person who shall, by fraud or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority, procure any female person to become an inmate of a house of ill fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution, or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become an inmate of a house of ill fame within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of pandering, and upon a first conviction for an offense under this act shall be punished by imprisonment in the county jail or house of correction for a period of not less than six months nor more than one year, and by a fine of not less than three hundred dollars and not to exceed one thousand dollars, and upon conviction for any subsequent offense under this act shall be punished by imprisonment in the state prison for a period of not less than one year nor more than ten years.

SECT. 2. It shall not be a defense to a prosecution for any of the acts prohibited in the foregoing section that any part of such act or acts shall have been committed outside this state, and the offense shall in such case be deemed and alleged to have been committed and the offender tried and punished in any county in which the prostitution was intended to be practiced, or in which the offense was consummated, or any overt acts in furtherance of the offense should have been committed.

Punishable, though partially committed elsewhere.

SECT. 3. Any such female person, referred to in the foregoing sections, shall be competent witness in any prosecution under this act, to testify for or against the accused as to any transaction or as to any conversation with the accused or by him with another person or persons in her presence, notwithstanding her having married the accused before or after the violation of any of the provisions of this act whether called as a witness during the existence of the marriage or after its dissolution.

Victim a competent witness.

SECT. 4. The act or state of marriage shall not be a defense to any violation of this act.

Marriage not defence.

[Approved March 24, 1911.]

## CHAPTER 71.

AN ACT IN AMENDMENT OF, AND IN ADDITION TO, CHAPTER 127 OF THE PUBLIC STATUTES AS AMENDED IN 1901, 1903 AND 1909, RELATING TO THE SALE OF DAIRY PRODUCTS AND BUTTER SUBSTITUTES.

SECTION 1. Penalty for selling impure or adulterated milk or cream; sale of renovated butter regulated.

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

Penalty for selling impure or adulterated milk or cream; sale of renovated butter regulated.

SECTION 1. Chapter 127 of the Public Statutes is hereby amended by striking out the whole of sections 17 and 18 and substituting therefor the following: SECT. 17. If any person shall adulterate milk, skim-milk or cream with water or otherwise to be sold, or shall sell or offer for sale, or have in possession with intent to sell, any adulterated or unwholesome milk, skim-milk or cream, containing any coloring matter or preservative, or any milk produced from sick or diseased cows, or cows fed upon any substance which may be deleterious to the quality of milk, skim-milk or cream, or shall sell or offer for sale, or have in possession with intent to sell as milk, any milk from which the cream or a part thereof has been removed, he shall be fined not less than twenty-five nor more than two hundred dollars, or imprisoned not more than sixty days, or both. If upon analysis any milk shall be found to contain less than twelve percent of milk solids, or in the case of skim-milk, less than eight and one half percent of milk solids exclusive of fat, or in the case of cream, less than eighteen percent of butterfat, or in the cases of butter and renovated butter, less than eighty percent of butterfat or more than sixteen percent of water, such products shall not be deemed as of standard quality; and the sale, offering for sale or having in possession with intent to sell, by any person, firm or corporation, of milk, skim-milk, cream, butter or renovated butter which fails to conform to the requirements herein specified shall be punished by a fine of ten dollars.

SECT. 18. Whoever shall sell any article or compound commonly known as renovated butter, or process butter, in quantity less than the original unbroken package as duly labeled in accordance with the regulations of the United States Internal Revenue Department, shall stamp upon the outside of such broken or retail package as delivered to the purchaser the words: RENOVATED BUTTER in letters not less than three eighths square, of plain, uncondensed Gothic caps. No renovated or process butter shall be exposed for sale in other than the original package in which it was received and which bears the labeling as required by the United States commissioner of internal revenue. Whoever violates

any of the provisions of this section shall be punished by a fine of ten dollars for each offense; and it shall be the duty of the state board of health, its agents, and the health officers or milk inspectors of cities and towns, whenever they may have evidence of the violation of any of the provisions of this chapter, or of those of chapter 115, Laws of 1895, relating to oleomargarine, to file the necessary information with the proper chief of police or the county solicitor, and it shall be the duty of such chief of police and county solicitor to prosecute offenders under these acts to final judgment and sentence.

[Approved March 24, 1911.]

CHAPTER 72.

AN ACT RELATING TO THE TERMS OF THE SUPERIOR COURT IN AND FOR THE COUNTY OF GRAFTON.

SECTION

- 1. Prior act repealed.
- 2. Judicial districts created.
- 3. Eastern judicial district.
- 4. Western judicial district.
- 5. Southern judicial district.
- 6. Trial terms, when and where held.

SECTION

- 7. Terms under act, when to begin.
- 8. Grand and petit jury attendance.
- 9. Pending actions, how prosecuted.
- 10. Repealing clause; act takes effect July 1, 1911.

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

SECTION 1. That chapter 121 of the session Laws of 1909 is hereby repealed. Prior act repealed.

SECT. 2. The county of Grafton is divided into three judicial districts, to be known by the names of the Eastern, Western, and Southern judicial districts of the county of Grafton. Judicial districts created.

SECT. 3. The towns of Alexandria, Ashland, Bridgewater, Bristol, Campton, Dorchester, Ellsworth, Groton, Hebron, Holderness, Lincoln, Livermore, Plymouth, Rumney, Thornton, Waterville, Wentworth, Woodstock, and all other lands in said county not included in the Western and Southern districts constitute the Eastern judicial district. Eastern district.

SECT. 4. The towns of Bath, Benton, Bethlehem, Easton, Franconia, Haverhill, Landaff, Lisbon, Littleton, Lyman, Monroe, Orford, Piermont, and Warren, constitute the Western judicial district. Western district.

SECT. 5. The towns of Canaan, Enfield, Grafton, Hanover, Lebanon, Lyme, and Orange, constitute the Southern judicial district. Southern district.

Trial terms.

SECT. 6. The terms of the superior court shall be holden annually as follows: For the Eastern district of the county of Grafton at Plymouth on the second Tuesday of May and the second Tuesday of November. For the Western district of the county of Grafton at Haverhill on the third Tuesday of March and the third Tuesday of September. For the Southern district of the county of Grafton at Lebanon on the third Tuesday of April and the third Tuesday of October.

Terms, when to begin.

SECT. 7. The terms of court to be holden under this act shall begin with the term to be holden at Haverhill on the third Tuesday of September 1911 and all actions and processes then pending or thereafter brought shall be as of the terms held in each judicial district respectively as provided in this act.

Grand and petit juries.

SECT. 8. A grand jury shall be drawn and returned for the April term at Lebanon, the September term at Haverhill, and the November term at Plymouth. Petit jurors shall be drawn and returned for each term held in said county, but no petit jurors shall be summoned to attend before Tuesday of the second week of each term.

Pending actions.

SECT. 9. All actions, petitions, appeals, and prosecutions in civil cases shall be commenced, entered, and prosecuted in the superior court for said districts the same as if each of said districts was a distinct county.

Repealing clause; act takes effect July 1, 1911.

SECT. 10. 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 July, 1911.

[Approved March 24, 1911.]

## CHAPTER 73.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF A STATE TAX FOR THE YEAR 1911.

SECTION

1. State tax of \$700,000.
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 \$700,000.

SECTION 1. The sum of seven hundred thousand dollars shall be raised for the use of the state for the year 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 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, 1911, and the said treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on the date last above mentioned.

SECT. 2. All parts of section 1 of chapter 147 of the Laws of 1909, 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. Repealing clause.

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

[Approved March 24, 1911.]

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CHAPTER 74.

AN ACT IN AMENDMENT OF SECTION 4 OF CHAPTER 55 OF THE PUBLIC STATUTES ENTITLED "PERSONS AND PROPERTY LIABLE TO TAXATION."

SECTION 1. Mines or ores owned independently, how taxed.		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. Section 4 of chapter 55 of the Public Statutes is hereby amended by adding the following at the end of said section: Mines or ores owned independently, how taxed.  
Except when such mines or ores, or rights therein, are owned by some person other than the one to whom such real estate is taxed, in which case they shall be taxed as real estate to such other person, so that said section, as amended, shall read as follows: SECT. 4. Real estate shall be taxed independently of any mines or ores contained therein until such mines or ores shall become a source of profit; except when such mines or ores, or rights therein, are owned by some person other than the one to whom such real estate is taxed, in which case they shall be taxed as real estate to such other person.

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

[Approved March 24, 1911.]

CHAPTER 75.

AN ACT TO REQUIRE THE USE OF UNDER-WATER EXHAUSTS OR MUFFLERS ON CERTAIN MOTOR BOATS.

SECTION

- 1. Use of mufflers required.
- 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 of mufflers required.

SECTION 1. It shall be unlawful to use on any fresh water lake, pond or river, or on any water except tide or salt water, within the boundaries of this state, a boat propelled, in whole or in part, by gas, gasoline or naphtha, unless the same is provided with an under-water exhaust or a muffler, so constructed and used as to muffle in a reasonable manner the noise of the explosion.

Penalty.

SECT. 2. Any person who operates a boat in violation of the provisions of the preceding section shall be punished by a fine of not more than twenty-five dollars.

Takes effect on passage.

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

[Approved March 24, 1911.]

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CHAPTER 76.

AN ACT REPEALING SECTION 22 OF CHAPTER 287 OF THE PUBLIC STATUTES, RELATING TO FEES AND COSTS.

SECTION

- 1. Jury fee abolished.

SECTION

- 2. Takes effect on passage.

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

Jury fee abolished.

SECTION 1. Section 22 of chapter 287 of the Public Statutes is hereby repealed.

Takes effect on passage.

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

[Approved March 24, 1911.]

## CHAPTER 77.

AN ACT TO AMEND CHAPTER 78, SESSION LAWS OF 1897, AS AMENDED BY SESSION LAWS OF 1905, IN REFERENCE TO THE PRINTING OF BALLOTS.

## SECTION

1. Instructions on ballots; certificate of assistance.

## SECTION

2. Takes effect on passage.

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

SECTION 1. Section 10 of said act is hereby amended by adding thereto the following: At the top of all ballots used in biennial elections there shall be printed in medium-sized type the following: INSTRUCTIONS TO VOTERS. To vote for a straight ticket: Make a cross within the circle of the party of your choice at the top of this ballot. To vote for any candidate not a member of the party of your choice: First make a cross within the circle of the party of your choice, then make a cross in the square at the right of the candidate's name for whom you wish to vote and cross out the name of the opposing candidate in the party column where you have placed a cross within the circle. In a suitable place upon the back of all regular ballots used at biennial elections shall be printed the following certificate which shall be signed by the election officer assisting any voter in marking his ballot: I certify upon honor that I have assisted the voter in marking this ballot by his request. (Signed) \_\_\_\_\_, election officer.

Instructions on ballots; certificate of assistance.

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

Takes effect on passage.

[Approved March 28, 1911.]

## CHAPTER 78.

AN ACT RELATIVE TO CASH PAYMENT OF WAGES.

## SECTION

1. Wages to be paid in cash.  
2. Checks may be used.

## SECTION

3. Takes effect on passage.

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

SECTION 1. Weekly payment of wages by every manufacturing, mining, quarrying, stone-cutting, mercantile, railroad, telegraph, telephone, express, aqueduct, and municipal corporation as

Wages to be paid in cash.

contemplated by section 21, chapter 180 of the Public Statutes, as the same was amended by chapter 134 of the session Laws of 1909, shall be made in cash, and no employee shall be compelled by his employer to accept any goods or merchandise in payment of wages.

Payment by check permitted.

SECT. 2. Nothing in the preceding section shall be held to invalidate or prevent payment of wages by check or checks wherever such form of payment is acceptable to the employee to whom payment is made.

Takes effect on passage.

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

[Approved March 28, 1911.]

CHAPTER 79.

AN ACT RELATING TO THE NAMING, MARKING AND PRESERVING BOUNDARIES OF STREETS.

SECTION

- 1. Streets to be named and marked; change of name, how made.
- 2. Corners and angles to be marked.

SECTION

- 3. Resurvey if bounds lost.
- 4. In force where adopted.
- 5. Repealing clause.

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

Streets to be named and marked; change of name.

SECTION 1. In all towns, every street shall have a name which shall be given it by the selectmen of the town in which any street is located. Said name shall be legibly marked on a suitable sign-board or other marker and placed in at least two conspicuous places on said street. The selectmen of each town shall be, and are hereby, authorized to change the name of any such street at any time when in their judgment there is occasion for so doing. When a change is made in the name of any street, by the selectmen, it shall be their duty to make a return of the same to the town clerk of said town, who shall make a record of the same in the proper book or books of the town.

Corners and angles to be marked.

SECT. 2. The corners and angles of all streets shall be marked by a durable marker of stone, metal, or other material of such size and construction that it can be readily found.

Resurvey if bounds lost.

SECT. 3. All streets affected by this act, the bounds of which have been lost, shall be re-surveyed that the provisions of said act may be carried out. Principal streets which have curbs and corners of stone or other similar material, or permanent, durable sidewalks on both sides thereof, shall not be subject to the provisions of this section, but all streets hereafter laid out shall be constructed in accordance therewith, and the naming of such street shall form a part of the return of said lay-out.



SECT. 4. This act shall be in force in such towns (not cities) only as shall, at any regular meeting by a majority vote, adopt the same. In force where adopted.

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed. Repealing clause.

[Approved March 28, 1911.]

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CHAPTER 80.

AN ACT IN AMENDMENT OF SECTION 1 OF CHAPTER 29 OF THE PUBLIC STATUTES, RELATING TO THE DUTIES OF REGISTERS OF DEEDS.

SECTION

1. To cause books to be suitably repaired.

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 29 of the Public Statutes is hereby amended by inserting after the word "evidence" in the third line of said section the words or when the same may be removed for the purposes of repair, and by adding to said section the following new sentence: Whenever any of the volumes of records in his office shall be in need of repair he shall seasonably cause them to be suitably repaired at the expense of the county, and, if necessary he may allow such volumes to be taken out of his office for a reasonable time for that purpose, so that said section as amended shall read as follows: SECTION 1. The register of deeds shall carefully keep in the office provided by the county, at all times, except when he may be required by a court to produce them as evidence or when the same may be removed for the purposes of repair, all books, records, files, and papers belonging thereto, and when not in use shall keep them in the safe; and he shall permit no paper there deposited for record to be taken from his office before it is recorded. Whenever any of the volumes of records in his office shall be in need of repair he shall seasonably cause them to be suitably repaired at the expense of the county, and, if necessary, he may allow such volumes to be taken out of his office for a reasonable time for that purpose. Repair of books provided for.

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

Takes effect on passage.

[Approved March 28, 1911.]

## CHAPTER 81.

AN ACT TO AMEND CHAPTER 23, SECTION 1 OF THE LAWS OF 1897,  
IN REFERENCE TO APPROPRIATIONS BY TOWNS FOR FREE BAND  
CONCERTS.

## SECTION

1. May appropriate \$800 annually.

## SECTION

2. Takes effect on passage.

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

May appro-  
priate \$800  
annually.

SECTION 1. The words "four hundred" in the third line of section 1 chapter 23 of the Laws of 1897 shall be stricken out and the words eight hundred inserted in the place thereof, so that said section shall read as follows: Towns may at any legal meeting grant and vote such sum of money as they shall judge necessary in aid of free public band concerts, not exceeding eight hundred dollars annually, in accordance with the provisions of section 4, chapter 40, of the Public Statutes.

Takes effect  
on passage.

SECT. 2. This act is to take effect upon its passage.

[Approved March 28, 1911.]

## CHAPTER 82.

AN ACT IN AMENDMENT OF SECTION 16, CHAPTER 56, OF THE PUB-  
LIC STATUTES, AS AMENDED BY AN ACT APPROVED MARCH 15,  
1911, RELATIVE TO THE TAXATION OF LOGS, LUMBER AND THE  
LIKE.

## SECTION

1. Wood, lumber, etc., when taxed as stock in trade.

## SECTION

2. Repealing clause; act takes effect on passage.

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

Wood, lum-  
ber, etc.,  
when taxed  
as stock in  
trade.

SECTION 1. Section 16, chapter 56, of the Public Statutes, as amended by an act amendatory thereof passed at the present session of the General Court and approved March 15, 1911, is hereby further amended by striking out the words "at its full value," in the third line thereof, and by adding at the end thereof the following new sentence: Such property shall be taxed as stock in trade, at the average value thereof in such town for the year, when owned by a manufacturer or dealer who has customarily maintained a stock of such property in that town during the year pre-

ceding said first day of April, and shall be taxed at its full value on that date in other cases; and in determining the average value of a manufacturer's or dealer's stock in one town, any wood, bark, timber, logs or lumber owned by him in such town in the course of the year, but situated and taxable in some other town on the first day of April, shall be excluded, so that said section, as amended, shall read as follows: Wood, bark, timber, logs, and lumber, manufactured or unmanufactured, whether constituting stock in trade or otherwise, exceeding fifty dollars in value, shall be taxed in the town where it is on the first day of April, to the owner, if he then resides in such town, otherwise to the owner or person having it in his care or custody on that day; and any person or corporation permitting such property to be deposited on their premises shall be deemed to have the same in their care or custody, and shall have a lien on the same for the payment of said taxes; and when any wood, bark, logs, or lumber, liable to be taxed, shall be owned by a person residing out of the town where the same is situated on the first day of April, and is not in the custody of any person residing in such town, the same shall be taxed to the owner thereof; and said town shall have a lien thereon for the payment of the taxes. Such property shall be taxed as stock in trade, at the average value thereof in such town for the year, when owned by a manufacturer or dealer who has customarily maintained a stock of such property in that town during the year preceding said first day of April, and shall be taxed at its full value on that date in other cases; and in determining the average value of a manufacturer's or dealer's stock in one town, any wood, bark, timber, logs or lumber owned by him in such town in the course of the year, but situated and taxable in some other town on the first day of April, shall be excluded.

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

Repealing  
clause; act  
takes effect  
on passage.

[Approved March 29, 1911.]

CHAPTER 83.

AN ACT IN AMENDMENT OF SUBDIVISION 5 OF SECTION 7 OF CHAPTER 55 OF THE PUBLIC STATUTES OF NEW HAMPSHIRE, RELATING TO THE TAXATION OF MONEY ON HAND OR AT INTEREST.

SECTION 1. Loan on New Hampshire realty at five per cent or less not taxable.

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

Loan on New Hampshire realty at five per cent or less not taxable.

SECTION 1. Amend subdivision 5 of section 7 of chapter 55 of the Public Statutes of New Hampshire by adding thereto the words, but excepting money loaned at a rate of interest not exceeding five per cent per annum secured by a note and mortgage on real estate situate in this state, so that said subdivision 5, as amended, shall read as follows: (5) Money on hand or at interest more than the owner pays interest for, including money deposited in any bank other than a savings bank within this state, or loaned on any mortgage, pledge, obligation, note or other security, whether on interest or interest be paid or received in advance, but excepting money loaned at a rate of interest not exceeding five per cent per annum secured by a note and mortgage on real estate situate in this state.

[Approved March 29, 1911.]

CHAPTER 84.

AN ACT RELATING TO THE ELECTION OF REPRESENTATIVES TO THE GENERAL COURT.

SECTION

- 1. Apportionment of representatives.
- 2. In towns of less than 600 population.

SECTION

- 3. Repealing clause; act takes effect on passage.

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

Apportionment of representatives.

Towns entitled to one representative each.

SECTION 1. Until another general census of the state is taken and officially promulgated, the following named towns and wards may send representatives to the general court under the authority of the constitution as follows: One representative each from Alton, Barnstead, Belmont, Gilford, Gilmanton, Laconia, ward 1, Laconia, ward 3, Meredith, New Hampton, Sanbornton, Bartlett, Moulton-

borough, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, Alstead, Chesterfield, Fitzwilliam, Harrisville, Hinsdale, Keene, ward 4, Keene, ward 5, Marlborough, Rindge, Swanzey, Troy, Westmoreland, Columbia, Jefferson, Milan, Pittsburg, Stewartstown, Stratford, Whitefield, Ashland, Bath, Bethlehem, Bristol, Campton, Canaan, Enfield, Grafton, Holderness, Lincoln, Lyme, Orford, Rumney, Warren, Woodstock, Amherst, Antrim, Bedford, Bennington, Francestown, Greenville, Hancock, Hollis, Hudson, Lyndeborough, Merrimack, Nashua, ward 4, Nashua, ward 6, New Boston, New Ipswich, Pelham, Weare, Wilton, Allenstown, Andover, Boscawen, Bow, Bradford, Canterbury, Chichester, Concord, ward 2, Concord, ward 3, Concord, ward 8, Epsom, Franklin, ward 1, Henniker, Hooksett, Hopkinton, London, New London, Northfield, Sutton, Warner, Wilmot, Auburn, Brentwood, Candia, Chester, Deerfield, Epping, Fremont, Hampstead, Hampton, Kingston, Londonderry, Newcastle, Newton, North Hampton, Northwood, Nottingham, Plaistow, Portsmouth, ward 4, Portsmouth, ward 5, Raymond, Rye, Seabrook, Stratham, Windham, Barrington, Dover, ward 5, Durham, Milton, Rochester, ward 1, Rochester, ward 2, Rochester, ward 3, Rochester, ward 5, Somersworth, ward 1, Somersworth, ward 2, Somersworth, ward 3, Somersworth, ward 5, Strafford, Charlestown, Cornish, Plainfield, Sunapee.

Two representatives each from Laconia, ward 2, Laconia, ward 4, Laconia, ward 5, Laconia, ward 6, Tilton, Wolfeboro, Jaffrey, Keene, ward 1, Keene, ward 2, Keene, ward 3, Walpole, Winchester, Colebrook, Gorham, Northumberland, Hanover, Lisbon, Plymouth, Goffstown, Hillsborough, Manchester, ward 7, Nashua, ward 1, Nashua, ward 2, Nashua, ward 5, Peterborough, Concord, ward 1, Concord, ward 5, Concord, ward 9, Franklin, ward 2, Franklin, ward 3, Pittsfield, Portsmouth, ward 1, Portsmouth, ward 3, Salem, Dover, ward 1, Dover, ward 3, Farmington, Rochester, ward 4, Rochester, ward 6, Rollinsford, Somersworth, ward 4.

Two representatives each.

Three representatives each from Conway, Berlin, ward 1, Berlin, ward 3, Lancaster, Haverhill, Littleton, Manchester, ward 1, Milford, Nashua, ward 3, Nashua, ward 7, Nashua, ward 8, Concord, ward 4, Concord, ward 6, Concord, ward 7, Pembroke, Newmarket, Portsmouth, ward 2, Dover, ward 2, Dover, ward 4, Newport.

Three representatives each.

Four representatives each from Berlin, ward 2, Nashua, ward 9, Derry, Exeter.

Four representatives each.

Five representatives from Lebanon.

Five representatives.

Six representatives each from Manchester, ward 2, Manchester, ward 4, Manchester, ward 6, Manchester, ward 8, Manchester, ward 10, Claremont.

Six representatives each.

Seven representatives from Manchester, ward 3.

Seven representatives.

Eight representatives from Manchester, ward 5.

Eight representatives.

Nine representatives.  
In towns of  
less than 600  
population.

Nine representatives from Manchester, ward 9.

SECT. 2. The following named towns, not having six hundred inhabitants according to the census of 1910, and having a right under the constitution to elect a representative such proportional part of the time as the number of their inhabitants, according to said census, bears to six hundred, may elect one representative in each of the years set opposite their names in the following list:

Effingham	1912	1914	1916	1918	1920
Freedom	1912	1914	1916	1918	1920
Dublin	1912	1914	1916	1918	1920
Carroll	1912	1914	1916	1918	1920
Alexandria	1912	1914	1916	1918	1920
Piermont	1912	1914	1916	1918	1920
Thornton	1912	1914	1916	1918	1920
Wentworth	1912	1914	1916	1918	1920
Greenfield	1912	1914	1916	1918	1920
Danbury	1912	1914	1916	1918	1920
Hill	1912	1914	1916	1918	1920
Greenland	1912	1914	1916	1918	1920
Hampton Falls	1912	1914	1916	1918	1920
Center Harbor	1914	1916	1918	1920	
Jackson	1912	1916	1918	1920	
Madison	1912	1914	1916	1918	
Gilsum	1914	1916	1918	1920	
Marlow	1912	1914	1916	1918	
Dalton	1912	1916	1918	1920	
Stark	1912	1914	1916	1920	
Franconia	1912	1916	1918	1920	
Landaff	1912	1914	1918	1920	
Monroe	1912	1914	1918	1920	
Brookline	1912	1914	1916	1920	
Dunbarton	1912	1914	1916	1920	
Salisbury	1912	1914	1916	1920	
Webster	1912	1914	1916	1918	
Atkinson	1914	1916	1918	1920	
Danville	1912	1914	1918	1920	
Newfields	1912	1914	1918	1920	
Lee	1914	1916	1918	1920	
New Durham	1912	1914	1918	1920	
Acworth	1912	1916	1918	1920	
Springfield	1912	1914	1916	1920	
Unity	1912	1914	1916	1918	
Eaton	1912	1916	1920		
Richmond	1912	1916	1920		
Shelburne	1912	1916	1920		
Groton	1912	1916	1920		
Lyman	1912	1916	1920		
Deering	1912	1916	1920		

Mason .....	1912	1916	1920
Mont Vernon .....	1912	1916	1920
Newbury .....	1912	1916	1920
East Kingston .....	1912	1916	1920
Kensington .....	1912	1916	1920
Sandown .....	1912	1916	1920
Madbury .....	1912	1916	1920
Croydon .....	1912	1916	1920
Goshen .....	1912	1916	1920
Langdon .....	1912	1916	1920
Lempster .....	1912	1916	1920
Washington .....	1912	1916	1920
Albany .....	1914	1918	
Brookfield .....	1914	1918	
Chatham .....	1914	1918	
Nelson .....	1914	1918	
Stoddard .....	1914	1918	
Sullivan .....	1914	1918	
Surry .....	1914	1918	
Clarksville .....	1914	1918	
Dummer .....	1914	1918	
Errol .....	1914	1918	
Benton .....	1914	1918	
Bridgewater .....	1914	1918	
Dorchester .....	1914	1918	
Easton .....	1914	1918	
Hebron .....	1914	1918	
Litchfield .....	1914	1918	
Temple .....	1914	1918	
Newington .....	1914	1918	
South Hampton .....	1914	1918	
Middleton .....	1914	1918	
Grantham .....	1914	1918	
Hart's Location .....	1920		
Roxbury .....	1914		
Randolph .....	1916		
Wentworth's Location...	1918		
Ellsworth .....	1914		
Livermore .....	1920		
Orange .....	1916		
Waterville .....	1912		
Sharon .....	1912		
Windsor .....	1918		

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its pas-  
Repealing  
clause; act  
takes effect  
on passage.

[Approved March 30, 1911.]

CHAPTER 85.

AN ACT IN AMENDMENT OF CHAPTER 7 OF THE PUBLIC STATUTES ENTITLED "THE STATE HOUSE AND YARD."

SECTION

- 1. Superintendent of state house and yard, appointment and salary of; employment of assistants.

SECTION

- 2. Repealing clause; act takes effect on passage.

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

Superintendent of state house and yard, appointment and salary of; assistants.

SECTION 1. That section 1 and section 2 of chapter 7 of the Public Statutes be and the same hereby are repealed and the following sections be inserted in place thereof: SECTION 1. The governor with the advice of the council shall appoint a superintendent of the state house and state house yard who shall hold office for the term of two years and until his successor is appointed, subject to removal at any time by the governor with the advice of the council. The superintendent shall receive an annual salary not to exceed one thousand dollars. SECT. 2. The superintendent under the direction of the governor and council shall appoint as many employees to assist him as he may from time to time require, and fix their compensation which, in the whole, shall not exceed the annual appropriations provided therefor by the legislature.

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 upon its passage.

[Approved March 30, 1911.]

CHAPTER 86.

AN ACT RELATIVE TO THE APPOINTMENT AND JURISDICTION OF TRIAL JUSTICES.

SECTION

- 1. To be appointed by governor.
- 2. Jurisdiction of justices.
- 3. Civil writs not returnable to other justices in town.

SECTION

- 4. If trial justice disqualified.
- 5. Constables may serve writs, etc.
- 6. Repealing clause; act takes effect on passage.

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

Governor to appoint on petition.

SECTION 1. Upon petition of twenty-five per cent. of the legal voters of any town in which there is no police court the governor may, with advice of the council, appoint and commission a suit-



able person to act as trial justice, who shall qualify as a justice of the peace before acting as such trial justice, and who shall hold office until the expiration of his commission as justice of the peace or until the establishment of a police court in his town.

SECT. 2. Trial justices shall have the same jurisdiction that justices of the peace have except that in civil action they shall have jurisdiction over cases in which the damages demanded do not exceed fifty dollars. Jurisdiction.

SECT. 3. Writs and proceedings in civil action shall not be made returnable before any other justice of the peace than the trial justice in any town in which a trial justice has been appointed, but shall be returnable and returned before such trial justice. Writs not returnable to other justices.

SECT. 4. If the trial justice shall be disqualified or unable for any reason to sit in any case a disinterested justice of the peace attending by request of the trial justice may hear and determine the case with like effect as if it was heard and determined by the trial justice. If justice disqualified.

SECT. 5. Constables shall have authority to serve and return any writs or processes returnable before a trial justice. Power of constables.

SECT. 6. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect upon its passage. Repealing clause; act takes effect on passage.

[Approved March 30, 1911.]

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CHAPTER 87.

AN ACT RELATING TO INVESTMENTS BY INSURANCE COMPANIES.

SECTION

1. Certain loans and investments prohibited.

SECTION

2. Prohibited stocks, how disposed of.  
3. Takes effect on passage.

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

SECTION 1. No insurance company organized under the laws of this state shall invest its funds in or loan them on its own stock or the stock of any other company carrying on the same kind of insurance business, or the stock of any corporation owning and holding stocks of any insurance company or companies carrying on the same kind of insurance business, the aggregate value of which shall exceed one tenth of the paid-up capital of the corporation so owning and holding them. Certain investments prohibited.

Prohibited stocks, how disposed of.

SECT. 2. All shares of stock held by any such insurance company when this act shall take effect, the investment in or loan on which by such insurance company is prohibited by the provisions of this act, shall be sold and disposed of within one year from the time when this act shall take effect and shall not be held for a longer period unless the insurance commissioner shall extend the time for such sale and disposition for the reason that in his judgment the interests of the company will suffer materially by a forced sale of the said property. A record of such extension shall be made by the insurance commissioner which shall state the time of the extension, and in that event the sale of said property may be made at any time before the expiration of the time of such extension.

Takes effect on passage.

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

[Approved March 30, 1911.]

CHAPTER 88.

AN ACT TO FACILITATE THE TESTING AND SEALING OF WEIGHTS, MEASURES, SCALES AND BALANCES.

SECTION

- 1. Penalty for using scale, etc., if test refused.
- 2. Penalty for using condemned scales, etc.
- 3. Penalty for using forbidden scales, etc.

SECTION

- 4. Articles required as evidence may be seized.
- 5. Sealer may enter and test altered scale.
- 6. Takes effect on passage.

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

Penalty for use if test refused.

SECTION 1. Any person using a weight, measure, scale or balance after a sealer has demanded permission to test the same and has been refused such permission shall be liable to a penalty not less than ten nor more than fifty dollars.

Penalty for using condemned scales, etc.

SECT. 2. All weights, measures, scales and balances that cannot be made to conform to the standard shall be marked or stamped Condemned or C D by the sealer; and no person shall thereafter use the same for weighing or measuring any commodity, sold or exchanged, under penalty of not less than twenty nor more than one hundred dollars.

Penalty for using forbidden scales, etc.

SECT. 3. If such weights, measures, scales or balances can be readily adjusted by such means as he has at hand, he may adjust and seal them; but if they cannot be readily adjusted, he shall affix to such weights, scales, balances or measures a notice forbidding their use until he is satisfied that they have been so ad-

justed as to conform to the standards and whoever removes said notice without the consent of the sealer affixing the same shall for each offense be fined not less than ten nor more than twenty-five dollars.

SECT. 4. A sealer or deputy sealer of weights and measures may seize without a warrant such weight, measures, balances or scales as may be necessary to be used as evidence in case of violation of the law relating to the sealing of weights and measures; such weights, scales, measures and balances to be returned to the owner or forfeited as the court may direct.

Seizure of articles as evidence.

SECT. 5. Every sealer who has reasonable cause to believe that a weight, measure, scale or balance has been altered since it was last adjusted and sealed, may enter the premises in which it is kept or used, and shall be allowed to test and examine the same.

Sealer's right to enter and test.

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

Takes effect on passage.

[Approved March 28, 1911.]

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## CHAPTER 89.

### AN ACT RELATING TO THE SALARY OF THE SOLICITOR OF THE COUNTY OF STRAFFORD.

#### 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 Strafford 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. That this act shall take effect upon its passage.

Takes effect on passage.

[Approved March 30, 1911.]

CHAPTER 90.

AN ACT AMENDING SECTIONS 143 AND 148 OF CHAPTER 102 OF THE SESSION LAWS PASSED BY THE GENERAL COURT OF 1909 RELATING TO THE MAINTENANCE OF ARMORIES AND RIFLE RANGES.

SECTION

1. Rent of armories regulated; allowance for rifle ranges.

SECTION

2. Pay for sundry services; repealing clause; act takes effect on passage.

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

Rent of armories regulated; allowance for rifle ranges.

SECTION 1. That chapter 102 of the session Laws passed by the general court at the January 1909 session of said court be amended as follows: Amend section 143 by striking out the whole of said section and inserting instead thereof: SECT. 143. For the rent, improvement and maintenance of an armory for each company of infantry, or coast artillery, troop of cavalry, or battery of light artillery, the sum of six hundred dollars per year; for each regimental band room one hundred dollars per 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, troop, battery or company,—*provided* that organizations using a state armory shall receive no allowance. The sum of two hundred dollars shall be allowed for each company, troop and battery, to be used exclusively for the purchase, preparation and maintenance of suitable ranges for rifle practice of such organization,—*provided* that no organization which does not have 75 per cent. of its strength engaged in rifle practice upon its range during any practice season shall be entitled to such allowance for the succeeding year. Such sums shall be expended on ranges approved by and under the direction of and vouchers therefor shall be submitted to the adjutant general. Any portion of such sums not required for any organization may be applied under the direction of the adjutant general to the purchase or maintenance of any other range or ranges.

Pay for sundry services; repealing clause; act takes effect on passage.

SECT. 2. Amend section 148 by adding thereto: There shall be paid to each company, troop and battery quartermaster-sergeant for services rendered in the care, issuance and preservation of the uniforms, rifles and equipment issued to said company the sum of \$2.50 per day for the time actually employed in such care and preservation, not exceeding in all twenty days for infantry and coast artillery, thirty days for cavalry and forty days for battery organizations in any one year, and to the clerk of each company, troop or battery the sum of \$2.50 per day for the time actually employed in doing the clerical work of such company, not to

exceed in all ten days in any one year. Vouchers for such services shall be approved by the commanders of each company, troop or battery and the expense thereof shall be included in the annual abstract rendered by such commander. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect upon its passage and the provisions hereof shall be applicable to the year 1911.

[Approved March 30, 1911.]

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CHAPTER 91.

AN ACT IN ADDITION TO SECTION 4, CHAPTER 78 OF THE SESSION LAWS OF 1901, PROVIDING FOR A JUDICIARY SYSTEM CONSISTING OF TWO COURTS.

SECTION

1. Supreme court order, when certified to superior court.

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 chapter 78 of the session Laws of 1901, providing for a judiciary system consisting of two courts, is hereby amended by adding the following paragraph: In cases decided in the supreme court the court may, when justice requires such course, direct a certificate of the order made in any case to be forwarded to the clerk of the superior court at any time after the expiration of the time allowed by the rules of court for the filing of a motion for rehearing; and the order of the court shall be valid and binding from the time such direction is given.

Order may be certified, within what time.

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

Takes effect on passage.

[Approved March 30, 1911.]

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CHAPTER 92.

AN ACT IN AMENDMENT OF CHAPTER 38 OF THE LAWS OF 1905, RELATING TO NON-RESIDENT HUNTERS' LICENSES.

SECTION 1. Owner of land may hunt thereon without license.

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

SECTION 1. Chapter 38 of the Laws of 1905 is hereby amended by the insertion at the end thereof the following section:

Owner of land may hunt thereon without license.

SECT. 13. Nothing in this act shall be construed to prohibit

landowners and members of their immediate families from hunting, pursuing or killing wild animals or birds upon the lands so owned or occupied by them, without taking out a license as aforesaid, *provided* that such hunting, pursuing or killing and the disposal of wild animals or birds shall be in conformity with the fish and game laws of the state.

[Approved March 30, 1911.]

CHAPTER 93.

AN ACT TO PROVIDE FOR A BOUNTY ON HEDGEHOGS.

SECTION	SECTION
1. Bounty of twenty cents each.	3. Attempt to collect fraudulent bounty; penalty.
2. Account of bounties to be certified to state treasurer.	4. Takes effect on passage.

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

Bounty of twenty cents. SECTION 1. If any person shall kill a hedgehog within this state and shall produce the head thereof to the selectmen of the town or clerk of the city in which it was killed, and shall prove to their satisfaction that such hedgehog was killed by said person, within the limits of said town or city, the selectmen of said town or clerk of city shall destroy the head so produced so that it cannot be offered again for bounty, and shall pay the sum of twenty cents for each and every hedgehog so destroyed.

Bounties to be certified. SECT. 2. The selectmen of towns or clerk of cities shall keep a true account of all money so paid as bounty under this act and upon presentation of such account, certified by a majority of said board of selectmen or clerks of cities to be just and true, to the state treasurer in the months of January and July, the same shall be paid from the state treasury to said selectmen, or upon their written order.

Attempted fraud; penalty. SECT. 3. Any person producing to the selectmen of any town or clerk of city in this state for bounty, the head of a hedgehog, killed outside of the limits of that town, shall be fined not less than ten dollars (\$10) or thirty days' imprisonment or both, for each head so produced.

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

[Approved March 30, 1911.]

## CHAPTER 94.

AN ACT TO AUTHORIZE CERTAIN FOREIGN STREET RAILWAY CORPORATIONS TO BUY OR LEASE THE PROPERTY AND FRANCHISES OF CONNECTING NEW HAMPSHIRE STREET RAILWAY CORPORATIONS, AND TO AUTHORIZE DOMESTIC STREET RAILWAY CORPORATIONS TO BUY OR LEASE THE PROPERTY AND FRANCHISES OF FOREIGN CONNECTING STREET RAILWAY CORPORATIONS.

## SECTION

1. Lease or sale to foreign connecting company authorized.
2. Purchase or lease by foreign company authorized.
3. Foreign company to file certain statements, etc.

## SECTION

4. Purchase or lease by domestic connecting company authorized.
5. Approval of lease or sale.
6. Increase in rates not permitted.
7. Increase of capital stock.
8. Takes effect on passage.

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

SECTION 1. Any street railway corporation now or hereafter organized and existing under the laws of the State of New Hampshire, whose street railway line connects at the boundary line of this state with the street railway line of a street railway corporation now or hereafter organized and existing under the laws of any adjoining state, may sell or lease its street railway, appurtenances, corporate property and franchises, or any part thereof to said connecting foreign street railway which may be now or hereafter organized and existing under the laws of such adjoining state, upon such terms, agreements and conditions as may be approved by a majority of the directors and of and by the shareholders of said domestic street railway corporation by an affirmative vote of two thirds of its shareholders passed at a shareholders' meeting, and from and after the making of such lease or sale to it, and the doing by said foreign street railway corporation of all the things hereinafter required to be done by it, the said foreign street railway corporation, shall, subject to all general laws of the State of New Hampshire relating to street railways, have, use and enjoy in New Hampshire all the property, rights powers and franchises which the domestic corporation may have under its charter and the laws of the State of New Hampshire, so far as the same have been purchased or leased by said foreign corporation.

SECT. 2. The foreign street railway corporation having a connecting line as aforesaid, is authorized to make such purchase or lease of the railway, property, appurtenances and franchises of the domestic street railway corporation, or of any part thereof, whenever the domestic corporation is entitled under this act to make such sale or lease.

Domestic company may sell or lease to foreign company.

Foreign company may purchase or lease.

Foreign com-  
pany to file  
certain state-  
ments, etc.

SECT. 3. Before assuming the management, control and operation of the domestic street railway and its appurtenances and franchises, or a part thereof, under such sale or lease, the foreign corporation which has purchased, or leased the same, shall file in the office of the secretary of state a true copy of its charter, a full statement of its property of every sort and of its liabilities and a list of its directors and other officers, and shall file with the secretary of state of this state an irrevocable power of attorney constituting the secretary of state its attorney to receive service of all legal process against it, and notices directed to it or required to be given to it, in the state of New Hampshire under any of its laws while it exercises any franchises that were of said domestic street railway company, under said lease or purchase in the state of New Hampshire, and so long as any outstanding liability to any citizen of New Hampshire, incurred by said foreign street railway corporation while exercising the franchises aforesaid in New Hampshire, remains unpaid and unsatisfied; and in each year said foreign street railway corporation shall make such return to the railroad commissioners as domestic street railway corporations are required to make; *provided, however,* said foreign corporation shall not be impleaded or sued in New Hampshire because of, or on account of, any act not done or omitted in exercise of its franchises in this state, but any citizen of New Hampshire may sue or implead said corporation in the courts of this state for any cause of action he has against it whether arising within or out of this state.

Domestic  
company may  
purchase or  
lease foreign  
line.

SECT. 4. Any street railway corporation now or hereafter organized or existing under the laws of the State of New Hampshire, whose street railway line connects at the boundary line of New Hampshire with the street railway line of a corporation now or hereafter organized and existing under the laws of an adjoining state, shall have and possess and enjoy, subject to all general laws of this state, the same right to buy or lease a connecting street railway line, property and franchises, or a part thereof, of said foreign connecting street railway corporation, as is given to the foreign corporation by this act to buy or lease the railway property, appurtenances and franchises, or a part thereof, of a connecting domestic street railway corporation; and the purchase or lease of the railway, property, appurtenances and franchises of said foreign connecting street railway corporation, or of a part thereof, shall be made upon such terms as the directors by majority vote and the shareholders of the domestic street railway corporation by a two-thirds affirmative vote, passed at a shareholders' meeting provide, and upon such purchase or sale being made, and upon the performance of any conditions or acts herein required to be done before the same becomes effective, under the provisions of this act, the domestic street railway corporation shall, so far as this state can confer the power, have, possess and enjoy, with re-



spect to the connecting street railway line, its property and franchises, or a part thereof, so purchased or leased, all the powers, rights and franchises previously had, possessed and enjoyed by said foreign corporation under the laws of the adjoining state, under whose laws it was organized and exists.

SECT. 5. Any lease or sale hereby authorized shall not become effective until a copy of the lease, or of the agreement of purchase, as the case may be, shall have been filed with the secretary of state of the State of New Hampshire, and with the board of railroad commissioners of this state in each case, with the approval of the board of railroad commissioners of New Hampshire, endorsed thereon.

To be approved by railroad commissioners.

SECT. 6. No lease or purchase herein authorized shall permit an increase of fares, or, in cases in which freight or express matter may be carried, of an increase of rates for carrying freight or express matter, save so far as and under the law the right so to do was lawfully exercisable by the street railway corporation whose railway, property, appurtenances and franchises have been leased or purchased.

Increase in rates not permitted.

SECT. 7. The purchasing company may subject to the provisions of existing laws relating to railroads, increase its capital stock and issue bonds to an amount necessary for the purposes authorized by this act, and may exchange its securities for those of the selling company, if the aggregate amount of the capital stock and the debt of the two contracting companies shall not by reason of such purchase and sale be increased.

Increase of stock by purchasing company.

SECT. 8. This act shall take effect upon its passage.

Takes effect on passage.

[Approved March 30, 1911.]

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CHAPTER 95.

AN ACT TO PROVIDE FOR THE USE OF SPARK ARRESTERS ON PORTABLE STEAM MILLS.

SECTION

1. Spark arresters to be used, when.
2. Examinations by state forester, etc.
3. Penalty for violation.

SECTION

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 any portable steam-mill unless the same is provided with a suitable spark arrester, approved by the state forester. Such approval shall be in writing, signed by the for-

Spark arresters to be used, when.

ester, and said approval may be revoked by the state forester in the same manner.

Examinations by state forester, etc.

SECT. 2. It shall be the duty of the state forester to examine all portable steam-mills, or cause them to be examined, whenever he deems it necessary, to determine whether they are provided with suitable spark arresters, and whether the same are kept in constant use, as provided for in section 1 of this act. It shall be the duty of the town forest fire warden to examine portable steam-mills, when requested to do so by the state forester, and make reports on the same in such form as the state forester may require.

Operating mill without appliance, 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 state forester, 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 March 31, 1911.]

CHAPTER 96.

AN ACT CURTAILING THE AUTHORITY OF THE FISH AND GAME COMMISSIONERS.

SECTION

1. Authority to permit collection of birds and eggs revoked.

SECTION

2. Takes effect on passage.

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

Certain authority revoked.

SECTION 1. Chapter 79, session Laws of 1901, as subsequently amended, is further amended by striking out the whole of sections 35, 36 and 37, and renumbering the remaining sections.

Takes effect on passage.

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

[Approved March 31, 1911.]

## CHAPTER 97.

AN ACT IN AMENDMENT OF AND ADDITION TO CHAPTERS 125 AND 126 OF THE PUBLIC STATUTES, RELATING TO WEIGHTS AND MEASURES.

SECTION	SECTION
1. False weight or measure, etc., penalty for giving.	3. Repealing clause; act takes effect on passage.
2. Standard weights and measures of certain commodities.	

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

SECTION 1. Chapter 125 of the Public Statutes is hereby amended by striking out the whole of section 12 and substituting therefor the following: SECT. 12. Whoever, himself, or by his servant or agent, or as the servant or agent of another person, firm or corporation, is guilty of giving false or insufficient weight or measure, or whoever, for purposes of buying or selling, shall have in possession any scales, steel-yards, balances, or other weighing or measuring device so adjusted as to falsely weigh or measure, or which have not been sealed as hereinbefore provided, subject to such exemptions and provisions as may appear elsewhere in the laws of this state, shall be punished by a fine of ten dollars for each offense. The sale of any commodity that is falsely branded as to weight or measure shall be punishable by a like penalty. But in all proceedings under this section, any deviations from: the represented weight or measure of a commodity, falling within the tolerations adopted or which may be adopted by the National Bureau of Standards, shall not be prosecuted. And it shall be the duty of sealers to file the necessary information with the proper chief of police or county solicitor, whenever they may secure satisfactory evidence of the violation of any of the provisions of this section, and such chief of police and county solicitor shall prosecute these offenses to final judgment and sentence. *Provided* that in prosecutions under this section involving the sale of food and drugs, health officers shall have concurrent jurisdiction with sealers.

SECT. 2. Chapter 126 of the Public Statutes is hereby amended by striking out the whole of section 3 and substituting therefor the following: SECT. 3. In proceedings brought under section 12 of the Public Statutes for false or insufficient weight or measure in connection with the sale of any of the articles hereinafter mentioned, the following weights and provisions shall govern: Except where the parties shall expressly agree to sale by measure, a bushel shall contain the number of pounds as hereinafter set forth: Apples, 48; dried apples, 25; beets, 60; small white beans, 60; soy beans (*glycine hispida*), 58; barley, 48;

bran, 20; buckwheat, 48; Indian corn, 56; corn meal, 50; cracked corn, 50; cranberries, 32; carrots, 50; clover seed, 60; flax-seed, 56; herds grass or timothy seed, 45; Japanese barnyard millet (*P. crusgalli*), 35; lime, 70; oats, 32; onions, 52; pears, 58; peaches, 48; dried peaches, 33; peas, 60; parsnips, 45; roasted peanuts, 20; green peanuts, 22; Irish potatoes, 60; sweet potatoes, 54; quinces, 48; rye, 56; rye meal, 50; coarse salt, 70; fine salt, 50; shorts 20; tomatoes, 56; turnips, 55; wheat, 60. All fruits, nuts and vegetables, if sold by measure, shall be sold by dry measure, United States standard, and shall be measured by level measure. Baskets or other receptacles holding one quart or less, which are used in the sale of strawberries, blackberries, cherries, currants, blueberries, huckleberries, raspberries or gooseberries shall be of the capacity of one quart, one pint, or one half pint, United States standard dry measure. Whoever sells or offers for sale, or has in possession with intent to sell, any of the aforesaid fruit in any basket or other receptacle holding one quart or less which does not conform to said standard, or conforming to said standard, is not level measure, shall be punished by a fine of ten dollars for each offense. Said baskets or other receptacles shall not be required to be tested and sealed as provided by chapter 125, Public Statutes, but any sealer or health officer may test the capacity of any basket or other receptacle in which any of the aforesaid fruit is sold or intended to be sold; and if the same is found to contain less than the standard measure, or if the quantity of such fruit is otherwise less than as herein provided, he shall seize the same and make complaint against the vendor.

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 March 31, 1911.]

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CHAPTER 98.

AN ACT TO REGULATE LYING-IN HOSPITALS.

SECTION

1. To be licensed.
2. Supervision and regulation.
3. Keeping without license, penalty.

SECTION

4. Advertising for patronage prohibited.
5. Takes effect on passage.

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

To be licensed.

SECTION 1. The state board of charities and correction may issue a license, subject to revocation by it, to any person whom it may deem suitable and responsible to establish or keep for two

years, within a city or town of this state, a lying-in hospital, hospital ward or other place for the reception, care and treatment of women in labor, if the local board of health shall first certify to the state board of charities and correction that, from its inspection and examination of such hospital, hospital ward or other place aforesaid, the same is suitable for the said purpose.

SECT. 2. The state board of charities and correction shall have supervision of all such hospitals, hospital wards or other places, may make necessary rules for their regulation and may designate its agents to visit and inspect the same. The said hospital, hospital wards and other places shall also be subject to the visitation and inspection at any time by the head of the police department, or his authorized agent, or the board of health of a city, or by the chief of police, selectmen, or the board of health of a town, and if, during the year, it receives more than six patients, by the state board of health, or its authorized agent.

Supervision  
and regula-  
tion.

SECT. 3. Whoever establishes or keeps or is concerned in establishing or keeping in a city or town within this state a hospital, hospital ward or other place for the purpose mentioned in section one of this act or is engaged in any such business, without such license, shall for the first offense be punished by a fine of not more than five hundred dollars or be imprisoned not exceeding one year and for any subsequent offense by imprisonment for not more than two years.

Keeping with-  
out license,  
penalty.

SECT. 4. No person shall print, publish or circulate or cause to be printed, published or circulated, any advertisement of, nor in any other manner publicly solicit patronage for any institution mentioned in section one of this act, whether maintained by himself or others; except that any such institution duly licensed as aforesaid, may display a sign containing the name of the institution but no other words of information.

Advertising  
for patron-  
age pro-  
hibited.

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

Takes effect  
on passage.

[Approved April 5, 1911.]

## CHAPTER 99.

AN ACT TO PROHIBIT BRIBERY AT ELECTIONS AND TO EXCLUDE PERSONS CONVICTED THEREOF FROM HOLDING CIVIL OFFICE AND FROM EXERCISING THE RIGHT OF SUFFRAGE.

## SECTION

1. Bribery at election, etc., penalty.
2. Conviction disqualifies for office and suffrage.

## SECTION

3. *Particeps criminis* not excused as witness.
4. Repealing clause; act takes effect on passage.

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

Bribery at election, etc., penalty.

SECTION 1. Any person guilty of offering, giving, or accepting a bribe, or of aiding or abetting bribery, or of attempting or conspiring to bribe, with intent to influence the vote of any person at any election, caucus, convention, or primary election shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than five hundred nor less than one hundred dollars and be imprisoned in the county jail not less than thirty nor more than ninety days, for each offense.

Conviction disqualifies for office and suffrage.

SECT. 2. Any person convicted under the provisions of the foregoing section shall thereafter be forever disqualified from holding any civil office in this state and from exercising the right of suffrage for a period of five years.

*Particeps criminis* not excused as witness.

SECT. 3. No witness in any proceeding under this act or in any proceeding for violation of the election laws shall be excused from giving his testimony upon the ground that such testimony would incriminate him, but no such testimony shall be used against such witness at any time or in any prosecution. And any person who voluntarily discloses the facts to the proper authorities, and procures a conviction in any such proceeding, shall not be prosecuted for his connection with the bribery or attempted bribery.

Repealing clause; act takes effect on passage.

SECT. 4. All acts and parts of acts, so far as they are inconsistent herewith, are hereby repealed, and this act shall take effect upon its passage.

[Approved April 6, 1911.]

## CHAPTER 100.

AN ACT IN AMENDMENT OF SECTION 9, CHAPTER 286 OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 25, SESSION LAWS OF 1909, RELATING TO CLERICAL EXPENSES IN THE ADJUTANT-GENERAL'S OFFICE.

## SECTION

1. Annual appropriation of \$1,000.

## SECTION

2. Takes effect on passage.

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

SECTION 1. That section 9, chapter 286 of the Public Statutes, as amended by chapter 25, session Laws of 1909, be amended by striking out the words "eight hundred" and inserting in place thereof the words one thousand, so that said section, as amended, shall read: SECT. 9. The sum of one thousand dollars is annually appropriated for clerical expenses in the adjutant-general's office, to be expended according to the discretion of the adjutant-general.

Annual appropriation of \$1,000.

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

Takes effect on passage.

[Approved April 6, 1911.]

## CHAPTER 101.

AN ACT TO PROVIDE FOR PUBLICITY OF CAMPAIGN RECEIPTS AND EXPENDITURES BY POLITICAL COMMITTEES AND CANDIDATES.

## SECTION

1. Meaning of "political committee"; each committee to have treasurer.
2. Statements required of state committees.
3. Of other political committees.
4. Of candidates for governor and congressman.

## SECTION

5. Of candidates for United States senator.
6. Of candidates for councilor, etc.
7. Penalty for violations.
8. Contributions, to whom made.
9. Penalty for violation.
10. Takes effect on passage.

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

SECTION 1. The term political committee under the provisions of this act shall apply to every committee or combination of three or more persons who shall aid or promote the success or defeat of a political party or principle in a public election or the

Meaning of "political committee"; each committee to have treasurer.

success or defeat of any measure voted on at a public election or shall aid or take part in the nomination, election, or defeat of any candidate for public office. Every political committee shall have a treasurer who shall be a citizen of this state and whose duty it shall be to receive and expend all its money.

Statements  
required of  
state commit-  
tees.

SECT. 2. The state committee of every political party shall file, on the third day preceding the election, with the secretary of state and also publish in two daily newspapers in this state, an itemized statement, signed and sworn to by its chairman and treasurer, showing in detail all its receipts and expenditures, with the names of the various persons by whom they were made and the respective amounts thereof, and the names of various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said election another itemized statement, signed and sworn to by the same officers, shall be likewise filed and published, covering in like manner all receipts and expenditures subsequent to the first statement.

Of other po-  
litical com-  
mittees.

SECT. 3. Every other political committee shall, within fifteen days after the election, file with the secretary of state and with the town or city clerk for the town or city where the treasurer resides, an itemized statement, signed and sworn to by the chairman and treasurer, of all its receipts and expenditures, if the total amount exceeds one hundred dollars, showing the names of the various persons by whom they were made and the respective amounts thereof and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Where the amount does not exceed one hundred dollars, a statement to that effect, signed and sworn to by the chairman and treasurer, shall be filed with the same officials and within the same time as that specified for the itemized statement above described.

Of candidates  
for governor  
and congress-  
man.

SECT. 4. Every candidate at the primary or general election for governor or representative to congress shall, on the third day preceding said primary or election, file with the secretary of state and also publish in two daily newspapers of this state, an itemized sworn statement of all his receipts and expenditures, in aid of his nomination or election, showing in detail the names of the various persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said primary or election a similar sworn itemized statement shall be likewise filed and published, showing in like manner all receipts and expenditures subsequent to the first statement.

Of candidates  
for United  
States sen-  
ator.

SECT. 5. Every candidate for United States senator shall, on the third day preceding the day upon which such senator is to be chosen, file with the secretary of state and also publish in two



daily newspapers of this state a sworn itemized statement of all his receipts and expenditures in aid of his election, showing in detail the names of the persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. Within fifteen days after said election a similar sworn itemized statement shall be likewise filed and published, showing in like manner all receipts and expenditures subsequent to the first statement.

SECT. 6. Every candidate at the primary or general election for councilor, state senator, or representative to the general court, who has expended a sum in excess of twenty-five dollars, shall within fifteen days after said primary or general election file with the secretary of state and with the town or city clerk for the town or city in which he resides an itemized sworn statement of all his receipts and expenditures in aid of his nomination, showing in detail the names of the various persons by whom they were made and the respective amounts thereof, and the names of the various persons, corporations, or committees to whom they were made, with the specific nature and amount of each expenditure. All such statements shall be open to public inspection.

Of candidates  
for coun-  
cilor, etc.

SECT. 7. Any person who violates the foregoing provisions of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred nor less than one hundred dollars and be imprisoned in the county jail not less than thirty nor more than ninety days, nor shall he be entitled to the nomination or election until said sworn itemized statement is filed and published as hereinbefore required.

Penalty.

SECT. 8. No person not a candidate for nomination at the primary or election shall contribute, expend or promise to contribute or expend any money or thing of value, in aid of the nomination or defeat of any candidate at the primary or election, or in aid of the success or defeat of any political party or principle, or in aid of the success or defeat of any measure to be voted on at any election, unless contributed directly to some candidate at the primary or election, or some political committee of this state.

Contributions  
to be to  
candidates or  
committees.

SECT. 9. Any person violating the provision of section 8 of this act shall be guilty of a misdemeanor and upon conviction shall be fined not more than five hundred nor less than one hundred dollars and be imprisoned in the county jail not more than ninety nor less than thirty days.

Penalty.

SECT. 10. This act shall take effect upon its passage.

Takes effect  
on passage.

[Approved April 6, 1911.]

## CHAPTER 102.

AN ACT IN AMENDMENT OF AND IN ADDITION TO CHAPTER 78 OF THE LAWS OF 1897 RELATING TO THE MANNER OF CONDUCTING CAUCUSES AND ELECTIONS.

## SECTION

1. Assistance to voter, when and how given.
2. Showing ballot, distinguishing ballot by mark, etc., penalty; sundry fraudulent practices, penalty; neglect of duty by election officer, penalty.

## SECTION

3. Repealing clause; sections of prior act renumbered.

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

Assistance to voter, when and how given.

SECTION 1. Chapter 78 of the Laws of 1897 is hereby amended by striking out section 19 of said chapter and inserting in place thereof the following: SECT. 19. Any voter who declares to the moderator, under oath, that he cannot read, or that because of his blindness or other physical disability he is unable to mark his ballot, shall, upon his choice and request, receive the assistance of one or both of the election officers detailed for that purpose by the moderator; and such officer or officers shall certify on the outside thereof that it was so marked with his or their assistance, and shall thereafter give no information regarding the same.

Showing ballot, distinguishing by mark, etc., penalty; sundry fraudulent practices, penalty; neglect of duty by election officer, penalty.

SECT. 2. Also amend chapter 78, Laws of 1897 by adding thereto the following sections, to wit: SECT. 20. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person, with the intention of letting it be known how he is about to vote, or place a distinguishing mark upon his ballot, or shall write any name as the candidate of his choice, with the intention of placing thereby a distinguishing mark upon his ballot, or who in voting shall use or attempt to use any ballot not given him by the ballot clerk, in manner hereinbefore provided, or who shall make a false oath as to his inability to mark his ballot, or any person who shall interfere or attempt to interfere with any voter when such voter is inside the inclosed space, or who shall endeavor to induce any voter, before voting, to show how he marks or has marked his ballot, or otherwise violate any provision of this act, shall be punished by fine of not more than five hundred dollars or be imprisoned not exceeding six months; and the election officers shall see that the offender is duly brought before the proper court for trial. SECT. 21. Any person who shall falsely make or file or wilfully deface or destroy any certificate of nomination or nomination paper, or any part thereof, or sign any such certificate or paper contrary to the provisions of this act, knowing the same or any part thereof to be falsely made, or suppress any certifi-

icate of nomination or nomination paper, or any part thereof, which has been duly filed, or forge or falsely make the official indorsement on any ballot, or wilfully destroy, deface, mark or alter any ballot, or shall furnish to any voter a ballot with the intent that such voter shall use the same in voting instead of the ballot given or to be given him by the ballot clerk, as herein provided, or shall take or remove any ballot outside of the inclosure provided for voting before the close of the polls, or wilfully delay the delivery of any ballots, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the jail for not more than six months, or by both such fine and imprisonment.

SECT. 22. Any public officer upon whom a duty is imposed by this act, who shall wilfully neglect to perform such duty, or who shall wilfully perform it in such a way as to hinder the objects of this act, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in jail for not more than one year, or by both such fine and imprisonment.

SECT. 3. Also amend sections 20 and 21 of said chapter 78 of the Laws of 1897 by changing the number of said section 20 to 23 and the number of said section 21 to 24.

Repealing clause; sections renumbered.

[Approved April 6, 1911.]

CHAPTER 103.

AN ACT TO DEFINE THE DUTIES OF THE TREASURER OF ROCKINGHAM COUNTY IN RESPECT TO DEPOSITING COUNTY FUNDS.

SECTION

1. To deposit in banks approved by county commissioners.

SECTION

2. Takes effect on passage.

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

SECTION 1. It shall be the duty of the treasurer of Rockingham county in this state to deposit all the money belonging to the county in his possession in such banks and trust companies in this state as shall from time to time be approved by the county commissioners, but the amount that may be deposited in any bank or trust company at any one time shall not exceed twenty per cent. of its paid-up capital and surplus. Other things being equal, the bank or banks shall be preferred which will pay the highest rate of interest on daily balances. The interest secured shall belong to the county.

To deposit in approved banks.

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

Takes effect on passage.

[Approved April 6, 1911.]

## CHAPTER 104.

## AN ACT PROVIDING JOINT GUARDIANSHIP FOR MINORS.

## SECTION

1. Father and mother joint guardians.
2. Limitation of act.

## SECTION

3. Takes effect on passage.

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

Father and  
mother joint  
guardians.

SECTION 1. The father and mother of every minor child are hereby constituted joint guardians of the person of such child, and the powers, rights, and duties of both the father and mother in regard to such child shall be equal. Upon the death of either the father or the mother the surviving parent of any unmarried child under the age of twenty-one years shall become the sole guardian of the person of said child.

Limitation.

SECT. 2. Nothing herein contained shall prevent any court of competent jurisdiction from appointing any suitable person to be guardian, and the custody of any minor child may be awarded to either parent by any court having jurisdiction.

Takes effect  
on passage.

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

[Approved April 6, 1911.]

## CHAPTER 105.

## AN ACT TO AMEND CHAPTER 47 OF THE PUBLIC STATUTES, RELATING TO MAYORS OF CITIES.

## SECTION

1. Chairman of aldermen or city council to act in absence of mayor.

## SECTION

2. Takes effect on passage.

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

Chairman of  
aldermen or  
council, to  
act in ab-  
sence of  
mayor.

SECTION 1. Section 11 of chapter 47 of the Public Statutes is hereby amended as follows: Strike out all of said section, and insert in place thereof the following: SECT. 11. The board of aldermen where the city government is composed of two bodies, or the city council where the city government is composed of one body, may choose one of their members to be chairman, and whenever the mayor of any city shall be absent or shall be disabled by sickness or otherwise, he shall have all of the powers and perform all of the duties of the mayor during his absence or disability.

Takes effect  
on passage.

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

[Approved April 6, 1911.]

## CHAPTER 106.

AN ACT IN RELATION TO POLITICAL ADVERTISING IN NEWSPAPERS.

## SECTION

1. To be designated and signed.

## SECTION

2. Penalty for violation.

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

SECTION 1. No person shall publish or cause to be published in a newspaper or other periodical, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate for public office, or a constitutional amendment or any other question submitted to the voters, unless the name of the chairman or secretary, or the names of two officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor, with his residence and the street and number thereof, if any, appear in the nature of a signature. Such matter inserted in reading columns shall be preceded or followed by the word advertisement in a separate line, in type set smaller than that of the body type of the newspaper or other periodical. To be designated and signed.

SECT. 2. Any person who violates, or in any way knowingly aids or abets the violation of any provisions of this act, shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than sixty days. Penalty.

[Approved April 6, 1911.]

## CHAPTER 107.

AN ACT TO AMEND CHAPTER 85 OF THE LAWS OF 1907 AS AMENDED BY CHAPTER 115 OF THE LAWS OF 1909 ENTITLED "AN ACT TO PROVIDE A PENSION FOR FIREMEN, POLICE OFFICERS AND CONSTABLES."

## SECTION

1. Pensions, how and when granted.

## SECTION

2. Takes effect on passage.

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

SECTION 1. Strike out section 2 of said act and insert in place thereof the following: SECT. 2. Pensions may be granted under the provisions of this act of an amount not less than one hundred dollars nor more than five hundred dollars per annum to Pensions, how and when granted.

any fireman, police officer or constable, who by reason of permanent disability directly incurred in the performance of his duty as a fireman, police officer or constable is no longer able to perform active service as such, or to any fireman, police officer or constable, who has served faithfully for not less than twenty-five years, *provided, however,* that no pension shall be granted for more than one year at a time.

Takes effect on passage.

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

[Approved April 6, 1911.]

CHAPTER 108.

AN ACT TO PROVIDE FOR CERTIFIED AND INSPECTED MILK.

SECTION

- 1. Certified milk and inspected milk provided for.
- 2. Product must conform to certain standards.

SECTION

- 3. Product to be labeled; requirements.
- 4. Penalty for violation.

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

Certified milk and inspected milk provided for.

SECTION 1. For the purpose of improving the dairy interests of the state of New Hampshire and for the better protection of public health, the state board of health may establish rules and regulations, under which may be produced and sold a grade of milk known as certified milk, and also a grade of milk known as inspected milk.

Must conform to certain standards.

SECT. 2. No person shall exchange, or offer or expose for sale or exchange as and for certified milk or as and for inspected milk, any milk which does not conform to the regulations prescribed by the state board of health for each grade, or by a commission appointed by a county medical society, with the approval of the state board of health.

Product to be labeled; requirements.

SECT. 3. All milk sold as certified milk or as inspected milk shall be conspicuously marked or labeled in accordance with the regulations of the state board of health, as provided in section 2, and must be produced from healthy, tuberculin-tested animals; must be free from antiseptics, added preservatives, pathogenic germs, and bacteria in excess of the established regulations.

Penalty.

SECT. 4. Any person who violates any of the provisions of this act, or the regulations established under it, shall be liable to a fine not exceeding ten dollars for each offense.

[Approved April 6, 1911.]

CHAPTER 109.

AN ACT PROHIBITING CAMPAIGN CONTRIBUTIONS BY CORPORATIONS.

SECTION

- 1. Contributions prohibited.
- 2. Solicitation from corporation prohibited.

SECTION

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

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

SECTION 1. No corporation, incorporated under the laws of <sup>Contributions prohibited.</sup> or doing business in this state and no officer, director, agent or employee of and acting in behalf of such corporation shall pay or contribute or authorize or direct to be paid or contributed any sum of money or any check, draft, note or other article of value, to any political party, committee or to any individual or corporation for the purpose or with the intention of having such money or any part thereof or such check, draft, note or other article of value or any part thereof expended or used for the purpose of aiding or promoting, or of preventing or opposing the nomination or election of any person to public office established by or under the authority of the constitution or laws of this state or of the United States, or expended or used for the purpose of promoting or antagonizing the interests of any political party.

SECT. 2. No person shall solicit or receive the payment of any sum of money or the delivery of any check, draft, note or other article of value for the purposes specified in the preceding paragraph, from any corporation incorporated under the laws of or doing business in this state or from any officer, director, agent, or employee of such corporation and on its behalf. <sup>Solicitation prohibited.</sup>

SECT. 3. Any corporation violating any of the provisions of <sup>Penalty.</sup> this act shall be punished by a fine of not exceeding three thousand dollars for each offense; and any individual violating any of the provisions of this act shall be punished by a fine of not exceeding one thousand dollars or by imprisonment not exceeding six months.

SECT. 4. This act shall take effect upon its passage. <sup>Takes effect on passage.</sup>

[Approved April 6, 1911.]

CHAPTER 110.

AN ACT TO REGULATE THE USE OF FISHING BUOYS ON SUNAPPE LAKE.

SECTION

1. Character of buoys specified.
2. Penalty for violation.
3. Civil liability for damage.

SECTION

4. Enforcement of act.
5. Repealing clause; act takes effect on passage.

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

Character of buoys specified.

SECTION 1. No person shall place or maintain in Sunapee lake any buoy or float for the purpose of locating fishing grounds or anchorage therefor unless such buoy or float shall be a metal or wooden keg of not less than five gallons in capacity, or unless such buoy or float shall be made of cork or other buoyant material, in which case such buoy or float shall be not less than thirty inches long, sixteen inches in largest diameter, and so constructed that at least twelve inches of the same shall be visible at all times above the surface of the water. All such buoys or floats, including kegs, shall be painted white, with a black band not less than three inches wide around the middle thereof, and shall bear the name of the owner thereon in letters not less than one inch in height. All such buoys or floats shall be removed from the water on or before September 5 of each year. Rope of hemp or other vegetable fiber shall be the only means employed for mooring said buoys and no auxiliary rope, chain or wire shall be attached to such buoy.

Penalty.

SECT. 2. Any person violating the provisions of this act shall upon conviction be fined not exceeding ten dollars and costs of prosecution.

Civil liability.

SECT. 3. Any person placing any buoy or float in Sunapee lake for the purpose of locating fishing grounds or anchorage thereon which shall not conform to the provisions of this act, shall be liable for any loss, damage or accident that may be caused by or result from such float or buoy. The damages therefor may be recovered by an action at law to be brought by the person suffering such damage.

Enforcement of act.

SECT. 4. It shall be the duty of the fish and game commissioners to enforce the provisions of this act and they are hereby authorized to remove any buoys or floats which are not within the provisions of this act.

Repealing clause; act takes effect on passage.

SECT. 5. All acts or parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on its passage.

[Approved April 6, 1911.]



## CHAPTER 111.

AN ACT RELATIVE TO THE SIZE OF TROUT AND SALMON THAT MAY  
BE TAKEN FROM PLEASANT POND IN NEW LONDON.

## SECTION

1. Size of fish specified.
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 to take from the waters of Pleasant pond in the town of New London, the outlet of the said pond being in the village of Elkins in the said town, any trout less than ten inches in length or any salmon less than fifteen inches in length. Size of fish specified.

SECT. 2. Whoever violates the provisions of this act shall be punished by a fine not exceeding fifteen dollars for each fish in respect to which the violation occurs. Penalty.

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

[Approved April 7, 1911.]

## CHAPTER 112.

AN ACT IN RELATION TO THE SALE OF LIGHTNING RODS.

## SECTION

1. Sale, how regulated.

## SECTION

2. Takes effect on passage.

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

SECTION 1. Chapter 34 of the Laws of 1879, and all amendments thereto, are hereby repealed, and the sale of lightning rods shall be regulated under chapter 76 of the Laws of 1897 and amendments thereto. How regulated.

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

[Approved April 7, 1911.]

## CHAPTER 113.

AN ACT IN AMENDMENT OF SECTION 18 OF CHAPTER 252 OF THE PUBLIC STATUTES RELATING TO RETURNS BY POLICE AND JUSTICE COURTS OF APPEALS AND ORDERS OF RECOGNIZANCE IN CRIMINAL MATTERS.

SECTION 1. Copies of proceedings, with whom filed; fees; penalty for violation.

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

Copies, with whom filed; fees; penalty.

SECTION 1. Amend section 18 of chapter 252 of the Public Statutes by striking out the whole of said section and by inserting instead thereof the following: SECT. 18. In case of appeal the police court or justice shall cause true and attested copies of the process, records and recognizances in the case to be filed with the clerk of the superior court, on or before the first day of the next trial term thereof; and in case of order to recognize for appearance before the superior court, the police court or justice shall cause true and attested copies of the process, records and recognizances in the case to be mailed to or delivered to the solicitor of the county within which the offense is alleged to have been committed, within ten days after the date of such order for recognizance, and the same fees shall be allowed for copies delivered to the solicitors as are now allowed for copies delivered to the clerk of the superior court. Any violation of this section shall subject the justice of the police court or justice of the peace from whose decision the appeal was taken or by whom the order of recognizance was made to punishment by a fine not exceeding ten dollars.

[Approved April 7, 1911.]

## CHAPTER 114.

AN ACT RELATING TO THE ERECTION OF MILL DAMS.

## SECTION

1. Flowage rights acquired with owner's consent, procedure.
2. Security for damages.

## SECTION

3. Existing rights not affected.
4. Repealing clause; act takes effect on passage.

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

Flowage rights acquired with owner's consent, procedure.

SECTION 1. Any person or corporation authorized by its charter so to do proposing to erect a dam on any stream in this state upon his or its land or upon the land of another with his consent

may file in the superior court a petition, setting forth the location, height, and description of the proposed dam and applying for flowage rights in land to be flowed thereby, and if it shall appear that the erection of the dam is or may be of public use and benefit, then the court shall proceed to the assessment of damages for land flowed as nearly as may be in accordance with the provisions of section 14 to 18 inclusive of chapter 142 of the Public Statutes and chapter 50 of the Laws of 1893. No other dam shall be erected to the injury of the proposed dam after the filing of the petition if the petitioner shall within a reasonable time thereafter commence the construction of and complete the same.

SECT. 2. Any person or corporation filing a petition under this act may be required at any time, upon application to the court in which such petition is filed, to give within a reasonable time such security as justice may require for any damages which have been or may be occasioned by such proceedings or to satisfy any judgment which may be rendered therein.

Security for  
damages.

SECT. 3. The provisions of the two preceding sections shall in no way affect any mill of other persons lawfully existing on the same stream, nor any mill site or mill privilege of other persons on which a milldam has been lawfully erected and used, nor the right of any owner of such mill, mill site, or mill privilege, unless the right to maintain on such last mentioned site or privilege shall have been lost or defeated by abandonment or otherwise; neither shall they affect the right of a town in any highway or bridge which the town may be liable to keep in repair, nor shall they be applicable to any navigable waters in this state.

Existing  
rights not  
affected.

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

Repealing  
clause; act  
takes effect  
on passage.

[Approved April 7, 1911.]

## CHAPTER 115.

AN ACT IN AMENDMENT OF SECTION 8 OF CHAPTER 95 OF THE LAWS OF 1903 AS AMENDED BY CHAPTER 49 OF THE LAWS OF 1905 AND CHAPTER 118 OF THE LAWS OF 1909 RELATING TO THE REGULATION OF THE TRAFFIC IN INTOXICATING LIQUOR.

## SECTION

1. Non-resident hotel proprietor may be licensed.

## SECTION

2. Repealing clause; act takes effect May 1, 1911.

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

Non-resident hotel proprietor may be licensed.

SECTION 1. Amend section 8 of chapter 95 of the Laws of 1903 as amended by chapter 49 of the Laws of 1905 and chapter 118 of the Laws of 1909 by adding at the end of sub-division 3 of said section the following, except that this provision shall not apply to a bona-fide purchaser or lessee of hotel property situate in any town so that said sub-division 3 as amended shall read as follows: 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; except that this provision shall not apply to a bona-fide purchaser or lessee of hotel property situate in any town.

Repealing clause; act takes effect May 1, 1911.

SECT. 2. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect May 1, 1911.

[Approved April 7, 1911.]

## CHAPTER 116.

AN ACT IN AMENDMENT OF SECTION 13 AND SECTION 15 OF CHAPTER 141 OF THE PUBLIC STATUTES, RELATING TO LIENS.

SECTION 1. Subcontractor's lien, notice of, when to be given.

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

Subcontractor's lien, notice of, when to be given.

SECTION 1. Amend section 13, chapter 141, of the Public Statutes by adding at the end thereof the following: or providing said notice is given after the labor is performed or the material is furnished said lien shall be valid to the extent of the amount due or that may be due the contractor, agent or subcontractor of the owner. The account required under section 15 of chapter 141

of the Public Statutes may also be given at the time the notice of the claim of lien is given, so that said section as amended shall read as follows: [SECT. 13.] If a person shall for himself or others perform labor or furnish materials to the amount of fifteen dollars, or more, for any of the purposes specified in the three preceding sections, by virtue of a contract with an agent, contractor, or subcontractor of the owner, he shall have the same lien as provided in said sections, *provided* he gives notice in writing to the owner or to the person having charge of the property that he should claim such lien before performing the labor or furnishing the material for which it is claimed, or *providing* said notice is given after the labor is performed or the material is furnished said lien shall be valid to the extent of the amount due or that may be due the contractor, agent or subcontractor of the owner. The account required under section 15 of chapter 141 of the Public Statutes may also be given at the time the notice of the claim of lien is given.

[Approved April 7, 1911.]

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## CHAPTER 117.

AN ACT IN RELATION TO THE FINDINGS OR ORDERS OF THE RAILROAD COMMISSIONERS MADE UNDER SECTION 1, CHAPTER 100, SESSION LAWS OF 1907.

SECTION

1. Not vacated by appeal.
2. May be suspended by superior court.

SECTION

3. Violation may be enjoined.
4. Repealing clause.

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

SECTION 1. No finding or order, fixing the reasonable charges to be made by any express company for the transportation of goods and merchandise within the state, made by the railroad commissioners under the authority conferred by section 1, chapter 100, session Laws of 1907, shall be vacated upon appeal, but shall be in full force and effect as if no appeal had been taken until suspended, modified or reversed by order or decree of the superior court. The findings or orders fixing the reasonable charges as aforesaid, an appeal from which is now pending, shall from and after the passage of this act be of full force and effect. The charges as fixed and determined by said findings or orders are hereby declared reasonable, and shall be the maximum charges to

Not vacated  
by appeal.

be charged by the express company or companies affected until suspended, modified or set aside by proper proceedings. The right to prosecute a pending appeal to determine the reasonableness of the charges so established shall not hereby be affected, but the reasonableness of the charges may be determined in the pending appeal.

May be suspended by superior court.

SECT. 2. The superior court may suspend such finding or order fixing the reasonable charges to be made by any express company, pending the determination of an appeal, whenever, in the opinion of the court, justice may require such suspension, but no order providing for a reduction of charges shall be suspended except upon conditions to be imposed by the court providing a means for securing the prompt repayment of all excess charges over and above the charges which shall finally be determined to be reasonable and just. Any order of the court suspending any such order fixing the reasonable charges shall, among other things, provide that the express company or companies affected by the order suspended shall keep such accounts as shall suffice to show the amounts being collected by such express company or companies pending the appeal in excess of the amounts which would have been collected if the finding or order had not been suspended, and that any such excess shall be impounded within the state or paid into court. Whenever there is occasion, after final decision, for the distribution of said excess, any violation on the part of any express company or companies or of the officers, members or agents thereof, of the order of the court providing for the repayment of said excess may be punished as a contempt of court.

Violation of orders may be enjoined.

SECT. 3. The superior court shall have power upon petition of any interested party to enjoin the violation by any express company of any finding or order made by said railroad commissioners under the authority conferred by said section 1, chapter 100, session Laws of 1907, so long as said finding or order may be in force. Upon proper representation that any finding or order, made as aforesaid, is being violated by any express company, it shall be the duty of the attorney-general to institute proceedings in behalf of the state to have enjoined any further violation.

Repealing clause.

SECT. 4. All acts and parts of acts inconsistent herewith are hereby repealed.

[Approved April 7, 1911.]

## CHAPTER 118.

## AN ACT TO REGULATE THE USE OF THE WATER OF WINNIPESAUKEE LAKE.

## SECTION

1. Right to draw water limited.
2. Bench-mark to be established.
3. Injunction proceedings, provision for.

## SECTION

4. Measuring apparatus to be installed.
5. Existing rights not affected.
6. Subject to repeal; act takes effect on passage.

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

SECTION 1. From and after the passage of this act no person, firm or corporation owning or managing the dam, gates, flumes, flashboards and other structures which are now or may hereafter be maintained at Lakeport in Laconia, New Hampshire, for holding back or drawing down the waters of Winnepesaukee lake, shall manage or control such dams, gates, flumes, flashboards and other structures so that the total quantity of water drawn from Lake Winnepesaukee during the seven days of any week shall exceed the equivalent of 250 cubic feet for each second of time during said week, (a) until the water of said lake shall be restored to level 21 inches above zero, as shown on the gauge now maintained by said company at its Lakeport office, or (b) thereafter between the first day of June and the fifteenth day of September of any year, at any time between said dates when the water of said lake shall fall to or below level 21 inches above zero as shown on said gauge. The foregoing provisions shall apply to the Winnipisseege Lake Cotton and Woolen Manufacturing Company, being a corporation chartered under act of the New Hampshire legislature approved June 28, 1831, and to the successors and assigns of said company and to any person, firm or corporation owning or managing the dam, gates, flumes, flashboards and other structures above specified. Nothing in this act shall be construed to authorize said company, its successors or assigns, or any person, firm or corporation at any time unreasonably to draw or make use of the waters of said lake.

SECT. 2. In order to fix permanently and definitely the level of the gauge referred to in the preceding section, James E. French of Moultonborough, Stephen S. Jewett of Laconia and Charles B. Hibbard of Laconia are hereby designated and appointed as a committee to cause to be established under their supervision a permanent bench-mark located at some convenient and suitable point in Lakeport aforesaid and referred by suitable designation and description to the zero mark of said gauge. Said committee shall make a written description of said bench-mark, together with the reference therefrom to said gauge and any other facts pertain-

Right to draw water limited.

Bench-mark to be established.

ing thereto which shall serve to identify said bench-mark and fix the level of said gauge, and shall sign the same and cause it to be recorded in the registry of deeds for Belknap county; and the same or an attested copy thereof shall be received as evidence of the facts therein stated in any cause pending in the courts of New Hampshire in which the height of said gauge shall be a material question.

Injunction proceedings.

SECT. 3. Any person or persons who shall be prevented from exercising any public or private right by reason of any act or default of the Winnipisseogee Lake Cotton and Woolen Manufacturing Company, its successors or assigns, or any person, firm or corporation owning or controlling the dam, gates, flumes, flashboards and other works at said Lakeport in violation of the provisions of this act or any other statute or law of this state, relating to the waters of said Lake Winnepesaukee, may obtain by bill in equity filed in the superior court of Belknap or Carroll counties, or on application to any justice of the superior court in vacation, such order or injunction as to the court shall seem just and reasonable to afford relief.

Measuring apparatus.

SECT. 4. Said Winnipisseogee Lake Cotton and Woolen Manufacturing Company, its successors or assigns, shall install and at all times maintain at a suitable place in said Lakeport a proper and suitable apparatus for measuring the rise and fall of water in said lake and shall place in charge thereof an agent, or person, whose duty it shall be to keep a record of the daily rise and fall of water in said lake, and said apparatus and record shall be open to the inspection of the public at all reasonable times. Any interested party or his agent shall have the right to enter upon the premises of said Winnipisseogee Lake Cotton and Woolen Manufacturing Company, its successors or assigns, and measure the flow of water from said lake.

Existing rights not affected.

SECT. 5. Nothing in this act shall be construed as giving said Winnipisseogee Lake Cotton and Woolen Manufacturing Company, its successors or assigns, any right not now possessed to draw and use the waters of said lake, or as affecting any existing right of the state to control the waters of said lake or any existing right of action, or proceeding by the state or individual for the enforcement of any public or private rights in the waters of said lake, or in any stream or streams running into said lake, or any in which its waters flow.

Subject to repeal; act takes effect on passage.

SECT. 6. This act may be altered, amended or repealed whenever the public good requires, and shall take effect upon its passage.

[Approved April 7, 1911.]



## CHAPTER 119.

AN ACT IN AMENDMENT OF CHAPTER 102 OF THE LAWS OF 1909,  
RELATING TO THE MILITIA.

## SECTION

1. Adjutant-general to furnish funds to paymasters.
2. Adjutant-general to rank as brigadier-general.
3. Non-commissioned officers, how appointed.
4. Retired list; discharges for disability.

## SECTION:

5. Land taken for encampment, assessment of damages; appeal from assessment.
6. Pay for sundry services.
7. 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 27 by striking out in the second [first] line thereof the word "regimental" and in the third and fourth [second and third] lines the words "in the regiments" and the word "regimental," so that said section, as amended, shall read: SECT. 27. He shall seasonably furnish the paymasters with funds to pay the claims duly allowed, but no 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.

Adjutant-general to furnish funds to paymasters.

SECT. 2. Amend section 52 by striking out the word "major-general" in the second line of the second paragraph and substitute the word brigadier-general, so that said paragraph as amended shall read: An adjutant-general's department, consisting of one adjutant-general, brigadier-general, who shall be the adjutant-general of the state, and one adjutant-general, major.

Adjutant-general to rank as brigadier-general.

SECT. 3. Amend section 67 by striking out the sixth sentence in said section, so that said section, as amended, shall read as follows: 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 ex-

Non-commissioned officers, how appointed.

amination before a board of examiners to be appointed by the officer authorized to issue such a warrant. 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.

Retired list;  
discharges for  
disability.

SECT. 4. Amend section 73 by adding after the word "governor" in the twelfth [seventh] line thereof the following: and for faithful and meritorious service, may be given rank one grade higher than he holds at the time of retirement, so that said section, as amended, shall read: SECT. 73. Any officer of the active militia who has reached the age of sixty-four years may be placed on 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, and for faithful and meritorious service, may be given rank one grade higher than he holds at the time of retirement. 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 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.

SECT. 5. Amend sections 101 and 102 by striking out the whole of said sections and inserting in place thereof the following:

SECT. 101. Upon petition of the owner of the land so occupied to the county commissioners, and hearing thereon, fourteen days' notice of which hearing shall be given to the adjutant-general, 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. SECT. 102. If the owner or the adjutant-general is dissatisfied with the damages assessed, he may, at any time within thirty days from such return to the adjutant-general, 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.

SECT. 6. Amend section 148 by striking out, in the eleventh, twelfth and thirteenth [seventh and eighth] lines thereof, the words "and at which two thirds of the organization drilling is actually present," so that said section, as amended, shall read:

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 attendance at each of the twenty-four drills required by this chapter which lasts at least one and one-half hours, 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;

Land taken  
for encamp-  
ment, assess-  
ment of dam-  
ages; appeal  
from assess-  
ment.

Pay for sun-  
dry services.

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 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.

Repealing clause; act takes effect on passage.

SECT. 7. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved April 7, 1911.]

CHAPTER 120.

AN ACT FOR THE REGULATION OF TRUST AND BANKING COMPANIES.

SECTION

1. To begin business within four years of incorporation.
2. Repeal of provisions as to sale of bonds, etc.; charters amended.
3. Dividends, how declared and paid.

SECTION

4. Amount of cash reserve.
5. Guaranty fund.
6. Personal liability of stockholders.
7. Repealing clause; act takes effect on passage.

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

To begin business within four years of incorporation.

SECTION 1. Every trust company, banking company, loan and banking company, or similar corporation, incorporated for the purpose of doing the business of a trust company or a general banking business shall organize and commence business within four years from the date of its incorporation; otherwise, its charter shall become void: and if any such corporation holding a charter on the first day of January, 1911, and not having commenced the transaction of business, shall fail to organize and commence business within four years from said first day of January, 1911, its charter shall thereby be rendered void.

Repeal of prior provisions; amendment of charters.

SECT. 2. Any provision of law regarding trust companies, banking companies, loan and banking companies, or similar corporations, whether contained in the general statutes or in the charter of any institution incorporated by this state, which authorizes or permits such company to issue, sell, or negotiate its own bonds or mortgage securities, or its own choses in action secured by mortgage of real estate which are to be issued, sold, or negotiated as investments, or which authorizes or permits it to guarantee the bonds, mortgage securities, or other choses in action of other persons or corpora-

tions issued, sold, or negotiated as investments, or which authorizes or permits it to engage in the business of marine, fire, or life insurance, or fidelity, surety, accident, health, liability, credit, title, or other form of casualty insurance, is hereby repealed; and to that extent this act shall be an amendment to the charter of every trust company or similar corporation, and it shall not be necessary for such companies, or any of them, to accept said amendment. The provisions of this section shall not apply to any corporation or company actually engaged on the first day of January, 1911 in the business of fidelity and surety insurance in so far as the right of such company to continue such business of fidelity and surety insurance is concerned.

SECT. 3. The directors of any state bank, trust company, loan and banking company, or similar corporation, in determining dividends on its capital stock shall vote thereon by yeas and nays, which vote shall be entered on the records; and no such bank or company shall declare any dividend except from its earnings remaining after deducting all losses, all sums due for expenses, and all overdue debts upon which no interest has been paid for a period of six months, unless the same are well secured and in process of collection. The directors voting for any dividend declared in violation of any of the provisions of this section shall be fined five hundred dollars, for which sum they shall be jointly and severally liable.

Dividends,  
how declared  
and paid.

SECT. 4. Every state bank, trust company, or similar corporation, doing a general banking business, shall at all times have on hand in lawful money of the United States an amount equal to at least fifteen per cent. of the aggregate amount of its deposits in its banking or commercial department,—two thirds of which reserve may consist of balances due the institution from other banks approved by the board of bank commissioners. No new loan or investment may be made when a bank's reserve is not in accord with the requirements of this section.

Cash reserve.

SECT. 5. Every such company shall set aside annually a sum equal to not less than ten per cent. of its net earnings as a guaranty fund until such fund amounts to twenty-five per cent. of its capital stock, which fund shall be invested in the same manner as deposits in savings banks may be invested.

Guaranty  
fund.

SECT. 6. The stockholders in any such corporation shall be personally liable, equally and ratably, and not one for another, for all contracts, debts and engagements of the corporation to the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares; *provided however*, that the provisions of this section shall not apply to the stockholders in such corporations as were actually engaged in the transaction of business on the first day of January, 1911.

Personal  
liability of  
stockholders.

Repealing  
clause; act  
takes effect  
on passage.

SECT. 7. 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.

[Approved April 11, 1911.]

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CHAPTER 121.

AN ACT TO PREVENT INFLAMMATION OF THE EYES OF THE NEW-BORN BABE, OR SO-CALLED OPHTHALMIA NEONATORUM.

SECTION

1. State board of health may make regulations.
2. Enforcement of regulations.

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:*

State board of  
health may  
make regula-  
tions.

SECTION 1. The state board of health is hereby vested with power and authority to publish such information and instruction and to make such rules, regulations and ordinances as it may deem expedient to prevent the development of inflammation of the eyes of the new-born babe, or so-called ophthalmia neonatorum, in public hospitals or institutions in which midwifery is practised either wholly or in part, and in connection with the practice of legally licensed midwives.

Enforcement.

SECT. 2. Said state board of health is authorized to enforce its rules, regulations and ordinances through its inspectors, or through the local boards of health.

Penalty.

SECT. 3. Any person violating any rule, regulation or ordinance of said state board of health regarding the prevention of ophthalmia neonatorum shall be guilty of a misdemeanor.

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 12, 1911.]

## CHAPTER 122.

AN ACT TO AMEND SECTION 5, CHAPTER 184 OF THE PUBLIC STATUTES, RELATIVE TO TIMES FOR HOLDING COURTS OF PROBATE.

## SECTION

1. For Merrimack county, when held.

## SECTION

2. Takes effect May 1, 1911.

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

SECTION 1. That section 5 of chapter 184 of the Public Statutes is hereby amended by adding to said section the words except the month of August; so that the said section shall be as follows: For the county of Merrimack—at Concord on the second and the fourth Tuesdays of every month, except the month of August.

For Merrimack county, when held.

SECT. 2. This act shall take effect on and after the first day of May, 1911.

Takes effect May 1, 1911.

[Approved April 12, 1911.]

## CHAPTER 123.

AN ACT IN RELATION TO THE DESTRUCTION OF TRAPS AND TO THE INSPECTION THEREOF.

## SECTION

1. Taking or destroying trap, penalty.  
2. Neglect to visit trap, penalty.

## SECTION

3. Takes effect in passage.

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

SECTION 1. Any person who shall take or destroy any trap set for any wild animal, or take therefrom any wild furbearing animal without the consent of the owner shall be fined not exceeding ten dollars for each trap destroyed, and double the value of the animal taken therefrom.

Taking or destroying trap, penalty.

SECT. 2. Any person setting traps for any furbearing animals of commercial value, who neglects to visit such traps for a period exceeding twenty-four hours, shall be fined not exceeding ten dollars for each trap so neglected, and all said traps shall be forfeited.

Neglect to visit trap, penalty.

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

Takes effect on passage.

[Approved April 12, 1911.]

## CHAPTER 124.

AN ACT TO AMEND SECTION 9 OF CHAPTER 25 OF THE PUBLIC STATUTES RELATING TO COUNTY OFFICERS.

SECTION 1. Deputy county officers, terms of.

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

Deputy county officers, terms of.

SECTION 1. Amend section 9 of chapter 25 of the Public Statutes by striking out the words "six months" in the seventh line and inserting in place thereof the words two years so that said section as amended shall read as follows: SECT. 9. Clerks of court, registers of deeds, and registers of probate may each appoint deputies to perform the duties of their several offices in case of sickness or the temporary absence of the officer making the appointment. Such appointment shall be made in writing, and shall be approved by the bondsmen of the officer appointing and by the county commissioners, and for a length of time not exceeding two years, and each officer shall be held responsible for any neglect or official misconduct of his deputy, and shall pay all charges for his services. The deputies shall be qualified and give bonds in the same manner as the officers appointing them.

[Approved April 12, 1911.]

## CHAPTER 125.

AN ACT IN AMENDMENT OF SECTION 40 OF CHAPTER 79 OF THE LAWS OF 1901 AS AMENDED BY SECTION 8 OF CHAPTER 36 OF THE LAWS OF 1907, RELATING TO WOODCOCK.

SECTION 1. Protection in Grafton and Coos counties.

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

Protection in Grafton and Coos counties.

SECTION 1. Amend section 40 of chapter 79 of the Laws of 1901 as amended by section 8 of chapter 36 of the Laws of 1907 by adding at the end of said section the following: except that in Coos and Grafton counties woodcock may be killed between the fifteenth day of September and the first day of December next following; so that said section 40 as amended shall read as follows: SECT. 40. If any person shall, between the first day of December in any year and the first day of October next following, take, kill, or have in possession any woodcock, ruffed grouse, partridge,



quail, or Wilson snipe, or shall at any time take, kill, or have in possession any of said birds, except for consumption as food within the state, he shall be fined ten dollars (\$10) for each bird so taken, or imprisoned sixty days, or both; except that in Coos and Grafton counties woodcock may be killed between the fifteenth day of September and the first day of December next following.

[Approved April 12, 1911.]

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## CHAPTER 126.

### AN ACT TO PREVENT THE POLLUTION OF THE WATER IN LOON POND IN THE TOWN OF HILLSBOROUGH.

#### SECTION

1. Ice-fishing prohibited.
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. All persons are prohibited from fishing through the ice from the date of the passage of this act on Loon pond in the town of Hillsborough. Ice-fishing prohibited.

SECT. 2. If any person shall violate the provisions of this act he shall be punished by a fine of ten dollars for each offense. Penalty.

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

[Approved April 12, 1911.]

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## CHAPTER 127.

### AN ACT RELATING TO THE INCOMPATIBILITY OF ELECTION OFFICERS.

#### SECTION

1. Certain offices incompatible.

#### SECTION

2. Takes effect on passage.

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

SECTION 1. No supervisor of the check list shall act as moderator, clerk or ballot inspector. Certain offices incompatible.

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

[Approved April 12, 1911.]

## CHAPTER 128.

AN ACT TO REPEAL AN ACT FOR THE BETTER PROTECTION OF TROUT,  
APPROVED MARCH 22, 1911.

## SECTION

1. Prior act repealed.

## SECTION

2. Takes effect on passage.

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

Prior act re-  
pealed.

SECTION 1. An act approved March 22, 1911, entitled "An  
Act for the Better Protection of Trout," is hereby repealed.

Takes effect  
on passage.

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

[Approved April 12, 1911.]

## CHAPTER 129.

AN ACT IN RELATION TO THE POWERS OF JUDGES OF PROBATE.

## SECTION

1. Empowered to enforce decrees.

## SECTION

2. Takes effect on passage.

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

Empowered to  
enforce de-  
crees.

SECTION 1. The judge of probate shall have power to enforce  
all orders and decrees made by him in the exercise of any author-  
ity or jurisdiction which is or may be conferred upon him, and  
to punish contempts of his authority, as the superior court has in  
like cases.

Takes effect  
on passage.

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

[Approved April 12, 1911.]

CHAPTER 130.

AN ACT TO PROVIDE FOR THE ACQUISITION BY THE STATE OF THE CRAWFORD NOTCH, SO CALLED, IN HART'S LOCATION AND CONTIGUOUS TERRITORY, AS A FOREST RESERVATION AND STATE PARK.

SECTION	SECTION
1. Purchase of lands authorized.	4. Lands to be held as forest reservation.
2. May be taken by eminent domain.	5. Takes effect on passage.
3. Appropriation of \$100,000; issue of bonds authorized.	

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

SECTION 1. The governor, with the advice of the council, is hereby empowered to acquire on behalf of the state, by purchase, if in their judgment it can be purchased at a fair valuation from the owners thereof, such lands lying in Hart's Location and the towns and unincorporated places immediately adjacent thereto, and the wood and timber standing thereon, and constituting or being a part of the Crawford Notch, so called, as said governor and council, aided by the advice of the forestry commission, may deem necessary for the preservation of the forests in said notch, and to accept deeds thereof in the name of the state, the aggregate purchase price of such lands, wood and timber not to exceed the maximum amount appropriated by this act. Purchase authorized.

SECT. 2. In case the owner or owners of any land, wood and timber deemed necessary by the governor and council for the purpose aforesaid decline to sell the same for a price deemed reasonable by the governor and council, said governor and council are hereby empowered to take and appropriate the same for the use of the state by causing a survey or location of such land, wood and timber to be prepared under their direction and filed with the secretary of state, and by applying to the supreme court to appoint a commission of three members to assess the damages to the owner or owners. Upon such filing and application, the title to such land, wood and timber shall vest in the state. Said commissioners, upon reasonable notice to all parties interested and a hearing thereon, shall assess and award damages to the owner or owners of such land, wood and timber and file their assessment and award in writing with the secretary of state within ten days after the same is completed. Such owner or owners, or the state, if dissatisfied with said award, may appeal therefrom to the superior court for the county wherein the land, wood and timber is situate, and shall be entitled to an assessment of said damages by a jury on such appeal, by filing in the office of the clerk of said court a petition for that purpose within thirty days after the filing of said award, with the secretary of state as aforesaid; such Right of eminent domain.

appeal to be prosecuted or defended by the attorney-general under the advice of the governor and council.

Appropriation of \$100,000.

SECT. 3. For the purpose of carrying out the provisions of this act such a sum as may be necessary, not to exceed one hundred thousand dollars (\$100,000), is hereby appropriated and shall be provided in the manner following: The state treasurer, under the direction of the governor and council, shall issue scrip or certificates of indebtedness to such amounts as may be necessary to pay for the lands, wood and timber purchased or condemned as aforesaid, not exceeding in the aggregate the amount aforesaid. Such scrip or certificates shall be issued as registered bonds with interest coupons attached, and shall bear interest at a rate not exceeding three and one half per cent per annum; they shall be designated on the face thereof, Crawford Notch Bonds, and shall be deemed a pledge of the faith and credit of the state, and the principal and interest thereof shall be paid at the time specified therein in gold coin of the United States or its equivalent. Such scrip or certificates shall be sold or disposed of at public auction or in such other manner, at such prices, in such amounts and at such rates of interest, not exceeding the rate above specified, as the state treasurer shall deem advisable, and shall be issued in such denominations, each certificate being for not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) as he shall deem advisable. They shall be made payable at such time or times, not exceeding in the case of any certificate twenty years from the date of its issue, as the state treasurer may deem advisable or the governor and council may direct, and at the expiration of the time so fixed interest thereon shall cease.

To be held as forest reservation.

SECT. 4. All lands acquired under the provisions of this act shall be held by the state for the purposes of a forest reservation and state park, and the care and management thereof shall be vested in the forestry commission. Such land shall at all times be open to the public, under such rules and regulations as the forestry commission, with the approval of the governor and council, may prescribe. Said commission shall cause or permit no live timber to be removed from such lands without the approval of the governor and council, except for the purpose of improving the forest growth thereon; but timber not needed for forest conservation, or for the preservation of the scenic beauty of said notch, may be sold therefrom with the approval of the governor and council, and the proceeds of all such sales shall be paid into the state treasury by said commission and shall constitute a special fund, to be applied solely towards the payment of the interest and principal of the scrip or certificates issued under the preceding section, so far as needed for that purpose.

Takes effect on passage.

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

[Approved April 12, 1911.]

CHAPTER 131.

AN ACT RELATING TO THE DUTIES OF THE STATE TREASURER.

SECTION

1. To receive insurance company deposits.

SECTION

2. Takes effect on passage.

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

SECTION 1. In all cases in which the laws of any other state of the United States now require and may hereafter require that the insurance companies incorporated by the laws of other states shall deposit with some officer of the state in which such insurance company is incorporated, stocks or other securities in trust or for the benefit of policy holders of such companies as a condition for doing business in such other states, the state treasurer shall receive from any insurance company incorporated under the laws of this state stocks or other securities, in such amount as may be required by the laws of such other state or states, on deposit in trust for the benefit of the policy holders of such company.

To receive insurance company deposits.

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

Takes effect on passage.

[Approved April 12, 1911.]

CHAPTER 132.

AN ACT IN AMENDMENT OF CHAPTER 220 OF THE PUBLIC STATUTES RELATING TO THE ATTACHMENT OF BULKY ARTICLES AS AMENDED BY CHAPTER 43, SECTION 1, OF THE LAWS OF 1905, AND AS FURTHER AMENDED BY CHAPTER 44 OF THE LAWS OF 1907.

SECTION

1. Bulky articles, how attached.

SECTION

2. Takes effect on passage.

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

SECTION 1. Amend section 16 of chapter 220 of the Public Statutes as amended by the foregoing acts by inserting after the word "officer" in the second line thereof the words taking possession to levy upon or, and by inserting after the word "of" where it occurs for the second time in the twenty-sixth line thereof the words such taking possession or, so that said section as amended shall read: SECT. 16. The officer taking possession to levy

Bulky articles, how attached.

upon or attaching grain unthreshed, hay, potatoes, leaf tobacco, lumber, bark, wood or other fuel, bricks, stone, lime, gypsum, ore, manufacturing or other machinery, hides in the process of tanning, any building situate on land not belonging to the owner of the building, portable engines, portable saw mills, automobiles, doors, blinds, window sash, lumber in process of manufacture, pianos, organs, such hotel furniture and household goods as are not exempt from attachment or levy on execution, railroad cars in the process of building, cattle, sheep, horses and other live animals which are subject to attachment, wagons, carriages, sleds, sleighs, and all other vehicles, flax in the raw state, or in process of curing or manufacturing, tobacco in the process of curing, starch, flour, sugar, cotton in bales or in process of manufacturing, hops, saw-logs, ashes, stone, bark, hives of bees, hay scales, corn on the cob, cornstalks, corn in the husk, staves or shooks, derricks and the tackle and appendages connected therewith, utensils and apparatus kept on a farm for the manufacture of maple sugar, pig iron, bloomed iron, scrap iron, railroad iron, railroad ties, fence posts or rails, iron and steel safes, horse power and other threshing machines, stone channeling or cutting machines, drilling and marble boring machines, boats, launches and all other articles which by reason of their size, situation, fluidity, explosive or inflammable qualities, are incapable of being conveniently taken into actual possession, may within forty-eight hours thereafter leave an attested copy of the writ and of his return of such taking possession or such attachment thereon at the home or office of the city or town clerk in the same manner as attachment of real estate is made except as to place of filing the copy of the writ and return thereon; and in such cases the attachment shall not be dissolved or defeated by any neglect of the officer to take actual possession of the property. Service may be made on the defendant, before or after leaving the attested copy of the writ as aforesaid.

Takes effect  
on passage.

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

[Approved April 12, 1911.]

## CHAPTER 133.

AN ACT REPEALING CHAPTER 86 OF THE LAWS OF 1905 AND CHAPTER 154 OF THE LAWS OF 1909, AND ENACTING A MOTOR VEHICLE LAW.

## SECTION

1. Meaning of terms used.
2. Registration by owner; transfers; determination of horse power.
3. Operation and registration by non-resident.
4. Registration by manufacturer or dealer.
5. Number plates on automobiles.
6. Number on motor cycles.
7. Brakes, mufflers, horns, and lights.
8. Licensing of operators.
9. Operation without license, when.
10. License and registry certificate to be on vehicle.
11. Unlicensed chauffeur not to be employed.
12. Management of vehicle in proximity to horses, etc.
13. Speed to be reasonable and proper.
14. Unreasonable speed, what constitutes.
15. Special municipal regulations.

## SECTION

16. Penalties for violations.
17. Suspension and revocation of licenses.
18. Penalties for sundry offenses.
19. Operating recklessly or while intoxicated, etc., penalty.
20. Duty of operator in case of accident.
21. Refusal to comply with demands of police, etc., penalty.
22. Convictions to be reported to secretary of state.
23. Secretary of state may compel attendance of witnesses, etc.
24. Records to be open to inspection.
25. Garages to keep record of unregistered vehicles.
26. Fees for registration, licenses, etc.
27. Fees and fines, disposition of.
28. List of registered vehicles to be printed.
29. Takes effect, when; repealing clause.

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

SECTION 1. Terms used in this act shall be construed as follows, unless a different meaning is clearly apparent from the language or context, or unless such construction is inconsistent with the manifest intention of the legislature: Meaning of terms.

Secretary shall mean the secretary of state for the State of New Hampshire.

Automobile shall include all motor vehicles except motor cycles.

Chauffeur shall mean any person who operates a motor vehicle other than his own, and who directly or indirectly receives compensation therefor.

Dealer shall include every person who actually is engaged in the business of buying, selling or exchanging motor vehicles on commission or otherwise, or any person who lets for hire two or more motor vehicles.

Garage shall mean every place where five or more motor vehicles are stored or housed at any one time, except only such places in which motor vehicles are kept by the owners thereof without payment for storage.

Intersecting way shall mean any way which joins another at an angle, whether or not it crosses the other.

Motor cycle shall apply only to motor vehicles having but two wheels in contact with the ground and with pedals and a saddle on which the driver sits astride.

Motor vehicles shall include automobiles, motor cycles, and all other vehicles used upon highways, propelled by power other than muscular power, except railroad and railway cars and motor vehicles running only upon rails or tracks, ambulances, fire engines and apparatus, police department vehicles, road rollers and street sprinklers.

Non-resident shall apply to residents of states, districts or counties who have no regular place of abode or business in this state for a period of more than three months continuously in the calendar year.

Number plate shall mean the sign or marker furnished by the secretary, on which is displayed the register number or mark of a motor vehicle assigned to such motor vehicle by the secretary.

Operator shall mean any person who operates a motor vehicle, other than a chauffeur.

Person, wherever used in connection with the registration of a motor vehicle, shall include all corporations, associations, partnerships, companies, firms or other aggregations of individuals who own or control such vehicles, in any capacity, or for any purpose.

Police officer or officer shall include any constable or other officer authorized to make arrest or serve process.

Register number shall apply to the number or mark assigned by the secretary to a motor vehicle.

Thickly settled or business part of a city or town shall mean the territory of a city or town contiguous to any way which is built up with structures devoted to business, or the territory of a city or town contiguous to any way where the dwelling houses are situated at such distances as will average less than one hundred feet between such dwelling houses for a distance of a quarter of a mile or over.

Way shall mean any public highway, street, avenue, road, alley, park or parkway, or any private way laid out under authority of statute.

Registration  
by owner;  
transfers;  
determination  
of horse  
power.

SECT. 2. Application for the registration of motor vehicles may be made by the owner thereof, by mail or otherwise, to the secretary, upon blanks prepared under his authority. The application shall contain, in addition to such other particulars as may be required by the secretary, a statement of the name, place of residence and street address of the applicant, with a brief description of the motor vehicle, including the name of the maker, the number, if any, affixed by the maker, the character of the motor power and the amount of such motor power stated in figures of horse-power. The proper registration fee, as provided in section 26, shall be deposited before said application is granted. The secretary or his duly authorized agent shall then register in a book



or upon suitable index cards to be kept for the purpose, the motor vehicle described in the application, giving to said vehicle a distinguishing number or other mark to be known as the register number for said vehicle, and shall thereupon issue to the applicant a certificate of registration. Said certificate shall contain the name, place of residence and address of the applicant and the register number or mark, and shall be in such form and contain such further information as the secretary shall determine. An applicant for the registration of a motor vehicle who does not file his application therefor until after the thirtieth day of September in any year shall be entitled to a reduction in the fee for such registration as provided in section 26. Upon the transfer of ownership of any motor vehicle, its registration shall expire, and the person in whose name such vehicle is registered shall return forthwith the certificate of registration to the secretary with a written notice containing the date of such transfer of ownership and the name, place of residence and address of the new owner. A person who transfers the ownership of a registered motor vehicle owned by him to another, upon the filing of a new application, and upon the payment of the fee as provided in section 26, may have registered in his name another motor vehicle for the remainder of the calendar year, *provided* the horse-power of said motor vehicle is the same or less than that of the motor vehicle first registered by him, but if the horse-power of the motor vehicle is greater than that of the motor vehicle first registered by him the applicant shall pay, in addition to the said fee, the difference between the fee paid by him for the said vehicle first registered and the fee for the registration of a motor vehicle of the higher horse-power as provided in section 26. The secretary, at his discretion may assign to the motor vehicle of any person who surrenders his registration certificate, as herein provided, and who desires to register another motor vehicle, the register number of the motor vehicle described in the surrendered certificate. Said secretary shall furnish at his office, without charge, to every person whose automobile is registered as aforesaid, two number plates of suitable design, each number plate to have displayed upon it the register number assigned to such vehicle, the letters N. H. and figures showing the year of the issue, but no such number plates shall be furnished by the secretary for motor cycles. The horse power of every motor vehicle sought to be registered shall be determined by the secretary, and such determination shall be final. In determining such horse power the secretary may employ the rating established by the Association of Licensed Automobile Manufacturers, so far as the same may be applicable, or any other test or formula by which such horse power may be mathematically ascertained; and if no such test or formula can be had the secretary may use the highest rated power as given by the manufacturer, or otherwise cause the horse power to be tested. The regis-

tration of every motor vehicle shall expire at midnight upon the thirty-first day of December of each year, unless otherwise provided.

Operation and registration by non-resident.

SECT. 3. A motor vehicle owned by a nonresident of this state, who has complied with the laws of his state, district or country, relating to registration and licensing of motor vehicles, may be operated on the ways of this state for a period not exceeding ten days in any one calendar year without registration, except as otherwise provided in section 9. In estimating the number of days of use by a nonresident under the foregoing privilege, any fractional part of a day's use within this state shall be held to be a day. Every such vehicle so operated shall have displayed upon it the distinguishing number or mark of the state, district or country in which the owner thereof resides, and none other, until the vehicle is registered in accordance with the provisions of this act. A motor vehicle so owned may be operated also in this state during the months of July, August, and September in any year if application for the registration thereof is made in accordance with the provisions of section 2 and the proper fee provided for in section 26 is paid and the said vehicle is duly registered by the secretary or his authorized agent. The secretary shall furnish at his office, without charge, to every person whose automobile is registered as aforesaid, two number plates of suitable design, and triangular in shape, each number plate to have displayed upon it the register number assigned to such vehicle, the letters N. H., and figures showing the year of the issue, but no such number plates shall be furnished by the secretary for motor cycles. Every application filed under the provisions of this section shall be sworn to by the applicant before a justice of the peace or a notary public. Every such registration shall expire at midnight upon the thirtieth day of September in each year.

Registration by manufacturer or dealer.

SECT. 4. Every manufacturer or dealer in motor vehicles may make application, upon a blank provided by the secretary, for a general distinguishing number or mark, instead of registering each motor vehicle owned or controlled by him, and with such application shall be deposited the registration fee as herein provided, and the secretary may grant such application if satisfied of the facts stated therein, and issue to the applicant a certificate of registration, containing the name, business address of the applicant, and the distinguishing number or mark assigned to him, and made in such form and containing such further information as the secretary may determine; and all motor vehicles owned or controlled by such manufacturer or dealer shall be regarded as registered under such general distinguishing number or mark until sold, or loaned for a period of more than ten successive days. The secretary shall furnish at his office, without charge, to every manufacturer of or dealer in motor vehicles whose vehicles are registered under the provisions of this section six pairs of num-

ber plates of suitable design, the plates to have displayed upon them the register number which is assigned to the motor vehicles of such manufacturer or dealer, with a different letter or letters or mark on each pair of number plates, but no such number plate shall be furnished by the secretary for motor cycles. Every such registration shall expire at midnight on the thirty-first day of December of each year.

SECT. 5. Every automobile operated in or on any way in this state shall have its register number displayed conspicuously thereon on the two number plates referred to under the provisions of sections 2, 3 and 4, one number plate to be attached at the front and the other at the rear of said vehicle, so that the said number plates and the register number thereon shall be always plainly visible. The bottom of each number plate shall be horizontal and at least fifteen and not more than forty-eight inches from the ground. The said number plates shall be kept clean. No number plates other than such as are procured from the secretary or such as may be authorized by him for temporary use, except as provided in section 3, shall be displayed on any automobile so operated, and if any number plate supplied by the secretary is lost or mutilated, or if the register number thereon becomes illegible, the owner or person in control of the automobile for which said number plate was furnished shall apply in writing to the secretary for a new number plate and deposit with his application the sum of one dollar for each new number plate, and thereupon said secretary shall issue to such applicant a permit allowing him to place a temporary number plate bearing his register number upon said automobile until a number plate of the regular design is made and delivered to said applicant; *provided, however,* that all such temporary number plates and the register number thereon shall conform to the regular number plates and be displayed as nearly as may be as herein provided for said regular number plates.

Number  
plates on au-  
tomobiles.

SECT. 6. Every motor cycle operated in or upon any way shall have conspicuously displayed thereon its register number so that said register number shall be visible at all times during daylight. The letters N. H. and numerals denoting the year of the registration shall also appear with the register number in characters not less than two inches in height.

Number  
on motor  
cycles.

SECT. 7. Every motor vehicle, operated or driven upon the public highways of this state, shall be provided with adequate brakes in good working order and sufficient to control such vehicle at all times when the said vehicle is in use, a muffler, a suitable and adequate bell, horn or other device for signaling, and shall, during the period from one half hour after sunset to one half hour before sunrise, display at least two lighted lamps on the front and one on the rear of such vehicle, which shall also display a red light visible from the rear. The rays of such rear

Brakes, muf-  
flers, horns,  
and lights.

lamp shall shine upon the number plate carried on the rear of such vehicle in such manner as to render the numerals thereon visible for at least fifty feet in the direction from which the motor vehicle is proceeding. The light on the front lamps shall be visible at least two hundred feet in the direction in which the motor vehicle is proceeding.

Licensing of  
operators.

SECT. 8. Except as herein otherwise provided, no person shall operate a motor vehicle within this state until he shall have first obtained a license for that purpose. Application to operate motor vehicles may be made, by mail or otherwise, to the secretary, upon blanks prepared under his authority. Application for license to so operate shall be accompanied with the proper fee as elsewhere provided for in this act. Before a license is granted to any person, except to a nonresident, who has not been heretofore licensed to operate a motor vehicle in this state, the applicant shall pass an examination as to his qualifications, which examination shall be such as the secretary shall prescribe, and no license shall be issued until the secretary is satisfied that the applicant is a proper person to receive it. No operator's license shall be issued to any person under sixteen years of age. To each person to whom an operator's license is granted by the secretary shall be assigned some distinguishing number or mark, and the licenses issued shall be in such form and subject to such conditions of limitation or otherwise as the secretary may deem expedient. License certificates shall contain the distinguishing number or mark assigned to the licensee, his name, place of residence and address, and a brief description of the licensee, for the purposes of identification; together with such other information as the secretary may deem necessary. A person to whom a license to operate automobiles has been issued, unless such license contains a special limitation or restriction, may operate any registered motor cycle. Special licenses shall be issued to chauffeurs who have passed a chauffeur's examination, and the secretary shall furnish to every chauffeur a suitable metal badge, with the distinguishing number or mark assigned to him thereon, without extra charge therefor, but no such license shall be issued to any person less than eighteen years of age. Every person licensed to operate automobiles as aforesaid shall endorse his usual signature on the margin of the license, in a space provided for the purpose, immediately upon receipt of said license, and such license shall not be valid until so endorsed. All chauffeurs' and operators' licenses issued during the year 1912 shall expire at midnight on December 31, 1912, and thereafter all such licenses shall expire at midnight on December 31st of the year of their issue. All applications for licenses to operate motor vehicles shall be sworn to by the applicant before a justice of the peace or a notary public. A person whose motor cycle has been registered in accordance with the provisions of this act may operate such motor cycle without a license from the secre-

tary, and the certificate of registration for said vehicle shall be evidence of the right of the owner thereof to operate it while such registration is in force.

SECT. 9. No person shall operate a motor vehicle upon any way in this state unless licensed under the provisions of this act, except as otherwise herein provided, but the provisions of this section shall not prevent the operation of motor vehicles by unlicensed persons, while being taught to operate, if riding with or accompanied by a licensed chauffeur or operator, excepting only persons who have been licensed and whose licenses are not in force because of revocation or suspension for cause and persons less than sixteen years of age, but said licensed chauffeur or operator shall be liable for the violation of any provision of this act or any regulation made in accordance herewith committed by such unlicensed operator, *provided however*, that the examiners of chauffeurs and operators in the employ of the secretary, when engaged in their official duties, shall not be liable for the acts of any person who is being examined. During the period of ten days within which a motor vehicle of a non-resident may be operated on the ways of this state in accordance with the provisions of section 3, such vehicle may be operated by its owner or by his chauffeur or employee, without a license from the secretary, if the operator or chauffeur is duly licensed under the laws of the state, district or country in which he resides or has complied fully with the laws of the state of his residence respecting the licensing of operators of motor vehicles. No person, except a nonresident, for a period of not more than ten days, shall operate a motor vehicle as a chauffeur unless specially licensed by the secretary so to do, and while so operating every chauffeur shall display conspicuously the badge furnished to him by the secretary upon his cap, hat or the front of his outermost coat or garment, so that the distinguishing number or mark assigned to him by the secretary shall be plainly visible.

Operation without license, when.

SECT. 10. Every person operating a motor vehicle shall have the certificate of registration for said vehicle and his license to operate upon his person or in the vehicle in some easily accessible place; *provided, however*, the certificates of registration of dealers need not be so carried.

License and certificate to be on vehicle.

SECT. 11. No person shall employ for hire as a chauffeur or operator of a motor vehicle any person not specially licensed as aforesaid.

Unlicensed chauffeur not to be employed.

SECT. 12. Every person having control or charge of an automobile or motor cycle, shall, whenever upon any public street or way and approaching any vehicle drawn by a horse or horses or approaching any horse upon which any person is riding, operate, manage, and control such automobile or motor cycle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse or horses and to insure the safety and

Management of vehicle in proximity to horses, etc.

protection of any person riding or driving the same. And, if such horse or horses appear to be frightened, the person in control of such automobile or motor cycle shall reduce its speed, and, if requested by the raising of a hand by the rider or driver of such horse or horses, shall not proceed further toward such animal, and, in cases of extreme fright, shall upon request reduce the motive power to a full stop. Upon approaching any intersecting way or a curve or corner in a way, every person operating a motor vehicle shall slow down and give timely signal with his bell, horn, or other device for signaling. The driver of any motor vehicle on any highway, approaching a crossing of ways, shall slow down and keep to the right of the intersection of the centers of both ways when turning either to the right or to the left.

Speed to be reasonable and proper.

SECT. 13. Every person operating a motor vehicle on any way shall run it at a rate of speed at no time greater than is reasonable and proper under all the circumstances, having regard to traffic and the use of the way and the safety of the public.

Unreasonable speed, what constitutes.

SECT. 14. If any person shall operate a motor vehicle on any way at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way, and the safety of the public, he shall be punished as provided in section 16 of this act, and it shall be conclusive evidence of a rate of speed greater than is reasonable and proper as aforesaid if a motor vehicle is operated on any way outside of a thickly settled or business part of city or town at a rate exceeding twenty-five miles per hour for a distance of a quarter of a mile. It shall be conclusive evidence of a rate of speed greater than is reasonable and proper as aforesaid if a motor vehicle is operated on any way inside the thickly settled or business part of a city or town at a rate of speed exceeding fifteen miles per hour for the distance of one eighth of a mile, or if a motor vehicle is operated on any way upon approaching an intersecting way, or in traversing a crossing or intersection of ways or in going around a corner or a curve in a street or way where the operator's or chauffeur's view of the road traffic is obstructed, at a rate of speed exceeding ten miles per hour; *provided, however,* that in civil actions this evidence shall be prima facie only.

Special municipal regulations.

SECT. 15. Selectmen of towns, city governments or any board, department or commission in any town or city, having jurisdiction of the subject matter, may make special regulations as to the use of motor vehicles upon particular ways, except as to speed, and may exclude such vehicles altogether from certain ways; *provided, however,* that no such special regulation shall be effective unless it shall have been published in one or more newspapers, if there be any in the city or town in which the way is situated, otherwise in one or more newspapers published in the county in which the city or town is situated, nor unless notice of the same is posted conspicuously by the city, town, board, department or

commission making the regulation, at points where any way affected thereby joins other ways, but no regulation shall be valid which excludes motor vehicles from any state highway or from any main highway leading from any city or town to another. No ordinance, by-law, or regulation now in force in any city or town or in any park or parkway, which regulates the speed at which motor vehicles shall be run upon its ways or which excludes such vehicles therefrom, or which governs or restricts the use of such vehicles, shall hereafter have any force or effect.

SECT. 16. Unless otherwise herein provided, any person convicted of a violation of any provision of this act, or of any rule or regulation under its authority, shall be punished by a fine of not exceeding twenty-five dollars for the first offense and not exceeding one hundred dollars for any subsequent offense committed during any calendar year. A complaint against a person for the violation of any section of this act may be placed on file at the discretion of the court, if the violation appears to have been unintentional or if no person or property could have been endangered thereby. Upon a third or subsequent conviction in the same calendar year the secretary shall forthwith revoke the license of the person so convicted, and no new license shall be issued to such person for at least thirty days after the date of such revocation. Penalties.

SECT. 17. The secretary may order any license issued to any person under the provisions of this act to be suspended or revoked, after due hearing, for any cause which he may deem sufficient, and the said secretary may order the suspension of the license of any operator or chauffeur in his discretion, and without a hearing, and may order the license to be delivered to his office, whenever he has reason to believe that the holder thereof is physically or mentally an improper or incompetent person to operate motor vehicles, or is operating improperly or so as to endanger the public, or has made a material false statement in his application, and the license shall not be reissued unless, upon examination or investigation, or after a hearing, the secretary determines that the operator should again be permitted to operate. Suspension and revocation of licenses.

SECT. 18. Any person convicted of operating a motor vehicle in this state after his license to operate has been suspended or revoked, and any person who attaches or permits to be attached to a motor vehicle a number plate assigned by the secretary to another vehicle, or who obscures or permits to be obscured the figures on any number plate attached to any motor vehicle, or who fails to display on a motor vehicle proper lights as herein provided, the number plate, and the register number duly issued therefor, with intent to conceal the identity of such motor vehicle, or who wears a chauffeur's badge not furnished to him by the secretary, or who, with intent to conceal his identity, wears a chauffeur's badge belonging to another person, shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding six months, or both. Penalties.

Operating recklessly or while intoxicated, etc., penalty.

SECT. 19. Whoever upon any way operates an automobile or motor cycle recklessly or while under the influence of intoxicating liquor, or so that the lives or safety of the public might be endangered, or upon a bet, wager or race, or who operates a motor vehicle for the purpose of making a record, and thereby violates any provisions of sections 14 and 15 of this act, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment not exceeding six months, or both, and if any person be convicted a second time of operating an automobile while under the influence of intoxicating liquor, he shall be punished by imprisonment not less than one month and not exceeding one year. A conviction of a violation of this section shall be reported forthwith by the court or trial justice to the secretary, who shall revoke immediately the license of the person so convicted. Whenever any person so convicted appeals, the said secretary shall suspend forthwith the license of the person so convicted, and shall order him to deliver his license to said secretary, and shall not reissue said license unless said person is acquitted in a court having jurisdiction of the offense charged. No new license or certificate shall be issued by said secretary to any person convicted of a violation of this section until after sixty days from the date of such final conviction.

Duty of operator in case of accident.

SECT. 20. Any person operating a motor vehicle, knowing that injury has been caused to a person, shall forthwith bring his motor vehicle to a stop, return to the scene of the accident, give to any proper person demanding the same his name and address, the number of the driver's license, the registration number of the motor vehicle, and the name and address of each occupant thereof. Failure to comply with the foregoing requirements shall constitute a felony, and any person guilty thereof shall be punished by a fine of not exceeding one thousand dollars, or by imprisonment in the state prison for not exceeding three years, or both.

Refusal to comply with demands of police, penalty.

SECT. 21. Any person who, while operating or in charge of a motor vehicle, shall refuse when requested by a police officer to give his name and address, or the name and address of the owner of such motor vehicle, or who shall give a false name or address, or who shall refuse or neglect to stop when signaled to stop by any police officer who is in uniform, or who displays his badge conspicuously on the outside of his outer coat or garment, or who refuses on demand of such officer to produce his license to operate such vehicle or his certificate of registration, or to permit such officer to take the license or certificate in hand for the purpose of examination, or who refuses on demand of such officer to sign his name in the presence of such officer, or who refuses or neglects to produce his license when requested by a court or trial justice shall be punished by a fine of not less than twenty-five nor more than one hundred dollars.



SECT. 22. A full record shall be kept by every court or trial justice in this state of every case in which a person is charged with a violation of any of the provisions of this act or of any other act relative to motor vehicles, and an abstract of the record in cases of conviction shall be sent forthwith by the court or trial justice to the secretary. Said abstracts shall be made upon forms prepared by said secretary and shall include all necessary information as to the parties to the case, the nature of the offense, the date of the hearing, the plea, the judgment and the result, and every such abstract shall be certified by the clerk of the court or by the trial justice as a true abstract of the record of the court. Said secretary shall keep such records in his office, and they shall be open to the inspection of any person during reasonable business hours. Said courts and trial justices shall also endorse upon the back of the license of every person convicted of a violation of this act the nature of the offense, the date of the hearing, and the sentence. Said courts and trial justices shall furnish to the secretary the details of any particularly flagrant cases which may be heard before them, upon their own initiative, or upon the request of said secretary, or his agents, and they may make such recommendations to said secretary as to the suspension or revocation of the licenses and certificates of registration of the persons defendant in such cases as they may deem necessary.

Convictions to be reported to secretary of state.

SECT. 23. In the administration of the laws and regulations relative to motor vehicles and to the operators and the operation thereof, the secretary may summon witnesses in behalf of the state and may administer oaths and take testimony. The secretary may also cause depositions to be taken and may order the production of books, papers, agreements, and documents. Any person who swears or affirms falsely in regard to any matter or thing respecting which an oath or affirmation is required by this act shall be deemed guilty of perjury. The fees for the attendance and travel of witnesses shall be the same as for witnesses before the superior court, and shall be paid by the treasurer upon the warrant of the governor, the certificate of the secretary having been first filed with the auditor. The supreme judicial court or the superior court shall have jurisdiction in equity, upon the application of the secretary, to enforce all lawful orders of the governor and council or the secretary under this section.

Secretary may compel attendance of witnesses, etc.

SECT. 24. A proper record of all applications and of all certificates and licenses issued shall be kept by the secretary at his office, and such records shall be open to the inspection of any person during reasonable business hours. The secretary may issue or cause to be issued a certified copy of any certificate of registration or of any license to operate motor vehicles which may have been lost or mutilated, upon the written request of the person entitled thereto, and such certified copies shall have the same force and effect as the originals.

Records to be open to inspection.

Record of un-registered vehicles in garages.

SECT. 25. Every manufacturer of and dealer in motor vehicles, and every owner, proprietor, person in control, or keeper, of a garage, shall keep or cause to be kept in a book a proper record of every automobile not registered in this state which enters and which leaves his garage, stable or place of business. Said book shall have blank columns and headings on every page as prescribed by the secretary. All entries in said book shall be made legibly in ink. The said book shall be left in some convenient place and shall be open at all times to the inspection of the secretary and of any police officer or constable.

Fees for registration, licenses, etc.

SECT. 26. The secretary or his authorized agents shall collect fees as follows:

For the registration of every motor cycle, three dollars.

For the registration of every commercial motor vehicle and every motor truck, regardless of the horse-power thereof, ten dollars.

For the registration of every automobile not exceeding fifteen horse-power, ten dollars.

For the registration of every automobile exceeding fifteen horse-power and not exceeding thirty horse-power, fifteen dollars.

For the registration of every automobile exceeding thirty horse-power and not exceeding forty horse-power, twenty dollars.

For the registration of every automobile exceeding forty and not exceeding fifty horse-power, twenty-five dollars.

For the registration of every automobile exceeding fifty horse-power and not exceeding sixty horse-power, thirty dollars.

For the registration of every automobile exceeding sixty horse-power, forty dollars.

For the substitution of the registration of a motor vehicle for that of a vehicle previously registered in accordance with the provisions of section 2 of this act, two dollars.

For the registration of every motor vehicle owned by a non-resident who applies for registration under the provisions of section 3 of this act, and for the registration of every automobile during the period beginning with the first day of October and ending on the thirty-first day of December, in any year, in accordance with the provisions of section 2 of this act, one half of the foregoing fees.

For the registration of all the motor vehicles owned by or under the control of a manufacturer of or dealer in motor vehicles, forty dollars, *provided, however*, that every dealer shall pay a further sum of one half the foregoing fees, rated by horse-power, for each motor vehicle in excess of one which he regularly lets for hire.

For each operator's original license and examination, three dollars; for each chauffeur's original license, examination and badge, five dollars; for all subsequent operator's and chauffeur's licenses, one dollar.

For every additional copy of a certificate of registration or license, fifty cents.

For every additional number plate furnished to replace such as have been lost, mutilated or which are illegible, and for every additional number plate furnished to a manufacturer of or dealer in motor vehicles, whose business requires more than six pairs of such plates, one dollar.

*Provided, however,* that said secretary or his authorized agents may furnish without charge copies of certificates of registration and licenses to operate and copies of other documents relating thereto to officers of the state or of any court thereof or of a city or town therein, and said secretary may issue certificates of registration for motor vehicles and licenses to operate the same to any member of the foreign diplomatic corps without the payment of the fees therefor.

SECT. 27. The fees and fines received under the provisions of this act, together with all other fees received by the secretary or any person under the laws of the state relative to the use and operation of motor vehicles shall be paid monthly by the secretary or by the person collecting the same to the state treasurer and shall be used by said treasurer for the payment on warrant of the governor of such expenses as may be necessary and authorized by the governor and council to carry out the provisions of law relative to the use of motor vehicles, and, in so far as its provisions might be construed to apply to this act, chapter 15 of the Laws of 1909 is hereby repealed. The balance shall be expended for the maintenance of highways in accordance with the laws of the state relative to the improvement and maintenance of highways, 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.

Fees and fines, disposition of.

SECT. 28. The secretary, from time to time, shall prepare a list of the motor vehicles registered under this act and shall cause the same to be printed in pamphlet form and distributed to such persons as shall make application therefor. He shall also cause this act and the regulations thereunder to be printed in pamphlet form for similar distribution. For the purposes of carrying out the provisions of this act, the secretary may employ such agent or agents and pay him or them such compensation as the governor and council shall consider necessary.

List of vehicles to be printed.

SECT. 29. Sections 1, 7, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, and 27 of this act shall take effect on the first day of May, 1911, and the balance of this act shall take effect at midnight on the thirty-first day of December, 1911. Such sections and parts of sections of chapter 86 of the Laws of 1905, and chapter 154 of the Laws of 1909, as will be inconsistent with the above designated sections of this act, are hereby repealed, to take effect on the first day of May, 1911, and the balance of said chap-

Takes effect, when; repealing clause.

ters 86 of the Laws of 1905, and 154 of the Laws of 1909, are hereby repealed to take effect at midnight on the thirty-first day of December, 1911.

[Approved April 12, 1911.]

## CHAPTER 134.

### AN ACT RELATING TO THE LICENSING AND THE REGULATION OF THE RECEIVING, BOARDING AND KEEPING OF INFANTS.

SECTION	SECTION
1. Boarding-house for infants, what deemed.	10. Proceedings prior to adoption.
2. Licenses, how granted.	11. State board of charities may assume custody.
3. Revocation of licenses.	12. Disposition of infant bastard by mother.
4. Licensee to keep records.	13. Burden of proving relationship.
5. Unlicensed house, penalty for keeping.	14. Advertising and solicitation prohibited; penalty.
6. Infant in care of stranger, notice of.	15. Neglect and cruelty, notice of; punishment of.
7. Regulation of such cases.	16. Takes effect on passage.
8. Neglect to give notice, penalty.	
9. Abandonment, what deemed; penalty.	

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

Boarding-house for infants, what deemed.

SECTION 1. Whoever for hire, gain or reward has in his custody or control at one time, two or more infants under the age of three years unattended by a parent or a guardian, except infants related to him by blood or marriage, for the purpose of providing them with care, food and lodging, shall be deemed to maintain a boarding house for infants.

Licenses, how granted.

SECT. 2. The state board of charities and correction may in its discretion, grant licenses to maintain boarding houses for infants. Every application therefor shall first be approved by the board of health of the city or town in which such boarding house is to be maintained. Such license shall be granted for a term not exceeding one year, shall state the name of the licensee, the particular premises in which the business may be carried on, the number of infants which may be boarded there at one time, and any further restrictions or regulations which the state board of charities and correction may deem necessary, and, if required by said board, it shall be posted in a conspicuous place on the licensed premises. No greater number of infants shall be kept at one time on the premises than is authorized by the license, and no infant shall be kept in a building or place not designated in the license. A record of licenses issued shall be kept by the state board of charities and correction, which shall forthwith give notice to the

board of health of the city or town in which the licensee resides of the granting of such license and of the terms thereof and any revocation thereof. The state board of charities and correction and boards of health of cities and towns shall annually, and may, at any time, visit and inspect, or designate a person to visit and inspect, premises so licensed. Such premises shall also be subject to visitation and inspection at any time by the solicitor of the county and the mayor, selectmen and police officers of the city or town.

SECT. 3. The state board of charities and correction may re-How revoked.  
voke such license in its discretion, and shall note such revocation upon the face of the record thereof. It shall give written notice of such revocation to the licensee by delivering the notice to him in person or by leaving it on the licensed premises.

SECT. 4. Every such licensee shall keep a record, in a form Licensee to keep records.  
to be prescribed by the state board of charities and correction, of every infant received, the date of its reception, the name and address of the person from whom it was received, the date of its discharge and the name and address of the person to whom it was delivered on discharge, and any other facts regarding such infant which said board may direct. In case of the death of any such infant, the licensee shall give notice thereof to said board within twenty-four hours thereafter, stating the date and cause of its death, the duration of its illness, and the names and addresses of the attending physician and undertaker, and shall also enter said facts upon said record. Said record, together with all written contracts relative to such infants, shall be open to examination by any person authorized by this act to inspect the licensed premises.

SECT. 5. Whoever maintains a boarding house for infants, unless licensed thereto by the state board of charities and correction, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment. Unlicensed house, penalty for keeping.

SECT. 6. Whoever receives under his care or control, and who-Infant in care of stranger, notice of.  
ever places under the care or control of another for compensation, an infant under three years of age, which is not related by blood or marriage to the person receiving it, shall, within two days thereafter, give notice thereof, and of the terms upon which such infant was received, to the state board of charities and correction, with the name, age and residence of the infant, its parents and the persons from whom or by whom respectively it was received.

SECT. 7. The state board of charities and correction, upon Regulation of such cases.  
receipt of such notice or of any information of such reception, may investigate the case and make such recommendations as it deems expedient. If they are not complied with, it may apply to a justice of the superior court, or to a judge of probate, who, after notice to the parents of such infant or to the persons deliv-

ering and receiving it, may make and enforce appropriate orders for the care, custody, protection and maintenance of such infant, and on notice may from time to time revise said orders.

Neglect to give notice, penalty.

SECT. 8. Whoever neglects to give the notice required by section 6 or refuses to give information upon request of said board or to comply with the orders of a court made in accordance with the provisions of the preceding section shall, upon complaint of an agent of said board thereto authorized, be punished by a fine of not more than one hundred dollars or by imprisonment for not more than one year, or by both such fine and imprisonment.

Abandonment, what deemed; penalty.

SECT. 9. Whoever gives to any person an infant under three years of age for the purpose of placing it for hire, gain or reward under the permanent control of another person shall be deemed guilty of the abandonment of such infant. Whoever for hire, gain or reward receives such an infant for the purpose of placing it under the control of any other person shall be deemed guilty of aiding and abetting the abandonment of such infant and shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than two years.

Proceedings prior to adoption.

SECT. 10. Whoever receives an infant under three years of age for adoption or for giving it a home or for procuring a home or adoption for it shall, before receiving the same, ascertain its name, age and birth place, and the name and residence of its parent or parents, and shall keep a record of the same, and of the date of such reception. He shall forthwith upon the reception of said infant give notice in writing thereof to the state board of charities and correction, and upon request of said board shall give information and render the reports concerning such infant required by it; and within two days after its discharge shall give notice in writing to said board of the discharge and disposal of such infant. Said state board may investigate the case, and, at any time previous to a decree of adoption, take any such infant into its custody, if in the judgment of said board the public interest and the protection of the infant so requires.

State board of charities may assume control.

SECT. 11. The parents, surviving parent or guardian of an infant under three years of age, if unable to support it, may in writing, with the consent of the state board of charities and correction, place such infant in its charge if said board considers such action for the public interest; and said board may receive such infant and shall thereupon have its custody to the extent of the provisions of chapter 116, of the Laws of 1895 and section 1, chapter 61, Laws of 1893.

Disposition of bastard by mother.

SECT. 12. The mother of an illegitimate infant under three years of age, who is a resident of this state and who has previously borne a good character, may, in writing, signed by her, and with the consent of said state board of charities and correction, give up such infant to said board for adoption; and said state board, if it

deems such action for the public interest, may in its discretion and on such conditions as it may impose, receive such infant and provide therefor. Such surrender by the mother shall operate as a consent by her to any adoption subsequently approved by said board.

SECT. 13. In any prosecution under the provisions of the preceding sections of this chapter, a defendant who relies in defence upon the relationship of any of said infants to himself shall have the burden of proof thereof.

Burden of proving relationship.

SECT. 14. No citizen of this state or other person subject to its jurisdiction shall print, publish, circulate or cause or procure to be printed, published or circulated in this state any press or other advertisement of, or in any other manner publicly solicit within this state patronage for, any boarding house for infants located either within or without this state, nor print, publish, circulate or cause or procure to be printed, published or circulated without this state any press or other advertisement of, or otherwise publicly solicit outside this state patronage for any boarding house for infants located within this state, whether maintained by himself or others; except that any such institution duly licensed under this act may display a sign containing the name of the institution but no other words or information. Any person violating the provisions of this section, and any licensee or other person who shall violate the provisions of a license issued under this act, knowingly make any false entry or statement in connection with any record, notice, information or report required by this act, knowingly give false information to or otherwise attempt to deceive or mislead any one engaged in investigation or inspection under the authority of this act, or otherwise violate any provision of this act for whose infringement no penalty is hereinbefore specifically provided, shall be punished by a fine of not more than one hundred dollars or by imprisonment for not exceeding one year, or by both such fine or imprisonment.

Advertising and solicitation prohibited; penalty.

SECT. 15. If facts shall come to the attention of any physician, undertaker, officer authorized to issue burial permits or other person, indicating that any infant kept at a boarding house for infants is being cruelly treated or that its life or health is endangered by lack of suitable nourishment, care, nursing or medical attendance, or that the death of any infant dying at such an institution may have been occasioned by such cruelty or neglect, such person shall forthwith, under penalty of a fine of ten dollars for each day's failure, give notice thereof to the state board of charities and correction and to the county solicitor of the county. Upon receipt of such notice said board may, and said solicitor shall, immediately investigate the case, and it shall be the duty of said solicitor to cause the custodian or custodians of such infant to be arrested and criminally prosecuted for cruelty to chil-

Neglect and cruelty, notice of; punishment of.

dren, manslaughter, or murder, as the case may be, if probable cause appears for such prosecution.

Takes effect on passage.

SECT. 16. This act shall take effect upon its passage.

[Approved April 12, 1911.]

CHAPTER 135.

AN ACT ESTABLISHING A METHOD FOR DETERMINING THE EQUALIZED VALUATION PER PUPIL OF AVERAGE ATTENDANCE FOR THE TOWNS OF TILTON AND NORTHFIELD AND FOR OTHER PURPOSES.

SECTION

1. Equalized valuation, how determined.
2. Amount due for high school tuition.
3. Employment of normal school graduates.

SECTION

4. Repealing clause; act takes effect on passage.

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

Equalized valuation, how determined.

SECTION 1. The "equalized valuation per pupil of average attendance" as that term is used in chapter 158 Laws of 1909, shall be determined for the town of Tilton in the following manner: The average attendance of the pupils of the town of Tilton shall be the average attendance of the pupils in the town school district of said Tilton plus the average attendance of the pupils residing in Tilton but who attend school in Union School District No. 1 of Tilton, and the average attendance of pupils in Northfield shall be ascertained in like manner, by combining the average attendance of pupils in the Northfield town district with the average attendance of the pupils residing in Northfield, but who attend school in said Union district. For the purpose of carrying into effect the provisions of this act the superintendent of public instruction is authorized and required to disregard the existence of said Union district, and the school board of said Union district is required to furnish to the school boards of said respective town districts all statistics and information necessary in order to carry into effect the provisions of this act.

Amount due for high school tuition.

SECT. 2. In order to ascertain the amount due said Tilton and Northfield on account of tuition by them paid for high school scholars under chapter 96, Laws of 1901 as amended by chapter 158, Laws of 1909, the rate of taxation for school purposes, and the rate of taxation for all purposes, shall be ascertained for said town of Tilton by averaging the taxation for such purposes of the town school district of Tilton, and the taxation for such pur-



poses of said Union district, and the number of such high school scholars paid for by the town of Tilton shall also include the number of such scholars paid for by said Union district, and when said sum is received by the treasurer of the town of Tilton he shall pay to the Union district and to the town district the proportion of the same to which each may be entitled,—and the amount to which the town of Northfield may be entitled under said acts shall be ascertained by averaging the rate of taxation for school purposes and the rate of taxation for all purposes of the Northfield town district and the said Union district, and reckoning the number of high school scholars on account of which the Northfield town district has paid tuition, and the treasurer of Northfield shall pay to the Northfield town district said amount when received from the state treasurer.

SECT. 3. The state aid provided in section 3 of chapter 158 Laws of 1909 on account of the employment of normal school graduates or persons holding a permanent New Hampshire state teachers' certificate as teachers, shall be paid to said three districts respectively when they furnish evidence to the satisfaction of the superintendent of public instruction of such employment.

Employment of normal school graduates.

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

Repealing clause; act takes effect on passage.

[Approved April 13, 1911.]

CHAPTER 136.

AN ACT IN AMENDMENT OF CHAPTER 92, SECTIONS 2 AND 6, OF THE PUBLIC STATUTES, RELATING TO THE EXAMINATION AND CERTIFICATION OF TEACHERS.

SECTION

- 1. School board to hire teachers, etc.
- 2. To prescribe certain studies.

SECTION

- 3. Takes effect on passage.

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

SECTION 1. In chapter 92, section 2, of the Public Statutes, strike out the words "holding certificates as provided by law," so that the section as amended shall read: SECT. 2. The school board shall select and hire suitable and competent teachers, shall provide necessary fuel, and shall make such occasional repairs of the schoolhouses and furniture as may be necessary, not exceeding in cost five per cent of the school money.

School board to hire teachers, etc.

To prescribe certain studies.

SECT. 2. In chapter 92, section 6, of the Public Statutes, with amendments thereto, strike out beginning with the words, "School boards shall annually," all the rest of the section so that the section as amended shall read as follows: 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 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.

Takes effect on passage.

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

[Approved April 13, 1911.]

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## CHAPTER 137.

### AN ACT IN AMENDMENT OF SECTION 11 OF CHAPTER 89 OF THE PUBLIC STATUTES, RELATING TO CONTRACTS OF SCHOOL DISTRICTS.

SECTION 1. Superintendent of public instruction may terminate contract between district and academy.

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

Contract between district and academy may be terminated, how.

SECTION 1. Section 11 of chapter 89 of the Public Statutes is hereby amended by adding thereto at the close of said section the following language: *Provided, however,* that the superintendent of public instruction shall have full power and authority to terminate such contracts whenever in his judgment the educational interests of the district so require. So that said section as amended shall read: SECT. 11. Any school district may contract with an academy, seminary, or other literary institution located within its limits or in its immediate vicinity, for furnishing instruction to its scholars; and the school money may be used to carry the contract into effect; *provided, however,* that the super-

intendent of public instruction shall have full power and authority to terminate such contracts whenever in his judgment the educational interests of the district so require.

[Approved April 13, 1911.]

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## CHAPTER 138.

AN ACT ESTABLISHING A METHOD FOR DETERMINING THE EQUALIZED VALUATION PER PUPIL OF AVERAGE ATTENDANCE FOR THE TOWN SCHOOL DISTRICT OF BOSCAWEN.

SECTION 1. Equalized valuation, how determined.

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

SECTION 1. The "equalized valuation per pupil of average attendance," as that term is used in chapter 158 of the Laws of 1909, shall be determined for the town school district of Boscawen in the manner following: The equalized valuation of said district shall be the equalized valuation of the town of Boscawen. The average attendance of said district shall be the average attendance of the pupils in the town school district of Boscawen plus the average attendance of those pupils in the Union School District of Penacook who attend school within the town limits of the town of Boscawen.

Equalized valuation, how determined.

[Approved April 13, 1911.]

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## CHAPTER 139.

AN ACT IN AMENDMENT OF SECTION 14 OF CHAPTER 93 OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 61 OF THE LAWS OF 1901 AND CHAPTER 13 OF THE LAWS OF 1903, RELATING TO SCHOOL ATTENDANCE.

SECTION

1. School attendance, regulation by state superintendent.

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. Section 14 of chapter 93 of the Public Statutes as amended by chapter 61 of the Laws of 1901 and chapter 13 of the Laws of 1903, is hereby amended by adding at the end

School attendance, regulation by state superintendent.

thereof the following: *Provided, however,* that any person having the custody and control of a child may apply to the state superintendent of public instruction for relief whenever such person deems it to be against the moral or physical welfare of such child to attend the particular school required by law, and thereupon, after notice to the school board of the district in which such child is required to attend school, the state superintendent of public instruction may order such child to attend another school in the same district if such school is available; may order such child to attend school in another district, in which case the district in which such child resides shall pay to the district in which such child attends school tuition not to exceed the average cost per child of instruction for the regularly employed teachers and the cost of text-books, supplies and apparatus for such time as such attendance shall continue; may permit such child to withdraw from school attendance for such time as he may deem necessary or proper; or make such other order or orders with respect to the attendance of such child at school as in his judgment the circumstances require so that said section shall read: **SECT. 14.** Every person having the custody and control of a child between the ages of eight and fourteen years, or of a child under the age of sixteen years who cannot read at sight and write legibly simple sentences in the English language, residing in a school district in which a public school is annually taught, shall cause such child to attend the public school all the time such school is in session, unless the child shall be excused by the school-board of the district because his physical or mental condition is such as to prevent his attendance at school for the period required, or because he was instructed in the English language in a private school approved by the school board for a number of weeks equal to that in which the public school was in session in the common English branches, or having acquired those branches, in other more advanced studies. Any person who does not comply with the requirements of this section shall be fined ten dollars for the first offense and twenty dollars for every subsequent offense, for the use of the district. *Provided, however,* that any person having the custody and control of a child may apply to the state superintendent of public instruction for relief whenever such person deems it to be against the moral or physical welfare of such child to attend the particular school required by law, and thereupon, after notice to the school board of the district in which such child is required to attend school, the state superintendent of public instruction may order such child to attend another school in the same district if such school is available; may order such child to attend school in another district, in which case the district in which such child resides shall pay to the district in which such child attends school tuition not to exceed the average cost per child of instruction for the regularly employed teachers and the cost of text-books, sup-

plies and apparatus for such time as such attendance shall continue; may permit such child to withdraw from school attendance for such time as he may deem necessary or proper; or make such other order or orders with respect to the attendance of such child at school as in his judgment the circumstances require.

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 13, 1911.]

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CHAPTER 140.

AN ACT TO PROTECT THE UNIFORM OF THE ARMY OF THE UNITED STATES OR STATE OF NEW HAMPSHIRE.

SECTION

1. Discrimination by theaters, etc., prohibited.

SECTION

2. Takes effect on passage.

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

SECTION 1. That hereafter no proprietor, manager or employee of a theatre or other public place of entertainment or amusement in the State of New Hampshire shall make or cause to be made any discrimination against any person lawfully wearing a uniform of the army, navy, revenue cutter service, or marine corps of the United States, or of the militia of this state, because of that uniform; and any person making or causing to be made such discrimination shall be guilty of a misdemeanor and punishable by a fine not exceeding one hundred dollars. Discrimination by theaters, etc., prohibited.

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

[Approved April 13, 1911.]

CHAPTER 141.

AN ACT IN AMENDMENT OF SECTIONS 6 AND 7 OF CHAPTER 270 OF THE PUBLIC STATUTES RELATING TO LOTTERIES, GAMBLING AND WAGERS.

SECTION

1. Gambling and keeping gambling place, penalty.

SECTION

2. Takes effect on passage.

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

Gambling and keeping gambling place, penalty.

SECTION 1. That sections 6 and 7 of chapter 270 of the Public Statutes be amended by adding at the end of each of said sections the words or both, so that said sections as amended shall read as follows: SECT. 6. If any person keeps any house, shop, or place resorted to for the purpose of gambling, or lets any such place for that purpose, or suffers any person to gamble in any way in any such place, which is under his care or control, he shall be fined not exceeding two hundred dollars, or be imprisoned not exceeding one year, or both. SECT. 7. If any person shall gamble, or bet on the sides or hands of such as are gambling or playing at any game, or shall loan or advance any money or thing of value to any person to aid in gambling, he shall be fined not exceeding two hundred dollars, or be imprisoned not exceeding one year, or both.

Takes effect on passage.

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

[Approved April 14, 1911.]

CHAPTER 142.

AN ACT TO AMEND SECTION 1, CHAPTER 33, LAWS OF 1895 [1893], RELATING TO PAYMENT FOR CATTLE WHICH ARE KILLED BY ORDER OF THE BOARD OF CATTLE COMMISSIONERS OF ANY STATE.

SECTION 1. Compensation for cattle killed, when.

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

Compensation for cattle killed, when.

SECTION 1. Amend section 1, chapter 33, Laws of 1895 [1893], by inserting the words of any state between the words "commissioners" and "shall" in the second line of said section, by striking out the word "the" between the words "of" and "state" in said second line, and inserting in place thereof, the word this,

by striking out the words "have been" in the fifth line and inserting in place thereof the word are; and by inserting after the word "owned" in said fifth line the following: by a citizen of this state and, and by adding to said section, after the word "detected" in the last line the following: *And provided* that not more than thirty days shall have elapsed since said cattle have been removed from this state, so that said section as amended shall read as follows: SECTION 1. The owners of cattle killed by order of the state board of cattle commissioners of any state shall recover of this state one half the value of such animals upon a basis of health, said value to be ascertained by a disinterested appraisal, *provided* they are owned by a citizen of this state, and in the state three months at least before the disease was detected. *And provided* that not more than thirty days shall have elapsed since said cattle have been removed from this state.

[Approved April 14, 1911.]

### CHAPTER 143.

#### AN ACT IN AMENDMENT OF SECTION 1 OF CHAPTER 261 OF THE PUBLIC STATUTES RELATING TO REWARDS AND COMPENSATIONS TO PROSECUTORS.

SECTION

1. Reward for criminal, who may offer.

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 of chapter 261 of the Public Statutes by inserting before the first word "the" the words the county commissioners of any county, and by inserting before the word "city" where it appears the second time, the word county, so that said section as amended shall read as follows:

SECTION 1. The county commissioners of any county, the city councils of a city, and the selectmen of a town are authorized, whenever in their opinion the public good requires it, to offer and pay from the treasury of such county, city or town a suitable reward, not exceeding three hundred dollars in any one case, to any person who shall, in consequence of such offer, apprehend and secure any person or persons charged with having committed a capital or other high crime.

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

Reward for criminal, who may offer.

Repealing clause; act takes effect on passage.

[Approved April 14, 1911.]

## CHAPTER 144.

AN ACT TO REPEAL CHAPTER 92, SECTION 12 OF THE PUBLIC STATUTES WITH AMENDMENTS, RELATING TO REPORTS OF SCHOOL BOARDS.

SECTION 1. Prior provision repealed.	SECTION 2. Takes effect on passage.
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*Be it enacted by the Senate and House of Representatives in General Court convened.*

Prior provision repealed.

SECTION 1. Section 12 of chapter 92 of the Public Statutes with amendments thereto, relating to the reports of school boards to selectmen, is hereby repealed.

Takes effect on passage.

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

[Approved April 14, 1911.]

## CHAPTER 145.

AN ACT TO PERMIT THE HUNTING OF DEER IN CERTAIN TOWNS IN MERRIMACK COUNTY WITH A RIFLE.

SECTION 1. Hunting with rifle permitted.	SECTION 2. 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:*

Permission granted.

SECTION 1. It shall be lawful to hunt deer in the following towns in Merrimack county with a rifle, during the first fifteen days of December: Andover, Wilmot, Danbury, Hill, New London, Sutton, Bradford, Warner, Salisbury, Henniker and Newbury.

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 upon its passage.

[Approved April 14, 1911.]



## CHAPTER 146.

## AN ACT IN AMENDMENT OF CHAPTER 40, SECTION 4, PUBLIC STATUTES, IN REFERENCE TO PUBLIC PLAYGROUNDS.

## SECTION

1. Towns may vote money for play-grounds.

## SECTION

2. Takes effect on passage.

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

SECTION 1. Towns may at any legal meeting grant and vote such sums of money as they shall judge necessary to establish, equip and maintain suitable places for public playgrounds, in accordance with the provisions of section 4, chapter 40, of the Public Statutes.

Towns may vote money for play-grounds.

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

Takes effect on passage.

[Approved April 14, 1911.]

## CHAPTER 147.

## AN ACT TO ENLARGE THE JURISDICTION OF SHERIFFS AND THEIR DEPUTIES IN CRIMINAL MATTERS.

## SECTION

1. Jurisdiction enlarged.

## 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. Sheriffs and their deputies shall hereafter have throughout the state the same power and authority to serve criminal or civil processes, investigate crimes, and to pursue and apprehend criminals that they now have in their respective counties.

Jurisdiction enlarged.

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

Repealing clause; act takes effect on passage.

[Approved April 14, 1911.]

## CHAPTER 148.

AN ACT AMENDING CHAPTER 79 OF SESSION LAWS OF 1901 AS AMENDED BY THE LAWS OF 1903, 1905, 1907, 1909, RELATING TO THE DESTRUCTION OF DEER.

SECTION		SECTION
1. Number which may be legally killed.		2. Takes effect on passage.

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

Number which may be legally killed.

SECTION 1. Amend section 17 by striking out the whole of said section and inserting in the place thereof the following:  
 SECT. 17. No person during the open season of any year shall take, catch, kill or destroy more than two deer in the counties of Coös, Grafton and Carroll, or destroy more than one deer in the counties of Rockingham, Strafford, Belknap, Merrimack, Hillsborough, Cheshire and Sullivan.

Takes effect on passage.

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

[Approved April 14, 1911.]

## CHAPTER 149.

AN ACT TO PROTECT SEA GULLS AND SHELDRAKES.

SECTION		SECTION
1. Sea gulls and sheldrakes protected.		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:*

Sea gulls and sheldrakes protected.

SECTION 1. No person shall hunt, take, kill or destroy any sea gull or any sheldrake inhabiting any of the fresh waters of this state.

Penalty.

SECT. 2. Any person violating the provisions of this act shall be fined ten dollars for each bird so hunted, taken, killed or destroyed.

Repealing clause; act takes effect on passage.

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

[Approved April 14, 1911.]

## CHAPTER 150.

## AN ACT TO PROHIBIT DRINKING ON PUBLIC CONVEYANCES.

## SECTION

1. Drinking prohibited; penalty.

## SECTION

2. Takes effect on passage.

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

SECTION 1. The use of intoxicating liquors as a beverage upon or within any street car, railroad car, or other public conveyance, except buffet and dining cars, is hereby prohibited. Any person violating the provisions of this act shall, upon conviction, be fined ten dollars (\$10) or be imprisoned thirty days, or both.

Drinking prohibited; penalty.

SECT. 2. This act shall take effect May 1, 1911.

Takes effect on passage.

[Approved April 14, 1911.]

## CHAPTER 151.

## AN ACT RELATING TO THE EXTINGUISHING OF CAMP FIRES.

## SECTION

1. Camp fires to be extinguished; penalty.

## SECTION

2. Takes effect on passage; repealing clause.

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

SECTION 1. Whoever by himself or by his servant, agent or guide, or as the servant, agent or guide of any other person, shall build a camp, cooking, or other fire, or use an abandoned camp, cooking, or other fire in any, or adjacent to any, woods in this state, shall before leaving said fire totally extinguish the same, and upon failure to do so such person shall be punished by a fine not exceeding fifty dollars. *Provided* that such fires built upon the sea beach in such situation that they cannot spread into forest, wood or cultivated land, or meadows, shall not be construed as prohibited by this act.

Camp fires to be extinguished; penalty.

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 14, 1911.]

## CHAPTER 152.

AN ACT TO AMEND CHAPTER 79 OF THE SESSION LAWS OF 1901, AS AMENDED BY THE LAWS OF 1903, 1905, 1907, 1909, RELATING TO THE PROTECTION OF LAKE TROUT, LAND-LOCKED SALMON AND WHITE FISH IN LAKES WINNIPESAUKEE, WINNISQUAM AND PAUGUS.

SECTION	SECTION
1. Lake trout, etc., protected.	2. Takes effect on passage.

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

Lake trout,  
etc., pro-  
tected.

SECTION 1. Amend said chapter by striking out the whole of section 56 and inserting in the place thereof the following: SECT. 56. No person shall take, kill, or have in his possession, from the waters of Lake Winnepesaukee, Lake Winnisquam or Lake Paugus, any lake trout land-locked salmon, or white fish, known as shad, shad waiters, bill fish or blue fins, between the fifteenth day of June 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.

Takes effect  
on passage.

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

[Approved April 14, 1911.]

## CHAPTER 153.

AN ACT IN AMENDMENT OF CHAPTER 120, SECTION 7 OF THE PUBLIC STATUTES RELATING TO PILOTS AND HARBOR MASTERS OF PORTSMOUTH.

SECTION	SECTION
1. Ballast, etc., not to be thrown into Portsmouth harbor.	2. Takes effect on passage.

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

Ballast, etc.,  
not to be  
thrown into  
Portsmouth  
harbor.

SECTION 1. Chapter 120 of the Public Statutes is hereby amended by striking out in section 7 the words of "Boiling rock" thereof and inserting in place thereof the words Dover Point bridge, so that section 7 after the amendment will read as follows: If any person shall unlade, east, or throw out of any ship,

vessel, or boat, or from shore or wharf, any ballast, rubbish, gravel, earth, dirt, ashes, or filth into the harbor, or river of Piscataqua, between the light house at the entrance of said harbor and Dover Point bridge, so called, up said river, or aid and assist therein, he shall forfeit a sum not more than ten dollars.

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

Takes effect  
on passage.

[Approved April 14, 1911.]

## CHAPTER 154.

### AN ACT IN AMENDMENT OF CHAPTER 181 OF THE PUBLIC STATUTES RELATING TO THE ADOPTION OF CHILDREN.

#### SECTION

1. Adoption of person of full age, how effected.

#### SECTION

2. Jurisdiction of probate court.  
3. Takes effect on passage.

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

SECTION 1. Any person of full age may by petition to the probate court adopt as his or her child any other person of full age unless such other person is his or her wife or husband, brother or sister, uncle or aunt, of the whole or half blood. The consent of any other person than the person adopted and the person adopting shall not be required to said adoption; *provided, however,* that a person thus adopted shall not be deemed to be an adopted child within the meaning of chapter 40 of the Laws of 1905 and amendments thereto, and shall not by reason of such adoption be exempt from any tax now imposed, or which may hereafter be imposed upon legacies and successions.

SECT. 2. The probate court shall have the same jurisdiction as in case of minor children.

Adoption, how  
effected.

Jurisdiction  
of probate  
court.

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

Takes effect  
on passage.

[Approved April 14, 1911.]

## CHAPTER 155.

AN ACT IN AMENDMENT OF SECTION 14 OF CHAPTER 284, OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 34 OF THE LAWS PASSED AT THE JANUARY SESSION 1909.

## SECTION

1. Sentences to Industrial School, for what term.

## SECTION

2. Takes effect on passage.

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

Sentences to Industrial school, for what term.

SECTION 1. Section 14 of chapter 284, of the Public Statutes is hereby amended by striking out the words "for minority," and inserting instead thereof the words for such term not extending beyond the age of twenty-one years as the court or justice shall judge most for his true interest and benefit, 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 such term, not extending beyond the age of twenty-one years as the court or justice shall judge most for his true interest and benefit, *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.

Takes effect on passage.

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

[Approved April 14, 1911.]

## CHAPTER 156.

AN ACT IN AMENDMENT OF 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 AND AS FURTHER AMENDED BY CHAPTER 156 OF THE SESSION LAWS OF 1909.

## SECTION

1. Carriers to keep records of certain deliveries.

## SECTION

2. Takes effect on passage; repealing clause.

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

SECTION 1. Amend section 38 of chapter 95 of the session Laws of 1903 as amended by chapter 49 of the session Laws of 1905 and as further amended by chapter 156 of the session Laws of 1909 by striking out the words "in this state" after the word "liquor" in line two of said section, so that said section will read: Carriers to keep records of certain deliveries.  
 SECT. 38. Every person, partnership or corporation conducting a transportation or express business, receiving liquor 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. 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 14, 1911.]

## CHAPTER 157.

AN ACT IN AMENDMENT OF 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.

## SECTION

1. Sale prohibited on day of state primary election.

## SECTION

2. Takes effect April 30, 1911.

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

Sale prohibited on day of state primary election.

SECTION 1. Section 16, 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 at the end of sub-division 3 of said section the following words: or on the day when a primary is held in accordance with the provisions of chapter 153 of the session Laws of 1909 or under the provisions of any city charter; so that said section as amended shall read as follows: SECT. 16. No licensee, except the holder of a license of the first or seventh class, shall sell, furnish or expose for sale, or give away any liquor first, on Sunday; second, on any other day except between the hours of six in the morning and ten at night; unless the town or board of mayor and aldermen of the city where such licensee carries on business shall extend the hours not later than eleven o'clock at night, which such town or board of mayor and aldermen is hereby authorized to do; third, on the day of any general or city election or town meeting; or on the day when a primary is held in accordance with the provisions of chapter 153 of the session Laws of 1909, or under the provisions of any city charter. Fourth, on a state or national legal holiday.

Takes effect April 30, 1911.

SECT. 2. This act shall take effect April 30, 1911.

[Approved April 14, 1911.]



## CHAPTER 158.

AN ACT TO AMEND CHAPTER 79, LAWS OF 1901 AS AMENDED BY THE GENERAL COURT OF 1903, 1905, 1907, 1909 SO AS TO ALLOW THE HUNTING OF DEER WITH A RIFLE IN THE COUNTY OF STRAFFORD.

## SECTION

1. Hunting with rifle permitted.

## SECTION

2. Takes effect on passage.

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

SECTION 1. Section 16 of said act is hereby amended as follows: In line 13 cross out the word "Strafford" so that said section shall read as follows: SECT. 16. No person shall hunt, catch, kill or destroy any deer within the limits of the county of Coös, 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 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.

Hunting with  
rifle per-  
mitted.

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

Takes effect  
on passage.

[Approved April 14, 1911.]

CHAPTER 159.

AN ACT IN AMENDMENT OF CHAPTER 150 OF THE PUBLIC STATUTES OF NEW HAMPSHIRE RELATING TO INDIVIDUAL LIABILITY OF CORPORATORS.

SECTION

1. Annual returns by March 1; liability of directors in event of failure.

SECTION

2. Repealing clause; act takes effect January 1, 1912.

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

Annual re-  
turns by  
March 1; lia-  
bility of di-  
rectors in  
event of fail-  
ure.

SECTION 1. Amend chapter 150 of the Public Statutes by striking out all of section 16 of said chapter and inserting in place thereof the following as section 16: Every such corporation, except insurance companies, railroad corporations, banks and loan and building associations, shall annually on or before March first of each year make a return in writing, signed by and under oath of its treasurer and a majority of its directors, to the secretary of state and to the clerk of the town in which its principal business is carried on, if in this state, of the amount of all assessments voted by the corporation and actually paid in, the amount of all debts due to and from the corporation and the value of all the property and assets of the corporation, so far as the same can be ascertained, as existing on the first day of January, and if any such corporation shall fail so to do, the treasurer and directors shall be individually liable for all debts and contracts of the corporation then existing, or which shall be contracted until the return is made. Amend section 10 of said chapter by striking out the words "in the month of May" and inserting in lieu thereof the words on or before March first. As amended section 10 will read: The treasurer of every railroad corporation and the clerk of every other dividend paying corporation, except banks, until its capital stock is fully paid in and a certificate thereof filed and recorded, shall annually, on or before March first, cause to be filed and recorded in the office of the clerk of the town or city in which the corporation has its principal place of business, a list of the names and places of residence of all its stockholders certified under oath. Amend section 12 of said chapter by striking out the words "in the month of May" and inserting in lieu thereof on or before March first. As amended section 12 will read: If any such treasurer or clerk shall neglect to make such return on or before March first annually, he shall forfeit for each neglect fifty dollars to any person who will sue for the same, and it shall be the duty of the town or city clerk forthwith to commence suit therefor.

SECT. 2. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect January 1, 1912.

Repealing clause; act takes effect January 1, 1912.

[Approved April 14, 1911.]

CHAPTER 160.

AN ACT RELATING TO THE REGISTRATION OF GUIDES.

SECTION

- 1. Guides to be registered; reports as to employment.
- 2. Applications, how made; registry, when granted.

SECTION

- 3. Cancellation of certificates.
- 4. Qualifications for registration.
- 5. Takes effect on passage.

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

SECTION 1. No person shall engage in the business of guiding, either for inland fishing or forest hunting, until he has caused his name, age, and residence to be recorded in a book kept for that purpose by the commissioners of fisheries and game, and has procured a certificate from said commissioners, setting forth in substance that he is deemed suitable to act as a guide, either for inland fishing or forest hunting, or both, as the case may be, under a penalty of fifty dollars and costs for each offense. Each registered guide shall, from time to time, as often as requested by the commissioners, forward, on blanks furnished him by the commissioners, a statement of the number of persons he has guided in inland fishing and forest hunting during the time called for in said statement, the number of days he has been employed as a guide, and such other useful information relative to inland fish and game, forest fires, and the preservation of the forests in the localities where he has guided, as the commissioners may deem of importance to the state, under a penalty of fifty dollars, for unreasonably or wilfully refusing to comply with these requirements.

Guides to be registered; reports as to employment.

SECT. 2. Such registration as is provided for in this chapter shall be as follows: The applicant shall apply in writing or personally to the commissioners for registration, or to some person designated by the commissioners, setting forth in his application whether he desires to be registered as a general or local guide; and the commissioners shall, as soon thereafter as may be, register such person as a guide in such class as they shall deem proper, after such investigation as they shall deem proper; but said commissioners may refuse to register any applicant whom they deem unfit to be a guide, and may, for cause shown, after due notice

Applications, how made; certificate, when granted.

and hearing, cancel any registration by them made, and may advance anyone from the local class to the general class, whenever they shall deem such person qualified to be a general guide.

Cancellation  
of certificates.

SECT. 3. Whenever a guide registered, as provided in this chapter, is convicted of any violation of any of the inland fish and game laws, the commissioners may, at their discretion, cancel his certificate of registration and strike his name from the list of registered guides; but such person may thereafter be registered again at the discretion of the commissioners. Any certificate canceled by virtue of this chapter shall be immediately returned to the commissioners, under a penalty of fifty dollars for refusal or neglect to comply with this requirement. A fee of one dollar shall be paid annually for the registration as herein provided.

Qualifica-  
tions for reg-  
istration.

SECT. 4. No person shall receive a certificate as a general guide unless he be at least twenty years of age, of good repute, and friendly to the inland fish and game laws, and will discountenance in all proper ways all violations thereof. He shall be thoroughly competent to traverse the hunting grounds in which he is licensed to guide and shall be skilled in the use, management, and handling of such boats or canoes, on lake, pond, or river, as are used in the territory in which he is authorized to guide, and shall be a safe person under all circumstances to be a guide for inland fishing and forest hunting parties. A person may receive a certificate as a local guide who does not, in the judgment of the commissioners possess all the necessary qualifications of a general guide, yet is deemed suitable to act as such under certain conditions; and guides may be restricted in the territory in which they are permitted to guide. Every non-resident registered as a guide shall pay a fee of twenty dollars; the commissioners may at their discretion refuse to issue any certificate of registration after October twentieth of each year, and every certificate issued shall expire with the calendar year. An official badge for guides may be prepared by the commissioners.

Takes effect  
on passage.

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

[Approved April 14, 1911.]

## CHAPTER 161.

AN ACT IN AMENDMENT OF AND IN ADDITION TO SECTION 2 OF CHAPTER 49 OF THE LAWS OF 1895, ENTITLED "AN ACT TO PROVIDE FOR THE EXAMINATION AND CERTIFICATION OF SCHOOL-TEACHERS BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION."

SECTION 1. Certificate of qualification, to whom issued.

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

SECTION 1. Section 2 of chapter 49 of the Laws of 1895, <sup>Certificate of qualification, to whom issued.</sup> entitled "An Act to provide for the Examination and Certification of School-Teachers by the Superintendent of Public Instruction" is hereby amended by adding thereto at the close of said section the following language: The superintendent of public instruction may issue, without the requirement of examination provided herein, a certificate of qualifications to any person who has served as a teacher in the public schools of the state for a term of three school years when in his judgment the educational interests of the state will be served by such action, so that said section as amended shall read: SECT. 2. A certificate of qualification shall be given to all candidates who pass satisfactory examinations in such branches as are required by law to be taught, and who in other respects fulfill the requirements of the superintendent. Such certificate shall be either probationary or permanent, and shall indicate the grade of school for which the person named in the certificate is qualified to teach. The superintendent of public instruction may issue, without the requirement of examination provided herein, a certificate of qualifications to any person who has served as a teacher in the public schools of the state for a term of three school years when in his judgment the educational interests of the state will be served by such action.

[Approved April 14, 1911.]

## CHAPTER 162.

## AN ACT RELATING TO CHILD LABOR.

PROHIBITED EMPLOYMENT.	ENFORCEMENT.
<p>SECTION</p> <ol style="list-style-type: none"> <li>1. Of child under twelve and fourteen.</li> <li>2. Of child under sixteen.</li> <li>3. Inspection of factories, etc.</li> <li>4. Newsvendors and bootblacks.</li> </ol> <p style="text-align: center;">HOURS OF LABOR.</p> <ol style="list-style-type: none"> <li>5. Of telegraph messengers, etc.</li> <li>6. Daily and weekly hours regulated.</li> </ol> <p style="text-align: center;">CERTIFICATES.</p> <ol style="list-style-type: none"> <li>7. Child under sixteen to furnish.</li> <li>8. Surrender on termination of employment.</li> <li>9. By whom issued.</li> <li>10. School record, etc., to be examined.</li> <li>11. Applicant to personally appear.</li> <li>12. Requisites of certificate.</li> <li>13. School record, requisites of.</li> <li>14. Record of certificates.</li> <li>15. Blank forms.</li> </ol>	<p>SECTION</p> <ol style="list-style-type: none"> <li>16. Truant officers, duty of.</li> <li>17. State inspectors, appointment and duties.</li> <li>18. Truant officers, appointment and removal of.</li> </ol> <p>CHILDREN APPARENTLY UNDER SIXTEEN</p> <ol style="list-style-type: none"> <li>19. Inspectors to require evidence as to age.</li> </ol> <p style="text-align: center;">PENALTIES.</p> <ol style="list-style-type: none"> <li>20. Illegal employment or permitting same.</li> <li>21. Illegal employment after notice.</li> <li>22. False certificate.</li> <li>23. Refusal to produce certificate, effect of.</li> <li>24. Neglect by school officers.</li> <li>25. Annual appropriation of \$6,500.</li> <li>26. Takes effect on passage; repealing clause.</li> </ol>

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

## PROHIBITED EMPLOYMENT.

Of children  
under twelve  
and fourteen.

SECTION 1. No child under the age of twelve shall be employed, or permitted or suffered to work, in, about, or in connection with, any mill, factory, workshop, quarry, mercantile establishment, tenement house, manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, hotel, barber-shop, apartment house, bootblack stand or parlor, or in the distribution or transmission of merchandise or messages; nor shall any child under the age of fourteen be employed, or permitted or suffered to work, in any of the aforesaid while the public schools are in session in the district in which he resides.

Of children  
under sixteen.

SECT. 2. No child under the age of sixteen shall be employed, or permitted or suffered to work, in any establishment named in section 1 during the time in which the public schools are in session in the district in which he resides, unless he can read understandingly and write legibly simple sentences in the English language: *provided, however*, that if any child shall have reached the age of fourteen and shall have attended an English-taught school regularly for not less than three years and shall then be deemed by the superintendent of schools, or other person authorized to grant employment certificates, to be mentally incapable of learning to read and write legibly the English language in the regular

schools, the case may be referred to the state superintendent of public instruction, who, after investigation either by himself or by his agent, may issue a permit authorizing the employment of such child even though such child may be unable to read understandingly and write legibly simple sentences in the English language.

SECT. 3. Whenever requested by the superintendent of public instruction, the State Board of Health shall cause to be made an inspection of any factory or other place in which children under the age of sixteen are employed, and may require the discharge of any child or children found employed therein who by reason of physical condition, of unsanitary conditions of employment, or of development below the normal development of children of that age, cannot in their judgment continue to be employed without undue risk to health. Inspection of factories, etc.

SECT. 4. No boy under ten and no girl under sixteen years of age shall sell or expose or offer for sale newspapers, magazines, periodicals or other merchandise in any street or public place. No child shall work as a bootblack in any street or public place unless he is over ten years of age. News-vendors and boot-blacks.

#### HOURS OF LABOR.

SECT. 5. No person under the age of eighteen years shall be employed or permitted to work as a messenger for a telegraph, telephone, or messenger company in the distribution, transmission, or delivery of goods or messages before five o'clock in the morning or after ten o'clock in the evening of any day. Of telegraph messengers, etc.

SECT. 6. No boy under the age of sixteen years, and no girl under the age of eighteen years, shall be employed, or permitted or suffered to work, at any gainful occupation, other than domestic service or work on a farm, more than fifty-eight hours in any one week, nor more than eleven hours in any one day; nor before the hour of half-past six o'clock in the morning, nor after the hour of seven o'clock in the evening,—except that minors sixteen years of age or over may work in retail stores and telephone exchanges until ten o'clock in the evening. Daily and weekly hours regulated.

#### CERTIFICATES.

SECT. 7. No child under sixteen years of age shall be employed, or permitted or suffered to work, in, about, or in connection with, any place or establishment named in section 1, unless the person, firm, or corporation employing such child, procures and keeps on file, and accessible to any truant officer, or other authorized inspector, an employment certificate as hereinafter prescribed. Child under sixteen to furnish.

**Surrender of.**      **SECT. 8.** On the termination of the employment of a child whose employment certificate is on file, such certificate shall be kept by the employer and surrendered to any authorized inspector on demand.

**By whom issued.**      **SECT. 9.** An employment certificate shall be issued only by the superintendent of schools, or where there is no superintendent, by a person authorized by the school board, *provided, however,* that no person authorized as aforesaid shall have authority to issue such certificate for any child then in or about to enter such person's own employment, or the employment of a firm or corporation of which he is a member, officer, or employee: in the City of Manchester the provisions of chapter 205 of the session Laws of 1905 shall remain in force, but the person appointed under such provisions shall be subject to the terms of this act.

**School record, etc., to be examined.**      **SECT. 10.** The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and filed the following papers duly executed: (1) The school record of such child properly filled out and signed, as provided in this act. (2) A passport or duly attested transcript of the certificate of birth or baptism or public record, showing the date and place of birth of such child. (3) A certificate from a medical officer of the local board of health, or from a physician designated by the school board, certifying that the child has reached the normal development of a child of his age, and that he is in sufficiently sound health and physically able to perform the work which he intends to do.

**Applicant to personally appear.**      **SECT. 11.** No employment certificate shall be issued until the child in question has personally appeared before and been examined by the person issuing the certificate.

**Requisites of certificate.**      **SECT. 12.** Every such employment certificate shall state the name, sex, and date and place of birth, of the child, shall describe the color of hair and eyes, the height and weight and any distinguishing facial marks of such child: that all papers required by the preceding sections have been duly examined, approved and filed; that the child named in the certificate has appeared before the person signing the same and been examined; and that such child has been found to be able to read understandingly and write legibly simple sentences in the English language. Every such certificate shall be signed, in the presence of the person issuing the same, by the child in whose name it is issued, and shall show the date of its issue.

**School record, requisites of.**      **SECT. 13.** The school record required by this act shall be signed by the principal or chief executive officer of the school which the child has attended, and shall be furnished on demand to a child entitled thereto. Such record shall certify that the child has regularly attended the public schools, or private schools lawfully approved as such, for not less than three hundred half-days, as shown by the school register, during the year previous to



his arriving at the age of fourteen, or during the year previous to applying for such school record, and that he is able to read understandingly and write legibly simple sentences in the English language. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of his parent, guardian or custodian.

SECT. 14. The superintendent of schools or other person authorized to issue employment certificates shall keep a record of the same in a book. Such record shall contain a list of the names of all children to whom certificates are granted, numbered consecutively, together with the date of issue and the signature of the officer issuing the certificate, and such books shall be carefully preserved.

Record of certificates.

SECT. 15. All blank forms for records used in the enforcement and administration of this act shall be uniform throughout the state, shall be prescribed by the superintendent of public instruction, and shall be furnished by the state, and methods of keeping the same shall be approved by him as being within the contemplation of this act.

Blank forms.

#### ENFORCEMENT.

SECT. 16. The truant officer of each school district shall visit, inspect, and cause to be enforced the provisions of this act in his district, and for this purpose shall have power to serve warrants.

Truant officers, duty of.

SECT. 17. The superintendent of public instruction shall appoint not exceeding three state inspectors, who shall be paid their necessary expenses and such compensation as the governor and council shall determine, not exceeding \$1,200 per annum each, and who shall devote their whole time to their work. The state inspectors, under the direction of the superintendent of public instruction, shall inspect all factories and other places of employment within the contemplation of this act and all records and methods of enforcement. They shall have the same power as to enforcement and the serving of warrants as the several truant officers. The superintendent of public instruction, with the approval of the attorney-general, may employ counsel, and provide legal assistance whenever the same may, in his opinion, be necessary for the enforcement of the provisions of this act, and the cost thereof shall be a charge upon the appropriation hereinafter provided.

State inspectors, appointment and duties.

SECT. 18. The superintendent of public instruction shall frequently report to the chairman of the several school boards the relative efficiency of the several truant officers. The governor with the advice and consent of the council may require school boards to appoint additional truant officers if in their judgment such additional officers are necessary. The governor with the advice and consent of the council may require the school board of any

Truant officers, appointment and removal of.

school district to remove any truant officer found by them to be incompetent, and to appoint a competent successor; and upon the failure or neglect of the school board to do so, they may appoint such truant officer and fix his compensation and such compensation shall be paid by the district.

CHILDREN APPARENTLY UNDER SIXTEEN.

Inspectors to require evidence as to age.

SECT. 19. An inspector or truant officer shall make demand upon any employer in or about whose place or establishment a child apparently under the age of sixteen years is employed, or permitted or suffered to work, and whose employment certificate is not filed as required by this act, that such employer shall either furnish him within ten days satisfactory evidence that such child is in fact over sixteen years of age, or shall cease to employ, or permit, or suffer such child to work, in such place or establishment. The inspector shall require from such employer the same evidence of age of such child as is required in the issuance of an employment certificate, and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child.

PENALTIES.

Illegal employment or permitting same.

SECT. 20. Whoever employs any child, and whoever, having under his control as parent, guardian or otherwise, any child, permits or suffers such child to be employed or to work in violation of any of the provisions of this act, shall be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than ten nor more than thirty days, or both, in the discretion of the court.

Illegal employment after notice.

SECT. 21. Whoever continues to employ any child in violation of any of the provisions of this act, after being notified thereof by an inspector, or truant officer, shall for every day thereafter that such employment continues, be fined not less than five nor more than twenty dollars.

False certificate.

SECT. 22. Any person authorized to sign any certificate or paper called for by this act, who certifies to any materially false statement therein, shall be fined not less than five nor more than two hundred dollars, or be imprisoned for not less than five nor more than thirty days, or both, in the discretion of the court.

Refusal to produce certificate, effect of.

SECT. 23. Refusal by an employer to produce any employment certificate required by this act shall be *prima facie* evidence of the illegal employment of any child whose employment certificate is not produced.

Neglect by school officers.

SECT. 24. Any superintendent of schools or other person issuing employment certificates, who fails to comply with the provisions of this act shall be fined not less than five nor more than twenty-five dollars.

SECT. 25. The sum of six thousand five hundred dollars annually is appropriated for the purposes of this act. Appropriation of \$6,500.

SECT. 26. 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 April 15, 1911.]

## CHAPTER 163.

### AN ACT IN RELATION TO EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

#### SECTION

1. Application of act.
2. Liability for injuries caused by negligence.
3. Acceptance of act by employer.
4. Employee given choice of remedies.
5. Proceedings for compensation.
6. Amount of compensation.

#### SECTION

7. Physical examination of claimant.
8. If claimant mentally incompetent.
9. Compensation, how determined.
10. Preference of claims.
11. Contingent claim of attorney.
12. Returns to labor commissioner.
13. Takes effect January 1, 1912.

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

SECTION 1. This act shall apply only to workmen engaged in manual or mechanical labor in the employments described in this section, which, from the nature, conditions or means of prosecution of such work, are dangerous to the life and limb of workmen engaged therein, because in them the risks of employment and the danger of injury caused by fellow servants are great and difficult to avoid. (a) The operation on steam or electric railroads of locomotives, engines, trains or cars, or the construction, alteration, maintenance or repair of steam railroad tracks or road beds over which such locomotives, engines, trains or cars are or are to be operated. (b) Work in any shop, mill, factory or other place on, in connection with or in proximity to any hoisting apparatus, or any machinery propelled or operated by steam or other mechanical power in which shop, mill, factory or other place five or more persons are engaged in manual or mechanical labor. (c) The construction, operation, alteration or repair of wires or lines of wires, cables, switch boards or apparatus, charged with electric currents. (d) All work necessitating dangerous proximity to gunpowder, blasting powder, dynamite or any other explosives, where the same are used as instrumentalities of the industry, or to any steam boiler owned or operated by the employer, provided injury is occasioned by the explosion of any such boiler or explosive. (e) Work in or about any quarry, mine or foundry. As to each of said employments it is deemed necessary

Application of act.

to establish a new system of compensation for accidents to workmen.

Liability for  
injuries  
caused by  
negligence.

SECT. 2. If, in the course of any of the employments above described, personal injury by accident arising out of and in the course of the employment is caused to any workman employed therein, in whole or in part, by failure of the employer to comply with any statute, or with any order made under authority of law, or by the negligence of the employer or any of his or its officers, agents or employees, or by reason of any defect or insufficiency due to his, its or their negligence in the condition of his or its plant, ways, works, machinery, cars, engines, equipment, or appliances, then such employer shall be liable to such workman for all damages occasioned to him, or, in case of his death, to his personal representatives for all damages now recoverable under the provisions of chapter 191 of the Public Statutes. The workman shall not be held to have assumed the risk of any injury due to any cause specified in this section; but there shall be no liability under this section for any injury to which it shall be made to appear by a preponderance of evidence that the negligence of the plaintiff contributed. The damages provided for by this section shall be recovered in an action on the case for negligence.

Acceptance of  
act by em-  
ployer.

SECT. 3. The provisions of section 2 of this act shall not apply to any employer who shall have filed with the commissioner of labor his declaration in writing that he accepts the provisions of this act as contained in the succeeding sections, and shall have satisfied the commissioner of labor of his financial ability to comply with its provisions, or shall have filed with the commissioner of labor a bond, in such form and amount as the commissioner may prescribe, conditioned on the discharge by such employer of all liability incurred under this act. Such bond shall be enforced by the commissioner of labor for the benefit of all persons to whom such employer may become liable under this act in the same manner as probate bonds are enforced. The commissioner may, from time to time, order the filing of new bonds, when in his judgment such bonds are necessary; and after thirty days from the communication of such order to any employer, such employer shall be subject to the provisions of section 2 of this act until such order has been complied with. The employer may at any time revoke his acceptance of the provisions of the succeeding sections of this act by filing with the commissioner of labor a declaration to that effect, and by posting copies of such declaration in conspicuous places about the place where his workmen are employed. Any person aggrieved by any decision of the commissioner under this section may apply by petition to any justice of the superior court for a review of such decision and said justice on notice and hearing shall make such order affirming, reversing or modifying such decision as justice may require; and such order shall be final. Such employer shall be liable to all

workmen engaged in any of the employments specified in section 1, for any injury arising out of and in the course of their employment, in the manner provided in the following sections of this act. *Provided*, that the employer shall not be liable in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed, and, *provided*, that the employer shall not be liable in respect of any injury to the workman which is caused in whole or in part by the intoxication, violation of law, or serious or wilful misconduct of the workman. *Provided, further*, that the employer shall at the election of the workman, or his personal representative, be liable under the provisions of section 2 of this act for all injury caused in whole or in part by wilful failure of the employer to comply with any statute, or with any order made under authority of law.

SECT. 4. The right of action for damages caused by any such injury, at common law, or under any statute in force on January one, nineteen hundred and eleven, shall not be affected by this act, but in case the injured workman, or in event of his death his executor or administrator, shall avail himself of this act, either by accepting any compensation hereunder, by giving the notice hereinafter prescribed, or by beginning proceedings therefor in any manner on account of any such injury, he shall be barred from recovery in every action at common law or under any other statute on account of the same injury. In case after such injury the workman, or in the event of his death his executor or administrator, shall commence any action at common law or under any statute other than this act against the employer therefor, he shall be barred from all benefit of this act in regard thereto.

Employee  
given choice  
of remedies.

SECT. 5. No proceedings for compensation under this act shall be maintained unless notice of the accident as hereinafter provided has been given to the employer as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and during such disability, and unless claim for compensation has been made within six months from the occurrence of the accident, or in case of the death of the workman, or in the event of his physical or mental incapacity, within six months after such death or the removal of such physical or mental incapacity, or in the event that weekly payments have been made under this article, within six months after such payments have ceased, but no want or defect or inaccuracy of a notice shall be a bar to the maintenance of proceedings unless the employer proves that he is prejudiced by such want, defect or inaccuracy. Notice of the accident shall apprise the employer of the claim for compensation under this article, and shall state the name and address of the workman injured, and the date and place of the accident. The notice may be served personally or by sending it by mail in a registered letter

Proceedings  
for compensa-  
tion.

addressed to the employer at his last known residence or place of business.

Amount of  
compensa-  
tion.

SECT. 6. (1) The amount of compensation shall be, in case death results from injury: (a) If the workman leaves any widow, children or parents, resident of this state, at the time of his death, then wholly dependent on his earnings, a sum to compensate them for loss, equal to one hundred and fifty times the average weekly earnings of such workman when at work on full time during the preceding year during which he shall have been in the employ of the same employer, or if he shall have been in the employment of the same employer for less than a year then one hundred and fifty times his average weekly earnings on full time for such less period, but in no event shall such sum exceed three thousand dollars. Any weekly payments made under this act shall be deducted from the sum so fixed. (b) If such widow, children or parents at the time of his death are in part only dependent upon his earnings, such proportion of the benefits provided for those wholly dependent as the amount of the wage contributed by the deceased to such partial dependents at the time of injury bore to the total wage of the deceased. (c) If he leaves no such dependents, the reasonable expenses of his medical attendance and burial, not exceeding one hundred dollars. Whatever sum may be determined to be payable under this act in case of death of the injured workman shall be paid to his legal representative for the benefit of such dependents, or if he leaves no such dependents, for the benefit of the persons to whom the expenses of medical attendance and burial are due.

(2) Where total or partial incapacity for work at any gainful employment results to the workman from the injury, a weekly payment commencing at the end of the second week after the injury and continuing during such incapacity, subject as herein provided, not exceeding fifty per centum of his average weekly earnings when at work on full time during the preceding year during which he shall have been in the employment of the same employer, or if he shall have been in the employment of the same employer for less than a year, then a weekly payment of not exceeding one half the average weekly earnings on full time for such less period. In fixing the amount of the weekly payment, regard shall be had to the difference between the amount of the average earnings of the workman before the accident and the average amount he is able to earn thereafter as wages in the same employment or otherwise. In fixing the amount of the weekly payment, regard shall be had to any payment, allowance or benefit which the workman may have received from the employer during the period of his incapacity, and in the case of partial incapacity the weekly payment shall in no case exceed the difference between the amount of the average weekly earnings of the workman before the accident and the average weekly amount which he is earning

or is able to earn in the same employment or otherwise after the accident, but shall amount to one half of such difference. In no event shall any compensation paid under this act exceed the damage suffered, nor shall any weekly payment payable under this act in any event exceed ten dollars a week or extend over more than three hundred weeks from the date of the accident. Such payment shall continue for such period of three hundred weeks provided total or partial disability continue during such period. No such payment shall be due or payable for any time prior to the giving of the notice required by section five of this act.

SECT. 7. Any workman entitled to receive weekly payments under this act is required, if requested by the employer, to submit himself for examination by a duly qualified medical practitioner or surgeon provided and paid for by the employer, at a time and place reasonably convenient for the workman, within two weeks after the injury, and thereafter at intervals not oftener than once in a week. If the workman refuses to submit to such examination, or obstructs the same, his right to weekly payments shall be suspended until such examination has taken place, and no compensation shall be payable during or for account of such period.

Physical examination of claimant.

SECT. 8. In case an injured workman shall be mentally incompetent at the time when any right or privilege accrues to him under this act, the guardian of the incompetent appointed pursuant to law may, on behalf of such incompetent, claim and exercise any such right or privilege with the same force and effect as if the workman himself had been competent and had claimed or exercised any such right or privilege, and no limitation of time in this act provided for shall run so long as said incompetent workman has no guardian.

If claimant mentally incompetent.

SECT. 9. Any question as to compensation which may arise under this act shall be determined by agreement or by an action at equity as hereinafter provided. In case the employer fail to make compensation as herein provided, the injured workman, or his guardian, if such be appointed, or his executor or administrator, may then bring an action to recover compensation under this act in any court having jurisdiction of an action for recovery of damages for negligence for the same injury between the same parties. Such action shall be by petition in equity, which may be made returnable at the appropriate term of the superior court or may be filed in the office of the clerk of the superior court and presented in term time or vacation to any justice of said court, who on reasonable notice shall hear the parties and render judgment thereon. The judgment in such action if in favor of the plaintiff shall be for a lump sum equal to the amount of payments then due and prospectively due under this act. In such action by an executor or administrator the judgment may provide the proportions of the award or the costs to be distributed

Compensation, how determined.

to or between the several dependents. If such determination is not made it shall be determined by the probate court in which such executor or administrator is appointed, in accordance with this act, on petition of any party interested, on such notice as such court may direct. Any employer who has declared his intention to act under the compensation features of this act shall also have the right to apply by similar proceedings to the superior court or to any justice thereof for a determination of the amount of the weekly payments to be paid the injured workman, or of a lump sum to be paid the injured workman in lieu of such weekly payments; and either such employer or workman may apply to said superior court or to any justice thereof in similar proceeding for the determination of any other question that may arise under the compensation feature of this act; and said court or justice, after reasonable notice and hearing, may make such order as to the matter in dispute and taxable costs as justice may require.

Preference of claims.

SECT. 10. Any person entitled to weekly payments under this act against any employer shall have the same preferential claim therefor against the assets of the employer as is allowed by law for a claim by such person against such employer for unpaid wages or personal services. Weekly payments due under this act shall not be assignable or subject to levy, execution, attachment or satisfaction of debts. Any right to receive compensation under this act shall be extinguished by the death of the person entitled thereto.

Contingent claim of attorney.

SECT. 11. No claim of any attorney-at-law for any contingent interest in any recovery under this act for services in securing such recovery or for disbursements shall be an enforceable lien on such recovery, unless the account of the same be approved in writing by a justice of the superior court, or, in case the same be tried in any court, by the justice presiding at such trial.

Returns to labor commissioner.

SECT. 12. Every employer subject to the provisions of this act shall from time to time make to the commissioner of labor such returns as to its operation as said commissioner may require upon blanks to be furnished by said commissioner. Any employer failing to make such returns when required by said commissioner shall, until such returns are made, be subject to the provisions of section 2 of this act.

Takes effect January 1, 1912.

SECT. 13. This act shall take effect January first, nineteen hundred and twelve.

[Approved April 15, 1911.]



## CHAPTER 164.

## AN ACT TO ESTABLISH A PUBLIC SERVICE COMMISSION.

## SECTION

1. Meaning of terms used.
2. Commission created; appointment, removal, tenure of office, requisites, salaries, etc.
3. Powers and duties.
4. Duty of railroads and public utilities.
5. Additional powers of commission.
6. May prescribe system of accounts and records.
7. Rates to be filed; change in rate, notice and investigation of; preferential rates prohibited; conveyance of electric energy outside state.
8. Reports to commission; neglect to file, penalty.
9. Distribution of freight cars, etc.
10. Complaints, how made and investigated; complaints by municipal officers.
11. Fixing railroad rates; reconstruction of railroads; determining reasonable charges; period of rates to be specified.

## SECTION

12. Railroad extensions, authority for; leases, etc., to be approved.
13. Public utilities to be approved; transfers and leases; acquisition of securities of other companies; additional rights, how acquired.
14. Issue of stock and bonds regulated; for what purposes permitted; sale of new stock to shareholders; sale by auction.
15. Investigation of railroad accidents.
16. Neglect of duty, proceeding for relief; preference in trial; employment of counsel.
17. Orders, how served; right of appeal; appeal sole remedy; procedure; rescission of order, etc., effect of; form of decree; suspension of order by appeal; burden of proof; application limited.
18. Violation of orders of commission, penalty.
19. Forfeitures, how recovered.
20. Report of commission.
21. Repealing clause; act takes effect May 15, 1911.

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

SECTION 1. (a) The term commission as used in this act, shall mean the public service commission hereby created. Meaning of terms.

(b) The term railroad corporation shall include every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers, appointed by any court whatsoever, owning, operating or managing any railroad or street railway or any cars or equipment used thereon or in connection therewith, or engaged in carrying on a public express business over the line of any railroad.

(c) The term public utility shall include every corporation, company, association, joint stock association, partnership and person, their lessees, trustees or receivers appointed by any court whatsoever, except municipal corporations, owning, operating or managing any plant or equipment or any part of the same for the conveyance of telephone or telegraph messages or for the manufacture or furnishing of light, heat, power or water for the public, or owning or operating any ferry or toll bridge.

(d) The term railroad shall include every railroad and street railway by whatever power operated which is open to public use

in the conveyance of persons or property, for a compensation, also all bridges, grade crossing, under passes, switches, spurs, tracks, equipment, stations, and terminals and other facilities and property of every kind whatever, used, operated or owned by or in connection with any such railroad or railway.

Commission created; appointment, removal, tenure of office, requisites, salaries, etc.

SECT. 2. (a) A public service commission is hereby created to be composed of three competent persons. Immediately after the passage of this act the governor shall by and with the consent of the council appoint such commissioners. The term of one such appointee shall terminate on the first Monday of June, 1913. The term of the second such appointee shall terminate on the first Monday of June, 1915. The term of the third such appointee shall terminate on the first Monday in June, 1917. Prior to June 1 in the year 1913, and in each year thereafter when the term of a commissioner is about to expire, there shall be appointed and confirmed in the same manner one commissioner for the term of six years from the first Monday of June in that year. Each commissioner so appointed shall hold his office until his successor is appointed and qualified. Any vacancies shall be filled by appointment by the governor for the unexpired term subject to confirmation by the council. The chairman of the commission shall be appointed and commissioned as such.

(b) No person who owns stock in any railroad corporation in this state or elsewhere, or who owns stock in any public utility in this state, or who is employed by any such railroad corporation or public utility, or is otherwise pecuniarily interested in either such railroad corporation or public utility, shall be appointed upon said commission. If after his appointment any commissioner shall become voluntarily interested pecuniarily in any such railroad corporation or public utility, he shall be removed by the governor and council, as for malfeasance in office, and if he shall become so interested otherwise than voluntarily and shall not within a reasonable time immediately thereafter divest himself of such interest he shall be so removed.

(c) The governor and council may at any time remove any commissioner for inefficiency, neglect of duty, or malfeasance in office, but no such commissioner shall be removed without a hearing after reasonable notice in writing of the charges against him.

(d) No member of the commission shall render any professional service for any railroad corporation in this or any other state, or for any public utility in this state, or act as attorney, or render professional service against any such railroad corporation or public utility; nor shall he be a member of a firm which renders any such service; nor shall he directly or indirectly be a party to any contract with any such railroad corporation or public utility, except a contract for the transportation of telephone or telegraph messages, or of passengers or property, or a contract for the purchase of water, gas or electricity or for other similar service. No

commissioner shall hold any national or other state office of profit except the office of justice of the peace or notary public. If any commissioner shall violate the provisions of this paragraph he may be removed by the governor and council as for malfeasance in office.

(e) The annual salary of the chairman shall be thirty-five hundred dollars, that of the clerk thirty-two hundred dollars, and that of the other member three thousand dollars, and shall be paid from the state treasury in equal quarterly payments.

(f) The commission may, without the approval of the governor and council, expend not exceeding four thousand dollars annually, and with the approval of the governor and council such further sums as may be necessary, in employing stenographers, experts, accountants and others whose assistance it may require in the performance of its duties, as prescribed by this act, and the same shall be paid from the treasury of the state.

(g) The commission shall be provided with an office in the state house, in which its records, documents and books shall be kept, and with a suitable room in which it may hold any hearings authorized by the terms of this act.

(h) No commissioner shall sit upon the hearing of any question which the commission is to decide in a judicial capacity who would be disqualified for any cause, except exemption from service, to act as a juror upon the trial of the same question between the same parties in an action at law. This shall not be construed to apply to inquests in accident cases:

(i) If a commissioner shall be disqualified or unable to act in any particular case pending before the commission the governor upon application of the commission shall, with the consent of the council, appoint a commissioner to act in his place upon said case. The commissioner so appointed shall be paid a reasonable compensation per day for his services, and his necessary expenses, to be allowed by the governor and council and paid from the state treasury.

(j) The commission shall have an official seal in such form as the commission may prescribe, and all copies of official documents and orders filed or deposited with said commission or made by said commission, certified by any member of said commission, and authenticated by said seal, shall be received in evidence in any court in like manner as originals.

(k) The commission shall have power to adopt and publish rules to govern its proceedings, and to regulate the mode and manner of all investigations and hearings before it, and all hearings shall be open to the public. In any such investigation or hearing the commission shall not be bound by the technical rules of evidence.

(l) The commission shall have power to subpoena witnesses and administer oaths to witnesses in any proceeding or examina-

tion instituted before it or conducted by it, and to compel by subpoena duces tecum the production of any accounts, books, contracts, records, documents, memoranda and papers of any kind whatever. Witnesses summoned before the commission shall be paid the same fees as witnesses summoned to appear before the superior court and such summons issued by any justice of the peace shall have the same effect as though issued for appearance before the superior court. In lieu of requiring production of originals by subpoena duces tecum it may require sworn copies of any such books, records, contracts, documents and papers or parts thereof to be filed with it. The commission may also require any railroad corporation or public utility to make specific answers to questions upon which the commission may need information. Witnesses who refuse or neglect to appear, or who refuse to testify, may be compelled to do so, and for that purpose the commission may apply to any justice of the superior court, upon proof by affidavit of the facts, for an order returnable in not more than five days, directing any person so refusing to show cause before the justice making the order or any other justice of the superior court why he should not be committed as for contempt; upon the return of such order, the justice before whom the matter shall come for hearing shall examine under oath such person whose testimony may be relevant, and such person shall be given an opportunity to be heard; and if the justice shall determine that such person has refused without reasonable cause or legal excuse to be examined or to answer a legal and pertinent question, or to produce a book or paper which he was ordered to bring, he may forthwith commit the offender as for contempt, so to remain until he submits to do the act which he was so required to do or is discharged according to law.

(m) No person shall be excused from testifying or from producing any book or paper in any investigation or inquiry by or upon any hearing before the commission when ordered to do so by the commission, upon the ground that the testimony or evidence, book or document required of him may tend to inculpate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which under oath, after claiming his privilege, he shall by order of the commission have testified or produced documentary evidence; *provided, however*, that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give, or shall be construed as in any manner giving to any corporation immunity of any kind.

(n) The commission may confer by correspondence, or otherwise, with the public service commission or railroad commission of any other state and with the interstate commerce commission

of the United States on any matters relating to railroad corporations or public utilities.

SECT. 3. (a) All the powers and duties imposed and conferred upon the board of railroad commissioners under existing laws, except in so far as inconsistent with the powers and duties imposed by this act, are hereby imposed and conferred upon the public service commission created by this act, and all proceedings and appeals which under existing laws are required to be brought before the board of railroad commissioners shall hereafter be brought before said commission, it being the intent hereof to substitute said public service commission with all the powers and duties imposed upon the same by this act in the place of said board of railroad commissioners: *provided, however*, that the powers and duties of the board of railroad commissioners shall continue to be exercised by that board till June 1, 1911, until which date said board of railroad commissioners now in office shall continue to serve at their present salary, and on which date the powers of said board shall terminate and said board shall be abolished.

Powers and duties.

(b) On June 1, 1911, the board of railroad commissioners shall transfer and deliver to the public service commission appointed under the provisions of this act all books, maps, papers, files, and records of whatever description in its possession.

(c) The passage of this act shall not affect pending actions or proceedings, but all actions and proceedings pending before the supreme court under the provisions of sections 18, 19 and 20 of chapter 156 of the Public Statutes, or before the board of railroad commissioners on June 1, 1911, shall thereafter be acted upon and determined by the public service commission in all respects as if said actions and proceedings had been originally instituted before said commission.

SECT. 4. Every railroad corporation and every public utility shall furnish such service and facilities as shall be reasonably safe and adequate and in all respects just and reasonable. All charges made or demanded by any railroad corporation for the transportation of passengers or property, or for any service rendered or to be rendered in connection therewith and all charges made or demanded by any public utility for the transmission of telephone or telegraph messages or for gas, electricity or water or any service rendered or to be rendered in connection therewith, shall be just and reasonable and not more than is allowed by law or by order of the commission. Every charge that is unjust or unreasonable or in excess of that allowed by law or by order of the commission is prohibited.

Duty of railroads and public utilities.

SECT. 5. (a) The commission shall have the general supervision of all railroad corporations, railroads, public utilities and the plants owned, operated or controlled by the same, as far as necessary to carry into effect the provisions of this act.

Additional powers of commission.

(b) Said commission shall have power and it shall be its duty to keep informed as to all railroad corporations in the state, their capitalization, their franchises, and the manner in which the lines and property controlled or operated by them are managed and operated, not only with respect to the adequacy and accommodation afforded by their service, but also with respect to their compliance with all provisions of law, orders of the commission and charter requirements. The commission shall have power either through its members or duly authorized experts, to inspect any of the property, or equipment, books or records of any such railroad corporations, including the right for such inspection purpose to ride upon any locomotive or train while in service, and to have upon reasonable notice a special locomotive and inspection car for a physical inspection once annually of all the lines and stations of each railroad corporation in the state.

(c) Said commission shall likewise have power to investigate and ascertain, from time to time, the quality of gas supplied by public utilities and methods employed by such public utilities in manufacturing or supplying gas or electricity for light, heat or power, or in transmitting telephone and telegraph messages, or supplying water, and after notice and hearing thereon shall have power to order all reasonable and just improvements and extensions in service or methods.

System of ac-  
counts and  
records.

SECT. 6. The commission may whenever it deems advisable establish a system of accounts and records to be used by railroad corporations and by public utilities for their business within this state and may classify the said railroad corporations and public utilities and prescribe a system of accounts for each class, and may prescribe the manner in which said accounts shall be kept; *provided, however*, that railroad corporations and public utilities shall not be required to keep any system of accounts and records which would conflict with any requirements made of them by the interstate commerce commission.

Rates to be  
filed.

SECT. 7. (a) Every railroad corporation and public utility shall file with the commission, and shall print and keep open to public inspection, schedules showing the rates, fares, charges and prices for the transportation of passengers and property or for any service rendered or to be rendered, in such places, within such time, and in such form, and with such detail as the commission may order.

Change in  
rate, notice  
of.

(b) Unless the commission otherwise orders, no change shall be made in any rate, fare, charge or price, which shall have been filed or published by a railroad corporation or public utility in compliance with the requirements of this section except after thirty days' notice to the commission and such notice to the public as the commission within ten days after receipt of the notice aforesaid shall direct. In the case of railroad corporations and public utilities subject to regulation by the interstate commerce commission, the requirements relative to the filing of schedules with the

commission and to the publication thereof shall conform as nearly as may be to the requirements of the interstate commerce commission under the provisions of the act of congress entitled "An Act to Regulate Commerce," and the acts amendatory thereof and supplementary thereto.

(c) Whenever any schedule shall be filed with the commission under paragraph (b) of this section stating new and higher rates, fares, charges or prices, which the railroad corporation or public utility filing the same purposes to put into force, the commission may investigate the reasonableness of such proposed rates, fares, charges or prices. Pending any such investigation and the decision thereon, the commission shall have power, by an order served upon the railroad corporation or public utility affected, to suspend said schedule, and to forbid the demanding or collecting of the rates, fares, charges or prices, covered by the schedule for such period or periods not to exceed six months in all as in the judgment of the commission may be necessary for such investigation. Investigation.

(d) No railroad corporation or public utility shall make or give any undue or unreasonable preference or advantage to any person or corporation or to any locality or to any particular description of service in any respect whatsoever, or subject any particular person or corporation or locality or any particular description of service to any undue or unreasonable prejudice or disadvantage in any respect whatsoever; *provided, however*, that the provisions of this section shall not be taken to require absolute uniformity in the charges made and demanded by public utilities when the circumstances render any lack of uniformity reasonable or be taken to prevent telephone, telegraph and cable companies from entering into contracts, subject to the approval of the commission, with common carriers for the exchange of services or to affect existing contracts relating thereto; and *provided, further*, that said provisions shall not be taken to prohibit a public utility from establishing differential rates or a sliding scale for the automatic adjustment of such charges if said rates or sliding scale, subject to the approval of the commission, shall be reasonable and just. Preferential rates prohibited.

(e) No corporation engaged in the generation of electrical energy by water power shall engage in the business of transmitting or conveying the same beyond the confines of the state unless it shall first file notice of its intention so to do with the public service commission and obtain an order of said commission permitting it to engage in such business. The commission may of its own motion or on application of any person, investigate or make inquiry, in a manner to be determined by it, as to the existence of an available market at fair rates within the state; and if it shall find that such a market does not exist within a reasonable distance of the power development, it may make an order grant- Conveyance of electric energy outside state.

ing such permission and may impose the condition that consumers within the state shall be furnished service by said corporation upon terms as favorable as shall be granted to consumers outside the state, having due regard to all facts and conditions which may affect said subject. *Provided however*, that nothing in this paragraph shall apply to corporations now engaged in the business of transmitting such electrical energy to any place outside the state, but any addition to such energy generated from any water power except such as it may be using in connection with such business at the date of the passage of this act, shall come under the provisions of this paragraph. *Provided further* that the provisions of this paragraph shall not apply to the transmitting of electrical energy generated from water powers upon the Connecticut river; nor shall they prevent any railroad corporation doing business in this state from transmitting electric energy beyond the confines of the state for the purpose of operating its road between some point in this state and any point or points outside the state.

Reports to  
commission.

SECT. 8. (a) Every railroad corporation and public utility shall file with the commission reports at such times, verified by oath in such manner, and setting forth such statistics and facts as may be required by the commission. In the case of railroad corporations annual reports shall conform as nearly as may be to those required of common carriers by the interstate commerce commission under the provisions of the act of congress entitled, "An Act to Regulate Commerce," and the acts amendatory thereof and supplementary thereto.

Neglect to  
file, penalty.

(b) If any railroad corporation or public utility shall neglect or refuse to make and file any report within a time specified by the commission, or shall neglect or refuse to make specific answer to any question lawfully asked by the commission, such railroad corporation or public utility shall forfeit to the state the sum of one hundred dollars for each and every day it shall continue to be in default with respect to such report or answer, unless it shall be excused by the commission from making such report or answer or the time for making the same shall be extended by the commission.

Distribution  
of freight  
cars, etc.

SECT. 9. The commission shall have power to make reasonable regulations for the furnishing and distribution of freight cars to shippers, for the switching of the same, for the loading and unloading thereof, for reciprocal demurrage charges in respect thereto, and for the weighing of cars and property offered for shipment or transportation by any common carrier.

Complaints,  
how made  
and investi-  
gated.

SECT. 10. (a) Any person may make complaint to the commission by petition setting forth in writing any thing or act claimed to be done or omitted to be done by any railroad corporation in violation of any provision of law or of the terms and conditions of its franchises or charters or of any order of the



commission. Thereupon the commission shall cause a copy of said complaint to be forwarded to the railroad corporation complained of, which may be accompanied by an order, requiring that the matters complained of be satisfied, or that the charges be answered in writing within a time to be specified by the commission. If the railroad corporation complained of shall make reparation for any injury alleged and shall cease to commit or to permit the violation of law, franchise or order charged in the complaint, and shall notify the commission of that fact before the time allowed for answer, the commission shall not be required to take any further action upon the charges. If, however, said charges be not thus satisfied, and it shall appear to the commission that there are reasonable grounds therefor, it shall investigate such charges in such manner and by such means as it shall deem proper, and after notice and hearing take such action within its powers as the facts justify.

(b) The commission may, of its own motion, investigate or make inquiry, in a manner to be determined by it, as to any act or thing done or omitted to be done by any railroad corporation or public utility, and the commission shall make such inquiry in regard to any act or thing done or omitted to be done by any such railroad corporation or public utility in violation of any provision of law or order of the commission.

(c) Upon complaint made by the city council, or city councils of any city, or by the mayor of any city, or by the selectmen of any town in which a public utility is authorized to manufacture, sell or supply gas or electricity for heat, light or power, or to supply water, or to transmit telephone or telegraph messages, or upon the complaint in writing of not less than one hundred customers or subscribers of such public utility in cities of thirty thousand or more inhabitants, or of not less than fifty in cities of twenty thousand or more inhabitants, or of not less than twenty-five in any other city or town, or upon petition of a public utility supplying said gas, electricity or water, or transmitting such messages, as to the quality of the service furnished by such public utility, or the charges made therefor, or that such charges are insufficient, the commission shall investigate as to the cause for such complaint. It may personally or by its experts inspect the works, system, plant, devices, appliances, and methods used by such public utility in manufacturing and supplying such gas, electricity or water, or transmitting such messages, and may examine or cause to be examined the books and papers of such public utility pertaining to the service complained of.

Complaints  
by municipal  
officers.

SECT. 11. (a) Whenever the commission shall be of opinion, after a hearing had upon its own motion or upon a complaint, that the rates, fares or charges demanded or collected or proposed to be demanded or collected by any railroad corporation for the

Fixing rail-  
road rates.

transportation of persons or property within the state are unjust or unreasonable or that the regulations or practices of such railroad corporation affecting such rates are unjust or unreasonable, or in any wise in violation of any provision of law, or that the maximum rates, fares or charges, chargeable by any such railroad corporation are insufficient, the commission shall determine the just and reasonable rates, fares, and charges to be thereafter observed and in force as the maximum to be charged for the service to be performed, and shall fix the same by order to be served upon all railroad corporations by which such rates, fares, and charges are thereafter to be observed; *provided, however*, that when any railroad corporation shall seek the benefit of any order of the commission allowing said railroad corporation to charge and collect rates higher than charged at the time said order is asked for, the burden of proving the necessity of the increase shall be upon said railroad corporation, and *provided further* that the commission shall not allow an increase above any rate prescribed or limited by statute.

Reconstruction of railroads.

(b) Whenever the commission shall be of the opinion, after a hearing, had upon its own motion or upon complaint, that any part of any railroad within the state, reasonably requires alteration or reconstruction, or that the regulations, practices, equipment, appliances, or service of any railroad corporation in respect to transportation of persons or property within the state, are unjust, unreasonable, unsafe, improper or inadequate the commission shall notify the railroad in writing of its opinion and recommendations in respect thereto and shall insert in their next report to the governor and council an account of their proceedings and recommendations. If the railroad shall unreasonably neglect or refuse to adopt the recommendations of said commission, the commission may make an order as hereinafter prescribed in cases affecting the public safety. In any case where the safety of the public or of the employees of such railroad is concerned, the commission may in the first instance determine the reconstruction or alteration reasonably required or the just, reasonable, safe, adequate and proper regulations, practices, equipment, appliances and service thereafter to be in force, or to be provided, and shall fix and prescribe the same by order to be served upon every railroad corporation to be bound thereby; and thereafter it shall be the duty of every such railroad corporation to observe and obey each and every requirement of every such order so served upon it, and to do everything necessary or proper in order to secure absolute compliance with, and observance of every such order by all of its officers, agents and employees.

Determining reasonable charges.

(c) Whenever the commission shall be of the opinion after a hearing had on its own motion or upon complaint that any public utility is demanding or collecting, or proposes to demand or collect charges unjustly or unreasonably high, or upon petition that

the charges are insufficient, the commission shall determine the just and reasonable charges and may by order fix the maximum price to be charged; *provided, however*, that when any public utility shall seek the benefit of an order of the commission allowing said public utility to demand and collect charges higher than have been before charged, or than have been before allowed by order of the commission, the burden of proving the necessity of the increase shall be upon said public utility.

(d) The rates, fares and charges fixed and allowed by the commission to be charged and collected by any railroad corporation and the charges allowed by it to be charged by any public utility shall be the rates, fares, charges or prices to be charged by the railroad corporation or by the public utility affected by the order of the commission fixing the same for such period of time not exceeding two years, as shall be prescribed in the order of the commission, unless the same shall be suspended or set aside by a court of competent jurisdiction. Nothing herein contained shall prevent a public utility at any time from entering into a contract, with a customer for a period exceeding two years at rates then lawful.

Period to be specified.

SECT. 12. (a) Without first having obtained the permission of the commission no railroad corporation shall begin the construction of an extension of its railroad or of any branch thereof, and the commission shall grant such permission whenever, after due hearing, it shall determine that such construction or extension would be for the public good and not otherwise. If the petition shall be granted the railroad corporation shall file in the office of the secretary of state a copy of the petition and of the order of the commission thereon. Authority granted under the provisions of this section may only be exercised within two years after the same is granted; and shall not be exercised thereafter.

Railroad extensions, authority for.

(b) No franchise nor any right to or under any franchise, to own or operate a railroad shall be assigned, transferred or leased, nor shall any contract or agreement with reference to or affecting any such franchise or right be valid or of any force or effect whatsoever, unless the assignment, transfer, lease, contract or agreement shall have been approved by the commission.

Leases, etc., to be approved.

SECT. 13. (a) No public utility shall commence within this state the business of transmission of telephone or telegraph messages or of supplying the public with gas, electricity or water, or shall engage in such business or begin the construction of a plant, line, main or other apparatus or appliance intended to be used therein in any city or town in which at the time it shall not already be engaged in such business, or shall exercise any right or privilege under any franchise hereafter granted (or any franchise heretofore granted but not heretofore actually exercised) in such town, without first having obtained the permission and approval of

Public utilities to be approved.

the commission. The commission shall grant such permission whenever it shall, after due hearing, determine and find that such engaging in business, such construction or such exercise of the right, privilege or franchise would be for the public good and not otherwise; and may prescribe such terms and conditions upon the exercise of the privilege granted under such permission as it shall consider for the public interest. Authority granted under the provisions of this section may only be exercised within two years after the same shall be granted and shall not be exercised thereafter.

Leases to be approved.

(b) No public utility shall transfer or lease its franchise, works or system or any part of such franchise, works or system exercised or located in this state to any other person or corporation or contract for the operation of its works and system located in this state until the commission shall make an order assenting thereto.

Acquisition of securities of other companies.

(c) No public utility shall directly or indirectly acquire the stocks or bonds of any other corporation incorporated in or doing business in this state and engaged or preparing to engage in the same or a similar business unless authorized to do so by order of the commission; *provided, however,* that nothing in this act shall in any manner prevent a public utility being in fact the owner at the time of the passage of this act of the majority of the capital stock of any other public utility or leasing or operating such other public utility from acquiring the balance or all of the outstanding capital stock of such other public utility a majority of which stock is so owned or which is so leased or operated. Every contract, assignment, transfer, or agreement for transfer of any stock by or through any person or corporation to any corporation in violation of any provision of this section shall be void and of no effect, and no such transfer or assignment shall be made upon the books of any public utility, or shall be recognized as effective for any purpose.

Additional rights, how acquired.

(d) Whenever it is necessary, in order to meet the reasonable requirements of service to the public that any railroad corporation or public utility subject to supervision under this act should construct a line, branch line, extension or a pipe-line, conduit, line of poles, towers or wires across the land of any other person or corporation, or should acquire land for necessary extension of any plant or works operated by such railroad corporation or public utility, and such railroad corporation or public utility cannot agree with the owner or owners of such land as to the necessity or the price to be paid therefor, such railroad corporation or public utility may petition the commission for such rights and easements or for permission to take such lands as may be needed for said purposes. Said commission shall, upon due notice to all parties in interest, hear and determine the necessity for the right prayed for and the compensation to be paid therefor, and shall render

judgment accordingly. In the case of railroad corporations the proceedings in said matters shall be as is provided in chapter 158 of the Public Statutes relating to taking for railroad purposes; and any party aggrieved shall have the same rights of appeal as are therein provided. In the case of a public utility, the petition shall set out the title and the description of the land involved, the rights to be taken therein and the public use for which the same are desired, and the petition and final decree thereon shall be recorded, if said petition shall be granted, in the registry of deeds in the county or counties in which the real estate affected thereby is located; any party aggrieved by the order of the commission awarding damages may within sixty days after the entry of the order and not afterwards file in the superior court of the county in which the land is located a petition to have the damages assessed by a jury, upon which petition order of notice shall issue and after the order of notice has been complied with the court shall assess such damages by jury.

SECT. 14. (a) No railroad corporation or public utility shall issue any stock, bonds, notes or other evidence of indebtedness payable more than twelve months after the date thereof, without first procuring an order of the commission authorizing the same. Upon petition of the directors of a railroad corporation or public utility the commission shall, after public notice and hearing, determine the amount of stock or bonds which in its opinion is reasonably requisite for the purposes for which the issue is to be made, and shall within thirty days after final hearing upon such petition file in the office of the secretary of state a certificate setting out the amount of the increase which it has authorized, and the purposes for which the proceeds of such new stock or bonds may be used. No railroad corporation or public utility shall apply the proceeds of any stock, bonds or notes to any other purpose than those specified in the order of the commission authorizing the issue of the same. Every railroad corporation and public utility issuing stocks, bonds, or other evidence of indebtedness subject to the provisions of this section shall file with the commission an account showing in such detail as the commission shall require the disposition of the proceeds of such issue; *provided, however*, that no public utility or railroad corporation not owning, operating or maintaining a railroad within this state, subject to the provisions of this act shall be required to apply to the commission for authority to issue stocks, bonds, notes or other evidence of indebtedness except for the acquisition of property, the construction, completion, extension or improvement of its facilities or the improvement or maintenance of its service within this state or the discharge or refunding of its obligations or reimbursement of moneys actually expended for such purposes.

Issue of stock  
and bonds  
regulated.

For what purposes permitted.

(b) A railroad corporation for the purpose of building a branch or extension of its railroad; or of aiding in the construction of another railroad; or of taking stock in an elevator corporation and erecting and operating elevators upon its own road and upon those leased to or operated by it; or of building depots or of abolishing grade crossings or of building or purchasing power houses, shops or other structures and machinery or equipment for the same; or of making permanent improvements or additions to its plant, rolling stock or appliances; or of purchasing the shares of the capital stock of any railroad corporation whose railroad property is leased to or operated by it, or of any other railroad corporation a majority of the capital stock of which is owned by the purchasing road; or of paying or refunding its funded debt, or of paying floating indebtedness or money borrowed, where such debt or indebtedness was created or the money used for any of the purposes hereinbefore enumerated, may from time to time, with the authority of the commission as herein provided, increase its capital stock or bonds beyond the amounts fixed and limited by its articles of association or its charter, or by any act of the general court, *provided* that such increase shall first be authorized by the vote of a majority of the stockholders present at any meeting of the corporation duly called for that purpose.

Sale of new stock to shareholders.

(c) Whenever a railroad corporation or public utility shall increase its capital stock it shall, except as hereinafter provided, offer the new shares proportionately to its stockholders at such price not less than the par value thereof as shall have been determined by its stockholders in their vote for the issue of the same. The directors shall cause written notice of the increase in capital stock to be given to each stockholder of record upon the books of the corporation at the date designated by the directors at a meeting following the order of the commission authorizing the issue, which notice shall state the amount of the increase, the number of shares or fractions of shares to which the stockholder is entitled, the price at which he is entitled to take them, and shall fix a time not less than fifteen days after the date so designated by the directors within which he may subscribe therefor. Each stockholder may within the time so limited subscribe for his proportion of the new stock which shall be paid for in cash before the issue of a certificate. The determination by the commission of the amount of stock reasonably requisite for the purpose for which the issue is made shall be based upon the price at which such stock is to be offered to stockholders as fixed by the vote of the stockholders; *provided, however*, that the commission shall refuse to authorize any particular issue of stock if in its opinion the price fixed by the stockholders is so low as to be inconsistent with the public interests.

(d) When an increase in capital stock does not exceed four per cent. of the existing capital stock of the corporation the directors may, without first offering the same to the stockholders sell the new shares by public auction to the highest bidder at not less than par value to be actually paid in cash. If after the expiration of the notice to stockholders hereinbefore provided any shares of the new issue of stock remain unsubscribed by stockholders entitled to take them, the directors shall sell the same by public auction to the highest bidder at not less than par value to be actually paid in cash. All shares of stock to be disposed of by public auction to the highest bidder under the provisions of this act shall be offered for sale in such city or town as may be prescribed by the commission, and the notice of the time and place of sale shall be published at least five times immediately preceding the time fixed for the sale in such newspapers, not less than three in number, as may be prescribed by the commission.

(e) The commission may authorize a public utility to issue its stocks or bonds in payment for property or stocks, bonds or other securities of like corporations which it may lawfully acquire, upon such terms as the commission may approve, having due regard to the public good.

SECT. 15. The commission shall investigate the causes of all accidents happening upon the railroads of the state resulting in the loss of life and of all other accidents so happening which in the opinion of the commission ought to be investigated. Any such investigation may be made by the full commission or by a single commissioner, as the commission may determine. If such investigation is made by a single commissioner, said commissioner for the purposes of the particular investigation shall have and exercise all the powers of the full commission.

SECT. 16. (a) Whenever the commission shall be of opinion that a railroad corporation or public utility is failing or omitting, or about to fail or omit, to do anything required of it by law, or by order of the commission, or is doing anything, or about to do anything, or permitting anything or about to permit anything to be done contrary to or in violation of law or of any order of the commission it shall have authority to lay the facts before the attorney-general, and to direct him immediately to begin an action in the name of the State of New Hampshire praying for appropriate relief by mandamus or injunction or otherwise. Upon the beginning of such suit it shall be the duty of the court to specify the time not exceeding twenty days after service of a copy of the petition within which the defendant complained of must answer the petition. In case of default in answer or after answer, the court shall immediately make inquiry into the facts and circumstances in such matter as the court shall direct without other or formal pleadings, and without respect to any technical require-

Sale by auction.

Investigation of railroad accidents.

Neglect of duty, proceeding for relief.

ment. Such other persons or corporations as the court shall deem necessary or proper to join as parties in order to make its order, judgment or writs effective, may be joined as parties upon application of counsel for the state. The final judgment in any such action or proceeding shall either dismiss the action or proceeding, or direct that a writ of mandamus or an injunction or other appropriate process shall issue as prayed for in the petition, or in such modified or other form as the court may determine will afford appropriate relief.

Preference in trial.

(b) All actions and proceedings under this act and all actions and proceedings commenced or prosecuted by order of the commission, or to which the commission may be a party or in which any question arises under this act, or under or concerning any order or action of the commission, shall be preferred over all other civil causes except election causes in all courts of the State of New Hampshire and shall be heard and determined in preference to all other civil business pending therein excepting election causes, irrespective of position on the calendar, and any such action or proceeding may upon motion of counsel for the state be heard in a different county from that in which it was begun if such course will expedite a final decision.

Employment of counsel.

(c) If in the opinion of the commission there shall at any time be occasion therefor the commission may request the attorney-general or may employ other counsel to represent the state in cases arising under the first paragraph of this section, or wherein any act or order of the commission is involved. Such counsel shall be allowed reasonable attorney's fees and their necessary disbursements, to be approved by the governor and council and paid from the treasury of the state. The power granted by this section is in addition to that granted by paragraph (f) of section 2 of this act.

Orders, how served.

SECT. 17. (a) Every order of the commission shall be served upon every person or corporation to be affected thereby, either by personally delivering or sending by registered mail a certified copy thereof to such person, or, in the case of a corporation, to some officer or agent thereof upon whom writs could be served under the provisions of chapter 219 of the Public Statutes. Every order of the commission shall take effect at a time therein specified, and, except as otherwise in this act especially provided, shall continue in force for a period therein designated unless the same shall be suspended, modified or set aside by the commission or be suspended or set aside by a court of competent jurisdiction.

Right of appeal.

(b) Any party in interest aggrieved by any order of the commission or by any part of an order containing distinct and severable provisions, may appeal therefrom by complaint in the nature of a bill in equity, filed in the superior court in any county in which the appealing party might commence an action at law, or



at the option of such party in the county of Merrimack, against the commission as defendant, to vacate and set aside such order or part thereof upon the ground that the same is unlawful or unreasonable. If such order contains distinct provisions, the complaint shall state whether the whole thereof is claimed to be unjust and unreasonable, and shall distinctly specify the portions complained of if less than the whole. Upon the filing of such complaint the clerk of the superior court shall issue an order of notice in accordance with equity practice, which shall be served upon some member of the commission. The answer of the commission shall be filed and a copy furnished to the appellant within thirty days after service, whereupon the proceedings shall be at issue and stand ready for trial upon thirty days' notice given by either party, to the other, and the same shall be tried and determined as other suits in equity. Any person or corporation interested may intervene and become a party to such proceedings, and the court may order such persons or corporations to be joined as parties as justice may require. All issues presented by such an appeal shall be tried and determined by the court.

(c) No proceeding other than the appeal herein provided for shall be maintained in any court of this state to set aside, enjoin the enforcement of, or otherwise review or impeach any order of the commission, except for excess of jurisdiction or other errors cognizable under the general supervisory power. Every such appeal, and any other judicial proceeding to quash or otherwise review or obtain relief from any order of the commission, shall be taken or exercised within sixty days after the entry or rendition of such order and not afterwards; *provided, however*, that the court may, upon petition, permit the commencement of such an appeal, for cause shown, at any time within ninety days from the entry or rendition of such order. Appeal sole remedy.

(d) Upon the trial of every such appeal, the order appealed from and the findings of the commission upon all questions of fact properly before it shall be deemed *prima facie* lawful and reasonable, and the order appealed from shall not be set aside or vacated except for errors of law unless the court is satisfied by a clear preponderance of the evidence before it that such order is unjust or unreasonable. With the answer of the commission there shall be filed a transcript of the testimony introduced before the commission, together with the originals or copies of all exhibits introduced in evidence before the commission. If, upon the trial of such appeal, evidence shall be introduced which is found by the court to be different from that offered upon the hearing before the commission or additional thereto, the court, before rendering judgment, upon the request of either party, shall transmit a copy of such evidence to the commission and stay further proceedings for fifteen days from the date of such transmission. Upon receipt of such evidence, the commission shall consider the same and may Procedure.

alter, modify, amend or rescind the order appealed from, and shall report its action thereon to the court within ten days from the receipt of such evidence.

Rescission of  
order, etc.,  
effect of.

(e) If the commission shall rescind the order appealed from the appeal shall be dismissed; if it shall alter, modify or amend the same, such altered, modified or amended order shall take the place of the original order complained of, and the court shall render judgment with reference thereto in said appeal as though such order had been made by the commission in the first instance, after allowing any amendments of the pleadings or other incidental proceedings desired by the parties which the changed situation may require. If the original order shall not be rescinded, modified or altered by the commission, judgment shall be rendered with reference to such original order.

Form of de-  
cree.

(f) The final judgment upon every appeal shall be a decree dismissing the appeal, or vacating the order complained of in whole or in part, as the case may be; but in case such order is wholly or partly vacated the court may also, in its discretion, remand the matter to the commission for such further proceedings, not inconsistent with the decree, as in the opinion of the commission justice may require.

Suspension of  
order by ap-  
peal.

(g) No appeal or other proceedings taken from an order of the commission shall suspend the operation of such order; *provided, however*, that the superior court may order a suspension of such order pending the determination of such appeal or other proceeding whenever, in the opinion of the court, justice may require such suspension; but no order providing for a reduction of rates, fares or charges shall be suspended except upon conditions to be imposed by the court providing a means for securing the prompt repayment of all excess rates, fares and charges over and above the rates, fares and charges which shall be finally determined to be reasonable and just. Any order of the court suspending an order of the commission fixing reasonable rates, fares, charges or prices, shall, among other things, provide that the railroad corporation or public utility affected by the order suspended shall keep such accounts as shall suffice to show the amount being collected by such railroad corporation or public utility, pending the appeal, in excess of the amounts which it would have collected if the order or decree of the commission had not been suspended, and that any such excess shall be impounded within the state or paid into court. Whenever there is occasion after final decision for the distribution of said excess, any violation on the part of any railroad corporation or public utility, or of the officers or members thereof, of the order of the court providing for the repayment of said excess may be punishable as a contempt of court.

Burden of  
proof.

(h) In all trials, actions and proceedings arising under the provisions of this act or growing out of the exercise of the author-

ity and powers granted herein to the commission, the burden of proof shall be upon the party adverse to such commission or seeking to set aside any determination, requirement, direction or order of such commission to show by clear and satisfactory evidence that the determination, requirement, direction or order of the commission complained of is unreasonable or unlawful, as the case may be.

(i) The provisions of this section shall not apply to appeals from the assessment of damages in eminent domain proceedings, but such appeals shall be taken and prosecuted as provided in section 13 of this act. Application limited.

SECT. 18. Every railroad corporation and public utility and all officers and agents of the same shall obey, observe, and comply with every order made by the commission, under authority of this act so long as the same shall be and remain in force. Any railroad corporation or public utility which shall violate any provisions of this act, or which fails, omits or neglects to obey, observe or comply with any order or any direction or requirement of the commission, shall be fined a sum not exceeding five thousand dollars. Every officer and agent of any such railroad corporation or public utility who shall wilfully violate or who procures, aids or abets any violation of this act, or who wilfully fails to obey, observe, and comply with any order of the commission, or who procures, aids or abets any such railroad corporation or public utility in its failure to obey, observe and comply with any such order or provision shall be guilty of a misdemeanor and shall be fined not more than one thousand dollars, or imprisoned not more than six months or both. Violation of orders of commission, penalty.

SECT. 19. Any forfeiture incurred under the provisions of this act shall be recovered in an action brought by the attorney-general in the name of the State of New Hampshire, and when recovered shall be paid into the treasury of the state. The commission shall have authority to direct the institution of such action, and the attorney-general may institute such action without direction whenever he shall have knowledge that such forfeiture has been incurred. Forfeitures, how recovered.

SECT. 20. The commission shall file with the secretary of state on or before the first day in December its biennial report to the legislature, which shall contain an account of its doings during the years, a statement of the expenses incurred by it, such statistical and other information with regard to railroads and public utilities in the state as the commission may deem of public interest and such suggestions and recommendations as to needed legislation, or other matters affecting railroad corporations and public utilities as the commission may think will promote the public good. Report of commission.

Repealing  
clause; act  
takes effect  
May 15, 1911.

SECT. 21. Sections 18, 19 and 20 of chapter 156 of the Public Statutes, and chapter 19 of the Laws of 1897, chapter 42 of the Laws of 1901, chapter 60 of the Laws of 1909 and chapter 100 of the Laws of 1907 are expressly repealed; *provided, however*, that such repeal shall not affect the rights of either party in any proceeding now pending. All acts and parts of acts which in any way conflict with the provisions of this act are repealed so far as they do so conflict, and this act shall take effect May 15, 1911.

[Approved April 15, 1911.]

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## CHAPTER 165.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE  
OF NEW HAMPSHIRE FOR THE YEAR ENDING AUGUST 31, 1912.

SECTION

1. Appropriations for sundry purposes.

SECTION

2. Takes effect June 1, 1911.

*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 twelve, to wit:

Executive.

For the executive department, \$36,250, as follows: For salary of governor, three thousand dollars; for salary of governor's secretary, eight hundred dollars; for honorable council, per diem, and expenses, five thousand dollars; for contingent fund, one thousand five hundred dollars; for transportation, six hundred dollars; for incidentals, one hundred dollars; for printing blanks, two hundred fifty dollars; for special contingent fund for use of the governor and council in protecting the interests of the state, twenty-five thousand dollars.

Secretary of  
state.

For the secretary of state department, \$11,550 as follows: For salary of secretary, four thousand dollars; for salary of deputy secretary, one thousand five hundred dollars; for clerical expenses, seven hundred fifty dollars; for incidentals, three hundred dollars; for printing report, five hundred dollars; for printing blanks, one hundred fifty dollars; for purchase of New Hampshire Law Reports, one thousand fifty dollars; for express, six hundred fifty dollars; for postage, three hundred fifty dollars; for indexing province records, etc., one thousand five hundred dollars; for Australian ballot, one hundred dollars; for direct primary, two hundred dollars; for automobiles, \$7,000, as follows: for expenses, seven thousand dollars.

For treasury department \$6,550, as follows: For salary of State treasurer, two thousand five hundred dollars; for salary of deputy treasurer, one thousand five hundred dollars; for clerical expenses, one thousand dollars; for incidentals, three hundred dollars; for printing report, four hundred fifty dollars; for printing blanks, two hundred fifty dollars; for compiling statistics, two hundred dollars; for treasurer's and deputy's bonds, three hundred fifty dollars. For treasury department, expense legacy tax law, \$6,900, as follows: For salary of attorney in charge, two thousand five hundred dollars; for salaries of assistants, one thousand four hundred dollars; for copies of wills and records, one thousand four hundred fifty dollars; for office supplies and incidentals, five hundred dollars; for printing and stationery, two hundred dollars; for travel and expenses of litigation, eight hundred fifty dollars.

For auditor's department, \$5,200, as follows: Salary of State auditor, three thousand dollars; for clerical expenses, one thousand two hundred dollars; for incidentals, four hundred dollars; for printing report and blanks, six hundred dollars.

For insurance department, \$6,000, as follows: For salary of Insurance commissioner, two thousand dollars; for clerical expenses, one thousand six hundred dollars; for incidentals, seven hundred dollars; for printing report, one thousand three hundred dollars; for printing blanks, four hundred dollars.

For bank commission department, \$12,000, as follows: For salaries of commissioners, three (payable monthly), seven thousand five hundred dollars; for clerical expenses, one thousand dollars; for expenses of commissioners, one thousand two hundred dollars; for incidentals, one thousand one hundred dollars; for printing report and printing blanks, one thousand two hundred dollars.

For public service commission department, \$23,500, as follows: For salaries, twelve thousand dollars; for experts, clerks, and assistants, seven thousand five hundred dollars; for expenses of commissioners, one thousand dollars; for incidentals, including printing, etc., three thousand dollars.

For permanent tax commission department, \$15,000, as follows: For salaries, eight thousand dollars; for clerical expenses, one thousand dollars; for expenses of commissioners, one thousand five hundred dollars; for incidentals, including printing, four thousand dollars; for printing report, five hundred dollars.

For public printing commission department, \$2,750, as follows: For clerical expenses, six hundred dollars; for incidentals, one hundred dollars; for printing blanks, fifty dollars; for purchase of paper stock, two thousand dollars.

For department of indexing, \$1,000, as follows: For salaries, one thousand dollars.

For state house department, \$15,700, as follows: For salaries and payroll, six thousand five hundred dollars; for fuel, two thou-

sand five hundred dollars; for power and lights, two thousand five hundred dollars; for water, two hundred dollars; for repairs, furniture and incidentals, two thousand five hundred dollars; for telephone, switch board and operator, one thousand five hundred dollars.

Legislative expenses.  
Constitutional convention.  
Supreme court.

For expenses of legislature, two hundred fifty dollars (\$250).

For expenses of calling constitutional convention, thirty-five thousand dollars (\$35,000).

For supreme court department, \$24,400, as follows: For salaries of justices, twenty thousand two hundred dollars; for salary of clerk, five hundred dollars; for salary of messenger, two hundred dollars; for salary of state reporter, one thousand eight hundred dollars; for justices' expenses, seven hundred dollars; for transportation, one hundred dollars; for incidentals, five hundred fifty dollars; for examination of students, three hundred fifty dollars.

Superior court.

For superior court department, \$22,800, as follows: For salaries of justices, twenty thousand two hundred dollars; for justices' expenses, two thousand dollars; for incidentals, two hundred dollars; for transportation, four hundred dollars.

Attorney-general.

For attorney-general department, \$7,600, as follows: For salary of attorney-general, four thousand dollars; for clerical expenses, one thousand five hundred dollars; for incidentals, including assistants, one thousand five hundred dollars; for printing blanks, one hundred dollars; for enforcement of liquor laws, five hundred dollars.

Judges of probate.

For probate court department, salaries of judges, \$9,900, as follows: For Rockingham county, one thousand two hundred dollars; for Strafford county, eight hundred dollars; for Belknap county, six hundred dollars; for Carroll county, seven hundred dollars; for Merrimack county, one thousand two hundred dollars; for Hillsborough county, two thousand dollars; for Cheshire county, nine hundred dollars; for Sullivan county, six hundred dollars; for Grafton county, one thousand dollars; for Coös county, nine hundred dollars.

Registers of probate.

For probate court department, salaries of registers of probate and deputies, \$11,100, as follows: For Rockingham county register, one thousand two hundred dollars; for Rockingham county deputy, five hundred dollars; for Strafford county register, one thousand dollars; for Carroll county register, six hundred dollars; for Belknap county register, six hundred dollars; for Merrimack county register, one thousand two hundred dollars; for Merrimack county deputy, six hundred dollars; for Hillsborough county register, one thousand five hundred dollars; for Hillsborough county deputy, eight hundred dollars; for Cheshire county register, six hundred dollars; for Sullivan county register, six hundred dollars; for Grafton county register, one thousand dollars; for Coös county register, nine hundred dollars.

For public instruction department, \$10,500, as follows: For salary of superintendent, payable monthly, three thousand five hundred dollars; for salaries of clerks, two thousand three hundred dollars; for truant officer (attendance and child labor work) two thousand six hundred dollars; for incidentals, one thousand four hundred dollars; for printing blanks, seven hundred dollars. For bill relating to child labor, \$6,500, as follows: For salaries, three thousand six hundred dollars; for traveling and printing, two thousand nine hundred dollars. For schools (chapter 158, Laws of 1909), one hundred fifteen thousand dollars (\$115,000), (unexpended balances of previous years to be carried forward).

Public in-  
struction.

[For] state normal school department, Plymouth, \$26,520, as follows: For salaries of teachers and clerk, twenty thousand two hundred seventy dollars; for maintenance and operation, five thousand dollars; for incidentals, one thousand dollars; for printing report, fifty dollars; for expenses of trustees, two hundred dollars.

Normal  
school, Ply-  
mouth.

For state normal school department, Keene, \$17,050, as follows: For salaries, eleven thousand five hundred dollars; for maintenance and operation, four thousand five hundred dollars; for incidentals, eight hundred dollars; for printing report, fifty dollars; for expenses of trustees, two hundred dollars.

Normal  
school, Keene.

For New Hampshire College of Agriculture, \$8,000, as follows: For free tuition to New Hampshire students, three thousand dollars; for running expenses, five thousand dollars.

College of  
agriculture.

For Dartmouth College, twenty thousand dollars (\$20,000) for educational work.

Dartmouth  
college.

For deaf, dumb, and blind department, \$16,000, as follows: For support and education, fifteen thousand eight hundred fifty dollars; for Deaf Mute Mission, one hundred fifty dollars.

Deaf, dumb,  
and blind.

For state library department, \$18,450, as follows: For maintenance of building, three thousand one hundred dollars; for maintenance of library, two thousand two hundred sixty dollars; for salaries, six thousand one hundred ninety dollars; for books, periodicals, and binding, six thousand dollars; for expenses of trustees, one hundred fifty dollars; for bulletin, two hundred fifty dollars; for repairs on building, five hundred dollars.

State library.

For state board of charities and correction department, \$3,760, as follows: For salary of secretary, one thousand eight hundred dollars; for clerical expenses, eight hundred dollars; for incidentals, four hundred dollars; for printing blanks, sixty dollars; for traveling expenses, seven hundred dollars.

Board of  
charities and  
correction.

For commissioners of lunacy department, \$800, as follows: For clerical expenses, five hundred dollars; for incidentals, two hundred dollars; for printing blanks, one hundred dollars.

Lunacy com-  
mission.

For State Hospital department, \$200,000, as follows: For the support of the indigent, convict, twenty-year patients, and dependent insane, including salaries and wages of officers and employees and library, two hundred thousand dollars.

State hos-  
pital.

Industrial school.

For Industrial School department, \$50,300, as follows: For salaries, fifteen thousand dollars; for clerical expenses, three hundred dollars; for maintenance, thirty-five thousand dollars.

State prison.

For State Prison department, \$9,500, as follows: For warden's salary, two thousand dollars; for chaplain's salary, one thousand dollars; for physician's salary, five hundred dollars; for parole officer's expenses, one hundred dollars; for parole officer's salary, two hundred dollars; for prison library, two hundred dollars; for special repairs, one thousand dollars; for deficit in running expenses, four thousand five hundred dollars.

Soldiers' home.

For Soldiers' Home, \$15,000, as follows: For maintenance, fifteen thousand dollars.

School for feeble-minded.

For New Hampshire School for Feeble-Minded Children, \$35,100, as follows: For maintenance, thirty-five thousand one hundred dollars.

State sanatorium.

For New Hampshire State Sanatorium, \$18,000, as follows: For maintenance, eighteen thousand dollars.

Prisoners' aid association.

For Prisoners' Aid Association, twenty-five dollars (\$25).

Labor bureau.

For bureau of labor department, \$6,200, as follows: For labor commissioner's salary, one thousand six hundred dollars; for salaries of clerk and assistants, two thousand dollars; for expenses of arbitration, five hundred dollars; for incidentals, including travel, one thousand five hundred dollars; for printing blanks, one hundred dollars; for printing report, five hundred dollars.

Board of agriculture.

For board of agriculture department, \$11,400, as follows: For salary of secretary, one thousand five hundred dollars; for clerical expenses, one thousand dollars; for incidentals, two hundred fifty dollars; for expenses, members of board, three hundred dollars; for printing blanks, fifty dollars; for institutes and public meetings, one thousand two hundred dollars; for feeding stuffs inspection, eight hundred dollars; for fertilizer inspection, one thousand six hundred dollars; for nursery inspection, three hundred dollars; for seed inspection, two hundred dollars; for publications (chapter 96, Laws of 1905), three thousand dollars; for Granite State Dairymen's Association, expenses, seven hundred dollars; New Hampshire Horticultural Society, expenses, five hundred dollars. For cattle commission, contagious diseases, \$20,000, as follows: For animals destroyed, ten thousand dollars; for inspection, disinfection, and appraisal, three thousand five hundred dollars; for services and expenses of board, one thousand five hundred dollars; for possible expenses, epidemics, five thousand dollars.

Board of health.

For state board of health department, \$11,750, as follows: For salary of secretary, two thousand five hundred dollars; for salary of clerk, five hundred dollars; for incidentals, four hundred fifty dollars; for printing blanks, three hundred dollars; for epidemic fund (chapter 30, Laws of 1903), five thousand dollars; sanitary inspections (chapter 163, Laws of 1909), two thousand five hun-



dred dollars; for tuberculosis dispensaries (chapter 152, Laws of 1909), five hundred dollars. For laboratory of hygiene department, \$6,300, as follows: For salaries of two chemists, three thousand dollars; for salaries of two bacteriologists, one thousand eight hundred dollars; for incidentals, one thousand one hundred dollars; for printing blanks and sanitary bulletin, four hundred dollars. For vital statistics department, \$1,600, as follows: For clerical expenses, incidentals, and printing blanks, one thousand six hundred dollars.

For commissioners of pharmacy department, \$1,360, as follows: For compensation, three hundred seventy-five dollars; for incidentals and expenses, seven hundred dollars; for printing blanks, ten dollars; for printing report, twenty-five dollars; for expenses, enforcement of law, two hundred fifty dollars.

Pharmacy  
commission.

For New Hampshire board of registration in dentistry, \$400, as follows: For compensation, two hundred five dollars; for transportation and expenses, seventy dollars; for incidentals, one hundred fifteen dollars; for printing report, ten dollars.

Dentistry  
board.

For steamboat inspectors, one hundred fifty dollars (\$150).

Steamboat in-  
spectors.

For medical referees, printing, fifty dollars (\$50).

Medical ref-  
erees.

For adjutant-general's department, \$67,325, as follows: For salary of adjutant-general, one thousand five hundred dollars; for clerical expenses, one thousand dollars; for incidentals, nine hundred dollars; for printing blanks, seven hundred dollars; for rifle ranges, nine hundred fifty dollars; for rifle ranges, new house bill No. 532, two thousand seven hundred dollars; for officers' uniforms, two thousand six hundred fifty dollars; for armories, Concord, Manchester, Nashua, seven thousand dollars; for New Hampshire National Guard, forty-four thousand nine hundred dollars; so much of this appropriation as is necessary to pay the expenses of the annual encampment is available June first, 1911; for new house bill 532, five thousand twenty-five 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 bounty on hedgehogs, seventy-five hundred dollars (\$7,500). For bounty on bears and grasshoppers five hundred dollars (\$500).

Bounties.

For lights and buoys department, \$1,915, as follows: For Winnepesaukee lake, one thousand one hundred dollars; for Sunapee lake, four hundred dollars; for Squam lake, three hundred dollars; for Winnisquam lake, sixty-five dollars; for Endicott rock, fifty dollars.

Lights and  
buoys.

For Firemen's Relief Fund, \$4,000, as follows: For chapter 64, section 2, Laws of 1899, two thousand dollars; for contingent fund, chapter 128, Laws of 1903, two thousand dollars.

Firemen's re-  
lief fund.

Fish and  
game commis-  
sion.

For fish and game commission department, \$25,150, as follows: For salaries, two thousand six hundred dollars; for general expenses, including fish hatcheries at Laconia, Colebrook, and Conway, and screens, eleven thousand five hundred dollars; for personal expenses, one thousand five hundred dollars; for detectives, eight thousand five hundred dollars; for incidentals, two hundred dollars; for transportation, two hundred fifty dollars; for printing, six hundred dollars; for service of sheriffs having authority through the state, while doing detective work, when required by the governor, thirty-six hundred dollars.

Forest pro-  
tection.

For forestry protection, \$20,000, as follows: For salaries state forester and assistant, three thousand seven hundred dollars; for traveling expenses of state forester and assistant, eight hundred dollars; for salary and expenses, four district chiefs, two thousand one hundred dollars; for clerical expenses, nine hundred dollars; for commissioners' expenses and incidentals, one thousand two hundred dollars; for printing blanks, five hundred dollars; for forest fire expenses for towns, four thousand five hundred dollars; for state forest nursery, eight hundred dollars; for lookout stations, establishment and maintenance, three thousand dollars; for forest fire warden conferences, one thousand dollars; for prevention of fires, one thousand five hundred dollars.

Moth sup-  
pression.

For suppression of moths, twelve thousand five hundred dollars (\$12,500).

State high-  
ways.

For highway department, \$125,000, as follows: For permanent improvement (unexpended balances of previous years to be carried forward), one hundred twenty-five thousand dollars.

Interest  
charges and  
maturing  
bonds.

Interest charges and maturing bonds, \$76,571.47, as follows: Fiske legacy, one thousand fifty-five dollars and fourteen cents; for Kimball legacy, two hundred seventy dollars and fourteen cents; for Agricultural College fund, four thousand eight hundred dollars; for Hamilton Smith fund, four hundred dollars; for Teachers' Institute fund, two thousand three hundred eighty-three dollars and ninety-two cents; for Benjamin Thompson fund, thirty-one thousand eight hundred eighty-seven dollars and twenty-seven cents; for temporary loans, two thousand five hundred dollars; for library loans, three thousand dollars; for Agricultural College loan, five thousand four hundred dollars; for hospital loan, issue 1905, four thousand nine hundred dollars; for hospital loan, issue 1907, five thousand two hundred fifty dollars; for hospital loan, issue 1909, two thousand nine hundred seventy-five dollars; for sanatorium loan, one thousand seven hundred fifty dollars; for hospital loan, issue 1905, principal, ten thousand dollars.

State histo-  
rian.

For state historian, \$7,570, as follows: For compensation, two thousand five hundred dollars; for clerical expenses, one thousand four hundred dollars; for incidentals, two hundred fifty dollars; for printing and binding publications, three thousand dollars; for

printing blanks, twenty dollars; for copies of records in England, four hundred dollars.

For G. A. R. department, \$1,300, as follows: For printing, <sup>G. A. R.</sup> three hundred dollars; for burial of soldiers and sailors, new bill No. 111, 1911, one thousand dollars.

For New Hampshire Historical Society, five hundred dollars <sup>Historical Society.</sup> (\$500).

Appropriations herein for the public service department, the permanent tax commission, the constitutional convention, attorney-general, child labor, Dartmouth College, and other specials, are not in addition thereto, but in place thereof.

SECT. 2. This act shall take effect June 1, 1911.

Takes effect  
June 1, 1911.

[Approved April 15, 1911.]

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CHAPTER 166.

AN ACT IN AMENDMENT OF CHAPTER 128, LAWS OF 1909, ENTITLED "AN ACT TO IMPROVE THE STATE SYSTEM OF FOREST PROTECTION."

SECTION

- 1. Prior provisions amended.
- 2. New sections added.
- 3. Appropriations until August 31, 1911.
- 4. Appropriations for year ending August 31, 1912.

SECTION

- 5. Appropriations for year ending August 31, 1913.
- 6. Repealing clause; act takes effect on passage.

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

SECTION 1. Chapter 128 of the Laws of 1909 is hereby amended by striking out sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 17, 18, 19, and 20 and inserting in place of the said several sections respectively the following sections: <sup>Prior provisions amended.</sup>

SECT. 2. The forestry commission shall appoint a state forester <sup>State forester, appointment, duties, etc.</sup> to serve at the will of the commission at a salary to be fixed by them, not exceeding \$2,500 a year. The state forester shall, under the supervision of the forestry commission, execute all matters pertaining to forestry within the jurisdiction of the state, and shall be allowed reasonable traveling, field expenses and office expenses in the necessary performance of his official duties. It shall be the duty of the state forester to direct, aid and co-operate with all district chiefs, forest fire wardens and other employees of the state, as provided for in this act, and see that they take such action as is authorized by law to prevent and extinguish forest fires and to do other work which the forestry commission may under-

take for the protection, improvement and extension of forests. He shall as far as his other duties may permit, carry on an educational course of lectures within the state, and may conduct exhibits on forestry at fairs within the state. He may under the direction of the forestry commission, conduct investigations within the state on forestry matters and publish for distribution literature of scientific or general interest pertaining thereto. He shall, under the direction of the forestry commission, prepare biennially a 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, replacement and extension. Such report shall contain an itemized statement of all expenses incurred or authorized by the state forester or by the forestry commission.

Forest fire wardens, appointment, duties, etc.

SECT. 4. The selectmen of all towns and the mayors of all cities shall, and other citizens may, 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 warden and deputy forest fire warden in their respective towns and cities. After investigation the state forester may choose and appoint from the persons recommended, as above prescribed, not more than one competent person in each town or city to be the forest fire warden for said town or city and such deputy forest fire wardens as he deems necessary. 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 then or theretofore acting in said city or town shall immediately cease and the new appointee or appointees shall thereafter serve for one year, or until a successor is appointed as hereinbefore provided. The state forester shall have the power in the exercise of his discretion, to remove any forest fire warden or deputy forest fire warden from office. Upon the termination in any manner of the term of office of any forest fire warden or deputy forest fire warden, a successor shall be appointed in the manner hereinbefore provided for the appointment of such officers originally. Forest fire wardens and deputy forest fire wardens, themselves, or some agent or agents designated by them, shall, when directed by the state forester, 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 them by the state forester, along the highways, along streams and waters frequented by tourists and others, at camp sites, and in other public places. If, in or near woodlands, any person, other than the owner of said land or his agents acting under his direction, shall build a fire when warned not to do so by an authorized official, or shall fail to extinguish a fire when ordered to do so by an authorized official, he may be arrested by such official without a warrant.

SECT. 5. In unincorporated places the state forester may appoint a forest fire warden and 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 forester, said forest fire wardens and deputy forest fire wardens shall succeed the present incumbent or incumbents, if any. The state forester shall have the power to remove said forest fire wardens and deputy forest fire wardens from office, at his discretion.

In unincorporated places.

SECT. 6. The state forester shall, under the direction of the forestry commission, divide the state into not more than four districts according to water-sheds, and may appoint a district chief in each district. Said district chief shall serve at the will of the state forester, not more than eight months in any one year, at a daily wage not exceeding \$3 per day and necessary expenses. It shall be the duty of the district chief to assist the state forester in directing and aiding all forest fire wardens and deputy forest fire wardens in his district in the performance of their duties, and to perform such duties as the state forester and forestry commission may direct in the protection, improvement, and extension of forests.

District chiefs.

SECT. 7. It shall be the duty of the forest fire warden and deputy fire warden to extinguish all brush and forest fires occurring in his town, and either of them may call such assistance as he deems necessary to assist him in so doing, and may require the use of wagons, tools, horses, etc., for that purpose, but such authority shall not interfere with the authority of chiefs of city fire departments. 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 for each offense. Forest fire wardens and deputy forest fire wardens in towns and unincorporated places shall be allowed for their services such remuneration as may be fixed by the forestry commission and the state forester. The owners of all property required by the forest fire warden or deputy forest fire warden in the extinguishment of a forest or brush fire shall receive reasonable compensation therefor.

Assistance in fire-fighting.

SECT. 8. In case the forest fire warden or deputy forest fire warden and the persons summoned to assist him or furnish the use of property, shall fail to agree upon the terms of compensation at the time 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.

Compensation, how determined.

SECT. 9. The expenses of fighting forest and brush fires in towns and cities and other expenses lawfully incurred by forest fire wardens and deputy forest fire wardens of said towns and cities in preventing forest fires, shall be borne equally by the town or city and by the state. The forest fire wardens shall render to the selectmen or the mayor, as the case may be, a statement of said expenses within one month of the date they are incurred,

Expense of fire-fighting, how borne.

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, and must bear the approval of the forest fire warden, and the approval also of the deputy forest fire warden, if said expenses were incurred by the authority of said deputy forest fire warden; said bill shall be audited, and if approved by the selectmen of the town or mayor of the city wherein such services were incurred, shall be paid on the order of the 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 selectmen or the mayor with the state forester, who shall draw his order on the state treasurer in favor of said town or city for the portion of said bill for which the state is liable in accordance with the provisions of this section.

Expense in  
unincorporated  
places.

SECT. 10. The forest fire wardens and the deputy forest fire wardens in unincorporated places shall render to the state forester 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 disbursements so made by the forest fire warden, and the deputy forest fire warden, if said expenses were incurred by the authority of said deputy forest fire warden. The aforesaid statement shall be audited by the state forester and if by him approved he shall draw an order upon the state treasurer for the same. The expenses incurred in fighting forest and brush fires and other expenses lawfully incurred by a forest fire warden or a deputy forest fire warden in preventing forest fires in an unincorporated place shall be borne equally by the state and said unincorporated place; but the total expense 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  
fire wardens.

SECT. 11. Forest fire wardens and deputy forest fire wardens shall make reports to the district chief of the district in which they are located or to the state forester at such time and in such form as the state forester may require. If a warden has any reason to believe that any forest or brush fire in his city or town was caused in violation of statute he shall report to the state forester all the facts coming within his knowledge. The state forester may then bring the facts before the attorney-general of the state, who if the facts as 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, state

forester, district chief forest fire warden, deputy forest fire warden, or from the official caretaker 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.

SECT. 13. Between the first day of April and the first day of November, inclusive, of each year, no person shall kindle a fire or burn brush in or near woodland without the written permission of the forest fire warden or presence of the forest fire warden or person appointed to represent him.

Burning  
brush regu-  
lated.

SECT. 15. The state forester, or the forest fire warden, or the deputy forest fire warden, may arrest, without a 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.

Right of  
warden to  
arrest.

SECT. 17. If any forest fire warden or deputy 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 control or supervision of some person to extinguish it or report it immediately to the forest fire warden or deputy forest fire warden or official in charge of forest protection, and failure so to do shall be punished by a forfeiture not exceeding ten dollars to be recovered upon the complaint of the warden.

Failure to ex-  
tinguish 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 forester, for use in connection with 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 reservation. 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 the 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 reservation. 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

Establish-  
ment of pub-  
lic parks.

be open to the use of the public. The forestry commission may take means for the protection of such reservation from forest fire, and, as far as compatible with the wishes of the donor, may plant and remove trees and otherwise improve the forest conditions. The commission is empowered to receive in the name of the state free gifts of land for the purposes of forestry, in such manner that no cost of purchase shall accrue to the state, and may arrange for the registration of necessary papers, map and survey the land, protect it from fire, plant, cut and otherwise improve the forests as it is advisable within the limits of the appropriation. The commission is empowered to purchase, with the consent of the governor and council, suitable tracts of land for use in demonstrating the principles of forestry, and make provisions for the management of the same, as is advisable within the limits of the appropriation. All revenue derived from the sale of forest products from state land shall revert to the state treasury, except the revenue derived from the state nursery, which shall be re-invested in the state nursery by the forestry commission.

State forest  
nursery.

SECT. 2. The following sections numbered 23, 24, 25, and 26 are hereby enacted as an addition to said chapter 128. Laws of 1909: SECT. 23. The state forester, under the supervision of the forestry commission, is hereby empowered to acquire in the name of the state suitable land and maintain the same as a state forest nursery. He shall raise seedling trees of useful varieties for planting and shall, on terms approved by the commission, sell said seedling trees to persons who desire to plant them within the state. He may under the supervision of the commission enter into agreement with persons or institutions to grow seedling trees to be disposed of as above prescribed, if the commission deems it expedient so to do.

Mountain  
lookout sta-  
tions.

SECT. 24. The state forester, with the consent of the forestry commission, is empowered to purchase in the name of the state the equipment of the present mountain lookout stations and to maintain such stations thereafter, and to establish and maintain additional mountain lookout stations connected by telephone lines to be used for the discovery and control of forest fires, and shall have the right to receive and hold in the name of the state gifts of land for observatory sites and rights of way for paths and telephone lines. If observatory sites or rights of way necessary for the maintenance and effective operation of lookout stations cannot be acquired by gift or purchase, the forestry commission shall have the right to acquire the same under the power of eminent domain, and the value thereof shall be determined as in the case of lands taken for highways, with the same rights of appeal and jury trial.

Annual con-  
ferences.

SECT. 25. The state forester, under the direction of the forestry commission, may call annual conferences of the forest fire



wardens and other employees of the forestry department in different sections of the state for the purpose of improving the service. Not more than ten such meetings shall be held within one fiscal year and not more than one meeting shall be held for the wardens of any one section within one fiscal year. Those summoned by the state forester shall be allowed their traveling expenses in attending such conferences. He may with the consent of the forestry commission secure the attendance at such conferences of expert foresters from without the state, the said experts to be paid their necessary traveling expenses.

SECT. 26. For the purpose of prevention of fire, the state forester may establish at advantageous points throughout the state supply stations for tools and apparatus used in fire fighting and provisions necessary to men employed; make proper maps for the use of district chiefs and forest fire wardens, build fire trails and fire lines; employ paid patrols at suitable points and at necessary times, and use other means as seem advisable to the commission within the limits of the appropriation.

Tools and apparatus.

SECT. 3. The following sums are hereby appropriated for carrying out the provisions of this act from the date this act takes effect until August 31, 1911, to wit: For salaries and departmental expenses, \$4,210; for reimbursing towns and cities for the state's share of expense incurred by them in fighting and preventing forest and brush fires, and to defray the expense incurred by the state in fighting and preventing forest and brush fires in unincorporated places, \$3,215; for the establishment and maintenance of a state nursery, \$500; for forest fire prevention including the establishment and maintenance of mountain lookout stations, \$5,600.

Appropriations to August 31, 1911.

SECT. 4. The following sums are hereby appropriated for carrying out the provisions of this act for the year ending August 31, 1912, to wit: For salaries and departmental expenses, \$7,700; for reimbursing towns and cities for the state's share of the expense incurred by them in fighting and preventing forest and brush fires, and to defray the expense incurred by the state in fighting and preventing forest and brush fires in unincorporated places, \$4,500; for the maintenance of a state nursery, \$800; for forest fire prevention, \$5,500.

Appropriations for year ending August 31, 1912.

SECT. 5. The following sums are hereby appropriated for carrying out the provisions of this act for the year ending August 31, 1913, to wit: For salaries and departmental expenses, \$8,200; for reimbursing towns and cities for the state's share of expense incurred by them in fighting and preventing brush fires, and to defray the expense incurred by the state in fighting and preventing forest and brush fires in unincorporated places, \$4,500; for maintaining a state nursery, \$300; for forest fire prevention, \$5,500.

Appropriations for year ending August 31, 1913.

Repealing clause; act takes effect on passage.

SECT. 6. All acts and parts of act inconsistent with this act are hereby repealed. This act shall take effect upon its passage.

[Approved April 15, 1911.]

CHAPTER 167.

AN ACT TO ESTABLISH A BOARD OF REGISTRATION IN OPTOMETRY AND TO REGULATE THE PRACTICE THEREOF.

SECTION

- 1. Appointment, qualifications, and tenure of office.
- 2. Officers of board.
- 3. Optometry defined.
- 4. Registration of those now engaged in practice.
- 5. Examination of other persons.
- 6. Certificates, form of.
- 7. Fees for certificates; annual report.

SECTION

- 8. Compensation and expenses of board.
- 9. Certificates to be recorded and displayed.
- 10. Revocation of certificates.
- 11. Practice by unregistered person, penalty.
- 12. Application of act limited.
- 13. Repealing clause; act takes effect on passage.

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

Appointment, qualifications, and tenure of office.

SECTION 1. The governor, with the advice and consent of the council, shall appoint three skilled optometrists, one physician and one oculist of good repute residing and doing business in the State of New Hampshire, who shall constitute a board of registration in optometry; but no person shall be eligible to serve on said board unless he shall have been engaged in the practice of his profession for a period of not less than six years previous to his appointment. The term for which the members of said board shall hold their office shall be five years, except that one of the members of the board first to be appointed shall hold his office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years and one for the term of five years, respectively, and until their successor shall be duly appointed and qualified. Any vacancy occurring in said board shall be filled by the governor in conformity with this section; and any member of the board may be removed from office for cause by the governor with the advice and consent of the council.

Officers of board.

SECT. 2. The board shall choose from its number a president and secretary and it shall meet at least once in each year. Three of said board shall constitute a quorum.

Optometry defined.

SECT. 3. Optometry is hereby defined to be the employment of all means, other than the use of drugs or surgery, for the measurement of the powers of vision and the adaptation of lenses for the aid thereof.

SECT. 4. Within six months from the time this act takes effect it shall be the duty of every person who was at the time of the passage of this act engaged in the practice of optometry in this state to cause his name, residence and place of business to be registered with said board, who shall keep a book for that purpose. The statements of every such person shall be verified under oath in such manner as may be prescribed by the board. Every person who shall so register with said board as a practitioner of optometry and shall prove to said board that he was so engaged shall receive a certificate to that effect and may continue to practice without incurring any of the liabilities or penalties provided in this act for the practicing of optometry without a certificate from said board.

Registration  
of those now  
engaged in  
practice.

SECT. 5. All persons not provided for in section 4 may appear before said board at any of its regular meetings and be examined with reference to their knowledge and skill in optometry, and the board shall issue to such persons as it, upon examination, shall find to possess the requisite qualifications a certificate to that effect.

Examina-  
tion of other  
persons.

SECT. 6. Every certificate issued by said board shall be numbered and recorded in a book kept in the office of said board, and its number shall be noted upon the certificate. A photograph of the person registered shall be filed with the record and a duplicate thereof affixed to the certificate. In all legal proceedings the record and photograph so kept in the office of said board, or certified copies thereof, shall be *prima facie* evidence of the facts therein stated.

Certificates,  
form of.

SECT. 7. The said board shall charge each person receiving a certificate of exemption the sum of ten dollars, and each person appearing before them for examination for a certificate of qualification a fee of twenty dollars, which, in case such certificate shall not be granted shall be returned. Any person failing to pass a satisfactory examination shall be entitled to be re-examined at any future meeting of the board. The board shall make an annual report of its proceedings to the governor by the thirty-first day of December in each year. All fees received by the board shall be paid annually by the secretary of the board into the treasury of the state.

Fees for cer-  
tificates; an-  
nual report.

SECT. 8. The compensation and all necessary expenses of the board shall be paid from the treasury of the state. The compensation of the board shall be five dollars each for every day actually spent in the discharge of their duties and, in addition, their necessary expenses in attending the meetings of the board. Such compensation and expenses shall be approved by the board and sent to the state treasurer, who shall certify to the governor and council the amounts due; *provided* that the amounts so paid shall not exceed the amount received by the treasurer from the board in fees as herein specified, and so much of said receipts as may

Compensation  
and expenses  
of board.

be necessary is hereby appropriated for the compensation and expenses aforesaid.

Certificates to be recorded and displayed.

SECT. 9. Every person to whom a certificate shall be granted by said board shall cause the same to be recorded in the office of the secretary of state, the fee for such record to be fifty cents; every person practicing optometry must also display his certificate of registration in a conspicuous place in the principal office or place of business wherein he practices optometry and, whenever required, exhibit such certificate to said board or its authorized representatives. And whenever practicing said profession of optometry outside of, or away from, said principal office or place of business, he shall deliver to each customer or person so fitted with glasses a bill of purchase, which shall contain his signature, home postoffice address and the number of his certificate of registration, together with a specification of the lenses furnished and the price charged therefor.

Revocation of certificates.

SECT. 10. Said board shall have power to revoke any certificate granted by it under this act the holder of which is guilty of any fraud or deceit in obtaining his certificate or in the practice of optometry, has been convicted of crime, is an habitual drunkard, or grossly incompetent to practice optometry. Proceedings for revocation of a certificate shall be begun by serving written charges upon the accused, which may be made by said board on its own motion or by any other person. Said board shall fix a time and place for the hearing of such charges, and a copy of the charges, together with a notice of the time and place when they will be heard and determined, shall be served upon the accused at least fourteen days before the date actually fixed for said hearing. Where personal service cannot be effected and such fact is certified on oath by any person duly authorized to make legal service, the board shall cause to be published at least thirty days prior to the hearing, in two newspapers published in the county in which the accused was last known to practice, a notice to the effect that at a definite time and place a hearing will be had by said board for the purpose of hearing charges against the accused upon an application to revoke his certificate. In case there are not two newspapers published in said county, then publication may be made in the newspapers nearest to the place of residence of the accused. Said board shall have the power to compel the attendance of witnesses and at said hearing the accused shall have the right to cross-examine the witnesses against him, to produce witnesses in his defense and to appear personally or by counsel. In case said board after such hearing shall revoke the certificate, they shall transmit to the secretary of state a certificate under the seal of said board certifying that such certificate has been revoked, and the secretary of state shall upon receipt of said certificate file the same and forthwith mark said certificate revoked. Any person who shall practice optometry

after his certificate has been revoked shall be deemed to have practiced optometry without a certificate. Wherever the certificate of any person has been revoked said board may, after the expiration of one year, entertain an application for a new certificate, and upon such application they may, in their discretion, issue a new certificate.

SECT. 11. It shall be unlawful for any person not a holder of such a certificate duly issued to him and recorded as herein provided, after six months from the time this act takes effect, to practice optometry within this state. It shall be unlawful for any person to falsely personate a registered optometrist of a like or different name, or buy, sell or fraudulently obtain a certificate issued to another. It shall be unlawful for any one holding such a certificate under this act to administer drugs in any form, to practice or claim to practice medicine or surgery in any sense, or to use any title or appellation intended or calculated to indicate the practice of medicine or surgery. Practicing or offering to practice optometry, or the public representation of being qualified to practice the same by any person not authorized to practice optometry shall be *prima facie* evidence of a violation of this act. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty nor more than two hundred dollars for each and every offense.

Practice by  
unregistered  
person, pen-  
alty.

SECT. 12. Nothing in this act shall be construed to apply to physicians or surgeons authorized to practice medicine or surgery under the laws of this state, nor to persons who neither practice nor profess to practice optometry but who sell spectacles, eyeglasses or lenses either on prescription from such physicians or surgeons or from duly qualified optometrists, or as merchandise from permanently located and established places of business. The privilege to practice optometry without examination or payment of fees may be granted to registered optometrists from other states whenever said board of examiners shall give a certificate therefor, said certificate to be recorded as herein provided with reference to residents of this state, and said optometrists from other states shall otherwise be subject to all the provisions of this act.

Application  
of act limited.

SECT. 13. 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 15, 1911.]

CHAPTER 168.

AN ACT AUTHORIZING THE INSURANCE COMMISSIONER TO LICENSE PERSONS TO PROCURE FIRE INSURANCE IN UNLICENSED COMPANIES IN CERTAIN CASES.

SECTION

- 1. Authority granted.
- 2. Monthly statements by licensees.
- 3. Separate accounts to be kept.

SECTION

- 4. Annual statements of business.
- 5. Investigations by commissioner.
- 6. Repealing clause.

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

Authority granted.

SECTION 1. That the insurance commissioner, upon the annual payment of a fee of two dollars for the use of the state, may issue licenses to residents of the state, subject to revocation at any time, permitting the person named therein to procure policies of fire insurance on property in this state in foreign insurance companies not authorized to transact business in this state, but which are duly authorized to do business in some state having an insurance commissioner. All such licenses shall expire annually on the thirty-first day of March.

Monthly statements by licensees.

SECT. 2. Every such licensee shall on or before the tenth day of each month execute and file with the insurance commissioner a statement under oath covering all insurance policies procured by him under his said license during the calendar month next preceeding giving the name of the company issuing each of said policies, the name and residence of the insured and the amount, term and premium of each policy and the kind of property insured thereby, and that he was unable to procure in companies admitted to do business in the state the amount of insurance necessary to protect said property. *Provided*, that such licensed person shall not offer any portion of such insurance to any company which is not possessed of cash assets amounting to at least one hundred thousand dollars, which shall be determined by the insurance commissioner, or one which has within the preceeding twelve months been in an impaired condition. And no person, unless he shall be so licensed, shall act or aid in any manner in placing fire insurance on property other than his own in this state in any company which is not duly authorized to transact business in this state.

Separate accounts to be kept.

SECT. 3. Each person so licensed shall keep a separate account of the business done under the license, a certified copy of which account he shall forthwith file with the insurance commissioner; showing the exact amount of such insurance placed for any person, firm or corporation, the gross premium charged thereon, the companies in which the same is placed, the date of the policies and

the term thereof, and he shall also file a report in the same detail of all such policies cancelled and the gross return premium thereon.

SECT. 4. He shall file with the insurance commissioner, in January of each year, a sworn statement of the gross premiums charged for insurance procured or placed, and the gross return premiums on such insurance cancelled under such license during the year ending on the thirty-first day of December next preceding, and at the time of filing such statement shall pay to the state treasurer a sum equal to two per cent of such gross premiums less such return premiums reported.

SECT. 5. The insurance commissioner shall have authority at all times to investigate any alleged violations of this act and should he find any to exist he shall report the same to the attorney general, who shall take proceedings to collect all fees and taxes which may be due from said licensee; and any person violating or failing to comply with any of the provisions of this act shall be liable to pay a fine of not exceeding one hundred dollars for each violation thereof, and shall forfeit his license to do business under this act for a period of one year.

SECT. 6. Section 15 of chapter 169 of the Public Statutes and all other acts and parts of acts inconsistent with this act are hereby repealed.

[Approved April 15, 1911.]

## CHAPTER 169.

### AN ACT TO CREATE A PERMANENT TAX COMMISSION AND TO PROVIDE FOR THE TAXATION OF CERTAIN PUBLIC SERVICE CORPORATIONS AND COMPANIES.

#### SECTION

1. Commission created.
2. How appointed and removed.
3. When appointed; tenure of office.
4. Vacancies, how filled.
5. Chairman and secretary.
6. Offices to be in state house.
7. Salaries of members; clerical expenses, etc.
8. Duties and powers of commission.
9. Reference of petitions for abatement.
10. Compulsory attendance of witnesses, etc.
11. Railroads, etc., how taxed.
12. Savings bank deposits, etc., excepted.
13. Hearings to determine value of corporate property.
14. Elements to be considered in determining value.

#### SECTION

15. When only part of corporate property located in this state.
16. Annual statements by corporations.
17. Neglect to furnish statement, doomsday for.
18. Decisions and rehearings.
19. Right of appeal.
20. Payment of tax not delayed by appeal.
21. Certain facts to appear in report.
22. Taxes assessed by commission, when payable.
23. Extent for unpaid taxes and interest.
24. Real estate of railroads, etc., how taxed.
25. "Company," meaning of.
26. Repealing clause.
27. Takes effect, when.

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

Commission created.

SECTION 1. There is hereby created a commission, to be designated and known as the state tax commission, consisting of three persons known to possess knowledge of the subject of taxation.

How appointed and removed.

SECT. 2. The members of said commission shall be appointed by the supreme court and commissioned by the governor; and any member may be removed by the same authority for inefficiency, neglect of duty or malfeasance in office, but, before removal, the member shall be furnished with a copy of the charges against him, and have an opportunity to be heard in defense.

When appointed; tenure of office.

SECT. 3. The three persons to compose said commission shall be appointed within fifteen days after the passage of this act, one of whom shall be of the leading minority party. Of such three persons one shall be appointed and designated to serve for a term ending on the thirty-first day of March, 1913; one for a term ending on the thirty-first day of March, 1915, and one for a term ending on the thirty-first day of March, 1917, each of said terms to begin upon the qualification of the person appointed therefor. Upon the expiration of the terms of the three commissioners first appointed as aforesaid, each succeeding commissioner shall be appointed and hold his office for the term of six years from the expiration of the term of his predecessor, except in the case of a vacancy as hereinafter provided, and each commissioner shall hold his office until his successor shall have been appointed and qualified.

Vacancies, how filled.

SECT. 4. Removal from the state shall create a vacancy. Whenever a vacancy occurs, an appointment shall be made for the unexpired part of the term.

Chairman and secretary.

SECT. 5. The supreme court shall designate one member of the commission to act as chairman, and another member to act as secretary; the members so designated shall serve in such capacities until the expiration of their terms of office, or until vacancies occur, and thereafter such designation shall be made upon the expiration of the term of office of any member and the appointment of a successor. The secretary shall be in attendance at the office of the commission in the state house during regular office hours daily, except when elsewhere engaged in the performance of the duties of his office, holidays and reasonable vacations excepted. A majority of said commissioners shall constitute a quorum for the transaction of the business and the performance of the duties of the commission.

Offices in state house.

SECT. 6. The commission shall be provided with an office in the state house, in which its records, documents and books shall be kept.



SECT. 7. The annual salary of the secretary of the commission shall be three thousand dollars, and of each of the other members of the commission, twenty-five hundred dollars, and such shall be paid from the state treasury in equal quarterly payments. Supplies required by the commission, and necessary expenses of the commission, and such assistants as may be employed, while on the business of the commission, and fees of witnesses summoned by the commission shall be paid by the state upon the approval of the governor and council. Said commission may appoint a stenographer at a salary not exceeding nine hundred dollars per annum, which shall be paid from the state treasury in equal quarterly payments, and, with the approval of the governor and council, such other assistants as may be necessary.

Salaries of  
members  
clerical ex-  
penses, etc.

SECT. 8. It shall be the duty of the commission, and it shall have power and authority (1) To prescribe the form of inventories upon which individuals and corporations shall list taxable property for return to selectmen and assessors, and the form of invoice books for use by selectmen in taking the invoice required by law, and prepare and furnish at the expense of the state to selectmen and assessors a sufficient number of such inventory blanks and invoice books. (2) To procure and furnish to the selectmen of the several towns and assessors of cities, on or before the first day of April of each year, suitable blanks upon which to make certificates of the number of polls and the valuation of the ratable estates of their respective towns and cities. Said certificates when completed shall be returned to said commission. (3) To determine from such certificates the average rate of taxation throughout the state. (4) To assess the taxes upon railroad, railway, telegraph telephone, express, dining, sleeping and parlor car companies and corporations or other corporations or companies not a railroad corporation or company owning any cars operated for profit on any railroad in this state as by law provided. (5) In the year of 1912, and every second year thereafter, to equalize the valuation of the property in the several towns and cities in the state by adding to or deducting from the aggregate valuations of the property in towns and cities such sums as will bring said valuations to the true and market value of said property, so that any public taxes that may be apportioned among them shall be equal and just as between them. (6) To have and exercise general supervision over the administration of the assessment and taxation laws of the state and over all assessing officers in the performance of their duties, to the end that all assessments of property be made in compliance with the laws of the state. (7) To confer with, advise and give the necessary instructions and directions to local assessing officers throughout the state as to their duties, and to that end call meetings of such assessing officers, to be held at convenient places, for the purpose of receiving instructions from the commission as to the laws governing the

Duties and  
powers of  
commission.

assessment and taxation of all classes of property. (8) To direct proceedings, actions and prosecutions to be instituted to enforce the laws relating to the liability and punishment of individuals, public officers and officers and agents of corporations for failure or neglect to comply with the provisions of the law of this state governing returns for the assessment and taxation of property. (9) To require county, city, town and other public officers to report information as to the assessment of property, collection of taxes, and such other information as may be needful in the work of the commission, in such form and upon such blanks as the commission may prescribe; and it is hereby made the duty of such officers to furnish said commission with the information required. (10) To summon witnesses to appear and give testimony, and to produce books, records, papers and documents relating to any tax matter which the commission may have authority to investigate or determine. (11) To cause depositions of witnesses residing within or without this state, or absent therefrom, to be taken in like manner that depositions of witnesses are taken in civil action in the superior court, in any matter which the commission may have authority to investigate or determine. (12) To receive complaints and to carefully examine into all cases where it is alleged that property subject to taxation has not been assessed, or has been fraudulently or for any reason improperly or unequally assessed, or the law in any manner evaded or violated, and to order re-assessments of any or all real and personal property, or either, in any assessment district, when in the judgment of said commission such re-assessment is advisable or necessary, to the end that all classes of property in such assessment district shall be assessed in compliance with the law. Neglect or failure to comply with such orders on the part of any selectman or assessor shall be deemed wilful neglect of duty, and he shall be subject to the penalties provided by law in such cases. Any person aggrieved because of such re-assessment shall have the same right of petition and appeal as from the original assessment. (13) To formulate and recommend such legislation as may be deemed expedient to prevent the evasion of assessment and tax laws, and to secure just and equal taxation and improvement in the system of taxation in the state. (14) To file with the secretary of state on or before the fifteenth day of December in each year their report, showing all the taxable property in the state and the assessed value of the same, in tabulated form, and such other statistics and information as may be deemed of interest. (15) To exercise and perform such further powers and duties as may be required or imposed upon the commission by law.

Reference of  
petitions for  
abatement.

SECT. 9. All petitions to the superior court for abatement of taxes assessed by selectmen and assessors may, in its discretion, be referred to the state tax commission, who shall hear the parties and report their findings of fact to the superior court. When a

report of the tax commission upon such reference is returned into court any party whose interest is affected thereby may appear and be heard in relation to it; and the report may be accepted, rejected, or re-committed for a new hearing. Upon final acceptance of the report such order for judgment shall be made as justice may require. All rulings of law by the superior court shall be subject to exception, as in other cases.

SECT. 10. Justices of the peace and all other magistrates empowered to issue subpoenas and compel the attendance of witnesses in the courts of this state shall have the same power to compel their attendance and the production of evidence in any proceeding before the tax commission. Witnesses summoned to appear before the tax commission shall receive the same fees for travel and attendance as if summoned to appear before and in attendance upon the superior court. Witnesses who refuse or neglect to appear, or who refuse to testify may be compelled to do so, and for that purpose the commission may apply to any justice of the superior court, upon proof by affidavit of the facts, for an order returnable in not more than five days, directing any person so refusing to show cause before the justice making the order or any other justice of the superior court why he should not be committed as for contempt; upon the return of such order, the justice before whom the matter shall come for hearing shall examine under oath such person whose testimony may be relevant and such person shall be given an opportunity to be heard; and if the justice shall determine that such person has refused without legal excuse to be examined or to answer a legal and pertinent question or to produce a book or paper which he was ordered to bring, he may forthwith commit the offender as for contempt, so to remain until he submits to do the act which he was so required to do or is discharged according to law. In any investigation or hearing the tax commission shall not be bound by the technical rules of evidence, excepting, however, references made to the tax commission by the superior court.

SECT. 11. Every railroad, railway, express, telephone and telegraph corporation or company, and every parlor, sleeping or dining car corporation or company, or other corporation or company not a railroad company owning any cars operated for profit on any railroad in this state, shall pay to the state an annual tax, as of the first day of April of each year, upon the actual value of its property and estate used in its ordinary business which would not be exempt from taxation if owned by a natural person or ordinary business corporation, at a rate as nearly equal as may be to the average rate of taxation at that time upon other property throughout the state.

SECT. 12. The tax commission, in determining said average rate of taxation, shall except and not consider all property specially taxed, savings-bank deposits and polls.

Compulsory  
attendance  
of witnesses,  
etc.

Railroads,  
etc., how  
taxed.

Savings-bank  
deposits, etc.,  
excepted.

Hearings to determine value of corporate property.

SECT. 13. The tax commission in determining the actual value of the property and estate of said corporations or companies, shall hold public hearings at times and places, notices of which shall be given in advance. Representatives of the state and of such corporations and companies and other persons shall be entitled to appear, be heard and offer evidence. The tax commission shall receive and consider all evidence tending to show the actual value of the property and estate of said corporations and companies used in their ordinary business in this state and not exempt from taxation, and upon all the evidence determine the actual value of the same.

Elements to be considered in determining value.

SECT. 14. In determining the actual value of the property and estate in this state of any such corporation or company, the tax commission shall make careful inquiry into the condition of all of the property and estate, whether within or without the state, in order that the actual value of all that portion of the property and estate of such corporation or company as is within this state, used in their ordinary business in this state and not exempt from taxation, may be accurately fixed and determined. It shall ascertain and consider as evidence the fair average market value of the stocks and bonds for one year prior to the first day of April preceding the assessment and the fair market value of any other funded or floating debt of any such corporation or company representing permanent improvements or extensions. In any case where the market value of the stocks and bonds of any such corporation or company cannot be ascertained for want of actual market sales, or for any other reason, the net receipts of any such corporation or company, which shall be the difference between the gross earnings, whether by lease or by operation, and the operating expenses and taxes of the preceding year, capitalized at such per cent. as appears to be equitable under all the circumstances, shall be considered as evidence of the value of the property and estate of such corporation or company.

When only part of corporate property located in this state.

SECT. 15. When only a portion of the property and estate of any such corporation or company is located within the state, the tax commission, in determining the actual value thereof, shall consider its proportionate value to all the property and estate of such corporation or company. In making a proportionate valuation, the commission shall take into consideration among other things:—(a) In the case of railroads, and railways, the proportion of the total trackage of each railroad within this state to the total trackage, wherever situate. (b) In the case of telegraph and telephone corporations or companies, the proportion of the total length of the lines of each such company within the state to the total length of its lines, wherever situate. (c) In the case of parlor, sleeping and dining-car corporations or companies, or other corporations or companies not railroad companies owning any cars operated for profit on any railroad in this state, the

proportion of the total number of car-miles or the number of miles traversed by its cars, taken singly, within the state, during the preceding year, to the total number of such car-miles during the same period, both within and without the state. (d) In the case of express corporations or companies, the proportion of the whole length of the lines of rail and water routes over which the company did business within the state during the preceding year to the whole length of such lines over which it did business both within and without the state during such year.

SECT. 16. Every such corporation or company shall, on or before the first day of July annually, deliver to the tax commission a statement under oath, showing number and par value of the shares of each class of its stock, and the market value of each share as of the first day of April, the dividends paid per share on each class of stock during the preceding year and the dates of such payments, the date of issue, the number and denomination of each issue of its bonds, the interest paid during the preceding year, and the market value of each of said bonds, the amount of its floating indebtedness, with the interest paid on the same, and the average market value of said floating indebtedness during said preceding year, the gross receipts from whatever source derived for said preceding year, the amount expended from said receipts for operating expenses, not including any sum expended for physical betterment or transferred to surplus or sinking funds during said preceding year, the amount expended for physical betterments or transferred to surplus or sinking funds during the preceding year, and whence derived, and the amount of money actually on hand in cash on said first day of April. Every railroad or railway corporation or company shall, in addition, state its total trackage whether within or without the state and its total trackage within this state; every express corporation or company, the whole length of the lines of rail or water routes over which the company did business during the preceding year, whether within or without the state, and the whole length of such lines within this state; every telegraph or telephone corporation or company, the total length of its lines, whether within or without the state, and the total length of its lines within this state; and every parlor, sleeping or dining-car corporation or company or other corporation or company not a railroad company owning any cars operated for profit on any railroad in this state, the total number of car-miles, of the number of miles traversed by its cars, taken singly, whether within or without the state during the preceding year, and the total number of such car-miles during the same period within the state. Such corporations or companies shall also furnish to the commission such further information and evidence as may be required by it.

SECT. 17. If any such corporation or company shall neglect seasonably to furnish the aforesaid required evidence or to lay the required evidence before the commission, such corporation or

Annual statements by corporations.

Neglect to furnish statement, doo-  
m-  
age for.

company may be doomed to pay a tax on double the value of its property and estate subject to taxation.

Decisions and  
rehearings.

SECT. 18. The tax commission prior to the last day of September in each year shall file with the state treasurer certificates of their decisions. The state, or any such corporation or company, may at any time within thirty days from the filing of the decision, move for a re-hearing. The tax commission may, for cause shown, allow the motion and shall have authority to give further hearing and increase or abate the tax as justice may require. Notice shall be given the state treasurer of the order or decision made upon such a motion.

Right of ap-  
peal.

SECT. 19. The state, or any corporation or company against whom a tax is assessed, if aggrieved by the decision of the tax commission may apply to the superior court for relief at any time within ninety days after the filing of the decision. Whenever a motion for a re-hearing is filed the time within which an appeal may be taken shall not begin to run until final decision upon the motion for re-hearing shall have been made by the tax commission. The superior court upon appeal shall give to the parties such notice and hearing and shall make such orders or decisions concerning all matters involved in or collateral to the proceedings as justice may require. The attorney-general shall attend the hearings given by the tax commission in pursuance of section 13 of this act and shall prosecute an appeal in behalf of the state wherever such an appeal may be necessary to protect the interests of the state.

Payment of  
tax not de-  
layed by ap-  
peal.

SECT. 20. The pendency of proceedings under sections 18 and 19 of this act shall not be a cause of delay in the payment of any tax. If upon such proceedings a decision for the reduction of any tax shall be rendered, the state treasurer shall credit and allow such reduction upon any tax assessed against the party entitled to the same, and payable after the rendition of such decision. If upon such proceedings it shall appear that the tax against any such corporation or company was too small, the difference shall be paid by the corporation or company concerned as of the date of the decision.

Certain facts  
to appear in  
report.

SECT. 21. The tax commission shall incorporate in its report all facts as to the total market value of the stocks and bonds and other funded or floating debt of such corporation or company and the capitalized value ascertained as herein provided, all facts relative to the total trackage of such railroad or railway corporation or company, the total length of lines of each telegraph or telephone corporation or company, the total number of car-miles of each parlor, sleeping or dining-car corporation or company, and the total length of lines of rail or water routes of each express corporation or company, together with such other information as it may deem proper.

SECT. 22. Upon receipt of said certificates of decisions, the state treasurer shall notify the parties against whom taxes have been assessed and such taxes shall be paid on or before the fifteenth of October of the same year. Taxes, when payable.

SECT. 23. If any such tax is not paid when due, interest at the rate of ten per cent. per annum shall be added thereto from that date until the time of payment; and the state treasurer shall issue his extent for the sum unpaid and interest against the company or corporation in default; and all the property owned by such company or corporation on the first day of April preceding shall be liable for the payment thereof. Extent for unpaid taxes and interest.

SECT. 24. The real estate of any railroad, railway, express, telephone and telegraph corporation or company, and parlor, sleeping or dining-car corporation or company, or other corporations or companies not railroad companies owning any cars operated for profit on any railroad in this state, not used in its ordinary business shall be appraised and taxed by the authorities of the towns and cities in which it is situated, as provided by existing laws. Real estate of railroads, etc., how taxed.

SECT. 25. The word "company" as used in section 11 of this act shall apply to all persons, copartnerships or associations. The term "express corporation or company" shall be construed to mean any corporation or company engaged in the business of transporting property as express over the lines of railroads. "Company," meaning of.

SECT. 26. Chapter 63 of the Public Statutes relating to the state board of equalization is hereby repealed. Sections 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 chapter 64 of the Public Statutes, sections 8 and 9 of chapter 15 of the Public Statutes, sections 3 and 4 of chapter 57 of the Public Statutes, chapter 91 of the Laws of 1907 and chapter 81 of the Laws of 1907, are hereby repealed; said repeal to take effect March 31, 1912, *provided* that said repeal shall in no way affect any rights in or to any taxes assessed under said laws, but as to any such taxes said laws shall be in force and effect. Repealing clause.

SECT. 27. This act shall take effect upon its passage, except sections 11 to 25 inclusive which shall take effect March 31, 1912. Takes effect, when.

[Approved April 15, 1911.]

## CHAPTER 170.

## AN ACT RELATING TO THE CARELESSNESS AND NEGLIGENCE OF HUNTERS.

## SECTION

1. Careless shooting of another, penalty.

## SECTION

2. Publication of act.

3. Takes effect on passage.

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

Careless shooting of another, penalty.

SECTION 1. Whoever with intent to capture or kill any wild game or game bird, or for any other lawful purpose, negligently or carelessly discharges any firearm and wounds or kills any human being shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

Publication of act.

SECT. 2. The fish and game commissioners shall insert this act in all pamphlet editions of the fish and game laws issued by them, and shall cause section 1 of this act to be printed on all cloth posters containing a synopsis of the fish and game laws issued by them.

Takes effect on passage.

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

[Approved April 15, 1911.]

## CHAPTER 171.

## AN ACT IN AMENDMENT OF CHAPTER 116 OF THE LAWS OF 1895, AS AMENDED BY CHAPTER 50 OF THE LAWS OF 1901, ENTITLED "AN ACT TO PROVIDE FOR THE EDUCATION AND MAINTENANCE OF DEPENDENT AND MINOR CHILDREN."

## SECTION

1. Salaries of secretary and clerk of state board of charities.

## SECTION

2. Takes effect August 31, 1911.

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

Salaries of secretary and clerk of state board of charities.

SECTION 1. Amend section 7 of chapter 116 of the Laws of 1895, as amended by chapter 50 of the Laws of 1901, by striking out the last sentence of said section, and by inserting in place thereof the following: The salary of the secretary shall be eight hundred dollars per annum, and the salary of the clerk shall be eight hundred dollars per annum, so that said section as amended shall read as follows: SECT. 7. The reasonable expenses of said state board of charities shall be paid by the gov-



ernor and council out of any funds in the treasury not otherwise appropriated, and the said state board of charities shall be authorized to appoint a secretary from outside its membership, who, under the direction of the board, shall give his entire time to the duties of the board, act as visiting agent to the placed-out children, and supervisor of volunteer visitors, and perform such other duties, under the direction of the board, as may rightfully belong to his office. The salary of the secretary shall be eighteen hundred dollars per annum, and the salary of the clerk shall be eight hundred dollars per annum.

SECT. 2. This act shall take effect on August 31, 1911.

Takes effect  
August 31,  
1911.

[Approved April 15, 1911.]

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## CHAPTER 172.

AN ACT IN AMENDMENT OF DIVISION 9, SECTION 1, CHAPTER 83 OF THE PUBLIC STATUTES AS AMENDED BY CHAPTER 110 OF THE LAWS OF 1903 ENTITLED "SETTLEMENT OF PAUPERS."

SECTION

1. Settlement of maiden women, etc.,  
how gained.

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 said section 1 by striking out all of division IX of said section and inserting in place thereof the following: Division IX of said section is hereby amended by inserting after the word "term" in the fourth line of said division the words and any maiden woman of the age of twenty-one years who shall have resided in any town in this state seven years in succession, shall have paid all taxes legally assessed during that term, so that said division as amended shall read as follows: IX. Any person of the age of twenty-one years who shall have resided in any town in this state, and being taxed for his poll for seven years in succession, shall have paid all taxes legally assessed on his poll during that term, and any maiden woman of the age of twenty-one years who shall have resided in any town in this state seven years in succession, shall have paid all taxes legally assessed during that term, or four years on any real estate, shall thereby gain a settlement in such town.

Settlement of  
maiden  
women.

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 15, 1911.]

CHAPTER 173.

AN ACT IN AMENDMENT OF SECTION 6 OF CHAPTER 174 OF THE PUBLIC STATUTES RELATING TO MARRIAGE.

SECTION

1. Certificate of intention of marriage, when issued.

SECTION

2. Repealing clause; act takes effect June 1, 1911.

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

Certificate of intention of marriage, when issued.

SECTION 1. Amend section 6 of chapter 174 of the Public Statutes by striking out the whole of said section and inserting in place thereof the following new section: SECT. 6. The clerk shall not less than five days from the date on which the notice referred to in section 5 of this chapter was entered in his office, deliver to the parties a certificate, under his hand, embodying the facts required in the preceding section, specifying the time when notice of intention of marriage was entered with him, which certificate shall be delivered to the minister or magistrate who is to marry the parties, before he shall proceed to solemnize the marriage. The clerk may issue such certificate at any time after such intention has been entered in his office upon the request of any court having jurisdiction of the parties by virtue of chapter 87 of the Public Statutes. The fee of the clerk for making the record of notice and issuing his certificate shall be one dollar, to be paid by the parties.

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 June 1, 1911.

[Approved April 15, 1911.]

CHAPTER 174.

AN ACT IN AMENDMENT OF CHAPTER 158 OF THE LAWS OF 1909, ENTITLED, "AN ACT FOR THE SUPPORT AND ENCOURAGEMENT OF COMMON SCHOOLS."

SECTION

1. Annual appropriations of \$115,000.

SECTION

2. Takes effect on passage.

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

Annual appropriations of \$115,000.

SECTION 1. Section 5 of chapter 158 of the Laws of 1909 is hereby amended by striking out the words, "The sum of \$80,000 annually is" and substituting therefor the words the sums of \$115,000 for the fiscal year 1911-1912 and \$115,000 for the fiscal

year 1912-1913 are so that the section as amended shall read as follows: SECT. 5. The sums of \$115,000 for the fiscal year 1911-1912 and \$115,000 for the fiscal year 1912-1913 are 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 section 2 and 3.

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

Takes effect  
on passage.

[Approved April 15, 1911.]

## CHAPTER 175.

AN ACT TO PROVIDE FOR THE ASSESSMENT AND COLLECTION OF AN ANNUAL STATE TAX FOR THE TERM OF TWO YEARS.

SECTION

1. Tax of \$800,000 for 1912, and \$600,000 for 1913.

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 eight hundred thousand dollars shall be raised for the use of the state for the year 1912, and the sum of six hundred thousand dollars shall be raised for the use of the state for the year 1913, 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 1911, 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 1912 and 1913; and the state treasurer is hereby authorized to issue his extent for all taxes which shall remain unpaid on the dates last above mentioned.

Tax of \$800,000  
for 1912, and  
\$600,000 for  
1913.

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

Takes effect  
on passage.

[Approved April 15, 1911.]

CHAPTER 176.

AN ACT PROVIDING FOR THE ATTENDANCE OF WITNESSES AT HEARINGS BEFORE THE GOVERNOR AND COUNCIL.

- |  |  |                             |
|--|--|-----------------------------|
| SECTION                                |  | SECTION                     |
| 1. Compulsory attendance provided for. |  | 2. Takes effect on passage. |

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

Compulsory attendance provided for.

SECTION 1. The governor may summon or cause to be summoned witnesses to appear before the governor and council to testify at hearings before them, and may require such witnesses to bring with them and produce at such hearings any books, papers or other memoranda or documents. If a witness so summoned fails to appear or to give testimony in accordance with the summons, any justice of the superior court, in term time or vacation, upon application of the governor, shall compel the witness to attend before the governor and council and testify and produce the evidence called for, as if he had been duly summoned to testify before said court in an action there pending. The fees of witnesses so summoned shall be the same as of witnesses before the superior court and shall be paid by the state treasurer upon warrants drawn by the governor.

Takes effect on passage.

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

[Approved April 15, 1911.]

CHAPTER 177.

AN ACT RELATING TO THE PROTECTION OF FUR-BEARING ANIMALS.

- |   |  |   |
|---|--|---|
| SECTION                                 |  | SECTION   |
| 1. Certain animals protected.           |  | 3. Repealing clause; act takes effect on passage. |
| 2. Owner may protect property or crops. |  |   |

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

Certain animals protected.

SECTION 1. Whoever between April first and October fifteenth destroys any mink, sable, martin, fisher, otter, muskrat, skunk or fox, forfeits five dollars (\$5) for each animal so destroyed, except that any person may kill fox or skunk at any time said person sees fit on his own land.

Owner may protect crops, etc.

SECT. 2. Nothing in this act shall be construed to prevent any person from the protection of his property or crops from the depredation of any of the above animals.

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 15, 1911.]

CHAPTER 178.

AN ACT TO EXEMPT FROM TAXATION PROPERTY IN NEWBURY HELD IN TRUST FOR THE PUBLIC GOOD BY THE SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS.

SECTION

- 1. Property exempted.
- 2. To be included in town valuation.

SECTION

- 3. Takes effect on passage.

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

SECTION 1. That land on Sunapee mountain in the town of Newbury, which may be purchased by subscription and held in trust for the public good by the Society for the Protection of New Hampshire Forests, not exceeding a total area of eight hundred acres or a total valuation of ten thousand dollars, shall be exempt from taxation so long as the same shall be so held. Property exempted.

SECT. 2. *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 purpose of state and county tax. To be included in town valuation.

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

[Approved April 15, 1911.]

CHAPTER 179.

AN ACT IN AMENDMENT OF SECTION 8, CHAPTER 31 OF THE PUBLIC STATUTES, ENTITLED "AN ACT RELATING TO THE RIGHTS AND QUALIFICATIONS OF VOTERS."

SECTION

- 1. Voter moving to another ward or town may save right to vote.

SECTION

- 2. Takes effect on passage.

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

SECTION 1. Insert in section 8 of said chapter 31, after the word "moving" ["meeting"] in the fourth line of said section, the following: *Provided, however,* that any legal voter moving Voter moving to another ward or town may save right to vote.

from one ward to another ward in the same city, or from one city or town to another city or town, within six months next prior to any election, shall not be deprived of his right of voting at such election, in the ward, city or town from which he removed, if prior to such removal he shall file a declaration in writing with the clerk of the city or town from which he is to remove, that he intends to vote at such election in the ward and city or town from which he removed, so that said section, as amended, shall read as follows: SECT. 8. No person shall be considered as dwelling or having his home in any town, for the purpose of voting or being voted for at any meeting unless he shall have resided within such town six months next preceding the day of meeting; *provided, however,* that any legal voter moving from one ward to another ward in the same city, or from one city or town to another city or town, within six months next prior to any election, shall not be deprived of the right of voting at such election, in the ward, city or town from which he removed, if prior to such removal he shall file a declaration in writing with the clerk of the city or town from which he is to remove, that he intends to vote at such election in the ward and city or town from which he removed.

Takes effect on passage.

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

[Approved April 15, 1911.]

CHAPTER 180.

AN ACT IN AMENDMENT OF CHAPTER 86 OF THE SESSION LAWS OF 1899, ENTITLED "AN ACT RELATING TO REINSURANCE AND THE TRANSACTION OF BUSINESS BY FIRE INSURANCE COMPANIES OR ASSOCIATIONS OTHERWISE THAN THROUGH RESIDENT AGENTS."

SECTION

1. Foreign insurance companies to insure through resident agents; exceptions.

SECTION

2. Takes effect on passage.

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

Foreign insurance companies to insure through resident agents; exceptions.

SECTION 1. That chapter 86 of the session Laws of 1899 is hereby amended by striking out the whole of section 1 of said chapter and inserting in place thereof the following: SECTION 1. No insurance company or surety company not incorporated under the laws of this state, authorized to transact business herein, shall make, write, place, or cause to be made, written or placed, any policy or contract of insurance or surety-ship effective in this state except by an agent who is a resident of this state, regularly

commissioned and licensed to transact business herein, and no such company shall by its officers, agents or managers, not resident of this state, write policies or contracts of insurance or surety-ship effective within the state upon blanks previously countersigned by an agent in this state. Life insurance companies, and mutual fire insurance companies writing all policies at their home offices are excepted.

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

Takes effect on passage.

[Approved April 15, 1911.]

CHAPTER 181.

AN ACT TO REPEAL SECTION 2 OF CHAPTER 97 OF THE SESSION LAWS OF 1907 RELATING TO MEDICAL REFEREES.

SECTION

1. Number of referees for each county.

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 97 of the session Laws of 1907 is hereby amended by striking out all of said section and inserting in the place thereof the following: SECT. 2. The number of medical referees appointed as provided in the preceding section shall be as follows: For the counties of Merrimack, Cheshire, Sullivan, Belknap, Carroll and Strafford, one each; for Rockingham, two; for Coös, Grafton and Hillsborough, three each, and each referee upon the passage of this act shall deputize competent physicians to act in any and all cases whenever from ill health or other cause such referee cannot attend, and such deputy referees shall be sworn to the faithful performance of their duties in accordance with the provisions of this chapter.

Number of referees for each county.

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 15, 1911.]

## CHAPTER 182.

AN ACT IN AMENDMENT OF CHAPTER 155, SESSION LAWS OF 1909  
RELATING TO HIGHWAY BONDS.

## SECTION

1. Not taxable if owned by residents; interest not to exceed three and a half per cent.

## SECTION

2. Repealing clause; act takes effect on passage.

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

Not taxable if owned by residents; interest not to exceed three and a half per cent.

SECTION 1. That the bonds provided for in chapter 155, session Laws of 1909, shall bear interest not to exceed three and one-half ( $3\frac{1}{2}$ ) per cent per annum, and shall not be taxable when held by residents of this state, and shall be payable in such sums and at such times, not exceeding thirty years from their date, as the governor and council shall determine.

Repealing clause; act takes effect on passage.

SECT. 2. So much of chapter 155 session Laws of 1909 as is inconsistent with this act is hereby repealed, and this act shall take effect upon its passage.

[Approved April 15, 1911.]

## CHAPTER 183.

AN ACT FOR THE COMPLETION AND PERPETUATION OF THE HALL  
OF THE HEROES.

## SECTION

1. Acts of committee approved and confirmed.
2. Permanent commission created.

## SECTION

3. Compensation and expenses.
4. Appropriation of \$2,000.

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

Acts of committee approved and confirmed.

SECTION 1. The acts of the joint special committee appointed under chapter 205, session Laws of 1909, for the collection and preservation of war portraits and mementos, the said acts being of record by the committee, are hereby approved and confirmed; the hall of the heroes, as designated by the committee, shall be set apart forever to the uses prescribed by the act.

Permanent commission created.

SECT. 2. The further selection and final arrangement of all war portraits and mementos contemplated in the act, also the placing of all portraits of soldiers and sailors of the wars of our



nation now in possession of the state, shall be vested in a permanent commission to be appointed by the governor and council, consisting of a chairman at large, and one member from each of the war organizations of the state, and one from those who served in the navy; when vacancies occur, they shall be filled so far as practicable, by other veterans of said organizations, and when none are available, vacancies may be filled from the ranks of the sons of veterans of the respective organizations, and when no such son of a veteran is available, the membership from that organization shall lapse.

SECT. 3. This commission shall serve without pay, save that the chairman shall receive necessary travelling expenses, and a per diem compensation for work actually performed, the same to be fixed by the governor and council, and the members shall be allowed necessary travelling expenses in attending meetings of the commission called by the chairman. Compensation and expenses.

SECT. 4. The sum of two thousand dollars is hereby appropriated for the purposes of this act, 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. Appropriation of \$2,000.

[Approved April 15, 1911.]

## CHAPTER 184.

AN ACT TO AMEND CHAPTER 268 OF THE LAWS OF 1895, AND TO PROVIDE FOR THE LAYING OUT AND CONSTRUCTION OF A HIGHWAY TO CHRISTINE LAKE OR NORTH POND IN STARK.

SECTION

1. Commission provided for.
2. Laid out like highway to public waters.
3. Right to fish and take ice.
4. Prior provision repealed.

SECTION

5. Landing for boats to be built.
6. Appropriation of \$250.
7. State not liable for land damage.
8. Subject to repeal; takes effect on passage.

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

SECTION 1. The governor, with advice of his council, shall appoint a commission of three persons to lay out a highway beginning at a point in the public highway known as the "Hill road," leading from Groveton in the town of Northumberland past the house of Alvin F. Wentworth in Stark; said highway to begin on said Hill road at a point near the house of said Went- Commission provided for.

worth and to extend from said point along the course of a winter road, as now used, to the waters of Christine lake or North pond in said town of Stark.

How laid out. SECT. 2. Said highway shall be laid out in accordance with the provisions of chapter 70 of the Public Statutes of the State of New Hampshire.

Right to fish and take ice. SECT. 3. Section 4 chapter 268 of the Laws of 1895 is hereby repealed, and the following is hereby substituted therefor: SECT. 4. The right of fishing and taking ice in said lake is hereby forever reserved to the public, subject to the reasonable restrictions hereinafter mentioned, which shall be applicable to all persons whether members of the club or otherwise. For the purpose of fish propagation in said lake, the corporation may take fish therefrom during the winter months solely for breeding purposes, but the spawn and young fry thus obtained shall all be used for the purpose of re-stocking said lake.

Prior provision repealed. SECT. 4. Section 6 of chapter 268 of the Laws of 1895 is hereby repealed.

Landing for boats. SECT. 5. A suitable landing for the purpose of launching boats and mooring the same to said landing, shall be constructed on the waters of said Christine lake or North pond, at the terminus of said highway to be laid out as aforesaid, and all persons desiring to fish in said lake may fasten their boats to said landing.

Appropriation of \$250. SECT. 6. The sum of two hundred and fifty dollars or so much thereof as may be necessary, is hereby appropriated for the expense of laying out and building said highway, and constructing said landing.

State not liable. SECT. 7. There shall be no land damage against the state of New Hampshire.

Subject to repeal; takes effect on passage. SECT. 8. This act may be altered, amended or repealed whenever the public good may require, and this act shall take effect upon its passage.

[Approved April 15, 1911.]

## CHAPTER 185.

## AN ACT AUTHORIZING THE PURCHASE OF STATE FLAGS.

## SECTION

1. Purchase authorized.

## SECTION

2. Takes effect on passage.

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

SECTION 1. State flags may be purchased by the governor and council for the council chamber, the senate chamber, and representatives' hall, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated. Purchase authorized.

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

Takes effect on passage.

[Approved April 15, 1911.]

## CHAPTER 186.

## AN ACT RELATING TO THE SALARY OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.

## SECTION

1. Annual salary of \$3,000; repealing clause.

## SECTION

2. Takes effect on passage.

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

SECTION 1. The annual salary of the superintendent of public instruction shall hereafter be three thousand dollars (\$3,000) per annum, payable as now provided by law; and so much of section 10 of chapter 286 of the Public Statutes as is inconsistent with this act, is hereby repealed. Annual salary of \$3,000; repealing clause.

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

Takes effect on passage.

[Approved April 15, 1911.]

## CHAPTER 187.

## AN ACT PROVIDING FOR A CONVENTION OF DELEGATES FOR THE PURPOSE OF REVISING THE CONSTITUTION.

## SECTION

1. Delegates, when chosen.
2. Who eligible for election.
3. Delegates, how chosen and proportioned.
4. Certificates of election.
5. Blank form of certificates.

## SECTION

6. Convention to meet, when.
7. Arrangement of amendments.
8. Books, documents, etc.
9. Transportation of delegates.
10. Takes effect on passage.

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

Delegates,  
when chosen.

SECTION 1. That at the election in the several towns of this state to be holden on the second Tuesday of March, A. D., 1912, and at a special election in the several cities of this state to be holden on said second Tuesday of March, A. D., 1912, delegates to a convention to revise the constitution of this state shall be chosen and an article therefor shall be inserted in the warrants calling said meetings; and all the laws relating to the election of representatives to the general court, so far as the same may be applicable, shall apply to the election of delegates except as herein otherwise provided.

Who eligible.

SECT. 2. Any person shall be eligible to a seat in said convention who by the laws of this state is a qualified voter in the town or district from which he may be elected.

How chosen  
and propor-  
tioned.

SECT. 3. The delegates shall be chosen in the same manner and proportioned as the representatives to the present general court, *provided*, that each and every town shall be entitled to send one delegate at least.

Certificates of  
election.

SECT. 4. Town clerks and clerks of supervisors of election shall deliver to the person or persons elected a certificate of his or their election.

Blank certifi-  
cates.

SECT. 5. The secretary of state is directed to prepare and seasonably transmit to the several town clerks suitable blank forms for certificates of the election of delegates.

Convention to  
meet, when.

SECT. 6. The delegates so chosen shall meet in convention at the capitol in Concord on the first Wednesday of June, A. D., 1912, at 11 o'clock in the forenoon, and shall proceed to organize themselves in convention by choosing by ballot one of their number as president, and such other officers as they may deem necessary; they shall be the judges of election and returns of their own members, and may establish rules of proceeding, and, when organized, shall proceed to revise the constitution.

Arrangement  
of amend-  
ments.

SECT. 7. If the alterations or amendments of the constitution shall be agreed to by said convention, they shall be so arranged

and prepared that the same can be voted on by the people separately, unless the convention shall be of the opinion that it is impracticable so to prepare and arrange them, in which case the amendments shall be voted on together; and in either case the convention shall prescribe the mode of publication of the amendments, the time and manner in which the same shall be submitted to the people for their approval, and may pass an ordinance in relation to the manner of ascertaining their decision and declaring and publishing the same, the time when such amendments as shall be approved shall take effect, and may do any and all other things which they deem necessary to carry out the purpose and object of such convention.

SECT. 8. It shall be the duty of the secretary of state to furnish said convention such books, documents, papers, stationery, and printing as the convention shall require or order. Books, documents, etc.

SECT. 9. The governor is hereby authorized and directed to contract prior to the session of the constitutional convention for the steam railroad transportation of the delegates, officers and employees of the same. 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 delegates and officers of the constitutional convention, and for his attendance each member shall receive three dollars per day during the said convention, except that the clerk and assistant clerk shall receive the same pay as a member of the convention and one hundred dollars each additional for making up the journals, the same to be paid out of the treasury. Transportation of delegates.

SECT. 10. This act shall take effect from and after its passage. Takes effect on passage.

[Approved April 15, 1911.]

## CHAPTER 188.

AN ACT IN AMENDMENT OF SECTIONS 10 AND 17 OF CHAPTER 78 OF THE LAWS OF 1897, RELATING TO THE MANNER OF CONDUCTING CAUCUSES AND ELECTIONS.

### SECTION

1. Ballots, how prepared and what to contain.

### SECTION

2. Preparation of ballot by voter and manner of voting.

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

SECTION 1. Amend the fourth paragraph of section 10 of chapter 78 of the Laws of 1897 by striking out the sentence beginning with the word "above" in the eighth line of said para- Ballots, how prepared and what to contain.

graph, so that said paragraph as amended shall read as follows: In the last or right hand column of each ballot there shall be no circle or device, but there shall be printed in the regular order the political designation of each office, as For Governor, For Senator, and the like, and beneath each designation there shall be left as many blank lines as there are persons to be elected to such office. Above each column or list of candidates shall be printed in large plain letters the name of the political party by which the candidates in such column were nominated. Amend the seventh paragraph of section 10 of chapter 78 of the Laws of 1897, by striking out the words "above each circle" at the beginning of said paragraph and inserting in place thereof the words at the head of each column, so that said paragraph as amended shall read as follows: At the head of each column shall be placed an emblem or device designating or distinguishing the political party assigned to that column.

Preparation of  
ballot by  
voter and  
manner of  
voting.

SECT. 2. Amend section 17 of chapter 78 of the Laws of 1897 by striking out all of said section and inserting in place thereof the following: SECT. 17. On receipt of his ballot, the voter shall forthwith, and without leaving the inclosed space, retire alone to one of the voting shelves or compartments, and shall prepare his ballot by marking in the appropriate square a cross (x) opposite and at the right of the name of the candidate of his choice for each office to be filled, except in case of electors of president and vice-president, one such mark being made opposite the group of his choice in the square provided in the margin for that purpose, or by filling in the name of the candidate of his choice in the blank space provided therefor, and making a cross (x) in the square opposite thereto; and, in case of a question submitted to the vote of the people, by marking in the appropriate square a cross (x) against the answer which he desires to give. Before leaving the voting shelf or compartment, the voter shall fold his ballot without displaying the marks thereon, in the same way it was folded when received by him, and he shall keep the same so folded until he has voted. He shall immediately give his name to the ward or town clerk, who shall likewise repeat the same and place a check mark against it on his check-list. The voter shall forthwith present his ballot with the official endorsement uppermost to the moderator, who shall then deposit the same in the ballot box. He shall mark and deposit his ballot without undue delay and shall quit said enclosed space as soon as he has voted. No voter shall be allowed to occupy a voting shelf or compartment already occupied by another, nor to remain within said enclosed space more than ten minutes, nor to occupy a voting shelf or compartment for more than five minutes, in case all of such shelves or compartments are in use, and other voters are waiting to occupy the same. No voter, not an election officer, whose name has been checked on the list by the ballot clerks, shall

be allowed to re-enter said enclosed space during said election unless another balloting is had. It shall be the duty of the moderator to secure the observance of the provisions of this section and of other sections relative to the duties of election officers.

[Approved April 15, 1911.]

## CHAPTER 189.

### AN ACT TO PROVIDE ADDITIONAL ACCOMMODATIONS AT THE NEW HAMPSHIRE STATE HOSPITAL.

SECTION	SECTION
1. Appropriation of \$187,500 for new building.	4. Exemption from taxation.
2. Issue of bonds authorized.	5. Disbursement of funds.
3. Designation and form of bonds.	6. Temporary loan authorized.
	7. Takes effect on passage.

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

SECTION 1. That, to provide additional accommodations for the care, control and treatment of insane persons, as contemplated by chapter 61 of the Laws of 1903, and amendments thereto, the sum of one hundred eighty-seven thousand five hundred dollars be, and hereby is, raised and appropriated for the purpose of the erection of a building for men and women patients and securing therefor the necessary furnishing, heating, including whatever changes may be necessary in order to connect said building with the present heat, light and power plant, lighting, plumbing, water facilities and fire protection, at an expense not exceeding one hundred eighty-seven thousand five hundred dollars, in accordance with plans and specifications to be approved by the governor and council; said sums to be expended under the direction of the trustees of said institution.

SECT. 2. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow said sum of one hundred and eighty-seven thousand five hundred 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, twenty thousand dollars thereof to be paid annually, beginning on July 1, 1930, 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 place as the governor and council shall designate.

Designation  
and form of  
bonds.

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.

Exemption  
from taxation.

SECT. 4. Said bonds when owned by residents or savings banks of this state shall be exempt from taxation.

Disbursement  
of funds.

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.

Temporary  
loan author-  
ized.

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 seventy-five thousand dollars (\$75,000), 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.

Takes effect  
on passage.

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

[Approved April 15, 1911.]



CHAPTER 190.

AN ACT IN RELATION TO THE OFFICE OF ATTORNEY-GENERAL.

SECTION

- 1. To advise legislature, state officials, etc.
- 2. To represent state at certain criminal trials.
- 3. Report to legislature, scope of.
- 4. To enforce criminal laws.
- 5. May employ counsel, detectives, etc.

SECTION

- 6. Annual clerical expense of \$1,200.
- 7. Acting attorney-general, when appointed.
- 8. Annual salary of \$3,000.
- 9. Other officers not relieved of responsibility.
- 10. Repealing clause; act takes effect on passage.

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

SECTION 1. The attorney-general shall, when required by either branch of the general court, give his opinion upon any question of law submitted to him by the house or senate. He shall, when requested, advise any state board, commission, agent, or officer as to questions of law relating to the performance of their official duties and he shall, under the direction of the governor and council, exercise a general supervision over the state departments, commissions, boards, bureaus, and officers, to the end that they perform their duties according to law. The governor and council may, in any action or proceeding, wherever pending, represent to the attorney-general that he should appear to protect the interests of the state or of the people, and it shall be his duty to appear.

To advise legislature, state officials, etc.

SECT. 2. He shall act as attorney for the state in the prosecution of persons accused of crimes punishable with death or imprisonment for life, or for twenty-five years or more. He shall have and exercise general supervision of the criminal causes pending before the supreme and superior courts of the state.

To represent state at certain criminal trials.

SECT. 3. He shall make report of the performance of his duties to the general court at each session thereof and include in each report copies of all opinions given by him during the period covered by the report; *provided, however,* that he shall not be required to include in his report any opinion, the publication of which he deems detrimental to the public good. He shall report particularly as to any neglect of duty on the part of county solicitors and other officers charged with the enforcement of the criminal laws, and shall recommend such changes in the criminal laws and administration thereof as may be necessary for the public good.

Report, scope of.

SECT. 4. He, with the aid of the solicitors of the several counties shall enforce the criminal laws of the state, and shall perform all other duties now or hereafter imposed upon him by law.

To enforce criminal laws.

May employ counsel, detectives, etc.

SECT. 5. The attorney-general, with the approval of the governor and council, may employ counsel, attorneys, detectives, and other assistants in case of reasonable necessity, and may pay them reasonable compensation, on the warrant of the governor, out of any money in the treasury not otherwise appropriated. When any person is employed under the provisions of this section the attorney-general shall report such employment, with the reason therefor, and an itemized account of the expenses thereof, to the general court at its next session.

Annual clerical expense of \$1,200.

SECT. 6. The attorney-general may employ, and at pleasure dismiss, such clerical and stenographic assistants as may be necessary, at an annual expense of not more than twelve hundred dollars.

Acting attorney-general, when appointed.

SECT. 7. If the attorney-general shall become incapacitated to perform his duties, the governor and council shall appoint an acting attorney-general to act as attorney-general during such incapacity, and such acting attorney-general shall be paid reasonable compensation for his services and expenses.

Annual salary of \$3,000.

SECT. 8. The annual salary of the attorney-general shall be thirty hundred dollars, payable quarterly, and he shall be paid his reasonable expenses incurred in the performance of his duties, to be audited and allowed by the governor and council. The office of the attorney-general shall be in Concord, and the reasonable expenses thereof including suitable furniture, equipment and supplies, shall be paid by the state treasurer after being approved by the governor and council.

Other officers not relieved of responsibility.

SECT. 9. Nothing contained in this act shall relieve any officer or person of any duty prescribed by law relative to the enforcement of any criminal law, but such officer or person, in the enforcement of such law, shall be subject to the control of the attorney-general whenever in the discretion of the latter he shall see fit to exercise the same.

Repealing clause; act takes effect on passage.

SECT. 10. All acts and parts of acts inconsistent with this act are hereby repealed and this act shall take effect upon its passage.

[Approved April 15, 1911.]

CHAPTER 191.

AN ACT IN FAVOR OF THE INDUSTRIAL SCHOOL.

SECTION

- 1. Appropriation of \$80,000 for new building.
- 2. Issue of bonds authorized.
- 3. Designation and form of bonds.

SECTION

- 4. Exemption from taxation.
- 5. Proceeds, how disbursed.
- 6. Temporary loan authorized.
- 7. Takes effect on passage.

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

SECTION 1. That the sum of eighty thousand dollars be and the same is hereby appropriated to the industrial school for the purpose of building a new building or buildings for the accommodation of the female inmates committed to said industrial school; for the purpose of furnishing and equipping the same; and for the purpose of enlarging the steam plant at said industrial school and installing a new boiler therein. Said sum to be expended by the trustees of said industrial school.

Appropriation of \$80,000 for new building.

SECT. 2. The state treasurer is hereby authorized, under the direction of the governor and council, to borrow said sum of eighty 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, ten thousand dollars thereof to be paid annually, beginning on July 1, 1920, 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 place as the governor and council shall designate.

Issue of bonds authorized.

SECT. 3. Said bonds shall be designated New Hampshire State Industrial School 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.

Designation and form of bonds.

Exemption  
from taxation.  
Disbursement  
of funds.

SECT. 4. Said bonds when owned by residents or savings banks of this state shall be exempt from taxation.

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 bill shall have been duly approved by the governor and council, to an amount not exceeding the proceeds of said bonds.

Temporary  
loan author-  
ized.

SECT. 6. To provide 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 twenty-five thousand dollars (\$25,000), 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.

Takes effect  
on passage.

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

[Approved April 15, 1911.]

## CHAPTER 192.

AN ACT IN AMENDMENT OF SECTION 8, CHAPTER 35, OF LAWS OF 1905, AND OF SECTION 20 OF CHAPTER 155 OF LAWS OF 1909, RELATING TO MAINTENANCE OF HIGHWAYS.

### SECTION

1. Highways improved from joint fund, how maintained.
2. East Side, West Side, and Merrimack Valley roads, how maintained.

### SECTION

3. Repealing clause; act takes effect on passage.

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

Highways  
improved  
from joint  
fund, how  
maintained.

SECTION 1. Section 8 of chapter 35 of the Laws of 1905 is hereby amended by striking out the entire section and inserting in place thereof the following: SECT. 8. All highways within any city, town or place improved by the expenditure of said joint fund shall thereafter be maintained by the city, town or place within which they are located at the expense of such 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 such city, town or place for the next year; except that assistance shall be rendered by the governor and council to such

cities, towns or places by the application therefor on non-trunk line roads of thirty-five per cent of the net revenue from automobile fees and fines, to be withdrawn from the treasury on the warrant of the governor.

SECT. 2. Section 20 of chapter 38 of the Laws of 1905, added to said chapter by chapter 155 of the Laws of 1909, is hereby amended by striking out said section and inserting in place thereof the following: SECT. 20. The highways designated under section 15 and 16 of this act shall be maintained by the city, town or place within which they are located at the expense of such 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 shall be rendered by the governor and council to such cities, towns or places as are, in their opinion, equitably entitled thereto by the application therefor of sixty-five per cent. of the net revenue from automobile fees and fines, to be withdrawn from the treasury on the warrant of the governor.

East Side, West Side, and Merrimack Valley roads, how maintained.

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 15, 1911.]

CHAPTER 193.

AN ACT FOR THE BETTER ENFORCEMENT OF THE LAWS PROHIBITING THE SALE OF INTOXICATING LIQUOR IN NO-LICENSE CITIES AND TOWNS.

SECTION

- 1. "Spirituos or intoxicating liquor," meaning of.
- 2. Illegal sale, etc., of liquor, penalty.

SECTION

- 3. Common seller, how punished.
- 4. Takes effect on passage; repealing clause.

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

SECTION 1. Amend section 33 of chapter 2 of the Public Statutes, as amended by section 5, of chapter 122 of the session Laws of 1903, by striking out all of said section and substituting therefor the following: SECT. 33. By the words spirit, spirituous liquor, or intoxicating liquor shall be intended all distilled liquors, or rectified spirits; vinous, fermented, brewed and malt

"Spirituos or intoxicating liquor," meaning of.

liquors; and any beverage by whatever name called, containing more than one per cent of alcohol, by volume, at sixty degrees Fahrenheit; and any beverage any part of which is intoxicating.

Illegal sale, etc., of liquor, penalty.

SECT. 2. Amend section 15, of chapter 112 of the Public Statutes, as amended by the session Laws of 1903 and 1905, by striking out all of said section and all amendments thereto, and substituting therefor the following: SECT. 15. If any person, not being authorized by law to sell intoxicating liquor, shall sell or keep for sale, any intoxicating liquor in any quantity, he shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) and also imprisoned not less than thirty nor more than sixty days; and for any subsequent offense he shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) and also imprisoned not less than two nor more than twelve months. *Provided, however,* that a person may sell cider in any quantity not less than one barrel at a single sale, to be delivered and removed from the place of sale at one time; and *provided also,* that a person may sell cider in an unfermented state, that is, not containing alcohol.

Common seller of liquor, how punished.

SECT. 3. Amend section 16, of chapter 112 of the Public Statutes, as amended by section 2 of the session Laws of 1903, by striking out all of said section and substituting therefor the following: SECT. 16. If any person, not being authorized by law to sell intoxicating liquor, shall be a common seller of intoxicating liquor, he shall be fined one hundred dollars (\$100), and shall also be imprisoned not less than three nor more than twelve months.

Takes effect on passage; repealing clause.

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

[Approved April 15, 1911.]

CHAPTER 194.

AN ACT TO PROVIDE FOR THE TAXATION OF SAVINGS BANKS.

SECTION

- 1. Repealing clause.
- 2. Savings banks, etc., how taxed.

SECTION

- 3. Takes effect September 30, 1911.

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

Repealing clause.

SECTION 1. Section 5 of chapter 65 of the Public Statutes, relating to the taxation of savings banks, and the amendments of said section contained in chapter 108 of the Laws of 1895 and

in section 2 of chapter 102 of the Laws of 1907 are hereby repealed.

SECT. 2. In place of section 5 of chapter 65 of the Public Statutes and the amendments thereto, which are repealed by the first section of this act, insert in said chapter 65 the following: Savings banks, etc., how taxed.

SECT. 5. Every such corporation, except building and loan associations, organized under the provisions of the Public Statutes, shall pay to the state treasurer annually on the first day of October, an excise tax for the privilege of conducting the business of a savings bank or other such corporation equal in amount to three fourths ( $\frac{3}{4}$ ) of one per cent (1%) upon the amount of the savings deposits on which it pays interest after deducting the value of all its real estate wherever situated and the value of all its loans secured by mortgage upon real estate situated in this state made at a rate not exceeding five per cent (5%) per annum; and the amount invested in the bonds or notes of this state or any of the counties, municipalities, school districts and village precincts of this state, *provided* such bonds and notes bear interest at a rate not exceeding three and one half per cent ( $3\frac{1}{2}\%$ ) per annum; and every guaranty savings bank, trust companies, loan and trust companies, loan and banking companies, and all other similar corporations, except building and loan associations, shall, in addition, pay a further excise tax for the privilege of conducting such business equal in amount to one per cent (1%) annually upon its special deposits or capital stock, after deducting the value of all real estate owned by the corporation and not already deducted from the amount of its general deposits as hereinbefore provided.

SECT. 3. This act shall take effect September 30, 1911.

Takes effect  
September 30,  
1911.

[Approved April 15, 1911.]

## CHAPTER 195.

AN ACT TO AMEND CHAPTER 35, SESSION LAWS OF 1901, ENTITLED  
"AN ACT TO REGULATE THE SALE OF CONCENTRATED COMMERCIAL FEEDING-STUFFS."

SECTION

1. Shipments or packages, how to be marked.

SECTION

2. "Concentrated commercial feeding-stuffs," meaning of.  
3. Analysis fee.

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

SECTION 1. That section 1 of chapter 35, session Laws of 1901, be amended by inserting after the words "and of crude fat," Shipments and packages, how to be marked.

the words and of crude fibre, so that the section as amended shall read: Every manufacturer, company or person, who shall sell, offer, or expose for sale or for distribution in this state any concentrated commercial feeding-stuff used for feeding farm livestock, shall furnish with each car or other amount shipped in bulk and shall affix to every package of such feeding stuff, in a conspicuous place on the outside thereof, a plainly printed statement clearly and truly certifying the number of net pounds in the package sold or offered for sale, the name or trademark under which the article is sold, the name of the manufacturer or shipper, the place of manufacturer, the place of business, and a chemical analysis stating the percentages it contains of crude protein, allowing one per centum of nitrogen to equal six and one fourth per centum of protein, of crude fat and of crude fibre, both constituents to be determined by the methods prescribed by the associates of official agricultural chemists. Whenever any feeding-stuff is sold at retail in bulk or in packages belonging to the purchaser, the agent or dealer, upon request of the purchaser, shall furnish to him the certified statement named in this section.

"Concentrated commercial feeding-stuffs," meaning of.

SECT. 2. That section 2 of the same act be amended by inserting after the words "corn and oat chops," the words wheat, rye, and buckwheat bran and middlings, and by striking out the words "neither shall it include wheat, rye, and buckwheat brans or middlings, not mixed with other substances, but sold separately, as distinct articles of commerce, nor pure grains ground together," so that section 2 shall read: The term concentrated commercial feeding-stuffs, as used in this act, shall include linseed meals, cottonseed meals, pea meals, cocoanut meals, gluten meals, gluten feeds, maize feeds, starch feeds, sugar feeds, dried brewer's grains, malt sprouts, hominy feeds, cerealine feeds, rice meals, oat feeds, corn and oat chops, wheat, rye, and buckwheat bran and middlings, ground beef or fish scraps, mixed feeds, and all other materials of similar nature; but shall not include hays and straws, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, Indian corn, buckwheat and broom corn.

Analysis fee.

SECT. 3. That section 4 of said act be amended by substituting for the words "a license" the words an analysis throughout the section; by substituting the word fifteen for the word "twenty;" and by inserting after the word "dollars" the words for each brand offered for sale within the state so that section 4 as amended shall read: SECT. 4. Each manufacturer, importer, agent, or seller of any concentrated commercial feeding-stuffs, shall pay annually during the month of December to the secretary of the board of agriculture an analysis fee of fifteen dollars, for each brand offered for sale within the state. Whenever a manufacturer, importer, agent or seller of concentrated commercial feeding-stuff desires at any time to sell such material and has not



paid the analysis fee therefor in the preceding month of December, as required by this section, he shall pay the analysis fee prescribed herein before making any such sale. The amount of analysis fees received by said secretary pursuant to the provisions of this section shall be paid by him to the treasurer of the State of New Hampshire. The treasurer of the State of New Hampshire shall pay from such amount when duly approved the moneys required for the expense incurred in making the inspection required by this act and enforcing the provisions thereof. The secretary of the board of agriculture shall report biennially to the legislature the amount received pursuant to this act, and the expense incurred for salaries, laboratory expenses, chemical supplies, traveling expenses, printing, and other necessary matters. Whenever the manufacturer, importer, or shipper of concentrated commercial feeding-stuffs shall have filed the statement required by section 1 of this act and paid the analysis fee as prescribed in this section, no agent or seller of such manufacturer, importer, or shipper shall be required to file such statement or pay such fee.

[Approved April 15, 1911.]

## CHAPTER 196.

AN ACT RELATING TO THE MATTER OF STEAM RAILROAD RATES FOR FARES AND FREIGHTS UPON THE RAILROADS, LEASED OR UNITED, UNDER THE AUTHORITY OF CHAPTER 100 OF THE LAWS OF 1883, CHAPTER 5 OF THE LAWS OF 1889, OR CHAPTER 156 OF THE PUBLIC STATUTES, AND PROVIDING FOR A FULL INVESTIGATION THEREOF.

### SECTION

1. Public service commission to investigate and report.
2. Continuance of excess rates until July 1, 1913.
3. Form of agreement to be filed.

### SECTION

4. Powers of commission; appropriation of \$10,000.
5. Reasonable rates to be fixed; right of appeal.
6. Takes effect on passage.

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

SECTION 1. It shall be the duty of the public service commission to investigate fully the subject of steam railroad rates for fares and freights upon the railroads leased or united under the authority of chapter 100 of the Laws of 1883, chapter 5 of the Laws of 1889, or chapter 156 of the Public Statutes, and all matters relating thereto, and report to the governor, for the information and use of the governor and the legislature, as soon

Public service  
commission  
to investigate  
and report.

as may be and not later than December 1, 1912, the general situation in respect to such rates and other related matters, together with such recommendations with reference to the subject matter as it may deem proper.

Continuance  
of excess  
rates until  
July 1, 1913.

SECT. 2. Upon the filing by a railroad corporation with the public service commission, within thirty (30) days after all three of the commissioners appointed under the act entitled "An Act to establish a Public Service Commission" shall have duly qualified, of schedules showing the present rates for fares and freights between points in the State of New Hampshire and between points in the State of New Hampshire and points on other parts of said railroad, together with a properly executed stipulation and agreement in the form set forth in section 3 of this act, and upon the filing by the said commission with the secretary of state of a certificate stating that such schedules and agreements have been filed with it, said railroad corporation shall have authority until July 1, 1913, to demand and collect rates for fares and freights now in force in excess of the maximum prescribed by statute; subject, however, to the power of said commission at any time after the commission has completed the investigation and made the report as provided in section 1 of this act, to reduce any of such rates by determining, as provided in the act entitled, "An Act to establish a Public Service Commission," just and reasonable charges and by fixing the maximum price to be charged; upon condition that none of the rates for fares and freights now in force upon said railroad between points in the State of New Hampshire and between points in the State of New Hampshire, and points on other parts of said railroad, shall be raised until the public service commission has completed the investigation and made the report as provided in section 1 of this act. Nothing herein shall be construed as repealing, suspending or modifying the statutes referred to in section 1 of this act, except in so far as the operation thereof is affected by the authority herein specifically conferred upon such railroad company. After the completion of the investigation and the filing of the report as provided in section 1 of this act, upon the determination by the public service commission that any rate in excess of the maximum prescribed by statute is unjust or unreasonable, any person shall have the right to sue for and recover any excess over such maximum paid by him after the passage of this act, unless the repayment of such excess would be a violation of any penal provision of any statute against the granting of rebates or discriminations.

Form of  
agreement to  
be filed.

SECT. 3. The agreement to be filed, as provided in section 2 of this act, shall be in the following form: The ..... railroad company, doing business in the State of New Hampshire and owning the following railroads ..... and operating the following railroads .....

..... hereby accepts the provisions of an act entitled, "An Act relating to the Matter of Steam Railroad Rates for Fares and Freight upon the Railroads leased or united under the Authority of Chapter 100 of the Laws of 1883, Chapter 5 of the Laws of 1889, or Chapter 156 of the Public Statutes, and providing for a Full Investigation thereof" and agrees that nothing in said act shall be construed as repealing, suspending or modifying chapter 100 of the Laws of 1883, chapter 5 of the Laws of 1889, or chapter 156 of the Public Statutes, except in so far as the operation thereof is affected by the authority specifically conferred by this act. And said railroad company further agrees that it will not voluntarily raise or endeavor to raise any of its rates for fares and freight now in force between points in the State of New Hampshire, or between points in the State of New Hampshire and points on other parts of said railroad prior to the time that said commission has completed the investigation and made the report as provided in section 1 of an act entitled "An Act relating to the Matter of Steam Railroad Rates for Fares and Freight upon the Railroads leased or united under the Authority of Chapter 100 of the Laws of 1883, Chapter 5 of the Laws of 1889, or Chapter 156 of the Public Statutes and providing for a Full Investigation thereof." This agreement shall not be construed as prohibiting changes in classification made by the official classification committee, subject, however, to the right of the public service commission, upon notice and hearing as provided in the public service commission act, to require in any case the retention of the existing classification.

SECT. 4. For the purpose of conducting the investigation provided for in section 1 of this act, the public service commission shall have all the powers conferred upon it by the act entitled "An Act to establish a Public Service Commission." and, in addition to the powers conferred upon said commission by section 2, paragraph f of said act, said commission may, without the approval of the governor and council, expend a sum not exceeding ten thousand dollars (\$10,000) and with the approval of the governor and council such further sums as may be necessary in employing counsel, stenographers, experts, accountants and others whose assistance it may require in the performance of the duties imposed upon it by this act.

SECT. 5. If the commission shall find that any rate or rates investigated by it are unjust or unreasonable, it shall by order fix such rate or rates upon a reasonable and fair basis, and the railroad shall have the same right to appeal from such order as is given in the act entitled, "An Act to establish a Public Service Commission." except that, in the case of rates now in excess of the maximum prescribed by statute, no railroad company shall have any right to appeal from an order of said commission reducing such excessive rate unless such reduction shall be to a point below

Powers of  
commission;  
appropriation  
of \$10,000.

Reasonable  
rates to be  
fixed; right of  
appeal.

such maximum and then only as to so much of such reduction as shall be below such maximum. The public service commission shall not have the power to change or to authorize the change of any particular rate or rates until it shall have completed the investigation and made the report provided for in section 1 hereof, and in no case shall said public service commission have authority to permit any rate now below the maximum fixed by law to be raised above such maximum, nor to permit any rate now exceeding such maximum to be raised.

Takes effect  
on passage.

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

[Approved April 15, 1911.]

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## CHAPTER 197.

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSES OF THE STATE  
OF NEW HAMPSHIRE FOR THE YEAR ENDING AUGUST 31, 1913.

SECTION 1. Sundry appropriations for state expenses.

*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 thirteen, to wit:

Executive.

For the executive department, \$37,250 as follows: For salary of governor, three thousand dollars; for salary of governor's secretary, eight hundred dollars; for honorable council, per diem and expenses, six thousand dollars; for contingent fund, one thousand and five hundred dollars; for transportation, six hundred dollars; for incidentals, one hundred dollars; for printing blanks, two hundred fifty dollars; for special contingent fund for use of the governor and council in protecting the interest of the state, twenty-five thousand dollars.

Secretary of  
state.

For the secretary of state department, \$18,750, as follows: For salary of secretary, four thousand dollars; for salary of deputy secretary, one thousand five hundred dollars; for clerical expenses, seven hundred fifty dollars; for incidentals, three hundred dollars; for printing report, five hundred dollars; for printing blanks, one hundred fifty dollars; for purchase of New Hampshire Law Reports, one thousand fifty dollars; for express, six hundred fifty dollars; for postage, three hundred fifty dollars; for indexing province records, etc., one thousand five hundred dollars; for Australian ballot, four thousand dollars; for direct primary, four

thousand dollars; for automobiles, expenses, seven thousand dollars.

For treasury department, \$6,450, as follows: For salary of treasurer, two thousand and five hundred dollars; for salary of deputy treasurer, one thousand five hundred dollars; for clerical expenses, one thousand dollars; for incidentals, three hundred dollars; for printing report, four hundred fifty dollars; for printing blanks, one hundred fifty dollars; for compiling statistics, two hundred dollars; for treasurer's and deputy's bonds three hundred fifty dollars. For treasury department, expenses legacy tax law, \$7,000, as follows: For salary of attorney in charge, two thousand and five hundred dollars; for salaries of assistants, one thousand five hundred dollars; for copies of wills and records, one thousand four hundred fifty dollars; for office supplies and incidentals, five hundred dollars; for printing and stationery, two hundred dollars; for travel and expenses of litigation, eight hundred fifty dollars.

For auditor's department, \$5,200, as follows: For salary of auditor, three thousand dollars; for clerical expenses, one thousand two hundred dollars; for incidentals, four hundred dollars; for printing report and blanks, six hundred dollars.

For insurance department, \$6,000, as follows: For salary of commissioner, two thousand dollars; for clerical expenses, one thousand six hundred dollars; for incidentals, seven hundred dollars; for printing report, one thousand three hundred dollars; for printing blanks, four hundred dollars.

For bank commission department, \$12,000, as follows: For salaries of commissioners, three, payable monthly, seven thousand five hundred dollars; for clerical expenses, one thousand dollars; for expenses of commissioners, one thousand two hundred dollars; for incidentals, one thousand one hundred dollars; for printing report and printing blanks, one thousand two hundred dollars.

For public service commission department, \$23,500, as follows: For salaries, twelve thousand dollars; for experts, clerks and assistants, seven thousand five hundred dollars; for expenses of commissioners, one thousand dollars; for incidentals, including printing, etc., three thousand dollars.

For permanent tax commission department, \$15,000, as follows: For salaries, eight thousand dollars; for clerical expenses, one thousand dollars; for expenses of commissioners, one thousand five hundred dollars; for incidentals, including printing, four thousand dollars; for printing report, five hundred dollars.

For public printing commission department, \$2,750, as follows: For clerical expenses, six hundred dollars; for incidentals, one hundred dollars; for printing blanks, fifty dollars; for purchase of paper stock, two thousand dollars.

For department of indexing, one thousand dollars (\$1,000) for salaries.

- State house. For state house department, \$15,700, as follows: For salaries and pay-roll, six thousand five hundred dollars; for fuel, two thousand five hundred dollars; for power and lights, two thousand five hundred dollars; for water, two hundred dollars; for repairs, furniture and incidentals, two thousand five hundred dollars; for telephone, switch board and operator, one thousand five hundred dollars.
- Legislative expenses. For expense of legislature, one hundred thirty-five thousand dollars (\$135,000).
- Supreme court. For supreme court department, \$24,400, as follows: For salaries of justices, twenty thousand two hundred dollars; for salary of clerk, five hundred dollars; for salary of messenger, two hundred dollars; for salary of state reporter, one thousand eight hundred dollars; for justices' expenses, seven hundred dollars; for transportation, one hundred dollars; for incidentals, five hundred fifty dollars; for examination of students, three hundred fifty dollars.
- Superior court. For superior court department, \$22,800, as follows: For salaries of justices, twenty thousand two hundred dollars; for justices' expenses, two thousand dollars; for incidentals, two hundred dollars; for transportation, four hundred dollars.
- Attorney-general. For attorney-general's department, \$7,800, as follows: For salary of attorney-general, four thousand dollars; for clerical expenses, one thousand five hundred dollars; for incidentals, including assistants, one thousand five hundred dollars; for printing report, two hundred dollars; for printing blanks, one hundred dollars; for enforcement of liquor laws, five hundred dollars.
- Judges of probate. For probate court department, salaries of judges, \$9,900, as follows: For Rockingham county, one thousand two hundred dollars; for Strafford county, eight hundred dollars; for Belknap county, six hundred dollars; for Carroll county, seven hundred dollars; for Merrimack county, one thousand two hundred dollars; for Hillsborough county, two thousand dollars; for Cheshire county, nine hundred dollars; for Sullivan county, six hundred dollars; for Grafton county, one thousand dollars; for Coös county, nine hundred dollars.
- Registers of probate. Probate court department, salaries of registers of probate and deputies, \$11,100, as follows: For Rockingham county register, one thousand two hundred dollars; for Rockingham county deputy, five hundred dollars; for Strafford county register, one thousand dollars; for Belknap county register, six hundred dollars; for Carroll county register, six hundred dollars; for Merrimack county register, one thousand two hundred dollars; for Merrimack county deputy, six hundred dollars; for Hillsborough county register, one thousand five hundred dollars; for Hillsborough county deputy, eight hundred dollars; for Cheshire county register, six hundred dollars; for Sullivan county register, six hundred dol-

lars; for Grafton county register, one thousand dollars; for Coös county register, nine hundred dollars.

For public instruction department, \$11,900, as follows: For salary of superintendent, payable monthly, three thousand five hundred dollars; for salaries of clerks, two thousand three hundred dollars; for truant officer (attendance and child labor work), two thousand six hundred dollars; for incidentals, one thousand four hundred dollars; for printing blanks, seven hundred dollars; for printing report, one thousand four hundred dollars. For new bill relating to child labor, \$6,500, as follows: For salaries, three thousand six hundred dollars; for traveling and printing, two thousand nine hundred dollars. For schools (chapter 158, Laws of 1909) one hundred fifteen thousand dollars (\$115,000). (unexpended balances of previous years to be carried forward).

Public In-  
struction.

For state normal school department, Plymouth, \$26,520, as follows: Salaries of teachers and clerk, twenty thousand two hundred seventy dollars; for maintenance and operation, five thousand dollars; for incidentals, one thousand dollars; for printing report, fifty dollars; for expenses of trustees, two hundred dollars.

Normal  
school,  
Plymouth.

For state normal school department, Keene, \$19,850, as follows: For salaries, thirteen thousand eight hundred dollars; for maintenance and operation, five thousand dollars; for incidentals, eight hundred dollars; for expenses of trustees, two hundred dollars; for printing report, fifty dollars.

Normal  
school, Keene.

For the N. H. College of Agriculture, \$8,000, as follows: For free tuition to New Hampshire students, three thousand dollars; for running expenses, five thousand dollars.

College of  
Agriculture.

For Dartmouth College, twenty thousand dollars (\$20,000) for educational work.

Dartmouth  
College.

For deaf, dumb and blind department, \$16,000, as follows: For support and education, fifteen thousand eight hundred fifty dollars; for Deaf Mute Mission, one hundred fifty dollars.

Deaf, dumb,  
and blind.

For state library department, \$18,000, as follows: For maintenance of building, three thousand one hundred dollars; for maintenance of library, two thousand two hundred sixty dollars; for salaries, six thousand two hundred forty dollars; for books, periodicals and binding, six thousand dollars; for expenses of trustees, one hundred fifty dollars; for bulletin, two hundred fifty dollars.

State library.

For state board of charities and correction department, \$4,210, as follows: For salary of secretary, one thousand eight hundred dollars; for clerical expenses, eight hundred dollars; for incidentals, four hundred dollars; for printing blanks, sixty dollars; for printing report, four hundred fifty dollars; for traveling expenses, seven hundred dollars.

Board of  
charities and  
correction.

For commissioners of lunacy department, \$1,150, as follows: For clerical expenses, five hundred dollars; for incidentals, two

Lunacy com-  
mission.

hundred dollars; for printing blanks, one hundred dollars; for printing report, three hundred fifty dollars.

**State hospital.** For State Hospital department, \$200,000, as follows: For the support of the indigent, convict, twenty-year patients, and dependent insane, including salaries and wages of officers and employees, and library, two hundred thousand dollars.

**Industrial school.** For Industrial School department, \$50,300, as follows: For salaries, fifteen thousand dollars; for clerical expenses, three hundred dollars; for maintenance, thirty-five thousand dollars.

**State prison.** For state prison department, \$9,610, as follows: For warden's salary, two thousand dollars; for chaplain's salary, one thousand dollars; for physician's salary, five hundred dollars; for parole officer's salary, two hundred dollars; for parole officer's expenses, one hundred dollars; for prison library, two hundred dollars; for special repairs, one thousand dollars; for deficit in running expenses, four thousand five hundred dollars; for printing report, one hundred ten dollars.

**Soldiers' Home.** For Soldiers' Home, fifteen thousand dollars (\$15,000) for maintenance.

**School for feeble-minded.** For N. H. School for Feeble-Minded Children, \$35,300, as follows: For maintenance, thirty-five thousand one hundred dollars; for printing report, two hundred dollars.

**State sanatorium.** For N. H. State Sanatorium, twenty-thousand dollars (\$20,000), for maintenance.

**Prisoners' Aid Association.** For Prisoners' Aid Association, twenty-five dollars (\$25).

**Labor bureau.** For bureau of labor department, \$6,200 as follows: Labor commissioner's salary, \$1,600; clerk and assistants, \$2,000; expenses of arbitration, \$500; incidentals, including travel, \$1,500; for printing blanks, \$100; for printing report, \$500.

**Board of agriculture.** For board of agriculture department, \$12,200, as follows: For salary of secretary, one thousand five hundred dollars; for clerical expenses, one thousand dollars; for incidentals, two hundred fifty dollars; for expenses, members of board, three hundred dollars; for printing blanks, fifty dollars; for printing report, eight hundred dollars; for institutes and public meetings, one thousand two hundred dollars; for feeding stuffs inspection, eight hundred dollars; for fertilizer inspection, one thousand six hundred dollars; for nursery inspection, three hundred dollars; for seed inspection, two hundred dollars; for publications (chapter 96, Laws of 1905), three thousand dollars; for Granite State Dairymen's Association, expenses, seven hundred dollars; for N. H. Horticultural Society, expenses, five hundred dollars. For cattle commission, contagious diseases, \$20,000, as follows: For animals destroyed, ten thousand dollars; for inspection, disinfection and appraisal, three thousand five hundred dollars; for services and expenses of board, one thousand five hundred; for possible expenses, epidemics, five thousand dollars.

**Board of health.** For state board of health department, \$13,000, as follows: For salary of secretary, two thousand five hundred dollars; for salary



of clerk, five hundred dollars; for incidentals, four hundred fifty dollars; for printing blanks, three hundred dollars; for printing report, one thousand two hundred fifty dollars; for epidemic fund (chapter 30, Laws of 1903), five thousand dollars; for sanitary inspections (chapter 163, Laws of 1909), two thousand five hundred dollars; for tuberculosis dispensaries (chapter 152, Laws of 1909), five hundred dollars. For laboratory of hygiene department, \$6,300, as follows: For salaries of two chemists, three thousand dollars; for salaries of two bacteriologists, one thousand eight hundred dollars; for incidentals, one thousand one hundred dollars; for printing blanks and sanitary bulletin, four hundred dollars. For vital statistics department, \$2,800, as follows: For clerical expenses, incidentals and printing blanks, one thousand six hundred dollars; for printing report, one thousand two hundred dollars.

For commissioners of pharmacy department, \$1,360, as follows: For compensation, three hundred seventy-five dollars; for incidentals and expenses, seven hundred dollars; for printing blanks, ten dollars; for printing report, twenty-five dollars; for expenses, enforcement of law, two hundred fifty dollars. Pharmacy  
commission.

For New Hampshire board of registration in dentistry, \$400, as follows: For compensation, two hundred five dollars; for transportation and expenses, seventy dollars; for incidentals, one hundred fifteen dollars; for printing report, ten dollars. Dentistry  
board.

For steamboat inspectors, one hundred fifty dollars (\$150). Steamboat  
inspectors.

For medical referees, printing, fifty dollars (\$50). Medical ref-  
erees.

For adjutant-general's department, \$67,725, as follows: For salary of adjutant-general, one thousand five hundred dollars; for clerical expenses, one thousand dollars; for incidentals, nine hundred dollars; for printing report, four hundred dollars; for printing blanks, seven hundred dollars; for rifle ranges, nine hundred fifty dollars; for rifle ranges, new house bill No. 532, two thousand seven hundred dollars; for officers' uniforms, two thousand six hundred fifty dollars; for armories, Concord, Manchester and Nashua, seven thousand dollars; for New Hampshire National Guard, forty-four thousand nine hundred dollars; so much of this appropriation as is necessary to pay the expenses of the annual encampment is available June 1, 1912; for new house bill No. 532, five thousand twenty-five 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 bounty on bears and grasshoppers, five hundred dollars (\$500). For bounty on hedgehogs, seventy-five hundred dollars (\$7,500). Bounties.

For lights and buoys department, \$1,915, as follows: For Winnepesaukee lake, one thousand one hundred dollars; for Sunapee lake, four hundred dollars; for Squam lake, three hundred Lights and  
buoys.

dollars; for Winnisquam lake, sixty-five dollars; for Endicott Rock, fifty dollars.

Firemen's relief.

For firemen's relief fund, \$4,000, as follows: For chapter 64, section 2, Laws of 1899, two thousand dollars; for contingent fund, chapter 128, Laws of 1903, two thousand dollars.

Fish and game commission.

For fish and game commission department, \$21,650, as follows: For salaries, two thousand six hundred dollars; for general expenses, six thousand five hundred dollars; for personal expenses, one thousand five hundred dollars; for detectives, ten thousand dollars; for incidentals, two hundred dollars; for transportation, two hundred fifty dollars; for printing, six hundred dollars; for service of sheriffs having authority through the state, while doing detective work, when required by the governor, thirty-six hundred dollars.

Forest protection.

For forest protection department, \$20,000, as follows: For salaries, state forester and assistant, three thousand seven hundred dollars; for traveling expenses of state forester and assistant, eight hundred dollars; for salary and expenses, four district chiefs, two thousand one hundred dollars; for clerical expenses, nine hundred dollars; for commissioners' expenses and incidentals, one thousand two hundred dollars; for printing blanks, five hundred dollars; for printing report, five hundred dollars; for forest fire expenses for towns, four thousand five hundred dollars; for state forest nursery, three hundred dollars; for lookout stations, establishment and maintenance, three thousand dollars; for forest fire warden conferences, one thousand dollars; for prevention of fires, one thousand five hundred dollars.

Moth suppression.

For suppression of moths, twelve thousand five hundred dollars (\$12,500).

State highways.

For highway department, \$125,000, as follows: For permanent improvement (unexpended balances of previous years to be carried forward), one hundred twenty-five thousand dollars.

Interest charges and maturing bonds.

For interest charges and maturing bonds, \$286,221.47, as follows: For Fiske legacy, one thousand fifty-five dollars and fourteen cents; for Kimball legacy, two hundred seventy dollars and fourteen cents; for Agricultural College fund, four thousand eight hundred dollars; for Hamilton Smith fund, four hundred dollars; for Teachers' Institute fund, two thousand three hundred eighty-three dollars and ninety-two cents; for Benjamin Thompson fund, thirty-one thousand eight hundred eighty-seven dollars and twenty-seven cents; for temporary loans, two thousand five hundred dollars; for library loan, three thousand dollars; for library loan, principal due January 1, 1913, seventy-five thousand dollars; for Agricultural College loan, five thousand four hundred dollars; for Agricultural College loan, principal due July 1, 1913, one hundred thirty-five thousand dollars; for Hospital loan, issue 1905, four thousand five hundred fifty dollars; for Hospital loan, issue 1907, five thousand two hundred fifty dol-

lars; for Hospital loan, issue 1909, two thousand nine hundred seventy-five dollars; for Hospital loan, issue 1905, principal, ten thousand dollars; for Sanatorium loan, one thousand seven hundred fifty dollars.

For state historian, \$7,570, as follows: For compensation, two thousand five hundred dollars; for clerical expenses, one thousand four hundred dollars; for incidentals, two hundred fifty dollars; for printing and binding publication, three thousand dollars; for printing blanks, twenty dollars; for copies of records in England, four hundred dollars.

For G. A. R. department, \$1,300, as follows: For printing, three hundred dollars; for burial of soldiers and sailors, H. B. No. 111, 1911, one thousand dollars.

For N. H. Historical Society, five hundred dollars (\$500).  
 Appropriations herein for the public service department, the permanent tax commission, attorney-general, child labor, Dartmouth College, and other specials, are not in addition thereto, but in place thereof.

[Approved April 15, 1911.]

## CHAPTER 198.

### AN ACT TO ENLARGE THE POWERS OF THE BUREAU OF LABOR.

#### SECTION

1. Bureau of labor created; labor commissioner, appointment, tenure of office, and salary.
2. Powers and duties of commissioner.
3. Arbitration of labor disputes by commissioner.

#### SECTION

4. Application for arbitration.
5. Board of arbitration, when.
6. Sworn statement as to dispute, etc.
7. Strikes and lockouts, procedure in case of.
8. Annual report.

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

SECTION 1. The office of commissioner of labor is hereby abolished and a bureau of labor is established in place thereof in accordance with the provisions of this act. Said bureau of labor shall consist of a labor commissioner who shall be appointed by the governor with the advice and consent of the council, within thirty days after the passage of this act, and such clerks and assistants as shall be necessary for the performance of the duties of the bureau. The labor commissioner shall hold his office for three years from the date of his appointment and until his successor shall be appointed and qualified, and he may be removed at any time by the governor with the advice and consent of the council, for cause, and his successor shall be appointed in the

Bureau of labor created; labor commissioner, appointment, tenure of office, and salary.

same manner for the same term. Any vacancy existing in the office of labor commissioner shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the council. Said commissioner shall appoint a clerk of the bureau and such other clerical assistants as may be necessary and fix their compensation subject to the approval of the governor and council. The records of said bureau shall be public records open to the inspection of any person interested. The salary of said labor commissioner shall be one thousand six hundred dollars (\$1,600) a year, payable quarterly by the state treasurer in full for his services, and his actual expenses incurred in the work of his office shall be paid by the state treasurer on duly detailed vouchers approved by the governor.

Powers and  
duties of com-  
missioner.

SECT. 2. Said labor commissioner shall exercise and perform all the powers and duties heretofore exercised and performed by the commissioner of labor, together with such other powers and duties as are authorized by this act. It shall be the duty of the commissioner, without notice, at such times as he shall deem it necessary, to visit the manufacturing, mechanical and mercantile establishments in the state, so far as practicable, for the purpose of ascertaining whether the laws with reference to the employment of help are complied with, and for the further purpose of ascertaining if reasonable sanitary and hygienic conditions are maintained calculated to promote the health and welfare of the working people. If he shall deem it necessary, he shall transmit to the legislature a report upon these matters when he shall deem the occasion of sufficient importance, with such recommendations as he shall think advisable. Whenever he shall deem it necessary, the commissioner shall prosecute any offenses against the laws regulating the employment of help.

Arbitration of  
disputes by  
commis-  
sioner.

SECT. 3. Whenever any controversy or difference arises relating to the conditions of employment or rates of wages between any employer, whether individual, co-partnership or corporation, and whether resident or non-resident, and his or their employees, such controversy involving the interests of employees not less than ten persons in the same general line of business in this state, the labor commissioner shall, upon application as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into all the conditions and circumstances of the situation, hear all persons interested therein who may come before him, advise the respective parties what, if anything, ought to be conceded by either or both, and adjust such controversy or difference and, within five days after such inquiry, make a written decision thereon, a copy of which shall be furnished the parties and a copy kept on file in the bureau of labor.

Application  
for arbitra-  
tion.

SECT. 4. Said application shall be signed by said employer or by a majority of his employees in the department of the busi-

ness in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employees, the commissioner shall, before proceeding further, satisfy himself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by the commissioner.

SECT. 5. Whenever in case of any such controversy or difference the employer and employees shall fail to agree to a settlement through the commissioner as provided in section three, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitration to be chosen from citizens of the state as follows, to wit: Said employer shall appoint one, and said employees, acting through a majority, one, and these two shall select a third; these three to constitute the board of arbitration, and the findings of said board of arbitration shall be final, said findings shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employees by posting the same in three conspicuous places in the place of employment. Pending the decision of the board the business shall continue on the existing basis and the employees remain at work and said board shall render its decision within seven days after the completion of their hearing, and if said hearing is on question of wages said decision to revert back to date of beginning of said controversy. The proceedings of said board of arbitration shall be held before the commissioner of labor who shall act as chairman without the privilege of voting and who shall keep a record of the proceedings, issue subpoenas and administer oaths to the members of said board and to any witness said board may deem necessary to summon. Any notice or process issued by said board may be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service. Such arbitrators shall receive eight dollars (\$8) per day for each day actually engaged in such arbitration and the necessary traveling expenses, to be paid upon vouchers signed by the labor commissioner with the approval of the governor out of the funds appropriated for the maintenance of the bureau of labor.

Board of arbitration, when.

SECT. 6. Upon the failure of the labor commissioner in any case to secure the creation of a board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any

Sworn statement as to dispute, etc.

sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire to use it.

Strikes and lockouts, procedure.

SECT. 7. Whenever it shall come to the knowledge of said labor commissioner, either by notice from a mayor of a city, the county commissioners, the president of a board of trade, or other representative body, the president of a central labor council or assembly, or of any five reputable citizens, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or town of the state involving an employer and his or its present or past employees, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this state, and said commissioner shall be satisfied that such information is correct, it shall be the duty of such commissioner, within three days thereafter, to put himself in communication with such employer and employees and endeavor by mediation to effect an amicable settlement between them or to persuade them to submit the matter to a board of arbitration and conciliation to be appointed and to act as hereinbefore provided in case of disputes and controversies. In case the parties do not agree to so submit the matter, the said commissioner may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility.

Annual report.

SECT. 8. The said commissioner shall annually make a report of the proceedings of the bureau of labor to the governor and council containing the transactions of the office and such other matters and recommendations as he shall deem proper.

[Approved April 15, 1911.]

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## CHAPTER 199.

JOINT RESOLUTION ENDORSING UNITED STATES SENATE BILL NO. 5677 ENTITLED: "TO PROMOTE THE EFFICIENCY OF THE LIFE-SAVING SERVICE."

Preamble; senate bill endorsed.

Preamble.

WHEREAS, the United States senate has passed senate bill No. 5677 entitled: "To promote the efficiency of the life-saving service," and said bill is now in the committee of interstate and foreign commerce of the house of representatives in congress; and

WHEREAS, we believe that the officers and members of the United States life-saving service should receive from the government the same treatment in regard to retirement, long service pay, etc., as is given to the rank and file of the army and navy of the United States; and in view of the fact that from the hazardous and valuable work which the life-savers perform, the vast amount of value and the great number of lives which they save from the perils of the sea, and that said service is a branch of the government service which pays back to the public a great profit of what it costs to maintain it; and that articles of enlistment compel them to serve with the army and navy during war;

*Be It Resolved:* that they should be entitled to all privileges as given to the aforesaid bodies, and Measure endorsed.

*Be It Resolved:* that we earnestly request early and favorable action upon senate bill No. 5677 by the house of representatives in congress assembled, for retirement and relief, as recommended by the Honorable S. I. Kimball, general superintendent of the United States life-saving service, and approved by the honorable secretary of the United States treasury.

*Be It Further Resolved:* that a copy of these resolutions be immediately forwarded to the Honorable S. I. Kimball and to the honorable secretary of the treasury, Washington, D. C., and to members of congress from this state.

[Approved January 25, 1911.]

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## CHAPTER 200.

JOINT RESOLUTION IN FAVOR OF MARKING THE SITE OF THE BIRTH-PLACE OF HORACE GREELEY AT AMHERST WITH A SUITABLY INSCRIBED BOULDER.

Boulder provided for: appropriation of \$100.

*Resolved by the Senate and House of Representatives in General Court convened:*

That the governor and council be hereby directed to cause a New Hampshire boulder to be placed at the birthplace of Horace Greeley in the town of Amherst, the boulder to be so inscribed that it will mark the site of the birthplace for future generations; that the governor be authorized to draw his warrant upon the treasury for a sum not exceeding \$100 to defray the expense. a Boulder provided for; appropriation of \$100.

[Approved February 2, 1911.]

## CHAPTER 201.

JOINT RESOLUTION TO PROVIDE FOR THE PUBLICATION OF THE PROCEEDINGS AT THE DEDICATION OF THE REMODELED STATE HOUSE, OCTOBER 25, 1910.

Publication authorized; appropriation of \$400.

*Resolved by the Senate and House of Representatives in General Court convened:*

Publication authorized; appropriation of \$400.

That the secretary of state cause to be published in book form the proceedings at the dedication of the remodeled state house October 25, 1910, and that a sum not exceeding four hundred dollars be and hereby is appropriated for that purpose, and that the governor is hereby authorized to draw his warrant for the same from any money in the treasury not otherwise appropriated.

[Approved February 8, 1911.]

## CHAPTER 202.

JOINT RESOLUTION AUTHORIZING THE ATTORNEY-GENERAL TO PROSECUTE AND DEFEND AT THE EXPENSE OF THE STATE CERTAIN PENDING LITIGATION AFFECTING THE PUBLIC INTERESTS, AND PROVIDING FOR DEFRAYING THE EXPENSE THEREOF

Preamble; authority granted.

Preamble.

WHEREAS, the attorney-general has heretofore brought a suit in equity against the Boston & Maine Railroad to enjoin said corporation from charging and collecting, on various lines of railroad operated by it in this state under lease and otherwise, numerous rates for fares and freights understood to be in excess of the maximum rates allowed to be charged thereon by the laws of this state, which suit is now pending in the superior and supreme courts; and

WHEREAS, said Boston & Maine Railroad and various other public-service corporations, claiming that certain taxes heretofore assessed against them by the state board of equalization were excessive, have taken appeals from such assessments, which appeals are now pending in said courts; and

WHEREAS, the American Express Company has likewise appealed from certain orders heretofore made by the state board of railroad commissioners in proceedings brought by individual



citizens for a reduction of certain rates charged by said corporation within this state for the transportation of express matter, which appeal is now pending in the superior court; and

WHEREAS, the questions involved in all suits and appeals directly affect the interests of and are of grave concern to the citizens of this state and the public generally, and the due protection of the public interests therein may involve considerable expense, to defray which no funds have heretofore been appropriated; now therefore be it

*Resolved by the Senate and House of Representatives in General Court convened:*

That the attorney-general be and hereby is authorized and directed, in behalf of the people of the state, to prosecute to final determination the above mentioned railroad-rate suit, to appear in and defend to final determination the several above-mentioned appeals, and, under the direction of the governor and council, to employ such assistance and incur such expense as may be reasonably necessary for the protection of the public interests in the preparation and prosecution or defense thereof, including the investigation of facts and collection and presentation of evidence; and that the governor be and hereby is authorized from time to time to draw his warrant upon any money in the treasury, not otherwise appropriated, for the reasonable expenses incurred as aforesaid. Authority granted.

[Approved February 16, 1911.]

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## CHAPTER 203.

JOINT RESOLUTION IN FAVOR OF NATHAN O. WEEKS OF WAKEFIELD.

Payment of \$100 authorized.

*Resolved by the Senate and House of Representatives in General Court convened:*

That the state treasurer be and hereby is authorized and directed to pay to Nathan O. Weeks of Wakefield the sum of one hundred dollars for salary as a member of this house in the year 1909. Payment of \$100 authorized.

[Approved February 22, 1911.]

## CHAPTER 204.

JOINT RESOLUTION IN FAVOR OF WALDO R. HOWARD OF CROYDON,  
N. H., FOR NECESSARY EXPENSES INCURRED IN MAINTAINING  
HIS RIGHT TO A SEAT IN THE HOUSE.

Allowance of \$124.02.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Allowance of  
\$124.02.

That Waldo R. Howard of Croydon, N. H., be allowed the sum of one hundred twenty-four dollars and two cents for necessary expenses incurred in maintaining his right to a seat in the house, and that the governor be, and is hereby authorized, to draw his warrant for the said sum out of any money not otherwise appropriated.

[Approved February 22, 1911.]

## CHAPTER 205.

JOINT RESOLUTION IN FAVOR OF CLAYTON C. FOSS AND OTHERS.

Sundry allowances for services.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Sundry allow-  
ances for ser-  
vices.

That Clayton C. Foss, assistant warden of cloak room, be paid \$31.50; George W. Parker, telephone messenger, \$22.50; Arthur F. Bickford, page, \$18; Carl C. Merryman, page, \$18; Harold L. Davis, page, \$29.49; Fred G. Brown, page, \$28, for their services rendered at the organization of the present senate and house of representatives; and that 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 22, 1911.]

## CHAPTER 206.

JOINT RESOLUTION TO PROVIDE FOR CERTAIN DEFICIENCIES IN  
STATE EXPENSES FOR THE YEAR ENDING AUGUST 31, 1911.

Appropriations aggregating \$36,962.82.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

That the sum of thirty-six thousand nine hundred sixty-two and 82-100 dollars be and the same is hereby appropriated for the purposes hereinafter specified for the year ending August 31, 1911, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated, to wit: For deficiency in salary of the deputy secretary of state one hundred and fifty dollars. For adjutant general's department, printing report, eight hundred and fifty dollars. For repairing and replacing furniture in supreme court room, two hundred dollars. For deficiency in salary of messenger to the supreme court, thirty-three and 33-100 dollars. For fish and game commission department, enlarging and improving Laconia fish hatchery, fifteen hundred dollars, general expenses, three thousand dollars, detectives, twenty-seven hundred and fifty dollars, incidentals, one hundred and twenty-five dollars, printing, one hundred and twenty-five dollars. For department of public instruction, incidentals, eight hundred and fifty dollars. For state library department, deficiency in salaries, two hundred and fifty dollars. For state house department, salaries and payroll, thirty-five hundred dollars, lighting and power, eighteen hundred dollars, water, one hundred and twenty-five dollars, fuel, seven hundred dollars. Miscellaneous, including furniture and repairs, twenty-five hundred dollars, telephone service, eight hundred dollars. For industrial school department, five thousand dollars to pay indebtedness incurred prior to September 1, 1909. For N. H. State Sanatorium, maintenance, five thousand dollars. For state prison department, deficit in running expenses, five hundred dollars. For schools, chapter 158, Laws 1909, seven thousand two hundred and four dollars and forty-nine cents.

Appropriations aggregating \$36,-  
962.82.

[Approved March 2, 1911.]

## CHAPTER 207.

JOINT RESOLUTION IN FAVOR OF JAMES W. PRIDHAM OF NEWCASTLE FOR NECESSARY EXPENSES INCURRED IN MAINTAINING HIS RIGHT TO A SEAT IN THIS HOUSE.

Allowance of \$79.62.

*Resolved by the Senate and House of Representatives in General Court convened:*

Allowance of  
\$79.62.

THAT James W. Pridham, of Newcastle, be allowed the sum of seventy-nine dollars and sixty-two cents for expenses incurred in maintaining his right to a seat in this house, and that the governor be and is hereby authorized to draw his warrant for the said sum out of any money in the treasury not otherwise appropriated.

[Approved March 15, 1911.]

## CHAPTER 208.

JOINT RESOLUTION IN FAVOR OF CLEANING THE HANNAH DUSTIN MONUMENT AND PAINTING FENCE SURROUNDING THE SAME.

Appropriation of \$75.

*Resolved by the Senate and House of Representatives in General Court convened:*

Appropriation of \$75.

THAT a sum not exceeding seventy-five dollars be and is hereby appropriated for the purpose of cleaning the Hannah Dustin monument in Boscawen, N. H., and painting the fence surrounding the same. And that the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated and that the same be expended under the direction of the selectmen of Boscawen.

[Approved March 15, 1911.]

## CHAPTER 209.

JOINT RESOLUTION IN FAVOR OF DAVID SPREADBY OF NORTHUMBERLAND, FOR NECESSARY EXPENSES INCURRED BY HIM IN MAINTAINING HIS RIGHT TO A SEAT IN THIS HOUSE.

Allowance of \$105.18.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of \$105.18 be and hereby is appropriated to reimburse David Spreadby of Northumberland for his expenses in maintaining his seat in this house, as follows: To cash paid carfares David Spreadby in coming to Concord to prepare for and attend hearing before committee on elections, \$20.53; to cash paid expenses M. M. Blanchard attending recount and services, \$17.13; to cash paid expenses J. B. McFarland attending hearing as witness, \$17.52; to services William A. Foster and DeWitt C. Howe, services in preparation for and attending hearing, \$50.00: \$105.18: and that the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved March 17, 1911.]

## CHAPTER 210.

JOINT RESOLUTION IN RELATION TO A VOLUME OF REMINISCENCES OF THE SERVICES OF THE THIRD REGIMENT, NEW HAMPSHIRE VOLUNTEERS, AND OF EMINENT NEW HAMPSHIRE SOLDIERS IN THE WAR OF THE REBELLION.

Purchase of copies authorized.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the secretary of state is authorized to purchase for distribution "Reminiscences of the War of the Rebellion," by Elbridge J. Copp, as follows: Five copies for the use of the state library; five copies for the use of the New Hampshire Historical Society; two copies for the library of Dartmouth College; two copies for the New Hampshire College of Agriculture and the Mechanic Arts; one copy for the office of the secretary of state;

one copy for the office of the adjutant general; and one copy for each public library in the state; *provided* that the maximum price to be paid for each volume shall not exceed two dollars and fifty cents. *Provided* also that the subject matter of the book as to general interest and value as a contribution to the history of New Hampshire in the War of the Rebellion shall be approved by the governor and council.

[Approved March 17, 1911.]

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## CHAPTER 211.

### JOINT RESOLUTION IN FAVOR OF DAVID M. THURSTON.

Allowance of \$38.64.

*Resolved by the Senate and House of Representatives in General Court convened:*

Allowance of  
\$38.64.

THAT David M. Thurston be allowed thirty-eight dollars and sixty-four cents, the same being to reimburse him for expenses in maintaining his seat in this house as a member from the town of Eaton, and the governor is hereby authorized to draw his warrant therefor out of any money in the treasury not otherwise appropriated.

[Approved March 17, 1911.]

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## CHAPTER 212.

### JOINT RESOLUTION IN FAVOR OF HARRY T. LORD OF THE SECOND COUNCILOR DISTRICT FOR EXPENSES INCURRED IN DEFENDING HIS SEAT AS MEMBER OF THE GOVERNOR'S COUNCIL.

Allowance of \$75.

*Resolved by the Senate and House of Representatives in General Court convened:*

Allowance of  
\$75.

THAT the sum of seventy-five dollars be paid to Harry T. Lord of the second councilor district for expenses incurred by him in defending his seat as a member of the governor's council, and that the governor is hereby authorized to draw his warrant for

the same out of any money in the treasury not otherwise appropriated.

[Approved March 17, 1911.]

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### CHAPTER 213.

#### JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE SOLDIERS' HOME.

Appropriation of \$6,000 for additions and repairs.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of six thousand dollars (\$6,000) be, and hereby is appropriated for the purpose of constructing the required additions to the buildings of the New Hampshire Soldiers' Home at Tilton, and for making the necessary repairs to the present buildings, and it is herewith specifically provided that said sum, or any unexpended balance thereof, shall be available for the purposes above named, from the passage of this joint resolution until August 31, 1913. The proposed additions and repairs shall be under the supervision of the board of managers of the home, and the governor is authorized to draw his warrants for the amount named out of any money in the treasury not otherwise appropriated. Appropriation of \$6,000.

[Approved March 28, 1911.]

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### CHAPTER 214.

#### JOINT RESOLUTION IN FAVOR OF GRANITE STATE DEAF MUTE MISSION.

Annual appropriation of \$150.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one hundred and fifty dollars annually be and is hereby appropriated for the Granite State Deaf Mute Mission; and the governor is hereby authorized to draw his warrant for the same of any money in the treasury not otherwise appropriated. Annual appropriation of \$150.

[Approved March 28, 1911.]

## CHAPTER 215.

JOINT RESOLUTION TO PROVIDE FOR A REPORT UPON TOWN AND  
PARISH RECORDS.

Investigation and report provided for.

*Resolved by the Senate and House of Representatives in  
General Court convened:*Investigation  
and report  
provided for.

THAT the governor and council be authorized to appoint a suitable person to report to the next legislature upon the condition of the public records of the towns and parishes of the state, said report to be in a convenient form for printing. Said appointee shall serve without compensation, except necessary expenses to be approved by the governor and council in a sum not exceeding two hundred dollars.

[Approved March 28, 1911.]

## CHAPTER 216.

## JOINT RESOLUTION IN FAVOR OF NEWELL P. SIAS.

Allowance of \$110.

*Resolved by the Senate and House of Representatives in  
General Court convened:*Allowance of  
\$110.

THAT Newell P. Sias, of Ossipee, be allowed the sum of one hundred and ten dollars for expenses incurred in maintaining his right to a seat in this house, and that the same be paid him out of funds in the treasury, and the governor is authorized to draw his warrant therefor.

[Approved March 28, 1911.]



## CHAPTER 217.

JOINT RESOLUTION IN FAVOR OF JAMES O. GERRY.

Allowance of \$47.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of forty-seven dollars (\$47) be and the same is hereby allowed to James O. Gerry for necessary expenses incurred in maintaining his right to a seat in the senate, 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. <sup>Allowance of \$47.</sup>

[Approved March 30, 1911.]

## CHAPTER 218.

JOINT RESOLUTION APPROPRIATING \$300 FOR AN EXHIBIT AT THE NEW ENGLAND FRUIT SHOW.

Appropriation of \$300.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of \$300 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., November, 1911, 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 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, 1912. <sup>Appropriation of \$300.</sup>

[Approved March 30, 1911.]

## CHAPTER 219.

## JOINT RESOLUTION IN FAVOR OF PRESTON CHANDLER.

Allowance of \$89.

*Resolved by the Senate and House of Representatives in General Court convened:*

Allowance of  
\$89.

THAT the sum of eighty-nine dollars (\$89) be and the same is hereby allowed to Preston Chandler for necessary expenses incurred 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 March 30, 1911.]

## CHAPTER 220.

## JOINT RESOLUTION IN FAVOR OF ALBERT D. FELCH.

Allowance of \$13.25.

*Resolved by the Senate and House of Representatives in General Court convened:*

Allowance of  
\$13.25.

THAT the sum of thirteen dollars and twenty-five cents (\$13.25) be paid Albert D. Felch, chairman of the committee on roads, bridges and canals for expenses incurred by him and his committee, 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 30, 1911.]

## CHAPTER 221.

## JOINT RESOLUTION IN FAVOR OF JOHN L. NIVEN.

Allowance of \$20.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of twenty dollars be allowed John L. Niven for <sup>Allowance of \$20.</sup> expenses paid by him in defending his right to a seat in the house, 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 30, 1911.]

## CHAPTER 222.

## JOINT RESOLUTION PROVIDING FOR AN ENLARGEMENT OF THE NEW HAMPSHIRE STATE SANATORIUM.

Appropriation of \$35,700.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of thirty-five thousand seven hundred (\$35,700) <sup>Appropriation of \$35,700.</sup> dollars be and hereby is appropriated for the purposes of enlarging, completing and furnishing the New Hampshire State Sanatorium at Glencliff; said sum to be expended under the direction of the board of trustees of said institution, as follows: \$2,200 for the construction of a new laundry, \$1,500 for laundry machinery, \$8,000 for one new ward building, \$21,000 for a new kitchen and dining rooms, and \$3,000 for equipping and furnishing said buildings, and the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved March 31, 1911.]

## CHAPTER 223.

JOINT RESOLUTION IN FAVOR OF CHARLES H. BEAN OF THE SIXTH  
SENATORIAL DISTRICT.

Appropriation of \$23.92.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Appropriation of \$23.92.

THAT the sum of \$23.92 be and hereby is appropriated to reimburse Charles H. Bean of Franklin, N. H. for his expenses in maintaining his seat in the senate as follows: For counsel fees at recount, \$15; I. V. Goss as witness, \$5; hotel bills, \$2; car fares Franklin to Concord and return, \$1.92; total, \$23.92, and that the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved April 6, 1911.]

## CHAPTER 224.

JOINT RESOLUTION IN FAVOR OF JOSEPH E. BURKE OF MADISON  
TO REIMBURSE HIM FOR MONEY PAID THE NEW HAMPSHIRE  
STATE HOSPITAL.

Payment of \$473.35 authorized.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Payment of \$473.35 authorized.

THAT the treasurer of the New Hampshire State Hospital be and hereby is authorized and directed to pay to Joseph E. Burke of Madison, New Hampshire the sum of four hundred seventy-three dollars and thirty-five cents (\$473.35) said amount having been paid to the New Hampshire State Hospital for board of Herbert S. Burke, an insane person, by said Joseph E. Burke as guardian of said insane person, under misapprehension of the laws, whereby said guardian has been obliged to reimburse the estate of his said insane ward to the extent of the aforesaid amount.

[Approved April 7, 1911.]

## CHAPTER 225.

JOINT RESOLUTION PROVIDING FOR A COMMITTEE TO CONSIDER  
THE QUESTION OF A STATE WORKHOUSE.

Committee provided for; appropriation of \$800.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the governor, with the advice and consent of the council, be and hereby is authorized to appoint a committee consisting of three members to consider the question of a state workhouse or reformatory. The said committee shall report to the next legislature, sometime during the first six days of the session of January, 1913, as to the probable cost of the erection and maintenance of such an institution, together with such recommendations as they deem proper. The committee shall serve without pay, but shall receive their actual reasonable expenses. The sum of eight hundred dollars (\$800), or so much thereof as may be necessary, is hereby appropriated for the purpose of paying the actual reasonable expenses of said committee in making the said investigation and report, and the governor is hereby authorized to draw his warrant for the same.

Committee provided for; appropriation of \$800.

[Approved April 13, 1911.]

## CHAPTER 226.

JOINT RESOLUTION IN FAVOR OF SCREENING BLAISDELL LAKE IN  
THE TOWN OF SUTTON.

Appropriation of \$150.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT a sum not exceeding one hundred and fifty dollars be and hereby is appropriated for the purpose of screening the outlet of Blaisdell lake or Long pond, so called, in the town of Sutton, and that the governor is hereby authorized to draw his warrant for the same from the appropriation for that purpose provided for the fish and game commission department.

Appropriation of \$150.

[Approved April 14, 1911.]

## CHAPTER 227.

JOINT RESOLUTION IN FAVOR OF SCREENING WEBSTER LAKE IN  
FRANKLIN.

Appropriation of \$350.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Appropriation of \$350.

THAT a sum not exceeding three hundred and fifty dollars be and is hereby appropriated for the purpose of screening Webster lake in Franklin, N. H., and that the governor is hereby authorized to draw his warrant for the same from the appropriation for that purpose provided for the fish and game commission department.

[Approved April 14, 1911.]

## CHAPTER 228.

JOINT RESOLUTION IN REFERENCE TO THE SETTLEMENT OF THE  
APPEALS OF THE BOSTON & MAINE RAILROAD FROM THE ASSESSMENT OF TAXES FOR THE YEARS 1909 AND 1910, BY THE STATE BOARD OF EQUALIZATION.

Preamble; compromise and settlement authorized.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Preamble.

THAT WHEREAS, there are now pending in the supreme court, appeals by the Boston & Maine Railroad, Maine Central Railroad and The Grand Trunk Railway from the taxes assessed against them by the state board of equalization for the years 1909 and 1910, and

WHEREAS, the Boston & Maine Railroad, Maine Central Railroad and The Grand Trunk Railway have expressed a desire to enter into a plan for the compromise and adjustment of said appeals, and have expressed their willingness to agree to any plan of compromise which the legislature may adopt, now, therefore, be it

Compromise and settlement authorized.

*Resolved*, that the attorney-general, with the approval of the governor and council, be, and he is hereby, authorized and fully empowered, on behalf of the state, to make such adjustment, compromise and settlement of the matters in controversy between the state and the Boston & Maine Railroad, Maine Central Railroad

and The Grand Trunk Railway growing out of the assessment of the taxes upon said railroads by the state board of equalization for the years 1909 and 1910, as he and they may deem expedient and for the best interests of the state and be it further

*Resolved*, That if, by the terms of said compromise, adjustment and settlement, any abatement or reduction of the tax for the year 1909 is allowed, the amount thereof shall not be repaid by the state but shall be applied upon the tax for the year 1911, and if any abatement or reduction of the tax for the year 1910 is allowed, the amount thereof shall not be repaid by the state but shall be applied upon the tax of said railroads for the year 1912.

[Approved April 14, 1911.]

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CHAPTER 229.

JOINT RESOLUTION AUTHORIZING THE GOVERNOR TO APPOINT A COMMITTEE TO EXAMINE INTO THE WORKINGS OF THE SYSTEM OF CENTRALIZED SUPERVISION OF PENAL AND CHARITABLE INSTITUTIONS.

Appointment of committee authorized.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the governor, be, and hereby is authorized to appoint a committee consisting of three suitable persons to examine and inquire into the workings of the system of centralized supervision and direction of charitable, penal and reformatory institutions in states in which such system is in operation, and report its findings to the next legislature; such committee to serve without pay, and the governor is hereby authorized to draw his warrant out of any money in the treasury not otherwise appropriated, for reasonable expenses of the committee.

Appointment  
of committee  
authorized.

[Approved April 15, 1911.]

## CHAPTER 230.

## JOINT RESOLUTION FOR THE TREATMENT OF PERSONS AFFLICTED WITH TUBERCULOSIS, PARTICULARLY IN THE ADVANCED STAGES.

Free beds provided for; appropriation of \$20,000.

*Resolved by the Senate and House of Representatives in General Court convened:*

Free beds provided for; appropriation of \$20,000.

THAT for the treatment of persons afflicted with tuberculosis, particularly in the advanced stage, and who are unable to pay the cost of such treatment; and for the encouragement of the establishment and maintenance of sanatoria for the treatment of such persons, the state board of charities and correction be and hereby are authorized to engage free beds in such sanatoria or other places as have been approved by the state board of health for the treatment of such persons as the state board of charities and correction may specify. Indigent consumptives, citizens of the state, who are unable to pay any part of the cost of said treatment, may be admitted to said free beds by the authority of the secretary of the state board of charities and correction in accordance with the ordinary regulations of said sanatoria. Persons in needy circumstances, who, by themselves, relatives or friends, are unable to pay part of the cost of said treatment, may be admitted to said sanatoria or other places and maintained and treated therein at the expense of the state to that extent that they cannot by themselves, friends or relatives, chargeable therefor, pay cash cost of treatment when the state board of charities and correction so certify and stipulate the proportion the state shall assume to pay. This act shall not be construed so as to deprive any person to whom aid is rendered of any right that he may have at the time of his admission to said sanatorium. To defray the expenses of engaging said free beds and assisting persons in needy circumstances to treatment in said sanatoria, a sum not exceeding \$20,000 for each of the years 1911-1912 is hereby appropriated and the governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. This joint resolution shall take effect upon its passage.

[Approved April 15, 1911.]



## CHAPTER 231.

JOINT RESOLUTION IN FAVOR OF SCREENING HALF MOON POND  
IN THE TOWNS OF ALTON AND BARNSTEAD.

Two appropriations of \$75 each.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT a sum not exceeding seventy-five dollars be and hereby is appropriated for the purpose of screening the outlet of Half Moon pond in the towns of Alton and Barnstead, and that the governor is hereby authorized to draw his warrant for the same from the appropriation for that purpose provided for the fish and game commission department. That a sum not exceeding seventy-five (\$75) dollars be and hereby is appropriated for the purpose of screening the outlet of Angle pond in the town of Hampstead and Sandown, and the governor is hereby authorized to draw his warrant for the same from the appropriation provided for the fish and game department.

Two appropriations of \$75 each.

[Approved April 15, 1911.]

## CHAPTER 232.

## JOINT RESOLUTION IN FAVOR OF PETER T. HARRITY.

Allowance of \$171.52.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT Peter T. Harrity of Rochester, N. H., be allowed the sum of one hundred and seventy-one dollars and fifty-two cents for expenses incurred in maintaining his right to a seat in this house, and that the governor, be and is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Allowance of \$171.52.

[Approved April 15, 1911.]

## CHAPTER 233.

JOINT RESOLUTION IN FAVOR OF C. E. HEWITT FOR SERVICES IN  
REFERENCE TO HOUSE BILL NO. 318.

Allowance of \$145.15.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Allowance of  
\$145.15.

THAT the sum of one hundred forty-five 15-100 dollars (\$145.15) be paid to C. E. Hewitt for services and expenses on house bill No. 318, in reference to erecting and equipping a central heat and light plant for the state house, state library and New Hampshire Historical Society buildings, as authorized by house resolution of February 9th, and that the governor is hereby authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

[Approved April 15, 1911.]

## CHAPTER 234.

JOINT RESOLUTION TO SCREEN THE OUTLET OF SUNCOOK POND IN  
THE TOWNS OF NORTHWOOD AND EPSOM.

Appropriation of \$350.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

Appropriation of \$350.

THAT the sum of three hundred and fifty dollars be and the same hereby is appropriated for screening the outlet of Suncook pond in the towns of Northwood and Epsom, the same to be expended under the direction of the fish and game commissioners in accordance with the existing law, and the governor is hereby authorized to draw his warrant for the same out of the appropriation for that purpose provided for the fish and game commission department.

[Approved April 15, 1911.]

## CHAPTER 235.

JOINT RESOLUTION TO APPROPRIATE \$150 FOR THE PURPOSE OF REPAIRING THE SCREEN AT THE OUTLET OF SUCCESS POND IN THE TOWN OF SUCCESS.

Appropriation of \$150.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one hundred and fifty dollars be, and hereby <sup>Appropriation of \$150.</sup> is appropriated for the purpose of repairing and extending the screen across the outlet of Success pond in the town of Success, said appropriation to be expended and said screen to be repaired and extended during the year 1911-'12 under the direction and supervision of the fish and game commissioners of the State of New Hampshire and said amount to be appropriated shall be paid and expended out of the appropriation for that purpose provided for the fish and game commission department.

[Approved April 15, 1911.]

## CHAPTER 236.

JOINT RESOLUTION IN FAVOR OF SCREENING THE OUTLET OF MONTGOMERY LAKE IN THE TOWN OF WHITEFIELD.

Appropriation of \$75.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of seventy-five dollars be and the same hereby <sup>Appropriation of \$75.</sup> is appropriated for the building of a fish screen at the outlet of Montgomery lake in the town of Whitefield, 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 the appropriation for that purpose provided for the fish and game commission department.

[Approved April 15, 1911.]

## CHAPTER 237.

JOINT RESOLUTION TO PROVIDE FOR DEFICIENCIES IN THE APPROPRIATION FOR EXPENSES OF THE LEGACY TAX DEPARTMENT AND PER DIEM AND EXPENSES OF THE HONORABLE COUNCIL FOR THE YEAR ENDING AUGUST 31, 1911.

Sundry appropriations for deficiencies.

*Resolved by the Senate and House of Representatives in General Court convened:*

Sundry appropriations for deficiencies.

THAT the sum of one thousand dollars, in addition to the amount provided by chapter 169 of the Laws of 1909, be and the same is hereby appropriated for current expenses, furniture and supplies for the legacy tax department, for printing railroad commission report, six hundred dollars, and the sum of thirty-five hundred dollars for the per diem and expenses of the honorable council is hereby appropriated, for the year ending August 31, 1911, and the governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved April 15, 1911.]

## CHAPTER 238.

JOINT RESOLUTION PROVIDING FOR THE ERECTION AND EQUIPPING OF A BRANCH STATE FISH HATCHERY IN THE TOWN OF CONWAY.

Appropriation of \$1,500.

*Resolved by the Senate and House of Representatives in General Court convened:*

Appropriation of \$1,500.

THAT a sum not exceeding fifteen hundred dollars be and the same is hereby appropriated for the purpose of erecting and equipping a branch state fish hatchery in the town of Conway on land already leased by the state for that purpose, and the governor is hereby authorized to draw his warrant for the same out of the appropriation for that purpose provided for the fish and game commission department, said money to be expended under the direction of the fish and game commissioners.

[Approved April 15, 1911.]

## CHAPTER 239.

JOINT RESOLUTION IN FAVOR OF THE NEW HAMPSHIRE SCHOOL  
FOR FEEBLE-MINDED.

Aggregate appropriations of \$23,000 for sundry purposes.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of seventy-five hundred (\$7,500) dollars be and hereby is appropriated for a reservoir, capacity 250,000 gallons, piping and hydrants, etc.; that thirty-one hundred and fifty dollars be appropriated for twenty horse-power pump, motor and power-house; that eighty-six hundred dollars (\$8,600) be appropriated for sewage, filter-beds and settling basin; that six thousand dollars (\$6,000) be appropriated for purchase of Brown farm, seventy acres and buildings; that eleven hundred and twenty-five dollars (\$1,125) be appropriated for purchase of land now rented; that sixteen hundred and twenty-five dollars (\$1,625) be appropriated for a vegetable cellar and shed for farm implements. The governor is hereby authorized to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

Aggregate ap-  
propriations  
of \$23,000.

[Approved April 15, 1911.]

## CHAPTER 240. ✓

JOINT RESOLUTION APPROPRIATING MONEY FOR THE BENEFIT OF  
THE NEW HAMPSHIRE COLLEGE OF AGRICULTURE AND THE  
MECHANIC ARTS.

Aggregate appropriations of \$31,500 for sundry purposes.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of thirty-one thousand five hundred 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: Five thousand dollars for the erection of a horse barn; three thousand dollars for the purchase of live

Aggregate ap-  
propriations  
of \$31,500.

stock for the farm; five thousand dollars annually for running expenses for the ensuing two years; two thousand five hundred dollars annually for the agricultural extension work for the ensuing two years; seven hundred and fifty dollars annually for printing and distributing bulletins of the experiment station for the ensuing two years; seven thousand dollars for the establishment and maintenance of courses in forestry.

[Approved April 15, 1911.]

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### CHAPTER 241.

JOINT RESOLUTION TO REPAY THE TOWN OF WALPOLE FOR MONEY EXPENDED IN ACQUIRING THE FRANCHISE OF THE TUCKER TOLL BRIDGE.

Appropriation of \$8,000.

*Resolved by the Senate and House of Representatives in General Court convened:*

Appropriation of \$8,000.

THAT the sum of eight thousand dollars (\$8,000) be and hereby is appropriated to repay to the town of Walpole the money expended to acquire the franchise of the Tucker toll bridge, so called, in said town.

[Approved April 15, 1911.]

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### CHAPTER 242.

JOINT RESOLUTION FOR REPAIRING AND MAINTAINING MOUNT CROTCHET ROAD IN THE TOWN OF FRANCESTOWN.

Appropriation of \$100.

*Resolved by the Senate and House of Representatives in General Court convened:*

Appropriation of \$100.

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; and the governor is authorized

to draw his warrant for the same out of any money in the treasury not otherwise appropriated.

[Approved April 15, 1911.]

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### CHAPTER 243.

#### JOINT RESOLUTION IN FAVOR OF SUNAPEE LAKE.

Annual appropriation of \$400.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of four hundred dollars (\$400) be and is hereby appropriated for each of the years 1912 and 1913 for the purpose of maintaining buoys, flags and beacons, and removing obstructions to steamboat and naphtha launch navigation and erecting and maintaining a light house at the entrance to Lakeside in New London, and it shall be the duty of the agent, appointed by the governor, by and with the consent of the council, to have buoys and flags in position and lights burning from June first to October first during each of said years and perform such other duties as the governor and council may direct.

Annual appropriation of \$400.

[Approved April 15, 1911.]

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### CHAPTER 244.

#### JOINT RESOLUTION TO PROVIDE FOR THE ERECTION ON THE BATTLEFIELD OF GETTYSBURG OF A MONUMENT OR MEMORIAL TO THE FIRST NEW HAMPSHIRE VOLUNTEER LIGHT BATTERY WHO SERVED IN SAID ACTION.

Appropriation of \$1,000.

*Resolved by the Senate and House of Representatives in General Court convened:*

THAT the sum of one thousand dollars be and hereby is appropriated for the erection on the battlefield of Gettysburg, Pa., of a suitable monument or memorial in honor of the First New Hampshire Volunteer Light Battery; and that the above sum to include the preparation of a suitable place on which said monument or memorial shall be erected, and that the above named

Appropriation of \$1,000.

sum be paid upon the approval of the governor and council to the duly authorized officers or committee of the before mentioned organization, and the governor is hereby authorized to draw his warrant for the payment thereof.

[Approved April 15, 1911.]

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## CHAPTER 245.

JOINT RESOLUTION IN FAVOR OF THE INDUSTRIAL SCHOOL AND PROVIDING FOR ANY DEFICIENCY THAT MAY ARISE IN THE PAYMENT OF SALARIES AND MAINTENANCE FOR THE YEAR ENDING AUGUST 31, 1911.

Preamble; appropriation of \$10,000.

Preamble.

WHEREAS there has been a very large increase in the number of inmates in said school during the past year not anticipated when the appropriation was made for the industrial school for the year ending August 31, 1911, and

WHEREAS it now appears there will be no decrease in numbers and to properly maintain said inmates and provide a suitable number of officers to safeguard them, considering their inadequate accommodations, and of changes and alterations that should be made in the present buildings, that the appropriation made for salaries and maintenance for the year ending August 31, 1911, will be wholly insufficient; now therefore be it

*Resolved by the Senate and House of Representatives in General Court convened:*

Appropriation of \$10,000.

That the following sum for the following purpose be and the same is hereby appropriated to the industrial school for use to meet any deficiency that may arise for the year ending August 31, 1911, to wit: For maintenance ten thousand dollars. Said sum to be expended by the trustees of the 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 15, 1911.]



## CHAPTER 246.

JOINT RESOLUTION PROVIDING FOR STATE REPRESENTATION IN  
ARRANGING FOR THE OBSERVANCE OF THE FIFTIETH ANNIVERSARY  
OF THE BATTLE OF GETTYSBURG.

Appropriation of \$200.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of two hundred dollars be and hereby is appropriated to be expended under the direction of the governor and council, for the purpose of defraying the expenses of such person or persons as may be designated to represent the state at the preliminary conference to arrange for the proper observance of the fiftieth anniversary of the Battle of Gettysburg, 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 \$200.

[Approved April 15, 1911.]

## CHAPTER 247.

JOINT RESOLUTION PROVIDING FOR THE PAYMENT OF THE EXPENSES OF A CONVENTION TO REVISE THE CONSTITUTION.

Appropriation of \$25,000.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT a sum not exceeding twenty-five thousand dollars be and is hereby appropriated to pay the expenses of a convention to revise the constitution; and the governor is authorized to draw his warrant for so much of said sum as may be necessary for that purpose. Appropriation of \$25,000.

[Approved April 15, 1911.]

## CHAPTER 248.

JOINT RESOLUTION APPROPRIATING MONEY FOR THE USE OF  
DARTMOUTH COLLEGE.

Annual appropriation of \$20,000.

*Resolved by the Senate and House of Representatives in  
General Court convened:*Annual  
appropriation  
of \$20,000.

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. This appropriation shall include ten scholarships each year for two years for the full prepaid tuition of \$125 per year, at the disposal of the state, to be awarded to worthy students residents of New Hampshire. For the second year these scholarships may be awarded to the same or to different students. The students granted these scholarships shall be appointed by the governor and council on recommendation of the president of Dartmouth College and the superintendent of public instruction, and these students shall be chosen from the different counties of the state so far as this distribution is found practicable.

[Approved April 15, 1911.]

## CHAPTER 249.

JOINT RESOLUTION RELATING TO THE CURRENT EXPENSES OF THE  
INDUSTRIAL SCHOOL.

Aggregate appropriations of \$100,600 for sundry purposes.

*Resolved by the Senate and House of Representatives in  
General Court convened:*Aggregate ap-  
propriations  
of \$100,600.

THAT the following sums for the following purposes be and the same are hereby appropriated to the industrial school, for use from August 31, 1911, to September 1, 1912, to wit: For salaries fifteen thousand dollars, for clerical expenses three hundred dollars, for maintenance thirty-five thousand dollars, and for use

from August 31, 1912, to September 1, 1913, for salaries fifteen thousand dollars, for clerical expenses three hundred dollars, and for maintenance thirty-five thousand dollars. Said sums to be expended by the trustees of said industrial school. The governor is hereby authorized to draw his warrant for the said sums out of any money in the treasury not otherwise appropriated.

[Approved April 15, 1911.]

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## CHAPTER 250.

### JOINT RESOLUTION IN FAVOR OF THE SETTLEMENT ASSOCIATION OF NEW HAMPSHIRE.

Appropriation of \$5,000.

*Resolved by the Senate and House of Representatives in  
General Court convened:*

THAT the sum of five thousand (\$5000) dollars be, and the same is hereby appropriated for the use of the Settlement Association of New Hampshire to aid said association in carrying into effect its corporate purpose to provide, maintain, and support a non-sectarian home or homes for young working women, or women training for self support who need temporary aid; 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 \$5,000.

[Approved April 15, 1911.]

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## CHAPTER 251.

### 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 \$17,690.30 be paid as follows: That Albert P. Davis, sergeant-at-arms, be paid \$412; that William W. Critchett, sergeant-at-arms, be paid \$412; that Edgar H. Calvert, messenger, be paid \$360.50; that James A. Loughlin, assistant messenger, be paid \$351.50; that Melvin J. Jenkins, doorkeeper, be paid

Allowances to  
sundry persons.

\$360.50; that Solon S. Whithed, telephone messenger, be paid \$294; that Miss Helen George, stenographer, be paid \$404; that Miss Margaret E. Collins, stenographer, be paid \$404; that Howard O. Nelson, custodian of mail and supplies, be paid \$357; that Rev. Charles C. Garland, chaplain, be paid \$357; that Walter J. A. Ward, doorkeeper, be paid \$357; that John F. Bartlett, doorkeeper, be paid \$357; that Oscar D. Beverstock, doorkeeper, be paid \$357; that Charles A. Holden, doorkeeper, be paid \$353.50; that William E. Dow, warden of coat room, be paid \$357; that William M. Holman, assistant warden of coat room, be paid \$353.50; that Eugene D. Sanborn, library messenger, be paid \$360.50; that Richard M. O'Dowd, page, be paid \$204; that Clayton T. Waite, page, be paid \$204; that Walter B. Wells, page, be paid \$202; that Maurice P. Smith, page, be paid \$202; that Frank A. Chase, page, be paid \$202; that Edward J. Hayes, judiciary stenographer, be paid \$404; that Lizzie H. Sanborn, stenographer, be paid \$429; that Alma E. Nilson, stenographer, be paid \$429; that Carl P. Merriman, page, be paid for traveling expenses, \$9.80; that F. E. Nelson Co., for flowers for the funeral of Representative Smith of Meredith, be paid \$10.20; that John B. Clarke Co., for *Daily Mirrors*, be paid \$444.58; that the Sentinel Publishing Company, for Keene *Sentinels*, be paid \$5.25; that the Patriot Publishing Company, for *Daily Patriots*, be paid \$177.86; that the Manchester Union Co., for *Daily Unions*, be paid \$689.42; that the Telegraph Publishing Company for *Daily Telegraphs*, be paid \$32.78; that the Monitor & Statesman Co., for the *Concord Evening Monitor*, be paid \$579.26; that George E. Carter, for supplies, be paid \$367.08; that W. P. Goodman, for supplies, be paid \$19.85; that Melvin & Fitts, for supplies, be paid \$18.10; that the Smith Premier Typewriter Co., for rent of typewriter, be paid \$15; that Bent & Bush Co., for speaker's gavel, be paid \$25; that the Ideal Stamp Co., for rubber stamps, be paid \$1.25; that Alfred T. Dodge, for diagrams of council chamber, senate chamber and representatives' hall, be paid \$48.44; that James E. French be paid, for cash paid out for expenses of Lake Winnepesaukee committee, \$48.62; that Mary E. Donovan, stenographer for Lake Winnepesaukee committee, be paid \$175; that Jacob F. Dow be paid \$25.42, for expenses in maintaining his right to a seat in this house; that Walter L. Jenks & Co. be paid for supplies \$4.38; that Hawkes & Davis be paid for supplies \$4.60; that F. W. Sanborn, for supplies, be paid \$37.60; that Thompson & Hoague be paid for two silk flags for house and senate, \$70 (H. B. 601); that William H. Laws be paid for care of judiciary and ways and means committee rooms \$25; that Edwin B. Edgerly be paid \$404; that Frank F. Warren of Northumberland be allowed \$50 for attendance as representative for first four weeks of session; that Martin W. Fitzpatrick, clerk of the senate, and Harrie M.

Young, clerk of the house, be allowed \$200 each, and that Earl C. Gordon, assistant clerk of the senate, and Bernard W. Carey, assistant clerk of the house, each be allowed \$100 each; that the Concord Steam Laundry Company, for laundry work, be paid \$5.90; that Edson C. Eastman, for supplies, be paid \$262.84; that A. H. Britton & Co. be paid for supplies \$90.50; that E. L. Glick be paid for supplies \$1.25; that Edward J. Hayes be paid \$14.09 for rent of typewriter; that M. E. Clifford & Co. be paid for repairs \$122.98; that J. M. Stewart & Sons be paid for supplies \$789.83; that C. H. Swain & Co., for labor and supplies for state house, be paid \$619; that J. C. Derby Co., for vases for senate, be paid \$4; that Louis D. Brandeis, in connection with the special rate committee, be paid \$35; that William M. Haggett, in connection with the special rate committee, be paid \$641.50; that Edmund S. Cook, in connection with the special rate committee, be paid \$1,059.39; that Sherman E. Burroughs, in connection with the special rate committee, be paid \$1,094.94; that Robert Rantoul, in connection with the special rate committee, be paid \$492.59; that R. W. Pillsbury be paid for expenses of L. D. Brandeis, in connection with the special rate committee, \$15.50; that N. C. Nelson & Co., for employees' badges, be paid \$9; that Miss Helen George be paid \$25; that Miss Margaret E. Collins be paid \$25; that the Herald Publishing Company be paid \$3; that the Chronicle and Gazette Publishing Company be paid \$1.50; that George J. Foster & Company be paid \$5.

[Approved April 15, 1911.]

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## CHAPTER 252.

### NAMES CHANGED.

From January, 1909, to January, 1911, the registers of probate returned to the secretary of state the following changes of names by the probate court:

Rockingham county—Cora A. Mills to Cora A. Nudd; Harold Fay to Harold White; Viola F. Andrews to Viola F. Bickford; Sadie L. Bell to Sadie L. Taylor; Herbert Mowatt to Ralphie H. Langley; Marion Putney Martin to Marion Haley Martin; Nellie G. Gowen to Nellie G. Ross; Frederick Sylvester Currier to Frederick Sylvester Walsh; Myrtie Belle Tilton to Myrtie Belle Healey; Charlotte C. Walsh to Carrie C. Reynolds; Arthur A. Young to Arthur A. Tingley; Evelyn Dorris Prue to Evelyn Dorris Mutlock; Geo. Thomas Ramm to George Ramm Henry;

Nettie B. Sherman to Nettie B. Hunt; Walter N. White to Walter N. Taylor; Mary F. Mooers to Mary Frances Norman; Anna Frances Halloran to Anna Frances Herne; James T. McLeod to James T. Dimond; Mary Emma McGunnigle to Mary Emma Sanborn; James Dewyette McGunnigle to Roland Melton Sanborn; Lena Belle Webb to Lena Belle Davis; Barbara Case to Barbara Lilian Manson; Vivian Ruth Palmer to Vivian Ruth Tucker; Grace T. Kimball to Grace T. Coleman; Susy Gertrude Berry to Susy Gertrude Perkins; Gertrude Louise Young to Gertrude Louise Fogg; Ruth Wall to Ruth Mildred Webster; Ida M. Hill to Ida M. Blake; Charlotte Monroe to Nancy Lucille Preist; Ralph B. Heath to Ralph B. Avery; Grace E. Heath to Grace E. Avery; Genever Rittenhouse Jaques to David Rittenhouse Jaques; Evangeline Haynes to Lucille Klenke; Robert Lawton Owen to Robert Lawton Owen Braley.

**Strafford.** Strafford county—Ida Isadore Davis to Ida Isadore Mills; Allen W. Lampher to Allen Newburn Quimby (Adpt); George Bernard Whitehouse to George Foster Beard (Adpt); Forest Newton Nute to Forest Newton Page (Adpt); Verna May Colbroth to Verna May Willey; Eleanor May Smith to Eleanor Cloutman (Adpt); Eunice Agnes Mathes to Eunice Agnes Varney; Harold Anderson to Harry Spagnola.

**Belknap.** Belknap county—Louis Buffum Martin to Noah Louis Buffum Martin; Luella Cammet to Luella Young; Sylvester M. Smith to Carl M. Smith; Simon Grad to Samuel Grad; Nina M. Clement to Nina M. Staples; Mabel A. Aldrich to Mabel A. Osgood; Mary Elizabeth Horton to Dora Elizabeth Lougee; Noah Louis Buffum Martin to Louis Buffum Martin.

**Carroll.** Carroll county—Alfred Kermit Clough to Alfred Kermit Davis; Phebe I. Gay to Phebe I. Philbrick; John Allen Horne to John Allen Albee; Dorothy Edith Horne to Dorothy Horne Albee; Francis Roland Keenan to Frank Wescott Horne; Inda Evelyn Libbey to Inda Evelyn Sawyer; Georgie M. Locke to Georgie M. Goldsmith; Frederick Ryan to Frederick Stewart; Lewis Frank Smith to Lewis Frank Abbott; Ada F. Thurston to Ada F. Dickson; Hazen Bryant White to Hazen Bryant Chamberlain; Percy A. Floyd to Percy A. Thompson.

**Merrimack.** Merrimack county—Ruth Ellen Wessman to Marion Alberta Wyman; Rena Blanche Lambert to Marie Rose Lina Allard; Gladys Sarah Perley Brown to Gladys Brown Edgerly; Leon Ward to Leon Ward Flanders; Mary Helen Moran to Helen Mary Brown; Doris May Miller to Doris May Taylor; Robert Maxwell Livingston to Robert Maxwell Livingston Phelps; Sarah G. Miller to Sarah G. Smart; Helen Hayes to Helen Cavanaugh; Marion Goodwin to Marion Cota; Florence Edith Stearns to Florence Edith Philbrick; Florence Mathews to Florence Evelyn Stevens; Elizabeth R. Downing to Elizabeth Maud Bartlett; Mabel Hawes Batcher to Mabel Hawes Merrill; George Sylvester

Batcher to George Batcher Merrill; Harry P. Keniston to Harry Manton Trasher; Florence May Champney to Florence May Weeks; Constance Hodgdon to Constance Hodgdon Russell; Alice Streeter to Alice Howe; Harold Leslie Newell to Harold Leslie Hanson; Bernice May Smith to Yernage Ethelyn Sanborn; John Boutell to John Cantin; Anna Bell Miller to Annie Bell Miller Clark; Violet May Parker to Violet May Chase; George B. Newell to George R. Taylor; Frederick Charles Harrington to Nelson Irving Dennis; John Edward Baker to John Edward Winslow; Elsie Almira Chandler to Elsie Chandler Thorne; Jennie M. Strang to Jennie M. Ford; Jeremiah Elmore Franklin to Jeremiah Edward Franklin; William H. Moses to Henry Batchelder; Nina M. Wilson to Nina M. Colby; Florence B. Hyde to Florence B. Brown; Reginald D. Venne to Reginald D. Livingston; Saml Niles Allen to Samuel Niles Allen; William J. Raynor to William J. Wells; Abbie L. R. Howe to A. Louisa R. Morrison; Della Cooper to Della Rollins; Josie M. Brown to Josephine M. Brown; Winefred B. Drake to Winifred V. Bailey; Grace E. Blanchard to Grace E. Guild; Ella M. Clough to Ella M. Howlett.

Hillsborough county—Elizabeth Dorothy Robinson to Elizabeth Dorothy Davies; Nellie Susan Kileren to Nellie Susan Poste; Rachel E. Beernaert to Rachel Hauterman; Warren Luman Sanborn to Luman Warren Sanborn; Gertrude M. Hardy to Gertrude M. Davis; Joseph S. Wilensky to Joseph S. Willens; Frances E. Chase to Frances E. Greene; Bridget Rochelle to Beatrice Rochelle; Hattie Lillian Cote to Hattie Lillian Dawson; Dora M. Tuttle to Dorothy Moore Tuttle; Emma Whidden to Emma Schiller; Ruby R. Perkins to Ruby R. Leggett; Mary Louisa Hammond to Mary Tracy Hammond; Mary E. Stevens to Mary E. Somerville; Sophronia M. Hardy to Sophronia M. Clark; Irene A. Cody to Irene May Thayer; Elizabeth McDonald to Doris Elizabeth Kennedy; Elsie M. Arbott to Isabelle E. Boutelle; Mary Weeks to Mary Gagnon; Viola Hanscom to Viola Monbleau; Joseph Eugene Blanchard to Joseph Eugene Maynard; Corinna Blanchard to Corinna Champagne; Arthur Blanchard to Arthur Dionne; William Joseph Lessard to William Joseph Richard; Francis W. Cronin to Francis W. Duffy; Elizabeth M. Shannon to Elizabeth M. Soloman; Marie Annie Roy to Marie Annie Robillard; Arthur Roy to Arthur Leclerc; Lionel L. Blanchard to Lionel Groulx; Grace Elizabeth Reber to Grace Reber Sweeney; John T. Shea to John T. Campbell; Thaddeus Warsaw Locke, Jr. to Leon Ray Carr; Adelaid Mildred Sargent to Adelaid Mildred Prescott; Chester Brown to Chester Bernard Woodburn; Hammond R. Elliott to Joseph George Martin; Harry Olson to Arthur Stanley Samuel Peterson; Helen Beatrice Ramsey to Loretta Helen Chalker; Byron Nelson Whitehouse to Byron Nelson Chalker; Adeline Scott to Mildred Arline

Mason; Donald Ellsworth Smith to Donald Ellsworth Smith Gove; Lillian Margerite Coombs to Lillian Marguerite Maguire; Esther Toomey to Esther Belanger; Paul Payne Leighton to Paul Payne Revere; Sade Ronn to Dora Selina Searles; Norman James Henry to Norman James Haskell; Ruth Baxter to Mildred Prairie; Georgia Mary Osborne to Georgia Mary Cass; Frances W. Duffy to Frances W. Lamore; John Gray to John Bilodeau; Frederick Ernest Arzt to Frederick Ernest Riescher; John Quimby to Kenneth Mansfield Hurley; Victor Gordon to Nicholas D. Mihalopoulos; Annie Leona Townsend to Annie Burns Lynch.

## Cheshire.

Cheshire county—Howard M. Tupper to Howard M. Moulton; Albert W. Tupper to Albert W. Moulton; Minnie M. Pratt to Minnie M. Prouty; Elsie Sawyer to Elsie Geneva Gates; Katherine F. Gane to Katherine Frances Gary; Augusta Carrie Barter to Augusta Carrie Robertson; Frederick Boyea to Frederick Potter; Minnie E. Farnsworth to Minnie E. Burt; Frances Neaves Scripture to Frances Neaves Bolster; Nellie Mabel Hall to Nellie Mabel Bates; Nina Gertrude Kimpton to Nina Gertrude Spaulding; George Wallace Pelkey to George Wallace Goodrich; Clara B. Pelkey to Clara B. Goodrich; Melissa J. Pelkey to Melissa J. Goodrich; Clyde A. Pelkey to Clyde A. Goodrich; Wallace Carl Pelkey to Wallace Carl Goodrich; James B. Pelkey to James B. Goodrich; Lucy Elmira Castor to Lucy Elmira Fish; infant child of May A. Paige adopted, and named Lillian May Labarn; infant child of Hattie Hunting adopted and named Mabel Helen Labarn.

## Sullivan.

Sullivan county—Arthur Edward French to Arthur Willard Putnam; — — — Reed to Thelma Magdalene Stowell; Lizzie Hazel Millbury to Hazel Dell Holbritten; John D. Morginson to John D. Gage; Wendell Gay Purmort to Wendell Phillips Dean; Mary J. Dyer to Mary J. George.

## Grafton.

Grafton county—Sophy J. Belware to Sophy J. Simino; Gertrude Brown to Bertha G. Goodwin; Margarete L. Blunt to Margarete L. Brown; Rose M. Briggs to Rose M. Wheeler; Ruth M. Creaden to Ruth M. Kennedy; Bertha H. Dennis to Bertha L. Hibbard; Irene Dunne to Irene Lillian St. Cyr; Laelossie Z. Follansbee to Flossie Ela Camp; Errol G. Hoyt to Errol G. Foote; Ephraim H. Hodgdon to Ephraim Sam'l Hunt; Marceline J. Jackson to Marceline J. Sparks; Paul Judson to John Paul Williams; Floyd Kilby to Floyd Kilby Hunt; Fannie E. Lougee to Fannie E. Simonds; Dorothy H. Mills to Marguerite Blanche Judkins; Gertrude McKeown to Jennie A. B. Hadley; Myette May Purmont to Louise Veronica Banyea; Helen Elizabeth Quintero to Helen Elizabeth Hildreth; John Raymond to John Raymond Hildreth; Charles F. Roucher to Charles F. Rich; Anna M. Stevens to Anna M. Grant; Margret E. Stevens to Margret E. Woodward; Gertrude Olive Trommer to Olive



Drummond Welton; Georgia A. Wilson to Georgia A. Johnson; Clifton F. White to Clifton F. Hews; Ethel May Watters to Ethel May Dimick.

Coos county—Caroline Sarah Smith to Caroline Sarah Gilman; Zola Agnes McLain to Zola Agnes Miles; Mamie G. DeShon to Mamie G. Heath; Franklin L. Oleson to Franklin L. Mortensen; Shirley Huggins to Shirley Patterson; Mabel Myrtle Hook to Mabel Myrtle Wilson; Daisy Margaret Dickson to Daisy Margaret MacDuffie; Walter Lawrence Loven to Walter Lawrence Smith; Ethel V. Burlock to Ethel Maye Crafts; Mary Louise Heath to Mary Louise Berry; ———— Fowler to Marie Rose Segouin; Mary Evelyn McNamara to Mary Evelyn Hoffman.

From January, 1909, to January, 1911, the registers of probate returned to the secretary of state the following changes of names by the superior court in divorce proceedings: By superior court.

Rockingham county—Josephine C. Coleman to Josephine C. Tibbetts; Mabel S. Ticknor to Mabel Sanford; Abbie T. Hoxie to Abbie T. Shaw; Alice M. Dow to Alice M. Fowler; Mary J. Carter to Mary J. Burchard; Bessie M. McGregor to Bessie M. Littlejohn; Zettie V. Toland to Zettie Villers; Ruth A. Tuttle to Ruth A. Severance; Annie S. McLane to Annie S. Brown; Nellie F. Lewis to Nellie F. Noble; Mattie A. H. Lowd to Mattie A. Horner; Annie Mae Bradley to Annie Mae Trask; Nellie C. Marshall to Nellie C. Eaton; Georgiana St. Cyr to Georgiana Lestage; Edith M. Pratt to Edith Mabel True; Alice M. Braun to Alice M. Raleigh; Georgia A. Meachem to Georgia A. Hoit; Nora E. MacDonald to Nora E. Burke; Elizabeth W. Goodwin to Elizabeth W. Lamson; Lucy H. Pecunies to Lucy May Howe; Ora A. Dexter to Ora A. Haines; Rachel O. Ingalls to Rachel O. Gammon. Rockingham.

Strafford county—Gertrude Freeman to Gertrude Hanseom; Ellen W. Quimby to Ellen W. Jarvis; Mabelle F. Witham to Mabelle F. Libby; Elizabeth A. Sullivan to Elizabeth A. Boxall; Georgie H. Hughes to Georgie H. Poole; Lulu B. Garland to Lulu B. Gray; Urania B. Thurston to Urania B. Leighton. Strafford.

Belknap county—Hattie M. McMichael to Hattie M. Drury; Iantha S. Webber to Iantha S. Moulton; Anna M. Glines to Anna M. Knowles. Belknap.

Carroll county—Emma Salumier to Emma Bean; Gertrude K. Richardson to Gertrude K. Jordan. Carroll.

Merrimack county—Julia A. Sturtevant to Julia A. Tyler; Harriette A. Wheeler to Harriette A. Marston; Verona L. Montelius to Verona L. Grant; Elizabeth K. Upton to Elizabeth K. Watson; Laura B. Bean to Laura B. Fitzgerald; Jennie H. Swift to Jennie H. Smith; Lila Thompson French to Lila Thompson; Kate A. Halpin to Kate A. Webber; Kate J. Brown to Kathryn C. Morrill; Edith M. Wells to Edith M. Deoss; Maude B. Merrimack.

Kenney to Maude Lillian Butterfield; Jennie M. Shampney to Jennie M. Carter; Ethel M. Gallagher to Ethel M. Packard; Mabel Coron to Mabel Perry; Hattie E. Pennock to Hattie E. Sweatt; Mary J. West to Mary J. Brackett; Eva L. Lord to Eva L. Scott; Jennie C. Sanborn to Jennie C. Batchelder; Alva C. Spaulding to Alva C. Bowman; Ada C. Tozier to Ada C. Pope; Dorothy G. Walker to Dorothy Gerry; Nettie V. Battis to Nettie V. Emmons.

**Hillsborough.**

Hillsborough county—Ida M. Cram to Ida M. Annis; Jennie M. McDonnell to Jennie M. Bray; Ida M. Ash to Ida M. Dickey; Rose Marcus to Rose Elfand; Etta A. Cullen to Etta A. Graf; Jennie A. Cross to Jennie A. Rogers; Mary E. Gove to Mary E. Center; Eva J. Knowlton to Eva J. Thornton; Sadie R. Cadergren to Sadie R. Jenkins; Dora G. Manseau to Dora G. Conlan; Elmeria Auger to Elmeria Martel; Alice Walch to Alice Shepard; Emily Wolf to Emily Simon; Rose B. Middleby to Rose B. Marshall; Mary Louise Gay to Mary Louise Daniels; Delia Hawes to Delia Paro; Mary A. Rich to Mary Arvilla Wyman; Hattie A. Sullivan to Hattie A. Davis; Mary B. Perkins to Mary Bootle; Margaret A. Kent to Margaret A. Wilkinson; Martha E. Ingram to Martha E. Spaulding; Eveline M. Allen to Eveline M. Dudley; Mary Agnes Pierce to Mary Agnes Cronin; Magnolia A. Russ to Magnolia A. Bessey; Della M. Crough to Della M. Severance; Marion M. Tucker to Marion M. Philbrick; Mary C. Perkins to Mary E. Call; Olive M. Horton to Olive M. Melanson; Louise Ruley to Louise Tovette; Flora E. Parker to Flora E. Merrill; Hattie Elizabeth Ayers to Harriet Elizabeth Cooke; Agnes C. Quimby to Agnes C. Sargent; Josephine M. Welch to Josephine M. Lacour; Anna A. Konstantin to Anna Alida Nuss; Margaret G. Barrett to Margaret G. Gordon; Helen I. Quimby to Helen I. Ellsworth; Eugenie Charette to Eugenie Villeneuve; M. Etta Wheeler to M. Etta Lockwood; Cora B. Watson to Cora B. Currier; Mary Heroux to Mary Martel.

**Sullivan.**

Sullivan county—Lillian I. Maxfield to Lillian I. Brown; Mary J. Brassaw to Mary J. Goodhue; Blanch S. Sessions to Blanche S. Lathrop; Addie R. Stowell to Addie R. Page; Mary E. Moore to Mary Fountain; Emma I. Gibson to Emma I. French; Grace McCasco to Grace J. Judkins; Cora M. Ellingwood to Cora M. Humphrey.

**Grafton.**

Grafton county—Ora Rebecca Dodge to Ora Rebecca Smith; Edna A. Porter to Edna A. Bradford; Emma B. Magoun to Emma B. Smart; Rose L. Wright to Rose L. Morse; L. Mae Wilkie to L. Mae Delworth; Lena A. Belding to Lena A. Goss; Eva A. Colburn to Eva A. Collins; Alice M. Duval to Alice M. Smith; Elsie M. Harris to Elsie M. Bagley; Gertrude R. Day to Gertrude R. Woods; Nellie Nute Aldrich to Nellie Frances Nute; Bertha D. DuRenfret to Bertha B. Eastman; Lillian N.

Baker to Lillian N. LeMay; Louise C. Robertson to Louise Cummings; Maude E. Cameron to Maude E. Johnson; Faustina B. Howard to Faustina B. Avery.

Coos county—Florence E. Fearon to Florence E. Eccless; <sup>Coos.</sup> Thyra B. Joy to Thyra B. Griffith; Alice S. Hartley to Alice Sargent; Hannah A. Hunt to Hannah A. Simonds; Blanche A. Dale to Blanche Archer.

# PRIVATE ACTS.

## CHAPTER 253.

AN ACT TO AMEND SECTION 4 OF CHAPTER 162 OF THE LAWS OF 1895, ENTITLED "AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF PORTSMOUTH CREATING A BOARD OF POLICE COMMISSIONERS FOR SAID CITY."

SECTION

1. Police force, how constituted; tenure of office, salaries, etc.

SECTION

2. Takes effect on passage.

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

Police force, how constituted; tenure of office, salaries, etc.

SECTION 1. Section 4 of chapter 162 of the Laws of 1895, entitled "An Act in Amendment of the Charter of the City of Portsmouth creating a Board of Police Commissioners for said City," is hereby amended by striking out from line six the words "who shall not" and inserting in place thereof the words, none of whom except the city marshal shall, so that said section as amended shall read as follows: SECT. 4. The police force of said city shall consist of a city marshal, assistant city marshal, captain of the night watch, and police officers and constables not to exceed twenty in number, who shall devote such time as may be required by the commissioners to the performance of the duties of their office, and none of whom except the city marshal shall be engaged in any other business or occupation, or hold any state, county, or municipal office, except as aforesaid, during their continuance in office; and they shall be appointed by the police commissioners, and they shall severally serve in said office during good behavior and while competent to discharge the duties of said office. The board shall, as soon as may be after its organization, appoint special police officers not exceeding eighty in number, who shall perform such service as may be required of them by the commissioners, and who shall have, when on duty, all the powers of police officers and constables, except as to the service of civil process. When on duty they shall be paid the same sum as is hereinafter provided to be paid to a regular police officer and constable. The police commissioners

shall have the right to remove any officer at any time, for just cause and after due hearing, which cause shall be specified in the order of removal. The compensation of each police officer and constable shall be two dollars and fifty cents per day, when actually on duty; of the captain of the night watch, two dollars and fifty cents per day when actually on duty; of the assistant city marshal, two dollars and fifty cents per day when actually on duty; and of the city marshal, one thousand dollars per year;—all of the above salaries, including those of the commissioners and the necessary expenses of the commissioners, to be paid monthly by said city of Portsmouth, and to be in full of all fees in criminal cases except those paid by the county. The city marshal, assistant city marshal, captain of the night watch, and each constable and police officer shall have within his precinct all the powers and authority of a constable and police officer under the law of the state.

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

Takes effect  
on passage.

[Approved January 18, 1911.]

## CHAPTER 254.

### AN ACT RELATING TO A SOLDIERS' AND SAILORS' MONUMENT IN THE TOWN OF LITTLETON.

#### SECTION

1. Prior action legalized.
2. Appropriation authorized.
3. Location, how changed.

#### SECTION

4. Takes effect on passage.
5. Repealing clause.

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

SECTION 1. All the acts, votes and transactions of the town of Littleton at a town meeting held therein on Saturday the thirty-first day of December last at two o'clock P. M. relating to a soldiers' and sailors' monument, the gift of Geo. H. Tilton to be erected upon a site designated by the donor and forever maintained by said town, are hereby ratified, confirmed, and made valid.

Prior action  
legalized.

SECT. 2. The State of New Hampshire hereby expressly gives consent to the appropriation by said town of that part of the state highway in the village of Littleton to be the perpetual site of the soldiers' monument mentioned in the aforesaid votes of said town, and hereby authorizes the discontinuance as a highway of that part of said highway which has been designated as the site of said monument.

Appropriation  
authorized.

Location, how  
changed.

SECT. 3. The selectmen of the town by agreement of the donor of the monument in writing, signed by both of said parties and filed in the town-clerk's office may alter the site of said monument so that the center of the proposed circular plot on which the monument is to be placed shall be at some other point than the one now designated for it, but the plot as changed shall be distant from the plot as now located and surveyed not more than ten feet, reckoning the distance from the center of the plot as first designated and located to the center of the changed location, —provided that the change authorized by this section shall not be made after the preparation of the ground for the erection of the monument shall have been begun and provided the change of location which they propose shall be shown by a plan and surveyed, all of which shall be placed on the town records. In case a change in the location of the site of said monument shall be made under the provisions of this section, that part of the highway which may be occupied by such altered location without a vote of discontinuance by the town is hereby discontinued as a public highway and such altered plot or site of said monument shall be forever set apart and maintained by said town as the site of said monument.

Takes effect  
on passage.  
Repealing  
clause.

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

SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

[Approved January 25, 1911.]

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## CHAPTER 255.

AN ACT IN AMENDMENT OF CHAPTER 263, LAWS OF 1895, TO  
CHANGE THE NAME OF THE PORTSMOUTH COTTAGE HOSPITAL.

SECTION

1. Name changed.

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 the corporation created by said chapter under the name of the Portsmouth Cottage Hospital be, and hereby is, changed to Portsmouth Hospital.

Takes effect  
on passage.

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

[Approved February 2, 1911.]

## CHAPTER 256.

AN ACT TO ENLARGE THE POWERS OF THE SCHOOL COMMITTEE  
OF THE CITY OF MANCHESTER IN RESPECT TO PHYSICAL  
EDUCATION.

## SECTION

1. May conduct physical training, etc.
2. Use of city lands and buildings.

## SECTION

3. Appropriations, how made.
4. Repealing clause; act takes effect on passage.

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

SECTION 1. The school committee of the city of Manchester, within the limit of the appropriations for such purposes made by it as hereinafter authorized or under existing authority of law, shall, during the summer vacation and such other part of the year as it may deem advisable, organize and conduct physical training and exercises, athletic sports, games, and play, and shall provide proper apparatus, equipment and facilities for the same in the buildings, yards and playgrounds under the control of said committee, or upon any other land which it may have the right to use for this purpose. May conduct physical training, etc.

SECT. 2. The said committee shall use for the purposes aforesaid such of the playgrounds, gymnasias or buildings under the control of the lands and buildings committee of the board of mayor and aldermen and street and park commissioners of said city as the school committee may deem suitable therefor, and may equip the same therefor, such use to be subject however, to such reasonable regulations and conditions as the lands and buildings committee of the board of mayor and aldermen and street and park commissioners of said city may provide. Use of city land and buildings.

SECT. 3. Appropriations for the above named purposes shall be made by the common council in the same manner in which it makes appropriations for the support of the public schools. Appropriations, how made.

SECT. 4. 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 February 2, 1911.]

## CHAPTER 257.

AN ACT TO AMEND SECTION 4 OF CHAPTER 162 OF THE LAWS OF 1895 AS AMENDED BY AN ACT ENACTED AT THE SESSION OF 1911 ENTITLED, "AN ACT TO AMEND SECTION 4 OF CHAPTER 162 OF THE LAWS OF 1895 ENTITLED 'AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF PORTSMOUTH CREATING A BOARD OF POLICE COMMISSIONERS FOR SAID CITY.'"

## SECTION

1. Compensation of police force.

## SECTION

2. Takes effect on passage.

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

Compensation  
of police  
force.

SECTION 1. Section 4 of chapter 162 of the session Laws of 1895, as amended, is hereby amended by striking out the words "two dollars and fifty cents" where they appear after the words "The compensation of each police officer and constable shall be," and inserting in place thereof the words two dollars and seventy-five cents, and further amend said section by striking out the words "two dollars and fifty cents per day when actually on duty" where they appear after the words "of the captain of the night watch," and inserting in the place thereof the words ten hundred and fifty dollars per year, and further amend said section by striking out the words "two dollars and fifty cents per day when actually on duty" where they appear after the words "of the assistant city marshal," and inserting in place thereof the words eleven hundred dollars per year, and further amend said section by striking out the words "one thousand dollars" where they appear after the words "of the city marshal," and inserting in place thereof the words twelve hundred dollars, and further amend said section by adding at the end thereof the words The city marshal, assistant city marshal, captain of the night watch, and each constable and police officer shall be allowed, in each year, fourteen days' vacation with pay. If any member of the police department as aforesaid resigns, or is dismissed from office, any claims for vacation shall become forfeited, so that said section as amended shall read as follows:—SECT. 4. The police force of said city shall consist of a city marshal, assistant city marshal, captain of the night watch, and police officers and constables not to exceed twenty in number, who shall devote such time as may be required by the commissioners to the performance of the duties of their office, and none of whom except the city marshal shall be engaged in any other business or occupation, or hold any state, county, or municipal office, except as aforesaid, during their continuance in office; and they shall be appointed by the police commissioners, and they shall severally serve in said office during



good behavior and while competent to discharge the duties of said office. The board shall, as soon as may be after its organization, appoint special police officers not exceeding eighty in number, who shall perform such service as may be required of them by the commissioners, who shall have, when on duty, all the powers of police officers and constables, except as to the service of civil process. When on duty they shall be paid the same sum as is hereinafter provided to be paid to a regular police officer and constable. The police commissioners shall have the right to remove any officer at any time, for just cause and after due hearing, which cause shall be specified in the order of removal. The compensation of each police officer and constable shall be two dollars and seventy-five cents per day, when actually on duty; of the captain of the night watch, ten hundred and fifty dollars per year; of the assistant city marshal, eleven hundred dollars per year; and of the city marshal, twelve hundred dollars per year; all of the above salaries, including those of the commissioners and the necessary expenses of the commissioners, to be paid monthly by said City of Portsmouth, and to be in full of all fees in criminal cases except those paid by the county. The city marshal, assistant city marshal, captain of the night watch, and each constable and police officer shall have within his precinct all the powers and authority of a constable and police officer under the laws of the state. The city marshal, assistant city marshal, captain of the night watch, and each constable and police officer shall be allowed, in each year, fourteen days' vacation with pay. If any member of the police department as aforesaid resigns, or is dismissed from office, any claims for vacation shall become forfeited.

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

Takes effect  
on passage.

[Approved February 1, 1911.]

## CHAPTER 258.

### AN ACT AUTHORIZING THE TOWN OF MILFORD TO ACCEPT A LEGACY UNDER THE WILL OF THE LATE MARY A. LULL.

#### SECTION

1. Authority granted.
2. May choose trustees for property.

#### SECTION

3. May purchase adjoining property.
4. Takes effect on passage.

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

SECTION 1. The town of Milford, being one of the legatees named in the will of Mary A. Lull, late of said Milford, deceased,

Authority  
granted.

wherein certain property is bequeathed to said town for public and charitable purposes, is hereby authorized and empowered to accept the real estate and personal property described in said will, to have and to hold the same for the uses and purposes therein set forth.

May choose trustees.

SECT. 2. Said town may choose such trustees or agents as it may deem necessary for the care and custody of said property, and make such rules and regulations for the management and control thereof as may from time to time be required.

May purchase adjoining property.

SECT. 3. Said town is further authorized and empowered to acquire by purchase or accept as a gift any real estate adjoining the tract described in said will and to hold and use the same in connection therewith.

Takes effect on passage.

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

[Approved February 8, 1911.]

CHAPTER 259.

AN ACT TO AUTHORIZE THE TOWN OF BENTON TO PURCHASE AND HOLD IN TRUST CERTAIN REAL ESTATE.

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. Elvah G. Mann, late of Concord, deceased, by her will, dated April 30, 1898, directed that, on the sale of her real estate, in Concord, the avails thereof should be invested and the securities purchased therewith turned over to the town of Benton, to be held by it, as a trust fund, for the purposes specified in said will. Said Benton is hereby authorized, on the sale of said property, either at private, or public, sale, by the executor, to purchase the same and give for the price thereof its promissory note, pending the sale of said real estate, by it, or in its behalf. The title to said real estate, in behalf of said town, to be held by trustees, to be appointed by the probate court of Grafton county, upon the petition of the selectmen of said town. Said trustees may receive, from the executor of said will, conveyance of said real estate, and hold, manage and dispose of the same, when, in their judgment, it is for the best interest of the trust fund to be created thereby, and when authorized by said court of probate. Upon the sale of said real estate, said trustees shall

invest the avails thereof, in securities approved by said probate court, and the net income therefrom shall be used for the purposes designated in said will.

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

Takes effect  
on passage.

[Approved February 8, 1911.]

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## CHAPTER 260.

AN ACT TO LEGALIZE THE ADJOURNED TOWN MEETING OF THE TOWN OF CHATHAM, HELD NOV. 12, 1910.

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. That all acts and proceedings of the adjourned town meeting of the town of Chatham held Nov. 12, 1910, are hereby declared legal, and all elections made at such meeting are hereby ratified. Meeting legalized.

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

Takes effect  
on passage.

[Approved February 8, 1911.]

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## CHAPTER 261.

AN ACT TO LEGALIZE THE ANNUAL MEETING OF THE TOWN OF GROTON, HELD MARCH 8, 1910.

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. That the annual meeting of the town of Groton, held March 8, 1910, and all votes and proceedings at said meeting be and the same are hereby legalized, ratified and confirmed. Meeting legalized.

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

Takes effect  
on passage.

[Approved February 8, 1911.]

## CHAPTER 262.

AN ACT TO AMEND SECTION 2 OF CHAPTER 3060 OF THE LAWS OF 1864 ENTITLED "AN ACT TO INCORPORATE THE NEW HAMPSHIRE UNIVERSALIST STATE CONVENTION."

## 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. That section 2 of chapter 3060 of the Laws of 1864 be amended by striking out the word "ten" in the fourth line thereof and inserting in the place thereof the words one hundred so that said section as amended shall read as follows,—  
SECT. 2. Said corporation may receive and hold all such real estate and personal estate as may be conveyed to them by gift, devise, bequest, donation or otherwise for the purposes of said corporation, not exceeding in the whole at any one time the amount of one hundred thousand dollars, and the same may manage, improve, sell, convey, or otherwise dispose of as may be necessary and convenient in promoting the purposes and interests of the corporation.

Takes effect  
on passage.

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

[Approved February 9, 1911.]

## CHAPTER 263.

AN ACT IN AMENDMENT OF CHAPTER 236 OF THE LAWS OF 1901, ENTITLED "AN ACT TO INCORPORATE THE PEERLESS CASUALTY COMPANY."

## SECTION

1. Charter amended.  
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:*

Charter  
amended.

SECTION 1. Chapter 236 of the Laws of 1901, as amended by chapter 229 of the Laws of 1905 and as further amended by chapter 325 of the Laws of 1909, is hereby amended by inserting after the words "caused by sickness" in the ninth line of section 1, the following: and for the purpose of issuing and becoming surety upon official, indemnity and other bonds; so

that said section shall read as follows: SECTION 1. Calvin B. Perry, C. J. Woodward, Walter R. Porter, John E. Allen, Walter G. Perry, and all other persons who are and who shall continue to be residents of New Hampshire and may hereafter become members in the manner hereafter described, are hereby constituted a corporation by the name of the Peerless Casualty Company, for the purpose of insuring any person against bodily injury, disablement, or death resulting from accident, and providing benefits for disability caused by sickness; and for the purpose of issuing and becoming surety upon official, indemnity and other bonds; and by said name they may sue and be sued, plead and be impleaded, have a common seal and the same alter at pleasure, and may enjoy all the other rights and powers incident to such corporations.

SECT. 2. That section 4 of chapter 236 of the Laws of 1901 and its amendment in chapter 229 of the Laws of 1905 is amended by striking out said section and inserting in place thereof the following: SECT. 4. Said corporation is hereby authorized and empowered to increase its capital stock to an amount not exceeding three hundred thousand dollars. Such increase may be made by said corporation in such sums from time to time as said corporation may vote but said corporation shall not issue or become surety upon any official, indemnity or other bond or obligation until its paid-up capital stock shall equal or exceed the sum of two hundred thousand dollars.

Increase of  
capital stock.

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

Takes effect  
on passage.

[Approved February 9, 1911.]

## CHAPTER 264.

### AN ACT TO INCORPORATE CERCLE STE. MARIE, DE L'ASSOCIATION CATHOLIQUE DE LA JEUNESSE FRANCO-AMERICAINE.

SECTION

1. Corporation constituted.
2. Power to hold property.

SECTION

3. First meeting.

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

SECTION 1. That Charles Miville, Cyrias Berubé, Elphege Guilbert, Antonio Guilbert, F. J. Houlné, Arthur Rhéault, Arthur Hebert, René Corneau, W. D. Hebert, Rodolphe Duval, Arthur Gagné, P. E. Hebert, and their associate members of said cercle, and their successors in said membership, be and they are

Corporation  
constituted.

hereby made and constituted a body politic and corporate, for social and educational purposes, and be known by the name of Cercle Ste. Marie de l'Association Catholique de la Jeunesse Franco-Americaine.

Power to hold property.

SECT. 2. Said corporation may purchase, acquire, take and hold by deed, gift, devise, bequest, or otherwise, real and personal estate to an amount not exceeding fifty thousand dollars in value, 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 formed for said purposes, and shall have the power to make such by-laws and regulations, not inconsistent with the laws of this state, as the president and members shall see fit to institute.

First meeting.

SECT. 3. The president shall call a meeting of said cercle in the same manner and at the same time as the meetings of said cercle have been heretofore called, to take action upon the acceptance of this act, and upon a vote of a majority of the members of said cercle present and voting, said cercle shall thereby become merged in this corporation; such meeting shall be the first meeting of this corporation, and at such meeting the necessary and usual officers shall be chosen.

[Approved February 16, 1911.]

CHAPTER 265.

AN ACT RELATING TO A SPRINKLING DISTRICT IN THE CITY OF ROCHESTER.

SECTION

- 1. Sprinkling precincts authorized.
- 2. Existing district abolished.

SECTION

- 3. City may share expense.
- 4. Takes effect when adopted.

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

Sprinkling precincts authorized.

SECTION 1. The city council of said city of Rochester are hereby fully empowered and authorized by ordinance to establish from time to time within the limits of said city such number of precincts as they shall deem necessary for the public convenience and to fix the boundaries thereof, and the same to enlarge, modify, and alter as the public interests may require, and within any precinct so established the mayor and city council of said city may cause the streets to be sprinkled with water as they deem necessary for the public convenience or to preserve the health of

the inhabitants of said city, and the expense of so sprinkling said streets shall be derived from a tax upon the polls, personal, and real estate situate within said precinct to be assessed and collected in the same way and manner as is now by law provided for assessing and collecting taxes within said city.

SECT. 2. The water sprinkling district now existing in said city, which has not been carried into effect, is hereby abolished. Existing district abolished.

SECT. 3. The City of Rochester may pay a proportionate part of the expense of sprinkling said precincts when established as they may deem advisable not exceeding one-third part thereof. City may share expense.

SECT. 4. This act shall take effect when adopted by the city council of said City of Rochester. Takes effect when adopted.

[Approved February 16, 1911.]

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## CHAPTER 266.

### AN ACT TO LEGALIZE THE ANNUAL TOWN MEETING OF THE TOWN OF LYME HELD MARCH 8, 1910.

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. That all acts and proceedings of the annual town meeting of the town of Lyme held March 8, 1910 are hereby declared legal, and all elections made at that meeting are hereby ratified. Meeting legalized.

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

Takes effect on passage.

[Approved February 16, 1911.]

## CHAPTER 267.

AN ACT TO INCORPORATE LODGE NO. 110, LOYAL ORDER OF MOOSE,  
OF NASHUA, N. H.

## SECTION

1. Corporation constituted.
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.

SECTION 1. That Frank E. Burgess, Ezra Avard, Edward Clark, Thomas Mulvanity, Michael Sullivan, George Clark, Arthur Thereault, Frank Landry, their associates and successors, be and hereby are made a body politic and corporate by name of Lodge No. 110, Loyal Order of Moose, of Nashua, for 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 liabilities of corporations of a similar nature.

By-laws.

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 payment of funeral expenses of those of its members who may die.

Power to hold  
property.

SECT. 3. Said corporation shall have power to hold real and personal estate by gift, bequest or otherwise, to the amount not exceeding twenty-five thousand dollars, and may dispose of the same at pleasure.

First meet-  
ing.

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 said meeting.

Takes effect  
on passage.

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

[Approved February 16, 1911.]



CHAPTER 268.

AN ACT IN RELATION TO EXEMPTING THE PROPERTY OF THE PROPOSED BALCH HOSPITAL 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 proposed Balch Hospital to be located in Manchester will be a charitable institution and all property now held by trustees for said hospital will be used for the charitable purposes of said hospital, without profit to any person, all property now held or hereafter acquired by said trustees and by said Balch Hospital for the purposes aforesaid, shall be exempt from taxation.

Property exempted.

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

Takes effect on passage.

[Approved February 16, 1911.]

CHAPTER 269.

AN ACT TO LEGALIZE THE VOTES AND PROCEEDINGS OF THE TOWN OF STODDARD AT THE BIENNIAL ELECTION HELD NOVEMBER 8, 1910.

SECTION  
1. Election 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 biennial election in town of Stoddard held November 8, 1910, and all votes and proceedings at said meeting, be and the same are hereby legalized, ratified and confirmed.

Election legalized.

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

Takes effect on passage.

[Approved February 22, 1911.]

CHAPTER 270.

AN ACT TO LEGALIZE A VOTE TAKEN AT THE ELECTION IN THE CITY OF KEENE ON THE SECOND TUESDAY OF DECEMBER, 1910.

SECTION 1. Vote legalized.

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

Vote legal-  
ized.

SECTION 1. The vote taken at the election in the city of Keene on the second Tuesday of December, 1910, to adopt chapter 93 of the Laws of 1905 in said city is hereby legalized, ratified and confirmed.

[Approved February 22, 1911.]

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CHAPTER 271.

AN ACT TO AMEND CHAPTER 293 OF THE LAWS OF 1909 GRANTING THE NEW HAMPTON VILLAGE FIRE PRECINCT IN THE TOWN OF NEW HAMPTON THE RIGHT TO CONSTRUCT AND OWN WATER WORKS.

SECTION

1. Additional loan authorized.

SECTION

2. Takes effect on passage.

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

Additional  
loan author-  
ized.

SECTION 1. The water commissioners of the New Hampton Village Fire Precinct in the town of New Hampton are hereby authorized to hire the sum of two thousand dollars in addition to the ten thousand dollars already authorized to be hired, for the purpose of paying the additional cost of said water works, and may issue the note or bonds of said fire precinct for said sum of two thousand dollars, or any part of the same, and said indebtedness shall be a binding obligation on said precinct.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

## CHAPTER 272.

AN ACT IN AMENDMENT OF AN ACT, ENTITLED "AN ACT TO INCORPORATE THE BAPTIST CONVENTION OF THE STATE OF NEW HAMPSHIRE," PASSED JUNE 24, 1826, AMENDED JUNE 29, 1860, AMENDED FEBRUARY 23, 1897, AMENDED FEBRUARY 20, 1901.

## SECTION

1. Power to hold property.

## 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 2 of said act by striking out all of said section and inserting in place thereof the following: **SECT.** **Power to hold property.**

2. Be it further enacted that the said corporation shall have power to receive and hold all donations, subscriptions and legacies in real and personal estate to an amount not exceeding three hundred thousand dollars, and to use and improve the same for the purpose of promoting religious and missionary work in New Hampshire and any religious charities in New Hampshire which it may deem proper and not otherwise, and the same may sell and dispose of at pleasure.

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 February 22, 1911.]

## CHAPTER 273.

AN ACT IN AMENDMENT OF CHAPTER 174 OF THE LAWS OF 1907, ENTITLED "AN ACT AUTHORIZING THE FIRST METHODIST EPISCOPAL CHURCH OF ROCHESTER, N. H., TO ESTABLISH AN ENDOWMENT FUND."

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

## SECTION

1. Endowment fund of \$15,000.

## SECTION

2. Takes effect on passage.

SECTION 1. Amend section 1 of said act by striking out the word "twenty" in the third line thereof and inserting the word fifteen so that said section as amended shall read as follows: **SECTION 1.** **Endowment fund of \$15,000.** The First Methodist Episcopal church of Rochester, N. H., is hereby authorized to establish and maintain an endowment fund of fifteen thousand dollars, to be known as the Solomon

Evans endowment fund, the annual income from said fund to be used by said church for church purposes.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

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CHAPTER 274.

AN ACT TO AUTHORIZE UNION SCHOOL DISTRICT NUMBER ONE IN LANCASTER TO ISSUE NOTES OR BONDS 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:*

Authority  
granted.

SECTION 1. Union School District Number One, in the town of Lancaster, for the purpose of raising money to defray the expense of erecting and building a new school house to accommodate its high school and a portion of the graded schools and properly equipping said building, may issue negotiable notes or bonds of the district to an amount not to exceed sixty thousand dollars in the aggregate. The vote to issue such notes or bonds shall be taken by a two-thirds vote of those present and voting at any annual or special meeting of said district called for that purpose, and said notes or bonds, when owned by residents of said town of Lancaster, shall be exempt from taxation. Said notes or bonds shall be due and payable not more than forty years from their date of issue, and shall bear interest at a rate not to exceed four per centum per annum. They shall be signed by the school board of said district, or by a majority thereof, and countersigned by the treasurer of said district, and they shall have the seal of the district affixed thereto. All bonds issued by virtue of this act and signed and sealed as herein provided shall, in favor of *bona fide* holders, be conclusively presumed to have been duly and regularly authorized and issued in accordance with the provisions herein contained, and no such holder shall be obliged to see to the existence of the purpose of the issue, or to the regularity of any of the proceedings by virtue of which said notes or bonds are issued, or to the application of the proceeds of such issue.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

## CHAPTER 275.

AN ACT TO AMEND THE CHARTER OF THE CONCORD, DOVER &  
ROCHESTER STREET 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. The time fixed in the charter of the Concord, Dover & Rochester Street Railway, approved March 31, 1903, chapter 310, Laws of 1903, in which to build its road, is hereby extended to March 31, 1913, and said corporation shall have such additional time in which to construct its road.

Time for  
building ex-  
tended.

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

Takes effect  
on passage.

[Approved February 22, 1911.]

## CHAPTER 276.

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 February 17, 1909, in which to build its road, is hereby extended to March 31, 1913, and said corporation shall have this additional time in which to build its road.

Time for  
building ex-  
tended.

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

Takes effect  
on passage.

[Approved February 22, 1911.]

## CHAPTER 277.

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.

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

Time for  
building ex-  
tended.

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, 1913, 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 22, 1911.]

## CHAPTER 278.

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:*

Time for  
building ex-  
tended.

SECTION 1. An act incorporating the Newport & Sunapee Railway and Development Company, approved April 2, 1907, and amended by an act approved February 9, 1909, 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, 1911.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

## CHAPTER 279.

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:*

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, chapter 217 of the Laws of 1907, and chapter 219 of the Laws of 1909, extending the period within which said railroad shall be completed to March 25, 1911, is hereby so far amended as to further extend the time fixed and limited for the completion of said railroad to March 25, 1913, 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 22, 1911.]

## CHAPTER 280.

AN ACT TO AUTHORIZE THE TOWN OF JAFFREY TO CONSTRUCT AND  
MAINTAIN AN ELECTRIC LIGHTING PLANT FOR LIGHTING, HEAT-  
ING AND FOR POWER PURPOSES.

## SECTION

1. Acquisition of property authorized; damages, how assessed.

2. Lighting commissioners provided for.

## SECTION

3. Powers and duties; vacancies, how filled.

4. Appropriations authorized.

5. Takes effect on passage.

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

SECTION 1. That the town of Jaffrey, in the county of Cheshire, be and hereby is authorized, for the purpose of lighting its streets and public buildings and for the purposes of supplying electricity for commercial and domestic purposes, to take or purchase franchises and property of any electric lighting company that is now, or may hereafter be, doing an electric lighting business in said town of Jaffrey, including dynamos, batteries, wires, engines, boilers, and all other machinery, tools and appa- Acquisition of property authorized; damages, how assessed.

ratus used in the manufacture, distribution and operation of such electric light works in said town of Jaffrey, and the land and buildings connected and used therewith; and should said town and such electric lighting company be unable to agree upon what is a fair and equitable price for their property, either party may apply to the superior court for said county of Cheshire, at a trial term thereof, for appraisal of the value of said property, rights and franchises; and said court shall refer the question to three disinterested referees to be selected and appointed by a judge of said court for that purpose; and said board of referees shall, as soon as may be thereafter, fix a time for hearing said parties and their witnesses, and report their findings to the superior court, which shall issue its decree thereon; and *provided further*, that if either party shall elect a trial by jury, upon application to said court for said referees, a trial by jury shall be had in such manner and under such regulations as said court may prescribe; and after such purchase or taking, the said town, for the purposes aforesaid, may erect and maintain poles and extend wires under any railroad track and over or under the streets in said town, and may take purchase and hold in fee simple, or otherwise, any real or personal estate and any rights therein, necessary for carrying into effect the purposes of this act; and may purchase, erect, construct, and maintain such machinery, dams, reservoirs, buildings and other things as may be necessary for said electric light works, and to excavate and dig ditches in any highway, place, square, pass-way or common, or other place, through which it may be deemed necessary and proper to construct said electric light works, and to relay, change, and repair the same at pleasure, having due regard for the safety of its citizens and the public travel; and said town may purchase electricity from other producers whenever it is deemed necessary.

Lighting com-  
missioners  
provided for.

SECT. 2. For the more convenient management of said electric plant, the said town may place the construction, management, control and direction thereof in a board of lighting commissioners, to consist of three citizens of the town, said commissioners to be vested with such powers and duties relating to the construction, control and management of the same as may from time to time be prescribed by said town. Their term of office shall be for three years, and until their successors are elected and qualified. The first board of commissioners may be chosen by the legal voters of the town at the next or any subsequent annual meeting, or at any special meeting duly called for that purpose, and their successors shall be elected at each annual meeting thereafter; *provided, however*, that of those first elected, the term of one shall expire at the first annual meeting after the first board is elected, one at the second annual meeting held thereafterwards, and one at the third annual meeting held thereafterwards, and after the first election one shall be elected for three years at each annual meeting, to fill the existing vacancy; *provided, also*, that the term



of service of the commissioners first elected shall be designated at the time of their election. Said commissioners may be appointed by the selectmen of said town if the town shall fail to elect, or if the town at any annual meeting vote to authorize and instruct the selectmen to make the appointment.

SECT. 3. The compensation of such commissioners shall be fixed by the town. They shall be sworn to the faithful discharge of their duties. They shall annually organize by choosing one of their number as the chairman of the board, and another member as clerk of their board, who shall keep a proper record of their doings. Said board shall appoint a superintendent of the plant, and such other officers and agents as they may deem necessary, and they shall furnish the town clerk a certificate of their organization and appointments, and the town clerk shall record the same in the records of the town. The commissioners shall fix the compensation of all officers and agents appointed by them, and all officers and agents shall be sworn to the faithful discharge of their duties. Whenever a vacancy shall occur, in said board from any cause, the remaining members of the board shall certify that fact to the selectmen of the town, who shall fill such vacancy temporarily, by appointing a citizen of said town in writing, which appointment shall be filed with the town clerk and recorded by him on the records of the town, and the person so appointed shall hold the office until the next annual town meeting after his appointment when the town shall elect a commissioner to fill out the unexpired term, if any, of the person whose office became vacant, and was so temporarily filled by appointment. Said commissioners shall annually make a report to the town at the time other town officers report, of the condition of the lighting heat or power plant financially and otherwise, showing the income from said plant, the funds belonging to their department, the expenses of maintenance, and cost of plant and operating expenses and other facts and information as the town should have, which report shall be published each year in the annual report of said town.

SECT. 4. Said town is also authorized and empowered at any annual meeting, by a two-thirds vote of those present, and voting, to raise by taxation, and appropriate, and to borrow or hire, such sums of money on the credit of the town as may be deemed necessary and expedient for the purpose of defraying the expenses of purchasing real estate, rights in real estate, water rights, power, and all other rights and property as aforesaid, and for purchasing, constructing, maintaining, repairing, extending, enlarging and operating said electric lighting, heat or power plant, the indebtedness created under the provisions of this section not to exceed thirty thousand dollars (\$30,000), and to issue notes or bonds of the town therefor, in such amounts or denominations as may be thought proper, not exceeding in all the amount above stated;

Powers and duties; vacancies, how filled.

Appropriations authorized.

said loan to be issued under the provisions of the "Municipal Bonds Act of 1895," the whole to mature and fall due not later than twenty years from its date, and not to bear interest at a rate exceeding four per cent. per annum; and said town may exempt such notes or bonds from taxation when held by inhabitants of the town, *provided* they shall be issued bearing interest at not exceeding three per cent. per annum.

Takes effect  
on passage.

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

[Approved February 22, 1911.]

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## CHAPTER 281.

AN ACT AUTHORIZING THE TOWN OF STEWARTSTOWN TO EXEMPT FROM TAXATION THE "HOTEL PIKE LOT" AND BUILDINGS THEREON; ALSO THE IMPROVEMENTS AND BUILDINGS TO BE ERECTED ON SAID LOT.

SECTION

1. Exemption authorized.

SECTION

2. Takes effect on passage.

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

Exemption  
authorized.

SECTION 1. That the town of Stewartstown be and hereby is authorized to exempt from taxation the "Hotel Pike lot" and the buildings thereon, situate on Main street, in West Stewartstown village; also the improvements or buildings to be erected thereon, for a term not exceeding ten years, the limit of the same to be fixed by a vote of the town at its next annual meeting, and 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.

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

[Approved February 28, 1911.]

## CHAPTER 282.

AN ACT IN AMENDMENT OF CHAPTER 291 OF THE LAWS OF 1909, ENTITLED "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. Names of persons assisted not to be published.

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

SECTION 1. Amend section 6 of chapter 291 of the Laws of 1909 by adding at the end of said section the words and in no case shall the names of the persons assisted be printed in the city report, so that said section as amended shall read as follows: SECT. 6. Said overseer of the poor shall keep books of accounts, 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, and in no case shall the names of the persons assisted be printed in the city report.

Names of persons assisted not to be published.

[Approved February 28, 1911.]

## CHAPTER 283.

AN ACT RELATING TO THE LITTLETON VILLAGE DISTRICT.

## SECTION

1. Issue of bonds authorized.
2. Net debt, how determined.
3. Exemption from debt limit.
4. Act of 1895, when applicable.

## SECTION

5. Rate of interest, etc.
6. Form of bonds.
7. Repealing clause; act takes effect on passage.

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

SECTION 1. The Littleton Village District, a municipal corporation legally organized and existing in the town of Littleton in this state, for the purpose of funding and refunding outstand-

Issue of bonds authorized.

ing indebtedness now represented by its notes is hereby authorized to issue bonds in addition to those hitherto issued by the district (the bonds now outstanding being of the amount of \$55,000) to an aggregate additional amount not exceeding thirteen thousand dollars, by a vote to the purpose and effect aforesaid of a majority of the voters present and voting at any annual or special meeting of the district duly called and holden upon a warrant and notice signed by the district commissioners in similar form, and posted and filed in the same manner and the same length of time before the meeting, as is provided in the case of towns by Public Statutes, c. 41, s. 4, or in case of districts by P. S. c. 53, s. 9. It shall not be necessary in order to render a vote passed in the manner and for the purpose aforesaid valid and effectual that a majority of the legal voters in the district shall be present and voting, nor that two thirds of the voters present and voting shall vote in favor of said loan or the issue of bonds relating to it. It shall not be necessary that a check-list be provided and used at any meeting before mentioned at which the loan aforesaid and the issue of bonds relating thereto shall be authorized.

Net debt, how determined.

SECT. 2. Bonds issued by the town in which said district is situated pursuant to chapter 255 of the Laws of 1903, the same being water and light bonds of the town of Littleton and not bonds of said district, and the debts represented thereby shall not be included in ascertaining the net debt of the said district under the provisions of the "Municipal Bonds Act, 1895." The provisions contained in section 9 of said chapter 43 of the Laws of 1895, commonly known as the "Municipal Bonds Act," as far as they relate to a limitation upon the amount of bonds, that said district is empowered to issue for the purpose of funding and refunding its outstanding indebtedness and additions thereto, shall not be applicable to the issue of bonds by said district authorized by this act for said sum of thirteen thousand dollars; *provided* that the said amount of fifty-five thousand dollars represented by the bonds of the district now outstanding and the amount of said issue authorized by this act to an additional amount of thirteen thousand dollars when added together shall not in the aggregate exceed 6 per cent. of the value of the taxable property therein as last appraised for the purpose of assessing taxes on such corporation.

Exemption from debt limit.

SECT. 3. In the issue of the bonds contemplated by the votes of said Littleton Village District above mentioned, the said district and the said bonds shall be exempt from the limit imposed by section 9, chapter 43 of the Laws of 1895, relative to the ratio of debt existing or to be evidenced by the aforesaid issue of bonds and the assessed value for taxation of property in said district, and shall also be exempt from the limit imposed by section 2, of said act relating to the time in which bonds of municipalities shall be made payable.

SECT. 4. With respect to its indebtedness and liabilities, Act of 1895, when applicable. incurred or renewed, by reason of the issue of any bonds contemplated by said votes said district shall be subject in all respects to the provisions of sections 7 and 8 of chapter 43 of the Laws of 1895, commonly known as the "Municipal Bonds Act, 1895"; *provided* that in respect to the issue of bonds authorized by this act, only such parts of the "Municipal Bonds Act, 1895" so-called, as are not in conflict with sections 1, 2, 3, 4 and 5 of this act shall apply to the issue of bonds herein and hereby authorized.

SECT. 5. Said district is hereby authorized at any meeting Rate of interest, etc. hereafter duly called and holden with a reference to the issue of the bonds of the district as above mentioned, to fix the rate of interest to be paid on the indebtedness represented by said bonds and to provide in respect to the time when said bonds shall be payable.

SECT. 6. There shall be printed in large type across the top Form of bonds. or face of each of said bonds representing said indebtedness of thirteen thousand dollars, the issue of which by said district is authorized by this act, the words and figures following, viz: This bond is not issued under or by authority of the "Municipal Bonds Act, 1895," of the State of New Hampshire.

SECT. 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, and this act shall take Repealing clause; act takes effect on passage. effect upon its passage.

[Approved March 1, 1911.]

## CHAPTER 284.

### AN ACT CREATING THE OFFICE OF SUPERINTENDENT OF PUBLIC BUILDINGS IN THE CITY OF MANCHESTER, N. H., AND DEFINING THE DUTIES OF SAID SUPERINTENDENT.

#### SECTION

1. Department of buildings created; superintendent provided for.
2. To be inspector of buildings; powers and duties.
3. To superintend work on municipal buildings.
4. Powers in respect to municipal buildings.
5. Annual estimate of appropriations.

#### SECTION

6. Expenditure of appropriations.
7. Appropriations for 1911, how expended.
8. Repair shop to be provided.
9. Plans, etc., to be submitted to superintendent.
10. Superintendent, how chosen; salary.
11. Repealing clause: act takes effect April 1, 1911.

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

SECTION 1. There shall be in the city of Manchester, a department, to be called the department of buildings, which shall be in charge of a superintendent of public buildings, hereinafter Department of buildings created; superintendent provided for.

designated the superintendent. Said superintendent shall be a competent person with practical experience in the construction of buildings and shall not be interested, directly or indirectly, in any building contracts or in furnishing plans, specifications or materials for the same.

To be inspector of buildings; powers and duties.

SECT. 2. Said superintendent of public buildings shall also be the inspector of buildings of the city of Manchester, and the office of inspector of buildings as now existing is hereby abolished, and said superintendent is hereby charged with the duty of enforcing the ordinances of said city and all provisions of law, not inconsistent herewith, applying to the office of inspector of buildings of said city, and shall be vested with all the powers and privileges now conferred upon the inspector of buildings of said city by the city ordinances or any law of the State of New Hampshire.

To superintend work on municipal buildings.

SECT. 3. Said superintendent shall superintend the construction of all buildings erected by the city, together with all alterations and additions made to or upon the same, and see that the conditions of contracts and plans and specifications, if any, are faithfully carried out. He shall have the care and custody of all the buildings belonging to the city with respect to all repairs upon the same; shall keep himself acquainted with the condition of all such buildings, and make all repairs upon the buildings belonging to the city and shall employ suitable employees to perform such work under his direction and control and fix their compensation. *Provided, however,* that in the case of extensive repairs needed upon any of the buildings belonging to the city, said superintendent is authorized to provide for the performance of any such work by contract, and in so doing, to call for proposals for doing such work, and to make a contract therefor in the name and in behalf of the city with the lowest responsible bidder, who shall furnish proper surety for the faithful performance of his contract.

Powers over municipal buildings.

SECT. 4. Said superintendent shall in relation to all repairs upon public or municipal buildings, have all the powers now by law vested in the board of mayor and aldermen, school board, committees, commissions and departments of the city government.

Estimate of appropriations.

SECT. 5. Said superintendent shall annually, in the month of January, send to the common council, an estimate of the appropriations required for his department for the ensuing year, with a specific and detailed statement of the purposes for which they are to be used, and the common council shall make all necessary appropriations therefor.

Expenditure of appropriations.

SECT. 6. Said superintendent shall have the expenditure of all appropriations which the common council of said city shall from year to year vote for such purposes, and all bills for expenditures from the appropriations voted from year to year by

The common council for such purposes shall be approved by said superintendent before the same are paid by the city treasurer.

SECT. 7. For the year 1911 the appropriations made by the common council based on the estimates of repairs needed upon the various public and municipal buildings, by the several boards, committees and departments of the city government, shall be subject to the expenditures of said superintendent instead of the various boards, committees and departments making said estimates for the ensuing fiscal year. Expenditures for 1911.

SECT. 8. It shall be the duty of the board of mayor and aldermen to provide a repair shop suitable for said building department, if the same shall be deemed necessary by said superintendent. Repair shop.

SECT. 9. Prior to the acceptance by the city of plans and specifications for any new building to be erected by the city, all contracts, plans and specifications for the same shall be submitted to the superintendent of buildings and he shall render his opinion upon the same in writing to the proper authority, giving the department of the city having the matter under consideration, the benefit of his knowledge and experience in relation thereto. Plans, etc., submission of.

SECT. 10. Said superintendent of public buildings shall be elected by the board of mayor and aldermen in the month of April, 1911, for a term of four years thence next ensuing and until his successor is elected and qualified, at a salary of eighteen hundred dollars yearly, to be paid by said city in equal monthly instalments. Superintendent, how chosen; salary.

SECT. 11. All acts and parts of acts inconsistent with this act, are hereby repealed and this act shall take effect on the first day of April, 1911, now next ensuing. Repealing clause; act takes effect on passage.

[Approved March 2, 1911.]

## CHAPTER 285.

### AN ACT TO INCORPORATE THE HELEN FOWLER WEEKS HOME.

SECTION

1. Corporation constituted; purposes.
2. Power to hold property.
3. Government of home.

SECTION

4. By-laws.
5. First meeting.
6. Takes effect on passage.

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

SECTION 1. That E. R. Stearns, George M. Stevens, James L. Dow, Rollin E. Webb, Burleigh Roberts, Abner Bailey, Merrill Shurtleff, Fred S. Linscott, Irving W. Drew and Parker J. Corporation constituted; purposes.

Noyes, all of Lancaster, N. H., be, and they hereby are, constituted a corporation by the name of The Helen Fowler Weeks Home; and they and such others as shall be duly elected members of said corporation at any meeting thereof, according to such by-laws as may be hereafter established, shall be and remain a body politic and corporate by said name and from the passage of this act, for the purpose of founding and establishing such a home for aged people as is usually provided by similar institutions; and said corporation is hereby vested with all the powers and privileges incident to corporations of like nature.

Power to hold property.

SECT. 2. Said corporation by that name may sue and be sued, prosecute and defend to final judgment and execution, and shall have power to take and hold real and personal estate by lease, purchase, donation, bequest or otherwise, for the purpose of establishing and maintaining a home at Lancaster aforesaid, erecting suitable buildings and properly furnishing the same with whatever may be desirable or necessary for the successful operation of said institution; and said institution, being exclusively used for uses and purposes of public charity, its property shall be exempted from taxation; and said corporation shall have the power to convey, transfer, sell and dispose of real and personal estate.

Government of home.

SECT. 3. The government of said home, and the general management of the financial and prudential affairs of said corporation shall be vested in a board of trustees or directors of not less than nine nor more than fifteen members, who shall be chosen in such manner, at such times, and for such term of office as may be prescribed by the by-laws of said corporation hereafter to be adopted.

By-laws.

SECT. 4. Said corporation may adopt such by-laws and make such rules and regulations as may be deemed necessary; may determine the number, time and manner of choosing its officers, may prescribe and define their respective duties, and may, from time to time, alter, amend and modify its by-laws, rules and regulations, as therein provided.

First meeting.

SECT. 5. Any three of the persons named in section one of this act may call the first meeting of said corporation by mailing postpaid to the postoffice address of each of the persons named in this act a notice of such meeting, at least five days prior to the date fixed for said meeting.

Takes effect on passage.

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

[Approved March 2, 1911.]



## CHAPTER 286.

AN ACT PROVIDING FOR THE APPOINTMENT OF A COMMITTEE TO CONSIDER THE MATTER OF AMENDING THE CHARTER OF THE CITY OF MANCHESTER.

## SECTION

1. Committee provided for.
2. Duties of committee.

## SECTION

3. To be paid expenses only.
4. Takes effect on passage.

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

SECTION 1. The mayor of the city of Manchester shall <sup>Committee provided for.</sup> appoint as soon as may be, subject to confirmation by the city council in joint convention, six suitable 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, who shall be chairman of the committee, said committee shall organize by choosing one of their members as clerk.

SECT. 2. It shall be the duty of said committee to consider <sup>Duties of committee.</sup> and determine what changes, if any, are desirable in the charter and other existing laws for the government of said city and its precincts and school districts, 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 or its precincts or school districts to testify before them relative to the affairs of his department, precinct or district, and may employ such clerical or stenographic assistance as they find necessary for the performance of their duties. On or before December 1, 1912, 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.

To be paid expenses only.

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.

Takes effect on passage.

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

[Approved March 7, 1911.]

CHAPTER 287.

AN ACT TO INCORPORATE DOTTRAR OF NORDEN LODGE OF THE ORDER OF VASA OF AMERICA, IN MANCHESTER, N. H.

SECTION

- 1. Corporation constituted; purposes.
- 2. Power to hold property.
- 3. By-laws.

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. That Eva Carlson, Alma Peterson, Hilma Keller, Marie Peterson, Olga Keller, Augusta Westerdahl, Beda Nelson, Augusta Osberg, Hilma Hoglund, their associates and successors, be and hereby are made a body politic and corporate by the name of Dottrar of Norden Lodge of the Order of Vasa of America, in Manchester, N. H., for social 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.

Power to hold property.

SECT. 2. 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.

By-laws.

SECT. 3. 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 death benefits to the representatives, or stated beneficiaries, of those of its members who may die.

First meeting.

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 said meeting.

Takes effect on passage.

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

[Approved March 9, 1911.]

## CHAPTER 288.

AN ACT RELATING TO THE POWERS AND DUTIES OF THE POLICE  
COMMISSIONERS OF THE CITY OF MANCHESTER.

## SECTION

1. May pension police officers.
2. Temporary service by pensioners.

## SECTION

3. Takes effect on passage.

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

SECTION 1. The board of police commissioners of the city of Manchester, by the affirmative vote of all the members, may at his own request or at the request of the chief of police, retire from service for one year, any member of the police department, who in the judgment of said board has become disabled for useful service while in the actual performance of duty; or any member who has performed faithful service in the department for a period of not less than twenty consecutive years; and may grant a pension to such retired member for a period not exceeding one year at a time. No such member shall be granted a pension unless it shall be certified to the said board of police commissioners in writing by the city physician, that such member is permanently incapacitated either mentally or physically from performing his duty as a member of the department. In case of total permanent disability caused in or induced by the actual performance of his duty, the amount of said pension shall be one half of the annual compensation of the office from which he is so retired, or such less sum as said board of police commissioners may determine. The pension of a member who has served twenty or more consecutive years shall be one half of the annual salary or compensation of the office from which he is retired.

SECT. 2. The said board of police commissioners are hereby authorized in case of emergency to call upon any person so pensioned for temporary service in the department for which he is fitted and during such service he shall be entitled to full pay.

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

Takes effect  
on passage.

[Approved March 9, 1911.]

CHAPTER 289.

AN ACT TO PERMIT THE TOWN OF CLAREMONT TO ELECT AN ASSISTANT MODERATOR AND TO DEFINE HIS POWERS.

SECTION

- 1. Assistant moderator provided for.
- 2. Appointment by selectmen.

SECTION

- 3. Repealing clause; act takes effect on passage.

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

Assistant moderator provided for.

SECTION 1. The town of Claremont may choose an assistant moderator in the same way as is now provided for choosing moderators and such assistant moderator shall, under the direction of the moderator, have the powers and duties of the moderator in receiving ballots, counting them and declaring the votes thereon, and shall, in the absence of the moderator, perform all the duties and have all the powers of the moderator.

Appointment by selectmen.

SECT. 2. The selectmen of said town are hereby authorized to appoint an assistant moderator who shall hold office in accordance with the provisions of section 1, until an assistant moderator may be elected.

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 March 9, 1911.]

CHAPTER 290.

AN ACT IN ADDITION AND AMENDMENT TO "AN ACT TO INCORPORATE THE NASHVILLE AQUEDUCT," APPROVED JUNE 19, 1852, AND "AN ACT IN AMENDMENT OF THE CHARTER OF THE PENNICHUCK WATER WORKS," APPROVED SEPTEMBER 7, 1883.

SECTION

- 1. Charter of Nashville Aqueduct amended.
- 2. Charter of Pennichuck Water Works amended.
- 3. Power to hold property; right of eminent domain; contracts authorized.

SECTION

- 4. Pipes across Merrimack river.
- 5. Application of act limited.
- 6. Extension of pipes to Hudson.
- 7. Petitions to superior court.
- 8. Prior act not affected.

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

Charter of Nashville Aqueduct amended.

SECTION 1. That section 1 of said act to incorporate the Nashville Aqueduct approved June 19, 1852, be amended by inserting in the seventh line thereof after the words "Nashville

and Nashua" the following words, viz: also into the town of Hudson, so that section 1 as amended shall read as follows, viz: SECTION 1. Be it enacted by the Senate and House of Representatives in General Court convened, that Charles F. Gove, Aaron P. Hughes, Robert Read, John H. Gage, and Russell E. Dewey, their associates, successors and assigns, be and they are hereby made a body politic and corporate, by the name of the Nashville Aqueduct, for the purpose of bringing water into Nashville and Nashua, also into the town of Hudson, in subterranean pipes, for the supply of the inhabitants thereof, and are hereby invested with all the powers and privileges incident to corporations of a similar nature.

SECT. 2. That section 2 of the said act in amendment of the charter of the Pennichuck Water Works approved September 7, 1883, known as chapter 237 of the session Laws of 1883, be amended by inserting in the third line of said section after the words "other purposes" the following words, viz: also for the use of the town of Hudson, its inhabitants, and for other purposes; also by striking out in the ninth and 18th lines of said section the word "supreme" and inserting in place thereof the word superior, so that said section 2 as amended shall read as follows, viz: SECT. 2. That for the purpose of furnishing an adequate supply of water for the use of the city of Nashua, its inhabitants, and for other purposes, also for the use of the town of Hudson, its inhabitants, and for other purposes, said corporation is authorized to construct, enlarge and maintain such dams, reservoirs, and other works as it may deem necessary and proper across and upon the Pennichuck brook, across or upon any brooks or ponds tributary to the same, and to enter upon and appropriate such land as may be necessary and convenient for the construction and use of the same, upon depositing with the clerk of the superior court for the county of Hillsborough such sum of money as security for the payment of damages for the same as said court in term time or any justice thereof in vacation may order in case said corporation has not agreed with the owners thereof upon the damages and paid the same; and in case said corporation shall not agree with the owners thereof for the damage that has been or may be done by said corporation by reason of the erection of any dam on said brooks and the flowage caused thereby, or in the exercise of any rights hereby granted, or such owners shall be unknown, either party may apply to the superior court at the trial term thereof to have the damages determined, and 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 required by law for laying out highways, and said commissioners shall make a report to said court, upon which the court may make such order as justice requires. If either party shall desire, upon application to said court before

Charter of  
Pennichuck  
Water Works  
amended.

such reference, they shall be entitled to a trial by jury in such manner and under such regulations as said court may prescribe.

Power to hold property.

SECT. 3. That the following sections be added to said act of 1883 to be known as sections 4, 5 and 6 of said act as amended:

SECT. 4. Said corporation is empowered to purchase and hold, in fee simple or otherwise, any real or personal estate necessary for the carrying into effect the purpose of this act, and to purchase any water-works in said Hudson now constructed or in operation; and said corporation is authorized to enter upon and break ground, dig ditches, and make excavations in any street, place, square, passageway, or highway through which it may be deemed necessary for the pipes and water-works of said corporation to pass, be or exist, for the purpose of placing said pipes, hydrants, water-works, and such other materials as may be deemed necessary for constructing said water-works, and to relay and repair the same, subject to such regulations as to the safety of the citizens and the security of the public travel as may be prescribed by the selectmen of the town of Hudson.

Right of eminent domain.

SECT. 5. Said corporation is authorized to enter upon and appropriate any springs, streams, or ponds, in the town of Hudson, not belonging to any aqueduct or water-works company, and to secure such streams, springs, or ponds by fences or otherwise, and to dig ditches, make excavations and reservoirs, through, over, in, or upon any land or enclosure through which it may be necessary for said pipes and water to pass, or said excavations and reservoirs and water-works to be or exist, for the purpose of obtaining, holding, preserving or conducting said water, and placing such pipes, other material, or works as may be necessary for building and operating such water-works or repairing the same: *provided*, that if it shall be necessary to enter upon and appropriate any streams, springs or ponds, or land for the purpose aforesaid, or to raise or to lower the level of the same, and the said corporation shall not be able to agree with the owners thereof for damages that may be done by said corporation, or the owners shall be unknown, either party may apply to the superior court, at the trial term in the county of Hillsborough, to have 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 laying out of highways. Said commissioners shall make report to said court, and said court may issue execution therein accordingly; but if either party shall desire it, 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 said court may prescribe.

Contracts authorized.

SECT. 6. Said corporation may make any contract with said town of Hudson, or with any fire precinct in said town, or with any persons or corporation, to furnish water, hydrants, and other

means and apparatus for extinguishing fires, and for such other purposes as may be deemed necessary; and said town, or any fire precinct therein now existing or hereinafter organized, is hereby authorized to contract with said corporation for the use of said water, hydrants, or other apparatus for said purpose, and may raise or appropriate money therefor. And said corporation is hereby authorized and empowered to sell or lease for a term of years to the town, or any fire precinct now existing or hereafter organized therein, all of its works, structures, and estate, of whatever kind or nature within said town; and said town or fire precinct is hereby authorized to purchase or lease the same.

SECT. 4. That the Pennichuck Water Works for carrying out said purposes of furnishing an adequate supply of water to Hudson, its inhabitants, and for other purposes, be authorized to lay such pipes as are reasonably needful across the Merrimack river between Hudson and Nashua. Pipes across Merrimack river.

SECT. 5. Inasmuch as the Hudson Water Company is now operating a water supply plant in said town of Hudson, now, if said Hudson Water Company shall take necessary steps to improve its water plant in said town by increasing the supply of water, the size of its mains and pipe lines, and by increasing the water pressure, so as to accomplish all such things as are needful to provide said town and takers of water with a sufficient and adequate supply of good and suitable water for domestic, fire and municipal purposes and to accomplish those results shall take substantial steps on or before June 1, 1911, and prosecute such work of improvement and complete the same by October 1, 1911, then this act shall take effect only so far as is hereinafter provided in section 6, but if said company shall not take such substantial steps on or before June 1, 1911, this act shall take effect June 1, 1911, and if, after it shall have taken such steps, it shall not prosecute and complete such improvements by October 1, 1911, this act shall take effect October 1, 1911, and be in full force and effect thereafter. Application of act limited.

SECT. 6. If the foregoing sections of this act shall not fully take effect by reason of the contingencies recited in the preceding section five (5), nevertheless they shall so far take effect and shall be so construed as to authorize and empower the Pennichuck Water Works to extend its pipes across the Merrimack river so far into the town of Hudson and upon its streets as will enable said company to furnish water at contract prices to said Hudson Water Company or its assigns. Extension of pipes to Hudson.

SECT. 7. For the purpose of determining any controversy that may arise between the Hudson Water Company aforesaid and the town of Hudson as a present or prospective water taker, or any of the present water takers of the water furnished by said Hudson Water Company, or any persons within the district where its pipes are now laid, or where its pipes might reasonably be Petitions to superior court.

extended to accommodate prospective water takers, as to whether the said provisions for the improvement of said water plant have been actually complied with, the superior court for the county of Hillsborough is given jurisdiction to try and to finally determine such controversy, when brought before it by petition of any such parties interested, *provided* such petition or petitions shall be brought on or before January 1, 1912, and all such parties so interested shall have right to come into court on their own petition, or be joined as parties to any such petition, on such terms as said court may order, before the same shall have been brought to trial and decided, and not afterwards, and the court may in its discretion order any such petitions to be joined and consolidated so that the same can be tried together as far as they present a common issue.

Prior act not affected.

SECT. 8. This act shall not be held or construed to repeal or affect the authority granted to the city of Nashua or the Pennichuck Water Works by chapter 104 of the act passed at the session of the legislature of 1873, and if said city under that act shall purchase or take the real estate, rights and property of said corporation, and their corporate franchises, powers and privileges under their charter, or any amendment thereof, said city shall have the same right to operate such portion of the plant of said company as is at the time in the town of Hudson as said company shall have right to operate at the time it is purchased or taken, and the same right to furnish water to takers in Hudson and to said town of Hudson and enter into contracts relating thereto as said Pennichuck Water Works shall have.

[Approved March 9, 1911.]

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## CHAPTER 291.

AN ACT TO AMEND CHAPTER 241 OF THE SESSION LAWS OF 1893,  
ENTITLED "AN ACT TO ESTABLISH THE CITY OF LACONIA."

SECTION

1. Council of six members.
2. One councilman from each ward.
3. Salaries of councilmen.

SECTION

4. How elected in 1911.
5. Takes effect on passage.

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

Council of six members.

SECTION 1. Amend section 4 of said act by striking out the word "fourteen" in the third and fourth lines of said section and substituting in place thereof the word six so that said section as amended shall read as follows: SECT. 4. The administration of



all the fiscal, prudential and municipal affairs of said city shall be vested in one principal officer to be called the mayor, and one board consisting of six members to be called the council and the members whereof shall be called councilmen. The mayor and council shall sit and act together and compose one body, and in their joint capacity shall be denominated the city council.

SECT. 2. Section 15 of said act is hereby amended by striking out the whole of said section and substituting in place thereof the following: SECT. 15. There shall be chosen each year by and from the qualified voters of each of the several wards in the City of Laconia, one councilman to serve for the term of one year. *Provided, however,* that this act shall not affect the councilmen chosen at the election holden in March, 1910, for a term of two years, and those councilmen so chosen shall hold their office until the expiration of their term of office on the fourth Tuesday of March, 1912, so that until said fourth Tuesday of March, 1912, the city council shall consist of said members holding their office by virtue of said election in March, 1910, together with the six councilmen to be chosen under the provisions of this act, and thereafter the said city council shall consist of the six members as above provided for.

One councilman from each ward.

SECT. 3. The city council shall have the right by majority vote to authorize the payment of a salary to all councilmen chosen after the passage of this act, said salary not to exceed the sum of one hundred dollars per year for each councilman.

Salaries of councilmen.

SECT. 4. Under the warrants which have been posted for the city election to be holden on the second Tuesday of March, 1911, there shall be chosen by and from the qualified voters of each ward one councilman from each ward to serve for one year instead of one councilman from each of wards one, two, three, four and five, and two councilmen from ward six to serve for the term of two years as called for in said warrants.

How elected in 1911.

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

Takes effect on passage.

[Approved March 13, 1911.]

## CHAPTER 292.

AN ACT IN AMENDMENT OF AN ACT TO INCORPORATE CERTAIN PERSONS BY THE NAME OF THE NORTH CHURCH IN PORTSMOUTH APPROVED DECEMBER 27, 1816.

## SECTION

1. Power to hold property.
2. Membership of corporation.

## SECTION

3. Takes effect on passage.

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

Power to hold property.

SECTION 1. Amend section 1 of said act by striking out the words "one thousand dollars" and inserting in place thereof the words, three thousand dollars, 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 John Langdon, Ammi R. Cutter, Israel W. Putnam, Ammi R. Hall, Job Harris, and Amos Tappan and their associates and such as shall become associates with them and their successors, be, and they are hereby made a corporation by the name of the North Church in Portsmouth, for the sole purpose of receiving, holding, securing, managing, appropriating and distributing such funds and property as may come to their hands or the proceeds thereof, according to the will of the donors, for religious and other charitable purposes; with power to sue and be sued, to make by-laws, rules and regulations for the government of said corporation and the management of its funds and concerns, to take by grant, devise, donation or otherwise, and hold real and personal estate not exceeding three thousand dollars, in annual income, and with all other powers and privileges incident to corporations of a similar nature.

Membership of corporation.

SECT. 2. Amend section 3 of said act by striking out the whole of said section and inserting in place thereof the following: SECT. 3. And be it further enacted that all resident members of the church of twenty-one years and over shall be active members of the aforesaid corporation.

Takes effect on passage.

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

[Approved March 15, 1911.]

## CHAPTER 293.

AN ACT IN AMENDMENT OF THE CHARTER OF THE NEW HAMPSHIRE  
ORPHANS' HOME.

## SECTION

1. Power to hold property.
2. Government of corporation.

## SECTION

3. Takes effect on passage.

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

SECTION 1. That the act passed at the June session of 1871 granting a charter to the New Hampshire Orphans' Home be amended by striking out the word "three" before the word "hundred" in the third line of section 3 of said act and substituting therefor the word six so that said section as amended shall read as follows: SECT. 3. Said corporation is hereby empowered to receive, hold and manage donations or trusts not exceeding in amount at any one time six hundred thousand dollars, and may at all times invest and expend any and all such funds in such mode and manner as will best promote the essential interests of said association, and carry out the intent of the donors, and may purchase, hold, occupy and enjoy such personal and real estate as may be necessary, and may manage, improve, alienate or dispose of the same at their pleasure. Power to hold property.

SECT. 2. That section 4 of said act be amended by striking out the words "Any person who shall annually contribute the sum of one dollar to its funds shall have a right to vote or be voted for in the choice of its officers" so that said section as amended shall read: SECT. 4. The immediate control and management of said corporation shall be vested in a board of directors or trustees, not exceeding twenty-one in number who shall be annually elected from the different parts of the state, and without exclusive preference of any political party or religious denomination in this state in mode designated by the by-laws of said corporation. Government of corporation.

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

Takes effect on passage.

[Approved March 15, 1911.]

## CHAPTER 294.

AN ACT TO AUTHORIZE SCHOOL DISTRICT NO. 1 IN THE TOWN OF LISBON TO ISSUE SCHOOL HOUSE AND REFUNDING BONDS.

SECTION 1. Issue of bonds authorized.

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

Issue of bonds authorized.

SECTION 1. That School District No. 1 in the town of Lisbon, for the purpose of paying for an addition to the present school building and for changes in the heating, ventilation, and plumbing of said building and for the purpose of providing for the payment of a temporary refunding loan of twelve thousand (12,000) dollars made June 28, 1910, may, at any meeting called for the purpose, by a majority vote of those present and voting, issue bonds to an amount not exceeding thirty-two thousand (32,000) dollars payable within twenty years from date. The provisions of the "Municipal Bonds Act of 1895" and the amendments thereof shall in other respects be applicable to said bonds.

[Approved March 15, 1911.]

## CHAPTER 295.

AN ACT TO EXEMPT CERTAIN PROPERTY OF THE MANCHESTER YOUNG MEN'S CHRISTIAN ASSOCIATION FROM TAXATION.

SECTION

1. Property exempted.

SECTION

2. Takes effect on passage.

Preamble.

WHEREAS, the Manchester Young Men's Christian Association, a corporation organized under the general law, is erecting a building on a lot on Mechanic street in the city of Manchester,—said lot together with the funds for the erection of said building having been donated to said association to be used for its purposes; and

WHEREAS, said association is formed solely for benevolent and charitable purposes, and not for the purpose of profit or gain; therefore,

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

Property exempted.

SECTION 1. The property above described with the improvements to be placed thereon shall be exempt of taxation so long as and to the extent that it is used for the purposes of the asso-

ciation. *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 purpose of state and county tax.

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

[Approved March 15, 1911.]

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## CHAPTER 296.

AN ACT IN RELATION TO THE SALARY OF THE MEMBERS OF THE SCHOOL BOARD OF THE CITY OF MANCHESTER.

SECTION

1. Annual salary of \$25.

SECTION

2. Takes effect on passage; repealing clause.

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

SECTION 1. Each member of the school board of the city of Manchester shall receive in full for his services, and for all the duties appertaining to said office, the sum of twenty-five dollars per annum, to be paid annually. Annual salary of \$25.

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 15, 1911.]

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## CHAPTER 297.

AN ACT RELATING TO A SPRINKLING DISTRICT IN THE CITY OF LACONIA.

SECTION

1. Sprinkling precincts authorized.  
2. City may share expense.

SECTION

3. Takes effect when adopted.

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

SECTION 1. The city council of said city of Laconia are hereby fully empowered and authorized by ordinance to establish from time to time within the limits of said city such number of precincts as they shall deem necessary for the public convenience Sprinkling precincts authorized.

and to fix the boundaries thereof, and the same to enlarge, modify and alter as the public interests may require, and within any precinct so established the mayor and city council of said city may cause the streets to be sprinkled with water as they deem necessary for the public convenience or to preserve the health of the inhabitants of said city, and the expense of so sprinkling said streets shall be derived from a tax upon the polls, personal and real estate situate within said precinct to be assessed and collected in the same way and manner as is now by law provided for assessing and collecting taxes within said city.

City may share expense.

SECT. 2. The city of Laconia may pay a proportionate part of the expense of sprinkling said precincts when established, as they may deem advisable, not exceeding one-third part thereof.

Takes effect when adopted.

SECT. 3. This act shall take effect when adopted by the city council of said city of Laconia.

[Approved March 15, 1911.]

CHAPTER 298.

AN ACT TO AMEND SECTION 6 OF CHAPTER 195 OF THE ACTS OF 1901 RELATING TO THE ROCKINGHAM COUNTY LIGHT AND POWER COMPANY.

SECTION

1. Right to do business in certain towns.

SECTION

2. Takes effect on passage.

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

Right to do business in certain towns.

SECTION 1. Amend section 6 of chapter 195 of the Acts of 1901 by striking out the whole of said section and inserting in place thereof the following: SECT. 6. The said Rockingham County Light & Power Company shall not enter into the business of lighting in the towns of Newmarket, Durham, Lee, Raymond, Epping, Newfields, or Brentwood, or either of them, unless it shall first acquire by purchase the plant and property in operation therein. In case it makes such purchase it shall have, with respect to the plant, property, and franchise, purchased all the franchises and privileges enumerated and set forth in its articles of agreement.

Takes effect on passage.

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

[Approved March 17, 1911.]

## CHAPTER 299.

AN ACT IN AMENDMENT OF AN ACT IN AMENDMENT TO THE CHARTER OF THE CITY OF MANCHESTER, ESTABLISHING THE OFFICE OF OVERSEER OF THE POOR PROVIDED UNDER THE LAWS OF THE STATE, CHAPTER 291, SESSION LAWS OF 1909.

## SECTION

1. Proposals for fuel, etc., to be published.

## 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 7 of chapter 291 of the Laws of 1909 by adding at the end thereof the following: Said overseer of the poor shall have printed in at least two daily newspapers of the city of Manchester, proposals for fuel and any other commodity that in his judgment will be for the best interest of the city. Said notice shall call for sealed proposals to be awarded to some responsible person offering the lowest bid; said notice to be printed five consecutive days commencing December 12 of each year.

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

[Approved March 17, 1911.]

## CHAPTER 300.

AN ACT REVIVING THE CHARTER OF THE TROY WATER AND IMPROVEMENT COMPANY.

## SECTION

1. Charter revived and continued.

## SECTION

2. Takes effect on passage.

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

SECTION 1. That an act entitled "An Act to incorporate the Troy Water and Improvement Company," approved March 8, 1899, is hereby revived and continued in force as fully and completely to all intents and purposes as if the same were incorporated at the present time.

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

[Approved March 22, 1911.]

## CHAPTER 301.

AN ACT AUTHORIZING THE GOFFSTOWN VILLAGE FIRE PRECINCT  
WATER WORKS TO REISSUE ITS WATER BONDS.

## 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 Goffstown Village Fire Precinct Water  
Works is hereby authorized to reissue its water bonds on or after  
August 1, 1911.Takes effect  
on passage.

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

[Approved March 22, 1911.]

## CHAPTER 302.

AN ACT TO INCORPORATE THE DERRY GAS, HEATING AND LIGHTING  
COMPANY.

## SECTION

1. Corporation constituted.
2. Purposes; capital stock.
3. Right to lay pipes.
4. First meeting.

## SECTION

5. Prior act repealed.
6. Subject to repeal.
7. Takes effect on passage.

*Be it enacted by the Senate and House of Representatives in  
General Court convened:*Corporation  
constituted.SECTION 1. Harry W. Wilson, Frank N. Young, Hector E.  
Bidwell, Guy D. Chadwick, Amos L. Proctor and Louis M. Packer  
all of Derry in the county of Rockingham, their associates, suc-  
cessors and assigns are constituted a body corporate and politic.  
by the name of the Derry Gas, Heating and Lighting Company  
and vested with all the powers and privileges and made subject  
to all the restrictions and liabilities by law incident to corpora-  
tions of a similar nature.Purposes;  
capital stock.SECT. 2. The said corporation is authorized to hold such real  
and personal estate as may be necessary and proper to enable them  
to carry on the manufacture or sale and distribution of gas for  
light, heat and power for the purpose of lighting the streets and  
to furnish gas to the factories and public and private buildings in  
the towns of Derry and Londonderry and to erect such buildings  
and works and to construct such furnaces, reservoirs, gas holders,  
gas pipes and other things as may be requisite and proper for



such purpose; *provided* the whole amount of the capital stock of said company shall not exceed one hundred thousand dollars.

SECT. 3. The company shall have the right to lay gas pipes and mains in any of the public highways in said Derry and Londonderry and to relay and repair the same, subject to such regulations as may be prescribed by said towns of Derry and Londonderry for the security of public travel and the health of said towns. Right to lay pipes.

SECT. 4. The three first persons named in this act or any two of them may call the first meeting of said corporation by notice published in any newspaper published in said Derry. First meeting.

SECT. 5. Chapter 194 of the session Laws of 1905 entitled "An Act to incorporate the Derry Gas Light Company" is hereby repealed. Prior act repealed.

SECT. 6. The legislature may at any time alter, annul or repeal this act. Subject to repeal.

SECT. 7. This act shall be in force immediately on its passage. Takes effect on passage.

[Approved March 22, 1911.]

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## CHAPTER 303.

AN ACT LEGALIZING THE BIENNIAL ELECTIONS HELD BY THE INHABITANTS OF WARD 3, FRANKLIN, SINCE THE YEAR 1895.

SECTION

1. Elections legalized.

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 votes and proceedings at all biennial elections held by the inhabitants of Ward 3, Franklin, since the year 1895, are hereby legalized and confirmed. Elections legalized.

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 23, 1911.]

## CHAPTER 304.

AN ACT IN AMENDMENT OF CHAPTER 120 OF THE LAWS OF 1879,  
ENTITLED "AN ACT TO INCORPORATE THE UNITARIAN EDUCA-  
TIONAL SOCIETY."

## SECTION

1. Power to hold property.

## SECTION

2. Takes effect on passage.

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

Power to hold  
property.

SECTION 1. Section 2 of chapter 120 of the Laws of 1879 is hereby amended by striking out in the third and fourth lines of said section the words "to an amount not exceeding fifty thousand dollars," and inserting in place thereof the words without limit as to its value, so that said section as amended shall read as follows: SECT. 2. Said corporation may establish an institution of learning for the instruction of youth in the arts and sciences and all useful knowledge; may hold real and personal property without limit as to its value; may take, manage, or dispose of all gifts, bequests, or donations, given, bequeathed, or bestowed upon the said corporation, in such manner as shall be deemed for the best interests of the corporation.

Takes effect  
on passage.

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

[Approved March 24, 1911.]

## CHAPTER 305.

AN ACT TO CORRECT CLERICAL ERRORS IN SECTIONS 3 AND 5 OF AN  
ACT APPROVED JANUARY 25, 1911, ENTITLED "AN ACT RELATING  
TO A SOLDIERS' AND SAILORS' MONUMENT IN THE TOWN OF  
LITTLETON."

## SECTION

1. Clerical errors corrected.

2. Same subject.

## SECTION

3. Repealing clause; act takes effect on passage.

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

Clerical errors  
corrected.

SECTION 1. Section 3 of an act approved January 25, 1911 entitled, "An Act relating to a Soldiers' and Sailors' Monument in the Town of Littleton" is hereby amended by striking out the word "of" before the words following, viz; "the donor of the monument," and substituting therefor the word with; also by striking out in the same section the words "which they proposed"

before the words following, viz; "shall be shown by a plan" and substituting for the words to be stricken out the words following, viz; agreed upon by the parties aforesaid; also by striking out in the same section the word "surveyed" before the words following, viz; "all of which shall be placed on the town records," and substituting for the word stricken out the word survey; so that said section 3 as amended shall be read as follows, viz; SECT. 3. The selectmen of the town by agreement with the donor of the monument in writing, signed by both of said parties and filed in the town clerk's office may alter the site of said monument so that the center of the proposed circular plot on which the monument is to be placed shall be at some other point than the one now designated for it, but the plot as changed shall be distant from the plot as now located and surveyed not more than ten feet, reckoning the distance from the center of the plot as first designated and located to the center of the changed location,—*provided* that the change authorized by this section shall not be made after the preparation of the ground for the erection of the monument shall have been begun, *and provided* the change of location agreed upon by the parties aforesaid shall be shown by a plan and survey, all of which shall be placed on the town records. In case a change in the location of the site of said monument shall be made under the provisions of this section, that part of the highway which may be occupied by such altered location without a vote of discontinuance by the town is hereby discontinued as a public highway and such altered plot or site of said monument shall be forever set apart and maintained by said town as the site of said monument.

SECT. 2. Section 5 of said act approved January 25, 1911 Same subject. as aforesaid is hereby amended by striking out the word "to" before the words following, viz; "this act" and substituting for the word stricken out the word with so that said section 5 as amended shall read as follows, viz; SECT. 5. All acts and parts of acts inconsistent with this act are hereby repealed.

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 March 24, 1911.]

## CHAPTER 306.

AN ACT TO AMEND, AN ACT ENTITLED "AN ACT TO INCORPORATE THE YOUNG MEN'S CHRISTIAN ASSOCIATION OF PORTSMOUTH, NEW HAMPSHIRE," APPROVED MARCH 4, 1891.

## SECTION

1. Power to hold property.

## SECTION

2. Takes effect on passage.

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

Power to hold property.

SECTION 1. Amend section 2 of said act by striking out all of said section and inserting the following: SECT. 2. This association is hereby authorized to hold real and personal estate for its use, to the value of two hundred thousand dollars. Its real estate to the value of fifty thousand dollars is hereby exempt from taxation.

Takes effect on passage.

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

[Approved March 24, 1911.]

## CHAPTER 307.

AN ACT TO AUTHORIZE THE CITY OF SOMERSWORTH TO ESTABLISH AND MAINTAIN A LIGHT AND POWER PLANT.

## SECTION

1. Acquisition of property authorized; damages, how assessed.  
2. Lighting commissioners provided for.  
3. Powers and duties.

## SECTION

4. Accounts, how kept.  
5. Appropriations authorized.  
6. Repealing clause; act takes effect on passage.

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

Acquisition of property authorized; damages how assessed.

SECTION 1. That the city of Somersworth, in the county of Strafford, be and hereby is authorized, for the purpose of lighting its streets and public buildings, and for the use of its citizens and for other purposes, to take or purchase franchises and property of any light or power company that is now, or may hereafter be, doing a light or power business in said city of Somersworth, including dynamos, batteries, wires, engines, boilers, and all other machinery, tools and apparatus used in the manufacture, distribution and operation of such light or power plant in said city of Somersworth, and the land and buildings connected and used therewith; and should said city of Somersworth and such light or power company be unable to agree upon what is a fair and equitable price for their property, either party may apply to the

superior court for said county of Strafford, at a trial term thereof, for appraisal of the value of said property, rights and franchises: and said court shall refer the question to three disinterested referees to be selected and appointed by a judge of said court for that purpose; and said board of referees shall as soon as may be thereafter, fix a time for hearing said parties and their witnesses, and report their findings to the superior court, which shall issue its decree thereon; and *provided further*, that if either party shall elect a trial by jury, upon application to said court for said referees, a trial by jury shall be had in such manner and under such regulations as said court may prescribe; and after such purchase or taking, the said city for the purpose aforesaid, may erect and maintain poles and extend wires over or under the streets in said city, and may take, purchase and hold in fee simple, or otherwise, any real or personal estate and any rights therein, necessary for carrying into effect the purposes of this act; and may purchase, erect, construct, and maintain such machinery, dams, reservoirs, buildings and other things as may be necessary for said light and power plant, and to excavate and dig ditches in any highway, place, square, passway or common, or other place, through which it may be deemed necessary and proper to construct said light and power plant, and to relay, change and repair the same at pleasure, having due regard for the safety of its citizens and the public travel; and said city may purchase light and power from other producers whenever it is deemed necessary.

SECT. 2. The immediate management, control and direction of the light and power plant of the city shall be vested in a board of three commissioners to be chosen by the mayor and council of said city of Somersworth, and they, the said commissioners may appoint a superintendent of the said plant, and such other agents or servants as they may deem necessary. 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.

Lighting commissioners provided for.

SECT. 3. Said commissioners shall have the control and management of the construction of said plant, wires and pipes, and make all such contracts and agreements, for and on behalf of the city in relation thereto as the city is hereby authorized to make, and as they may deem proper and advisable, and shall have full charge and control over said plant, wires and pipes when constructed. They shall establish rates and tolls and prescribe rules and regulations for the use of light and power, and may sell and dispose of such articles of personal property connected with said plant as they shall deem expedient, and may purchase such property as may be in their judgment necessary for said plant, and the purposes contemplated by this act; and they shall annually make a detailed report to the city of the condition of the plant and its system of wires and pipes, and the funds belonging to this depart-

Powers and duties.

ment, and expenses and income thereof, which shall be published in the city report of each year.

Accounts,  
how kept.

SECT. 4. All moneys received in any way on account of said light and power plant shall be paid into the city treasury and shall be kept and applied exclusively for the uses of said light and power plant, including the payment of the bonds issued under this act and the interest thereon; and all bills and claims for expenditure connected with said plant shall be paid only by orders drawn by the commissioners, and the city treasurer shall keep his accounts relating to the light and power plant, including all bonds and notes of the city given from loans and money raised for said plant, separately and distinctly from all other receipts and payments.

Appropriations author-  
ized.

SECT. 5. The mayor and council of said city of Somersworth are hereby authorized to raise and appropriate and to borrow and hire such sums of money, not to exceed thirty thousand dollars, on the credit of the city, as may from time to time be deemed necessary for the purpose of defraying the expense of purchasing real estate, water rights and privileges, and other rights, machinery and property as aforesaid, and for constructing, maintaining and operating said light and power plant, and for the payment of machinery and other necessary appliances purchased, and to issue notes or bonds of the city therefor in such amounts and payable at such times and at such rates of interest as may be thought proper, and may exempt such notes and bonds from taxation when held by the inhabitants of the city.

Repealing  
clause; act  
takes effect  
on passage.

SECT. 6. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage.

[Approved March 28, 1911.]

CHAPTER 308.

AN ACT IN AMENDMENT OF CHAPTER 153 OF THE LAWS OF 1905,  
ESTABLISHING A BOARD OF POLICE COMMISSIONERS FOR THE  
CITY OF KEENE.

SECTION

1. Board, how constituted; tenure of office.
2. How removed.

SECTION

3. Quarterly report to mayor and aldermen.

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

Board, how  
constituted;  
tenure of of-  
fice.

SECTION 1. Section 2 of chapter 153 of the Laws of 1905 is hereby repealed and the following section substituted in its place:  
SECT. 2. The board of police commissioners shall consist of

three members who shall be elected by the legal voters of the city of Keene at its annual election of officers. Said commissioners shall hold office for a term of six years from the first Tuesday of January or until their successors are elected and qualify. Of the three persons first elected to constitute said board the one receiving the highest number of votes shall hold office for six years, the one receiving the second highest shall hold office for four years and the one receiving the lowest number shall hold office for two years, so that after the first board of commissioners is elected, only one commissioner shall be elected every two years by the legal voters of said city. In case of a tie vote at the first election the tie shall be determined by the city clerk and said clerk shall in the presence of the candidates draw lots to decide which candidate shall hold the longer term of office. Any vacancy in said board shall be filled by the mayor and board of aldermen of said city and such persons thus appointed shall hold his office until the next annual election when the vacancy shall be filled by election. No commissioner shall hold any other municipal office during his term as commissioner and all commissioners shall have been residents of said Keene for at least five years immediately preceding the date of their election.

SECT. 2. Section 3 of said chapter is hereby repealed and the following substituted in its place: The mayor and board of aldermen shall have full power to remove any commissioner at any time after a fair hearing and for just cause. How removed.

SECT. 3. The words "and annually to the governor in the month of December" in the second and third lines of section 7 of said chapter, and the words "the governor and council, and to" in the fifth line of said section are hereby stricken out so that said section shall read, The said board shall make a detailed report of its doings quarterly to the mayor and aldermen of said city. The records of said board shall at all times be open to the inspection of the citizens of Keene. Quarterly report to mayor and aldermen.

[Approved March 28, 1911.]

CHAPTER 309.

AN ACT IN AMENDMENT OF CHAPTER 213 OF THE LAWS OF 1891 OF SAID STATE, ENTITLED "AN ACT TO INCORPORATE THE NASHUA YOUNG MEN'S CHRISTIAN ASSOCIATION."

SECTION  
1. Exemption from taxation.

SECTION  
2. Takes effect on passage.

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

Exemption from taxation.

SECTION 1. Amend chapter 213 of the Laws of 1891 of said state by striking out the whole of section 5 thereof and substituting the following: SECT. 5. All property, real or personal, of said Young Men's Christian Association of Nashua shall be exempt from taxation so far as the same is and shall be devoted to and used for the purposes of said association.

Takes effect on passage.

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

[Approved March 28, 1911.]

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CHAPTER 310.

AN ACT AUTHORIZING THE TOWN OF HAVERHILL TO APPROPRIATE A SUM NOT EXCEEDING THREE HUNDRED DOLLARS FOR THE OBSERVANCE OF THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE INCORPORATION OF THE SETTLEMENT OF THE TOWN.

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 town of Haverhill is hereby authorized to raise and appropriate a sum not exceeding three hundred dollars for the purpose of observing the one hundred and fiftieth anniversary of the incorporation and settlement of the town of Haverhill.

Takes effect on passage.

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

[Approved March 28, 1911.]



## CHAPTER 311.

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

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 for completion of the North Conway & Mount Kearsarge Railroad is hereby extended to the first day of July, 1913. Time for building extended.

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

Takes effect on passage.

[Approved March 28, 1911.]

## CHAPTER 312.

AN ACT TO INCORPORATE THE WALPOLE & ALSTEAD 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.

## SECTION

7. Rights reserved to towns.
8. Company to keep highways in repair.
9. Subject to general law.
10. First meeting.
11. Takes effect on passage; void as to parts not built within four years.

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

SECTION 1. That James Barrett, Daniel W. Connors, P. E. Griffin, Wm. J. King, M. H. Murphy, Horace A. Perry, E. K. Seabury, F. A. Spaulding and F. F. Shepard, of Walpole in the county of Cheshire; F. J. Marvin, H. P. Abbott and H. B. Chapin of Alstead in the county of Cheshire; Geo. A. Weston of Bellows Falls, Vermont; and Dennis A. Blakeslee and Samuel C. Morehouse of New Haven, Connecticut, their associates, successors and assigns are hereby made a corporation by the name of The Walpole & Alstead Street Railway Company, with power to construct, maintain and operate railways with convenient sidings, poles, wires, turnouts, and switches from the westerly border of Corporation constituted; purposes.

New Hampshire in the town of Walpole, on the bridge across Connecticut river, erected above the dam of the Bellows Falls Canal Company, and extending from the village of Bellows Falls in the state of Vermont, to the village of North Walpole in New Hampshire, thence running across said bridge and northerly through said village of North Walpole to the northerly line of said town of Walpole; also from the westerly border of New Hampshire in said town of Walpole, on the formerly so-called Old Toll bridge, extending from said village of Bellows Falls to said Walpole, and across said bridge and thence southerly in the town of Walpole to and through the village of Walpole in said Walpole, and from said line of railway at some convenient point easterly of Cold River, so called, in said Walpole, running thence easterly through said Walpole and Alstead town to and through the village of Alstead; and in said towns said street railway may be constructed upon and over such highways and lands as may be necessary; and it 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.

**Capital stock.**     **SECT. 2.** The capital stock of said corporation shall not exceed one hundred and fifty thousand 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 its capital stock and bonds to be issued from time to time shall be determined and issued in accordance with the provisions of chapter 27, section 17, Laws of 1895, or any amendments thereto.

**How laid out in highways.**     **SECT. 3.** All parts of said railway occupying any portion of the public highways or streets shall be located thereon by the selectmen of the town in which said portion of highways or streets may be. The selectmen of said towns respectively, upon the petition of the directors of said railway for a location of its tracks on or over 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 town; 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 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 change in 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 such 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.

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 or any amendment thereto; the 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 duties, restrictions, and liabilities contained in said chapter or amendments thereto.

SECT. 5. The selectmen of the towns through which the 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; and from such orders there shall be no appeal.

SECT. 6. The selectmen of the towns through which said railway shall pass, respectively, may designate the quality and kind of materials to be used in the construction of said railway within said towns, 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 respective towns, as to the rate of speed, the manner of operating said railway, the construction of tracks, poles, wires, switches, and turnouts within any highway in their respective towns, as the interests or convenience of the public may require; and all designations, orders, rules, and regulations thus made or established and all locations made by the selectmen shall be forthwith recorded in the records of said respective towns. The railway company, or any person interested, may at any time appeal from such designations, orders, rules and regulations thus made and established to the board of railroad commissioners, who shall, upon notice, hear the parties and finally determine the questions raised by said appeal.

SECT. 7. Said towns, 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 to said corporation.

How laid out elsewhere.

Location of tracks.

Selectmen may make certain regulations.

Rights reserved to towns.

Company to keep highways in repair.

SECT. 8. Said railway corporation shall keep in repair, to the satisfaction of the superintendent of streets, street commissioners, road commissioners, or surveyor of highways, in the respective towns, 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 its agents and servants in construction management or use of its tracks.

Subject to general law.

SECT. 9. Said railway corporation shall be subject to all the provisions of the general laws, except as modified by the provisions herein.

First meeting.

SECT. 10. 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 four years.

SECT. 11. 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 four years from its passage.

[Approved March 30, 1911.]

CHAPTER 313.

AN ACT IN RELATION TO THE NEW HAMPTON VILLAGE FIRE PRECINCT.

SECTION

- 1. Name of precinct.
- 2. Prior acts ratified.

SECTION

- 3. Takes effect on passage.

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

Name of precinct.

SECTION 1. The fire precinct established in 1887, under the general law, in the village of New Hampton, in the town of New Hampton, shall hereafter be known as the New Hampton Village Fire Precinct.

Prior acts ratified.

SECT. 2. All business heretofore transacted and all votes passed or acts done under the name of the New Hampton Village Fire District, or the New Hampton Fire District, or the New Hampton Fire Precinct, or under any other name for and on

behalf of the New Hampton Village Fire Precinct, are hereby ratified and confirmed.

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

Takes effect  
on passage.

[Approved March 30, 1911.]

## CHAPTER 314.

### AN ACT TO ESTABLISH A LIGHTING PRECINCT IN WEST CONCORD.

#### SECTION

1. Precinct established; boundaries.
2. Precinct a corporation; powers.
3. Precinct officers.
4. Appropriations and accounts.
5. First meeting.

#### SECTION

6. Jurisdiction of board of public works.
7. Takes effect, when.
8. Repealing clause.

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

SECTION 1. A street-lighting precinct is hereby established in ward three of the city of Concord, to comprise the territory, with its inhabitants, situated within the following described limits:— Beginning at an elm tree designated by a bench mark cut thereon, located on the westerly shore of the old channel of the Merrimack river, near the northerly end of said channel, on land formerly owned by George W. Brown; thence running northeasterly by the westerly shore of said old channel, across the track of the Northern Railroad, to the main channel of said Merrimack river; thence northerly by the center line of said river to Sewall's Falls bridge; thence southwesterly, by the northerly and westerly line of Sewall's Falls Bridge road, to the southeasterly corner of the West Concord cemetery; thence along the southerly line of said cemetery to the southwesterly corner thereof; thence in a straight line, across the highway leading from Concord to Penacook and the track of the Concord & Claremont Railroad, to the northeasterly corner of land of the estate of Edward S. Parmenter; thence by the northerly line of the land of said estate to the northwesterly corner thereof; thence southerly, by the westerly boundary line of the land of said estate and land of George R. Parmenter and Daniel Crowley, to a point on said boundary line two hundred feet northerly of Hutchins street: thence westerly, on a line parallel to said Hutchins street and the West Parish road, to the westerly boundary line of land of the estate of Patrick Ryan; thence southerly, along the stone wall forming said boundary line, to the highway; thence across said highway, and along the westerly side of the roadway leading to the dam of the Concord

Water Works, to said dam; thence in a straight line along the westerly rail of said dam, and to a point three hundred feet southerly of Lake street; thence easterly and southerly, on a line parallel to said Lake street, to a point five hundred and fifty feet westerly from the center of the track of the Concord & Claremont Railroad; thence southerly, on a line parallel to said railroad, to the northerly line of land formerly owned by Wilkins, Foster and Clough; thence easterly, by the northerly boundary line of said Wilkins, Foster and Clough land and by an extension of said line, across North State street to the track of the Concord & Claremont Railroad; thence along the center line of said railroad to its intersection with the southerly line of ward three; thence easterly, by the southerly line of said ward, to a point five hundred feet westerly of the center of the track of the Northern Railroad; thence northerly, on a line parallel to said railroad, to the old channel of the Merrimack river; thence northerly, by the westerly shore of said old channel, to the elm tree first mentioned. Said precinct shall include all territory within the above described limits, whether lying in ward three or not, except a certain tract of land with the buildings thereon, situated on the easterly side of Sewall's Falls Bridge road and now owned and occupied by Fred L. Besse, which is hereby excluded from said precinct. Said precinct shall also include all real estate now owned by the Concord Electric Company on the Merrimack river between the elm tree first mentioned and Sewall's Falls bridge, whether embraced within the above described limits or not, and two certain tracts of land with the buildings thereon, situated outside said limits on the westerly side of Sewall's Falls Bridge road, formerly owned by J. M. Stewart and Cyrus R. Farnum respectively and now owned by said Concord Electric Company. *Provided, however,* that the real estate mentioned in the preceding sentence, together with the real estate of the Concord Electric Company lying within the general limits hereinbefore defined, shall constitute a part of said precinct so long only as the precinct's lighting service shall be furnished by said company or its successors or assigns, and shall be excluded therefrom whenever the precinct shall obtain its street lights from other sources.

Precinct a  
corporation;  
powers.

SECT. 2. The inhabitants of the above described territory are hereby made a body politic and corporate under the name of the West Concord Lighting Precinct, for the purpose of lighting the streets and highways within said territory or its more thickly settled portions; and in relation to such lighting said precinct shall have all the powers and privileges with which towns, or village districts organized under charter 53 of the Public Statutes or amendments thereof, now are or hereafter may be invested in relation to like objects. At its first meeting, any subsequent annual meeting, or any special meeting called for the purpose, by majority vote of the legal voters present and voting at such

meeting, said precinct may contract or authorize its commissioners to contract with individuals and corporations for lighting any of the streets and highways within said territory by electricity or otherwise, and may raise and appropriate, or authorize its commissioners to borrow and hire on the credit of the precinct, such sums of money as may from time to time be deemed necessary or advisable for carrying out the provisions of such contracts or otherwise effectuating the purposes of this act.

SECT. 3. The officers of said precinct shall consist of a moderator, a clerk, three commissioners, and such other officers and agents as the voters thereof may deem necessary for managing the precinct's affairs. The city treasurer of Concord shall act as treasurer of the precinct. Said moderator, clerk and commissioners shall be elected by ballot, by majority vote of the legal voters present and voting, at the first and each subsequent annual meeting of the precinct, shall hold office until the next annual meeting and until their successors are chosen or appointed and qualified, and shall respectively possess and perform the same powers and duties in respect to the precinct's meetings and business affairs that corresponding officers of village districts organized under chapter 53 of the Public Statutes possess and perform in respect to like matters. Said commissioners shall fill any vacancies arising in their own body or in any other precinct office in the manner provided in section seven of said chapter, shall execute on behalf of the precinct all contracts or notes authorized by it, shall have supervision of the carrying out of all votes adopted by the precinct with reference to street lighting, and may exercise any other powers possessed by the precinct which may be conferred upon them by majority vote of the legal voters present and voting at a precinct meeting except the raising and appropriation of money.

SECT. 4. All votes to raise money by taxation shall be certified by the clerk of said precinct to the assessors of the city of Concord, the sums so voted shall be assessed and collected in the same manner as other taxes in said city, and aggrieved parties shall have the same remedies as in the case of such other taxes. The city treasurer shall keep a separate account of the funds belonging to the precinct, and the same shall be expended by the precinct commissioners, who shall draw orders upon said treasurer for the payment of all accounts and claims against the precinct allowed by them and take proper vouchers therefor. At each annual meeting of the precinct, said commissioners shall render to the voters thereof an account of their doings and of the receipts and expenditures of the precinct for the year preceding.

SECT. 5. Henry H. Chase, John G. Tallant and Joseph E. Shepard, or either of them, may call the first meeting of the legal voters of said precinct, in the same manner that town meetings are called by the selectmen. Said first meeting shall be held as

soon as may be after the passage of this act, and the subsequent annual meetings of the precinct beginning with the year 1912, shall be holden in the month of March in each year.

Jurisdiction of board of public works.

SECT. 6. Nothing herein contained shall affect the jurisdiction of the board of public works, under the revised charter of said city of Concord (Laws of 1909, chapter 305), to prescribe and change the particular locations of such poles, wires and other structures as said precinct or its officers may establish in any streets or highways under the provisions of this act, and to make such other orders regarding the same as may be required by the public safety or convenience in the use of said streets or highways.

Takes effect, when.

SECT. 7. So much of this act as provides for calling and holding the first meeting of said precinct shall take effect upon the passage hereof, and the first business transacted at such meeting shall be the choice of a moderator and clerk *pro tempore* and the taking of a vote upon the adoption of this act. If the same is adopted by a majority vote of the legal voters present and voting at such meeting, the remainder of this act shall take effect immediately upon such adoption, and said meeting may thereupon proceed to elect permanent officers and transact any other business herein authorized. If not so adopted, this act shall be void.

Repealing clause.

SECT. 8. All acts and parts of acts, and all ordinances or parts of ordinances of said city of Concord, inconsistent herewith, are hereby repealed and annulled to the extent of such inconsistency.

[Approved March 30, 1911.]

CHAPTER 315.

AN ACT TO AMEND SECTION 4 OF CHAPTER 189 OF THE SESSION LAWS OF 1903, AS AMENDED BY CHAPTER 157 OF THE SESSION LAWS OF 1905, AND KNOWN AS "AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF DOVER, CREATING A BOARD OF POLICE COMMISSIONERS FOR SAID CITY, AND FIXING THE SALARIES OF THE OFFICERS IN THE POLICE DEPARTMENT."

SECTION

1. Police force, how constituted; compensation of police, etc.

SECTION

2. Repealing clause; act takes effect on passage.

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

Police force, how constituted; compensation of police, etc.

SECTION 1. Section 4 of chapter 189 of the session Laws of 1903, as amended by chapter 157 of the session Laws of 1905, is hereby amended, by striking out all of said section 4, and sub-



stituting in its place, the following, so that said section 4, as amended, shall read: SECT. 4. The police force of said city shall consist of a city marshal, assistant city marshal, captain of the watch, police officers and constables not to exceed twelve in number, who shall devote such time to the performance of their duties as may be required by the commissioners. Said officers shall not engage in any other business or occupation, or hold any state, county, or municipal office, except as aforesaid. The board shall have the power to appoint as many special officers as may be considered necessary, who shall perform such service as may be required of them by the rules and regulations of the board. Special officers shall exercise, when on duty, all the powers of police officers and constables, under the laws of the state. The compensation of the city marshal shall be at the rate of twelve hundred dollars per annum; the assistant marshal at the rate of one thousand dollars per annum; the captain of the watch while on duty, at the rate of nine hundred and twenty dollars per annum; each police officer, while on duty, at the rate of nine hundred dollars per annum; each special police officer, while on duty, such sum as the commissioners may designate; but in no event to exceed two dollars and fifty cents per day. The salary of the police justice of said city shall be nine hundred dollars per annum, the salary of the special justice of said police court shall be three hundred dollars per annum; the salary of the clerk of said police court shall be four hundred dollars per annum. The compensation of said board of police commissioners shall be five hundred dollars per annum, to be divided as said board may determine. All the above salaries, as well as the necessary expenses of the commissioners, to be paid monthly by said city of Dover, and to be in full for all services rendered, as well as all fees in criminal cases, which shall, in all cases, be paid to the city.

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 30, 1911.]

## CHAPTER 316.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF A COMMITTEE TO REVISE THE CHARTER OF THE CITY OF KEENE.

## SECTION

1. Committee provided for.
2. Duties of committee.

## SECTION

3. To be paid expenses only.
4. Takes effect on passage.

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

Committee provided for.

SECTION 1. The mayor of the city of Keene shall appoint as soon as may be, subject to confirmation by the city council in joint convention, three suitable persons, who, together with said mayor and city solicitor of said city, 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 two 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, who shall be chairman of the committee, shall organize by choosing one of their members as clerk.

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 its precincts and school districts, 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 or its precincts or school districts to testify before them relative to the affairs of his department, precinct or district, and may employ such clerical or stenographic assistance as they find necessary for the performance of their duties. On or before January 1, 1912, they shall file with the secretary of state a report containing a concise statement of their conclusions and a draft of such amendment 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.

To be paid expenses only.

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.

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

Takes effect  
on passage.

[Approved March 30, 1911.]

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## CHAPTER 317.

AN ACT TO EXEMPT FROM TAXATION THE PROPERTY OF THE  
MEMORIAL HOSPITAL AT NORTH CONWAY, N. H.

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 Memorial Hospital at North Conway, N. H., together with any additions thereto or improvements thereon, are and shall be exempt from taxation, so long as said property may be used for hospital purposes.

Property ex-  
empted.

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

Takes effect  
on passage.

[Approved March 30, 1911.]

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## CHAPTER 318.

AN ACT AUTHORIZING THE TOWN OF GILFORD TO APPROPRIATE A  
SUM NOT EXCEEDING THREE HUNDRED DOLLARS TO CELEBRATE  
THE ONE HUNDREDTH ANNIVERSARY OF THE INCORPORATION OF  
THE TOWN OF GILFORD.

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 Gilford is hereby authorized to raise and appropriate a sum not exceeding three hundred dollars for the purpose of celebrating the one hundredth anniversary of the incorporation of the town of Gilford.

Authority  
granted.

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

Takes effect  
on passage.

[Approved March 30, 1911.]

## CHAPTER 319.

## AN ACT TO INCORPORATE THE OSSIPEE WATER AND ELECTRIC COMPANY.

SECTION	SECTION
1. Corporation constituted; purposes.	9. Contracts authorized.
2. Capital stock.	10. Issue of bonds.
3. Meetings.	11. First meeting.
4. Power to hold property.	12. Reserved right of purchase by town.
5. Appropriation of Dan Hole pond.	13. Purchase price, how determined.
6. Additional powers.	14. Subject to repeal; takes effect on passage.
7. Sale of water and power.	
8. Erection of poles, etc.; damages, how assessed.	

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

Corporation constituted; purposes.

SECTION 1. That George W. Bent, Lyford A. Merrow, Simon O. Huckins, and Albert W. Leighton, and their associates, successors and assigns, shall be and hereby are made a body politic and corporate by the name of the Ossipee Water and Electric Company, for the purpose of furnishing and distributing through the villages of Ossipee, known as Ossipee Center, Mountain View and Moultonville, by subterranean pipes an adequate supply of water at any points within two miles of the Dan Hole river, so called, for the purpose of extinguishing fires, sprinkling streets, for the use of the citizens and for such other purposes as water may be required, in said villages, and for the purpose of lighting the streets and public and private buildings therein, and furnishing the power for mechanical and other purposes, and by that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby invested with all the powers and privileges and made subject to all the liabilities incident to corporations of a similar nature.

Capital stock.

SECT. 2. The capital stock of said corporation shall consist of such number of shares, not exceeding one hundred dollars each, as may from time to time be determined by the directors of said corporation, not exceeding on the whole the sum of fifty thousand dollars.

Meetings.

SECT. 3. The annual and all special meetings of the corporation shall be held at such times and places, and upon such notice as may be provided by the by-laws of the corporation.

Power to hold property.

SECT. 4. Said corporation is empowered to purchase, and hold in fee simple or otherwise, any real and personal estate necessary and proper for carrying into effect the purposes of this act.

Appropriation of Dan Hole pond.

SECT. 5. Said corporation is authorized to enter upon and appropriate the waters of Dan Hole pond, so called, and of Dan Hole river and streams tributary thereto, except that such appro-

priation shall not be permitted at any point distant more than two miles from said Dan Hole river, and is also authorized to dig ditches, make excavations and reservoirs through, over, in or upon any land or enclosure in said town of Ossipec through which it may be necessary for said pipes and said water to pass or said excavations, reservoirs and water works to be, or exist, for the purpose of obtaining, holding, preserving or conducting said water and placing said pipes, other materials, or works as may be necessary for building and operating such water and electric works or repairing the same.

SECT. 6. Said corporation shall have the power and authority to manufacture, manage, operate and deal in meters, motors, machinery, and appliances connected with, incident to the use of, and convenient for producing, developing, measuring, and utilizing electricity and electrical agencies, for lighting, heating, and mechanical purposes, and to distribute electricity through said town of Ossipec. Additional powers.

SECT. 7. Said corporation shall have power to regulate the use of water and electricity distributed by it, to contract with individuals and corporations for the use of the same, and establish such tolls and charge such rents as shall be deemed reasonable. Sale of water and power.

SECT. 8. And in addition thereto said corporation for the purposes aforesaid may erect and maintain poles and extend wires over or under the streets and highways in said town and may erect, construct and maintain such machinery, dams, reservoirs, stand-pipes, buildings and other things as may be necessary for such water and electric light works, also dynamos, batteries, pumps, engines, boilers, mains and all other machinery, tools and apparatus used in the manufacture, distribution and operation of said water and electric light works. All acts authorized by this and preceding section shall be subject to such regulations for the safety of citizens and others and security of public travel as may be prescribed by the selectmen of the town of Ossipec. *Provided* that if it shall be necessary to enter upon and appropriate such pond, streams or land for the purposes aforesaid, to raise or lower the level of the same, and the said corporation shall not be able to agree with the owners 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 for the county of Carroll to have the same laid out and 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 is now provided for laying out highways; and said commissioners shall make report to said court, and said court may issue execution accordingly; but if either party shall desire it, upon application to said court before reference to said commissioners, he shall have a trial by jury under such regulations as the court may prescribe. Erection of poles, etc.; damages, how assessed. Appli-

cations under this section may be made, notice ordered and returned, reports filed, and all hearings had, except jury trials, on any day or days during a session of said court in said county as the court may order.

Contracts  
authorized.

SECT. 9. Said corporation may make any contract with said town of Ossipee or with any fire-precinct or precincts which may be established in said town or with any person or corporation to furnish water, hydrants, and other means and apparatus for extinguishing fires, domestic, mechanical, and such other purposes as may be necessary and proper, and for lighting by electric lights; and said town, or any fire precinct hereafter organized in said town, is hereby authorized to contract with said corporation for the use of said water hydrants, or other apparatus for the proper uses of such town or precinct, and may raise and appropriate money therefor, or said town may exempt said corporation from taxes for a period of ten years by a majority vote at any town meeting.

Issue of  
bonds.

SECT. 10. Said corporation may borrow money for the purposes named herein and issue its note, bonds, or other obligations therefor, and secure the same by mortgage upon the said corporation.

First meeting.

SECT. 11. Any two of the corporators herein named may call the first meeting of the corporation by giving notice in writing to each of the corporators of the time and place of the meeting at least seven days before the day of meeting, or by leaving the same at his last and usual place of abode, or by publishing the same in some newspaper in the county; and at said meeting, or any adjourned meeting thereof, or any subsequent meeting, associates may be admitted, all proper officers chosen, the capital stock fixed, and such by-laws and regulations adopted as may be deemed necessary to carry into effect the business of the corporation.

Reserved  
right of pur-  
chase by  
town.

SECT. 12. Said town of Ossipee shall have the right at any time to acquire by purchase or otherwise from said Ossipee Water and Electric Company, at a fair and equitable valuation all the property, rights, privileges, and franchises of said corporation; and in fixing and agreeing upon the proper value of said Ossipee Water and Electric Company, said town of Ossipee by its proper officers is hereby authorized and empowered to agree with the Ossipee Water and Electric Company, and its officers, in any suitable method upon a disinterested commission of three or more individuals who may appraise the true and equitable value of said Ossipee Water and Electric Company, and the value so fixed upon to be the purchase price for said property.

Purchase  
price, how de-  
termined.

SECT. 13. Should said town of Ossipee be unable to agree with said Ossipee Water and Electric Company upon a fair and equitable price for its property in the manner provided in the above section of this act, application may be made to the superior

court for the county of Carroll, at the trial term thereof for fixing the valuation of said property, rights, and franchises and said court may refer the same to the county commissioners for said county.

SECT. 14. This act may be altered, amended or repealed whenever the public good requires, and shall take effect upon its passage. Subject to re-  
peal; takes  
effect on pas-  
sage.

[Approved March 30, 1911.]

CHAPTER 320.

AN ACT TO RENEW THE CHARTER OF THE CALEDONIA POWER COMPANY.

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| SECTION<br>1. Charter revived and renewed. |  | SECTION<br>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. That chapter 307 of the Laws of 1903, approved March 31, 1903, entitled "An Act to Incorporate the Caledonia Power Company," be and hereby is re-enacted and renewed. Charter re-  
newed.

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

[Approved March 30, 1911.]

CHAPTER 321.

AN ACT TO AUTHORIZE THE TOWN OF ANTRIM TO ESTABLISH AND MAINTAIN AN ELECTRIC LIGHT AND POWER PLANT AND FOR LIGHTING ITS STREETS, ETC.

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|---|--|--|
| SECTION<br>1. Electric light and power plant authorized.<br>2. Right of eminent domain.<br>3. Contracts authorized.<br>4. Management of plant.<br>5. Duties of selectmen. |  | SECTION<br>6. Accounts, how kept.<br>7. Appropriations authorized.<br>8. Adoption of act.<br>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:*

SECTION 1. The town of Antrim in the county of Hillsborough is hereby authorized and empowered to contract, maintain, manage and own a suitable electric light and power plant Electric light  
and power  
plant author-  
ized.

for the purpose of introducing and distributing wherever advisable throughout the town an adequate supply of light for lighting its streets, 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 and privileges, and machinery necessary for carrying into effect the purposes of this act, and to erect and maintain poles and place wires for the transmission of electricity, or may lay the same in subterranean pipes, through the lands of any person or corporation, and under any railroad and under or over any streets and ways of said town, and it may enter upon and dig up any such real estate or way for the purpose aforesaid, and change and repair the same at pleasure, having due regard for the safety of its citizens and security of the public travel. Said company shall not enter upon, construct or lay any conduits, pipes, wires or other works within the location of any railroad corporation, except at such time and in such manner as it may agree with such corporation, or, in case of failure so to agree, as may be approved by the board of railroad commissioners.

Right of eminent domain.

SECT. 2. Said town is authorized and empowered to enter upon, take and appropriate any stream, real estate, and any rights therein and water rights, powers and privileges not in use by any aqueduct or other company in said town, and to purchase such real estate, water rights, powers and privileges as may be deemed necessary and expedient for said purposes, and dig ditches, make excavations, erect poles and place wires, through, over, in or upon any land or enclosure through which it may be necessary to pass, or said poles, wires or subterranean pipes to be or exist, for the purpose of generating, transmitting, and supplying such electricity, and placing such poles, wires, subterranean pipes, or other materials, or works as may be necessary for building and operating such electric light and power plant, or for repairing the same; *provided*, if it shall be necessary to enter upon and appropriate any streams, real estate, or rights therein, and water rights, powers and privileges, 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 may take such streams, real estate, or rights therein, and water rights, powers and privileges, assess the damages, and the same remedies and proceedings may be had as in case of laying out highways.

Contracts authorized.

SECT. 3. Said town is authorized and empowered to contract with individuals and corporations for supplying them with light or power, and to make such contracts and establish such regulations tolls and rates for light and power or its use, as may from time to time be deemed proper.

Management of plant.

SECT. 4. The immediate management, control and direction of the electric light and power plant of the town shall be vested



in the board of selectmen, and they may appoint a superintendent of the works, and such other agents and servants as they may deem necessary. 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.

SECT. 5. Said selectmen shall have the control and management of the construction of said plant and system of wires, etc., 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 said works when constructed. They shall establish rates and tolls and prescribe rules and regulations for the use of light and power, 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 purpose contemplated by this act; and they shall annually make a detailed report to the town of the condition of the plant and its system of wires, etc., and the funds belonging to this department, and expenses and income thereof, which shall be published in the town report of each year.

Duties of selectmen.

SECT. 6. All moneys received in any way on account of said electric plant shall be paid into the town treasury, and shall be kept and applied exclusively for the uses of said electric plant, including the payment of the bonds issued under this act and the interest thereon; and all bills and claims for expenditure connected with said plant shall be paid only by orders drawn by the selectmen, and the town treasurer shall keep his accounts relating to the electric plant, including all bonds and notes of the town given for loans and money raised for said plant, separately and distinctly from all other receipts and payments.

Accounts, how kept.

SECT. 7. Said town is also authorized, at any annual meeting, by a major vote of the legal voters present and voting, or by majority vote of the legal voters at a special meeting, to raise and appropriate and to borrow or hire, such sums of money, not to exceed forty thousand dollars, 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, water rights, and privileges, and other rights, machinery, and property as aforesaid, and for constructing, maintaining and operating said electric plant, and for the payment of machinery, etc., purchased and to issue notes or bonds of the town therefor, in said amounts and payable at such times and at such rates of interest as may be thought proper, and may exempt such notes and bonds from taxation when held by the inhabitants of the town.

Appropriations authorized.

SECT. 8. Said town may accept and adopt the provisions of this act at any annual meeting, by a major vote of the legal voters

Adoption of act.

present and voting, or at a special meeting called for the purpose when a majority of the legal voters of the town vote so to do.

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 6, 1911.]

Repealing clause; act takes effect on passage

CHAPTER 322.

AN ACT TO INCORPORATE THE NUTE CHARITABLE ASSOCIATION.

SECTION

- 1. Corporation constituted; first meeting.
- 2. Purposes.
- 3. Directors and officers.
- 4. Investment of fund.

SECTION

- 5. Additional bequests.
- 6. Exemption from taxation.
- 7. Annual report to selectmen.
- 8. Names not to be published.
- 9. Takes effect on passage.

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

SECTION 1. That Everet F. Fox, Charles A. Jones, M. A. H. Hart, Harry L. Avery, Bard B. Plummer, Joseph H. Avery, Walter E. Looney, Chas. D. Fox, Moses G. Chamberlain, and their successors are hereby made a body corporate by the name of the Nute Charitable Association, and shall have and enjoy all the powers and privileges and be subject to all the liabilities incident to corporations of a similar nature, and by that name may sue and be sued. Harry L. Avery or Charles A. Jones may call the first meeting of said association by letter mailed to each member of said association at least seven days prior to the date set for said first meeting.

Corporation constituted; first meeting.

Purposes.

SECT. 2. Said corporation is hereby established to carry out section XII subdivision (a) of the will of Lewis W. Nute, late of Boston, Mass., dated June 15, 1888 which is as follows:

"I give to my said trustees the following named sums upon the trusts hereinafter set forth, viz: (a) The sum of fifty thousand dollars in trust to pay over the net income thereof as often as once in six months to my said brother, Samuel F. Nute, during his life; and at his death in trust to pay over and distribute the said net income at their discretion to the relief of the deserving poor of said town of Milton, employing therein such individuals or corporate agencies as they shall see fit; and with power at any time to transfer and convey the principal of the trust fund to any corporation which may be organized with the approval of my trustees for the time being for the purpose of affording charitable relief to the poor of such town."

SECT. 3. Said corporation shall consist of nine who shall be its directors, a majority of whom shall constitute a quorum, and they may elect from their number a president, secretary, and treasurer, and all other necessary officers. The treasurer shall give such satisfactory bonds for the faithful discharge of his duties as the corporation may deem proper. The members may fill any vacancy that may arise in their body. The place of business of said corporation shall be in Milton, N. H.

Directors and officers.

SECT. 4. Said trust fund when turned over to said corporation shall be invested according to the laws of New Hampshire governing the investment of trust funds.

Investment of fund.

SECT. 5. Said corporation may receive additional bequests for similar purposes.

Additional bequests.

SECT. 6. Said fund being held solely for the benefit of the deserving poor of said Milton is hereby exempt from taxation.

Exemption from taxation.

SECT. 7. Said corporation shall on or before the first day of January of each year render a report to the selectmen of said Milton, containing statement of funds on hand, how invested, income received during the year, number of persons assisted, and accounts of such assistance consistent with the terms of said will and with the provisions of section 8 of this act.

Annual report.

SECT. 8. The name of any deserving poor helped by said corporation shall not be made public.

Names not to be published.

SECT. 9. Said act shall take effect on its passage.

Takes effect on passage.

[Approved April 5, 1911.]

## CHAPTER 323.

### AN ACT TO ENABLE THE CITY OF KEENE TO PRESERVE AND PROTECT ITS WATER SUPPLY AND ITS PURITY.

#### SECTION

1. Acquisition of property authorized.
2. Damages, how assessed.

#### SECTION

3. Takes effect on passage.

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

SECTION 1. For the purpose of maintaining, preserving and protecting the water supply of the city of Keene and its purity, said city is hereby authorized and empowered to purchase and acquire any lands or real estate situated in the towns of Roxbury and Marlborough and said city which it may deem necessary therefor. Said city is further empowered to purchase and hold shares of the capital stock of any corporation owning real estate

Acquisition of property authorized.

or rights to quarry stone on real estate situated on the slopes of Roaring brook in said Roxbury.

Damages,  
how assessed.

SECT. 2. In case said city shall not be able, in the opinion of the city councils, to obtain and secure, on reasonable terms any lands or real estate for the purposes mentioned in the foregoing section, said city may apply to the superior court for the county of Cheshire for the assessment of damages to the owner of such lands or real estate. Said court, on notice to the parties interested and a hearing, if it shall appear to the court that such lands or real estate are reasonably necessary to said city for said purposes and cannot be purchased or secured on reasonable terms, shall assess and award damages to the owner of such lands or real estate adjudged by said court to be reasonably necessary as afore-said. Such assessment and award shall be filed and recorded in the office of the town clerk of the towns in which said lands or real estate are situated and filed and recorded in the office of the registry of deeds for the county of Cheshire, as soon as may be after the same is completed; and upon payment or tender to the owner of the sum so assessed, the rights of said city to said lands or real estate shall become vested and complete. Either party shall be entitled to elect to have the damages for such taking assessed by jury, and no citizen residing in Keene or owning taxable property therein shall be qualified to sit on such jury.

Takes effect  
on passage.

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

[Approved April 5, 1911.]

CHAPTER 324.

AN ACT TO ENABLE THE TOWN OF GOFFSTOWN TO RAISE AND APPROPRIATE A SUM NOT EXCEEDING THREE HUNDRED DOLLARS FOR THE CELEBRATION OF THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE INCORPORATION OF THE TOWN.

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 town of Goffstown is hereby enabled to raise and appropriate a sum of money not to exceed three hundred dollars for the purpose of celebrating the one hundred and fiftieth anniversary of the incorporation of the town.

Takes effect  
on passage.

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

[Approved April 6, 1911.]

## CHAPTER 325.

AN ACT TO AMEND CHAPTER 222, SESSION LAWS OF 1905, ENTITLED, "AN ACT TO AUTHORIZE THE TOWN OF WOODSTOCK TO CONSTRUCT AND MAINTAIN AN ELECTRIC LIGHT AND POWER PLANT."

## SECTION

1. Electric light plant authorized.
2. Appropriations authorized.

## 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. Amend section 1 of chapter 222 of the Laws of 1905 by striking out the whole of said section, and inserting in place thereof the following: SECTION 1. The town of Woodstock is hereby authorized to construct and maintain an electric light plant, for the purpose of generating and supplying electricity to light the streets and buildings in said town and other purposes, and may distribute, convey and supply the same by metallic wires, or by any other suitable means upon poles erected for that purpose, or in other convenient ways, in any public street or highway in said town, and may relay and repair the same, having proper regard for the rights of the public. Said town is hereby authorized by a major vote to lease or sell at public or private sale said electric light plant or such part thereof as may be constructed.

SECT. 2. Amend section 3 of said act by striking out the words "twenty thousand" and inserting in place thereof the words twenty-five thousand so that said section as amended shall read as follows: SECT. 3. The said town is also authorized at any annual or special meeting to raise and appropriate and to borrow and hire such sums of money not exceeding in the aggregate twenty-five thousand dollars on the credit of the town as may from time to time be deemed advisable for the purposes of defraying the expenses of purchasing real estate, and for constructing, maintaining, and operating said electric light plant and to issue notes or bonds of the town therefor, payable at such times and at such rates of interest as may be thought proper. The proceedings of the town with reference to the business specified in this section shall be in accordance with the act approved March 19, 1895, and known as the "Municipal Bonds Act, 1895."

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

[Approved April 6, 1911.]

## CHAPTER 326.

AN ACT AUTHORIZING THE TOWN OF MARLOW TO RAISE AND APPROPRIATE A SUM OF MONEY, NOT EXCEEDING TWO HUNDRED DOLLARS, TO CELEBRATE THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE INCORPORATION OF THE TOWN OF MARLOW.

## 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 town of Marlow is hereby authorized to raise and appropriate a sum of money, not exceeding two hundred dollars, for the purpose of celebrating the one hundred and fiftieth anniversary of the incorporation of the town of Marlow.

Takes effect on passage.

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

[Approved April 6, 1911.]

## CHAPTER 327.

AN ACT IN AMENDMENT OF THE CHARTER OF THE CITY OF BERLIN, AS AMENDED BY SECTION 1 OF CHAPTER 225 OF THE SESSION LAWS OF 1903, RELATING TO THE SALARY OF THE MAYOR.

SECTION 1. Annual salary of \$700.

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

Annual salary of \$700.

SECTION 1. Amend section 12 of the charter of the city of Berlin, as amended by section 1 of chapter 225 of the session Laws of 1903, by striking out the word "four" in the twelfth line of said section 12 and inserting in place thereof the word seven, so that said section as amended shall read as follows: SECT. 12. The mayor of said city shall be chosen annually, and shall have a negative upon all the acts of the council to which his veto power would extend had the city government herein constituted provided for a board of aldermen, and such veto power shall extend to individual items of appropriations. He shall preside in all meetings of the city council, but shall have no vote except in case of an equal division. In his absence, the council may elect one of their number chairman, who shall have all the powers and perform all the duties of mayor during his absence or disability, or during a vacancy in said office from any cause. The mayor shall receive

for his services an annual salary of seven hundred dollars, payable semi-annually, which shall be in full for all services of every kind rendered by him in said office.

[Approved April 6, 1911.]

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### CHAPTER 328.

#### AN ACT TO EXEMPT THE INVALIDS' HOME OF KEENE FROM TAXATION.

##### SECTION

1. Property exempted.

##### 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 the Invalids' Home, a charitable corporation located in Keene in the county of Cheshire, State of New Hampshire be, and the same is hereby exempted from taxation. Property exempted.

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 6, 1911.]

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### CHAPTER 329.

#### AN ACT RATIFYING AND LEGALIZING THE VOTE TAKEN BY THE TOWN OF LEBANON AT ITS ANNUAL TOWN MEETING HELD MARCH 14, 1911, APPROPRIATING THE SUM OF \$500 FOR THE OBSERVANCE OF THE ONE HUNDRED AND FIFTIETH ANNIVERSARY OF THE GRANTING OF THE CHARTER TO SAID TOWN.

##### SECTION

1. Vote legalized.

##### SECTION

2. Takes effect on passage.

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

SECTION 1. The vote taken by the town of Lebanon at its annual town meeting held March 14, 1911, appropriating the sum of \$500 for the observance of the one hundred and fiftieth anniversary of the granting of the charter to said town, is hereby ratified and legalized. Vote legalized

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

[Approved April 6, 1911.]

## CHAPTER 330.

AN ACT TO AMEND CHAPTER 184 OF THE LAWS OF 1897, ENTITLED "AN ACT TO INCORPORATE THE DALTON POWER COMPANY" AS AMENDED BY CHAPTER 221 OF THE LAWS OF 1899, AND BY CHAPTER 329 OF THE LAWS OF 1903.

SECTION 1. Charter amended.

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

Charter  
amended.

SECTION 1. Chapter 184 of the Laws of 1897, entitled "An Act to incorporate the Dalton Power Company" as amended by chapter 221 of the Laws of 1899, and by chapter 329 of the Laws of 1903, is hereby amended so as to read as follows: SECT. 2. Irving M. Frost, of Concord, in the county of Merrimack, Walter H. Creamer, Myron G. Safford, of Bethel, in the county of Windsor, and State of Vermont, George S. Walker, of Boston, in the county of Suffolk, and Commonwealth of Massachusetts, and Charles P. Creamer, of New York, in the county of New York, and State of New York, their associates, successors and assigns, are hereby constituted a corporation by the name of the Dalton Power Company, for the purpose of purchasing, holding, leasing, selling and operating timber lands, pulp mills, paper mills, wood working mills and saw mills; manufacturing and dealing in lumber, pulp, paper, pulp products, paper products and wood products; purchasing, holding, leasing, selling, developing and operating water powers and electric powers; selling and leasing electric power and light; purchasing, holding and leasing dwelling houses; purchasing, holding, operating and leasing boarding houses and hotels; with all the powers necessary to transact such business, and with all the powers incident to corporations, with a capital not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each, which may be paid for in cash or in property at a fair valuation, but shall not be issued until paid for in full. SECT. 3. This corporation is authorized and empowered to purchase or lease the property, franchises, privileges and immunities of any electric company located in the counties of Grafton or Coos, or in the counties of Caledonia or Essex in the State of Vermont, and may sell, mortgage or lease its property, franchises, privileges and immunities to any other corporation in this state or in the State of Vermont; and may issue its bonds to an amount not exceeding one million dollars, at such times and on such terms and conditions as the stockholders may authorize, and may secure the payment thereof by a mortgage of its property, franchises, priv-



ileges and immunities; and may purchase, take, hold and dispose of the stocks and bonds of other corporations. SECT. 4. This corporation is authorized and empowered to erect and maintain a dam or dams across the Connecticut river between the northerly line of the James Adair farm, so called, on the New Hampshire side, and the mouth of Miles Pond brook, so called, on the Vermont side, and a point on said river about three miles below the Sumner house in Dalton, in the county of Coos, together with all necessary wing walls, retaining walls, canals, flumes, gates, power houses, and all appurtenances thereto, *provided* that this grant shall not impair any powers or privileges heretofore granted by the legislature of this state within the limits aforesaid. SECT. 5. This act shall take effect upon its passage.

[Approved April 6, 1911.]

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CHAPTER 331.

AN ACT RATIFYING AND CONFIRMING CERTAIN PROCEEDINGS OF THE  
LITTLETON VILLAGE DISTRICT.

SECTION

1. Proceedings legalized.

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. The proceedings of the Littleton Village District at its annual meeting, held the seventeenth day of March, 1911, as far as they relate to an issue of bonds, to be hereafter made for the purpose of funding the floating debt of the district, to the amount of thirteen thousand (\$13,000) dollars, are hereby ratified, confirmed, and made valid and the said bonds may be issued accordingly. Proceedings legalized.

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

[Approved April 6, 1911.]

## CHAPTER 332.

AN ACT TO RENEW "AN ACT AUTHORIZING THE CONSTRUCTION AND MAINTENANCE OF A DAM OR DAMS ACROSS THE CONNECTICUT RIVER IN MONROE IN THE COUNTY OF GRAFTON."

## SECTION

1. Charter renewed.

## SECTION

2. Takes effect on passage.

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

Charter renewed.

SECTION 1. That chapter 200 of the Laws of 1905, approved March 1, 1905, entitled "An Act authorizing the Construction and Maintenance of a Dam or Dams on or across the Connecticut River in Monroe in the County of Grafton," be and hereby is re-enacted and renewed.

Takes effect on passage.

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

[Approved April 5, 1911.]

## CHAPTER 333.

AN ACT RELATING TO THE CAPITAL STOCK OF THE NORTHERN SECURITIES COMPANY.

## SECTION

1. Reduction in par value of shares authorized.

## SECTION

2. Takes effect on passage.

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

Reduction in par value of shares authorized.

SECTION 1. The Northern Securities Company, a corporation organized under the laws of this state, is hereby authorized to reduce the par value of the shares of its capital stock to a sum not less than ten dollars a share, such reduction being made by vote of a majority of the shares of its capital stock at a meeting of the stockholders duly called for that purpose, or at its regular annual meeting.

Takes effect on passage.

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

[Approved April 5, 1911.]

## CHAPTER 334.

AN ACT TO RE-ENACT THE CHARTER OF THE PETERBOROUGH BANK.

## SECTION

1. Charter renewed.

## SECTION

2. Takes effect on passage.

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

SECTION 1. The act entitled "An Act to incorporate the Peterborough Bank" passed July 21, 1887 and re-enacted February 25, 1891, is hereby re-enacted and continued in force as fully and completely to all intents and purposes as if the same were enacted at the present time, and the corporation thereby created shall continue for the full term of twenty years, subject to all the laws of this state, now or hereafter in force, pertaining to the government and control of banks doing a general banking business.

Charter renewed.

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

Takes effect on passage.

[Approved April 5, 1911.]

## CHAPTER 335.

AN ACT TO INCORPORATE THE SALEM WATER SUPPLY COMPANY.

## SECTION

1. Corporation constituted; purposes.
2. Capital stock.
3. Meetings.
4. Power to hold property.

## SECTION

5. Right of eminent domain.
6. Contracts authorized.
7. First meeting; act subject to repeal; takes effect on passage.

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

SECTION 1. That Wallace W. Cole, Frank D. Wilson, Benjamin R. Wheeler, William R. Wheeler and James Ewins, their successors, associates, and assigns, shall be and are hereby made a corporation by the name of the Salem Water Supply Company, for the purpose of constructing a system of pipes and water-works, and supplying individuals and corporations, in the town of Salem, New Hampshire with water for domestic use, manufacturing purposes, and the extinguishing of fires; and by that name may sue and be sued, prosecute and defend to final judgment and execution, and are hereby vested with all the powers and subject to all the liabilities incident to corporations of a similar nature.

Corporation constituted; purposes.

**Capital stock.** SECT. 2. The capital stock of said corporation shall consist of such number of shares, not exceeding one hundred dollars each, as may from time to time be determined by said corporation, not exceeding in the whole sum fifty thousand dollars.

**Meetings.** SECT. 3. The annual and all special meetings of this corporation shall be held at such times and places, and upon such notice, as may be provided by the by-laws of the corporation.

**Power to hold property.** SECT. 4. Said corporation is empowered to purchase, and hold in fee simple or otherwise, any real or personal estate necessary for the carrying into effect the purposes of this act, and said corporation is authorized to enter upon and break ground, dig ditches, and make excavations, in any street, place, square, passageway, or highway through which it may be deemed necessary for the pipes and water-works of said company to pass, be, or exist, and for the purpose of placing its pipes, hydrants, structures, and such materials as may be deemed necessary for constructing said system of pipes and water-works, and to relay and repair the same, subject to such regulations as to the safety of citizens and the security of public travel as the selectmen of the town may prescribe.

**Right of eminent domain.** SECT. 5. Said corporation is authorized to enter upon and appropriate the water known as Hitty-Titty pond, Captain's pond, and Island pond, so called, in the county of Rockingham, and to secure said waters by fence or otherwise, and to dig ditches, make excavations and reservoirs through, over, in, or upon any land or inclosure through which it may be necessary for said pipes and water to pass, or said excavations, reservoirs, and water-works to be or exist, for the purpose of obtaining, holding, preserving, or conducting said water and placing such pipes and other material and works as may be necessary for building and operating such water-works or repairing the same; *provided*, that if it be necessary to enter upon and appropriate any land for the purpose aforesaid, or to raise or lower the level of said waters, and the said corporation shall not be able to agree with the owners thereof for the damages that may be done by said corporation, or the owner shall be unknown, either party may apply to the supreme court at a trial term in the county of Rockingham, 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 laying out highways. Said commissioners shall make report to said court, and said court may issue execution thereon accordingly; but if either party shall desire it, 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 said court may prescribe.

SECT. 6. Said corporation may make contracts with individuals and corporations, village and fire precincts, for supplying them with water and hydrant service, and may establish such tolls and charge such rents therefor as may be deemed reasonable, and said corporation is hereby authorized, empowered, and shall sell to said town of Salem, or any fire precinct hereafter organized therein, all of its works, constructions, and estate, of whatever kind or nature, at the cost of said plant, whenever said town or fire precinct elects to purchase the same, and said town or fire precinct is hereby authorized and empowered to purchase or lease the same; and said corporation is authorized to borrow money to defray the cost of such water-works, water rights, and land damages, and may issue its notes, bonds, or obligations therefor, not exceeding one half its capital stock, actually paid in and unimpaired, payable in such times and at such rates of interest, not exceeding six per cent, as it may determine, and may, if it be deemed expedient, secure such notes, bonds, or obligations by a mortgage of all its estate, real, personal, and mixed, which mortgage shall be recorded in the office of the register of deeds for the county of Rockingham.

Contracts authorized.

SECT. 7. Any two of the first named grantees may call the first meeting of the corporation by giving a written or printed notice to the other members at least ten days before the day of meeting, or by leaving such notice at their last place of abode ten days before such meeting. The right is hereby reserved to alter, amend or repeal this charter, or any part thereof. This act shall take effect upon its passage.

First meeting; act subject to repeal; takes effect on passage.

[Approved April 6, 1911.]

## CHAPTER 336.

### AN ACT CONFIRMING INCORPORATION OF THE LACONIA GAS AND ELECTRIC COMPANY.

#### SECTION

1. Organization confirmed.
2. Acquisition of property legalized.
3. Issue of securities legalized.

#### SECTION

4. Acquisition of property authorized.
5. Power to acquire property limited.
6. Takes effect on passage.

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

SECTION 1. The organization of the Laconia Gas and Electric Company under the general law, on April 19, 1910, is hereby ratified and approved, said corporation having been organized for

Organization confirmed.

the generation and distribution of gas and electric energy and other purposes, and having its principal place of business in the city of Laconia.

Acquisition of property legalized.

SECT. 2. The acquisition by said Laconia Gas and Electric Company of the property, rights, franchises and business of the Winnepesaukee Gas and Electric Company and of the Laconia Electric Lighting Company, both corporations formerly located at said Laconia, is hereby ratified and confirmed and all the corporate powers, rights and franchises of said Winnepesaukee Gas and Electric Company and said Laconia Gas and Electric Company are hereby invested and confirmed in said Laconia Gas and Electric Company and its successors and assigns.

Issue of securities legalized.

SECT. 3. The issue of securities by said Laconia Gas and Electric Company, consisting of \$150,000 at par of preferred stock and \$250,000 at par of common stock, and bonds of the face value of \$275,000, together with the trust mortgage securing the same, is hereby confirmed and approved; and said company may hereafter issue additional bonds and stock, with such preferences as it may fix, in the manner and for the purposes authorized by law, and subject to such limitations as may be fixed by law, and may mortgage its properties, rights, and franchises, including those to be after acquired, to secure its bonds.

Acquisition of property authorized.

SECT. 4. Said company is hereby authorized to acquire by purchase the franchises and property of any other corporation engaged in the business of generating or supplying electric energy or gas for light, heat or power purposes, and may purchase and hold the stock, bonds or other securities of such other corporation; and such other corporation is hereby authorized and empowered to sell and convey its franchises and property to said Laconia Gas and Electric Company. Upon the acquisition of the franchises and property of any other corporation under the authority of this act, said Laconia Gas and Electric Company shall succeed to and become invested with all the corporate powers, rights and privileges of such other corporation and shall be subject to all its public duties, liabilities and obligations; *provided, however*, that the rights of creditors of such other corporation shall not be impaired by such acquisition without their consent.

Power to acquire property limited.

SECT. 5. Said company shall have no power or authority by virtue of the provisions of this act to acquire the franchises or property of any other corporation engaged in the business of generating or supplying electric energy or gas for light, heat or power purposes, or to purchase or hold the stock, bonds, or other securities of such other corporation, unless such other corporation shall be engaged in such business in a city or town situated not more than twenty miles from Laconia; and any such purchase of franchises, property, stock, bonds or securities shall be subject

to such regulation and control as is now or may hereafter be provided by the laws of this state.

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

Takes effect on passage.

[Approved April 7, 1911.]

CHAPTER 337.

AN ACT RELATING TO THE EXTENSION OF THE CONNECTICUT RIVER RAILROAD COMPANY.

SECTION

- 1. Extension authorized.
- 2. Void as to parts not built within three years.

SECTION

- 3. Takes effect on passage.

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

SECTION 1. That the Connecticut River Railroad Company be, and it is hereby, authorized and empowered to construct and finally complete for public use, an extension of its railroad, not exceeding six rods in width with necessary additions for cuttings and embankments, beginning at some convenient point on its Ashuelot branch in the town of Hinsdale, running thence along the valley of the Connecticut river, through the towns of Hinsdale, Chesterfield and Westmoreland, to some convenient point in the town of Westmoreland or in the town of Walpole, with the right to connect said extension with the Sullivan County Railroad in the town of Walpole, or with the Cheshire branch of the Fitchburg Railroad either in the town of Walpole or in the town of Westmoreland.

Extension authorized.

SECT. 2. This act shall be void at the end of three years from the date of its passage as to all parts of such extension as have not then been completed and made ready for use.

Void as to parts not built within three years.

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

Takes effect on passage.

[Approved April 7, 1911.]

## CHAPTER 338.

AN ACT RATIFYING SCHOOL DISTRICT MEETING IN THE TOWN OF  
WILMOT.

SECTION  
1. Action ratified.

SECTION  
2. Takes effect on passage.

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

Action rati-  
fied.

SECTION 1. That the action of the school district of the town of Wilmot at a meeting of said school district held March 14, 1911, providing for the building of a schoolhouse on Kearsarge mountain at Phelps' Corner, so called, and the vote to raise and appropriate five hundred dollars (\$500) to build said schoolhouse be and hereby is ratified.

Takes effect  
on passage.

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

[Approved April 12, 1911.]

## CHAPTER 339.

AN ACT TO SEVER A TRACT OF LAND OWNED BY AI SMITH FROM  
THE TOWN OF BOSCAWEN AND ANNEX THE SAME TO THE TOWN  
OF CANTERBURY.

SECTION 1. Tract severed and annexed; act takes effect on passage.

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

Tract severed  
and annexed;  
act takes ef-  
fect on pas-  
sage.

SECTION 1. The land owned by Ai Smith is hereby severed from said town of Boscawen and annexed to the town of Canterbury. This act shall take effect upon its passage.

[Approved April 12, 1911.]



CHAPTER 340.

AN ACT EMPOWERING THE CITY COUNCIL OF THE CITY OF PORTSMOUTH TO DONATE A SITE FOR CERTAIN PURPOSES.

SECTION

- 1. Donation authorized.
- 2. Exemption from taxation.

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. The city council of the city of Portsmouth is hereby empowered and authorized to donate a site from lands now owned, or that may be acquired, by said city, to an association of individuals to be known as the Army and Navy Association of Portsmouth, N. H.; said site to be donated upon the express condition that it be wholly used for the purposes of said association, which are to provide in said Portsmouth dormitories, reading and recreation rooms and other means to promote the moral welfare of the soldiers, sailors, marines and enlisted men who may from time to time be stationed at, or near, said Portsmouth. Said site shall, in event of its principal use by said association for any purposes other than those above set forth, revert back to said city of Portsmouth.

Donation authorized.

SECT. 2. Said site, and the buildings to be erected thereon by said association, shall be exempt from taxation by said city of Portsmouth, so long as said site and the buildings thereon are used, or kept for the purposes above set forth in section 1 of this act.

Exemption from taxation

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 12, 1911.]

## CHAPTER 341.

AN ACT IN AMENDMENT OF CHAPTER 305 OF THE LAWS OF 1909,  
BEING AN ACT TO REVISE THE CHARTER OF THE CITY OF  
CONCORD.

SECTION  
1. Office hours of assessors.

SECTION  
2. Takes effect on passage.

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

Office hours  
of assessors.

SECTION 1. Section 40 of chapter 305 of the Laws of 1909 is hereby amended by adding at the end of said section the following: Nothing in this or the preceding section shall be construed as forbidding the absence of all the members of the board from the office during office hours, when elsewhere engaged in the performance of their official duties.

Takes effect  
on passage.

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

[Approved April 12, 1911.]

## CHAPTER 342.

AN ACT TO ENABLE THE WHITEFIELD HIGH SCHOOL DISTRICT TO  
ENLARGE ITS SCHOOLHOUSE LOT.

SECTION  
1. Authority granted.

SECTION  
2. Takes effect on passage; repealing  
clause.

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

Authority  
granted.

SECTION 1. The school board of the Whitefield High School District, No. 3, are hereby authorized to enlarge the existing schoolhouse lot of said district, either by purchase, if they can agree with the owners thereof, otherwise by condemnation proceedings as provided for by chapter 91 of the Public Statutes.

Takes effect  
on passage;  
repealing  
clause.

SECT. 2. This act shall take effect upon its passage, and so much of section 12, chapter 91 of the Public Statutes and all other acts or parts of acts inconsistent with this act are hereby repealed.

[Approved April 12, 1911.]

## CHAPTER 343.

AN ACT TO AUTHORIZE THE MEREDITH VILLAGE FIRE DISTRICT TO  
PURCHASE, CONSTRUCT AND MAINTAIN AN ELECTRIC PLANT.

## SECTION

1. Acquisition of plant authorized.
2. Management of plant.
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:*

SECTION 1. The Meredith Village Fire District in the town of Meredith is hereby authorized for the purpose of generating and supplying electricity to light its streets and public buildings and for domestic and manufacturing purposes, to take or purchase the franchises and property of any light or power company that is now or may hereafter be doing a light or power business in said district or town, and should the Meredith Village Fire District and such light or power company be unable to agree upon what is a fair and equitable price for the franchises and property so taken, either party may apply to the superior court for the county of Belknap at a trial term thereof for appraisal of the value of said property and franchises, and after said purchase or taking the said district for the purposes aforesaid may construct and maintain an electric plant and may distribute, convey and supply electricity by metallic wires or by any other suitable means upon poles erected for that purpose or in other convenient ways in any public street or highway in said district or town, and may relay and repair the same having proper regard for the rights of the public.

SECT. 2. Said district shall have power to make regulations for the use of said electricity, and the control and management of the plant may be placed in the hands of the commissioners of the district, who shall appoint all necessary officers.

SECT. 3. Said district is also authorized and empowered to contract with individuals or corporations for supplying it with power or electricity, and to sell electricity to private individuals or corporations, and to make such other contracts for the use of electricity as may from time to time be deemed proper.

SECT. 4. Said district 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 district as may from time to time be deemed advisable, for the purpose of constructing, purchasing, maintaining, operating and enlarging said electric plant, and to issue notes or bonds of the district therefor, payable at such times and at

such rates of interest as the district may determine, and such notes and bonds shall be exempt from local taxation in Meredith, when owned by citizens of said town.

Takes effect on passage.

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

[Approved April 12, 1911.]

CHAPTER 344.

AN ACT TO AUTHORIZE THE CITY OF ROCHESTER TO ESTABLISH AND MAINTAIN A LIGHT AND POWER PLANT.

SECTION

- 1. Acquisition of property authorized; damages, how assessed.
- 2. Management of plant.
- 3. Construction; rates and tolls.

SECTION

- 4. Accounts, how kept.
- 5. Appropriations authorized.
- 6. Repealing clause; act takes effect on passage; subject to repeal.

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

Acquisition of property authorized; damages, how assessed.

SECTION 1. That the city of Rochester, in the county of Strafford, be and hereby is authorized, for the purpose of lighting its streets and public buildings, and for the use of its citizens and for other purposes, to take or purchase franchises and property of any light or power company that is now, or may hereafter be, doing a light or power business in said city of Rochester, including dynamos, batteries, wires, engines, boilers, and all other machinery, tools and apparatus used in the manufacture, distribution and operation of such light or power plant in said city of Rochester, and the land and buildings connected and used therewith; and should said city of Rochester and such light or power company be unable to agree upon what is a fair and equitable price for their property, either party may apply to the superior court for said county of Strafford, at a trial term thereof, for appraisal of the value of said property, rights and franchises; and said court shall refer the question to three disinterested referees to be selected and appointed by a judge of said court for that purpose; and said board of referees shall, as soon as may be thereafter, fix a time for hearing said parties and their witnesses, and report their findings to the superior court, which shall issue its decree thereon; and *provided, further*, that if either party shall elect a trial by jury, upon application to said court for said referees, a trial by jury shall be had in such manner and under such regulations as said court may prescribe; and after such purchase or taking, the said city, for the purpose aforesaid, may erect and maintain poles and extend wires over or under the

streets in said city, and may take, purchase and hold in fee simple, or otherwise, any real or personal estate and any rights therein, water rights, power and privileges not in use by any aqueduct or other company in said county, necessary for carrying into effect the purposes of this act; and may purchase, erect, construct, and maintain machinery, dams, reservoirs, buildings and other things as may be necessary for said light and power plant, and to excavate and dig ditches in any highway, place, square, passway or common, or other place, through which it may be deemed necessary and proper to construct said light and power plant, and to relay, change and repair the same at pleasure, having due regard for the safety of its citizens and the public travel; and said city may purchase light and power from other producers whenever it is deemed necessary, *provided* it shall be necessary to appropriate any streams, real estate, or rights therein, and water rights, powers, and privileges for the purposes aforesaid, or to raise or lower the level of the same, and if said city shall not agree with the owners thereof for the damage that may be done by said city or such owners shall be unknown said city may take such stream, real estate, and rights therein, and water rights, powers and privileges, assess the damages, and the same remedies and proceedings may be had as in the case of laying out of highways.

SECT. 2. The immediate management, control and direction of the light and power plant of the city shall be vested in the mayor and council of said city of Rochester, and they may appoint a superintendent of the said plant, and such other agents or servants as they may deem necessary. 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.

Management  
of plant.

SECT. 3. Said mayor and city council shall have the control and management of the construction of said plant, wires and pipes, and make all such contracts and agreements, for and on behalf of the city in relation thereto and as they may deem proper and advisable, and shall have full charge and control over said plant, wires and pipes when constructed. They shall establish rates and tolls and prescribe rules and regulations for the use of light and power, and may sell and dispose of such articles of personal property connected with said plant as they shall deem expedient, and may purchase such property as may be in their judgment necessary for said plant, and the purposes contemplated by this act; and they shall cause to be made annually a detailed report to the city of the condition of the plant and its system of wires and pipes, and the funds belonging to this department, and expenses and income thereof, which shall be published in the city report of each year.

Construction:  
rates and  
tolls.

SECT. 4. All moneys received in any way on account of said light and power plant shall be paid into the city treasury, and shall be kept and applied exclusively for the uses of said light and

Accounts, how  
kept.

power plant, including the payment of the bonds issued under this act and the interest thereon; and all bills and claims for expenditure connected with said plant shall be paid only by orders, and the city treasurer shall keep his accounts relating to the light and power plant, including all bonds and notes of the city given from loans and money raised for said plant, separately and distinctly from all other receipts and payments.

Appropriations authorized.

SECT. 5. The mayor and council of said city of Rochester are hereby authorized to raise and appropriate and to borrow and hire such sums of money, not to exceed fifty thousand dollars, on the credit of the city, as may from time to time be deemed necessary for the purpose of defraying the expense of purchasing real estate, water rights and privileges, and other rights, machinery and property as aforesaid, and for constructing, maintaining and operating said light and power plant, and for the payment of machinery and other necessary appliances purchased, and to issue notes or bonds of the city therefor in such amounts and payable at such times and at such rates of interest as may be thought proper, and may exempt such notes and bonds from taxation when held by the inhabitants of the city.

Repealing clause; act takes effect on passage; subject to repeal.

SECT. 6. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect upon its passage. The legislature may alter, amend and repeal this charter whenever the public good requires it.

[Approved April 14, 1911.]

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## CHAPTER 345.

AN ACT SEVERING THE HOMESTEAD OF LOUIS GUILMETTE FROM THE CITY OF DOVER, AND ANNEXING THE SAME TO THE CITY OF SOMERSWORTH FOR SCHOOL PURPOSES.

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:*

Homestead severed and annexed.

SECTION 1. That the homestead of Louis Guilmette is hereby severed from the school district in the city of Dover, and said premises are hereby annexed to the school district of the city of Somersworth for school purposes.

Takes effect on passage.

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

[Approved April 14, 1911.]

## CHAPTER 346.

AN ACT TO AUTHORIZE THE TOWN OF WEARE TO CONTRIBUTE TOWARD THE EXPENSE OF A DAM ACROSS PISCATAQUOG RIVER IN SAID TOWN.

## 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 Weare, in the county of Hillsborough, is hereby authorized and empowered to raise by taxation, borrow, appropriate and expend a sum of money not exceeding ten thousand dollars as a contribution toward the expense of erecting a dam across Piscataquog river in said town, in accordance with the action taken by the town meeting held in said town on the fourteenth day of March, 1911; and all the acts, votes, resolves, and proceedings of said town meeting relating to the raising, borrowing, appropriating and expending money as a contribution toward the expense of erecting such a dam and the management and control of the same are hereby legalized, ratified and confirmed.

Authority granted.

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

Takes effect on passage.

[Approved April 14, 1911.]

## CHAPTER 347.

AN ACT TO REGULATE THE SALARIES OF PUBLIC OFFICIALS FOR THE CITY OF MANCHESTER.

## SECTION 1. Salaries, how fixed.

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

SECTION 1. The salaries of all public officials of the city of Manchester, elected by the city government, shall be determined and fixed by the board that elects them, either the board of mayor and aldermen or the common council, as the case may be, and the salaries of city officials who are appointed by the mayor shall be determined and fixed by the board of mayor and aldermen.

Salaries, how fixed.

[Approved April 14, 1911.]

## CHAPTER 348.

AN ACT IN AMENDMENT OF CHAPTER 214 OF THE LAWS OF 1895,  
ENTITLED "AN ACT RELATING TO WATERING THE STREETS OF  
KEENE."

## SECTION

1. May contract for dust prevention.

## SECTION

2. Takes effect on passage.

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

May contract  
for dust pre-  
vention.

SECTION 1. Amend section 1 of said act by inserting after the word "streets" in the second line thereof the words or otherwise treating the same for the prevention of dust, and by striking out the word "watered" in the fifth line of said section and inserting in place thereof the word treated, and by striking out the word "watering" in the sixth line of said section and inserting in place thereof the word treatment, so that said section as amended shall read as follows: SECTION 1. The city of Keene may annually appropriate and expend money for watering its public streets or otherwise treating the same for the prevention of dust, and may provide that the board of aldermen or any municipal board or committee charged with the expenditure of the appropriations may assess upon the estates abutting upon the streets so treated the whole or a portion of the cost of such treatment; and the amount of such assessments upon each estate, unless previously paid, shall be certified by such board or committee to the assessors or collector of taxes of said city, who shall include the same in the next tax bill issued for an annual tax on such estate; and the same shall be a lien upon such estate, and shall be considered as constituting a part of, and shall be levied, collected, and paid, or abated, in the same manner as, the city taxes on real estate.

Takes effect  
on passage.

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

[Approved April 14, 1911.]



## CHAPTER 349.

## AN ACT IN AMENDMENT OF THE CHARTER OF THE UNION GUARANTY SAVINGS BANK OF CONCORD, N. H.

## SECTION

1. Change of name authorized.
2. May do business of trust company.
3. Capital stock of \$100,000.
4. Powers of stockholders.

## SECTION

5. Permanent guaranty fund.
6. Repealing clause; act takes effect on passage.

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

SECTION 1. The Union Guaranty Savings Bank, being a corporation chartered under act of the legislature entitled "An Act to incorporate the Union Guaranty Savings Bank," approved July 28, 1887, is hereby authorized and empowered by majority vote of its special depositors to change its corporate name to the Union Trust Company, said vote and the provisions of this act to become effectual upon recording a certified copy of such vote in the offices of the secretary of state and the bank commissioners.

SECT. 2. Said corporation shall thereafter have power and authority to engage in the business of a savings bank and trust company, and as such to act officially under appointment of the courts of this or other states as trustees and financial agents; to act as trustees for individuals and corporations in the execution and management of trust mortgages, liens and other agreements involving the exercise of the duties and rights of trustees for all lawful purposes; to act as registrars, and transfer agents for corporate stocks, bonds and other securities; to act as agents and attorneys in fact, to deal in notes, bonds, stocks and other securities; and to carry on a general banking business. *Provided, however,* the funds held by said corporation in the capacity of trustee shall be liable only to the same taxation as like funds in the hands of individual trustees.

SECT. 3. Said corporation, by majority vote of its special depositors, may create a capital stock which shall not be less than one hundred thousand dollars, divided into shares of one hundred dollars each, and thereafter by like vote of its stockholders may increase its capital stock to any sum not exceeding five hundred thousand dollars. Any portion of said capital stock not exceeding one half thereof at any time outstanding may be made preferred as to dividends and in liquidation. The special deposits, heretofore existing, to the guaranty fund may be converted into stock upon such terms as may be adopted by majority vote of the corporation. The stockholders shall be personally liable, equally and ratably, and not one for another, for all contracts, debts and

engagements of the corporation to the amount of their stock therein at the par value thereof, in addition to the amount invested in such shares. No portion of the capital stock of said corporation shall become a part of the guaranty fund or the special deposits to the special deposits to the guaranty fund or shall be held by the savings department.

Powers of stockholders.

SECT. 4. The holders of stock issued as herein provided shall be members of the corporation and have and exercise all the rights and powers of stockholders. The stockholders may adopt and thereafter amend by-laws and regulations for the management of the business. The board of directors or trustees shall be not less than seven or more than twenty, as may be provided by the by-laws.

Permanent guaranty fund.

SECT. 5. The permanent guaranty fund of not less than ten per cent of savings deposits, as provided by the charter of said corporation and amendments thereto, shall be maintained.

Repealing clause; act takes effect on passage.

SECT. 6. All provisions of the charter of said Union Guaranty Savings Bank and amendments thereto which are inconsistent with the provisions of this act are hereby repealed and all other provisions thereof are hereby confirmed subject to all the laws of this state now or hereafter in force, pertaining to the government and control of banks doing a general banking business; and this act shall take effect upon its passage.

[Approved April 14, 1911.]

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## CHAPTER 350.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF COÖS COUNTY TO LEASE ROOMS IN THE COURT HOUSE IN LANCASTER IN SAID COUNTY TO UNION SCHOOL DISTRICT NO. 1 OF SAID LANCASTER.

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

Authority granted.

SECTION 1. The county commissioners of Coös county are hereby authorized and empowered to lease to Union School District No. 1, of Lancaster in said county, such room or rooms in the court house in said Lancaster upon such terms and for such times as they shall deem expedient.

[Approved April 14, 1911.]

## CHAPTER 351.

AN ACT TO AMEND AND EXTEND THE CHARTER OF THE STRAFFORD  
BANK.

## SECTION

1. Charter amended.

## SECTION

6 [2]. Subject to repeal; takes effect on  
passage.

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

SECTION 1. This act incorporating the Strafford Bank, approved March 4, 1891, be and hereby is amended as follows: Amend section 1 of said act by striking out the same and inserting in lieu thereof the following: SECTION 1. That Elisha R. Brown, George S. Frost, Charles S. Cartland, Daniel Hall, Frank B. Williams, Arthur G. Whittemore, Frank W. Hanson, Clarence I. Hurd, Robert G. Pike, John Kivel, Dwight Hall, Harold W. Brown and John H. Nealley, their associates, successors, and assigns be and hereby are made a body corporate with authority to have and execute all the powers and privileges incident to corporations of a similar nature, for the purpose of prosecuting the business of a safe-deposit and trust company; to receive on deposit or for safe-keeping money and other valuables, the funds of trustees, guardians, executors, administrators, or others; to act as trustees for individuals and corporations, and officials, under appointment by the courts of this or other states, to act as trustees and financial agents and the supreme, superior and probate courts of this state are hereby authorized to make such appointments; to make and negotiate loans for itself and others; to loan, borrow, and deal in money and securities, and to do a general banking business. *Provided, however,* the funds held by said trust company in the capacity of trustees and shall be liable only to the same taxation as like funds in the hands of individual trustees. Amend section 2 by striking out the same and inserting in lieu thereof the following: SECT. 2. The name of the Strafford Bank is hereby changed to the Strafford Trust Company, to be located and have its place of business at Dover in the county of Strafford, and the charter of said trust company is hereby renewed and extended for the full term of twenty years from the passage of this act, and is subject to all the laws of this state, now or hereafter in force, pertaining to the government and control of banks doing a general banking or trust company business. Amend section 3 by striking out section 3 and substituting therefor the following: SECT. 3. Said company shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with authority to increase its capital

to five hundred thousand dollars; and may acquire and hold real estate for its own use to the value of fifty thousand dollars, exclusive of such real estate as may be taken in good faith for indebtedness or held as security. Said corporation shall not commence business until the sum of one hundred thousand dollars shall have been paid in cash, and no certificate of shares shall be issued until the par value of the same has been fully paid and a certificate thereof shall have been filed in the office of the secretary of state, verified by the oath of the directors. Amend section 4 by striking out section 4 and substituting therefor the following: SECT. 4. Any three of the grantees may call the first meeting of the corporation by notice in writing to each grantee, or by one publication in some newspaper printed in Dover at least one week before the day of meeting. Amend section 5 by striking out the same and adding the following sections: SECT. 5. The affairs of the company shall be under the supervision and control of the bank commissioners, who shall examine its books and securities and make the same reports upon its condition, as provided in case of savings banks.

Subject to  
repeal; takes  
effect on  
passage.

SECT. 6 [2]. The legislature may alter, amend, or repeal this act whenever in their opinion the public good requires it, and this act shall take effect on its passage.

[Approved April 14, 1911.]

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## CHAPTER 352.

### AN ACT TO REVIVE, AMEND AND EXTEND THE DOVER LOAN AND TRUST COMPANY.

#### SECTION

1. Names of grantees.
2. Capital stock; charter extended.
3. Powers of corporation.
4. Under supervision of bank commissioners.

#### SECTION

5. Liability of shareholders.
6. Subject to repeal; takes effect on passage.

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

Names of  
grantees.

SECTION 1. The act incorporating the Dover Loan and Trust Company, approved March 25, 1903, be and hereby is amended as follows: Amend section 1 of said act by striking out the name of Adams T. Pierce as it appears in said section and inserting in place thereof the name of Charles Carpenter Goss, so that said section as amended shall read as follows: SECTION 1. That John W. Jewell, Dudley L. Furber, Charles Carpenter Goss, William H. Roberts, F. B. Clark, Owen Coogan, their associates,

successors and assigns, be and hereby are incorporated and made a body corporate by the name of the Dover Loan and Trust Company, to be located at Dover, New Hampshire.

SECT. 2. Amend section 2 of said act by striking out the whole of said section and inserting in place thereof the following: Capital stock; charter extended.

SECT. 2. Said corporation shall have a capital of one hundred thousand dollars divided into shares of one hundred dollars each; and may acquire and hold real estate for its own use to the value of forty thousand dollars exclusive of such real estate as may be taken in good faith for indebtedness or held as security and shall not begin business until one hundred thousand dollars shall have been paid in in cash. The charter of said Loan and Trust Company is hereby renewed and extended for the full term of twenty years from the passage of this act, and is subject to all the laws of this state, now or hereafter in force, pertaining to the government and control of banks doing a general banking or loan and trust company business.

SECT. 3. Amend section 3 of said act by striking out the whole of said section and inserting the following: Powers of corporation. SECT. 3. This corporation shall be empowered with authority to have and execute all the powers and privileges incident to corporations of the same nature for the purpose of prosecuting the business of a safe deposit and trust company; to receive on deposit for safe keeping money and other valuables; the funds of trustees, guardians, administrators, or others; to act as trustee for individuals and corporations and officially under judicial appointment by the courts of this state or other states; to act as financial agent; to make and negotiate loans for itself and others; to loan, borrow and deal in money and investment securities; and to do a general banking business.

SECT. 4. Amend section 5 of said act by striking out the whole of said section and inserting in place thereof the following: Under supervision of bank commissioners. SECT. 5. The provisions of law now or hereafter in force governing the taxation of the capital stock in banks, trust companies and deposits in savings banks shall apply to this corporation, and the affairs of this corporation shall be under the supervision and control of the bank commissioners.

SECT. 5. Amend said act by striking out the whole of section 6 and inserting the following: Liability of shareholders. SECT. 6. The same liability of shareholders shall apply to this corporation as shall apply to corporations of like nature who have not yet commenced business.

SECT. 6. Amend said act by adding a new section as follows: Subject to repeal; takes effect on passage. SECT. 7. The legislature may 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 April 15, 1911.]

## CHAPTER 353.

AN ACT TO EXTEND AND CONTINUE THE CHARTER OF THE ROCHESTER BANK.

SECTION

1. Charter extended.

SECTION

2. Takes effect on passage.

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

Charter  
extended.

SECTION 1. The charter of the Rochester Bank, granted April 10, 1891, is hereby extended and continued in force for the term of twenty years with all the powers, rights and privileges of said charter, subject to all the laws of this state, now or hereafter in force, pertaining to the government and control of banks doing a general banking business.

Takes effect  
on passage.

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

[Approved April 15, 1911.]

## CHAPTER 354.

AN ACT TO ENABLE THE SELECTMEN OF THE TOWN OF STRATFORD IN THE NAME OF THE TOWN TO CONVEY CERTAIN LAND IN SAID TOWN.

SECTION 1. Authority granted.

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

Authority  
granted.

SECTION 1. That the selectmen of the town of Stratford, in the name of the town, be and hereby are authorized to convey by proper deed lot number one hundred and sixty-eight (168), known as the School lot, and lot number one hundred and eight (108), known as the Priests' lot in said town of Stratford, to such persons as the town has heretofore voted to convey or may hereafter vote to convey.

[Approved April 15, 1911.]

CHAPTER 355.

AN ACT AUTHORIZING THE CITY OF LACONIA TO RAISE AND APPROPRIATE A SUM NOT EXCEEDING FIVE THOUSAND DOLLARS FOR THE PURPOSE OF PROVIDING A SITE FOR A STATE ARMORY BUILDING IN SAID CITY.

SECTION

- 1. Appropriation authorized.
- 2. Issue of bonds, etc.

SECTION

- 3. Takes effect on passage.

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

SECTION 1. The city of Laconia is hereby authorized and empowered by majority vote by the members of its city council present at any regular meeting of said city council or at any special meeting of said city council duly called for that purpose to raise and appropriate a sum of money not exceeding five thousand dollars for the purpose of providing a lot of land in said city for the erection thereon of a state armory building. And said city of Laconia by its mayor or other officer or officers duly authorized is hereby empowered to convey any or all land which may be acquired under the provisions of this act by proper deed of conveyance to the State of New Hampshire for the consideration that said state shall use said land for the purpose of erecting and maintaining thereon a state armory building, and said deed to be conditioned that whenever said state shall cease to use and occupy said land for state armory purposes that the title to said land shall revert to said city of Laconia. Said conveyance of said land by said city to said state shall be made as aforesaid whenever the state by its duly authorized officer shall notify said city that an appropriation has been made by the state for the erection of a state armory in said Laconia, and that said state is ready to proceed with the erection of the same.

Appropriation authorized.

SECT. 2. For the purpose of providing said sum not exceeding five thousand dollars authorized to be raised and appropriated under section 1 of this act said city of Laconia is hereby authorized and empowered to issue its notes, bonds or obligations therefor in such denomination and payable at such times and at such rate of interest not exceeding six per cent as its city council may determine.

Issue of bonds, etc.

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

Takes effect on passage.

[Approved April 15, 1911.]

## CHAPTER 356.

AN ACT EMPOWERING THE CITY COUNCIL OF THE CITY OF PORTSMOUTH TO DONATE A SITE FOR AN ARMORY.

## SECTION

1. Donation authorized.

## SECTION

2. Repealing clause; act takes effect on passage.

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

Donation authorized.

SECTION 1. The city council of the city of Portsmouth is hereby empowered to donate to the State of New Hampshire a suitable site from lands or lands and buildings now owned by said city, to be used as a site for an armory to be erected by the State of New Hampshire.

Repealing clause; act takes effect on passage.

SECT. 2. 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.

[Approved April 15, 1911.]

## CHAPTER 357.

AN ACT TO ENABLE THE TOWN OF NEWCASTLE TO SECURE A SUPPLY OF WATER FROM THE CITY OF PORTSMOUTH.

## SECTION

1. Purchase of rights authorized.

## SECTION

2. Takes effect on passage.

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

Purchase of rights authorized.

SECTION 1. That the town of Newcastle, its successors and assigns, is hereby empowered to purchase, receive, take, hold, and enjoy from the city of Portsmouth the franchise, rights and privileges to lay water pipe through the streets of said Newcastle, and to maintain the same and to supply the inhabitants of said Newcastle with water, and the city of Portsmouth is hereby authorized to sell the same.

Takes effect on passage.

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

[Approved April 15, 1911.]



## CHAPTER 358.

## AN ACT TO INCORPORATE THE SOUTHERN NEW HAMPSHIRE DEVELOPMENT AND POWER COMPANY.

## SECTION

1. Corporation constituted.
2. Corporate powers.
3. Damages, how assessed.
4. Capital stock.
5. Issue of bonds, etc.
6. Stock subscriptions; first meeting.

## SECTION

7. Directors and officers.
8. May transact business, when.
9. Consolidation and merger.
10. Subject to repeal; void if work not begun within five years.
11. Takes effect on passage.

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

SECTION 1. That Jeremiah Caupbell of Boston, Mass., Herbert C. Daggett of Winthrop, Mass., George H. Guptill and Charles F. Gardner of Raymond, N. H., William S. Goodrich of Epping, N. H., Arthur W. Dudley of Brentwood, N. H., Clarence M. Platts of Manchester, N. H., their associates, successors and assigns, are hereby made a body corporate by the name of the Southern New Hampshire Development and Power Company and by that name may have perpetual succession, may sue and be sued, prosecute and defend to final judgment and execution, and shall be and hereby are invested with all the powers, privileges and made subject to all of the liabilities, under the laws of the state applicable to corporations of a similar nature.

Corporation constituted.

SECT. 2. The said corporation shall have the power and authority to construct a dam across the Lamprey river in the town of Epping in the said state of New Hampshire, below its confluence with the Pawtuckaway river at West Epping and auxiliary or storage dams across said Lamprey river at points in the towns of Raymond, Deerfield and Candia, together with all necessary wings, retaining walls, canals, gates, power houses, mills, shops and the necessary appurtenances; all to develop the water power of the said Lamprey river at the point where said dams shall be constructed and for running and operating water mills, and for erecting reservoirs of water and for equalizing the flow of the same; to its use and to the use of their mills for manufacturing and municipal purposes and to use and sell water power from said dams and reservoirs and from said water mills for municipal and manufacturing purposes and to manufacture, produce and sell therefrom electricity for furnishing power for any and all uses, lighting the streets and highways, lighting and heating buildings, manufactories and other places, and to enter into and execute contracts, agreements, or covenants in relation to the objects of the corporation, and of enforcing the same, and

Powers.

any municipality to which electricity may be furnished is hereby authorized to contract with this corporation for electricity for public uses on such terms as the parties may agree to, and to raise money therefor in the same manner as other town charges. Said corporation shall be capable of taking and holding any estate, real or personal, necessary for the purposes of said corporation, and to acquire and hold any estate real or personal necessary for the purpose of securing the debts due said corporation, accruing in the regular business of said corporation; and may for the purpose of distributing and delivering electricity for the purposes as herein provided, erect and maintain lines and conduits under, in or upon the streets and highways of any town or city, under such regulations therefor as are provided under the general laws of the state. The said corporation shall have the power to construct and maintain a plant for producing electricity by steam, or other than water power as auxiliary to the water power that it may develop as herein provided, but shall not go into the business of selling or transmitting power until this water power is developed. This corporation shall not enter into the business of lighting in the towns of Newmarket, Durham, Lee, Raymond, Epping, Newfields or Brentwood, or either of them, unless it shall first acquire by purchase the plant and property in operation therein. In case it makes such purchase it shall have with respect to the plant, property and franchise purchased, all the franchises and privileges herein enumerated. This corporation, shall not, until otherwise permitted by future act of the legislature, carry on any business in this state outside of the counties of Rockingham and Strafford.

Damages,  
how  
assessed.

SECT. 3. If in the erection, maintenance or continuance of said dams, wings, retaining walls, canals, storage basins and water mills, it becomes necessary to flow water onto the lands or property of any other person or persons or corporation, and this corporation cannot agree with the owner or owners thereof as to the necessity for and damage to be paid therefor, this corporation may apply by petition to the superior court for the county of Rockingham to have the necessity for determined and the damage that may have been or may be done thereby assessed and there and thereupon the same proceedings shall be had in the premises as are provided in sections 14 and 18 inclusive of chapter 142 of the Public Statutes of New Hampshire as amended by chapter 50 of the Acts of 1893 and upon payment or tender of the damage and costs so ascertained and determined, and not before this corporation may proceed and continue to flow water onto said land and property. *Provided, however,* that nothing in this act shall be so construed as to authorize the taking by said corporation for the purpose of its charter in any manner except by purchase or lease upon such terms as the owner may accept any improved and occupied water privileges, water power or water rights located

in said towns, and *provided, further*, that no dam shall be erected under the provisions of this act, which shall raise the level of the water at any stage, whether low, medium or high water, to within less than ten feet of the rail of any railroad bridge, and *provided further* that before any dam is built, which can in any way affect the property or structures of the railroad, the plans and elevations of the same shall be agreed to on the part of the railroad, or in case of a failure to agree, shall be determined by arbitration in the manner hereinafter provided; and *provided, further*, that the dams of this corporation shall not be flooded until all highways and bridges are properly protected and cared for to the satisfaction of the selectmen of the towns where located, nor until the embankments, roadbed, ways, culverts and bridges of the railroad, which may be affected by said dams, are properly and effectively protected against damage, by rubble, masonry or otherwise, to the satisfaction of the engineer of said railroad; and in case of a disagreement as to the method of construction and its effectiveness or the necessity therefor, the location and height of the dams, the construction of the same, or as to the provisions for passing of flood water, the questions at issue shall be determined by a competent board of engineers, experienced and qualified in railroad and bridge construction and work; one to be named by this corporation, one by the railroad interested, and the third to be chosen by them. Any required changes in the construction of bridges, culverts or roadbed to be made by the railroad interested, or its lessee, subject to the foregoing provisions, at the expense of this corporation and within a reasonable time after notice of the requirements and security given for the payment of its cost. And *provided, further*, that nothing in this act shall be so construed as to authorize the taking of any land of the Boston & Maine Railroad or any of the lines leased or operated by it, except by purchase or lease, on such terms as shall be acceptable to said railroad.

SECT. 4. The capital stock of said corporation shall be one hundred thousand dollars, one half to be in common stock and one half in the preferred stock of said company, which may be increased or decreased by a majority vote of its stockholders to any sum not to exceed two hundred and fifty thousand dollars. Said capital stock shall be divided into shares of one hundred dollars each. Capital stock.

SECT. 5. Said company shall have the power to borrow money, issue its bonds therefor, and, upon vote of its stockholders, mortgage its property, rights and franchise to secure the payment of such bonds to an amount not exceeding the amount of its capital stock. Issue of bonds, etc.

SECT. 6. The persons named in section 1 of this act shall be commissioners to receive subscriptions to the capital stock of this corporation, and after sufficient capital stock has been subscribed, Stock subscriptions; first meeting.

as herein provided, any three of them may call the first meeting of the corporation by publication or by giving personal notice to the other grantees and subscribers to stock, at least ten days prior to the time of meeting, at which first meeting or any adjournment thereof, by-laws may be adopted, directors chosen, and such other business transacted as thought proper when met.

Directors  
and officers.

SECT. 7. The management of the affairs of this corporation shall be vested in a board of directors, to consist of not less than five in number, to be chosen from the stockholders, at the annual meeting, who shall hold office until others are chosen in their places, and a majority of such board shall constitute a quorum for the transaction of business. Said board of directors shall elect a president, clerk and treasurer, who shall give such bonds as the directors may determine, and such other officers and agents as may be found necessary, and fix their duties and compensation.

May transact  
business,  
when.

SECT. 8. The said company shall not organize or be empowered to transact business until ten thousand dollars of the capital stock has been subscribed, and twenty-five per cent. of said sum shall have been paid in.

Consolida-  
tion and  
merger.

SECT. 9. This corporation may merge and consolidate its capital stock, franchises and property with, and may acquire the capital stock, franchises and property of any other corporation or corporations formed under the laws of this state, for the same purposes that this corporation is organized. And any other such corporation which shall take and acquire the capital stock, franchise and property of this corporation shall have all the rights of and shall be subjected to all the duties and obligations of this corporation, in every particular, as provided in this act, except so far as may be expressly prohibited by limitation in the charter of such other corporation and amendments to such charter.

Subject to  
repeal; void  
if work not  
begun within  
five years.

SECT. 10. This act shall be within the control of the legislature at any time to amend or repeal as the public good shall require. If said corporation shall not within five years after the approval of this act have begun work and made reasonable progress on the construction of said dam and its accessories, then this act shall be void.

Takes effect  
on passage.

SECT. 11. This act shall take effect from its passage.

[Approved April 15, 1911.]

CHAPTER 359.

AN ACT TO ESTABLISH A BOARD OF PUBLIC WORKS FOR THE CITY OF MANCHESTER.

SECTION

- 1. Meaning of terms.
- 2. Board of public works created; appointments, how made; vacancies, how filled.
- 3. Powers and duties of board.

SECTION

- 4. Meetings; city engineer, appointment and duties.
- 5. Repealing clause; act takes effect on passage.

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

SECTION 1. (a) The term board as used in this act shall mean the board of public works hereby created. Meaning of terms.

(b) The term city yards shall include all yards or premises, the property of the city used by the board in carrying on the business contemplated under this act, with all structures, appliances and buildings that are or may be constructed or erected thereon.

(c) The term highways shall include all public avenues, streets, roads, thoroughfares, sidewalks, lanes, alleys, bridges and culverts.

(d) The term parks shall include all public parks, commons and playgrounds with all structures, appliances, and buildings that are or may be constructed or erected thereon.

(e) The term public utility shall include every corporation, company, association, joint stock association, partnership, and person, their assignees, lessees, trustees or receivers, appointed by any court whatsoever, owning, operating or managing any plant or equipment or any part of the same, for the conveyance of persons or property for a compensation; for the transmission of telephone or telegraph messages; for the manufacture or furnishing of light, heat or power for the public.

(f) The term sewers shall include all public sewers and drains comprising the city sewerage system.

(g) The term street cleaning shall mean the cleaning, sweeping and washing of highways, the collecting, removing and disposing of garbage, ashes, refuse (excepting dead animals), waste, and snow and ice.

SECT. 2. A board of public works for the city of Manchester is hereby created to be composed of three citizens of said Manchester, the mayor shall by virtue of the office of mayor be a member of and chairman of the board. In the month of April, 1912, and thereafter in the month of April in every sixth year, the board of mayor and aldermen shall elect a competent person of said city to be a member of said board to hold the office during the term of six years from the time of his election, and until his Board of public works created; appointments, how made; vacancies, how filled.

successor is elected and qualified, unless sooner removed; the member of the present board of street and park commissioners whose term of office expires in April, 1912, is hereby made a member of the board and said term of office shall expire in April, 1912. In the month of April, 1914, and thereafter in the month of April in every sixth year, the board of mayor and aldermen shall elect a competent person of said city to be a member of said board to hold the office during the term of six years from the time of his election and until his successor is elected and qualified, unless sooner removed; the member of the present board of street and park commissioners whose term of office expires in April, 1914, is hereby made a member of the board and said term of office shall expire in April, 1914. If a vacancy occurs, the board of mayor and aldermen of said city shall fill it for the residue of said term, and said board of mayor and aldermen may remove any member of said board, excepting the mayor, at any time for cause, but no such member of the board shall be removed without a hearing after reasonable notice in writing of the charges against him, and the vacancy thus created shall be filled in the manner hereinbefore prescribed in case of vacancy, and at no time shall more than two members of said board be members of the same political party. The chairman of the board shall receive no salary for his services either as member or chairman of said board. The annual salary of each of the other two members shall be fixed by the board of mayor and aldermen, and the board shall be furnished by said city with suitable offices.

Powers and  
duties.

SECT. 3. The board shall have full charge, supervision, management and control of the building, constructing, repairing and maintaining of all highways and sewers, the developing, improving and maintaining of all parks and city yards, and the maintaining and carrying on of street cleaning; they shall have the expenditures of all appropriations which the board of common council shall from year to year vote for such purposes, and all bills and payrolls for expenditures from the appropriations voted from year to year by said common council for such purposes, shall be approved by said board before the same are paid by the city treasurer; they shall further have the power to regulate the traffic and travel upon, the placing of encumbrances in, and the moving of buildings through the highways of said city, the construction and maintenance in, over, under and along the highways of said city of all wires, pipes, poles and all other structures belonging to individuals, firms, corporations or public utilities, which now or hereafter may be permitted by vote of the board of mayor and aldermen to be placed in, over, under or along said highways. Said board is hereby authorized to provide for the furnishing and delivering of supplies, and the performance of any work contemplated in this act by contract, and in so doing, to call for proposals for furnishing and delivering such supplies or doing

such work, and to make a contract therefor in the name and behalf of the city with the lowest responsible bidder, *provided*, it shall be deemed for the best interests of the city, who shall furnish proper surety for the faithful performance of the contract, *provided however* that in the employment of labor, citizens of Manchester shall be given preference, and in the making of contracts such preference shall be stipulated for when practicable; said board shall annually between the first and fifteenth days of January, transmit to the board of mayor and aldermen, an estimate of the appropriations required for the maintenance of parks, city yards and street cleaning, for the constructing, repairing and maintaining of highways and sewers in said city for the ensuing year, and they shall make a detailed report to the board of mayor and aldermen of the doings of said board, for the year ending December 31st of each year. The board shall make such rules and regulations governing the conduct of the business contemplated under this act as they may deem expedient, and they shall for the carrying out of the purposes of this act have all the powers now by law vested in the board of street and park commissioners, and the various city departments and officials of said city now having control of the matters covered by this act.

SECT. 4. The board shall hold one regular meeting each month at 2 o'clock p. m. on the Tuesday immediately preceding the closing of the city draft. Special meetings may be held subject to the call of the chairman. Said board shall immediately after the passage of this act appoint a civil engineer and fix his compensation as agent of said board, for a term of six years from the first Tuesday of April, 1911, and thereafter in every sixth year, to hold office until his successor is appointed and qualified, the official title of said agent shall be engineer. The duties of the board shall be advisory in nature, they shall prescribe or lay out beforehand the work contemplated under this act. The duties of the engineer shall be administrative and executive in nature, and to him shall be committed the carrying into effect or to completion all the work prescribed or laid out by the board; to this end said board shall delegate to him authority in the management and control of the office, horses, wagons, machinery, tools, equipment, buildings and other property provided for carrying out the work contemplated under this act, the authority to employ, appoint or hire, to dismiss or discharge such subordinate officers, agents, clerks and other persons as he may deem expedient. Said board shall adopt a schedule of grades of relative positions, to include all subordinate officers, agents, clerks and other persons who are employed or may be employed in carrying into effect or to completion the work contemplated under this act, and said board shall determine and fix the compensation thereof. But the minimum wages shall not be less than one dollar and seventy-five cents (\$1.75) per day for the laborer; the engineer shall act

Meetings;  
city engineer,  
appointment  
and duties.

as clerk of the board and shall perform all the duties heretofore pertaining to the office of the chief engineer of the city.

Repealing  
clause; act  
takes effect  
on passage.

SECT. 5. 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.

[Approved April 15, 1911.]

## CHAPTER 360.

### AN ACT TO REVISE THE CHARTER OF THE CITY OF NASHUA.

#### SECTION

1. Corporate existence continued.
2. Property rights, etc.
3. Division into wards.
4. Mayor and board of aldermen.
5. Municipal elections, when held.
6. Nominations, how made.
7. Elections and primaries, where held.
8. Inspectors of check-lists.
9. Preparation of check-lists.
10. Check-lists for primaries.
11. Municipal elections, how conducted.
12. Official primary ballots.
13. Official election ballots.
14. Preparation of ballots.
15. Plurality to elect.
16. Tie vote for mayor or alderman.
17. Tie vote for other officers.
18. Form of official ballots.
19. Names of candidates, how grouped.
20. Disposition of ballots and tally-sheets.
21. Recounts and contests.
22. Election in 1911.
23. Vacancies, how filled.
24. Tenure of office of mayor and aldermen.
25. Organization of mayor and aldermen.
26. Vacancy in office of mayor, how filled.
27. Vacancy in office of alderman, how filled.
28. Mayor, powers and duties of.
29. Same subject.
30. To be member of board of public works.
31. Board of aldermen, powers and duties of.

#### SECTION

32. Committees of board of aldermen.
33. Board of public works, how elected.
34. Powers and duties of board.
35. Same subject.
36. To submit estimates of appropriations.
37. To grant certain licenses and permits.
38. Board of assessors, election and duties.
39. Organization of board.
40. Offices and business hours.
41. Meetings of board.
42. Chairman of board.
43. Clerk of board, duties of.
44. Employment of assistants.
45. Books and records.
46. Expenses to be certified.
47. Board of education, election and duties.
48. Certain offices continued.
49. City clerk and other officers, how chosen.
50. Removals from office.
51. Alderman not eligible to other office.
52. Municipal officers not to deal with city.
53. Salaries of mayor and aldermen.
54. Compensation of other officers.
55. Prior enactments, when saved or repealed; ordinances to be revised; city marshal to grant certain licenses.
56. Present incumbents to hold over.
57. Adoption of act by majority vote; election, how conducted; votes, how returned.

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

Corporate  
existence  
continued.

SECTION 1. The inhabitants of the city of Nashua shall continue to be a body politic and corporate under the name of the "City of Nashua," and as such shall exercise and enjoy all the



rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent on or pertaining to said city as a municipal corporation.

SECT. 2. All existing property now of said city of Nashua shall be and remain vested in said city under the provisions of this charter, and all debts and obligations of said city shall be considered and shall continue for all purposes to be the debts and obligations of said city of Nashua under this revised charter. Property rights, etc.

SECT. 3. 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, election and jurors therein shall be applicable to such wards. Division into wards.

SECT. 4. The administration of the fiscal, prudential, municipal and other affairs of the city 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 nine aldermen, sitting and acting together as a single body. The mayor shall be chosen by the qualified voters of the city at large, voting in their respective wards and the aldermen shall be elected, one from each ward, by the qualified voters thereof, and a majority of said board shall constitute a quorum for the transaction of business. The city clerk shall act as clerk of said board. Mayor and board of aldermen.

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, selectmen and inspectors of check-lists, shall be chosen at elections hereinafter called municipal elections, to be holden on the Tuesday following the first Monday of November, in the year 1911, and biennially thereafter on the Tuesday following the first Monday of November. Municipal elections, when held.

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 such 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 selectmen of the ward at the expense of the city. Elections and primaries, where held.

SECT. 8. There hereby is established and continued in said city a board of inspectors of check-lists, consisting of one person to be chosen by each ward at every state biennial election, who shall hold office for two years, from the first secular day of January following their election, or until others are elected and qualified in their stead. The persons thus chosen, having been first sworn in the manner herein prescribed, shall choose a chair-

man and clerk from their own number. Said inspectors shall for all elections prepare, post up, revise and correct check-lists in the manner in which check-lists are by law required to be prepared for use at general biennial elections and they shall deliver an attested copy of the lists of voters, so prepared and corrected, to the clerks of the respective wards before the time for opening of any meeting of the voters; and the said ward clerks shall use the list of voters, prepared and corrected as aforesaid, and no others, at the election in said wards. In preparing the list of voters, said inspectors shall record the first name of each voter in full, but may use initial letters to designate the middle name or names of any voter; they shall also record against the name of each voter the name of the street, and the number of dwelling, if numbered, in which the said voter resides; if not numbered, then such description as shall indicate as nearly as possible the residence of such voter.

Preparation  
of check-lists.

SECT. 9. The said board of inspectors shall be in session at the City Hall building or at such other suitable place as they shall designate for the purpose of revising and correcting the list of voters, for six consecutive days beginning with the second Monday next preceding any election day, except as herein otherwise provided. They shall hold sessions on said days as follows: from nine o'clock in the forenoon until twelve o'clock noon, and from two o'clock in the afternoon until five o'clock in the afternoon on each of said days, and they shall hold sessions upon the Friday and Saturday next preceding election days from seven o'clock in the evening until nine o'clock in the evening. Due notice of such session shall be given. They shall conduct their hearings according to the provisions of the law governing supervisors of check-lists and be subject to the same observances and penalties. They may prescribe such regulations and require the aid of such police officers as may be necessary to secure order, and grant every person the right to be fully heard. The inspectors shall further be in session on the day of any election from eight o'clock in the forenoon until twelve o'clock noon, and from one o'clock in the afternoon until three o'clock in the afternoon for the purpose of hearing cases which may not have been presented to the board during its session, and in case the name of any legal voter has been omitted from the check-lists, and it is within the knowledge of the board of inspectors that his residence has been the entire year next preceding the day of election in the ward where he claims the right to vote, said inspectors may certify the same to the moderator of the ward in which he is entitled to vote, who shall receive his vote, and the ward clerk shall check the name of such person so voting on the back of said certificate, and shall return the same to the inspectors with the check-list. Any vacancy occurring in said board of inspectors, from any cause, shall be filled by the board of aldermen, by electing a person res-

ident in the ward in which such vacancy occurs, by a majority on a viva voce vote, taken on a roll call.

SECT. 10. The board of inspectors of the check-list 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-lists so prepared shall be further corrected for use at the succeeding municipal election at sessions of the said board to be holden on the Friday and Saturday next preceding such municipal election, during the same hours as above set forth in section 9, notice of which sessions 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.

Checklists  
for primaries.

SECT. 11. 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, the 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 eight o'clock in the forenoon to four o'clock in the afternoon in each ward.

Municipal  
elections, how  
conducted.

SECT. 12. 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 later than five o'clock in the afternoon of the fourth day before the primary, his declaration in writing that he is a candidate and paying to the city clerk if a candidate for the office of mayor, the sum of ten dollars, officers to be chosen by the voters of the city at large, five dollars, and ward aldermen and other officers to be chosen by the voters of a single ward, three dollars.

Official  
primary  
ballots.

SECT. 13. The two candidates for mayor and the six candidates for members of the board of public works, and the eight

Official  
election  
ballots.

candidates for members of the board of education, and the six candidates for members of the board of 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.

Preparation  
of ballots.

SECT. 14. 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. 15. 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 or  
alderman.

SECT. 16. In case at any municipal election two or more candidates for the office of mayor or for the office of alderman shall receive the largest and an equal number of votes, a supplementary election for mayor or alderman as the case may be shall be held in the city at large or in the ward according to the office to be filled 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 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.

Tie vote for  
other officers.

SECT. 17. 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.

Form of  
official  
ballots.

SECT. 18. 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 distributing 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.

SECT. 19. 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.

Names of  
candidates,  
how grouped.

Such official ballots shall be indorsed "Primary Election of the City of Nashua," or "Municipal Election of the City of Nashua," as the case may be, and "Official Ballot," with the date of the primary or election and a facsimile of the signature of the city clerk.

SECT. 20. 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, 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

Disposition  
of ballots and  
tally-sheets.

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. 21. 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 forty-eight 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 their representatives 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.

Election  
in 1911.

SECT. 22. With reference to the primary and municipal election for the year 1911, 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.

Vacancies,  
how filled.

SECT. 23. In case any officer chosen at a municipal election shall decline the office or die prior to the first secular day 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.

Tenure of  
office of  
mayor and  
aldermen.

SECT. 24. At such first municipal election there shall be chosen a mayor to serve for two years and one alderman from each ward to serve two years. At each succeeding municipal

election there shall be chosen a mayor to serve for two years, and one alderman from each ward to serve for two years. The mayor and aldermen so chosen shall hold their respective offices from the first secular day of January next following their election, for the terms above specified and until their successors are chosen and qualified.

SECT. 25. The mayor and aldermen so chosen shall meet at ten o'clock in the forenoon on the first secular day 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, election of such officers as are by law or ordinance required to be elected, and transacting any other business required by law or ordinance to be transacted at such meeting. The members of the board of education, board of assessors, board of inspectors of check-lists, board of public works, and all other officials who are required to take an oath of office, shall meet in convention with the board of aldermen at said time and take their respective oaths of office.

SECT. 26. In case a vacancy occurs in the office of mayor, by death, resignation or otherwise, the board of aldermen shall choose one of the aldermen 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 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 disability or absence, but shall not thereby vacate his office as alderman.

SECT. 27. 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. In case any officers other than mayor and aldermen shall be required to be chosen by popular vote at municipal elections, vacancies occurring in such 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.

SECT. 28. 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

Organization  
of mayor and  
aldermen.

Vacancy in  
office of  
mayor, how  
filled.

Vacancy in  
office of  
alderman,  
how filled.

f. Mayor,  
powers and  
duties of.

board of aldermen 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 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 or hereafter may be conferred or imposed upon him by municipal ordinance or upon mayors of cities by general law.

Same  
subject.

SECT. 29. 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 session 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 six aldermen on roll call.

To be mem-  
ber of board  
of public  
works.

SECT. 30. The mayor shall be a member of the board of public works for all purposes, including voting and the counting of quorum.



SECT. 31. 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 aldermen of the city of Nashua by special laws not hereby repealed. All provisions of such laws pertaining to the powers or duties of any 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.

Board of aldermen, powers and duties of.

SECT. 32. 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.

Committees of board of aldermen.

SECT. 33. The board of public works shall be composed of the mayor, city engineer and three members to be chosen by the qualified voters of the city at large, voting in their respective wards. At the first primary to be holden under this act there shall be nominated six candidates for members of the board of public works, two of which shall be nominated for the full term of six years, two shall be candidates for the term of four years, and two candidates for the term of two years, and at each subsequent primary there shall be nominated two candidates for the full term of six years. At the first municipal election to be holden under this act, there shall be elected three members of the board of public works, one for the full term of six years, one for the term of four years and one for the term of two years, and at each subsequent municipal election there shall be elected one member for the full term of six years, and the members so chosen shall hold their respective offices from the first secular day of January, next following their election for the terms above specified, and until their successors are chosen and qualified.

Board of public works, how elected.

SECT. 34. The said board shall have cognizance, direction, and full control (a) of the construction, alteration, cleaning, watering, and repair of streets, avenues, ways, bridges, and sidewalks; (b) of the location, construction, extension, care, and

Powers and duties of board.

maintenance of public sewers and drains; (c) of the planting and care of the shade and ornamental trees standing in the streets and public ways; (d) of the location and supervision of electric power, electric light, telephone, telegraph, and trolley wires; of electric light, telephone, and telegraph poles, and of any gas and water pipes, and other conduits, and the erection, placing and removing thereof. (e) They shall have all the power and authority now vested in the committee on highway and bridges, and the committee on sewers and drains, of the city councils, as well as full power and authority to contract for and purchase all materials and supplies used in the department created by this act. (f) They shall have the purchasing as well as the care and control of all teams and other property used in the department of public works established as aforesaid, and all powers and duties by law vested in surveyors of highways shall apply to the said board of public works, when not inconsistent herewith.

Same  
subject.

SECT. 35. 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 purpose 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 said board in whatever capacity they may order. Said board may 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 the 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 of a sum exceeding the amount appropriated or available for such work.

To submit  
estimates of  
appropriations.

SECT. 36. The board of public works, shall as early as practicable in each year, and not later than February first, 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 above; 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 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 that 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.

SECT. 37. 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 side-walk 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. The salary of the three members of the said board elected at large shall be fixed by the board of aldermen.

SECT. 38. There shall be in the city a board of assessors consisting of six members, who shall have all the powers and be subject to all the liabilities by law conferred or imposed on as-

To grant  
certain  
licenses and  
permits.

Board of  
assessors,  
election and  
duties.

sessors of taxes in cities, and perform such further duties as the board of aldermen may from time to time prescribe by ordinance. At the first primary to be holden under this act, there shall be nominated six candidates for the board of assessors, who shall be nominated as candidates for the term of four years. At the first municipal election to be holden under this act there shall be elected three assessors whose term of office shall be four years from the first secular day of January next following their election, and until their successors are duly chosen and qualified. At each succeeding municipal election there shall be chosen three members of said board of assessors for the full term of four years each. Rowe R. Hooper, James H. Waters and Henry H. Davis shall hold their respective offices until December 31, 1911 and Charles H. Runnells, Charles H. Burke and Arthur H. Cotton shall hold their respective offices until December 31, 1913.

Organization  
of board.

SECT. 39. The board of assessors shall meet for organization within one week after the first Tuesday of January, in the year 1912, and biennially thereafter. At such meeting they shall choose one of their number to act as chairman for a term of two years and one member to act as clerk for two years. The said chairman and clerk shall respectively do and perform all the duties pertaining to said position as now defined by law. The said assessors constituted as aforesaid shall receive such salary as the board of aldermen of said city may determine.

Offices and  
business  
hours.

SECT. 40. The board of assessors shall have an office assigned to them 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. 41. 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 tax payers a convenient opportunity to be heard.

Chairman  
of board.

SECT. 42. 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.

Clerk of board,  
duties of.

SECT. 43. 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.

SECT. 44. 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 list of ratable polls, such assistants to be employed for such time and at such compensation as shall be fixed by the board of aldermen. 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.

Employment  
of assistants.

SECT. 45. All books and records of the board of assessors shall be the property of the city, and shall be at all times open to public inspection during the office hours of the clerk.

Books and  
records.

SECT. 46. 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. 47. There shall be continued in said city a school committee which shall be styled the board of education and which shall consist of twelve members. Harry H. Blunt, Charles E. Congdon, Albert J. McKean, and Daniel W. Perry shall continue to hold the offices they now hold until December 31, 1911; John H. Field, Arthur K. Woodbury, Charles W. Howard and Arthur L. Wallace shall continue to hold the offices they now hold until December 31, 1913, and John D. Gardiner, Frank P. Rideout, Ernest W. Gray and Walter F. Norton shall hold the offices they now hold until December 31, 1915.

Board of  
education,  
election  
and duties.

At the primary to be holden under this act in 1911 there shall be eight candidates nominated for membership on said board who shall be candidates for the full term of six years and at each succeeding primary there shall be a like number nominated for a like term and at each municipal election holden under this act there shall be elected four members to serve on said board for the full term of six years, from the first secular day of January next following their election, or until their successors are duly elected and qualified. The said board shall elect one of their members as president and one as clerk for the term of two years from its biennial organization and the clerk shall receive such compensation as shall be fixed by the board of aldermen.

Said board shall perform such duties as are prescribed now by law or such as may from time to time be prescribed.

SECT. 48. The police court, board of police commissioners and police force, board of fire commissioners and fire department, board of park commissioners, and the boards of trustees of cemeteries and public library, sinking fund and Hunt legacy, and all other bodies or officers not specially abolished or superseded

Certain offices  
continued.

herein, as at present constituted, are hereby continued, *providing however*, that the board of aldermen, shall, in all cases where members of any board of commissioners or trustees are required to be named or elected, name or elect the member or fill any vacancy in said board without convention with any other body.

City clerk  
and other  
officers,  
how chosen.

SECT. 49. The city clerk, the city treasurer, city solicitor, collector of taxes, city physician, city engineer, board of health, overseer of the poor, city messenger, and all other officers established by law or ordinance, except the justices and clerk of the police court, the board of police commissioners and members of the police force, 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. In filling vacancies in the office 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 ye 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 this act, to select its own subordinates, and determine their duties, terms of service and compensation.

Removals  
from office.

SECT. 50. 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 or a member of the board of assessors of the board of public works 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 six 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, 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. 51. 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.

Alderman  
not eligible  
to other  
office.

SECT. 52. 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 tax payer. Any official violating any provision of this section shall forthwith be removed from his office by the board of aldermen under this act, and shall, on conviction of such violation, be deemed guilty of bribery.

Municipal  
officers not  
to deal  
with city.

SECT. 53. The salary of the mayor shall be fifteen hundred dollars per annum, payable monthly.

Salaries of  
mayor and  
aldermen.

The salary of each alderman shall be one hundred 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, which the record of the city clerk shall show he failed to attend; except that a member may be excused for unavoidable non-attendance at any of its meetings, by vote of a majority of the members thereof, and no deduction 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.

SECT. 54. 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

Compensa-  
tion of other  
officers.

or determined in such manner as the city ordinances may prescribe.

Prior enactments, when saved or repealed; ordinances to be revised; city marshal to grant certain licenses.

SECT. 55. So much of the original charter of said city, and of the special acts since passed in amendment or supplement thereof, as is now in force relative to police court, police commissioners, police force and fire department and other officers as referred to in section 48, 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, inconsistent with the provision of this act 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.

The city marshal or chief of police of said city shall have full, complete and final power and authority to grant or refuse to grant, or revoke any and all applications for licenses of bowling-alleys, pool-rooms, pool-tables, pawnbrokers, theatres, moving picture shows, public dance halls, circuses and street vendors. He shall keep a record of all licenses so granted and of those so refused, together with his reasons for such refusal, to be kept in a suitable book or books, provided at the expense of the city for that purpose, which shall be open to the inspection of interested parties or their representatives. If any licensee violates the terms of his license or any law relating thereto, the said city marshal or chief of police shall revoke the same and it shall not be re-issued to the same individual. Such licenses shall be issued under such restrictions and regulations as the board of aldermen may order.

Present incumbents to hold over.

SECT. 56. 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.

Adoption of act by majority vote; election, how conducted; votes, how returned.

SECT. 57. 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 Nashua on the first Tuesday of June, 1911. 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 votes upon the following question: "Shall the provisions of an act entitled 'An act to revise the Charter of the City of Nashua' 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 Nashua, Special Election, June 6, 1911, and the question: "Shall the provisions of an act entitled 'An act to revise the Charter of the City of Nashua' 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 indorsed on the back, "City of Nashua, Special Election, June 6, 1911, Official Ballot," with a facsimile 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, June 8, 1911, at the council chamber. The city clerk shall at that time open and lay before them the returns of the votes in the several 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 the council chamber, open the packages containing the ballots used at said election, in presence of the mayor and board of aldermen and such others as may choose to attend. The mayor and board of aldermen 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 duties to perform with reference to said election.

[Approved April 15, 1911.]

STATE OF NEW HAMPSHIRE.

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OFFICE OF SECRETARY OF STATE.

CONCORD, July 31, 1911.

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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